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BECOMING ERASED:
STATE POWER AND HUMAN
RIGHTS IN SLOVENIA

By

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ABSTRACT OF THE DISSERTATION

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In 1992, the newborn Republic of Slovenia had to decide how to become an independent nation-state in the wake of the Yugoslav breakup. Decisions had to be made by the state to determine who was allowed to remain as residents within the borders of Slovenia and who was not. This dissertation explores the aftermath of this process and introduces a human rights abuse, The Erasing. A symptom of misjudgments and systematic failures, the Erasing produced people who had been secretly removed from the legal residency rolls, but never told. These people are known as the *izbrisani* or The Erased. The historical and theoretical implications of this act are explored as a new type of political space outside of the inclusion/exclusion dyad. Through analyses of social care data, governmental and non-governmental organizations, and ethnographic interviews with the *izbrisani*, a spatial regime emerged that has implications for subject/agency studies. Statistical analysis characterizes who became erased. Participatory Action Research is used to understand the institutional response to the Erasing, and biographical writing illuminates the personal geographies of the *izbrisani*. The Erasing and its consequences expose the state-level need for sovereignty, the individual need for autonomy, and the balancing forces between those needs as a set of social practices found throughout human social space.

Dedication

For my beloved Julianne.

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I want to thank so many people who have helped me through the process of writing this work. If you had told me 20 years ago that some day I could produce a book length discussion of a complex topic, I would have doubted your confidence in me. It is through a great deal of confidence in me by others that this project came together. I want to first thank my graduate advisor, Joanna Regulska, for enduring the complexities and difficulties of life and doing research. I will always remember a crucial story she told over dinner that clarified for me the importance of becoming an academic in the face of huge obstacles, both personal and structural. My doctoral committee, comprised of Robert W. Lake, Robin Leichenko, and Lydia Pulsipher, offered patience and guidance as well. For Lydia, this was the second time through the cultural and political landscape of Slovenia with me. She introduced me to that little green piece of Europe so many years ago and I will always be indebted for the opportunity.

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Table of Contents

Abstract of the Dissertation.....	ii
Acknowledgements.....	iv
List of Figures and Tables.....	vii
Chapter 1 – Becoming Erased.....	1
Problem statement	7
Background of the Erasing	12
Citizenship, human rights and the Erasing	16
A geographer’s position within the Erasing	23
Filling in the gaps	25
Chapter 2 – Theoretical Approaches to the Erasing	31
Agamben: the state of exception, power and authority, and erasing.....	32
Foucault and pastoral power	38
Incomplete state-subject relationships	44
The post-socialist capitalist state and state power	52
Conclusion: Theory becoming process	62
Chapter 3 -- Methodologies.....	67
Mixing methods to clarify the Erasing.....	67
Biographical geography.....	70
Archival Research	74
Participatory Action Research and Institutional Analysis.....	78
Methodologies and Becoming Erased.....	79
Chapter 4 – Becoming Erased.....	82
A Twin’s Erasing.....	82
A Story of Many: Who are the <i>izbrisani</i> ?	91
Understanding the <i>Izbrisani</i> clusters	105
Understanding an <i>izbrisani</i> ’s relationship to becoming erased	109
Chapter 5 – A Woman’s Erasing: Is it indeed a different story?	112
Marta’s Story of A Double Erasing	113
Finding a double erasure.....	126
Crossing borders without moving	134
Chapter 6 -- Non-governmental governance and becoming erased	138

A mother's erasing	139
Non-governmental governance and the izbrisani	153
The Association of The Erased	155
Pro Bono Clinic for People without Insurance	158
Amnesty International.....	162
Ombudsman for Human Rights	167
Chapter 7 – The Erased and the Power of Institutions	177
The Peace Institute.....	179
Thematic Fields	180
Strategic Focuses.....	180
Projects related to <i>izbrisani</i>	180
Finding participation in becoming erased.....	188
Participation and flexibility	191
Chapter 8 -- Becoming erased - Becoming complete.....	195
The <i>izbrisani</i> represent processes of agency	195
The logic of the Erasing.....	201
Spaces of erasing.....	206
The <i>izbrisani</i> as a rule and as an exception	209
Bodies and/or camps.....	211
Becoming complete	217
Appendix A: Documents that form the basis of the Erasing.....	232
Appendix B: Time Line of the Erasing.....	235
Appendix C: Interviews Questions for NGO and Governmental Organizations ..	238
Bibliography	239

List of Figures and Tables

Table 4.1. Wilks' Lambda.....	97
Table 4.2. Standardized Canonical Discriminant Function Coefficients.....	98
Table 5.1. Selected demographics of izbrisani women among Free Clinic intake records.....	130
Figure 6.1. Grafitti in Šiška, Ljubljana.	140
Figure 6.2. Football team graffiti by “ultra” fans of the Ljubljana home team in Šiška.	141
Figure 6.3. Christian symbolism beside “Slovenian” elided by latter graffito vandals in Šiška.....	142
Figure 6.4. Izbrisani awareness poster in Ljubljana commemorating the 16 th anniversary of the Erasing (2008).....	165
Figure 6.5. Humorous graffiti in Central Ljubljana.....	170
Table 7.1. Detail of Peace Institute’s current thematic fields, strategic focuses, and current and past projects related to the izbrisani..	180
Figure 8.1. Thickly and thinly connected NGO.....	219
Figure 8.2. “Rad bi bil cigan ali izbrisani.”	229

Chapter 1 – Becoming Erased

Picture a flat in a tower of flats. The tower of flats lies just outside the neatly appointed center of a central European capital, Ljubljana, Slovenia. This tower is part of a larger complex, built to fill a need for housing by a nation that no longer exists. Europe is rife with material culture and built landscapes created by nations and politics that no longer exist. Slowly, without moving and without a brick or stairway railing being displaced, these flats have changed from places of need to places of profit. Slowly, the people housed in them have changed as well. The Slovenes, the people one expects to find, have left for other parts of Ljubljana that do not carry the history of the politics of the past. The massive Slovene family home of the 21st Century carries the history of the politics of the past and present. The spaces left behind are filled with bodies of others: Serbs, Bosnians, Albanians, and all the rest of the Balkan ethnic landscape. Their bodies are within these flats because of the politics of the present.

Listen to the conversations in the hallways and in the concrete courtyards, along narrow streets jammed with cars parked in every free space possible. Voices ring out in panoply of slightly different languages seasoned by the clipped tones of Albanian Shqip. The sound of music and television shows fills the stairwells. Cable television keeps HRT, RTS, and all of the other ex-Yugoslavia channels available. Televisions blare soap operas and news loudly throughout the day and basketball and football throughout the night. Arguments and laughter spill out of the windows in Serbian, Macedonian, and the odd word or two in

Ukrainian or Vlachian might be heard. Every so often the television in one or two flats will ring out with “Allah akbar” as a more devout Bosnian family takes the call to prayer over the airwaves rather than from the minaret.

Look at graffiti splattered everywhere, contesting the hallways, passageways, parking lots, and bus stops. Barely remembered Chetnik symbols are mixed with football team slogans that are masking Ustashe fascism. The football teams are Dynamo, Hajduk, Red Star, and a few nods to Manchester United or Juventus. Other scribbles are the childish “I love yous” and attempts to co-opt American ghetto slang or gang signs with “Green Dragon Gangster” competing with the “HipTop Crew,” the former making a hybrid of the symbol of Ljubljana and urban violence; the latter mixes half-understood English with desperate belonging. Young men stand around, sometimes menacingly, but most often engaged in the hypersexual banter of youth. They call out to girls they know or think they know or want to know. The girls ignore the boys standing at an ice cream shop -- always Albanian -- on their way into the ever-present Mercator grocery store to fulfill a chore for *mami*.

Enter the grocery store and see on the shelves ex-Yugoslav *ajvar*, an eggplant and pepper condiment; *burek*, a meat and cheese pie; *raki*, a fiery anisette schnapps; *pleskavica*, a sort of Serbian hamburger; *cevapčići*, grilled ground beef spiced with black pepper; and Jelen *pivo*, the national beer of Serbia. These crowd Slovenian *cviček*, the ubiquitous rosé wine; *gorčica*, a horseradish infused mustard; *skuta*, a creamy milk curd snack; and Laško *pivo*,

Slovenia's light lager beer. Cuts of meat in the butcher's case are carefully segregated with pork well away from the beef. Lamb is in this butcher's case piled in amounts that would never be seen in a shop a mere two kilometers away. Some items are labeled with their native names as they differ from the Slovenian words. It is not *piščanec* for chicken, it is *piletina*. *Paradznik* is not the word for tomato. *Pomo* is the word for tomato. The dual words are spoken to the invariably Slovenian cashiers working for the invariably Slovenian-owned grocery store. Gruff and unhappy about their multilingualism, the odd American researcher asking about the day-old bread in English only makes them gruffer.

Integrated into the Slovene urban landscape, the block of flats represents social exclusion. It is a landscape of social exclusion, and the product of the very dividing practices that both make society, but also unmake it (Foucault 1982). In many ways, the flats, the block, the parking lots, the graffiti, and the grocery are not terribly unusual. The neighborhood in Ljubljana, Šiška, is not too different from a *banlieue* in Paris of today, Elephant and Castle of London before WWII, East Los Angeles of the 1970s, or Marrickville in Sydney of the 1990s. It is the place appointed by consensus and force to contain those outside of the cultural, societal, political, and, most importantly, ethnic norms in Ljubljana. The consensus and force, though, is not limited to the plurality dictating to the others. The ethnic milieu of Šiška rises out of the desire to be with others who are alike. Of all the observations about the phenomenon that is social exclusion, only one nears the universal in its application: Within each exclusion, there is inclusion.

For a place like Šiška to exist, inclusion must occur as well. The acceptance of a person there entails a complex negotiation of the relationships that this principle represents.

But within Šiška, and in other ethnic neighborhoods in Slovenian cities, there is a space that has been created outside of these relationships. Beyond and paradoxically within exclusion, there is the space of erasing. To occupy this space is to stand at the invisible border between exclusion and inclusion. It is being set outside, and remaining inside, unseen. It is being cordoned off, but not held in place. It is the confinement of culture, politics, and society. It is to lose and retain in the same instant everything wonderful, terrifying, boring, exhilarating, unusual, or normal about everyday life. It is the chains and the freedom of becoming erased.

It is a fact that there are people who are erased in Slovenia. The Erased have been there since 1992 and, despite various remedies, the consequences of their becoming erased reverberate many years later. Much of this reverberation occurs in unseen places. This is the insidious nature of the Erasing in that becoming erased removes public redress, but also hyper-privatizes anguish. Becoming erased is moving into this unseen space between inclusion and exclusion. It is becoming chained to a place, but not confined, not held in that place. It is becoming lost and found at the same moment. It is a set of processes entwined within each other that do not produce a single person, but multiple persons embodied singularly. It is not becoming “either/or,” but becoming

“and/or.” The resolution to “becoming erased” is not as simple as backtracking to a place at which the moment of erasing occurred. There is no resetting the system in which this happened, only a reconfiguring of the system as it stands now.

The steps to becoming erased are only visible to those who are erased. To all others, these steps are not anything out of the ordinary. Renewing a driver’s license, going to the health clinic, taking your child to school, or shopping in Italy or Austria are normal things to do if one is in Slovenia. Even the normally excluded people in Slovenia (immigrants, the Roma, LGBT, religious minorities and so forth) can come and go as they please, drive legally, take care of their health, and gain an education. The rules may be different for them, but there are rules available to them. Becoming erased renders the rules invisible and incapable of controlling the material world. The material world still exists, but becoming erased renders relationships with that world as another space in which lives are lived. For The Erased, or, as they call themselves, *izbrisani*¹, this alternate space is filled with the material world, but to relate to this world is to live in a space that every other body who is not erased cannot see.

¹ The terms “Erased” and *izbrisani* will be used interchangeably. The Slovenian word comes from the verb *izbrisati*, “to erase; to clean forcefully.” Slovenian, similar to other Slavic languages, changes aspect and/or meaning when a prefix is added to a root verb. *Izbrisati* adds the prefix *iz-* to the simple root *brisati*, “to cleanse.” This use of the Slovenian language by a group of primarily non-Slovenes is direct action by early activists that used the primary indicator of Slovenian identity, the language, to give name to the problem in a way that subverts the power of the Slovenian language.

The spaces in which erased people inhabit are only visible to those who are erased. The homes of The Erased are visible to everybody, but only The Erased sense the process of erasing within those homes. The simple ritual of coming home is only seen by them as an act of being erased. Neighbors see the lights come on in the homes of The Erased, but do not see how difficult the act of having lights to turn on is for The Erased. Neighbors, friends, and relatives see the outward appearance of a person who is with them, yet cordoned off by an invisible fence. Becoming erased is to be isolated and hidden in plain sight. It is a place where the State has put people between inclusion and exclusion and removes them from the process of inclusion/exclusion. To become erased is to be removed without moving, to be left in place but to be displaced. This inclusive disjunction is the space of the Erased.

To become erased is to be both a victim of state power, but also a victim of powerlessness. It is to become a subversive agent against state power, but also a body submissive to state power. Inconceivably, it is a state of being outside of the State and within the State at the same time. This inconceivable state of becoming erased is the subject matter of this dissertation. The problems presented here are multiple, but all hinge on the concept that there can be spaces where people find themselves set outside of social networks **and** set outside of processes of inclusion/exclusion. These spaces are not foundational in a metaphysical sense. Rather, they represent complex relationships between people, the places in which they live, and the powers that control and shape

those places and the identities of the people who live in those places. The novelty of these complex relationships is that the Erasing and the space it represents breaks down the dyad between inclusion and exclusion and creates a space both frightening and thrilling with its possibilities.

Problem statement

Is it possible to conceive of a space that is neither inclusive nor exclusive? Is it possible to have practices that create such a space? Is such a space necessary for the construction of a nation-state? Or is it a by-product of that process, a residual space left in error, on purpose or for no reason whatsoever? Who inhabits these spaces? Why are they there? How were they put there? How can the Erased escape them? Should they escape them? What is becoming erased? This list of questions could go on for pages and the verbal energy required to question the state of affairs of Slovenia's erasure is a testament to the depth and complexity of the problem. In this dissertation I will address three main challenges in order to make sense of the complex spatial realities created by the Erasing and confronted by The Erased.

First, the Erasing requires the creation of a new spatial regime in which state power is suspended, is in force, and is absent all at the same time with the effect of political killing being achieved without the political consequences of actually killing. The period during the breakup of Yugoslavia and the formation of Slovenia as a nation-state was one filled with questions about how the State would be constituted, with matters of where the national borders should be, and

who would be included in the Slovenian population after it was recognized as a nation-state by other European countries and the United Nations (UN). The exclusion of certain populations based on ethnicity, their relationship to the new state politically, and their personal choice not to be included, helped define the “what” of Slovenia during this time.

There was also a particular policy exclusion of some persons based on activities during the breakup of Slovenia that removed certain people who acted against state formation directly (e.g. fighting against the Slovenes as part of the Yugoslav National Army). The act of state formation requires an in/out decision making process. Territorial extent of state control had to be established. In physical terms, the borders of the Socialist Republic of Slovenia were established during the communist Yugoslav years, but the concept of state power over the territory of Slovenia itself was unknown. This was a nation that had never been a nation-state unto itself, so a process had to be put in place to put that state of affairs into effect. While linked to the process of, essentially, naturalizing all Slovenians, the Erasing occurred both as part of the process **and** outside the process. The irony was that this action, put into motion by government documents filed secretly by the Ministry of Internal Affairs (see Appendix A), was meant to send a clear signal to people that Slovene sovereignty was based on the ability to exercise state power. While a negative action against people, it was, at the same time a positive action in support of the Slovene state. The irony builds in as the Erasing was secret and unknown to the general populace until

well after Slovenia had been recognized as a nation-state by the international community.

The Erasing is not a space outside of the State where the excluded are bound up or placed in the care of another nation-state, nor is it the exclusion of a certain population who are rendered stateless, displaced to camps run by the State or at the behest of the State. The Erasing, conceptually, is something different. It is an undefined, residual space of being.

Previous works on the Erasing focused on the injustice, the formal structure of the act, and the politics of it (Zorn 2004; Hlebec *et al.*, 2010). Others look at it as a part of the identity of being not-Slovene (Luthar *et al.*, 2008). The only theoretical approach to the Erasing is the “by-product debate” (Oberstar 2004). While interesting in its position that the *izbrisani* are the unintended results of transition, it avoids looking at the theoretical and conceptual spaces that the Erasing creates. This dissertation undertakes the project of theorizing and defining that space, work that has not been undertaken before.

Second, the people who have become erased are an ambiguous population. No serious accounting of their demographics is available and this dissertation corrects this to a degree. The literature in Slovenian on the Erasing, asserts that the Erased are “from the South,” “not Slovene,” or “foreign residents” (Teršek 2008; Zdravković 2008). By exploring a data set provided to me by an interviewee who works at a health care NGO, a fleshing out of the “who” of the Erasing occurs in the following pages. Within this exploration though, an

extension of the conceptual and theoretical space of the Erasing happens where an entire category of The Erased are erased further based on their gender. This realization serves to demonstrate that -- while the Erasing is theoretically something different -- older, pernicious social and gender inequalities can still be performed within this space. The Erasing serves in many ways to extend the system that produces the marginalization and erasing of certain social groups.

Finally, the remediation of the Erasing fails as a matter of structure and as a matter of agency. New institutional apparatuses to negotiate the tension between these two had to be created. One potential place for this negotiation exists: a hybrid academic-legal-social non-governmental organization, which this dissertation examines after exposing the limitations of more traditional non-governmental organizations and governmental institutions. Frontline institutions in the Erasing such as the Ministry of Internal Affairs and its various organs have long been an impediment to this remediation, but their part in the Erasing is a product of the purely administrative nature of the incident in the Slovene government's mind. In other words, to key organs of the Slovene government, the problem is the result of individual choice, an assertion that fails simple observations of the government's own actions. Since, these are problems created by personal failings of The Erased, the solution is solely personal action to stop being erased. To that end, the work of an institution such as The Peace Institute in Ljubljana serves to break down the institutional, theoretical, and

practical barriers by approaching the problem of the Erasing differently through adapting its own structure and practices.

This dissertation argues that the nature of the Erasing is a type of human rights violation that creates a new spatial regime in light of individuals' relationships to the State and requires different approaches to "solving" the problem. It is a problem for two reasons. First, the Erasing still has consequences nearly 20 years after its emergence, but these consequences are clear and not idiopathic. Because of this, the simple passing of a new law to address the administrative gaps with regard to the Erasing is not enough, but neither is the rise of multiple lawsuits concerning each and every *izbrisani* case. Second, the historical event such as the Erasing is a problem at scales beyond Slovenia, beyond the nation-state. The Erasing seems unique to Slovenia, but it is ubiquitous in this way: It happens elsewhere and in different ways. The rise of globalization as a scale of governance brings with it the spread of technocratic legalism throughout all post-national regimes, wherein such a regime represents a distinct shift from Keynesian approaches to economic development to neoliberalism that dominates economic relations between nation-states rather than politics alone (Jessup 2007). There is a growing global reality of one's papers being as important as one's body; as a point of access to economic and social reproduction. Therefore, the specter of becoming erased should be chilling and this state of affairs can be extended beyond the borders of Slovenia. The

following section introduces the legal and historical state of affairs that lead to the Erasing.

Background of the Erasing

The secession from Yugoslavia and subsequent nation-building exercise undertaken by Slovenia has been generally lauded in the academy, among the press, and within the European Union as a model of transformation. But as with any political, economic, social and cultural transformation, certain decisions had to be made and certain questions had to be answered. The Slovenian state was not immunized from the responsibility of making decisions, some of them very difficult, with regard to the ethnic population and human situation within its borders. In the aftermath of the secession, two questions that had to be answered were “Who is in? Who is out?” These were valid questions and important to the constitution of the new nation-state within Europe and the rest of the world. It was the particular way these questions were posed in Slovenia and the varied answers given to them that produced a long running, yet hardly noticed human catastrophe now referred to as the “Erasing.”

In light of these questions, the Slovenian state attempted to determine who was supposed to be in Slovenia in 1991 and it imposed a six-month period, whereby non-Slovene residents within the former Yugoslav federal republic's borders could apply for residency. At the end of this period, a formal process of obtaining legal residency would be put into place in line with international norms,

and people who had not properly applied or had not applied at all would be considered outside of the definition of legal residency in the Republic of Slovenia. Unfortunately, the outcomes of the process were highly variable and, as the post-secession history of Slovenia reveals, not necessarily the products of failure by non-ethnic Slovenes to follow through on their ends. Internal Slovene politics and European-scale policies played an enormous role

An erased person is defined as a resident of Slovenia during the period before the secession from Yugoslavia in 1991, which subsequently had his or her residence rights removed in 1992. This resident was not born in Slovenia and did not necessarily identify as Slovene, but lived in the country at this time. He or she was required to fill out paperwork. Most people managed to accomplish this step; many did not. Slovenia granted residency rights, not citizenship, after the six-month period. After this process, secret decrees from the Ministry of the Interior removed people from the residency rolls without telling them. This human rights violation created The Erased in Slovenia.

In November 1990, the Slovenian state legislature voted to hold a referendum on independence of the Socialist Republic of Slovenia from the Socialist Federal Republic of Yugoslavia (see Appendix B for the full time line). Two weeks later, the structure of the referendum on independence was put forth by the legislature and included agreements to protect Hungarian and Italian minorities. Then, on December 23rd 1990, the Slovenian people voted by a 9 to 1

margin to become independent. Six months later, Slovenia formally seceded from Yugoslavia. On the same day, June 25th, 1991, the Slovene legislature passed the Aliens Act that put into place a process for continuing the residency of non-Slovenes living in Slovenia on December 23rd, 1990.

On December 26th, 1991, all persons who had not registered were declared foreign alien residents. No direct actions were taken to notify them of this state of affairs and no one was reported to have been deported. Three months later, on February 26th, 1992, the Ministry of the Interior decided, secretly, to erase an unspecified number of persons from the residency rolls who did not complete the requirements for the residency of non-Slovenes living in Slovenia. No reason other than the necessity of the action was offered (Ministry of Internal Affairs 1992a). Subsequently, 18,305 persons were determined to be erased by this action, with other estimates ranging from 25,000 to 40,000 (Zorn 2004).

It took two years, until 1994, for the first constitutional challenge to the Erasing to occur (Krivic 2009). From 1995-1998, the Constitutional Court ignored or did not take up either of these challenges until the EU started the accession process with Slovenia in 1998. A year later, the Slovene courts ordered a legislative fix of the Erasing that resulted in the Status of the Citizens of Successor States of the former Socialist Federal Republic of Yugoslavia Act (ARSCSS). This law was passed by the center-left Liberal Democracy party. For three years, no action occurred.

In 2002, the Association of The Erased staged its first protests because of the inaction and turmoil in the Liberal Democracy department allowed a challenge to the constitutionality of the ARSCSS act and key members of the parliamentary judicial affairs committee rejected returning residency statuses retroactively to the Erased on November 7th, 2002. Subsequently, a week later on November 14th, a new act was put into place that forced the Erased to prove, with legal paperwork, continuous work and residency in Slovenia since the Erasing, and show command of the Slovene language. This requirement exploited the fact that, by definition, an erased person could not prove anything about themselves via legal paperwork because by definition they could not have legal paperwork at all.

In February 2003, the first academic and advocacy conference concerning the Erased was convened and the first television documentary on the Erased was aired – a full 11 years after the fact. In March 2003, the Association of The Erased lodged hate crimes charges against the officials behind the Erasing in the wake of the publicity and a day later the ARSCSS law was ruled unconstitutional. The Erased were back to the start.

One year later, on May 1, 2004, Slovenia joined the European Union. Six months later, a center-right government under Janez Jansa was installed and The Erased issue was shelved. Human rights suffered under the Jansa regime. The world learned about the treatment of the Roma after the forced expulsion of a family from a town in Southern Slovenia (Wood 2006). Fourteen years after the

Erasing, the first case reached the European High Court where it was sent back to Slovenia with an order to fix the problem. Slovenia ignored the order.

In 2007, the first case within Slovenia to be settled occurred in civil court with damages awarded in excess of 20000 EUR to an erased man. A year later the leftist government of Borut Pahor came to power and passed legislation to end the Erasing. Within 3 years, Pahor left office and Jansa returned. The center-right government halted progress on resolving the Erasing. In 2013, Jansa fell in a vote of no-confidence in parliament and Alenka Bratusek took over as prime minister. In June of 2013, The Erased were told, again, that it would be at least a year before all provisions of the legislation that solves the Erasing could go into effect.

Citizenship, human rights and the Erasing

In this context, the difference between citizenship and residency becomes a key to understanding the problem of the Erased. Increasingly, residency and work rights are superseding or complicating the landscape of citizenship in European societies as a process to support the European Union's "fundamental principles of liberalizing movements of people in the name of economic efficiency, coupled with legal protections for society's disadvantaged" (Luedtke 2011, pg. 3). The Lisbon Treaty, Schengen Plan, and Single European Act all serve to destabilize national policy making with regard to worker and resident mobility in contemporary Europe (Luedtke 2011).

From Rousseau to Rawls, citizenship has long been a fulcrum upon which social philosophy has leveraged its arguments in favor of community and liberal societies where rights and responsibilities are both reciprocal and contractual (Isin and Turner 2002; Shafir 1998; Reese 1996). In the case of the Erased, citizenship is not the problem. It may be an indication of what Heater states about citizenship:

By a bitter twist of historical fate, the concept which evolved to provide a sense of identity and community, is on the verge of becoming a source of communal dissension. As more and more diverse interests identify particular elements for their doctrinal and practical needs, so the component parts of citizenship are being made to do service for the whole. And under the strain of these centrifugal forces, citizenship as a total ideal may be threatened with disintegration. (Heater 2004, pg. 287)

The Erasing is an action against one of those component parts of citizenship in a sense, but, to The Erased, citizenship in Slovenia is not as important as residency rights, which are all that are needed to be legitimate. Castells, in *The Rise of the Network Society*, characterizes exclusion from citizenship as a component of capitalism and labor markets (Castells 2000). The Erasing is different from this construct in that Slovene citizenship in this case was not necessary. Only legal residency is of concern to the *izbrisani*. Therefore, while the vast literature on citizenship could work at a higher level with regard to the

Erasing, the facts of this case exclude citizenship rights from full consideration. The case of the *izbrisani*, though, is a matter of rights: human rights.

Mitja Žagar, a Slovenian ethnographer, notes that “Slovenia is often cited as a positive example in the context of human rights,” but then reveals that “traditional national minorities,” i.e. constitutionally and administratively recognized minorities, exist in opposition to “new minorities,” which are the product of migration across national borders and are comprised of persons not possessing Slovene citizenship in Slovenia (Žagar 2004). There is a silence in this characterization of Slovenia’s position toward minorities within its borders at which Žagar only hints in his description of Slovenia’s process for claiming citizenship, after the secession. He argues:

[The] law provided for the acquisition of the Slovene citizenship (*actually by naturalization*) for every citizen of the former Yugoslavia who had permanent residence and actually live on the territory of the Republic of Slovenia on 23 December 1990 ... and who applied [for residency] within six months after the adoption of the law. *Their applications could have been refused only if their applications were incomplete or if they had participated actively in the aggression against Slovenia....* (Žagar 2004). (Emphasis added).

The reality of the final sentence in the above quote is much more complex than that. In documents from the period, Slovenian government officials explain

that there are many people who did not return the documents in a legal manner or did not fill them out at all, and they also note that some respondents were part of a class of residents that participated in the aggression (Ministrstvo za Notranje Zadeve Republike Slovenije 1992a). Furthermore, they also agree that certain foreigners should be purged from the rolls of legal residents and that this number might approach 40,000 people, or nearly two percent of Slovenia's population at that time (Ministrstvo za Notranje Zadeve Republike Slovenije 1992b). No reason is given by the documents as to why this purge had to happen, though the administrative rules of the residency application gave a method by which they could be purged. In other words, the Erasing has the excuse of exercising due administrative authority, but does not possess an overt reason as to why that administrative authority had to be exercised. It just had to happen. Thus, the people erased from those rolls became a new kind of minority category: the administrative minority. This new type of minority is particularly vulnerable in multiple ways.

First, the loss of status as a resident in Slovenia abrogates access to any number of social programs. Health insurance and regular access to health care was denied to *izbrisani* people by virtue of their loss of residency status. Payment into the national health care system by registered residents is expected and access to benefits derived from this social program is directly tied to the ability to present appropriate paper work to requesting health care providers. The same rule applied to access to disability funds, educational opportunities, accrued

pension funds, as well as child and family-related social services. One was denied, often directly by a clerk at the point of service, access to any programs like these because one could not produce the proper national identification cards and documents, or one's cards and documents were marked in various databases and registers as being invalid.

Second, if a person became erased, social and political mobility disappeared immediately. The ability to cross borders became particularly hazardous and generally impossible. An erased person became both fixed in place, but stateless. They became living, breathing oxymorons: Displaced people who had never moved. This fixed displacement had similar effects to many other displaced persons discourses with the abrogation of extended social networks in former homelands (Hein 1993, Mitchneck, *et al.* 2009). In addition to this action by the Slovenian state, social networks had already been placed under great strain by the wars in former Yugoslavia and the subsequent difficulties of the post-conflict era.

Finally, *izbrisani* people found themselves the victims of social exclusion as practiced within their own small towns, apartment blocks, and neighborhoods (Zorn 2004). This exclusion exacerbated matters because the stigma of being "not Slovene" in Slovenia prevented some key social contacts from helping *izbrisani*, or had a chilling effect on *izbrisani* reaching out for help until years after the Erasing occurred. Time decay matters in human rights issues and delay in

access to mitigation of the problem of erasure could compound the problem further (Pelling and Dill 2010).

In February 2010, in the middle of my fieldwork there was a drastic shift in the administrative law toward the *izbrisani*. Following a landslide victory in 2008 by the Social Democrats, a political party populated with old communist leaders and younger socialist democracy activists, Borut Pahor formed a government that included remediation of the *izbrisani* problem as a policy goal. The previous right-wing administration under Janez Janša had seen suppression of minority groups in Slovenia and egregious attacks against the Roma embodied in the 2006 putsch against an extended Roma family in Ambrus (Wood 2006). Citizenship and the right of residency in Slovenia continued to be negotiated among individuals, civil society, and the State. This negotiation could be violent as in the Ambrus case or legalistic in its elaboration. Still, a pattern began to emerge related to the general process of Slovene politics since the nation's secession from Yugoslavia.

The interceding years between the actual Erasing and 2010 saw continuous oscillation between center-left political parties and center-right to right-wing parties from election to election. Leftist parties tended to want to "solve" the problem of the Erasing with legislation, while more right-leaning parties actively used the *izbrisani* issue as campaign fodder (Juri 2010). Anti-immigrant sentiment had traction among large swath of Slovenian society focused primarily on an urban/rural divide in the politics. Generally, under leftist

governments, attempts to fix the Erasing occurred.. Under rightist governments, there was either inertia or outright action against the *izbrisani* both of which served to only exacerbate the problem. Despite these political interludes, the state itself did nothing during the interceding 18 years, and any action to solve the problem would have had little effect in the lives of the *izbrisani* as the very nature of their existence prevented contact with them, let alone remediation.

The legislation enacted in 2010 addressed the *izbrisani* issue as a matter of administrative law. Instead of an American or British system that could address each case with a private bill or an appeals court ruling that could apply to a single person's dilemma based on previous case law or an interpretation of the national constitution, the Erasing was, in its essence, an imposition of conduct by the State that was interpreted to be allowable, not legal. In other words, removing residency rights and not notifying people of the action immediately was allowed (Krivic 2009). The justification by the Ministry of Internal Affairs, as noted above, was that it was allowed, not that the *izbrisani* were wrong in not doing their paper work correctly. The new 2010 legislation put rules in place that permitted *izbrisani* the ability to resubmit paperwork to get residency. No examination of the impact of the Erasing was included in the law. No repayment for time, lost money, and lost opportunities was offered, and no exploration of what the Erasing was and is. A few activist academics pursued the Erasing and their efforts produced a body of knowledge about the process of the Erasing and its timeline. Yet, so much of what happened in total, but also in the lives of the *izbrisani*, remains unknown.

(Zorn, et al., 2004). Part of the effort of my research is to fill in some of those unknown aspects, including how approaching such a difficult topic changes the Erased, the people trying to fix the Erasing, “ordinary” Slovenes, the State itself, and a person trying to understand the entire event.

A geographer’s position within the Erasing

In exploring the Erasing, my own position within Slovene society came into both question and sharp relief at the same time. A project such as the research presented here takes a great deal of time and money. All social scientists understand this problem and the problem of securing funding as well as securing permission to do the research as proposed. I found myself caught in a liminal space with regard to this project both in trying to secure the ability to pursue it, but also in certain changes I had to go through in order to do it.

Originally, this project was meant to be undertaken as part of a Fulbright year abroad. I went through the Fulbright application process, reaching the final stages where my project was approved by the United States State Department with only a funding agreement from Slovenia needed to wrap up the Fulbright. I was denied the Fulbright eventually without comment. Other projects were of more interest to the Slovene Fulbright officials, it seemed. I accepted this fact and went about it as just a matter of reorganizing my time and research project to fit into the schedule of a non-tenure track faculty member at a university. One Slovenian colleague, who did not know beforehand that I was going to study the *izbrisani*, told me that there was no way that the Slovenian government would

ever support such research even if my proposal was the best they had ever seen. This sentiment was repeated to me several more times over the intervening two years in which I performed fieldwork. I was frustrated, but equally determined upon learning this state of affairs.

Feeding off that determination, I sent messages to several Slovene academic colleagues to see if they could offer me a place to stay while I did intermittent fieldwork. All were obliging, but one particular group, The Scientific Research Center of the Slovenian Academy of Sciences, known as ZRC-SASU, and its directors were bothered that I had not received funding. They subsequently offered me a grant to do the work, which paid for travel and some living expenses.

After receiving that funding, I was required to get a tax identification number. All workers, both native and foreign, in Slovenia must have this number in order to have a paycheck cut to them by their employers. As a grant recipient, I was technically employed as a “contract writer” for ZRC-SASU. The *davčna številka* or tax number is ubiquitous in the country and required to set up any number of things ranging from a bank account to a utilities connection. Basically, if you do not possess one, you can do very few financial transactions in Slovenia. I sent off my documentation in order to secure the number and the clerks at ZRC-SASU processed the request. A couple of weeks before I was to leave for my fieldwork and to receive my payment covering traveling expenses, a letter with a

small card not unlike a Social Security Card came to my box in the faculty mail room.

At that moment I possessed rights and obligations that had been denied to the subjects of my research. My own position within the Erasing was privileged because I had acquired not only the ability to pay taxes, but to also legally engage an apartment and a bank account. These, by virtue of the symptoms of the Erasing, are things that *izbrisani* do not have. I had a gap between myself and the Slovene State filled in by the acquisition of this simple little card. I was changed from outsider to someone included in the set of people who are subject to the Slovene state. My position within this research project became both privileged relative to my subjects, but also imbued with the responsibility to try and fill in some of the gaps in the knowledge about them and the possibilities for them.

Filling in the gaps

This work intends to fill in some of the gaps in the history of the Erasing and pursues a project that opens the Erasing up as a theoretically interesting incident in a geographical sense. The spatial realities of the Erasing are fascinating, frustrating, confusing, and frightening. They are also hopeful and, in some ways, exciting. The people and institutions that inhabit them point toward different ways of redressing the problems of state power honor that both agency

and bring the power of institutions, both real and possible, back into the process of attaining justice for, between, and within societies.

To this end, this work presents the story of the *izbrisani* through theoretical and methodological means, as well as offers empirical support for its conclusions. Chapter 2 presents the theoretical perspective necessary to examine a problem as complex and difficult to perceive as the Erasing. It builds a theoretical framework from four components. First, an examination and extension of Giorgio Agamben's perspectives on "states of exception" occurs that leads to my critique of Agamben's move to spaces of exception (Agamben 2005). An intermediary step, the spaces of erasing, is introduced to produce a place where the residual effects of the second component of the framework, Michel Foucault's pastoral power (Foucault 1982), are felt. This pastoral power is offered as mechanism by which territory is controlled, but also as the place where the process of governing arises. Where Agamben extends Foucault's work in many ways, the ability of pastoral power to get at the "how" of governing and its impact on subjects helps in understanding the process by which power is extended to bodies. The third part of the theoretical framework discusses the ambiguous nature of the relationship between power and subjects and proposes that this relationship, as pointed out by Saskia Sassen, is necessarily incomplete (Sassen 2006). Finally, Bob Jessop's perspectives on the State as being a set of complex social relationships are perceived through an examination of the balance of forces using temporal and spatial lenses (Jessop 2007). Each of the previous

four parts of the framework (the state of exception, pastoral power, incomplete relationships, and the social relationship of the State) are joined together by their participation in those complex social relationships, but also through their specific relationship to the post-socialist realities of the 20 years after Slovenia's breakaway from Yugoslavia.

The methodologies used by this dissertation are discussed in Chapter 3. Data and contacts were collected using a modified snowball methodology augmented by biographical interviews and empirical analysis of archival materials. Each method was meant to complement, but also extend a participatory action agenda. This agenda advocated for the subjects of the Erasing, but also gave the research its positionality relative to all actors from the state to non-governmental organizations, to people in their homes.

Chapter 4 presents an introduction to the problems faced by the *izbrisani*. A key contact among the *izbrisani* gave a lengthy interview and access to his documentary evidence with regard to his own experiences of becoming erased. This interview becomes a vignette in Chapter 4 that shows the creativity of an *izbrisani* man and the lengths he was willing to go to solve the problem of his erasing. The theoretical themes of agency, social networks, and male privilege appear in this vignette and support a findings from a data set acquired from a field interview with a non-governmental organization worker. This data set is comprised of intake records from a health clinic and it fleshes out the "who" of the

Erasing. The data set is put in conversation with the chapter's vignette and the themes it pursues.

The advantages of social network access, the limits of agency, and the positionality of women *izbrisani* are discussed in Chapter 5. In Chapter 4, a male *izbrisani* used his extensive network of social contacts outside of Slovenia to mitigate his circumstances. Chapter 5 argues that women suffer a double erasing based on their status as *izbrisani* and as women. Chapters 4 and 5 bring out hidden aspects of the Erasing in order to support a central theoretical claim that the Erasing represents a change in spatial politics that extends beyond inclusion and exclusion. This state of affairs is highlighted through a vignette about an *izbrisani* woman who has been repeatedly pushed away from help and security. Her double erasing disjoins her from chances at security, but also binds her to the men in her life, her husband and her sons, and thereby limits her agency in the face of her troubles.

In Chapter 6, a third biographical vignette introduces an *izbrisani* woman who stands between the two cases presented in Chapters 4 and 5. This chapter stresses the role of the social networks, but shifts the theoretical perspective from agency bolstered by male privilege or the loss of agency as an individual to the process of recapturing one's agency through interacting with institutions of social care. In this case, an erased woman accesses social networks to solve the problem of becoming erased, yet suffers the double erasing that women face within the Erasing. The chapter also introduces the various governmental and

non-governmental organizations (NGOs) that have been set up to address the *izbrisani* problem. The landscape of the NGOs with regard to the *izbrisani* in Slovenia is small, but the potential to help someone like the subject of this chapter's vignette is there. Through a set of *ad hoc* alliances typical of the NGOs networks support does exist, but it is diffuse and not well organized. Women's agency relative to the availability of help among these organizations is hampered, but one key NGO is ready to offer assistance.

The hybrid and fluid nature of becoming erased requires an NGO that does not just replicate state functions to help the *izbrisani*; It requires hybrid organization that can adjust to that hybrid and fluid nature. Such a group exists. This group, The Peace Institute, is discussed in Chapter 7. Its status as a key institution in response to the Erasing comes from its particular nature among the other NGOs. In essence, it is not an NGO in the same sense as an organization such as Amnesty International, which serves to emulate certain state functions (legal advocacy or education). Formed as an independent academic research institute, The Peace Institute has changed itself over time to meet human rights challenges in Slovenia. It has become a social services agency, a legal aid society, a public relations firm, and a point of first contact for people who have become erased. The Peace Institute fills an important role in the discussion of the Erasing in that it addresses the problems that each *izbrisani* faces. Theoretically, The Peace Institute enables the process of completing the relationships with the State for *izbrisani* because of its particular makeup as a hybrid NGO.

Chapter 8, the concluding chapter, brings together the arguments offered, in the previous four empirical chapters, in light of the theoretical framework proposed in Chapter 2. How does a society achieve mitigation and remediation to an ambiguous human rights violation that by its very nature is set in a space outside of that society? This space is, by its own constitution, a place where society does not defend itself, but society is responsible for its existence. Does society merely reassert state power? Or does something else step into the breach and reconstitutes the spaces in which life can be lived? How do individuals experience justice when they have been pushed into such a space? By their very ontological realities they are powerless, but also liberated. They still have bodies with which they can act. Finally, the future of human rights is discussed and the Erasing is placed in conversation with the expansion of globalized “life as lived” through time. It is offered both as a frightening possibility for all people because the State could reassert sovereignty through time instead of just space, but also a potential space where becoming erased is to be set outside the State, if only briefly. For that time, the spaces of erasing can become meaningful to their occupants if those spaces of erasing are seen as liberating people from the strictures of contemporary society.

Chapter 2 – Theoretical Approaches to the Erasing

The theoretical approach of this work ties four different threads of thought together to create a way of understanding both the justification of the Erasing, and the possibilities of what the Erasing means in relation to understandings of the State, its constant need for re-constitution via processes of inclusion and exclusion. It begins with an examination of Giorgio Agamben's works *State of Exception* (2005) and *Homo Sacer* (1998) as a way to understand the spatial realities of inclusion and exclusion. These two works, especially the latter, will play heavily in the discussion of the ramifications of the Erasing, including an exception to Agamben's thesis on the sacred man that is demonstrated by the case of the *izbrisani*. A discussion of Foucault's work on power (2003) follows Agamben as a reinforcement of those positions and as an expansion on how modern ideological responses to the State such as capitalism and Marxian approaches are hampered by their formulation within the state of exception itself (Foucault 1982). Foucault's analysis of pastoral power is used to understand the moral discourse for the Erasing. Pastoral power plays a role in the act of inclusion and exclusion as well as forming a justification for the application of state power on people within the Slovene territory.

Saskia Sassen's notion of the incomplete relationship between persons and the State serves to buttress the ambiguous tension between agency and structure. It is the relationship that matters when we discuss how power is

applied by authority to individuals bound within a state (Sassen 2006). An extension of Sassen's position is offered as well, placing the current state of this ambiguous relationship as being coterminous with the rise of globalization.

Finally, the question "What is it we are talking about when we talk about the State and state power?" is answered by offering Bob Jessop's theory of state power and its current form of application through the capitalist state (Jessop 2007). The structure of the State is important to understand as it operates in particular ways from place to place. What may happen in one nation-state because of its particular makeup may be entirely different in another place. This is obvious. What is not as obvious is the similarities between one state and another that are enhanced by ongoing globalization and how that process can both help mitigate an occurrence such as the Erasing, but also to exacerbate it. Jessop's analysis provides the scales at which the Erasing manifests itself and, as a social and political problem, can be solved.

Agamben: the state of exception, power and authority, and erasing

Giorgio Agamben in his *State of Exception* poses the origins of sovereignty simply: In order to found sovereign power, the sovereign must suspend itself as authority, enter a state of exception (i.e. become the exception to its own rule), then reinstate power by assuming the mantle of authority again by suspending the exception to that rule (Agamben 2005). This short synopsis of the origins of Western political power and the rise of the Western state comes

through Agamben's analysis of Carl Schmitt's work on dictatorship and the justifications for dictatorial power (see Schmitt 1985; Agamben 1998; Ong 2006).² Agamben attempts to reconstruct the origins of power and, more specifically, the ability to ground power where no authority or an antithetical authority once existed. Geographers have used Agamben's thought to show the marking of borders or increasing ambiguity of borders as being product of this "state of exception" (Amoore 2006; Van Houtum 2009). At its core, the state of exception expresses itself in a spatial sense as the existence of an inclusive exclusion, of what Agamben calls *bare life* (Minca 2006; Agamben 1998). For this discussion, the state of exception "becomes a new and stable spatial arrangement inhabited by the bare life that can no longer be inscribed in that order" (Agamben 1998, pg. 113-4). Agamben further situates this space of exception in "the camp," the sacred space where those who cannot be killed are permitted to be killed (Agamben 1998). Obvious examples such as Nazi death camps emanate from this declaration, but more contemporary spaces have been identified including the post-September 11th Guantanamo Bay facility (Minca 2004). Richard Ek points to Agamben's shifting to the camp away from the city as paradigmatic of the biopolitics of the West (Ek 2006). Ek notes that the

²A thorough discussion of Carl Schmitt's thought is not possible here, but it is sufficient to say that the circumstances, especially of the secret decrees causing the Erasing, would meet a Schmittian approval. I am certain that no attempt to mitigate the effects of any human rights violation could be grounded in Schmitt's work, beyond using it as the negative case. I point to Habermas' dismissal of Schmittian theory as suffering from a "premise that assimilates legal principles to values" (Habermas 1997, pg. 255). Simply put, that something can be considered legal does not mean that it is legal or moral.

spatial theory of power, sovereignty and displacement also invokes a scrutinization of traditional political geographical theories about inclusion and exclusion, belonging and insularity, as well as established imaginations about thematically specific political places such as humanitarian camps (Ek 2006, pg. 364).

Therefore, Agamben's notion of "the camp" destabilizes previous modes of expressing political geographies.

What is this state of exception that produces spaces of exception? How is it defined? Bare life, which is possessed after one is born, is set outside of the sovereign and creates a space where acts can be performed by the state, in this case the nation-state, without recourse to the state. This extra-judicial space of exception "instead contains at its very centre a dislocating localization which exceeds it and into which every form of life and every rule can be virtually taken" (Agamben 1998, pg. 113-4)

To reinforce Agamben's perspective on the state of exception, Foucault put it in a different way regarding governance, or, more specifically, a legal system,

...although it has taken on so many extra-judicial elements, it has done so not in order to be able to define them juridically and gradually to integrate them into the actual power to punish: on the

contrary, it has done so in order to make them function within the penal operation as non-judicial elements; in order to exculpate the judge from being purely and simply he who punishes (Foucault 1995, pg. 22).

That a judge would clear himself or herself from blame in being the penalizing representation of authority, from removing himself or herself from power after speaking judgment is the state of exception. "In every case, the state of exception marks a threshold at which logic and praxis blur with each other and a pure violence without *logos* claims to realize an enunciation without any real reference" (Agamben 2005, pg. 40). Richard Ek notes the extension of Foucault that Agamben represents (Ek 2006). Foucault expressed a similar notion that all legal theory and practice can be set aside at the moment of the violent act against the prisoner in order to distinguish the judge's authority and power. The mechanisms of subjection cannot be studied outside of their relation to the mechanisms of exploitation and domination. But they do not merely constitute the "terminal" of more fundamental mechanisms. They entertain complex and circular relations with the other forms (Foucault 1982, pg. 782).

Agamben's extension of Foucault's work is a realization that power and authority in the constitution of the State are not oppositional figures, but two sides to a single structure. What is seen is the consequence of this single structure and the struggle with it, not the struggle between its two sides. This is an important

distinction because it changes analytical perspectives on social, cultural, and political phenomena away from the physical effects of those phenomena and the desires of Marxism and capitalism. Those desires are sifting, sorting, and delimiting the material world in order to make sense of it and control it. Foucault expressed this process as type of calculability practice (Miller 1992). But those same desires are placed in opposition to Marx's wish to lift the horror of alienation or capitalism's general wish to honor the individual. Neither of these sets of desires and wishes -- to be totalizing or to be individualizing -- is oppositional to each other, but is actually part of that older structure sketched out by Agamben where authority and power are unified in their relation to each other (Agamben 1998). They are distinct in that relationship changes space and places in order to reaffirm this unitary structure, to re-constitute it as the material needs and resources of those places allow, and to re-establish itself in a different form where it can be distinguished by its totality and individuality.

Thus, the state of exception is the starting point in analyzing the realities of social inclusion and exclusion. The spaces of exception that the state of exception produces are products of its self-founding authority and its ability to link power to authority. This linkage comes to the front in the next part of this theoretical framework that answers a single question: What is this power like? In order to map these spaces, the nature of how the state of exception acts has to be understood. Authority's association to the imperial or dictatorial is clear. Where authority is, power emanates.

Spaces of exception, though, are theoretically problematic as an endpoint with regard to The Erased in Slovenia. Before bare life becomes evident, there is a preliminary stage that precedes the state and spaces of exception. Agamben calls this abandonment (Agamben 1998). The power that emanates from authority has multiple representations, but it is founded in the ability to make exception: to be inclusively exclusive. In other words, it both allows and bans in the same action. There is a point between these two actions and at that point a new space is created if only for the briefest of moments: a space of erasing.

Other geographers have spoken of spaces of exclusion (Sibley 1995; Gough 2006). James Tyner directly identifies spaces of erasure in his research into violence and population (Tyner 2009). Sack's theory of human territoriality includes elements of space clearing and emptying out places as part of the activities engaged to control territory (Sack 1983). Spaces of erasing are different from exclusion, the state of erasure, and activities of emptying as they engage all of these components to create a state of being wedged between ontic spaces.

As a logical proposition, the space of erasing exists when in the actions of allowing and banning there is a space created where inclusion and/or exclusion occurs unless inclusion is materially false or exclusion is materially false.³ In other words, the space of erasing occurs in a period when inclusion or exclusion cannot be demonstrated to have happened or to be happening. The space of erasing exists where power and authority meet the subject, but this meeting is abrogated by an inclusive disjunction. The State becomes disjoined from the

subject. Materially, the subject is no longer included or excluded. The subject is not addressed by the State, but the State does not remove it from the space where its power and authority reside. Because the space of erasing is an inclusive disjunction, an odd relationship arises. Instead of forcing the subject out as an act of exclusion that would create a space of exception, the State and subject enter into an ambiguous relationship where each waits for the inclusive exclusion to occur. Spaces of erasing are such.

Being erased implies becoming decoupled from one's own political subjectivity. The power to decouple from political subjectivity has a metaphor within pastoral relationships. It is the power that emanates from the authority represented by the pastoral. Within the pastoral metaphor, there is care and inclusion and disregard and exclusion. The space of erasing exists where the gaze of pastoral care and disregard does not fall. In order to understand this pastoral metaphor, the following section expands and clarifies the concept of pastoral power: authority and power that binds and unbinds.

Foucault and pastoral power

The State is first and foremost an apparatus created to control territory by application of power (Foucault 2007). Its power comes out of authority as sketched out in the discussion of Agamben. But what is this power? Where does it come from? What is its particular genealogy? This part of the theoretical framework attempts to link power to particular practices that represent it within the State and subject relationship. Michel Foucault locates these in pastoral

power or power coupling the exclusionary intent of politics and the modern state together. The coupling occurs through a never-ending territorial war where the State must reconfigure itself either in terms of more or different territory or in terms of shifting governmental relationships with its subjects (Foucault 2003).

Pastoral power is Foucault's understanding of how Western systems of government arose, but also how they are repositioned and justified over and over as part of his further conceptualization of "governmentality." He points to the fact "that the modern Western state has integrated in a new political shape an old power technique which originated in Christian institutions. We can call this power technique the pastoral power" (Foucault 1982, pg. 782). To understand this integration, we have to come to grips by what is meant by "pastoral." It is the set of institutions, techniques, and vocabularies necessary to control and maintain a population within a bounded territory. In its 17th Century conception, the pastoral setting serves as a threshold space between savage hunter-gatherers and gentle agriculturalists and those who improve the land (Pluciennik 2002). Just as the shepherd has a system of whistles and calls, carries a crook, and deploys dogs, pastoral power has correlative systems and technologies available to it. Foucault modifies this description by pointing out that this system is not in the simple business of control; it is in the business of salvation, of saving the flock, and it is in the business of sacrificing itself to save the flock. It is not the power of a king or a sovereign that commands. It is the power, represented now by the modern state, to integrate individuals "under one condition: That this individuality would

be shaped in a new form and submitted to a set of very specific patterns”
(Foucault 1982, pg. 783).

Foucault in his lectures to the College de France speaks of an economy of souls, and links the practice of control of masses of people by solitary persons or smaller groups of people to Christian pastoralism through the symbolism of the shepherd (Foucault 2003). It is not meant directly as a condemnation of Christendom, but it is a noting of the kind of practice that is used to delineate territory and names the population that is being controlled. It is the spatial connection between ancient life ways and modern times in that the extent of the control of a flock was the distance that one was willing to go to bring one back to the fold (Foucault 2003). This spatial connection does not stop at the rise of Christianity, though Foucault notes that Christianity changed ethics from those of the ancient world, especially Rome. The unifying language between Agamben’s perspective and Foucault’s analysis is the genealogy that pastoral power has started with Augustus’ stepping outside of authority in order to establish and legitimize authority. The steps from Augustus and his Roman state to the modern nation-state are fairly clear (Agamben 1998).

Therefore, the contemporary State follows a similar path to its delineation and marking of its boundaries. It is the elaboration of the pastoral practice that is different because of progress in technologies and historical precedent. Through time the ability to apply power to make the flock whole within a specified territory (e.g. a set of fields with gates and fences) was more or less limited to a person’s

own ability to go out and gather all of one's charges (be they sheep or people) into one place using nothing but one's own wits and efforts.

This changed with more structured and hierarchal forms of governance, where more people could be employed in varying ways using newly created technologies, such as mass food production or quicker application of military arms, to control territory and people within that territory. Through to the modern ages, we see the rise of nation-states and the projection of these sorts of gathering and sorting of all different forms of "biological flocks" from people to animals, from human resources to natural resources. Finally, in the globalizing era, newer technologies have arisen to control bodies of people and bundles of resources within the territory of the modern nation-state, but also at scales beyond the nation-state. These all reinforce the practices of government necessary to control that power at that scale (Foucault 1980).

This leads to two conclusions. First, despite the complexity of how different political and social matters are in our contemporary times, they do not share a foundation in "being pastoral," but a common *elaboration* of "being pastoral." The control of territory and of subjectivities within that territory relies on this elaboration to be held in common. The word "elaboration" is important because it is the "working out" of ways of controlling territory over time; it is not necessarily a progressive attempt to find new and better ways of controlling territory. It is making them more elaborate, not necessarily better.

The second conclusion leading from this realization is that we are talking about the history of the control of territories and bodies within those territories (or bodies expected to be within those territories) as not being anything akin to moral lessons. We are seeing the creation of ornate subjectivities that are incomplete in their elaboration. In other words, the State as a place of the elaboration of pastoral power preys on ambiguous relationships between it and its subjects. Flowing from pastoral power to the idea of subjects with lives that are necessarily incomplete does not eliminate agency. As Nancy Ettliger explains: Foucault's notion of indirect government

... rests on the presumption that actors have choices; that is they can conform to, reproduce, and elaborate discourses and prescribed norms or they can challenge them ... Challenging the system counters subjugation, domination; it allows one to understand how he or she has been constructed by the system, and opens a space in which to reject such interpellated identity.

Whereas the government of a population entails governance at a distance, the governance of the self permits an individual to create distance between herself and himself and a system of governance by recognizing and critically situating oneself in that system.

(Ettliger 2011, p. 539)

This governance of the self is a problem in the dualistic concept of the State during the 20th Century. In the socialist state, in any incarnation, the specific relationship of the self to the State is complicated by the necessary regulation, if not outright renunciation, of the self as a place of decision making, of distance making. This is reflected in Foucault's pointing out that socialism is inherently a racist ideology (Foucault 2003). With regard to the relationship of an individual to the State, a socialist state sets aside a person by a specious set of rules meant to categorize individuals. This set of rules might not even exist in a clear and understandable way, and only be present in the life of an individual inasmuch as they are applied to that individual. In the case of a totalitarian socialist state, the State's decision making about individuals could run from the Soviet collectivization of labor based on data about individuals as technical objects (gender, weight, height, etc.) to deportation from homelands based on arbitrary ethnic and cultural distinctions as political subjects. The power and authority to make those decisions are founded in the state of exception, but the elaboration of those decisions are grounded in ideal conceptions of how the State should be constituted, not who lives in the territory controlled by the State.

In capitalist states, the racist system inverts itself and causes the State to orient itself as being indistinct about this set of rules. It is not capricious at the moment of decision of how an individual is placed with regard to his or her relationship to the State. It is capricious in how the State is constituted at all. The State shifts its relationship according to the individual as a part of a strategic

relationship that ensures that power and authority, as a single thing, can exempt itself from any further relationship with the individual if such an action is so needed. In other words, the State can be one thing to an individual at one moment, but another thing at a different moment. Furthermore, it can be multiple things to an individual at any moment. It can be the insurer of the safety of individuals in a territory, but it can also be the hazard within that same territory. Only one outcome, the reconstitution of the State, is possible. Therefore it changes itself to make that happen.

To understand this capriciousness, though, is to understand a person's relationship to the State. The benign or even caring metaphor of the pastoral within the State subsumes and represents the capriciousness of the flock as the form in which the State maintains its relationship with individuals within that flock. This relationship has a specifically incomplete elaboration. In the following section, this third component, the ambiguous relationship between the State and individuals, of the theoretical framework is discussed.

Incomplete state-subject relationships

The third component in my theoretical framing is historical and draws upon some very old ways of thinking about people who are under control of the state, or, more abstractly, a system of governance meant to control a territory and people. In order to understand the contemporary relationships between humans and the state apparatuses, we should de-emphasize special and particular notions of the modern condition. The relationship between the State and humans

is ambiguous. It is meant to be that way, and it has been that way for a very long time. This ambiguous relationship, in general, never achieves clarity to reveal intentions between humans and the State. It thrives upon re-instituting the ambiguity, and resists all modernizing techniques to minimize its effects.

For example, there is a modernizing emphasis in contemporary developed societies focused on the freedoms that certain objects or technologies seem to offer with regard to our relationship to the State. Specifically, contemporary technologies have evolved in such a way that they enable average people to more closely examine details of the machinations of power (Nahuis and Van Lente 2008). The paradox here is that modernizing has the opposite effect: The introduction of new ways to keep an eye on the state, such as information communication technologies like the Internet, by subjects, merely broadens the scope of the state's influence and intrusion into the lives of subjects. The presence of a laptop computer and a wireless Internet connection does empower an individual, but it also introduces a locus of state power into that was not there before the advent of these technologies. This same technological breakthrough does not necessarily provide any better or more "actionable" information to the individual. The contrary is actually the case in that there is often too much information to be processed effectively, and the increase in access by individuals to this information is outstripped by the abilities of the State to log, watch, and act

upon the use and access of information by those same subjects (Nahuis and Van Lente 2008).⁴

Therefore, the idea that modernization necessarily progresses toward a situation where the state-subject relationship is complete fails on the paradox that a subject's attempts to complete the relationship with the State only serves to make that relationship more ambiguous. The greater the tendency to lean on the modernizing urge in statecraft, the more incomplete and ambiguous the relationship becomes. We should look to older formal relationships between people and the State as matching more closely the ways we do things for power, how power works for us and against us, and how power is employed by us against one another.

One careless assertion that can be made about the incomplete relationships between the State and subjects is that the capricious nature of these relationships is merely the resonation of older imperfect practices that modernism "fixes," or tautological appeals to the more complex nature of modern society (i.e., "Our contemporary society is so complex because the way things are done in our society are complex"). In reality we are reproducing older ways through more sophisticated means. It is careless in assuming that because

⁴ An example of this would be the rise of short-wave consumer radio technology availability in the early 20th century. Not only could a person receive information, one could send as well. Within a few short years though, states were broadly controlling the radio spectrum, requiring licensing, and punishing vigorously "pirate" users (Schroeder 1954). In Slovenia today, an unlicensed radio station carries a 5-year prison term. This sort of regulation, and criminalization, of the use of a technology beyond state sanction is the norm globally.

something was done in pre-modern times, it was direct, and simple. Nothing more could be the case. There was and is nothing *simple* about it.

To support this assertion, I think the literature on medieval villeins and their relationships with secular and ecclesiastical lords in medieval times is an interesting example (Jones 1977; Coulton 1989). It helps us understand not just a possible origin of the incomplete relationships that exist with the state today, but also to point to a very specific time, the rise of the sovereign state and its implied subjects, as being both the moment when the state was able to become powerful in its relationship with its subjects. This literature also shows us how the State was able to exploit the incomplete relationships that these subjects had already been conditioned to accept in order to maintain that power. So how was that conditioning done? An example would be the medieval concept of the “sporting chance,” which resembles contemporary incomplete subject-state relationships in two critical ways.

Historians such as G.G. Coulton (1989) and Jones (1977), identified the sporting chance and its variations as the practice at the pinnacle of medieval hierarchal social systems that exploited serfs, or more accurately, any person bound to another person through a lord/villein relationship and ensured accumulation of tithes or the *corvee*. Serfs⁵ were bound to land that was owned

⁵ It is important to note that more recent scholarship asserts that serfs led, for the most part, lives that were not as committed to drudgery as contemporary poor people’s lives might be. Cantor (2004) and others (Veal 2004) note that the total days actually worked in a year by serfs was quite small relative to the modern work world because of mandatory church holidays that prevented or limited most laboring on those days.

by lords who were bound to more powerful lords who were in turn bound to a king who was bound only to his duties to protect the territory from which he could collect the economic largess that emanated from these binding agreements as payments to ensure that protection. This system of governance was practiced, with notable variation, throughout Europe for over one half of a millennium.

At the bottom of the hierarchy, though, were the serfs and other bonded people who were not elites and who were the producers of wealth.⁶ They were the most plentiful set of links in the chains of bondage up to the kings above them. Why were they weak links? Serfs actually had legal power to refuse any number of requests of lords and their enforcers (Kahan 1973). To blunt this power, the hierarchy developed a “fair” system to check this power of the serfs most commonly called “the sporting chance” (Coulton 1989).

An example will explain this best. Under the rules of *heriot*, or the debt owed to a lord for dying as a serf and thereby depriving the lord of the product of the lord’s lands, serfs could be required to pay this debt before death. Serfs, though, generally had the right to refuse the unfair taking of things that would harm them and their ability to provide for themselves (a serf did not owe his entire product to the lord just a portion) and therefore would also harm their ability

⁶ One only need to pause and think about how one place setting of a single dinner service for a Hapsburgian princess was probably the equivalent to an as yet undetermined physical product of an unknown number of bonded peoples until 1848 when the *corvee* was abolished in Hapsburgian crown lands of which Slovenia was a part (Kann 1980).

to provide to the lord of the manor.⁷ Still, the lord had recourse through a custom whereby a “fair” request could be made of the serf before death. If the serf did not complete this request, the rules of the *heriot* were enforced and a certain amount of items were seized by the lord because of the right of the lord to make a “fair” request and that the serf was bound to carry that request out.

A fair request, under the sporting chance, followed a general pattern of observation of mortal distress (e.g., a serf was dying or very sick) by a lord’s servant of some sort; a formal command to perform some task to prove that the *heriot* should not be paid immediately; and a judgment whether or not the task had been performed. A classic example was that a *heriot* would be claimed if the dying serf could not take seven strong strides from his threshold while holding a burning candle. The lord’s man, often the hayward or a clerk, would call out to the serf, ordering him to perform this task. The serf could not refuse, and if he did, the *heriot* could be claimed immediately. Often this was a price as large as the serf’s best working animal. If the serf accepted, took his chance, and subsequently failed, then the *heriot* could be claimed. If he succeeded, then the claim could not be made until some time had passed, when the sporting chance could be demanded again. No matter if the best outcome for the serf was achieved, the tension remained in not knowing if and when the demand would be made again.

⁷ Eventually, these common rights to refuse become a basis of English common property law.

The implication in the concept of the “sporting chance” is that even when relationships between lord and serf were clearly defined in custom and law, the practices that mediated and helped negotiate that relationship served to only make the relationship between ruled and ruler more unclear, more incomplete. The incompleteness of this relationship is a necessary component of power relationships and is not a product of modern conditions, but has been with us for quite some time. It is not “normal” though, because of its very nature of being fluid and ambiguous, and it has not disappeared from the landscape of state-subject power relationships.

The genealogy of incomplete relationships, as typified by this example of the “sporting chance,” leads to a question of “How does this relate to the contemporary state-subject relationship?” To answer this, Saskia Sassen makes an important observation that the contemporary condition of the concept of state-subject relationship is that it is “an incompletely theorized contract between the state and its subjects ... [I]t is meant to be incomplete ... This incompleteness makes it possible for a highly formalized institution ... to accommodate the possibility of change without sacrificing its formal status” (Sassen 2006, pg. 277).

The State as a highly formalized institution needs incompleteness in order to adjust to social change and uses it as a lever by which it reconstitutes itself when this change occurs. In the case of post-socialist transitions, the change from socialist constructions of the State to capitalist state required a continuity of the State despite the collapse of the ideological underpinnings of the State and

the practices that maintained the sState. Incompleteness provided this continuity, in part, by rendering the State as an ambiguous entity that, despite the vast social changes underway, still must exist. When the relationship is reaffirmed by contact with the State, citizenship, or more broadly the rights one has with regard to the State, is re-established. The notion that the State had disappeared, or ceased to exist for a moment when the mode of governance collapsed never enters the mind. The *a priori* nature of the State is not questioned during a period of social change; its ambiguous relationship with people remains the same. This relationship is material, not the State itself. It operates as at a micro-scale level wherein the presence of the State and a person's relationship to it is made normal. It exists as an interface between subject and power where it is both obvious and sublime.

This micro-scale interface to the State permeates life. The capricious and ever-changing relationship with the State makes the form of the State less the problem in everyday life, but the form still matters as a means to understand how the State structures itself in relationship to people. In other words, the relationship that a socialist state has with people is different in aspect than the one a capitalist state has. To understand why the shift from maintenance of the State as a pastoral power that provides social security to a maintenance of the State as a pastoral power to ensure capital accumulation is to understand that the state-subject relationship is what matters, not the State itself or the subject itself. The form does not matter; the relationship does.

The post-socialist capitalist state and state power

Holifield (2004, pg. 286) states “at one time just the dream of a few post-war social and economic theorists, neoliberalism has become the major ideological force shaping contemporary economic development.” The Eastern European post-socialist transition complicates the process of change seen in the West as the break from socialism required the newly free communist countries to reconfigure the state in almost an instant. The social change from state-oriented security to private accumulation schemes required a change in how state power “gets done,” not in change in the existence of state power itself.

The advent of capitalism in Eastern Europe occurred, on the surface, rather rapidly (Jessop 2002; Kornai and Haggard 2001). The groundwork for the transition had been in place for some time (Lake and Regulska 1990; Eyal and Szelenyi 1998; Bockman and Eyal 2002). Managerialism and property accumulation, for example, had been entrenched in Soviet satellite countries for some time (Eyal, et al. 1997; Tsenkova 2009). In Yugoslavia, market socialism had been in favor in varying degrees since the 1960s and the breakup of the federation can be seen as a product of certain federal states like Slovenia’s orientations toward “capitalist” Europe (Patterson 2003; Cox 2005; Luthar, et al. 2008).

Defining the state has long been a problem in Western thought and an exercise beyond the scope of this work. From Aristotle’s materialistic approach to

the State to thinkers grappling with the outcomes of early modern political processes that produced the general form of the modern state, human relationships with resources and each other have recreated and reproduced the state throughout history (Soll 2009). To understand, the contemporary State's relationship to people, and vice-versa is to understand the state as it stands now, but also to where the State may be headed. To help in this understanding, Bob Jessop's work on the nature of the capitalist state and the forms of state power available comes into play (Jessop 2007).

To link Jessop to the micro-political views of Foucault addressed above requires directly addressing Jessop's own understanding of Foucault and what he saw as Foucault's evolution toward governmentality over time (Jessop 2007). Jessop notes that Foucault "gave a privileged role to the state as the point of strategic codification of the multitude of power relations and the apparatus in which the general line is crystallized ... For example, it was the rise of the population-territory-wealth nexus in political economy and police created the space for the revalorization and re-articulation of disciplines that had emerged in 17th and 18th century, i.e., schools, manufactories, armies, etc" (Jessop 2007, pg. 11). Furthermore Foucault, according to Jessop, said that to study "governmentality in its generic sense is to study the historical constitution of different state forms in and through changing practices of government without assuming that the state has a universal or general essence" (Jessop 2007, pg. 7). This sense of the "how" of political and economic oppression, exploitation,

and domination is pivotal to understanding Foucault, especially with seeing that there is more common ground between state theory analyses and Foucault's supposedly hostile attitude toward them (Jessop 2007).

With this in mind, this part of the theoretical framework goes forward to link power and authority to the schematic underpinnings of state power. If Foucault was looking at these "hows" of oppression, exploitation, and domination, and Agamben is an extension of Foucault, then Jessop's notion of the strategic-relational approach to state power is an elaboration of these "hows" rather than an explanation of the "whys" (Jessop 2007). Jessop understands the State in a particular way and this understanding appears incompatible with Foucault/Agamben's bottom-up construction of power and authority. It is not incompatible in light of Jessop's work on the strategic-relational approach.

In his treatment of the State as a set of social relations rather than as a thing-in-itself, Jessop denies any essential foundation for the State. Social forces attempt to mediate their positions relative to each other and this produces the State. How the State is situated within those social forces determines the nature of the State, rather than some metaphysical form of the State with society trying to conform to it (Jessop 1982; Jessop 2002). So what is the State according to Jessop, after it is realized through these social forces? It is a variable and changing set of social relations represented by different historical and geographical characteristics, but it is also the result of particular constitutional realities that meet at particular times. Coming out of these crossings of variable

characteristics and realities are different strategies related to the balances of social forces. State power comes from the interplay of strategies (Jessop 1982; Jessop 2002; Jessop 2007).

Historically, Jessop asserts that the Keynesian welfare nation-state has been steadily eroded by exercise of new strategies centered primarily on neoliberalism as a political and economic ideology (Jessop 2002). The result, at least for Atlantic states, is the rise of what he calls the Schumpeterian workfare postnational regime (Jessop 2002). The difference between the two strategies is in the shifting of the directionality of the relationship between State and subject, and the neoliberal state focusing on the roles that promote neocommunitarian “decentralized partnerships that embrace not only the state and business interests but also diverse community organizations and other local stakeholders” (Jessop 2002, pg. 463, quoted in Holifield 2004). Ryan Holifield notes that Jessop “emphasizes that there is no ‘pure’ neocommunitarian strategy; it is always combined with other approaches to developing the neoliberal project” (Holifield 2004, pg. 287).

What does the Schumpeterian workfare post-national regime look like? According to Torfing (1999), it is a highly differentiated strategic approach to remove the supposedly failing Keynesian welfare state model and replace it with new welfare system not bounded by nation-state concerns. It promotes innovation and flexibility as a way to valorize capital by supply-side intervention and subordinates social policy to labor flexibility and decreased public

expenditure on social issues as a matter of cost, rather than demand. It is post-national inasmuch as it increases the significance of other spatial scales, and horizons of action have made the national territory less important as a power container. The nation-state is being hollowed out as old and new state capacities are displaced upwards to supranational levels, downwards to subnational levels and outward to trans-local levels. However, these displacements of power do not mean the end of the nation state, but signify rather what we might call a “relativization of scales” as compared to the primacy of the national level during the Atlantic Fordist period (Torfing 1999, pg 373).

It is also a regime, rather than a state, and this reflects “the increasing role of de-centered and multi-tiered governance networks in providing state-sponsored economic and social policies” (Torfing 1999, pg. 373).

As will be shown in the following empirical chapters, the Schumpeterian workfare postnational regime (SWPR) is important because of this cross-scalar attribute, which focuses on the need for subjects to be able to operate within different scalar realms. It also brings up the problem as to whether or not the intent of the rise of the post-socialist state had a necessarily SWPR intent, or if the neoliberal project was a choice made after the break from socialist forms happened. The latter is borne out better in the literature, as in the case of Slovenia, certain choices with regard to economic development were made after the nationalist decision to leave Yugoslavia occurred and those decisions were clearly to embrace a European Union-focused neoliberal project of reform and

restructuring (Patterson 2003; Cox 2005; Feldmann 2006; Luthar et al, 2008).

The movement to the SWPR from the socialist state follows Jessop's assumption that all forms of welfare states are giving way to the SWPR (Jessop 1999).

It is in this larger context of the European Union that a connection between the needs of a nation-state to define who is a citizen or resident and effects of policies meant to mitigate processes of social exclusion intersect. The European Union's larger project of guaranteeing certain levels of human rights respect and observances of human rights accords by member states of the union intersect in the dual construct of social inclusion and exclusion. Slovenia, as a member of the European Union, has had to respect laws and regulations beyond its own national laws and has had to adjust those national laws to fit the European Union paradigm. As part of the aforementioned neo-liberal project, Slovenia has changed itself in relation to that project in a formal sense, but the Erasing exists as a destabilizing event that draws into question its commitment to the project.

As a framework for discussion about the *izbrisani*, the discourse on social exclusion is helpful, but requires much empirical support to give it meaning. The phenomenon of social exclusion is important to understand as it is a process intrinsically linked to the production of political space. Who is included is privileged in political processes and the converse is true for who is excluded. Understanding, through empirical means, the "who" of social exclusion is, therefore imperative in understanding those processes.

It is one thing to say that the Erasing is a form of social exclusion, but it is quite a different thing to describe the "how" and "where" of the act in order to

understand the motivations of those who exclude and the motivations of those who are excluded. Ultimately, giving name to a symptom is not sufficient to understand a disease. Social exclusion is not sufficient to capture the impact of the event in the lives of the *izbrisani* and their families, nor is it sufficient to capture the lives of the people bound up in the response to it through institutional actors such as NGOs. Therefore, I draw upon the literature of social exclusion studies within the European Union to help understand both the efforts that the European Union has made to alleviate the effects of social exclusion and Slovenia's difficult relationship with social exclusion as a process of delineating political space.

Social exclusion programs as responses to poverty problems in Europe gained traction in the late 1990s (Levitas 2005). As a knowledge discourse it has been criticized as perpetuating moral underclass, economic structuralist and neoliberal integrationist discourses about poverty (Levitas 2005). It has been called social engineering (Byrne 2005), and "conceptually vague" (Woodward and Kohli 2001). It has its origins in New Labor's social policies in Britain during the late 1990s as a way to fix perceived social inequity in the post-Thatcher era, but has also been picked up by liberal advocates who attempt to inject a class component to its elaboration and use (Gough, Eisenschitz and McCulloch 2006).

The dimensions in which it occurs best define social exclusion policy: political, economic and civic (Woodward and Kohli 2001). Politically, it is a move that de-emphasizes or minimizes the role of equality in political discourse and elevating difference and integration, rather than assimilation (Lister 1998). The

economics of social exclusion straddle the Left/Right divide by attempting to use market forces, but also maintain certain welfare standards (Levitas 1998; Novak 2001; Levitas 2005). Because of the conceptual vagueness mentioned above, social exclusion as a state of being and responses to it has been difficult to observe empirically (Room 1995; Atkinson, et al., 2002). Still, policies derived from the early work of the Social Exclusion Unit in Britain have moved out into the rest of the EU as a transformative approach to European social space (Gough, Eisenschitz and McCulloch 2006). The production of space is key to understanding what social exclusion is, how it and responses to it change people and places, and who social exclusion affects (Gough, Eisenschitz and McCulloch 2006).

Social exclusion can be seen as working across many scales. Policies are organized at a global scale and through globalizing entities such as the European Union itself (Atkinson, et al., 2002; Van Berkel and Moller 2002; Munck 2005). Responses are usually addressed at the national scale (Ferrera 2005; Van den Berg, Braun, and van der Meer 1998). Social exclusion is also addressed at city and urban scales (Maidanipour, Cars, and Allen 2002; Shaw, Dorling, and Smith 2005). Finally, it has neighborhood effects that define the form and function of urban residential areas (Friedrichs, Galster and Musterd 2005; Musterd 2005; Musterd, Murie, and Kesteltoot 2006; Galster 2007; Andersson, et al., 2007).

It is at the scale of globalization that social exclusion and internally displaced peoples (IDPs) intersect. As an analytical framework, social exclusion has been used to produce new knowledge on the most marginalized social

groups in Europe, such as the Roma, especially through the policy practices of the European Union (De Soto, Beddies, and Gedeshi 2005). While the Roma are not IDPs in a traditional sense, they are often the benchmark by which all human rights activities in Europe are measured (Frazer 2005). Since this work contends that the actions against The Erased resemble those used against internally displaced populations (loss of citizenship, administrative and bureaucratic blockages, threat of deportation, etc), the literature on IDPs will help understand how The Erased are different and how people create social space marginalized by state power.

Much of the impact in the lives of IDPs, beyond war, famine or disaster, is caused either by state action against them or state/NGO action for them (Frohardt et al., 1999; Mooney 2003; Cohen 2004; O'Neill and Cassis 2005). The State that has experienced or caused the displacement is generally perceived as being in violation of some human rights laws or covenants (Bayefsky and Fitzpatrick 2000), but responses to displacement have varied between internal and external policies and efforts (Cohen 1999; Hickel 2001). Others have noted that there are connections between place and identity specific to the IDP experience (Novak 2007; Jansen and Lofving 2007). Additionally, IDPs experience “double displacement” – in both place and time (Kabachnick, et al., 2007). This doubling notion is important to understand the outcomes the *izbrisani* face in spatial terms and a temporal sense. All together, the experiences of IDPs in a post-conflict setting experience intense isolation and this fact complicates how responses to their plights are constructed (Mitchneck, et al., 2009).

Beyond the causes and definitions of what being an IDP is, gender is emphasized as an exacerbating factor in the well-being among those forced to move (Gururaja 2000; Ward 2002; Clark 2003, Kabachnik, Regulska and Mitchneck 2010; Kabachnik, et al. 2012). Children are also seen as particularly vulnerable to pressure from IDP status (Salama, Spiegel and Brennan 2001). Poverty, in general, is a chief cause of misery in the lives of IDPs across the globe, but especially in Europe (Cohen 1996). Frameworks to address all of these matters have also been the subject of much academic and legal work. Changing legal frameworks to better assist IDPs has been proposed as well as action plans to make these new frameworks a reality (Morago-Nicolas 2000). Specific guides to the widely varying ways IDPs interface with governmental and non-governmental organizations exist in order to protect their rights and the policy of large donor toward these response mechanisms need to be more focused (Rudge 2002). Procedures to ensure dignity and rights upon the return of IDPs to their homes have been explored and evaluated (Rogge and Lippman 2004). Finally, these responses, interfaces and frameworks have been pushed out to the nation-state level for evaluation and implementation (O'Neill and Cassis 2005).

The experience of displaced populations in Europe and especially in the former Yugoslavia is well documented (Barakat and Ellis 1996; Cohen 1999; Hallergard 1998; Eriksson 1999; Phuong 2000). Also social scientists have been in direct contact with IDP populations. Roberta Cohen has noted that IDPs' home lives are not fulfilling and are often disjointed (1999). Furthermore, case studies

of IDPs have shown that their lives are greatly varied and the experience of displacement has had its successes as well as failures (Deng and Cohen 1998). Cernea and McDowell emphasize the importance of understanding the experience of forced migration and displacement as an analytic tool to help IDPs (2000). Finally, needs of IDPs are directly addressed through participatory action research methods, where researchers join their subjects using participatory action methods in developing solutions to everyday as well as structural problems faced by IDPs (Weiss, Bolton and Shankar 2000).

Connecting the theoretical framework to IDPs and social exclusion is important. The theoretical framework does destabilize the idea of social exclusion as a process of creating political space. But the spaces of erasing resemble social exclusion inasmuch that the *izbrisani* are cut off from forms of social care. Along with that, the *izbrisani* share many similar problems with IDPs but for one thing: They have not been displaced. Thus new processes to cause the *izbrisani* to move back into normal social and political space are necessary, or a new way of thinking about social and political space is necessary as well.

Conclusion: Theory becoming process

The four parts of this theoretical framework come together as a way to process the Erasing in Slovenia. Each serves a purpose in capturing a particular aspect of the process of the Erasing and attempting to answer a different question. The first part concerning Agamben sets the spatial regime in which an *izbrisani* is cast. The stop on the way to bare life in spaces of erasing solves the

almost ineffable quality of life that the Erasing forces upon its victims. They are neither excluded nor are they included. They are not displaced, but their access to place is abrogated. They are bounded, but unfettered by boundaries. They are acknowledged, but receive no care. The concept of a space of erasing sets up a domain in which the *izbrisani* have to create the moments in which they can solve the inclusive disjunction that exists at every moment between them and the state. This solution is not just asking for admittance back into the purview of state power. It is, as well, the decision to step further away from this power. It is also the domain where the State can reconfigure itself to address this disjunction, or to re-entrench itself in maintaining the moment at which the space of erasing comes into being.

The second part of the framework, pastoral power, serves as an underpinning of the desires of both those who are erased and the desires of the State that erases. Pastoral power contains the governing of bodies, but also the structuring of the place of governance. The erasing of the *izbrisani* is a product of this governance, but also the laying out of the space where governance occurs: territorialization. The space of erasing is the residual pastoral power's efforts. When pastoral power counts, cordons, and controls its charges within a certain space. Any residual space unaffected by this power, but still occupied, is this space of erasing. It is the breakdown or complication of the dialectical nature of relationships between the State, as manifested as power and authority, and the subject. What emerges is twofold. It is the relationship of the State and the

subject, but it is also existence of something disregarded both by the State and the subject. The presence of pastoral power and the subsequent systems of governance are predicated by the existence of the subject, which has a completed relationship with the State. The existence of an occupied space of erasing means that a different relationship also exists outside of this binary relationship, but coterminous with it: The incomplete relationship.

The incomplete relationship, the third part of this framework, plays a minor, yet necessary role in order to maintain the state-subject binary. By keeping most relationships incomplete and keeping the power to complete relationships in the hands of the State, the state-subject binary is seen as ideal. There are two reasons why it is ideal. First, it is historical. The state, particularly since the 18th Century, has been the primary mode of the control of territory and the subjects within that territory. It allows certain social processes to operate within its controlling framework, but also adjusts itself, through many different modes of action, to changing environmental and physical forces as well as economic forces through time. Second, the State, as a phenomenon, works. While the State has had its historical problems in terms of outcome, its ability to adjust to different human activities both in terms of temporal action as well as actions within different spatial regimes makes the state a durable entity. It is, within current sets of political ideologies available to humans, almost impossible to live in a world that does not contain “the State.” The absence of the State is the subject of purely speculative thought, because, fortunately or not, the State

works. The state-subject binary requires the participation of subjects to be viable and that participation has changed through time and through different shifts historically to resemble what it is currently: a set of fleeting, difficult, and, often, subtle arrangements to ensure the passivity of subjects and their participation in the relationship. Because of this fleeting, difficult and often subtle nature of the relationship, it can be characterized as “incomplete.”

To participate in an incomplete relationship with the State as a subject is to risk erasing. While particularly prevalent in the modern era, the incomplete relationship with the State has its predecessors in older forms of control of people and resources within territory. It is not a product of a teleological connection with the past, but represents a dividing process that sets up the state-subject relationship as preferable to being excluded (Foucault 1982). Finally, the State is a set of social relationships that varies from place to place, economy to economy, and society to society. It is moving toward a particular representation: the Schumpeterian Workfare Postnational Regime (SWPR), where national concerns are being subsumed to globalized processes, frameworks, and institutions. While it would seem that the nation-state would disappear under such a regime, the reality is a “hollowing out” that leaves behind more insidious aspects of the nation-state that can be implemented as part of a strategic-relational approach to power politics (Jessop 1999). In each the different relationships among the State, institutions, and people point both to the entrenchment of the process of the switch to the SWPR as part of the post-socialist development strategy and the

potential for breaking down and reconfiguring life for people who are victims of policies of the “hollowed out” nation-state.

Relating this framework to the problem of the *izbrisani* is the task of the following chapters. The plight of The Erased resembles but is ultimately different from the traditional knowledge of internally displaced peoples, especially in Europe. Simply, The Erased were never displaced physically. The social space was not a new built landscape like a refugee camp or the unknown landscape of forced resettlement. This social space was something completely different. It is one of those spaces not within networks. It is present within society, but incompletely connected (see Latour 2005).

The following four empirical chapters present vignettes, statistics, and institutional analyses that show how people are abandoned, are denied both detrimental and beneficial aspects of pastoral power, and are given over to a set of incomplete relationships with the State as it tries to reconfigure itself to meet the expectations of a globalizing world.

Chapter 3 -- Methodologies

As noted in the previous chapter, the plight of The Erased represents itself as an internally displaced person (IDP) situation. The normative and idiosyncratic qualities of being a displaced person exist to a degree, but the fact of the matter is that The Erased have never been physically moved. The social science work in direct contact with IDPs does have fruitful insights into how the subject of The Erased can be approached. Spatially, the questions diverge from the issue of IDPs. This reflects the complexity of the *izbrisani* problem. The question moves to from “where are The Erased?” to “who are The Erased and what spaces do they occupy and are those spaces connected to society and how are they connected to society, if at all?” Testing a position such as the state power/pastoral subject/incomplete relationships theory as introduced earlier requires a multi-method approach.

Mixing methods to clarify the Erasing

To address questions raised in the previous chapter a mixed methodological approach has been devised. With this in mind, three different methodologies were employed through the course of this research: ethnography and biography, archival research and statistics, and participatory action research.

Each was originally proposed as being crucial to approaching the subject of the *izbrisani*, but each became differently important to the story as the fieldwork commenced, and perspectives on the Erasing changed as time passed. The natural place that ethnographic work takes within a study of people who were often singled out because of the cultural heritages is quite obvious, but the

biographical interviews came to the forefront as the most powerful tool to examine what had happened within the Erasing. As the theoretical framework above shows, living in spaces of erasing implicitly requires an examination of life. Biographical sketches of selected *izbrisani* became important to capturing the tension between individuals and society and the depths of the effects of the Erasing as well as the struggles that *izbrisani* people endured. Initially, interviews started with a semi-structured set of questions about the responding *izbrisani* to gather some vital data and a picture of their family life and economic situation. Eventually, conversations started beyond those questions and I was able to ask three central questions of my respondents that opened the door for the biographical sketches. These questions were: “Do you consider yourself to still be erased?”; “How did you become erased or learn that you were erased?”; and “What has life been since then?” The first question helped me control for people who were still erased and technically illegals within Slovenia as these interviews could expose them and compromise their safety. The second question helped fix the time when they became aware, but also opened an avenue to talk about the ontic qualities of becoming erased. The third question allowed them to fill in details before they became erased, and enabled them to connect their life before the Erasing to their life as it is now.

Interviews were performed with principals of non-governmental organizations, representatives of the Slovenian government, and selected key individuals in civil society who worked on the responses to the *izbrisani* problem. These interviews were intended to gather historical background as well as to find

out the “who and what” of these responses. These interviews were important to understanding the scope and scale of the *izbrisani* issue nearly 20 years after it secretly began.

It was through one such interview that a data set was acquired. This data set, comprised of over 100 intake documents at a small free health clinic; it is a mini-census of the larger population of The Erased and provided statistical depth to the analysis. At the same time it opened up as many questions as it answered. This unique data (as far as I was able to determine there are no other such large scale data sets) presents archival and statistical information that offered a glimpse into who The Erased are. The analysis of these records involved four steps: entering them into a relational database, doing descriptive statistical analysis, performing a statistical cluster analysis, and producing graphical representations and analytical descriptions of the clusters.

Finally, a third methodology was employed during the fieldwork, participatory action research. This methodology became a way of gathering insight into the lives of the *izbrisani* and attempting to help them. Participatory action research (PAR), described below, also became a narrative structure within the fieldwork itself. In particular, a close analysis of a key NGO working with the *izbrisani* shows how PAR can be deployed to provide help to the *izbrisani*.

The remaining part of this chapter will discuss these three methodological themes in a greater detail and places each of them within the theoretical framework presented in Chapter 2. The theoretical framework necessarily requires that life be examined to determine where it stands in relation to the

proposed spaces of erase. These three complementary but different methodologies honor this necessity, but also make problematic the relationship between what can be said about people and what they say about themselves. Ethnography and biography look at lives as they were lived as well, but also at lives being lived at the time of the interviews. Archival work looks at the residual effects of lives that were lived. Finally, PAR, manifested in its application in the life of an *izbrisani*, looks at lives as they are being lived, but also at the potential ways lives could be lived.

Biographical geography

Data collection for the biographical interviews was accomplished by using snowball methodology for the interviews. Generally speaking, this methodology builds a network of contacts and field respondents. Within this study, initial contacts with *izbrisani* leaders were thwarted by these individuals' refusal to speak to researchers who were not Slovene or, in one case, demanded remuneration from me before an interview would be granted. Instead of pursuing a "ground up" collection of field responses, I approached lead legal counsel of one advocacy group, an ethnic Slovene and legal resident. Building off a short list of phone numbers and names given to me in the series of meetings I had with the lead counsel (he contacted *izbrisani* for their permission to proceed), I followed up on these initial contacts. I have also conducted interviews with various *izbrisani* and persons working on the Erasing in non-governmental organizations (NGOs) and government branches.

Of the *izbrisani* contacted, many did not conform to the rules to protect vulnerable populations set forth by the institutional review underpinning this research. One problem experienced was that very few *izbrisani* contacted have had their status restored; a requirement in order to protect exposure of people who could be deemed as illegal residents in country. Interviews were not permissible, but the sheer number of contacts made that did not meet the standard ran 5 to 1 against actual legal residency.⁸ Of the 11 *izbrisani* who could be interviewed, only 5 assented to longer biographical interviews following the initial contact interview.

At first a standard set of questions was asked of *izbrisani* in order to gather demographic data, but the interviews were allowed to become less structured both as trust between the interviewer and the interviewee developed. When subsequent interviews occurred, the interviews were relaxed and more informal, all were recorded except for two who refused the use of a tape recorder. The informality and flowing narratives gave a great richness to the story of the *izbrisani*. It also gave the interviewer a chance to observe the material circumstances of the interviewees, see familial interactions, and key on cues in voice and facial expressions that lead to better understanding of motivations and

⁸ This number would have been rendered irrelevant by the 2010 administrative law that reopened residency for The Erased, but many people simply were afraid to be exposed for reasons sketched out in the biographical vignettes, especially social stigmatization. Additionally, despite a refusal dating to the early 2000s by the Slovenian police to engage in deportations against the *izbrisani*, people were afraid that somehow knowledge of their former status could cause a reversal process to ensue. The human subjects review specified that only legal residents could be interviewed.

the gravity of each person's situation. In all, the interviews with *izbrisani* were intense, but undertaken with a sense of care and attempting to see the depths of each interviewee's plight

Biographical writing about subjects, especially those who have had experienced acts of social exclusion against them, has been used to great effect by social scientists (Chamberlayne, Rustin and Wengraf 2002). Biographical geography offers two advantages. First, it has a diachronic approach to the material at hand. In other words, it allows subjects to be understood as people with a past that affects and shapes their current lives and their lives into the future. Second, it allows a researcher to address his or her own positionality with relationship to the subjects whose biographies are being told. The intersubjectivity of these relationships, as a process of linking the self to others, is important to understanding the story at hand. Intersubjectivity helps express the importance of the relationship as a conduit for speaking about a history that goes past one's personal story to include the researcher's life as well as scales ranging from life-as-lived to the global.

The emphasis on scale matters in this dissertation and is what links geography as a discipline to biography as a form of nonfiction. Daniels and Nash (2004) identify mapping as the link between geography and biography. The emphasis on scale resembles mapping inasmuch as both share common domains in which they appear. Scale is a subset or feature of the activity of mapping. When a subject, during a biographical passage, links activity at the national scale or at the scale of the European Union, to their own plight, they are

situating themselves, placing themselves on a map, and demonstrating the extent to which space matters within their lives.

Geographers most often look at the extent that space matters in a life through biography in terms of “life-path” (Ni Laoire 2000; Daniels and Nash 2004). While the term will not be used here beyond this explanation, it is important to note that any study that attempts to address the problems of structure and agency will invariably take a slightly historical approach to its subject. In the case of the *izbrisani*, this approach is not meant to argue motivations or the presence of certain factors that lead to the Erasing. It means to give weight from “the bottom up” within the space created by the Erasing. Instead of giving over completely to the supposed inevitability of problems like human rights abuses because of historical forces in action and in place, a biographical geography, as presented in vignettes in this dissertation returns the life affected and the course it has taken and will take as time passes. The accuracy of the information transmitted is secondary to expansions on the experience of history and how a life had to be lived and will be lived further.

Therefore, biographical geography as a methodology for understanding the experience of the subject is appropriate in the case of The Erased. Instead of looking back from the moment of death, the biographical vignette seeks to grasp the moment and the space in which the events that change life are engaged by those who experienced them. Slovenian ethnographers and historians have used biographical geography in the past as a means to teach ethnic Slovenes about the realities of the immigrant or non-Slovene experience in the activist workbook

Nemirna Srce (Luthar 2004). While the vignettes presented in this dissertation do not follow the form of an appeal or the promoted self that *Nemirna Srce* engages in, they offer insights into the key claims made here that the spaces of The Erased are much more complex than the inclusion/exclusion paradigm. In a way, the conclusions that emanate from these methodologies destabilize the inclusion/exclusion binary. Toward that end, I specifically chose biographies that came out in the interviews that serve to highlight both the true terror of becoming erased, but also the resilience, humor, and hope of these *izbrisani*. These biographies emphasized the multiple ways *izbrisani* work to move back into a world where life is lived by using various strategies to change the process from becoming erased to becoming complete.

Archival Research

Concomitant with this series of contacts with the *izbrisani*, the methodology produced many contacts within non-governmental organizations and the Slovenian government. The willingness to talk about the Erasing among these respondents was almost universal, with only contacts at the Ministry of Internal Affairs and its various departments such as the Office for Foreigners and the Slovenian National Police refusing to speak on the record about the *izbrisani*. This refusal was a part of long-standing public relations policy, which seemed to admit the scale of the problem with regard to both prosecution of the laws of Slovenia concerning illegal residents and the remediation of the languishing *izbrisani* issue. The problem itself had been erased by the Ministry, or, at least, shunted off to more amenable governmental organs.

Interviews were conducted with various staff members at selected NGOs and governmental offices, including leaders of these organizations. The Association of The Erased's two interviews were held with the legal advisor to the group and a single day-long meeting was held with the director of Amnesty International's *izbrisani* outreach coordinator. The Free Clinic for People Without Health Insurance interviews were conducted over a week of interaction at the clinic with the social worker in charge of day-to-day operations. It was during these interviews that I acquired my data set concerning the *izbrisani* clinic intakes and I was also able to participate in distributing clothes and toiletries to homeless persons who access the clinic's services. My contact with the Slovene government was limited to a single 4-hour meeting with the vice-ombudsman for human rights. All efforts to gain interviews with officials of the Ministry of Internal Affairs were either ignored or were rebuffed. Four interviews were conducted with The Peace Institute's administrators and a member of the legal team.

The interviews supported with archival research and literature provided by the organizations fleshed out the structures of the groups and how they each fit into the response to the Erasing. With the refusal of contact from the Ministry of Internal Affairs officials, these interviews were approached as a way to understand the role that civil society played in the response. The interviews also revealed a set of shadow governance structures that provided care for the affected by the Erasing and which, with varying success, worked to provide for The Erased. Interviewees were primarily met either in their places of work in the

case of NGO workers, *izbrisani* advocates, and government officials, or in their homes in the case of *izbrisani* themselves.

Governmental and NGO interviews consisted of a formal interview in office settings or places of mutual convenience such as coffee shops. Questions asked in these interviews included inquiries into each organizations' relationship to the *izbrisani*, what activities had been undertaken to help the *izbrisani*, if there were any archival or documentary evidence related to the *izbrisani* that could be accessed, and what extent each organization saw its effectiveness in relation to helping the *izbrisani*. (see Appendix C) In some cases more time was spent in facilities looking at archives, which gave opportunities to develop interviews to incorporate observations of procedures, facilities, and resources and to develop extensive questions from these observations. In such a setting, the intake documents of the Free Clinic for People Without Health Insurance were accessed and discussed in depth with a clinic principal. Additionally, time spent with principals at Amnesty International lead to an introduction to the Vice-Ombudsman for Human Rights and a formal interview with her.

While many Slovenian scholars have worked on the problem of the *izbrisani*, the imperative to do something different led to finding and investigating a never-before available medical archive that included data on the *izbrisani*. Research projects that involve archives and access to them have been characterized as historiographical, ecological or emergent (Lounsbury and Ventresca 2002). This project has emergent qualities to it. The data set used in this project fits into the third category inasmuch as it had never been examined in

order to discover characteristics about the *izbrisani* population before. The demographics of The Erased have always been assumed in much of the Slovene literature about them. In other words, they were other South Slavs or Roma. The data set represented a snapshot of the high water mark in the *izbrisani* disaster comprising data collected during the critical years between 2002 and 2007 when many *izbrisani* became fully aware of their situations and political activism on their part ramped up. Therefore, the data set is an important resource to help understand the “who” of The Erased during a crucial period in the history of the Erasing.

This archive consisted of 781 data sheets that cataloged the intake records of many different sorts of people who tried to access a free health clinic in Ljubljana. Among those 781 records, 120 were marked “*izbrisan*” based on a 5-point check list test administered by the intake nurse. In other words, a clinic official would test to see if a person was *izbrisani* just as they would test to see if the patient had a streptococcus infection. The records for the *izbrisani* were collected and entered into a *Bento 2.0* database based on the *Filemaker Pro* platform. Subsequent reorganization of the data was performed within the database software and exported to a spreadsheet file for further analysis.

The data was then analyzed using the *PASV SPSS 18* statistical package for Macintosh OS X. In addition to descriptive statistics, three statistical techniques were used. The data set was processed through a hierarchical cluster technique to find clear numbers of potential clusters of different types of erased people in the data set. Then the number of clusters settled upon via that

technique was introduced to a *k-means* cluster analysis to produce groups of different types of *izbrisani* within the dataset based on certain characteristics shared by member of the set. Finally, a discriminant analysis was run to determine which particular characteristics had weight to determine a person's status as *izbrisani*. The information produced through this process is presented in Chapters 4 and 5.

Participatory Action Research and Institutional Analysis

Participatory action research (PAR) has been used in geography since the 1980s, but found particular traction with the work of Rachel Pain (Pain 2003; Kindon, Pain, and Kesby 2008). Used within a post-structural setting, PAR is adept at addressing issues of identity and subjectivity, language and representation, and politics (Gibson and Graham 2005). The interviews conducted with the *izbrisani* and various actors are part of a foray into PAR to develop knowledge about The Erased and improve their lives.

PAR is a “systematic investigation, with the collaboration of those affected by the issue being studied, for the purposes of education and taking action or effecting social change” (Hugentobler, Israel, and Schurman 1992, pg. 103). I want to use PAR to make the research project one that effects social change and to encourage “active involvement of the people whose lives are affected by the issue under study in every phase of the process” (Minkler 2000, pg. 192). PAR has been used in many research settings to take critical approaches to the human sciences. Scholars use them as a process to effect change and to

maintain the progressive orientation of the social sciences (Greenwood, Whyte, and Harkavy 1993; Reason and Bradbury 2006). Predominantly PAR has been used in developed nations, but it has seen also an expansion into developing world nations although with varying levels of success (Pain and Francis 2003). One of the main benefits of PAR is its ability to put on the “forefront the perspectives of marginalized groups and actively challenge social exclusion with them” (Pain 2004, pg. 654). It can also attempt to expose constructive relationships and shared knowledge between groups seemingly at odds with one another (Gibson-Graham 2005). I choose this approach because I think that geography can go beyond the collection and distillation of data and theorizing from that data to create new forms of knowledge about people and place that are both emergent and active (Pain 2003).

Methodologies and Becoming Erased

The methodologies used in this work reflect the complexity of the relationships that the subject matter has with prior knowledge about distressed or excluded populations. The methodologies employed here attempt to see who is within the space, an inclusive disjunction that is the Erasing. With this in mind, the following four empirical chapters are presented. Each places a vignette in conversation with a methodological approach and focuses on a core dimension of becoming erased.

Chapter 4 presents a vignette about an *izbrisani* man who uses a unique circumstance about his family life to reconnect himself back to Slovenia. This

chapter begins the process of understanding who the *izbrisani* are by presenting data collected from an archive of a non-governmental organization. This chapter also demonstrates that agency in the face of becoming erased is multi-faceted and deeply imbued with opportunities available to the *izbrisani*. In other words, each individual *izbrisani*, while a member of the group of people who were erased, faced different challenges and had different opportunities to overcome his or her erasing. Chapter 5 brings a story of a woman who was erased. Gender complicates the Erasing and Chapter 5 serves to help shed light on the Erasing as a social and gendered phenomenon that, like the internally displaced people mentioned above, exacerbates an *izbrisani's* already vulnerable position by reproducing social and cultural stratifications and marginalization. In Chapter 6, an NGO's role in the process of addressing the Erasing is shown through a story of agency, social networking, and power, both collective and personal. A vignette about a woman whose erasing initially created great trauma in her life, but as she became involved in solving the problem is used to highlight how an NGO that supports agency and social change operates in relation to the Erasing. She found that reaching out for help and finding it made becoming erased bearable and, in a way, life affirming. The most effective NGO is discussed in Chapter 7. Its use of participant action and hybrid responses toward the Erasing positions it as the NGO that can help the *izbrisani* the most, but can also make it an example of how active research and advocacy helps vulnerable populations. The final chapter, Chapter 8, proposes that the Erasing represents a new

theoretical space and discusses this space as one of fear but also as one of potential liberation.

Chapter 4 – Becoming Erased

A Twin's Erasing

Bostjan⁹ was born, along with his twin brother, in a small village near Bihač in Bosnia in the late 1960s.¹⁰ He was erased while running a restaurant in Munich. He remembers the warm village life of the western Bosnia region faintly as his life, otherwise, has been spent in Slovenia. His family moved in the late 1970s as a part of migrant workers schemes within Yugoslavia that attempted to relieve rural village poverty by sending workers to urban places where they were needed (Gosar 1993). They found themselves initially in the industrial complex of Jesenice on the Austrian border, but better work, and, as Bostjan termed it, “a place that understood us” was found in an industrial center in Eastern Slovenia, lying two kilometers north of Slovenia’s southern border with Croatia. From the mid-17th Century, the municipality has been an industrial center as well as a spa resort with warm baths and healing waters. Important to Bostjan’s story is its proximity to Croatia and position as a threshold between Slovenia and the rest of the former Yugoslavia. Bostjan’s feelings of acceptance in his town probably emanate out of the normality of multiethnic exchange in the town over a long period of time. This would stand in contrast to a place like Jesenice deep in the

⁹ I will use a pseudonym for field interviewees who are *izbrisani* to protect their identities, even though all interviews were conducted with persons currently possessing legal right to residency in Slovenia. There still exists a great deal of stigmatization, even reflexively, of *izbrisani* status. In other words, interviewees do not like to think of themselves as “erased.” I have chosen to protect their names, but also to respect their dignity.

¹⁰ This vignette is the product of interviews conducted in Eastern Slovenia in June 2010.

traditional Slovenian heartland at the foot of the Julian Alps, where the Slovenian language would have been the language of everyday life and being Bosnian would have been deviant from long held perceptions about what is and is not Slovenian space (Patterson 2003).

Bostjan did not stay rooted in Slovenia, but like so many Yugoslavian youths of his day, especially men, he left the country to travel to Western Europe seeking hard currency wages and remitted these wages home to his family in Slovenia. Exploiting the greater opportunity of the European labor market lead, ultimately, to the conditions that rendered Bostjan erased after the secession of Slovenia in 1991-92.

After leaving secondary school in Slovenia, Bostjan worked in West Germany primarily as part of that country's *Gastarbeiter* program. Like many young Yugoslavian men, including a large number of Slovenians, he would spend several months of the year, sometimes a whole year, working construction, manufacturing, and service jobs in German cities. This sort of migrant work was not unusual among Yugoslavs with large concentrations of them working in Munich, Hamburg, Frankfurt, and throughout the Ruhr Valley industrial region (Shonick 2009). Bostjan spent most of his time in southern Germany working in various factory and service industry jobs filling gaps in the German labor force that native West Germans could not fill.

He would learn of work in Germany through a complex network of both formal jobs market announcements as well as informal, word-of-mouth

arrangements among the other Yugoslavian men he met in Germany in social situations such as bars or living quarters. Coming from a family where his Bosnian ethnicity afforded him knowledge of Serbo-Croatian as well as the local Slovenian language of his hometown, this flexibility coupled with skill in German served him well. He says, "I am like a Slovenian here. I speak many languages because I must." Being flexible, having opportunity, and using social networks in the public and private spheres mark him as a person who became quite successful during the 1980s.

He soon found himself spending more and more time abroad because his positions within one particular industry, restaurants, became more permanent. Bostjan became more fixed in Germany over time and this situation gave him further advantages in creating savings and accumulating knowledge of how the restaurant and service industry are run. This knowledge should have been liberating for him in the post-socialist era in Slovenia, but it only served to keep him alive while he was away from his hometown in Slovenia. "I could never have thought that I would become erased," Bostjan remarked. He did not think there was a solution to the problem until he and his twin brother came up with a creative arrangement.

When the fall of the greater Yugoslav federation after Croatia and Slovenia's secession happened, Bostjan was working in Germany, and making the 600-kilometer trip back to Slovenia occasionally to visit with his family. Other forces came into play and with the continued integration of East Germany during

Germany's own post-socialist transition, programs such as the various *Gastarbeiter* schemes began to either disappear or appeal to much lower wage workers from places such as Turkey. Bostjan had prepared fairly well for this eventuality and had saved for a transition to life as a "modern businessman" as he put it. The idea was to integrate back into the local economic scene, which was shifting from the manufacturing industry to a resort community as an entrepreneur in partnership with his twin brother, who had never left. They were going to open a restaurant and coffee house in the town's beautiful 19th Century arcade in the midst of the city commons. All was well until Bostjan attempted to return and work.

His twin brother had stayed behind in Slovenia and did not access the European-scale labor market. This was a matter of choice where one brother merely wished to be close to their parents and the other was a person who "could not stay home." The difference in personality between two people so close to each other in genetics became crucial to the events that followed, as one brother became Slovenian, legally, and the other became erased. Bostjan's brother was in Slovenia when the 1992 residency application period was under way. Bostjan was not. The twin brother completed the application fully. Bostjan did not know he had to do the application. The twin was granted residency. Bostjan stayed on in Germany working as usual with his work permit in Germany still valid. The twin continued living and working as a "normal" Slovenian. The "troubles," as Bostjan called his erasing, did not become apparent until the late 1990s when certain

Yugoslav documents he had been using as a German *Gastarbeiter* started to expire and had to be renewed. It was at this moment he realized that he had become erased.

Bostjan spreads his old documents out as a sort of ritualized way of explaining his genealogy as an “Erased” person when people ask to see them. Each document has a particular meaning and place within the history of his becoming erased, but each document also is imbued with a practical, everyday use that people who are not erased, rarely consider. A driver’s license is invalid and becomes a first document in a cascade of expiring documents. The accumulation of invalid documents continued as Bostjan’s existence became extra juridical and a solitary state of exception. The final document in the march of expirations is a health service card that is stamped “INVALID” in 1999. Bostjan, after that point, could no longer even go to the doctor in Slovenia to access the common state-sanctioned health care system. When he realized that he could not sustain himself and his family with the foreign work and he could not take care of his own body, desperation set in. Bostjan knew that he either had to run back to Germany and forgo his life in Slovenia, a life that meant quite a lot to him, or find a way to get back his status. He chose the latter option, but this option required years of adaptation to a new way of life, resiliency, and ingenuity. This ingenuity is evident through the identity he had to assume as an *izbrisani*: that of his twin brother.

Upon return and realization that he had lost his residency rights because he had not participated in the six-month enrollment process set forth by Slovenian law in 1991, Bostjan was officially stateless, though no action was taken against him to deport him to Bosnia. "It happened, then it did not mean anything other than I could not work," he said. This inability to work in the formal economy meant he would either have to work illegally, enter into black market activities, emigrate further afield than Western Europe, or go to Bosnia, a place to which he only had scant family ties and a place that at that time was under the UN and NATO control as a part of the Dayton Peace Agreements of 1995. These choices, especially the last two were not palatable.

One day in 2000, his brother began the process of opening their small coffeehouse and restaurant, but the startup capital was slim. Bostjan knew that if he could get back to Germany to his old job, which awaited him, he could remit more than enough to cover the startup costs in a short time. Bostjan and his brother are identical twins, so much so that meeting one is a matter of knowing differences in mannerisms and speech that only good friends and family could discern. An idea was struck upon that since the other twin would not travel out of the country other than on a few occasions to cross into Croatia with his Slovenian national identity card, then Bostjan could travel and receive work permits on his brother's passport and other documents. This ingenious and illegal arrangement began a five-year process of using these documents to continue their

entrepreneurship in Slovenia with Bostjan's remittances and while the process of getting his residency returned by legal means continued.

Bostjan tells of close calls with the Austrian and Slovenian border police and making sure that he never crossed back and forth at the same place on a trip. He was detained once because of a minor fine that his brother had not paid, but payment solved the problem. Another time he was faced with a Slovenian border police officer whom Bostjan thought was the son of a friend from back home, but the inspection was merely cursory on that occasion. Most of the movements across the border were easy and become easier as Slovenia integrated in the European Union from 2000 until its formal accession in 2004. With the accession, the next steps of compliance to various protocols, accords, and frameworks to which other EU members adhere began and, during 2005, border controls became more a matter of surveillance than overt action with only non-EU passengers on trains receiving inspection requests or autos with Slovenian tags being waved through border crossings.

In 2005, Bostjan received notice from his lawyer that his mitigating circumstances as a *Gastarbeiter* who fully intended to return to Slovenia was enough for him to get his papers back from the Slovenian government. He returned and went to the various ministries and departments to get his documents put back in order. The ordeal was over. He had made it through to having a returned residency status and is now, again, a Slovenian resident. Bostjan cites his fortune of having a twin brother that he could pass off himself

as being his saving grace during this period. "I would not be sitting here if we had not thought to do that." When pressed, he admits that the situation was not all that bad in the end, but he had taken advantage of a situation that many people would not have had.

A circumstance of shared genetics, a bond much stronger in a physical sense than one's identity as Slovenian, had engendered Bostjan's survival during his time of erasure; Just having his papers returned to him was not enough however to make him not *izbrisani*. When others found out, slowly, about the charade and why it was done, it became apparent that there was a stigma even among family and friends concerning the "mistake" on his part that was made in not coming back and taking care of his residency paper work some thirteen years before. Bostjan argues that he intended to stay in Slovenia permanently. The "twinning" scheme created an entrepreneurship opportunity for Bostjan and was a temporary state of affairs. It was a means to make that entrepreneurial opportunity happen. It was a practical decision with very specific and known risks that seemed reasonable to undertake in order to achieve a certain goal. Bostjan used knowledge that he had about how transgressions across borders in Europe could be managed to place him back into a global labor market that helped finance the coffee shop. In the end, it was a worthwhile risk and not one that just anyone could take. Bostjan had many things going for him, none the least of which was his circumstance as a male brother to an identical twin. Bostjan's story is extraordinary, but also privileged. It is the product of structural changes in

Slovenian and European political geographies, but it is also the product of the access of a different sort of structure: His own biology and the social networks made available across borders within those political geographies by that particular biology.

Human biology is a key to the second part of this story and involves further exploration into demography of the *izbrisani* as found in clinic intake records sourced from a non-governmental organization in Ljubljana. These documents record people attempting to access health care in a situation where their status prevents them from attaining the care they would normally receive within Slovene society. As *izbrisani*, they lived in the territory of Slovenia, and, at one time, were accorded the social care of Slovenia. The intake records of the clinic offer a snapshot of who the *izbrisani* are and the effects of becoming erased upon them.

The story of Bostjan was presented as an introduction to a larger examination of a data gathered about the *izbrisani* as a whole. His story, and it is important to note the gender in the pronoun, is very typical in a structural sense of how a person became erased. It is a great story of perseverance, wits, social skills, and access to crucial resources by a person who refused to allow the Erasing to destroy his life. On its face, his story is evocative of many other experiences that marginalized people have when they are excluded. The assumptions of who are the *izbrisani* are confirmed, but they are also set aside as the story unfolds. While place of birth and ethnicity have enormous importance at one scale in a detrimental sense, at other scales these characteristics can

liberate and ameliorate the effects of racism and exclusion. For everything that is expected in such a situation, there are as many unexpected problems, privileges, and possibilities.

Bostjan's case demonstrates that returning to Slovenia to restart his life was a path fraught with complex problems and palpable danger. He is placed into a space of erasing, removed from the pastoral care of the State, but not deported. He is also *not killed*. This fact demonstrates an important point of the Erasing: It achieved the political outcome of killing people, without the political ramifications of killing. Therefore, Bostjan was placed into an extreme state of exception where the solution was to self-deport – a state of affairs which would have suited the Slovene state – but also to fight his circumstance. His innovation was to do both in order to complete a relationship with Slovenia that he wished to have. By tackling the problem with transnational connections and local networks, Bostjan took, as single person, the problem of the State as presented in Slovenia's attempt to become sovereign and turned it from potential disaster to, ostensibly, what the Slovenian state wanted: A productive resident doing well in Slovene society. The price paid was long separation from family and friends, doing something illegal, and living, for a time, as someone he was not.

A Story of Many: Who are the *izbrisani*?

The story of Bostjan, while unique in many ways, is not exceptional. The unique health clinic data set indeed confirms and reveals a larger story of the *izbrisani* as a whole. The data presented here comes from intake records accumulated between February 2002 and mid-July 2010 at a free medical and social work clinic founded to help people in Slovenia who do not have access to the Slovenian state health care system. During an interview with a social worker at the clinic, the volumes of intake records were pointed to as evidence of the depth of the *izbrisani* problem in Slovenia and the impact that the Erasing had upon the workings of the clinic (Free Clinic 2010).

The intake records contained biographical data of 781 persons taken into the clinic for a variety of reasons, mostly related to minor health problems. A field on each form indicated whether or not the patient was determined to be erased by the social worker doing the intake. Out of these 781 records, 119 were indicated as *izbrisani* under the 1991-2 legal definition laid out in Slovene residency law.¹¹

These 119 records were entered into a database and key biographical information was included. Identifying data such as names were not included, and most cases did not have meaningful addresses in Slovenia. The remainder of the 781 cases not indicated as *izbrisani* were not included in the database. The 119

¹¹ Initially, there were 120 records pulled, but a closer examination of the data set revealed a spurious case where a visitor to the clinic had been incorrectly designated as *izbrisani*. The visitor had a birthdate after the Erasing and had entered Slovenia in 2010.

records indicated as *izbrisani* therefore represented 15.24 percent of all the cases the clinic had processed over the eight years they had kept records.

Of the 119 cases, 94 were men and 25 were women. Among the men, there were 31 individuals who reported having a spouse and, among those, 15 reported having dependents. This data reveals a predominantly male landscape of erasing. Women, on the other hand, are doubly erased in this data as they represent a much smaller proportion and as a result the statistical analysis did not capture them; among the clinic patients who came to the intake center, women constitute 21 percent of the cases. This gender disparity is examined in Chapter 5 further, but it is sufficient to say here that the presented statistical analysis is biased as a result of capturing only the male landscape of the Rrasing (Fincher 1993). In the end both the female spouses and their children and single women stood alone as *izbrisani* under-represented in the sample.

So who are the *izbrisani* as represented in this data set? The mean age of an *izbrisani* person within the clinic records at the time of intake was 47.94 years. Educational attainment was, on mean, primary school only. The majority of *izbrisani* in the clinic's records was unmarried and had no dependents, though those who reported a dependent reported less than two dependents on average. The most represented country of origin was Bosnia-Hercegovina, 63 people; with Serbia second most at 15. Other countries represented were Croatia (10 individuals), Macedonia (10 individuals), Montenegro (8 individuals), Kosovo (5 individuals), Slovenia (4 individuals), and Austria (1 individual).

The presence of Slovenian-born *izbrisani* in the data set is interesting, as they should have had supporting documents (i.e., certificate of birth) that would have prevented one from being erased. How can a Slovene become erased in Slovenia? Looking back at the theoretical framework presented earlier, this erasing of fellow South Slavs follows the State's imperative to determine who is in and who is out as a means to establish territorial control. Still, the fact that it was a secret action against the future *izbrisani* means that there is a shift from open declaration of control to a slow-burning, time-lapse form of control that does not involve the politically damaging overt acts of exclusion, but achieves the same effect. It makes sense that a non-Slovene could become erased. It does not make sense that a person could be erased who self-identifies as Slovene, has lived in the Slovene cultural space for all of his or her life, and could easily understand the government's registration requirements of 1992. The special circumstances that had to exist for such to happen are akin to the reasons that non-Slovene's became erased: Lack of information about the residency procedures, assumptions about one's own legal status, or being excluded from the process by social status such as gender, ethnicity, and race. In the case of gender, women who had no decision-making power would be particularly vulnerable.

The average *izbrisani*, in general, worked odd jobs or irregular work such as laboring, though they reported, generally, that they were not unemployed when asked. Over two-thirds of *izbrisani* reported that they did not enter Slovenia

originally to seek work. The median year for entrance was 1975 and the mode was 1980.

When asked why they had come to the clinic, 52.9 percent reported problems with government documents as their motivation for seeking help. Interestingly, 15.1 percent reported themselves as being “*izbrisan*” as a reason for coming to the clinic. The other reasons varied from drug addiction to inability to obtain the care of a doctor or dentist to being homeless. These descriptive statistics conform to fairly well-accepted views of who the *izbrisani* are.

What follows is a more detailed analysis of the health data set. First, descriptive statistics are used to shed light on the explanatory power of different variables. The second section details the results of the *k-means* cluster analysis and provides a typology of groups of *izbrisani* within the clinic’s intake records. Finally, a third section presents the results of a discriminant analysis of the data set with the cluster analysis results tested against variables within the data set as a separate independent variable.

Within the data set, a *k-means* cluster analysis produced a typology that detailed certain common traits among *izbrisani* who came to the clinic. The six clusters produced paint a picture of different reasons and different age groups combined with common life experiences that represent what it means to be erased. Each group is summarized in the following pages and is given a descriptive label that illustrates these experiences and commonalities.

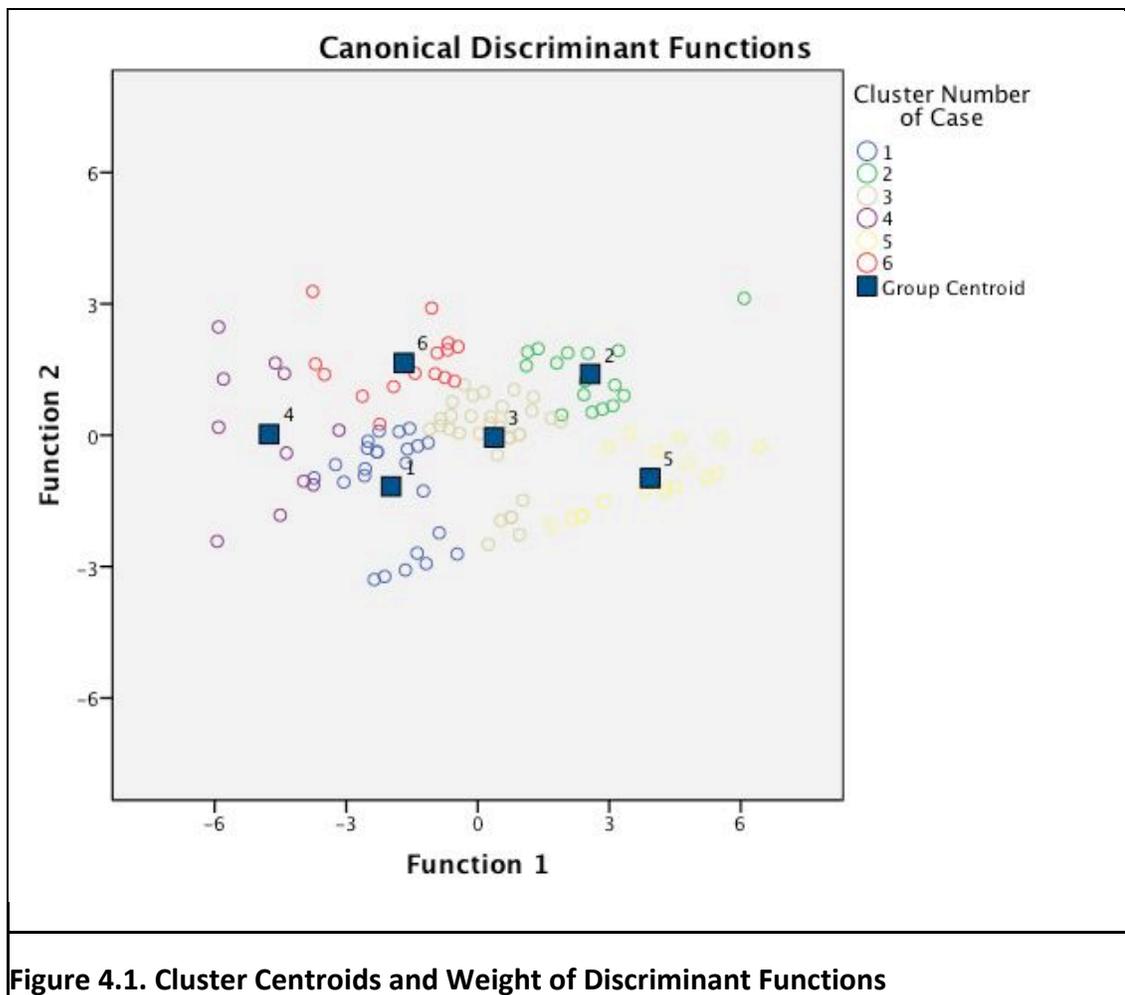
The statistics emerging from the clinic data set reveal a scenario in which two variables explain who generally became erased: the age at which a person immigrated to Slovenia and the year in which a person was born. Still the data also provides descriptive statistics supporting some commonly-held beliefs about who the *izbrisani* are. The descriptive statistics as well as the cluster analysis show that the geography, in terms of nationality, of the *izbrisani* is clear: *Izbrisani* are migrants to Slovenia from the southern federated republics of Yugoslavia with a predominant trend toward two countries in particular: Bosnia-Herzegovina and Serbia. The cluster analysis shows the *izbrisani* groupings around the Bosnian and Serbian ethnic categories as being stronger than others with considerable weight existing for the age at the time of entry and little influence of the year of birth (Tables 4.1 and 4.2; Figure 4.1). The discriminant tests of two clusters that explained the driving criteria for becoming erased showed that via Wilk's Test the clusters were very discrete from one another and they both, based on their standardized coefficients, had very strong impacts on whether or not a person became erased.

Test of Function(s)		Wilk's Lambda	Chi-square	Df	Sig.
	1 through 2	0.061	318.613	10	0.000
	2	0.480	83.693	4	0.000

Table 4.1. Wilk's Lambda

	Function	
	1	2
Function 1	1.037	0.320
Function 1 through 2	0.108	1.080

Table 4.2. Standardized Canonical Discriminant Function Coefficients



This tracks along with the previous observation that Slovenia was practicing a racist/ethnocentric exercise of territorial control through the erasing of undesirable people which was done slowly, quietly, and with no initial political consequences for Slovenia.

The year one was born and the age at which one entered Slovenia weighed heavily on one's status as *izbrisani*. The emergence of age cohorts among this group of *izbrisani* is significant for two reasons. First, it points to particular life courses that these mainly Bosnian and Serbian people faced within the political economy of Yugoslavia. Second, it demonstrates that decisions made by parents of *izbrisani* marked them for erasure later as three of the six identified clusters entered Slovenia as minors and, presumably, at their guardians' behest they came to Slovenia outside of their own free will.

History matters here and the eras in which these migrants entered Slovenia matters even more. Generally speaking, if a person entered Slovenia as a child or youth in the mid-1970s, they were likely to be erased. This trend bears out in the numbers and reflects an internal migration during the unsettled times of hyper-inflationary and politically uncertain Yugoslavia (Gosar 2003). The Erasing unfolded in particular ways for each *izbrisani*, the structural forces at work in the Erasing itself were born of socio-political contexts, such as the 1976 Yugoslav constitution and the workforce migration policies under Tito (Gosar 2003; Luthar et al. 2008).

Izbrisani Clusters

The analysis of Free Clinic's data led to the identification of clear clusters as evidenced by Table 4.3. One group, as discussed above, is missing from this analysis: women. This phenomenon will be discussed further in chapters 5, 6, and 7. The next sections will detail the makeups of the various clusters identified.

Cluster 1

Erased at the age of 43, members of this cluster came to the clinic in 2005, thirteen years after the Erasing. They came to Slovenia in their early teens: Age thirteen on average. They were employed at the time of their intake into the clinic, but in irregular work. This work was "off the books." They had no dependents and did not report any spousal relationship. On average they reported a lack of health insurance as their reason for coming to the clinic.

Cluster 2

Born in 1968, *Izbrisani* within this cluster were erased at the age of 25, but entered Slovenia from Serbia at the age of 21 a mere four years before the Erasing occurred. Their educational attainment was similar to the average *izbrisani* in the data set and was limited to a primary school only. They reported

Cluster	1	2	3	4	5
Gender	Male	Male	Male	Male	Male
Nationalities	Bosnian	Serbian	Bosnian	Bosnian	Serbian
Work	Irregular	Irregular	Services	Construction	Irregular
Education	Primary	Primary	Primary	Primary	Primary
Age upon entry to Slovenia	13	22	33	27	3
Year of entry into Slovenia	1972	1988	1975	1963	1977
Age when erased	43	25	33	46	18
Number of dependents	0	2	1	0	2
Married	No	Yes	No	No	Yes
Reason for clinic intake	Documents	Documents	Documents	"izbrisan"/Erased	Domestic issues

Table 4.3. Characteristics of clusters derived from Free Clinic intake data (1998-2010).

that they were employed currently in odd jobs or rural work and were responsible for a spouse and 2 children. They came to the clinic because of a lack of health insurance. They also reported not coming to Slovenia to access work as their reason for emigration, but other reasons for coming to Slovenia that were not explained.

Cluster 3

These men were erased at the age of 33 and came to Slovenia at the age of 16. They have a dependent but are not married and have a primary school education on average. The men report themselves as currently working in the service industry, but, in line with other clusters, do not report entering Slovenia originally to seek work. They came to the clinic because of domestic problems involving their children as single fathers.

Cluster 4

This cluster was composed of men who entered Slovenia in 1963 at the age of 27. Possessed of a primary school education, they came from Bosnia, but reported their reason for coming to Slovenia as not being work related. Generally, they worked in laboring or construction jobs and reported no spouses or dependents. They were currently employed when they came for intake to the clinic at the average age of 68 years. This group typically listed themselves as “*izbrisani*” as their reason for accessing the clinic.

Cluster 5

Born in 1974 and entered Slovenia in 1977 as small children, these men work as irregular laborers. They come from Serbia and, like other clusters, have a primary school education. Seeking work was not a reason they originally migrated to Slovenia, and this is supported by the age at which they entered. They had spouses and children and cited problems with their families as the reason they sought the help of the clinic.

Cluster 6

Tracking along with the other clusters, these men were unique in that they were members of the only cluster that indicated work as the reason they entered Slovenia. They were married with children and came to Slovenia in 1980 at the age of 31. They were erased at the age of 43. They migrated from Serbia and had, again, primary school educations. They worked in service industries and reported themselves as currently working.

These clusters provide a snapshot of who the *izbrisani* are, but only hint at the social and economic realities that placed them in a position to become erased. They had come to Slovenia for the most part as young people during particular waves of migration from the rest of Yugoslavia. These migrations were directly tied to Yugoslav economic history. This history is discussed in the following section.

Understanding the *Izbrisani* clusters

So why did *izbrisani* came to Slovenia, even though the majority of them said that work was not a reason? Slovenia in the 1970s, according to Luthar, et al., was a place where and when “working families could build their own homes, and the middle class could afford regular shopping trips” (pg. 479) and people were able to see that the “Slovenian version of socialist self-management was not such a bad solution after all” (pg. 480). Yugoslavia’s financial schemes, despite their unsustainable nature, gave the impression of higher standards of living and full employment in Slovenia relative to other Yugoslav republics especially since it was geographically closer to Italy and Austria (Patterson 2003).

This scenario is important. The *izbrisani*’s parents brought these youthful migrants to Slovenia as a part of the economic space made by the expansion of Slovenia’s middle class during the 1970s. The policies of Yugoslavia were economically suspect, but they created a situation amenable to intra-national migration. This is especially the case of Slovenia (Gosar 1993; Patterson 2003). Slovenians used their ability to travel easily to bordering nations, which had cross-cultural and cross-political implications (Patterson 2003). In other words, Slovenia was a place that had direct interface with Western Europe; positioning it well to participate in trade within Yugoslavia and with the rest of Europe. This reality led to many children of internal migrants being brought to Slovenia at a

young age. They grew up there and saw themselves as part of Slovenia to some extent.

This assertion is supported by the existence, in the analyzed data set, of Slovenians by birth who were erased. While only four cases were identified (born between 1953 and 1962), nevertheless their existence is noteworthy. There is no indication that these were the children of migrants at that time, the fact remains that they did not do what was necessary to keep legal residence: Fill out the required documents during the specified six month period. Most likely, these *izbrisani* were born, according to a representative of the clinic, to non-Slovenes. As so much time had passed that the *izbrisani* Slovenes assumed that this tenure either granted them immunity from the residency law and process, or that it just simply did not apply to them (Free Clinic 2010).

The older *izbrisani* were the ones attracted to Slovenia by employment opportunities in early years. Cluster 4 maps this characterization. *Izbrisani* in that cluster came at a time of industrialization in Slovenia, in the 1960s, most likely as a result of regional and industrial ties back to Bosnia (Gosar 1993). The broader Cluster 6, as described above, came in 1980 at the end of this expansion of Slovenian prosperity in the 1970s, and the Cluster 2 cohort came as young men during the turbulent 1988-1989 period when a fluid economic and political crisis may have afforded opportunities to move to the more stable republic within the failing Yugoslavia (Luthar, *et al.* 2008).

While characterizations of the *izbrisani* clusters as age cohorts could be construed as politically and economically determined by Yugoslavian and Slovenian policies, such an assertion would only capture a small part of the picture. There is a specific historical geography at work here. The internal migration story being told by the *izbrisani*'s plights is linked to larger regional processes. The attempted pan-Yugoslavism of the socialist development project, European and global integration, and political ambiguities at the beginning of Slovenian statehood all had influence on the situation.

The mobility of labor during the years of the Socialist Federal Republic of Yugoslavia was supported both by the policies of the government and reflected in the migration data from the time (Gosar 2003). Urban migration was promoted and youth moved from rural areas to cities, though ethnic groups tended to stay in dominant cities within their ethnic regions in Yugoslavia (Thomas 1979, Hammel, et al. 2010). People moved where there was work and did move to ethnic regions other than their own to do so. They were encouraged to some degree to migrate and then chose to settle permanently in those places.

Yugoslavia's access to international financing of its growth, during the 1970s, set the stage for economic expansion even if this expansion was fleeting to the point of being illusory (Luthar, et al. 2008). The access to foreign money via foreign direct investment, large loans, and guest worker remittances from other European nations gave Yugoslavia, and, by extension, Slovenia a sense of prosperity, but also integrity with Europe and the rest of the world. This came at a

price in the end, as Slovenia's prosperity became a sticking point in its relations with the other Yugoslav republics (Woodward 1995; Meier 1999). The few years of economic activity made space for migrant workers in the 1970s to set down roots in Slovenia and access its stronger, more European-oriented labor market. This state of affairs exposes a critical fact: Much of Slovenia's prosperity and self-perceived exceptionalism in relation to the rest of Yugoslavia came through the labor of migrants from the rest of Yugoslavia and central economic policies emanating from Belgrade.

Additionally, the ambiguities of the political, economic, cultural, and social transitions during the final years of Yugoslavia contributed to Slovenia's economic prowess through pull factors in place because of the aforementioned Yugoslav policies of internal migration and economic advantage. Also, Slovenia afforded a place to stop before further migration into Europe by young men displaced by economic hardship in the disintegrating Yugoslavia.

Slovenia's economic role in Yugoslavia made it attractive to intra-Yugoslav migrants. Its location on the border between Yugoslavia and Western Europe made it attractive as well. People could move across the border to access labor markets abroad, but Yugoslavia could also easily export other resources and import cultural, social and economic influences from the capitalist West. It was in this situation that Bostjan found himself and had to participate in extraordinary means to fix his erasing.

Understanding an *izbrisani*'s relationship to becoming erased

Bostjan's life – coming to Slovenia as a young child from Bosnia – set him up to become erased. Even his ability to leave Slovenia, and to come back after a time abroad, did not distance him from that fate. He ended up in the same place as so many others. His story tells us that the State is capricious in how it decides to wield its power against people. Bostjan had a shared history with his twin, but an individual relationship with the state that excluded him.

To understand Bostjan's situation in relation to his erasing, two matters have to be addressed. Each emanates out of the theoretical framework of this discussion. First, Bostjan understood early on in his erasing that the Slovene government's relationship to him, a relationship partially formulated in pastoral care, had been abrogated. The facts in this case speak for themselves, or, at least, Bostjan's explanation that his solution to the problem of becoming erased was to leverage certain facts within his life to ameliorate the problem. It became clear to Bostjan that there was no solution offered by the State; however, there was a way to smooth the effects of becoming erased and to continue to have a future through his own agency.

Second, Bostjan had to realize that the incomplete relationship with that government was one that existed before the Erasing. In other words, to become *izbrisani* was predicated on being under the power of the State in the first place. Being under that power was not the "Althusserian" moment (Althusser 1970). It was different from the direct application of state power: the power to kill that

which was to be given care. There was no policing moment where a call to “Halt!” was issued and a moment facing the prevailing ideology occurred. Instead, it came in fits and starts, quietly, then loudly, then quietly again, often only heard by the person becoming erased. Rather than the overt incomplete relationship with the State posited in my theoretical framework, there was a change in the relationships form. After the Erasing, Bostjan became displaced and was shifted into an ambiguous relationship that was different; different because it was not only new, it was predicated as being ambiguous. This new, ambiguous relationship was predicated on a set of criteria about who he was ethnically (Bosnian-Slovene), what he was administratively (erased), and where he was geographically (deterritorialized, yet bound to particular places: Germany, Bosnia and Slovenia). He could be identified by friends and family, but could not document himself. His face could not tell who he was and who he could become, and he could not demonstrate who he was. Bostjan is the subject of an act of state power against a group, ill-defined by the Slovene State, but still a group. This state act cast Bostjan’s subjectivity in a new way and animated him in ways that were necessary to retrieve that subjectivity. He was not a victim of a violent act. There were no wounds to show in court or a mass grave to share with others. He was eliminated through political means, without his life being taken away as part of Slovenia’s task to define itself ethnically and territorially.

To become erased is to be re-categorized and consigned to a space where one cannot be referenced. While Bostjan’s experience is colored by his

ability to use social networks to access processes unavailable to others, he still found himself placed in a space of extreme vulnerability where state power was present, but the pastoral care of the State was not. Others who did not possess Bostjan's unlikely circumstances would be even more vulnerable to the Erasing.

As indicated in the analysis of the cluster data, some of the *izbrisani* are different from Bostjan's case. Why? These *izbrisani* are erased in two ways: They fit the ethnic model and the chronology of the Erasing, but they were also women. How gendered are then these processes of erasing? While the above data analysis and Bostjan story paints a male landscape of *izbrisani*, the next chapter narrates a story of a woman whose entire life has been consumed by the Erasing. Is the experience of becoming erased different for woman? Do these experiences expose the privileges of being male and the vulnerabilities of being female *izbrisani*?

Chapter 5 – A Woman’s Erasing: Is it indeed a different story?

This chapter draws attention to gender differences among the *izbrisani* and posits that women face a double erasing. To do this task, a vignette about an *izbrisani* woman is presented to shed further light on the complexities of becoming erased, but also to expose the problems faced by a woman who has been erased. In a second section, the data set from the Free Clinic for People Without Health Insurance is reexamined to understand the impact that the Erasing has on women and how women are possibly undercounted as part of the Erasing. This section ends with an analysis of the social and cultural origins and implications of this gendering process.

The *izbrisani* and their lives as displaced, yet not physically removed, has an even sharper focus as the experiences of women enters the picture. The following analysis of data about *izbrisani* women links the experience of becoming erased to being a woman. A woman’s world, the “double day,” does not drop away as she becomes erased. Socio-cultural realities still operate after the Erasing occur as a classic problem of gender inequity, the double burden, serves to exacerbate the problem of being erased (Corrin 1992). A person who is doubly erased both as *izbrisani* and as a woman brings into question whether or not this ontological problem is addressed by the pernicious nature of the State of

exception. Possibly there are different, gendered spaces of being exposed by the Erasing? How this works in practice is revealed by the story of Marta.

Marta's Story of A Double Erasing¹²

The city of Ptuj sits on the Drava River between the Styrian Highlands and the Pannonian plain. Known by Slavic or Germanic variations on the Latin name *Poetovio* since the early years of the Roman Empire, the city has been constantly inhabited for over 20 centuries. The old town has neatly appointed streets with cobbles and the requisite castle hill where a 17th Century fortress commands views across the plains. It is home to one of the largest collections of ethnographic materials in Slovenia, and in 2012, it was the European Capital of Culture. Each Lenten season, Ptuj holds Slovenia's largest and most traditional *pust* celebrations with traditional dances and totem costumes with pre-Christian origins used to usher in the season of penance. Slovenians who hear that a person is traveling to the small town of 23,000 people immediately speak of the high quality of the food and the special dialect of Slovene that is reputed to be the perfection of the language.

This cultural center is not without its dark history and during World War II it was the scene of two mass deportations. Slovenians were removed from the town by occupying Germans and replaced by German-speaking people from Southern Austria. Then, during the takeover by the partisans after the war had

¹² This vignette is the product of interviews in July and August 2009 conducted in Ptuj.

ended, these people were deported back to Austria. Ptuj was returned to Slovenian hands by the Yugoslav government (Cassells and Ferrar 2004). Slovenes repopulated the town and post-war Ptuj became a minor industrial area close to the second largest city in Slovenia, Maribor, with agricultural processing as major focus. Today, Perutnina Ptuj is the leading poultry meats brand in Slovenia with large exports to southern Europe as well.

This backdrop informs, but also hides another side of Ptuj. Many small regional centers in Slovenia were the focus of Yugoslav industrial development schemes between 1960 and 1980 (Gosar 2003). The resident ethnic Slovene population could not support the labor needs of large-scale industrialization and internal workers' migration programs were instituted to supplement needed job skills. Under the Yugoslav system, work was often integrated with other aspects of life such as social life, health care, and housing. Ptuj, despite its quaint city center, is an urban landscape rife with the classic concrete towers of apartment flats. One's housing was tied to one's job and the system of what was to become known as "social housing" marked where people of "outsider" ethnicities were found on the Slovene landscape (Sendi 1995). After the fall of Yugoslavia, neo-liberal privatization schemes came into place with this social housing being apportioned out to the current occupants or being sold to real estate speculators (Sendi 1999; Andrews and Sendi 2001).

It is in one of these apartments that Marta spends her days thinking of her erasing and what could have been done to prevent it. She lives in the small four-

room flat with her husband and two grown sons. In many ways, the flat is like any number of other flats in Slovenia. Sweet *kavica* is poured for guests and all family business is transacted about the kitchen table, economically tucked into a nook with a window overlooking the building's unkempt courtyard. Her voice rises and falls as she tells the story of how she became erased. It is a tale of structural impossibilities, but also deep personal failings. It is a story of trust and betrayal and the interplay between these two concepts that belies the human impact of the Erasing, but also reveals the gendered realities of the event.

Marta was born to a Serbian father and a Slovenian mother in 1953. Her parents met as *partizani* during World War II after joining the rebellion to follow Tito's promises of better lives after the war. Because of their Party connections after the war, her parents were able to enter the middle class of Yugoslavian life very quickly. Her father was a manager of the state-owned shoe stores. Her parents had decided to move back to her mother's hometown of Ptuj in the 1950s as jobs were more available and the family's Party ties afforded the mother a job working for the *občina* or administrative district offices. Before moving back to Ptuj, Marta's parents worked briefly in Vinkovici, a town in Croatian Slavonia near the Serbian city of Novi Sad. It was here that Marta was born and it was here her troubles, in a legal sense, originated.

The move to Ptuj included her father's takeover of the local shoe concern. Her mother settled into the job at the *občina* in the administrative offices known universally in Slovenia as *vprava enota*. The office was the main contact with the

State in Yugoslav society, and remains such even today in Slovenia. The *vprava enota* served as town hall, driver's license bureau, health insurance office, land register, and many other functions. Her mother's job as a secretary to the mayor afforded power and prestige in the community. Her father ran the local shoe company until his death. The sense though, according to Marta, was that her mother and father were interlocutors in Ptuj, despite her mother's roots in the town. Her father's Serbian ethnicity, while legally of no concern in Yugoslavia, was an issue in Slovenia where all management of State within the borders was seen as necessarily a role to be played by ethnic Slovenes only. This Slovenian exceptionalism has long and deep roots and served to give impetus to the Slovenian secession in 1991-1992 from Yugoslavia (Cox 2005; Luthar, et al. 2008).

Marta points to a childhood of exclusion among her peers in Ptuj because of resentment toward her parents, but especially because of her father's ethnicity. Whether or not this was the case, she remembers being told she was not Slovenian from an early age and being treated as different from everyone else in her neighborhood. It was possible that the resentment toward her modestly well-off family extended beyond this ethnic divide. Her mother and father's interethnic marriage was not unusual in Yugoslavia, so much so that a whole identification category was developed in the Yugoslav census system to capture that group of residents (Botev 1994). The story of a "mixed marriage" producing exclusion probably interacted with class difference since inter-ethnic marriages were

common in Yugoslavia (Petrovic 1986). Marta's reading of her childhood focuses on her difference from her peers and how that fact interfered with her erasing.

Marta talks about her erasing in a similar way to Bostjan (Chapter 4). She brings out all of her documents and tells a story on her kitchen table top with each different document marking a historic moment in her life, but she also tells the story through a genealogy of documents. The history of the documents gives her story emotional weight, but the genealogy represents her argument that what happened occurred in a deliberate manner with her. She was stripped of her relationship with the State and lost all avenues to social care and, eventually basic life needs such as housing were put in jeopardy. The back story to this claim shows the personal effects that the Erasing can have and, in particular, the toll it took on Marta.

After leaving high school, Marta garnered certifications to be an office clerk, and soon found work at the bank in Ptuj. She rose up through the ranks, but never went further than teller, which was a respectable position. Again, she admits that it did not hurt that her parents were in the government and business, but her time at the bank was cut short by becoming temporarily disabled by a repetitive motion injury in 1988. Her rehabilitation was handled by the Yugoslav health care system and took some time. During her time at this job, she claims that she gained a reputation for pointing out corruption among the practices at the bank as well as clashed with management on how to handle it. She said,

“They [management] would look, but they would not see.” A senior manager told her, “You will lose if you fight.” He was correct.

Upon her return, she discovered she had been replaced by a newer employee and was told she had been away too long.¹³ There was no job available and she would have to look elsewhere. She points to her status as a woman, but relies on the narrative of resentment against her family as the primary reason. This incident led to her first brush with what she calls “being a fighter” and governmental intransigence.

Within the Yugoslav system at the time, such a dismissal was illegal. Marta sued to have her job restored and a 3-year battle in the Yugoslav courts ensued, with Marta eventually losing her fight because she could not provide the proper documentation demonstrating the case against the directors of the bank. Her claims were invalidated, according to her, because she did not keep track of certain agreements made with her directors, and, importantly, she did not get matters set into writing with regard to her status as an employee in good standing *before* she left on sick leave. Losing this case was an enormous financial and emotional crisis, but it was nothing, in Marta’s eyes, compared to what would come later.

Marta and her husband saw the secession from Yugoslavia as a good turn of events, despite her entering into this period of regional turmoil without a job.

¹³ Marta was vague about the time line on these events, but given the authorities, all constituted by the Socialist Federated Republic of Yugoslavia, to which she appealed, the whole matter could not have been contested past mid-1991 when legal control of Slovenia was lost by Yugoslavia.

She thought that Slovenia, run by Slovenes, would be a better society without the problems of Yugoslavia. This sentiment ran deep in Slovenia especially after the secession decision was made through referendum. The feeling was, generally, that a closer relationship with Europe would ease Slovenia's transition and prevent the increasingly obvious path to violence being followed in Croatia and Serbia (Bernik 2010). Marta thought that after Slovenia solidified its sovereignty, she would be able to return to the courts to get back her job and "to make the people who did this pay me." But that was not the case. In fact, post-secession Slovenian authorities told her that her case was with Yugoslavia, not with Slovenia and that the bank she worked for no longer existed. She exclaims, "The bank is still there. The same people work there today, but it is not a Yugoslavian bank. It is a Slovenian bank. Crazy." Her pursuit of recompense for the lost job or return to the lost job dissipated in 1992, but this is when her real troubles began.

It was in 1992 that Marta made a critical *non-decision* to not apply for residency as a non-Slovene. Why was this a "non-decision?" It was a non-decision because Marta saw herself as Slovene having lived all of her life in Slovenia other than the first few months of it. She speaks only Slovenian. She reads only Slovenian. There was one problem: Her documents, specifically her birth certificate, say "Croatian." She was born in Vinkovci, and her Slovenian mother had birth documents produced in the hospital in which she was born. The result was a set of clear perceptions of self and self-identity clashing with clear legal realities. This clash, or more accurately, the relationships between these

perceptions of self-identity and clear legal realities produced the particular qualities of being erased. Marta became an embodied exception to everything social, political, and geographical about the human condition.

It is at this point that her narrative on her own specific experiences of becoming erased returns to her role as a mother, and increasingly, the sole supporter for her family during her time of being erased. She experienced the classic “double day” of women’s work where she was required to be both productive and nurturing. She had children, a son and a daughter, who were caught in Slovenia’s post-socialist transition and its joblessness trap for youth. His contracting tuberculosis brought on her husband’s decline in health. This disease was covered by his health benefits from his job as a locksmith. Unfortunately, he became permanently disabled after a heart attack in 1993 that emanated out of the stress on his cardiovascular system exacted by the tuberculosis. His disability is not profound, but it is severe enough to remove him from the job of locksmith in Slovenia. Under the law, he is not required to switch to another job and has elected to receive a disability income of around the equivalent of 400 EUR a month for the rest of his life.

The year 1993 became a turning point in Marta’s increasingly difficult situation. This year was also the one where she discovered that she had become erased. She went to the doctor and attempted to get service for a routine checkup. Her state health card was handed back to her with a curt “You are not eligible” from the doctor’s clerk. She went to the *vpravna enota* (the

administrative office for Ptuj) and presented her documents to the clerk at the window in order to determine the problem, her papers were taken from her with another curt remark: "*Ti si izbrizana*" -- you are erased."¹⁴ Marta described the look on the clerk's face as one of anger, but also pleasure as Marta said she knew the clerk and they were not friends.

She had always thought she was Slovenian and now with her papers taken away from her, she suddenly became stateless. She certainly did not know what she should do. She decided to ask some friends and she was told of another man in Ptuj who had a similar problem. After meeting with him, she knew that it was important that she have some sort of paper work and to make sure that the erasing did not extend to her family members as well (it did not). A trip back to Vinkovci, the first time she had been there since she was born there 40 years before, secured her copy of her birth certificate, which only served to reinforce her status as a Croatian, despite having a Slovenian mother. In 1994, this document with her mother's status helped support temporary documents that allowed her to keep her apartment under the social housing arrangements and gave her some semblance of legal residency in Slovenia. Still, she was only possessed of a Croatian passport and no legal right to work in Slovenia. Her life

¹⁴ When I told this story to a Slovenian lawyer in Ljubljana, I was informed that it was illegal for the clerk to take Marta's paperwork. Clerical workers, under Slovene law as well as Yugoslav law, are never allowed to make a legal determination. They may only apply regulations. In order to take the papers, there would have had to be a legal order disseminated throughout the entire Ministry of Internal Affairs telling clerks that this action was permitted. No order has ever been discovered that allows such an action, and most likely no such order was given (Vucko 2010).

began to spiral out of control financially, trying to care for teen-aged children and a husband who was legal to work, but refused because of the potential loss of disability status that increasingly became his “privilege.”

Then, in 1999, she received notice that she was now “*tujca*.” A foreigner living in Slovenia illegally. In other words, she could be deported at any time to her country of origin. The absurdity of this pronouncement to Marta is evident in the anger in her voice as she lays out the documents in terms of a timeline rather than a set of genealogical associations. It is as if she must shift between talking about the “placing” of her life as represented by these various cards and booklets stamped “INVALID” or, in one case, “*izbrisan*” and the “timing” of her life as represented by these same cards and booklets. She cannot make sense of the timeline because of the lack of place associated with these documents, but she is also trapped by the disconnection of these documents from the time, her life, when she knew she was a Slovene.

It was during this time that her health took a precipitous turn and started to decline. She found a sympathetic doctor who was willing to forgive bills or not to check papers.¹⁵ It was at this time that she discovered that she had diabetes for

¹⁵ Many ordinary Slovenians helped in small ways with the plight of the *izbrisani*, but the stigma of being erased seemed to be a contagion or was perceived that way. It was impossible to get Slovenes who engaged in such activity to talk about it, but various NGOs, governmental officials, and the *izbrisani* who are presented in these vignettes all mentioned that personal help from Slovenes was not unusual. Interestingly, the difficulty in getting Slovenes to talk revolved around this stigmatization, but also had a component of reprisals from the State as if they were abetting criminals. In many ways, the ordinary Slovenians who helped *izbrisani* resembled various attempts in other European countries to help Jews during World War II.

which she had not been treated and had begun to experience complications. Her further pursuit of her case as part of various court proceedings that were filed in the 2000s, by *pro bono* lawyers, saw slow restoration of her rights, but it wasn't until 2008 that she had her Slovenian citizenship restored to her. She was able to take the case beyond the normal residency rights claims that most *izbrisani* made during the same period, because of her mother's citizenship. The argument was made that if her mother was alive at the time of the secession, there would have been no need for her to declare any residency wishes as a non-Slovene would have to do. This argument opened up new possibilities for Marta, but also complicated matters further. She could now ask for back benefits she had accrued before her erasing, but it also meant that she would lose her apartment.

Marta secured her pension, which pays a defined benefit per month for the rest of her life and she was able to come back onto the health care system. These stabilizing events were life changing, but she received notice that she owed rent on her apartment, which had never been asked for before. During the interceding years, property speculators bought apartments in the blocks of flats all over Slovenia in order to flip them to young couples or to rent them to people who could not afford to buy a house. A very small percentage of housing in Slovenia is pure rental property (Sendi 1999).¹⁶ The property that is in rental status is either aimed at young families, students, or migrants from the former Yugoslavia who come to work in Slovenia. Such a company had bought Marta's

¹⁶ It was, for many years, illegal in Slovenia for a researcher to ask a resident of a house if he or she rented a house (Sendi 1999).

apartment even while her family was still living it in. She was erased and had no ability to file the papers to purchase the apartment herself. The cost of these apartments at the time they were offered, with right of first refusal for the current occupant, was less than 2000 EUR. Her husband was not the legal resident of the apartment and her children could not claim rights to it either. It therefore fell over to an open market sale where a property management company purchased it. In 2005, this company began to demand rent payments or they threatened evictions for lack of payment.

Marta's legal cases to get her rights restored gave her hope that she could beat back this threat as well. During the time of her erasing, she learned full well how the Slovenian legal system worked and began filing papers to stop the evictions and received several administrative rulings that she should have been given a chance to buy the apartment. The management company would appeal based on her erased status saying that she could not reside in Slovenia at all, let alone in that apartment. The courts would consider the arguments over and over again between Marta and management company, ruling one-way and then another. In the end, she is allowed to keep the apartment, she explains.

In the introduction to this work, Arendt's "killing of the juridical self" is questioned by a pronouncement that the Erasing was so different in that it was the State animating the juridical person. Marta's case is demonstrative of this phenomenon. The State was trying to achieve the political effect of killing without taking life. It failed. In the aftermath though, thousands of the *izbrisani* who were

dead in a juridical sense were actually brought to life in a space outside of the juridical space. In a sense, this space of erasing is a place where humans move as if they are fleeing, but remain fixed within a system created for them, a place where relationships with others, with society and the state are utterly incomplete. Where the problem could be solved with better connectivity through awareness, becoming erased creates opacity at such a scale that “normal” means to address the problem become unavailable. Either becoming erased is permanent or it is state of flux where each attempt to reach out and solve that utter incompleteness relies on the hope that there could be something that reaches back.

Marta is as far as an *izbrisani* can go in relation to this incompleteness. She sits with all of her documents and court proceedings around her and takes a phone call from a friend who has found some furniture she may want to buy. In order to survive during this period, she sold off her grandmother’s and mother’s antiques. Through these transactions, she discovered a market and another talent. She began, with her husband’s begrudged help, to buy and sell antiques in Slovenian border towns with Italy. The choice of Slovenian cities along the border is critical as she cannot travel to Italy to potentially more lucrative markets because her identification is invalid. She gathers up a supply of furniture from estate sales and takes them to Koper and Nova Gorica where tourists buy these items sourced from old farm houses and bourgeois apartments in cities. She says she is neither happy nor is she sad about just finding a way to survive, but she points to just trying to provide for her kids, even to just once let them

experience what her middle-class childhood was like. “We didn’t have money for holidays, but I still managed to take them to Dubrovnik¹⁷ once.”

At the end, she gathers up all of these documents and puts them back in her boxes to pack them away until they are needed again. She seemed very practiced at telling the story up to that very moment. Then, she added just before concluding the interview, devoid of any time or place, that she had another fight coming up: The property management company had sued her because her erasing and the fight over the property emanating out of the erasing had cost them so much money. Marta became angry and spoke of reparations from Slovenia, then shifted to talk of punishment for the people who ordered the erasure. “Apologies are not good enough, punishment is what I want.” She then shook her head. “Sometimes, I think it might be better if they had just killed me.”

Finding a double erasure

Marta’s story represents the tension between the Erasing as human rights violation and the Erasing as an action against a single individual who is a woman. The data from Free Clinic (analyzed in Chapter 4) hinted at another important characteristic of the Erasing – its gender dimension. When this data was compiled, raw numbers and descriptive statistics revealed that less than a quarter of the *izbrisani* were women (25 of 119 cases). Such a small proportion of women are not reflective of the female to male ratio in Slovenia. At the time of the

¹⁷ Dubrovnik is an ancient Croatian/Venetian port city on the Dalmatian coast of the Adriatic. She had traveled on her then-still-valid Croatian passport.

Erasing, Slovenia had almost a perfect one to one male/female balance (Statistical Office 2011). The statistical analysis showed that woman as a variable, despite being 21 percent of the cases, was not strong enough to produce a cluster neither for general population nor within the *izbrisani* data set. Looking further into the data, 46.8 percent of intakes reported having a spouse or being in a “domestic situation,” with 72 percent of women in the data set reporting being in a domestic situation. Women who were erased were in a domestic situation or marriage at more than double the rate of men who contacted the Free Clinic. Why did not women come to the clinic then? Why are they not a cluster unto themselves? How did they become erased in the first place?

The cluster analysis portrayed in Chapter 4 shows that in addition to being erased, women in the data set were also invisible. It is not unusual for women caught within human rights violations to have additional constraints on social mobility and to have additional burdens on their abilities to return to normalcy (Cook and Fonow 1986; Sa’ar et al. 2005; Bowleg 2008; Creswell 2009; Derickson 2009). Many of the *izbrisani* are hidden by virtue of being women and, by extension, children. In other words, men who reported or were identified as erased often had dependents, spouses and/or children, who were not included in the clinic data. It is safe to assume that if the father was erased, then the dependents were, at least, made especially vulnerable, if not erased. As will be shown in Chapter 6, this state of affairs happened and it had profound consequences for the child of an *izbrisani*.

The women within the Free Clinic dataset were part of this phenomenon of double erasing, which extends the effect of becoming erased beyond the solitary person to family of that person. Who were these *izbrisani* women and where were they from? How had they become erased and what factors led to it?

The number of women from Bosnia was twelve. Other nationalities among *izbrisani* women included Serbian (three), Croatians (two), one Macedonian, Albanian, Kozovar, and Montenegrin. Four women were Slovenes. The numbers among the non-Slovenes are not unexpected and reflect the immigrant population of Slovenia fairly well. In particular, the heavy representation of Bosnians among the women is not surprising as Bosnians in general were erased at a very high rate and the media and social perspective on the *izbrisani* was that they were mostly Bosnians who did not belong in Slovenia in the first place (Zorn 2004). Bosnian women, among South Slavs, are particularly disadvantaged because of cultural preferences for male participation in society, their seclusion in the home, and the legacies of rape and violence against them especially in the post-war era (Todarova 2011; Masjtorovic and Mandic 2011). This regime leads to Bosnian women living in poverty in general and having lower education rates as well (Van Dijk and Bartels 2012). Similarly to the male *izbrisani*, they did not have the access to information to prevent becoming erased from happening. It is doubtful that these representative women could have engaged with the decrees in Slovenian let alone their native tongues (Free Clinic 2009). Compounding this fact is the gendered realities of a great proportion of

these *izbrisani* women as they came from societies that had denied them full access to information (Todarova 2011).

Among all of the 25 women, their levels of education had a mean of elementary school with no woman reporting any tertiary education (defined as school beyond high school or gymnasium). This is in fact a very similar level of educational attainment as the *izbrisani* men had. The twelve Bosnian women all had, on average, an elementary school education, and there was little variation from this norm among the other 13 women representing the other nationalities in the dataset. This fact accords with education attainment levels for women of the pre-secession Yugoslavia (Gosar 2003). This low level of education marks a particular class distinction that is connected to the employment status of this group of *izbrisani* women; they were either “unemployed,” “domestic” or “irregular” workers. Indeed, 18 of the women reported having a spouse and 16 of them reported having children leading to a belief that great majority of them were homemakers without outside employment.

The generational numbers here are interesting as they tie into a pattern, indicated in the earlier cluster/discriminant analysis, of a particular generation of women being erased. As shown in Table 5.1 the average age at which a woman was erased was 30 years old, an age at which women, generally, in European

	Age When Erased	Year of Birth	Age at time of intake into Clinic	Year Entering Slovenia	Age at time of Entry
Mean	29 years, 4 months	1962	41 years, 9 months	1978	15 years, 6 months

Table 5.1. Selected demographics of *izbrisani* from Free Clinic records

societies are not especially vulnerable to social exclusion relative to older women's experiences (Cousins 1998). An erased woman had a median birth year of 1962. She did not enter Slovenia until 1978, when she was a teenager, usually around the age of 15.5 years. It is possible that these *izbrisani* women became erased at this age because they either assumed they were safely part of Slovene society, secluded from knowledge of their own condition, or relied on their parents to have ensured that their residency was in order.

This fact follows industrial development schemes in the 1960s and 1970s that saw internal migration within Yugoslavia. We can believe that these women, on average, were coming to Slovenia with their parents who were looking for work. Eventually they came to the clinic to address their domestic problems, take care of their health or meet the food and clothing needs of their families. Somewhere along the line, they had lost connections to their parents and lost support networks as a result. Their parents may have, as noted above, not handled the women's' residencies in Slovenia correctly or they may have led the *izbrisani* women to believe that all was taken care of with regard to the residency matter. Still further, there might have also been the cases of the passing along of a tradition of excluding women from decision-making and knowledge of public systems. Such a passing over would leave women uninformed and unaware of their changing status as citizens as a consequence they became doubly erased.

Returning to a subset of the women-centered data, the four Slovenian women are the "problem" within the problem. Without the ability to interview

these *izbrisani*, only the numbers can speak for them. Their education levels marked along with that of other women, but one distinct feature places them as outliers among the other *izbrisani* women: the age at which they entered Slovenia. Three of them were born in Slovenia and the fourth reported entering the country at the age of five. All of them reported being unemployed and three of them were without domestic partners, with one having dependents.

The woman among the four who was born outside of Slovenia is a fascinating case. Most likely, her parents were Slovenes who had moved for work to another part of Yugoslavia, and therefore she has a similar life story to Marta. Births in different parts of Yugoslavia, at the time, were recorded in the municipality where the birth occurred no matter the ethnicity of the mother or the father. Therefore, when the Slovenian break from Yugoslavia occurred, a person (male or female) in this situation would assume that because his or her parents were Slovene, then there was no reason to apply for residency permission in 1992. Looking back at Marta's case, this situation means that a person who should be a natural resident (or, in this case, a citizen) of Slovenia can find her life torn apart by political circumstance. This circumstance is the product not of personal action or inaction, it is the product of a secret decree that erased not just a set of people deemed undesirable in the eyes of the Slovene State and society, but also people who should not have been erased because of who they were. There was no thought behind the bureaucratic application of policy. The effect is chilling and leads to the conclusion that one of the points of the Erasing

is that it goes beyond racist exclusion to represent state power against all people in Slovenia. In fact, there are complex geographical, social, and political forces interacting to produce *izbrisani* women.

We may speculate that one of the contributing factors to becoming *izbrisani* women could be the result of their exposure to the Erasing as children. Similar to the main *izbrisani* statistics, these women came in to Slovenia at ages and during periods in Yugoslav history that mark closely with the likelihood of becoming erased. They arrived in 1970s as youth with their parents. Married women on the other hand may have relied on their spouses' statuses as residents and citizens of Slovenia to their detriment, only finding out about their status as *izbrisani* through some bureaucratic transaction that they either had to do for themselves or which was part of a set of their family responsibilities. In the case of Marta, her personal circumstances and proclivities interfered with her ability to address her erasing.

Also, women may have thought that their long tenure as residents was enough, but also their educational attainment might not have afforded them the ability to access knowledge of the 1992 residency application period and the gravity of that process. According to a social worker at the Free Clinic for People Without Healthcare, many of the women who came in for help, as *izbrisani*, were illiterate in the Slovene language. The forms for residency as well as all

information pertaining to the events leading up to the Erasing were transmitted in Slovene (Free Clinic 2010).¹⁸

The cultural, social or economic isolation, seclusion at home, lack of language knowledge or simply being too busy with their jobs and the “double duties” at home and work might have all been contributing. In the end, women did not know how to or did not took time to know how to take care of their status.

Crossing borders without moving

Borders are barriers; they mark the place where decisions must be made. Years are not wasted; they are periods of different productivity. Marta’s stark admission that the space made for her within the Slovenian State was not worthy of her own life is shocking, saddening, and sympathetic to the theoretical position taken in this research. She is not a prisoner; she is something different. It is so because this person’s relationship to the State is finally unambiguous. It is an inhuman state of affairs and because of this unimaginable quality it is also very real. What has happened to Marta is imaginable and therefore real. It is an extension of the space drawn up by the coupling of Agamben’s analysis of the state of exception and its reproduction on the bodies of the *izbrisani*. At the same time, it is something more. That the State did not kill her and that she has not

¹⁸ Anecdotally, many of the forms filled out during the intake were in the same handwriting, but were signed by the Free Clinic patient. This indicated that the social workers were filling out forms for people as the forms were in Slovene, which would not be easily read by other South Slavs, or, especially, Albanians. There was no indication from people at the Free Clinic that applicants for intake were illiterate in other languages, but the sentiment was that people, generally, had great trouble with the forms in Slovenian.

been killed by other Slovenes with impunity, call Agamben's figure of "Life that cannot be sacrificed and yet may be killed...." into question (1998, pg. 45). This state of affairs separates the *izbrisani* from Agamben's sacred man, because they are suspended between life and death.

Marta's story belies a strong spirit that sees her as struggling against her erasing, even after she had her rights restored. It must be emphasized that her complex private life, despite a vigorous set of skills, abilities, and coping mechanism in the face of the Erasing, contributed to her continued anguish. Her husband's recalcitrance serves to reproduce problems that women face outside of the space of the Erasing and extends the frustrations of becoming erased. It is tempting to ascribe all of these circumstances to bad luck, but that is not the case. Marta was caught up by complex social and economic factors as well. While her husband could work, he refused to do so. It was up to Marta to provide for her family. This gendered response to trauma, where women are more flexible and adjustable, while men's claims to traumatic masculinities have been noticed repeatedly by scholars of refugees and IDPs (Kabachnik, et al. 2012).

History and geography matter and how they affect individuals in ways not readily seen. When Marta spoke of being a fighter, she speaks about other *izbrisani* as if they are not part of the same struggle or not as willing, as she imagines that she is, to fight. Her location, in Slovenia in Ptuj, was removed from places of power such as Ljubljana, where help can be easier accessed, exacerbates this situation. She is isolated not only culturally or economically, but

also geographically. This state of being is an innovation in human rights abuses, at least in post-socialist nation-states. The paradigm is not “Do not sacrifice, but kill with impunity.” It is “Do not sacrifice, but isolate.” It is the production of a human isolated and disregarded, displaced, yet not removed.

Her new battle to keep her housing means that her erasing is not over, even if the state that perpetrated it against her says that it is. The solution for her requires more hard work and use of complex measures and networks to fix the problem of becoming erased. In her case, the state privatized to large degree her being, but not being erased, by allowing a private company to continue to penalize her.

Returning to the theoretical framework, the relationship of women to the Erasing is different because of their gender, but similar because of the pattern of how someone became erased. Certain events took place in a person’s life that began the inexorable process where the pastoral power of the State over a person was removed, where the state of exception came into play, and where the incomplete relationship with the State and any chance to reconnect to the state’s power became the case. Bostjan’s case was one in which, by a circuitous and fraught route, he was able to find a path back from becoming erased. His path involved using his agency to its frightening fullest. Marta also used her agency to struggle and to fight her circumstances. Both then were capable of claiming their agency in a forceful and creative way not only to change their status vis-a-vis State, but also to secure economic well-being for themselves and their families.

While Bostjan has access and support of his family network, Marta was the one who was the key node of her family network: A main provider for the family. She became erased, but has not been able to find the process to reconnect herself in the spaces of erasing. Marta's story is not different from Bostjan's case in terms of being an *izbrisani*. She had the similar problems: paperwork, daily survival, and fractured social networks. Her relationship to becoming erased is different. Bostjan has connected himself more fully to his being erased. Marta, on the other hand, is not as far along in the process. If she had better support and better awareness that she could become more connected through help from NGOs, she could find herself, with her grit and determination, in a similar position as Bostjan.

The next two chapters shed light on the organizations *izbrisani* women and men can engage with and start the process of no longer being erased. The following chapters discuss how NGOs that deploy specific and narrow as well as holistic, adaptable, and pragmatic means, informed by social science, create a governance environment that guides *izbrisani* in their struggles to regain their status as citizens. The development of responses to the incomplete relationship of individuals with the state will be explored as well as how non-governmental organizations create new institutional structures, places, and tools for the *izbrisani* to fight together and alone.

Chapter 6 -- Non-governmental governance and becoming erased

While the previous chapters focused on individual struggles, this chapter turns attention to a larger governance environment and presents three non-governmental organizations (NGOs) and one governmental agency that are involved in the response to Slovenia's *izbrisani* question. What role do NGOs play in helping the *izbrisani*? How do they each manage their roles in delivering that help and how well to they achieve their goals? How work of NGOs differs from the governmental interventions? As with the preceding two chapters, first a story of *izbrisani* woman offers biographical evidence to frame how *izbrisani* have had to adapt to solve the problem of the Erasing. Then I will present and discuss the case of four NGOs: The Association of The Erased, the Pro Bono Clinic for People Without Insurance, Amnesty International, and the Ombudsman for Human Rights in order to show how diverse institutions create a governance environment within which *izbrisani*'s lives are led.

I argue that NGOs responding to the plight of the *izbrisani* serve, for the most part, to replicate services normally provided by the government at various scales. They provide connection with the State; they provide a bridge between *izbrisani* and the State in order to complete the relationship between the two (Merry 2006). They do so by providing limited services that *izbrisani* need. These NGOs work to connect the *izbrisani* to the State, by pulling them from the space of the Erasing and by doing so they complete the State-subject relationship. As

the following examples show, the capabilities of each of these NGOs vary greatly in their ability to deliver the needed answers. All, while they have noble intentions and desire to help, have in the end limited abilities because of their focus and scope of their missions and limited resources they can devote to *izbrisani*. These NGOs also are hindered by structural issues beyond their control. I will discuss these in turn.

A mother's erasing¹⁹

Nina became erased in the most unusual of ways: She discovered that her daughter did not have a father. A mother of three, she lives in a 6th floor apartment in a plain block of flats in Šiška, a large urban neighborhood in the northwestern part of Ljubljana. The neighborhood sits between the Hapsburgian city center and the industrial zones that spread out to the north through the factory zone of Litostroј to the autobahn that rings the city. Šiška is second only to the southeastern Ljubljana neighborhood of Fužine in concentration of immigrants (Statistical Office 2010). Graffiti on the run-down flats that line Dunajska Cesta runs from football allegiances (Belgrade Dynamo, Hajduk Split, and a smattering of Olimpija Ljubljana) to racist and anti-immigrant graffiti (Figures 6.2 – 6.4).

¹⁹ The vignettes presented in this chapter come from interviews performed in January and June 2010, as well as continued contact through e-mail and social media correspondence.



Figure 6.1. Grafitti in Šiška, Ljubljana. Imitating the title of a popular book and spelling Slovenia with a cross over the 'O,' a Christian trope in Balkan graffiti. Photograph by author.



Figure 6.2. Football team graffiti by “ultra” fans of the Ljubljana home team in Šiška. Ultras are hooligans willing to commit violence in the name of their team. The ‘n’ in “green” and “dragons” is evocative of a swastika. Photograph by author.



Figure 6.3. Christian symbolism beside “Slovenian” elided by latter graffito vandals in Šiška. Blue “Good Night White Pride” is used to insult right-wing vandals and is retorted with “Slovenijo Slovenecem” or “Slovenia for Slovenes.” Photograph by author.

This is also one of the neighborhoods parodied in the best-selling book *Čefurji Raus* by Goran Vojnović.²⁰

Long a center of Ljubljana's working class, it has in recent years seen a surge of younger Slovenes buying apartments near the city's sprawling Tivoli Park, "The Central Park of the Balkans." They seek cheaper housing than the expensive upscale neighborhoods such as Prule or Vič offer without the dodgy housing stock found near the University of Ljubljana or the tourist areas along the Ljubljanica River in the city center.

Nina's flat is a typical apartment in this neighborhood with her possession of it emanating out of a social housing scheme linked to the Yugoslav National Army. Nina came to Slovenia from Bosnia in 1977 at the age of 18. Her husband at the time was a young army soldier stationed in Ljubljana. He rose in rank and was given an apartment as part of his pay allowance. When they divorced, he left the army, but gave her the apartment for her to raise her children. The apartment is a quadrant of the sixth floor of her building with two bedrooms, a kitchen, one bath, a small sitting room and a balcony overlooking the block's parking lot. For Nina, this was the extent of her family's private space for many years. After she left her first husband, she had more relationships and the space became more and more cramped as a single-child family grew to three children by the mid-1990s. She now cares for her granddaughter here, watching the little girl while

²⁰ The title of the book itself is a jab at the exclusion that immigrants from the "South" experience. It conflates the Slovenian word for "beetle," *čufer*, (an extreme insult) with the German imperative "*raus*," or "get out." The book chronicles the lives of a group of Bosnian youths who deal with the peculiar "Germanness" of their adopted country.

her oldest daughter works. Only one of her children still lives with her, but there is a constant coming and going of family members and their friends who stop by for coffee and to chat with the cheery Nina.

Family and home is important to the story of Nina's becoming erased. Her loss of residency status had profound effects on her family and also her home. Like Bostjan and Marta, she spreads her documents out on a table and organizes a round of coffee for her guests, but she sends her children and grandchildren scurrying away, telling them to get their homework done and then go outside to play. She asks if her English-speaking guests could spend a little time talking with her youngest daughter in order to "show her what English sounds like." The youngest daughter comes in and simple "Hellos" and "How are you?" are exchanged, until it becomes obvious that the interlude is more embarrassing for the girl than helpful. She disappears to her room to complete her homework and as she leaves, Nina confides "she is erased too. We are all erased, because I was erased." Her daughter is a testament, a living document, to that family-scale erasure.

Nina smiles as her daughter leaves, but then her face become more serious as she explains how she found out about her status. She emphasizes over and over again that she carries blame for what has happened, but she also points out that there was no way the erasing could not have happened to her and her family. "All of [what has] happened was so long ago and some of these people who are now erased were not even born. They were erased before they

were born.” Her daughter is one such person. On her birth certificate, it shows that she was born in Ljubljana, but after her mother’s erasing. On the birth certificate, the father’s name is left blank because Nina had left the father, who was abusive. If his name had been there, then the child would have had Slovene residency rights at birth, but Nina’s decision to leave the name off the certificate caused her to be erased when her mother’s documents were deemed “out of order” at the local administrative office. By virtue of having no legal resident as a parent and no claim to birthright citizenship, the child follows her mother in to the ranks of the *izbrisani*. These circumstances that led up have engendered a life of exclusion for Nina and her child in a place that they have always called home.

“At first, we hid that we were erased,” she says, “But there was no hiding it from the school.” Her daughter’s papers were needed for enrollment and no valid papers could be produced. The solution was not apparent as administrators were not going to allow the daughter’s enrollment for two key reasons: she was not allowed, by rule, to go to school as a foreigner, and the administrators thought they were breaking the law by allowing the exception. In reality, neither was the case, but Nina did not know how to untangle it in right away. A child’s schooling was one matter. The housing for her child was another.

Nina’s apartment was, as mentioned before, a flat organized for her by the Yugoslav National Army as part of her marriage to a man who was a career soldier. After the breakup of Yugoslavia, social housing was apportioned to occupants with current tenants holding a right of first option on their apartments.

In other words, people who had been living in flats during the socialist period were allowed to buy the flats for very low prices, or, in some cases, continue to live in these flats for very low rents if they could not raise the money to buy them (Sendi 1995). This legacy of past socialist housing policy was a strong link within Nina's life to the pastoral care of the State. The State's provision of housing connected her family to the system of territorial control and sovereignty evinced by her former spouse's employment in the Yugoslav National Army. Nina had clear access to services and care guaranteed by the State through her marriage to her husband. This clarity soon disappeared as the consequences of becoming erased entered her story.

Nina's case, while resembling the Marta's problems, differed because her apartment was part of the pay that her ex-husband received. She had already fought a protracted divorce settlement with him and this settlement included rights to the apartment. During the privatization of the flats, many private management companies popped up around Slovenia, buying rights to apartments from people as well as the ability to manage the buildings for the common fees that replaced socialist management (Sendi 1995). This created a renters class capitalizing on a new "free" property market. Though not as pernicious as what happened in post-socialist Russia, Slovenia still saw property speculation on these buildings (Mandic and Clapham 1996).

The ambiguous relationship that Nina had with her apartment created a situation where she did not have rights, in the eyes of the property management

company controlling her building, so they sued to evict her and her family; not so different from Marta's case. Nina was able to stay the orders for years, but, upon discovery of her erased status, she found herself in a precarious position. She never sought legal advice before and used her own acumen as a former clerk who understood the socialist bureaucracy to navigate and negotiate with the system. The "new" way of doing things, though, was not the following of rules and regulations, but the arguing of one's very existence in relation to those rules and regulations. Now she needed advice and, after seeing a report on the *izbrisani* on the television, she knew there had to be someone to ask.

She contacted the initial lead group, the Association of The Erased, but found that they were often too busy, in the case of the eminent constitutional judge and lawyer Matevz Krivič, or too distant, in the case of Aleksandr Todorović, to be of the immediate help. She was told that help was available from *Pravno-informacijski center (PIC)*, a *pro bono* legal aid group. She went to them and was informed that she had to start the process of getting her residency restored and that everything would fall into place. "It was like a game," she says. *Izbrisani* who reached out for help soon learned that the solution was not an either/or situation, but a process of changing one's status from erased to re-enrolled on the residency lists. This was not as easy as checking a box on a form, but it did involve establishing that one had the right to be in Slovenia. It was this re-establishing herself as a legal resident that Nina undertook over 4 years of legal work and wrangling.

After obtaining permission to remain in her apartment, although now she had to pay the building fees, she set out to get back her residency permission for herself and her daughter. This involved rebuilding a set of documents that stretched over Slovenia's new national boundaries, but also back into the past of a nation that no longer existed, the Socialist Federation of Yugoslavia. She brings out the documents and, in what is a shared cultural practice among the *izbrisani*, spreads out the chain of driver's licenses, health care cards, passports, birth certificates, and school transcripts -- that link her to her past, but also give credibility to a child, born in Slovenia, who also is bound up in being erased. This being bound up in a familial sense with her daughter and her "erasedness" being transmitted to her daughter had additional social problems.

A block of flats is a small vertical village in many ways. Conversations occur in the hallways and the common areas. Friends drop in for coffee or tea. A fellow family on the same floor tends children while shopping is done. Favors are repaid. Additionally, grudges are held. Gossip is passed. So it was with Nina and her erasure. A small village or a block of flats can be a source of support but also a place of tyranny (Pahl 1975; Robbins 1997).

Within weeks of her discovery of being erased and the actions to keep her flat and to remediate her status, it was open knowledge in the building in Šiška that she was an *izbrisani*. Nina is a thick-skinned person with a quick wit that is both affirming, but also self-deprecating. Still, the whispers about her and, in some cases, outright contempt for her situation soon became unbearable and

she considered, briefly, becoming homeless rather than listen to the chatter. She now dismisses the talk as the domain of busybodies and “hens” who “draw pensions and have nothing to do better.” The pain of being called various names is evident, though, and no matter the laughter over coffee, she still resents that her “Sloveneness” was questioned and that she was an “illegal.” “I speak nothing but Slovenian now and have for many years,” she shrugs, “but this is not enough for them. My name is not right.”

In the end, she kept her flat, but only after agreeing to stipulations about building maintenance fees, which she saw as fair enough given the circumstances. Her perseverance is remarkable, but eventually, when the state becomes necessary to provide a service for her children, being tough is not enough.

What really bothered her about the whole “discovery” of her status was the stigma of becoming erased that followed her children to their school. She had negotiated with the school to allow her erased daughter to stay in class. She told the teacher, “You don’t have to teach her. Just let her sit there and she will learn. You can’t get in trouble if she is just sitting there.” This appeal to the teachers and the administration worked. They saw a way out of their bureaucratic problem, but also a way to address what was clearly an unfair situation. These sorts of actions by more liberal minded Slovenes are part of the way that *izbrisani* cope with their plight. Nina later discovered that the teachers had been walking home with her daughter and going over the school work off grounds and Nina reports

that this daughter is the best student of all her children. The veil of “plausible deniability” worked well for the teachers and in an education sense created space for the child to learn, but it also created a situation of exception where the teachers’ and administrators’ actions marked the girl as being different. This marking had social repercussions for the girl beyond the classroom. It extended to the school yard and playground.

Nina’s daughter was instantly ridiculed by the other children as a *čufer*, a term that if used in regular conversation at school, would garner a trip to the headmaster’s office for punishment, and would certainly be the source of family discipline if used by a child at home. The teachers attempted to defend her daughter, but rebukes to the students only sharpened their skills toward her and she was soon given nicknames that only the children would understand, or words with milder meaning, but equally sharp intent such as *jugovička*²¹ were employed against her. The result of the abuse was, in Nina’s eyes, to create a girl who was doting and loving at home, who wanted to always be at home, who had few friends, and had become somewhat withdrawn.

The daughter’s plight as well as her pressing needs to secure her housing pushed Nina to find more help. Beyond these two concerns, her job was variously in and out of jeopardy. She worked as a clerk at an automobile parts factory for years, but this administrative position was desired among her co-workers for many reasons, and the realization of her erasure made her continued employment both technically illegal, but also a political chip in a game played by

²¹ “Little girl from the South.” A more “gentle” slur, but a slur nonetheless.

the others for her position. Eventually, her employer, who took great chances to keep her in her job, made her move out to the manufacturing floor, which regularized her hours. This circumstance was good for Nina as it allowed her to be home with her children, but also regular time to meet with lawyers and the government to fix her erasure. One of the ironies of her continued illegal employment was that she still had a tax number and still paid, as so many Slovenians do, her income taxes on time, year in and year out. "They take my residency and my money!" she exclaims with a laugh. Her situation in this regard is not unlike many illegal workers throughout the world where their wages are taxed, but their labor is illegal (Epstein, Hillman, and Weiss 1999). Unlike an illegal immigrant to the U.S. or to Spain, Nina never left. She was never moved from her home and becoming erased was the experience of something very different than the millions of people worldwide who toil to send money back home. She toiled, then went to the Mercator market, and then went home, all the while, she was as illegal as those many millions.

The story of Nina's erasure does not end with the restoration of residency rights. It does not end with her using her own personality and her ability to coerce and cajole people around her. It does not end at all as the mere restoration of those rights does not mean a reset of time. It never really ends. She looks to the growing body of organizations that respond to the *izbrisani* -- some governmental, some NGOs -- that want to bring forth a remedy to the Erasing with some hope. "Some of these groups are good. Some are just OK. All of them

mean well.” The key is letting all of the *izbrisani* know they exist at all. When Nina finally reached out to a particular NGO – The Peace Institute, she found the experience to be different from what she expected: Small favors and little change in her status as erased.

If the problem of the Erasing is one of exposure to state power with an exceedingly incomplete relationship with government, Nina shares much with Bostjan. If it is also about the loss of a sense of pastoral care by power and authority exemplified by the figure of the state of exception that legitimizes the State, then she also shares a lot with Marta in Ptuj. She shares much with both of them, but rather than exploit social networks like Bostjan, or leave her life bare like Marta, she reconfigured her life in such a way that she can start completing her relationships, start building social networks, and start accessing a different sort of ontological scheme beyond doing what is expected. Unlike Bostjan and Marta, she does not do what is expected: She neither steps outside the territory of Slovenia to reconnect herself to Slovenia nor does she sit, inert, waiting for this reconnection to come to her. She seeks out stronger ways to reconnect that force the Slovene state to open that path back from becoming erased to a different space where she can start to become complete. Nina could not have completed all these steps without support and help from NGOs.

What role then do NGOs play in helping the *izbrisani* to regain their status as a legal resident of Slovenia? What follows in this chapter is an examination of key non-governmental and governmental organizations working with the

izbrisani. It presents information about the four of the largest organizations, details their operations and shows the scales at which they operate. The analysis is not meant to be directly critical, but attempts to show how they work and point out potential problems that each organization faces and creates in relation to the *izbrisani* problem.

Non-governmental governance and the *izbrisani*

Nina's trip through her erasing involves actions on her own as well as accessing help from NGOs, which address the *izbrisani* problem. For the most part, non-governmental organizations have to step in and fill the gaps created when government fails to provide. Not all have been successful, or as is contended here, their abilities to act with regard to the Erasing has been limited or restricted by their overall missions as advocacy groups. The four selected NGOs and governmental agencies are: 1) Association of The Erased; 2) Pro Bono Clinic for People Without Insurance; 3) Amnesty International; and 4) Ombudsman for Human Rights. These four were selected because they were the only NGOs involved directly with the *izbrisani*. The selected NGOs do not represent an exhaustive list of who is working on the problem, but they do represent both the chief groups encountered during fieldwork on the *izbrisani* and groups that have been represented in the media as being primary actors in their response to the Erasing.

Each is based in the Slovenian capital of Ljubljana, and each of these NGOs operates within different scalar relationships to each other, to the State, and to the scales themselves. Indeed, these four NGOs operate at four geographical scales and have their own specific, spatial realities: local, nation-state, regional, and global. Scale should not be under-emphasized especially where the nation-state enters as a foil to NGOs (Jessop 2007). Some NGOs arranged to work with certain actors only, such as with the national State and thus work within certain scales only. Others are oriented and configured to work at multiple scales or to operate across all scales and within scales. Scale is important because NGOs that provide services and help at one scale may not be able to do so at another, or they may not be interested in working at a different scale. These relationships to scale are important because NGOs have to provide services at volumes appropriate to their mission. Also important is the NGOs' visibility to the public through the media. Smaller scale NGOs might want to work on a word-of-mouth basis or they are simply limited to that sort of system. Another NGO working on the global scale would have the resources to fully engage in a public media campaign. The following sections show how each of the selected NGOs operates and at what scales they operate. Each is important to the response to the Erasing, but in different ways.

The Association of The Erased

The oldest group, founded in 2002, engaged in advocacy for the *izbrisani*, The Association of The Erased, is a loose assemblage of lawyers and former *izbrisani* centered on one individual: Matevz Krivič. Krivič is a former constitutional court judge. In semi-retirement, he provides *pro bono* legal advice to *izbrisani* as well as many other refugees who live in Slovenia. The loosely associated and, as discovered, Krivič-funded nature of the group affords it a certain type of independence from other *izbrisani* response groups.

One of the primary benefits of the nature of the Association is that it does not draw attention to itself by virtue of being a large institution. As the work is focused mainly on Krivič's advocacy and legal advice, the Association and its affiliated *izbrisani* do not keep formal offices and use Krivič as the main contact person for the group. His devotion to protecting the *izbrisani* from the public gaze, but to also create awareness of their plight has earned him a great deal of respect among them. He was also one of the first to speak openly about the Erasing, using his respected jurisprudence career as a shield against public criticism, but also as a means to guarantee that the State would not act against any *izbrisani* he was helping. Communication among members is done through telephone conversations and face-to-face meetings in cafes and at homes. Krivič, though, serves as a central conduit for information through his law offices, both through his legal advice as well as information that flows out to *izbrisani* and

to the media. No formal membership list exists for the Association other than the information that comes from Krivič and it makes working for the *izbrisani* a difficult undertaking (Krivič 2009). This undertaking is primarily funded through Krivič himself and what little resources the other active *izbrisani* can muster. The small *ad hoc* nature of the Association also means that it either has to make efforts in new ways such as online presence, or it has to rely on associations with larger outfits such as Amnesty International to be active in its advocacy. Otherwise, its work is in fits and starts.

Its main advocacy action is an annual protest in February in front of the Slovenian parliament on the accepted date of the Erasing, February 25th. At this protest, *izbrisani*, their relatives, and activists call for justice as well as “fair responses to the Erasing” (Krivič 2009). They often coordinate this with Amnesty International, but they have relatively little contact with other groups such as the Pro Bono Clinic for Persons without Health Insurance and The Peace Institute (Vučko 2010; Free Clinic 2010). Krivič’s focus as an advocate, though, remains more private and personal than the grander direct action campaigns and his motivations to help start the group was to help fix the Erasing, which he sees as a terrible wrong (Krivič 2009).

When individual *izbrisani* do find themselves in need of his help, he attempts to file papers and lawsuits to get them started on their way to getting their statuses returned. The response is not one of a large organization but of a single person covering a lot of well-trodden ground. Krivič knows the ropes of the

Slovenian administrative legal system and can, at least, point individuals toward the correct offices and administrative units that can help with their problems. The Association of The Erased suffers from this piecemeal, individual-focused response as it engenders a particular perspective of the Erased, one voiced repeatedly by Krivič, that the *izbrisani* are not a group with special characteristics, but a set of individuals who have similar problems. The quantitative work in this research flies in the face of this assertion as the *izbrisani* can be identified as a particular group with particular criteria of membership in that group. Despite this assertion by Krivič, the Association of The Erased is not an association or group. Rather it is an advocacy platform that allows certain individuals with particular skills -- in essence, one individual -- to help other individuals who happen to find themselves in need. While it has a longer tenure in response to the Erasing than most other NGOs involved, its efficacy is doubtful and virtually unknowable as no records are kept of contact with *izbrisani* and the oral history of the group does not necessary follow a cogent timeline from its inception to recent actions (Krivič 2009).

What is important about the Association of The Erased is this dynamic and caring person who is its public face, and his wealth of knowledge of the legal issues gives any *izbrisani* some information about what to do and what can be done. In bulk, the Association is not an organization, but an interface to an organizer who does pass people who have been erased to other groups. Without records beyond the recollection of a single person, it becomes the domain of

other organizations to pull together practical responses to the everyday problems faced by the *izbrisani* as well as the extended remediation of the whole problem of the Erasing itself. The Association of Erased is a starting point where the *izbrisani* can begin their process of reconnecting their lives to Slovene society, but its limited nature means that it must give over to other larger or more complex groups and allow them to do the practical work of remediating the Erasing.

Pro Bono Clinic for People without Insurance

The Pro Bono Clinic for People without Insurance is an anomaly in Slovenia. A local charity, founded in late 1990s, in a country with a national health care system, it seems counter-intuitive that such a facility exists. The problems of urban homelessness, illegal immigration, and the *izbrisani* flow through this non-governmental organization as it serves as a provider, centrally located in the capital city.

Volunteer doctors, dentists, nurses, and social workers staff the clinic primarily though the clinic does have two permanent staff members: a nurse assistant and a social worker. These caregivers keep the clinic open during set hours through the week and provide basic care to any person who asks for help with few questions asked. The clinic also serves as one of the few providers of basic aid to the homeless in Ljubljana, a burgeoning problem (Razpotnik 2008; Hrast, Somogyi, and Teller 2009). It provides clothing, some food staples, and a clean, private shower for people on the street -- an important service in a society that places great value on appearance when evaluating job candidates. The most

important work it does though is straightening out problems with access to basic health care, and by extension, serving as a primary contact point for many immigration problems.

In Slovenia, every citizen and resident is compelled to have health insurance, which is paid for by an employee via deductions from wages. Additionally, persons can purchase supplemental private insurance or cover themselves solely with private health care insurance. Children, youth, and university students receive free coverage up to set age according to their status within the system. For example, a university student loses his or her coverage a few months after completing studies, but any legal resident or citizen can pay a nominal amount per month -- the rate was 15 Euros in 2010 -- for basic health care coverage. This coverage can be maintained until employment is obtained or health care coverage is obtained through some other means. Generally speaking, most people pay the small charge per month, have health care provided through their employment, or are on pension and receive care through Slovenia's health care system as part of that pension (Free Clinic 2010).

Who comes to the Pro Bono Clinic for People Without Insurance? There are three categories of people who are residents in Slovenia and who use the service of the Clinic (Free Clinic 2010). The first group is comprised of tourists and itinerant persons in Slovenia, who are either not European Union citizens or not citizens of countries with reciprocal medical care agreements with Slovenia. Slovenia has a health care exchange with other European Union countries that

brokers care between the states within the EU as a part of the larger integration of services project in which the EU participates (Free Clinic 2010). Slovenia also has a network of private doctors who will attend to foreigners and those without health insurance if they have the money to pay cash for services.

The second group is people who have failed to pay their compulsory fees to the Slovenian national health service and are unable to get immediate care for problems. The clinic has a paid social worker who helps people get back onto the national health care plan. Forms and deadlines are a stumbling block for many people in Slovenia, but people who come to the clinic are particularly vulnerable to the pitfalls of the bureaucracy (Free Clinic 2010). They are often older, have had little formal schooling, have social anxiety problems, or are single parents who have no means to get insurance because of lack of money and the inability, because of parenting duties, to get work that will pay for health care (Free Clinic 2010).

Finally, the third group is composed of people with immigration problems either by virtue of being in the country illegally, or, particular to the case presented here, have had their ability to get health care taken away from them because of becoming erased (Free Clinic 2010). The latter case indicates an awareness of their situation as being erased before the clinic workers checked their status as part of the intake process. There was no indication as to why or how these *izbrisani* knew as they came in to the clinic that they were erased. Many of the people who come in are not *izbrisani*, but suffer from similar lack of

access to health care problems that the *izbrisani* face. The clinic provides whatever medical services are needed to these people looking for help, but more often than not the bureaucratic help is why they come. The social workers start the process of getting residency paperwork straightened out or submitted. They also point the *izbrisani* to the correct offices to get their status restored under the new laws meant to correct their status.

The Free Clinic and its small staff finds itself on the front lines of several different crises in Slovenia: homelessness, illegal immigration, and the *izbrisani*. The Free Clinic has little influence on the policies that put people in its offices. This is a source of both frustration and motivation for the volunteers who work there. Yet, there is a sense that the Free Clinic is exactly where it should be at the most important moment within this story: When someone directly asks for help (Free Clinic 2010).

In terms of scale, the Free Clinic operates at the local and at the nation-state level. As a limited, volunteer service it does what it can with what it has to in order to ameliorate the effects of the Erasing, but it can only do so much. It speaks “up” to the power of the State and uses the laws and regulations that exist now to address issues for persons who come to its door. It has no ability to change these laws and regulations, but it makes space for itself within the larger, national discourse over the *izbrisani* through its provision of key services. In one way this seems unfortunate as the power of institutions rests in their ability to both be formed by rules, but also to make rules themselves. The Free Clinic does

not perform this latter action in any manner other than in doing what it does best: provide care. It constitutes itself, but does not constitute the state.

In another way, this state of affairs, even with its limits of scale and funding that primarily comes from doctors and nurses, liberates the Free Clinic to do intake of patients who are at the margins of greater Slovenian society. This liberation helps especially those who have been directly and secretly placed there by an institution, the State. Technically the state could easily see the Free Clinic off through any number of bureaucratic and/or legal means if it so desired. The marginality of its patients is reflected in the apolitical makeup of its approach to direct action in advocacy for these patients. The clinic is political because it serves the politically and socially vulnerable, but it chooses to do so quietly and without engaging in political struggle. As a direct action, care giving organization, it can do the daily work to ease suffering and stress caused by the territoriality of the State toward the *izbrisani*, but it can also co-ordinate information and begin the process of restoring to individuals the human right of dignity as found through common societal bonds.

Amnesty International

Amnesty International (AI) is a global human rights advocacy organization that characterizes itself as a “worldwide movement of people who campaign for internationally recognized human rights to be respected and protected for everyone” (Amnesty International 2010a). Founded in the early 1960s, in

response to right-wing government abuses of students in Portugal, the organization has grown to over 2 million members and is the leading human rights organization on the planet (Amnesty International 2010b). As a global NGO, AI has been identified as pre-eminent at that scale, and it is the primary global NGO concerned with individual rights. Concerning human rights, AI is complementary to the United Nations (UN) as an authoritative international governance body (Thakur 1994).

As a primary global NGO dealing with individual cases of human rights abuse, AI has often been at the forefront of case management as new types of human rights abuses have propagated in the post-WWII era (Clark 2001, pp. 70-101). This leading edge position for AI is important as its early role in Slovenia was as a clearing house for *izbrisani*, an organizing point for those people, a place where documentation of cases could be done, but also as a public relations outlet with the experience to explain the Erasing to a confused, but also skeptical world. This position reflects the multi-faceted and changing internal structure of AI that has been exposed by work such as Stephen Hopgood's analysis of AI as a dually moral and political entity (Hopgood 2006). Hopgood observes that AI is diverse within itself and is structured that way because of both its original moral intent which led to the research and documentation focus. AI also has the practical interface to other globalizing entities as a result of both AI's high profile at that scale and its competitiveness with other high profile NGOs such as Human Rights Watch (Hopgood 2006, pp. 11-13).

At the national scale, the Slovenian branch of AI is comprised of three full-time staff members all of whom have legal training in Slovenia (Kovac 2009). AI's primary objective is to "undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights" (AI 2010c).

The "research and action" components of AI's mission are essentially what the Slovenian branch engages in with regard to the *izbrisani* issue. They serve as a clearinghouse of information for *izbrisani* who are looking for support, but primarily focus on the dissemination of information about the *izbrisani* to newspapers, other rights activist groups, and formal governance structures at different scales, especially in relation to national and regional scales involving Slovenia and neighboring countries as well as the EU.

The action component is important as AI co-ordinates the public demonstrations as well as the distribution of literature to the bulk of the public via placards, displays, and posters throughout Slovenia (Figure 6.4). Each February, AI helps to co-ordinate with the Association of The Erased, a peaceful protest march on the Slovenian parliament involving peace activists, human rights advocates, and *izbrisani* people. The yearly march is heavily covered in the media and involves speeches from *izbrisani* leaders, but also remarks from NGOs involved through spokespersons, as well as pronouncements by supporting parliamentarians who march as well.



Figure 6.4. Izbrisani awareness poster in Ljubljana commemorating the 16th anniversary of the Erasing (2008). The rhyming slogan reads “18305 erased from history. How many still wait, presently? Until the future blurs the past, inevitably?” Photograph by author.

By connecting action and information in this manner, AI operates across three scales: the local, nation-state, and global. The directionality of its operation is key. While it connects local scale problems, specifically particular *izbrisani* people to groups that can help them, it does so in a limited sense relative to the other NGOs discussed here. The direction of its action is best seen as flowing from the global scale as informed by notions of universal human rights thought, global governance bodies, and its own place within AI's larger global structure as a worldwide human rights advocacy NGO. The local scale speaks to the global through AI, but only after it has passed through the filter of standards, laws, decrees, and knowledge as shepherded by the nation-state level AI and other institutions found there.

In response to the *izbrisani* question, AI is effective as a partner with a large public relations presence both in Slovenia and globally to groups such as the Association of The Erased, as detailed above. It is also a key group in trying to link the *izbrisani* problem to other race and ethnicity problems in Slovenia such as the Roma and the rise of hardline right-wing political groups (Peric 2001; Wood 2006; Amnesty International 2011). In this fashion, it operates as a partner with small groups, but also as a foil to the State in an almost mimetic fashion. This is by design and is a feature of AI's own power and not a flaw.

In contrast to AI, Slovenia itself instituted an organization at the state level that emulates a group like AI. This organization, the Ombudsman for Human

Rights, detailed in the next section, it is unlike AI in one key way: No matter its intent, it does not shadow the State. It is the State.

Ombudsman for Human Rights

The Slovenian Ombudsman for Human Rights is not a non-governmental organization. It is an independent service of the Slovene government set up under the European guidelines that has the specific charge to listen to complainants in all cases of human rights abuses that occur in Slovenia (Ombudsman 2010). While an organ of the Slovene government, the Ombudsman is structured similarly to an NGO with a board and a hierarchy of vice-ombudspersons who are in charge of particular categories of rights claims ranging from abrogation of constitutional rights to housing, to prevention of abuse of legal authority by the Slovenian state and many others.

Its general charge, though, is to act as an extra-republican check on state power. According to its website, it is a “*constitutional category* that does not fall under the executive, judicial or legislative branch of authority. The Ombudsman is therefore not part of any mechanism of authority, but rather *acts as an overseer of authority* since as an institution it restricts its capricious encroachment of human rights and fundamental freedoms” (Ombudsman 2011, pg. 1, emphasis in original). This state-level organization has been in place since the first constitution of the Republic of Slovenia and is codified in Article 159 of that document (Republic of Slovenia 2005). Historically, it is a remnant of growing Slovenian independence in the post-Tito era with its roots in the *Council for the*

Protection of Human Rights and Fundamental Freedoms formed during the last years of Yugoslavia (Luthar, et al. 2008; Ombudsman 2011). In a genealogical sense, the existence of this organization from a time when Slovenia was moving toward its break from the rest of the federation (1988-1991) gives weight to the Slovenian claim to relatively long-term human rights awareness at the state level. With this sense of historic orientation toward human rights protections, a current deputy Ombudsman can make a claim such as “Every democracy has an officer such as the ombudsman” without irony (Ombudsman 2010).

Speaking to this claim, at the nation-state scale, Slovenia’s constitution is a fairly progressive document that includes provisions for the Ombudsman as well as directed rights to specific minorities. Italians and Hungarians are afforded direct representation at the legislative level and guaranteed education and cultural protections. Other minorities are given administrative rights protections, but are not named specifically as are the small Italian and Hungarian minorities, comprising 0.2 percent and 0.4 percent of the population respectively (Statistical Office 2011). Despite some diversity, Slovenia is generally perceived as a homogeneous society and this plays out in the demographics with smaller minorities playing very little role in politics other than the constitutionally privileged Hungarians and Italians (Andreev 2003; Patterson 2003).

The Ombudsman stands constitutionally outside of the three branches of Slovenia’s government and this position affords it a power that the other branches do not have: It can say that a situation is illegal and unfair. The

Slovene constitution is a strictly administrative document and leans more toward Orestes Brownson's notion of a constitution of government (Brownson 1866)²². In other words, governmental procedure emanates from the social contract as constructed by the society writing the constitution. It would be tempting to try to derive the heavily codified nature of Slovenia's constitution and its rigidity from some analysis of "Slovene character," but it is sufficient to say that the Slovene constitution does not leave room for sweeping change through legal interpretation.

In other words, Slovenia is a rules-oriented place and the irony is not lost on Slovenians at all (Figure 6.5). Several lawyers who deal with the *izbrisani* noted the difficulty in making the constitutional courts understand not just the illegality, but also the unfair nature of the Erasing. The extra-judicial, extra-executive, and extra-legislative nature of the Ombudsman is meant to break through this rigid character of the Slovenian constitution by making appeals to fairness in the face of test-based rulings of the various courts, including the constitutional court.

This notion of fairness separates the Ombudsman from other government organizations such as the Ministry of Internal Affairs where the standard for

²² Orestes Brownson noted three types of constitutions that can appear in varying degrees (or not at all) in modern societies: Constitutions of nature that include natural law, constitutions of society including social contracts, and constitutions of government derived from the social contracts (Brownson 1866). The last two are similar, but the difference between including a social contract, such as the Bill of Rights in the U.S., and deriving government from a social contract, such as in Britain is key.

action is, ostensibly, legality. After 1992, the Ombudsman was seen by *izbrisani* as the first contact point with the government as the police and other governmental organs did not want to help or could not help. The special position of the Ombudsman as an oversight office outside of the federal structure affords it the ability to interject in a case such as the Erasing by not just pointing out the illegal nature of the action, but also that the Erasing was unfair. The Office of the Ombudsman marks on its own timeline that the first wave of *izbrisani* complaints and inquiries started in 1995. The surge of interaction with the Ombudsman by *izbrisani* crested in the early 2000s, but the experience was considered by the Office of the Ombudsman to be unique enough that the office issued a special report on the Erasing in 2004.

The report was almost completely ignored by the government and the press (Ombudsman 2010). It pointed out the inequity of the continued inaction of the Slovene government with regard to the *izbrisani* problem, and the potential liability toward the State if inaction persisted, especially in light of *izbrisani* cases winding their way through the EU courts²³. It also pointed toward growing polarization in Slovenian politics as the reason for the inaction. The problems of the Erasing were enhanced by Slovenian politics during the post-secession era and increased polarization continues with more distance growing between

²³ As of 2010, a single case concerning the *izbrisani* had appeared before the European courts. It was remanded back to Slovenia with an order to fix the problem at the national level as the Erasing was clearly a violation of European and international law and the case should never had appeared before the High Court.

political parties and the creep of party politics into non-partisan local elections (Juri 2010). All of this served to exacerbate not only the intractability of the problem, but offered fuel for political rhetoric both pro- and anti-*izbrisani* that was used to some degree to swing elections to one side or the other. Eventually, the left-wing political parties were able to sweep to power in 2008 and then institute the “solving” legislation in 2010. The fact remains, though, that despite its oversight and advisory capacity, the Ombudsman’s office went ignored for those 6 years while right-wing parties controlled parliament and this served to diminish or call into question the efficacy of the institution itself.

The Ombudsman office is one of organizations that operate in a cross-scalar manner and this should be an advantage, but its association with the State by virtue of its existence as an extra-constitutional oversight group diminishes its effectiveness in two ways. First, it is still, no matter its makeup, a part of the Slovenian state apparatus. Pressure can always be applied on an institution within the State structure to conform or to minimize its impact on the rest of that structure. This may not have happened in the case of *izbrisani* advocacy, but the fact remains that its advocacy was ignored or sidelined by Slovene politics. Second, the very fact that it is the State that makes it a worrisome place to approach for help as a victim of state power. Again, no matter its makeup, it is the State and the State did the Erasing. This fact weighs heavily on the minds of people seeking help and, according to figures from the Ombudsman’s office only 10 *izbrisani* total approached the office for help from 2007-2010 (Ombudsman

2010). During the same period, the Free Clinic for People Without Health Insurance saw 31 intakes of *izbrisani* (Free Clinic 2010).²⁴

This potential lack of trust and structural inflexibility makes the Ombudsman an unlikely source of help for the *izbrisani*. Trust and structural flexibility combined with a cross-scalar ability to address a problem are key to building an institution that can address a situation as complex as the Erasing.

In the case of the Association of The Erased, its work enters at a personal level and, other than a single lawyer's work for single *izbrisani*, organizes protests each year and serves as a clearinghouse for information on its website. Even the website itself, while filled with information, exists on the assumption that people who are living in such a situation could afford a network-enabled device to access. Otherwise the Association of The Erased represents the *ad hoc* nature that so much of the *izbrisani* advocacy has been over the past two decades. It is the *ad hoc* nature that seems problematic, but it offers an entry point. The thin connections to a place where the process of becoming erased can speed toward its conclusion are all that these NGOs offer.

The Free Clinic for People Without Health Insurance is a front-line NGO. As an intake center relying on limited funding and volunteer work, its place in the theoretical framework rests upon its replicating normal state functions to those who are cut off from them. By providing some cash assistance, and most importantly, health care to the *izbrisani*, it steps in where the State should be in a limited but crucial manner. There are no verifiable cases of *izbrisani* dying from

²⁴ No data was available for intakes from other NGOs or agencies.

being unable to access healthcare, but anecdote leans toward, at least, a heavy lack of care throughout an *izbrisani's* time as erased (Free Clinic 2010). The take away from the case of the Free Clinic is that no small organization can ever replicate a state-provided function beyond a very small scale. Their zeal and desire to do good works aside, the task is too great and requires resources of a size and variety that the Free Clinic cannot manage. The State, with its system of national health care, should be doing this for the *izbrisani* as part of its role in the pastoral care of subjects. The *izbrisani* are in a space where they are bounded by the territory of that pastoral care, but are disconnected from the State's apparatus meant to care for them. Therefore, the Free Clinic's work mimics the State, but lacks the ability to address the problem of care at the scale necessary.

The Amnesty International global commitment to human rights issues positions it to be a great public relations and financial asset to a larger unified movement of the *izbrisani*. At the same time, AI does not engage the *izbrisani* at the local level and, in fairness that is not the scope of what it does. While *izbrisani* who come to AI looking for help are not turned away, they are not served directly, rather they pointed out to the other appropriate venues. A single *izbrisani* is not the client of an organization such as Amnesty International unless that client or focus is a high-level prisoner of conscience or the like. As constituted, it is understandable that Amnesty International is not a NGO of first resort for the *izbrisani* nor should it be. Its role as a part of the response is to advocate and set up international and national frameworks to promote human

rights. It meets the *izbrisani* not in their everyday lives, but in the realm where creating awareness that something like the Erasing can happen and making sure that the knowledge about the Erasing is public. The *izbrisani* are unable to use the normal avenues that a person would when interfacing with the State. They cannot use it to show themselves as being erased beyond the “*izbrisani*” stamp on their otherwise useless papers. They use AI to announce to the world that they are erased as an act of resistance because of what could happen to them as retribution: further disconnection or violence. Amnesty International provides this function for them.

NGOs provide valuable services to people who fall under the purview of their missions. Whether or not they do a good job, they are doing as they intend, or are they actually meant to do a good job at all are not in question in this chapter. Are they predisposed, or constituted in such a way that they can offer the possibility of help and service in the most effective and comprehensive way? This is the question. If an NGO is set up to provide one simple service or a clear range of particular services, then those activities are bounded by differing levels of access to them, their location, and where they are fixed within the landscape of other NGOs working on the same or similar issues.

As with any social practice, the outcomes of being an NGO vary. In theory, NGOs that follow best practices or emulate the practices of other successful NGOs would be the most successful in remediating the effects of a human rights violation. But what if the human rights issue was different from

anything that had come before? What if its similarities to other incidents were either unapparent initially or only became apparent after the problem had become too vast to overcome with simple aid or quick response? What if the violation was done in such a way that it was not even apparently a violation until many years after it was initiated? These are the sorts of questions that NGOs dealing with the Erasing had to grapple with and not all of them were particularly constituted in a way to handle them equally, or more to the point, better. The same case can be made for individuals who were erased. Some had access to social networks and gender privileges to help remediate their situations. Some did not. This is evident in the vignettes presented. Still, others were constituted in such a way as to see becoming erased as a process that one had to work through, relying on social connections when possible, but also looking for tools to help with the repair of the problem when social bonds do not work.

The Peace Institute creates a new institutional space in which to act. As a hybrid NGO, it creates thicker links, speeds the process of addressing being erased, and expands the realms in which individuals can advocate for themselves and others. Chapter 7 analyzes this expansion with an examination of The Peace Institute, a hybrid NGO within the Slovenian response to the *izbrisani* problem.

Chapter 7 – The Erased and the Power of Institutions

Institutions that address human rights abuses are found in between the international laws and local norms that clash with the principles founded in those laws. The Peace Institute, a human rights institution based in Ljubljana, promotes approaches in which abandonment is recast into new ways of living as an *izbrisani*. Sally Engle Merry notes that certain actors and organizations she calls “translators” serve to “reframe local grievances up by portraying them as human rights violations. They translate transnational ideas and practices down as ways of grappling with particular local problems” (Merry 2006, pg. 42). The Erasing in Slovenia, as an incident that needs ideas and practices translated in relationship to it, has had The Peace Institute at the forefront of advocacy for the *izbrisani*. Extending this notion of translation, Merry concludes that there are two separate NGOs that operate in distressed areas and situations.

First, there are replicating NGOs (Merry 2006). Simply, these NGOs reproduce governmental functions in a singular sense. They take up activities such as social work, legal aid, health care, education and advocacy. They do not do more than one such function at a time or, if they do move into another sort of function, they seek out other NGOs in a piecemeal or *ad hoc* association. This association can come together at any time, but its temporary nature is either part

of the agreement to help each other, or ancillary to the prime purpose for which the NGO is constituted.

The second NGO is the hybrid model (Merry 2006). It takes the multiple functions of disparate NGOs and blends them together to act on the behalf of a particular group. This hybridity blends empowerment and general human rights knowledge with local norms, governmental interface, and individual references to human rights (Merry 2006). In other words, it bundles various strands of NGO activities into a more cohesive actor. The Peace Institute, located in Ljubljana, represents such a hybrid NGO. It gives more structure and strength to attempts at remediation and develops mixed approaches to bring a resolution to The Erased.

The Peace Institute was born out of a sense of abandonment and fear itself. In its case, the abandonment was centered on the loss of funding and scholarly support at the fall of Yugoslavia. Fear, on the other hand, was born out of a sense that if there were no truly independent scholars working for peace and social justice in the new capitalist regime, then the mirror image of the state-controlled modes of knowledge production would merely be the case. Instead of state-produced knowledge that satisfies ideological needs, there could be commodified knowledge that satisfies market needs. With this in mind, The Peace Institute has set out over the past 20 years to use scholarly methods, but also to use activism and advocacy, to affect change in Slovenia and Southeastern Europe. This chapter provides an examination of The Peace

Institute, and how it recasts the Erasing for a woman like Nina. A vignette concludes the chapter and highlights an expanding sense of hope in a single life that could have been so different without interaction with The Peace Institute.

The Peace Institute

Located in the radical squatter's commune of Metelkova in central Ljubljana, The Peace Institute channels the energy of the unsettled, graffiti-laced walls of the former prison complex. The punk rock aesthetic of Metelkova evokes a do-it-yourself attitude that was found among the youth of the 1980s who were important to the Slovenian secession. Metelkova also has ethos that not every change in post-socialist Slovenia has to follow a pre-destined script with economic benchmarks and EU social frameworks constraining a different set of possibilities (Luthar et al. 2008). It is in this sense that The Peace Institute is able to succeed at different scales and different places that the other NGOs sketched out in Chapter 6 cannot. The Peace Institute is flexible and responsive, and constituted differently from the others in that it combines elements of all the others and additional responsibilities into one organization (Table 7.1).

In essence, The Peace Institute is a research institute formed in 1991 by independent scholars who did not want to work solely within the rigid Slovene academic culture (Peace Institute 2011). It is not an NGO in the strict sense of the word, though its activities place it within the *practice* of non-governmental organizations. It is these activities that matter and it is The Peace Institute's ability to reconstitute itself, absorb other institutions, and produce results through

Thematic Fields	Strategic Focuses	Projects related to <i>izbrisani</i>
Human Rights	Monitoring Intolerance; Migration and Asylum Policies; Gay and Lesbian Studies; Racism and Xenophobia; Conflict Resolution in Communities; Educational Programs for the Prevention of Discrimination	<i>The cost of statelessness: A livelihood analysis (Started Sept. 2010).</i> <i>The Erased: Remedying Human Rights Violations (Started January 2010).</i>
Cultural Policy	Intellectual Property and Copyright; Culture and the Economy; Cultural Education; Culture as a Factor in Social Development	<i>Questioning Transitional Dynamics in Re-defining Cultural Identities in South Eastern Europe (Started May 2010).</i>
Media	Media Watch; Media Pluralism; Media and Minorities; Access to Public Information	<i>Human Rights Press Print during the Slovenian EU Presidency (Finished August 2008).</i> <i>Mig@net: Transnational Digital Networks, Migration and Gender (Started May 2010).</i>
Gender	Gender Mainstreaming; Women in Transition Countries; Human Trafficking and Prostitution; Gender and Equal Opportunities Policies; Unpaid Work; Male Studies	<i>None</i>
Politics	State, Politics, and Power; Analyses of Managerial Discourse	<i>Cross-Border Experience: The Interfaces of the EU and the SEE Countries Enhancing a Successful Enlargement Process (Started January 2011).</i> <i>Re-Integrated: Slovenia and Croatia in Joint Framework of EU values and Supranational Identity (Started August 2010).</i>

Table 7.1. Detail of Peace Institute's current thematic fields, strategic focuses, and current and past projects related to the *izbrisani*. Notably, most projects have been initiated within the past 3 years, corresponding to Open Society Institute funding, which has been renewed for an additional three years in 2010 (Vučko 2009; Kogovšek 2009; Vučko 2010; Peace Institute 2011).

a regime of research and participatory action that makes it key to any meaningful response to the *izbrisani* problem. The assertion that it participates in action on behalf of its subjects does not come from the tradition of participatory action research directly (Pain 2002). Rather, the social justice and human rights activities included in the Institute's genesis lead to participatory action in an organic sense instead through specific rules demanding that these actions occur. For example, in 2007, The Peace Institute reported that it achieved its work priorities for the previous two years with emphasis on interfacing with NGOs as a particular area of accomplishment, especially in promoting NGOs as "public and policy partners" (Peace Institute 2007, pg. 2).

Within two years, though, The Peace Institute had moved from just coordination and partnership to the takeover activities of NGOs under its own umbrella, especially NGOs who were doing a great deal of work on the *izbrisani* issue (Vučko 2009). Each of these activities are guided by desire to cross between the EU, the Slovenian State, civil society institutions, and the media in such a way as to promote civil dialogue among all of these actors (Peace Institute 2007). This broad cross-scalar set of activities makes The Peace Institute the most adept organization to address complex issues and to link individuals to NGOs that it partners with as well as to put the problems of these individuals into a general light so advocacy at the local, national and global levels can occur.

It is this ability to cross scalar boundaries that creates The Peace Institutes flexibility with regard to the *izbrisani* issue, but this ability could not achieve its potential without a certain approach on how it participates in civil society as both an observer of that civil society in a research sense and as an actor within that very civil society itself. According to its 2007 Annual Report the Institute,

“achieved ... results in various areas of engagement, including some new areas of policy initiative such as: establishing new relationships with governmental, academic or non-governmental organizations in Slovenia, European Union and elsewhere; development of “civil dialogue” between the government and the NGO sector according to EU standards and the idea of an open civil society, together with strengthening the capacities and abilities of NGO's associations and co-ordinations in that sector; preparation of anti-discrimination projects; increased attention to the media community (policy work on media legislation, public accountability, media ownership); regional and trans-regional cooperation and exchange promoted through East/East: Partnership Beyond Borders program, and other programs and projects” (Peace Institute 2007, pg. 2).

Thus The Peace Institute has been active in the past in its relationships with government and NGOs and saw itself as recently as 2007 as acting in that role at various scales. These relationships and philosophical position changed when The Peace Institute absorbed during 2008 and 2009 a small social justice-

centered NGO called *Pravno-informaciji Center* (PIC) that operated as a *pro bono* law firm for the *izbrisani*. This shift marked a difference in perspective and in participation in that The Peace Institute was no longer an intermediary in the dialogue between NGOs and the State, but it had become one of the key actors in the remediation of the human rights violations as related to *izbrisani* case. This activity is even reflected in the research projects noted above in Table 7.1 under the thematic field of “Human Rights” where it is not “remedies,” but “remedying” that is happening with regard to the *izbrisani*. From the perspective of The Peace Institute, the implication of the use of the word “remedying” is that it is a continuing process and, by no means, complete.

This shift in the position is important for two reasons. First, The Peace Institute by virtue of its political and financial independence from the government operates in ways that are seen as working against the purview of the state’s interests. The Institute reported in its last three available annual reports that it received the bulk of its financing from the Open Society Institute and from external funds raised from grants and appeals (Peace Institute 2007; Peace Institute 2008; Peace Institute 2009). While any of the other groups involved with the *izbrisani*, save the state-affiliated Ombudsman for Human Rights, can claim such independence, the range of The Peace Institute’s activities with regard to this issues alone cannot be matched by the other NGOs. The other groups are more narrowly focused on *izbrisani* as in the case of the Free Clinic. The Peace Institute is more flexible with a variety of activities that complement the

remediation of the *izbrisani* project it has undertaken. Other NGOs are focused on the singular roles they play in the *izbrisani*'s lives; The Peace Institute has a very specific focus as well. In contrast to the other NGOs though, The Peace Institute maintains a multi-faceted approach to the *izbrisani* that makes it more effective in its mission.

Second, The Peace Institute has become an organic example of participatory action research (O'Brien 2001; McNiff 2002; Pain 2003; Eisenberg, Baglia, and Pynes 2006). While not directly drawing from the literature on such research undertaking, where subject of the researcher collaborates with the researcher to look at a problem together and develop remedies to it, The Peace Institute has developed a system by which its research program informs and is informed by its subjects as to methods and techniques to fix both the problems of individual *izbrisani* and the problem as a whole (Vučko 2009; Kogovsek 2009). In a formal and declared intent a research project backed by a university, participatory action research would necessarily require deep vetting of the research plan. It would suffer from criticisms that it is focused on the person who asks the research questions initially. It could be perceived, as well, as a form of tyranny itself that replaces empowerment's subjection with a type of required charge. In other words, it replaces the "is" of the subject with an "ought" (Chambers 1983; Cooke and Kothari 2001).

The Peace Institute comes to this participatory place by practice, not by virtue, as the involvement of the *izbrisani* themselves is seen as a practical and

also logical way to remedy the problem (Kogovsek 2009). To this end, The Peace Institute has developed a system of both social science discovery of *izbrisani* realities and a legal discovery of juridical realities of becoming erased. It does this with a team of researchers who are trained to do the work and are *izbrisani* themselves. In addition, a small legal team, often just one person, who is solely charged with addressing legal questions as needed and with helping to set the remediation wheels into motion, works with *izbrisani*.

The Peace Institute has two social workers on staff, both of whom are former *izbrisani* (Kogovsek 2009). The social workers perform intake of people who are erased, but also have engaged in a program to seek out people who are erased and either do not know it, know it and are afraid to come forward, or know they are erased and have no means of contacting social and legal help. The PI uses both direct contact, but also conducts research into the geography of where many people who could have potentially been erased were in 1992 or where they may have moved, to in order to make contact with people who are erased. This fieldwork goes beyond Slovenia's borders to other former Yugoslav republics to which *izbrisani* people may have either been deported or had fled following their erasures. Social workers go to these places and make contact with *izbrisani* and explain what their rights are with regard to this matter. They also explain that there may be assistance available to *izbrisani* if they were to return to Slovenia and help them access that assistance. Help ranges from putting *izbrisani* in touch with charities and NGOs that will assist with housing and transportation to jobs

and access to health care (Kogovsek 2009). In other words, The Peace Institute becomes a focal point in the remediation process both by its makeup and its activity, where a single request for assistance by an erased person links that person to local, national and global organizations dedicated to that remediation. The Peace Institute can link any *izbrisani* to health care by giving them the information such as the existence of the Pro Bono clinic, but it can point them to the Ombudsman for Human Rights as well. It is important to note that this active clearinghouse role for social issues can only be effective if there is a legal component working in tandem (Kogovsek 2009).

To that effect, The Peace Institute has developed a legal arm to its work with the *izbrisani*, employing directly one full-time lawyer to work with claims within Slovenia, and retaining an Italian law firm to help as needed through the EU courts system. The employment of the lawyer comes through the absorption of a legal aid NGO called *Pravno-informacijski center* (PIC) in 2009. PIC had become the NGO for appeals of residency rights and restoration of administrative and social service privileges during the early 2000s (Vučko 2009). It had moved past the work of individual lawyers in the Slovenian legal community because the lawyers available to work *pro bono* became fewer and fewer and the Association of The Erased, primarily Matevz Krivič, could not handle the volume of cases (Vučko 2009). The decrease in numbers of lawyers available to do the work was significant. Many lawyers were unwilling to take on the complex residency cases because of the lack of remuneration, or because they were not interested in

helping the *izbrisani* (Krivič 2009). The changes in Slovenian legal practices over the transitional years from 1991 to the present have more to do with the lack of legal help for the *izbrisani*. From the breakup of Yugoslavia onwards, there has been a lack of formal institutionalization of the legal community and a general inefficiency of the judicial system in Slovenia (Dallara 2010).

With the expansion and emphasis on Slovenia's market-oriented economy after the breakup, legal professions moved toward contracts and negotiations as primary focuses and the desirable types of legal work became corporate counsel, real estate transactions, and intellectual property. For a lawyer interested in human rights issues, the study and practice of this sort of law became both constrained by the strictly administrative nature of Slovenian law, and by the fact that there was no real outlet for training in human rights law even at the main university law school (Vučko 2010).

The Peace Institute's *izbrisani* team has the task of both finding the *izbrisani* and finding remedy, and relief for them as they are found. The fact that no final remedy can come without restoration of residency rights first makes the two-pronged approach more effective as a solution. This approach pays honor to the juridical animation of the *izbrisani*. It recognizes the changes in their very human experiences that make the Erasing a complex case of how state power comes into play in individual lives. It also forces the creation of new and different ways to blunt or deflect the application of that power.

State power, as The Peace Institute's efforts reveal it, can be turned back on itself and used to remediate its negligent use and its intentional abuse. By using this organic and adaptive participatory approach, combining research and advocacy, The Peace Institute opens the door to different approaches and techniques, especially as these approaches become needed in the future.

Finding participation in becoming erased

It was a warm day in June, when a return visit was paid to Nina. She had contacted me about my continued research on The Erased and invited me over for coffee. The contrast between the first visit where tears were shed and anger expressed could not have been starker. The intervening six months had seen the passage of the new law concerning the *izbrisani* and Nina had been able to garner final clearance for her daughter through the courts, which had, in a rare act of justice in the Slovene court system, determined that what had happened to the girl was not just incorrect in a legal sense. It was unfair. Her residency and full access to schools had been restored. Nina saw all of this as positive, but her continued interactions with the comprehensive approach to the Erasing embodied in legal assistance as a part of The Peace Institute had expanded her perceptions of how the remediation of the Erasing could happen.

Over coffee, what was meant as a follow up interview and became further participation, we brainstormed about new ways to both find *izbrisani* and to make the world aware that the Erasing had happened. I told her that other than a short

Mother Jones article in 2007, scant attention had been paid in the U.S. to the Erasing, and that it was, in my experience, mainly the subject of arguments at academic conferences.²⁵ She was not bothered and expressed that the Erasing was not an American problem but a Slovenian problem that needed to be addressed in Slovenia, by Slovenes. Still, her desire was not for compensation for the troubles she had experienced, but for awareness that this sort of personal tragedy could happen to anyone in Slovenia.

It was this over-arching theme of “awareness” that emerged from our second less formal, yet equally meaningful meeting. If having one’s rights abused can be summed up in a single item or a characteristic that is lost or changed, it would be “dignity.” At the core of dignity is the notion of being regarded in some way. Having a name that people speak or having a face that people recognize is to be regarded. Being shunted off into a categorical wasteland where your face and name cannot be regarded is the ontological reality of the Erasing. The disregard that the State had for Nina and through the complex set of relationships, activities, and behaviors that society uses to create the State that were abrogated for Nina is at the root of this loss of dignity. The “awareness” that

²⁵ I mediated an argument between a Croatian political scientist and two Slovenian scholars at a conference in Maine in 2008. The crux of the argument was the “false notion” that Slovenia had a good human rights record, especially in light of the Erasing. The discussion ranged from individual distress, as evidenced by Nina, Marta, and Bostjan’s experiences to EU accession and Slovenia’s then current policy of blocking Croatia from accession talks with the EU. A point was made that Slovenia, under EU guidelines, would have been required to remediate the Erasing, before it could have accessed. There was, despite other differences in opinion, an agreement that the Erasing had not been properly addressed during the run up to Slovenia’s joining the supranational body.

Nina kept talking about was the return of the subjectivity, but, unlike life before the Erasing, this regard has to be recreated and reproduced by her agency. However, that recreation and reproduction is tempered and guided by the continued access to channels of help and assistance through NGOs such as The Peace Institute.

My own thoughts on the ramifications of the Erasing had grown to match her observation. The question we now asked of each other was “How could a difference have been made?” My own abilities were limited both in my position as a graduate student researcher and as an outsider, but we thought of some things that she could do to create awareness among *izbrisani* and Slovenes in general.

Nina mentioned her daughter’s love of social media, especially Facebook, and wondered how hard it would be to set up a way for other *izbrisani* to contact each other. I showed her how easy groups could be made and how my own groups on this social media site worked. She said she had much to learn, but she could leverage her daughter’s use of the site and knowledge to make it happen. I wondered how many people in her situation had access to computers and the Internet, but she expressed confidence that if she could find just a few other *izbrisani* on the Internet, through Facebook or elsewhere, it would be a good thing. I suggested that simply creating a tag in one’s profile that said “*izbrisan*” might be enough. In this way, a word just known to mean exactly what one has experienced could become the link to many other people.

Nina then suggested that there was another way that the *izbrisani* experience had not been addressed fully. “Many *izbrisani* are women, like me. The men had it better, because they could always work,” she said. *Izbrisani* women’s experiences were different, because of gender roles expected of them. She said she wanted to set up a way for *izbrisani* women to meet and offer each other support. Her intuition and observation of other *izbrisani* women, therefore, coincided with data and information that I had only just begun to gather and to shepherd into something meaningful to me.

Our brief meeting that day stretched into two hours of coffee and further conversation that did not necessarily touch on the *izbrisani*’s plight, but instead discussed broader questions of how to turn the experience into the action. Other neighbors and friends came by while we talked. Still, people who came in, calling on Nina, were there to see her and to see her American acquaintance, but the issue that brought it all together was not coffee and friendship, but a relationship in common to a human rights violation.

Participation and flexibility

Among these NGOs, The Peace Institute and its organic participation in the remediation of the *izbrisani* issue stands alone in reflecting some key qualities necessary to be effective within the process of the Erasing. Foremost, its flexibility breaks down the guise of the shadow state often worn by NGOs (Wolch 1990; Lake and Newman 2002). It operates in this arena, but it also participates in the more liberal conception of civil society, especially in its own

research projects. The Peace Institute exists in both domains and at different scales within those domains. Most importantly it exists as a facilitator in the relationships between and among *izbrisani*, and the NGOs that help them, and between the State that possesses power and authority to remediate them, and everyday life that they still must live (Trudeau and Veroniso 2009).

With regard to the theoretical assertions made in Chapter 3, this bridging of erased spaces is an event that happens conterminously with remediation of practical problems within the life of an *izbrisani* such as documentation, job access, health care, and so forth. The actual obtaining of the right to have these things is epiphenomenal to the holding of the driver's license, to the reacquisition of the tax identification number, and to seeing a doctor without fear of being told "No." The thick connections that The Peace Institute can create for the Erased build a bridge between the erased spaces and a space where the process of completion can occur by providing multiple adaptable practices to approaching both facets of governance. The thick connections between the spaces occupied by the *izbrisani* allow for them to have choice and agency by providing support and practices that engage them with structural entities. These practices, such as community building, legal activities, protests, or taking care of one's health, benefit from the thick connection that a hybrid organization such as The Peace Institute creates because each *izbrisani* faces a moment where mere personal power cannot be resilient in the face of the Erasing.

But what is brought together by The Peace Institute's hybrid capabilities? To spaces separated from each other by the human rights violation: erased spaces filled with the bodies of the *izbrisani* and the spaces where the *izbrisani* can become complete. A link is needed between these two spaces. The thickly connected Peace Institute bridges Becoming Erased to the Becoming Complete, yet the other NGOs are weakly connecting these two spaces as they dissipate into the State or themselves, or re-emerge in the spaces of erasing. The thickly connected spaces are different in that the space connected to the Erased is contained within the State, permeated by the State, but it is not necessarily fixed within the State. It is a space of becoming complete. It is a space where reintegration into the structured power dynamics represented by the State can occur, but, rather than being purely the complete subject of State power, an *izbrisani* person starts the process of becoming complete, informed through time by the process of becoming erased.

In the following chapter, the theoretical perspectives drawn in Chapter 2 are placed in conversation with the realities of these cross-scalar, cross-domain, thick connections to develop an understanding of how an unnecessary, yet novel human rights abuse could create a set of practices that reconfigure conceptions of the State, civil society, individuals, and rights. The artifice of pastoral governance, spaces of exception, incomplete state-subject relationships, and post-socialist capitalist state power does not explain fully the phenomenon that is the Erasing and the lives of the *izbrisani*. Chapter 8 extends this contention and

contributes an extended theoretical perspective on what becoming erased and its aftermath means beyond Slovenia.

Chapter 8 -- Becoming erased - Becoming complete

The story of the *izbrisani* is the tension between becoming erased and becoming complete. This tension is born of the complexity of the erasing as a political/cultural phenomenon, but also the direct effects that it had on individuals' lives. In terms of the theoretical framework of this research, the tension emerges through the time spent as an *izbrisani*, re-establishing oneself, and living life through one's social networks in the time after that process of re-establishment has begun. This chapter frames these different ways of being by putting the stories of the *izbrisani* represented in the vignettes in conversation with each other. It looks at the logic of the Erasing and the possibilities of it as a phenomenon beyond Slovenia. The spaces created by this logic are examined and criticized. Finally, the process of becoming complete is offered as the contribution that this examination of the Erasing makes.

The *izbrisani* represent processes of agency

The lesson of Nina's becoming erased is that of the importance of relationships. This is the same lesson as Bostjan's experience, but also the lesson of Marta's more desperate and vulnerable situation. Where Bostjan's experience was one of performing the male-centered acts of leveraging and managing relationships, but also putting on a mask of a new identity when it was convenient, Nina's and Marta's experiences were complicated by their double

erasure as *izbrisani* and as women. The structural advantage that Bostjan had was exploited, by him, through an expression of a privileged agency. It is difficult to begrudge Bostjan's reaction and remediation of his erasure. Why? There was the dual nature of his genetic predisposition. He was a twin who could put on his brother's identity when needed, but he was also a man who could pick up the phone and arrange his own resiliency across scales and borders. It was clear throughout speaking with Bostjan that becoming erased was a case for being entrepreneurial (Kabeer 1994; King and Mason 2001).

The prosperity represented by his neatly appointed coffee shop that sits facing an elite spa and hotel in Eastern Slovenia demonstrates his success. The brazen, yet respectful manner in which he speaks of his illegal, but necessary life lived as his twin brother demonstrates his resourcefulness. This resourcefulness was founded in his privilege as a man as a *Gastarbeiter* (Shonick 2009; Parutis 2013). The means by which that happened were not available to Marta and Nina. The relationships available to Bostjan, the network of contacts, and the acceptability of his transgression of borders and against laws represented by that privilege, were also constituted by that privilege. It was acceptable for Bostjan to act like a man: to transgress and to be privileged.

Marta could not and, certainly, did not try to exploit any relationships beyond that of the bureaucracy. During the last minutes of her interview, she went to the door to let the postal carrier into her apartment. In a scene foreign to American eyes, the postal carrier produced a money pouch, a ledger, and a

receipt book. Each of the men who lived in Marta's apartment -- her husband and a son -- came in and the postal carrier looked in the ledger after they produced identification. The father signed a receipt for 130 Euros handed to him by the postal carrier and the son did the same for a lesser amount. The former was a disability pension and the latter was for unemployment. The postal carrier turned down an offer of coffee, put his money pouch away, and left. The husband and son returned to the living room where they had been dispatched at the beginning of the interview, yet the money was left on the kitchen table. Marta counted it as she would have as a bank employee and put it in a container on top of the refrigerator. This normal transaction was indicative of Marta's relationship to the bureaucracy and the Slovenian State that it represented and to her relationship with the men in her family. To Marta, the state was a personification to be brought to justice, and an institution that both provided and denied aid. Unlike Bostjan, she did not leave the territory of the Slovenian State. Unlike Nina, she has not gone outside of the normalized domain of the individual-state relationship, a relationship complicated and defined by her status as *izbrisani*. Her desire to go beyond erasure was subsumed by her struggles of lost income, lost friendships, and lost time. Still, she reclaimed her agency and struggled to make a better life for herself and her family.

Compounded by the potential for a loss of her housing, her situation is desperate because it has all of the hallmarks of how terrible becoming erased could be, but the transaction between the postal carrier and her family does not

mean that she is being parasitic on the system that has betrayed her. She has found a way to carve out space in what remains of her life. That space is a re-affirmation of her relationship to the State and how that relationship defines her as *izbrisani*; it also defines the Slovene State.

The Slovene State in its capricious interface to the *izbrisani* simultaneously denies the formal ties to these individuals, makes them exceptions, and then hinders their ability to find justice. Marta's case is how one person can become a refugee, but never flee. How long one can be a captive, but not be released, and how long one can be condemned, but not killed. She is the solution to the political problem of human rights abuse. She does not solve the *problem for herself*, and the state does not solve *the problem of her*. She just remains, sitting at that table for the time when she breaks the exceptional relationship she has with the state and the state breaks the exceptional relationship it has with her. Marta is different from Nina and Bostjan, though she is still a fighter. She still has her agency. Her circumstances and relationships with others and the State are different from Nina and Bostjan. Her access to resources and troubled social networks make her wait longer. Her story reinforces the capricious nature of the Erasing, but also reinforces the Erasing's nature as a common ontology.

Similar to both Bostjan and Marta, Nina found herself at the mercy of the machine of state power, but she found a liminal space that was neither across borders and scales, nor trapped in her kitchen drinking coffee poured from a

battered *džezva*, a type of Turkish-style coffee pot. Her story is about access and accessing. Her willingness to ask for help is the evidence of the power of her agency. She could act for herself, but that action came from being aware of both the structure of being erased, being aware of her becoming erased and the particular qualities that it had in her own case, and being aware that it did not have to be that way. It also had another awareness: history. Nina knew that being stateless is never good, and that waiting for the world to fix itself was a terrible gamble with worse odds.

The structure Nina found was in the power of NGOs, particularly The Peace Institute. Where Bostjan's agency was found in relationships established before he was erased, Nina's agency was founded in establishing relationships that worked within the trans-local nature of all scales without being trapped within the potential tyrannies of everyday life as had happened to Marta. The willingness to shift one's perspective, yet to still focus on everyday matters as problems to be addressed through one's own effort and through the efforts of others shows one way out of the trap of the Erasing found in its nature. It creates a place of exception as a demonstration of state power and the weak bonds between the State and individuals. Then the Erasing, as an institution itself, exploits the power of pastoral governance to re-present authority back to the State as an affirmation of the State.

The *izbrisani* presented in the earlier vignettes, if taken one by one, share little as individuals among their stories other than the common experience of

being erased. Certainly, Marta and Nina's shared gender matters, but their gender serves as a discontinuity from Bostjan's experience as a male *izbrisani*. Marta's status as a child of insiders whose connections to the system could not stop her from becoming erased is different from Nina's and Bostjan's clear outsider status as Bosnians. As the introduction to this work laments, so little about the *izbrisani* is known in a large-scale empirical sense. This stands to reason.

Any group of excluded people that are, by design, intended to be marked as excluded by virtue of anonymity are going to be difficult to see, feel, and hear. In many ways, the data from the Free Clinic resembles archaeological findings rather than records of people who are, for the most part, still alive. The difference between the residual knowledge of those records and the knowledge contained in the Free Clinic intake documents is not the form of the data gathering, but the fact that these are lives that continue somewhere. The difference would be that the *izbrisani* are, as stated above, still here among the Slovenes.

The logic of the Erasing

In Chapter 2, I proposed the notion of space of the Erasing. Standing alone as an event in human history, it is hard to see what logic has to do with the Erasing, but that is not the intent of that proposition. Its intent is to describe formally what was practiced in those days in 1992 and afterwards when the secret decisions, so secret that their subjects were never told that such decisions happened, were made. The governmental documents of the Erasing are few. What has been seen in the short memoranda made available to researchers are semi-legal decisions that made appeals not just to the sufficiency of the act -- that it would achieve its effect -- but also to the necessity of the act (Ministrvo za Notranje Zadeve 1992a). There was logic, a formal set of steps that were not stated directly, but became apparent as the Erasing unfolded. This logic sets up the new ontological space that the Erasing represents and, in itself, represents the logic of inclusion and exclusion.

The logic of the Erasing is that it included and/or excluded people unless their inclusion was materially false or their exclusion was materially false. "Material" in this sense refers to the physical presence of the person in space. Since the Erasing was an inclusion/exclusion that did not mark them in a physical sense nor did it remove them from the space in a physical sense, their presence could not be shown materially within spaces of inclusion or exclusion. The Erasing created a space outside of normal political space, a space occupied by

the Erased. The Erasing created three clear sets of people: Those included, those excluded, and those who were both included *and* excluded. The *izbrisani* are that third set, whose inclusion and exclusion was materially not the case both respective to and in conjunction with each other. In other words, they are a set of people outside of the excluded/included groups of people, but occupying the same physical space as those people. Formally speaking, this is an inclusive disjunction. The material reality of the State was not brought to bear upon them in the form of orders of deportation, imprisonment, or, worse, killing, so their bodies never left the socio-legal space of Slovenia. Their own reality was changed only when they tried to move in the space made clear by the exclusion/inclusion paradigm. At that point, they became materially false. The *izbrisani* became erased.

The logic of the Erasing is not to say that the Erasing was logical. Many social processes have internal logical structures that are predicated upon either certain conditions, often rare, for their consistency to be maintained or they are predicated on there being no question as to their coherence by virtue of some *a priori* understanding of the world. Therefore, the logic of the Erasing was not produced by conditions that necessarily existed and required the logic to be sufficiently and externally coherent with those conditions. The reverse is actually the case. Necessity is assumed. Sufficiency is assumed. The state uses the logic of the Erasing to produce the Erased. This act of production is the important

aspect of the logic. It is a technology meant to make a material thing: to create a new form of the State. How does the State do it?

As many other technologies to make the State have done, the State props up the inclusion/exclusion paradigm and it innovates. Eventually, technologies break down and must be changed or made anew. In the case of a technology that is meant to support this paradigm, societal resistance will be met, and if this resistance is particularly great or adept, the technology may stop working.

Innovation, the creation of new techniques becomes necessary; erasing, I argue, was such a new technology.

Why does the State create new ways to re-constitute itself? The State has been characterized under globalization as being on the wane as an organized political entity (Evans 1997). It is especially interesting to consider this prospect in the aftermath of the post-socialist transitions in Eastern and Central Europe, as while many of the leaders in the old regimes were removed from power, others transitioned as well. The argument can be made that the transition hinged on certain central administrative and managerial figures remaining in the State apparatus as it moved away from socialism to market capitalism (Eyal, et al. 2000). Analysis by the World Bank at the mid-point of the transition period supports this assertion (Nunberg, Barbone, and Derlien 1999). In a sense, the Erasing is a pro-state action. The bureaucrats and politicians who issued the secret orders possibly did so to advance a system of authoritarian control that they understood to work under Communism in Yugoslavia. Therefore, in their

minds, this act was not necessarily an attack on people, but an act in support of the necessary societal organization: the State. Still, the State needed subjects to wield authority and power over and, in this case, it needed to set the boundaries of who was included/excluded from the territory of Slovenia. The Erasing, for the Slovene State and its proponents was not about eliminating people necessarily. It was about creating a measure by which the population of political subjects could be ruled. It was about the shift from power and authority directly applied to a population by force to a “governmentalized’ rule which decenters the state under liberalism” (Curtis 2002, pg 506).

The grandest exclusion the State can do is to kill subjects, especially in an internally logical and moral way. This is the point of Agamben’s *homo sacer*, the sacred man. The sacred man is included in the juridical order in the form of exclusion as part of the legal capacity of the State to kill creates the Sovereign (Agamben 1998). The logic of the Erasing upends this. In spite of Agamben’s protests against the deeply legalized nature of modern politics, the Erasing creates a new space via its logic of making a residual space where people are not sacred or profane, but disregarded (Agamben 2003). The State, at least in the Slovenian case, has learned the lessons of history. It cannot kill *en masse* the way it once did. Slovenia cannot participate in genocide as it did in the aftermath of World War II (Corsellis and Ferrar 2005)²⁶. The juridical-legal consequences of

²⁶ Slovenia’s history during the immediate aftermath of the war included a series of mass deportations and killings, especially as Yugoslavs (including Slovenians) were forcibly repatriated back from Austria and Italy in 1945. Much of the reprisals occurred during a fluid time when the zones of occupation were being

such actions, in a globalized world, would be much more material than they have ever been. The logic of the Erasing is an innovation. The state of exception props up sovereignty, but the space where human life was possible has not been completely subsumed into the legal-political reality.

The innovation of the Erasing serves a clear purpose: Achieve the political outcome of killing without the political problem of killing. No killing was done, but that there was no killing serves only to demonstrate the nature of the Erasing. Instead of collapsing the space between life and law, the Erasing creates a new insidious space where being disregarded by the state happens gradually with deep harmful effects, but no direct action against the body occurs. No bullets strike bodies. No raping occurs. No forced migration to camps occurs. People are buried alive. The space that arises, the one occupied by the *izbrisani*, unsettles Agamben's spatial regime born of the inclusion/exclusion dyad. The inclusive disjunction is found within the logic of the Erasing. It is not Agamben's inclusive exclusion as, by virtue of its secret application, its lack of the force of killing, and its inscrutable yet insidious effects, it decouples the State from certain bodies both as a sign to those bodies and as a sign to itself that it has the power to do so. This power to do so is tempered by a globalized public the State cannot control and, in turn, hinges on the disregard of the *izbrisani*, setting them free from the State itself and placing them outside its control. The space in which *izbrisani* find themselves, is the space of erasing.

settled among the victorious Allies and Yugoslav forces (Corsellis and Ferrar 2005).

Spaces of erasing

What are the spaces of erasing like? The description of Šiška in Ljubljana in the preceding chapters characterizes the material space of the Erasing, at least in an urban setting. But this material space is both born of the material culture there, such as blocks of flats, shopping venues, schools, streets, etc., and the relationships that agents living within this material space have with it. These relationships build those spaces and imbue them with meaning. To be excluded from the space delineated as Slovenia, as an example, is in fact to have a specific relationship with Slovenia in the first place. Conversely, inclusion makes a specific relationship as well. Both, as discussed above, are relationships of inclusion/exclusion and are basically legal-social and structural in nature. The spaces of erasing are to be present in the space of Slovenia, but excluded from a relationship with Slovenia.

An individual can choose to exclude himself or herself from Slovenia, but to do so does not destabilize Slovenia. In the case of the *izbrisani*, this action was done for them. It actually reaffirms the legal-social construct of Slovenia. The denial or even ignorance of Slovenia gives value to Slovenia in a negative sense. This is Baudrillard's *simulacra* argument, but negating Slovenia or interfacing with all of that which is not Slovenia is an act of exclusion and the dyad remains untouched.

To include oneself, even in the most benign ways, in the space of Slovenia, assumes and requires a larger set of legal notions of what Slovenia is. Its sovereignty matters if one decides to travel there as a foreign national as its sovereignty underpins the customs and passport treaties that allows a traveler to cross its borders. Its sovereignty matters because it is imagined that it matters. Inclusion is as unsettling in its practice as exclusion, and, again, the two remain untouched.

These two perspectives on the power of inclusion/exclusion are different from what happened with regard to the *izbrisani*. The space of erasing stands outside of the space of inclusion/exclusion. The State/individual relationship and its break down make this space different. Instead of the authoritarian “yes or no,” to find oneself in the space of erasing is to not hear that one is included/excluded, but also not to ask if one is included/excluded. The call of pastoral power is never made, nor is it heard. The incomplete relationship between authority/power and the individual is a product of a breakdown in communication between the two. The breakdown, especially in the case of the *izbrisani*, is not simply a matter of avoidance. That would be a reassertion of the inclusion/exclusion coupling. It is a production of a space that is more terrifying than any other when one finds oneself in it, or when one finds others within it.

When one is outside of the included/excluded spatial paradigm one is freed from care by the State and others, but also from obligation to the State and others. When one sees this terrifying space, one sees the effects of a lack of

care, but also of the lack of obligations. To be in the spaces of erasing is to be constantly moving away from the State and others, but to also be constantly moving toward it. The difference between the inclusion/exclusion paradigm is the loss of hope that there will be the clarifying moment when the border is crossed to included or excluded. To be erased is to be in a residual space outside of inclusion/exclusion, but not to have any signs indicating where a person is, spatially.

It is not a juridical-social limbo, though. In order for it to be such, the law embodied in sovereignty must care, one way or the other, about the body that it is applying its power upon. When one is in the space of erasing, what one does is outside the purview of pastoral care. The positive power of the law is indistinguishable from the negative because being in a space of erasing is to be indistinguishable. The whole interface of “care” between the State and individuals breaks down in both its positive and negative sense. The State does not care to deport or to house. It does not care to hate or to love. It does not care to kill or to save. In reverse, the individual, so disregarded, becomes the focus of where care must emanate, at least in a positive sense. Individuals must house, save, and love. Therefore, in this atomistic sense, the sovereign state, though responsible for the existence of the spaces of erasing, dominates them but is not invested in these spaces of erasing. The people within those spaces live their lives as the rule and as the exception.

The *izbrisani* as a rule and as an exception

The *izbrisani*, with the realization that they are both a rule and an exception, can be captured theoretically, but are also difficult to theorize from. As the spaces of erasing discussion above points out, erased are not in some liminal space waiting to cross over into inclusion/exclusion. They live in a residual space. They are not by-products of inclusion/exclusion, but are bodies within a space represented by no regime of power but dependent upon being disregarded by power and authority. On the map of Slovenian power and authority as a sovereign state, they are medium of the map itself, not the markings that represent the map. The contention is: The Erased are idiopathic and nomothetic. They are all exceptions to the rule of inclusion/exclusion in Slovenia, but they are also representative of a possibility for all people in any state, at any place on the planet to not be that rule.

The Erasing has made them individually separate, but also has made a category out of them -- the administrative minority -- that can only be hinted at, implied by actions, but not spoken of. This has two implications. First, to become erased is to be the focus of a set of practices of governance that delineates, but does not derive, its power from sovereignty. This is quite a different thing from the Foucauldian undercurrent of implicit violence that underpins the sovereign. State power as a product of state violence is subsumed into a gentle application of the pastoral mechanisms of control. No longer is sovereign state signifying the ability to say "No. You may not" with the force of killing to prop up the negative

order. The sovereign state is saying “No. You are not” via erasing rather than signifying. The second implication follows from the first in that the orders that say “No. You are not” are bound up in the practice of governance and are bound up in the positive role that bureaucracy, following Weber, is supposed to have in a society (Weber 1991). To come to terms with the fact that one was erased, one did not hear “No. You are not.” The act of erasing was through a discovery of one’s state of affairs when interfacing with the Slovene bureaucracy. The violation of rights did not come as a sudden, clear moment, but as slow trickle of information that only had implications for the erased person over time. To become erased was to move from belonging in space to merely being in space through the experience of the sovereignty over time and to spaces of erasing.

The second thrust of the Erasing is that it is nomothetic. It is a law-making phenomenon insofar as it has created the possibility for a similar action to be repeated elsewhere. The legal mind requires precedent as Agamben well counsels. That the Erasing could be used as precedence is frightening. It is not international law and certainly cannot be cited in a way that nations could use it constitutionally or administratively (Koh 2004). There is, though, the specter of nefarious influence upon state’s decision-making against minorities or immigrants as a form of “lawfare” (Luban 2007; Yin 2009; Dunlap 2009; Blank 2011). As a form of lawfare, the use of legal means to oppress, the Erasing is an example without parallel. It was done secretly, ostensibly legally as it required a subsequent law to fix the problem, and it was done via a set of legal institutional

channels that paralleled open processes such that of obtaining a citizenship via naturalization.

No matter the form of the procedure and its potential to be applied elsewhere, or, in the case of Slovenia, to be applied again, the Erasing made the *izbrisani* the rule and the exception. The difficulty in understanding the impact of this use of the law to define people and the use of the law against them in a negative sense is that it was not meant as a sign to the rest of Slovenian society because of the secrecy surrounding it. The impact on potential relationships between the State and subjects is that if the Erasing were paradigmatic and had the ability to be applied elsewhere, then it would have to become a global rule emanating from a global exception.

Bodies and/or camps

The *izbrisani* live a logic. They are materially false beings living outside of the normalized societal paradigm of inclusion/exclusion. The structural attachments from simple identification cards to access to systems of care that define the interfaces with society are denied to them, although not through open legal prohibition. The materially false aspect of the logic of the Erasing is that the subjects are not told “No. You are not” though they are rendered in a negated form by force of the logic. The premises upon which the Erasing is based may be false in and of themselves, but consistency is not what the Erasing is about. This logic, born of an ambiguous relationship with the State, produces a spatial regime

outside of the purview of state power, but delineated by it. The goal of the logic of the Erasing is to produce a new spatial regime where state power do not apply, but is still in force. This is much like Agamben's state of exception where the sovereign sets aside the law in order to put the law into force, but there is a key difference. Where the state of exception requires an inclusive exclusion, the spatial regime requires an inclusive disjunction. There is no flow of bodies to the exclusionary space within the spaces of erasing. The bodies become disjoined from the State, but are not displaced. The inclusive disjunction, when bodies become set outside of the inclusion/exclusion regime, is what makes the Erasing different and unique, but it also what makes it powerful and extensible: There is no killing of the juridical body in Hannah Arendt's sense of the phrase. In fact, it is the creation of a different spatial realm where the juridical body is animated.

Does the Erasing disprove in some way Agamben's conception of the state of exception? Predictably, the answer is neither clearly "yes" nor clearly "no." The state of exception maintains its ability to characterize the methods by which the sovereign can justify itself and bring its authority and power to bear. In the preponderance of cases of human rights abuses, most should be able to trace their genesis to the imposition of the state of exception. It is the necessity of the *homo sacer*, the person who cannot be killed, but for whom no one will be punished if that person is killed, that is problematic. Agamben's problem is the inability within his system of thought to see the possibility of innovation and of change.

The rise of international courts of justice, the tying of economic opportunity to human rights records, and the realities of global media exposure temper the sovereign's ability to set up the sacred man as the fulcrum upon which state power hinges. The abandonment of a person to the status of "who may be killed without punishment" was decreasingly an option even at the beginning of the horrors of the 1990s Balkan Wars. Slovenia resisted the outright purges and killings of the rest of Yugoslavia despite a poor post-WWII track record with regard to such actions (Corsellis and Ferrar 2005). Still, the urge to make the Slovene political landscape different by a show of power existed. Without the *homo sacer* and the state of exception available to them because of international scrutiny during the period, the Erasing became their innovation -- an innovation that has produced this new space where those who would have been killed without recourse of punishment for their killers became erased.

The problem with Agamben, therefore, lies not with his construction of the mechanism by which state power arises normally. It is two-fold. First, it is in his inability to see the different schemes that are possible in a world so far removed from his classical foundations. Time matters. Human political capability has changed over the millennia. It carries with it those classical and medieval traits that Agamben admires, but the fact remains that changes in human modes of being -- for example, the concept of human rights -- will be met with resistance from power just as the conception of human rights is a resistance to power itself.

That one form of resistance adapts to how power shifts and changes happen in a domain where power itself is quite possible of change and reconstitution.

Second, Agamben shifts the spatial regime in *Homo sacer* from the city and urban experience to “the camp.” One can debate the power of the urban versus the camp model. This model has shown up more and more recently in state security and post-September 11th literature among geographers (Van Munster 2004; Minca 2005; Ek 2006). The emphasis on the urban and the camp -- as a place of permanent exception -- are misplaced. The Erasing shows that further spaces can be opened up. It is not a place of the urban inclusion/exclusion paradigm nor is it a place of permanent exception; this is the case with the *izbrisani*.

The metaphor of the camp -- another weakness of Agamben’s argument is that it is metaphorical. It fails to capture the experience of the *izbrisani*. At the scales of everyday life and neighborhood it is hard to see how being within that milieu meets the criteria of a permanent state of exception. At other scales, especially in terms of attempting to mitigate the circumstance of becoming erased, the power of institutions can be felt, if only momentarily, by the *izbrisani*. This fleeting moment is not permanent exception signified by certain enclosure and intense surveillance. It is impermanent disjunction signified by uncertain disclosure and intense ambivalence.

If, as mentioned in Chapter 2, Agamben is an extension of Foucault, then a further problem with Foucault’s own ambivalence about the progressive nature

of resistance and the possibility of actual change arises. It is difficult to not be sympathetic to Foucault's position, held in various works, that resistance and change are at best relevant to the situation at hand rather than applicable globally. The history of resistance is sympathetic to this assertion. The argument made here is that focusing on resistance may be the problem all together. The complex network of social interconnectivity represented by friends, neighbors, institutions, the nation, regional affiliations, and growing awareness of transnational realities complicates the binary of power and resistance to the point that it has little relevance to a situation such as the *izbrisani*. By virtue of their dual nature as exception and rule, the Foucauldian slight against the efficacy of resistance of power becomes meaningless. There is no resistance; there can only be access to that complex network to try to engage in a process of becoming complete.

If there is any opposing concept to "erased," it is not "visible." It is "becoming complete." The act of working through the incomplete relationships that exist at every point within the complex network mentioned above is the active practice of completing relationships by participating in this complex network. The modern condition of globalized, capital-bound life does not abrogate the old system of incomplete relationships that people have. If anything it complicates it and re-establishes it in more and more places. To become erased is to enter into a spatial regime where the incomplete relationship with the State is both momentary and, potentially, of long tenure. The sovereign no longer

relies on power alone as time has entered into the game. With the tenure of the *izbrisani* moving into a generational scale as the Erasing enters its third decade, time is not of the essence. It is a critical measure of the practices that are becoming erased.

Time sovereignty exists as the temporal representation of the sovereign's power (Jessop 2003). It represents how disposed a governance structure is to making decisions and its right to take as much or as little time as necessary to make those decisions. If one consequence of globalization is the erosion of state power as manifested in the nation-state, then time sovereignty is a way nation-states push back the decline of their power under a global governance regime (Hassan 2003). Time sovereignty is increasingly less democratic and responsive to the governance of the many and concentrates itself in unitary bodies or figures within a political system. In other words, small groups of people make decisions under the guise of time sovereignty in order to gain more time, not more territory. The Erasing, the decision to do it, and the consequences of it for its victims, Slovenia, and the rest of Europe and world were exactly the consequence of time sovereignty. Time sovereignty was used to build an alternative spatial regime where the only action of resistance is to become complete within that space. This resistance is the experience of time and the practices one performs in order to become complete.

Becoming complete

What does it mean to become complete? Living in the world as an erased person is to live in a frightening space, but, through participating in life at many different scales, it can also be a space of difference, belonging, and freedom. For some it can be a desired space, a space where those who have not been erased seek a path there. The venues of participation must be available, though. If one can be in a place, but not be seen, speak to the place in which one lives and not be heard, but to exist in a place in which one is erased, then participation has to be done via a set of relationships. These relationships do not depend upon citizenship in a nation-state. They depend on becoming complete at all scales. Becoming complete happens when one shifts the focus of justice and restoration away from the juridical body, the body that is disciplined, to the palliative body, the body that one cares for.

In the preceding chapters, three stories were told within the greater story of the Erasing. Each *izbrisani* person represented a different element of the whole of the class of *izbrisani*. Importantly, the vignettes also represented three different ways that one becomes complete with varying degrees of success. Each person cared for his or herself differently and each was in the process of becoming complete in response to the Erasing. Each person was moved from the space of erasing. Bostjan was farther along, than Nina, who was still farther along than Marta. The distance each had travelled is not measured in any other

way than the time it is taking to become complete. The sovereignty of time requires an understanding that one is not just dealing with the apparatus of the State, but also the tenure of the State. The State, in the face of globalizing realities, is faced with a diminished capacity to control or exercise power over its territories.

In Figure 8.1, The Peace Institute is used as a possible life path of an erased person. Each strand emanating from the Becoming Erased space represents a life course of an *izbrisani* person in relation to an NGO; each strand also represents time. The space of erasing is shown as the gray area labeled “The State,” because of the fact that each *izbrisani* was never displaced. The State, therefore, is represented as a domain to be traversed and interacted with on the way to Becoming Complete. Each space – Becoming Complete and Becoming Erased -- is represented with a dashed circle with Becoming Erased’s dashed line referring to a space both interfacing with the State and bounded by being erased. The Becoming Complete space interfaces with the State, but also has an open border outside of the State. The strand bundle, representing The Peace Institute, connects the two across the domain of the State in a thick, more direct and hybrid manner. The others do not connect, are less direct, and/or stop at a point where no chance of Becoming Complete exists.

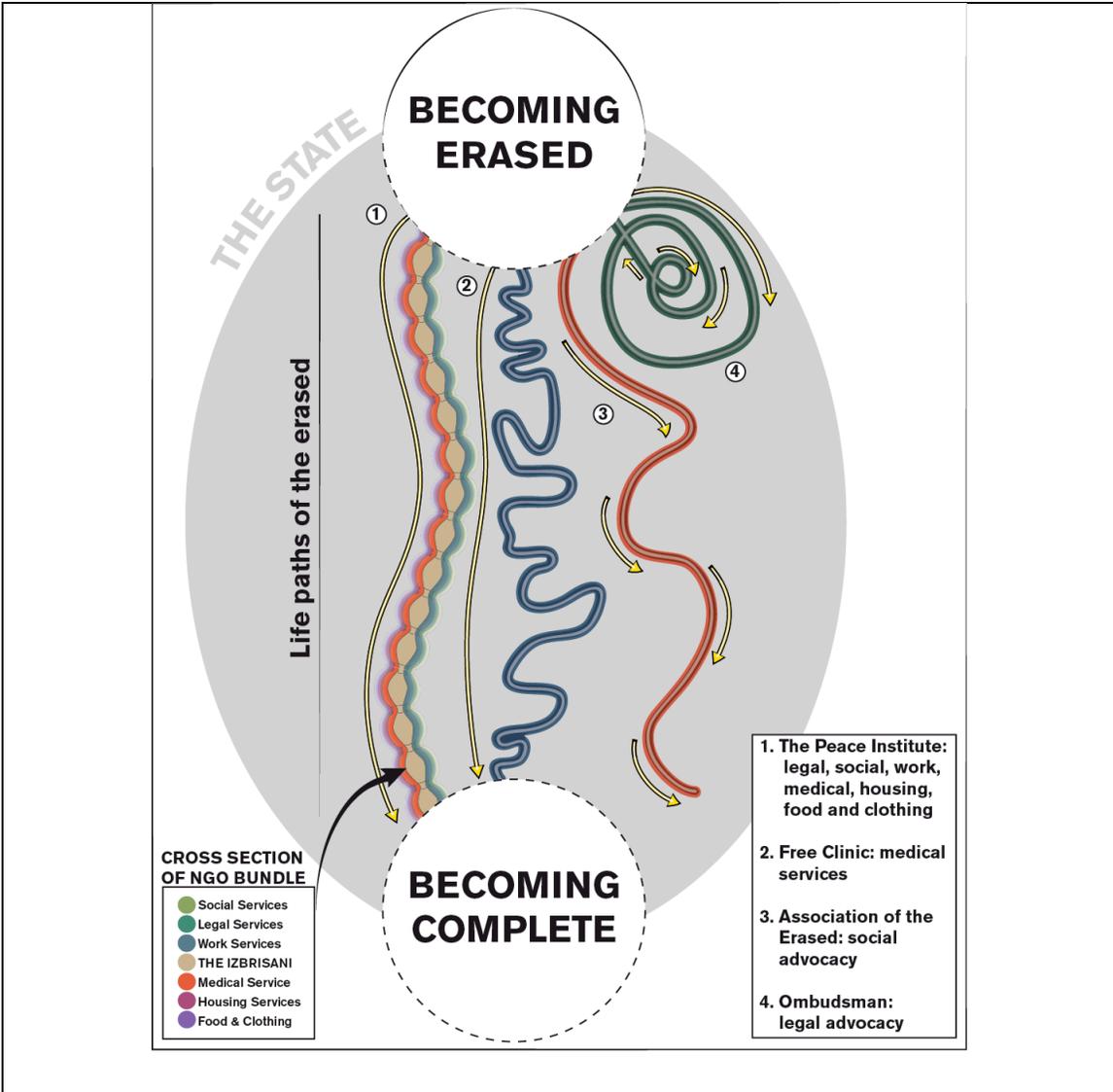


Figure 8.1. Thickly and thinly connected NGO. Each strand represents an izbrisani's life in relation to an NGO's service that he or she might have accessed.

If each strand of time in interface with an NGO represents one *izbrisani*, then accessing a hybrid NGO, such as The Peace Institute (Strand 1), straightens the life path, thickens it, and makes the life path connect with the process of Becoming Complete shorter and less arduous. Strand 1 would be the life course of Nina: Many slight curves, but ultimately a life reconnected and lived with her family in the face of the Erasing using a thickly-connected NGO. Strand 2 could be Bostjan. A life of circuitous routes to Becoming Complete, where his agency was expressed and connecting himself was a matter of connecting with an unusual way of solving his erasing. His use of the NGOs is not as clear. He was able to reconnect to the process of Becoming Complete. This shows that time and the power over it can be overcome with a great deal of wit and a great deal of historical structures. Strand 3, then, would be Marta. She is still on the path to Becoming Complete. Her agency is bound to her reliance on a thinly connected NGO and her reliance on her male family members who remain in a different social, cultural and political space from her. Strand 4 is the historical legacy of the Erasing. There are still *izbrisani* in Slovenia who have not begun the process. Maybe they have interfaced with a group like the well-meaning Office of the Ombudsman for Human Rights. Its compromised position as an organ of the state that attempts to act like an NGO might have placed an *izbrisani* on a life path that returns to the process of Becoming Erased. This difficult outcome, even if speculative, demonstrates near intractability of the Erasing as a problem: One

just never knows. As a historic event, the Erasing demonstrates both the innovative nature of state power, but also a diminished capacity of state power.

Slovenia's pattern of subsuming itself to larger governance structures -- first the Hapsburg crown lands, later the Austro-Hungarian Empire, then the various forms of Yugoslavian kingdoms and republics, and finally the European Union -- gives testament to this diminished capacity. The State's last pastoral landscape is that of time. This is a temporal landscape with the capability to prevent the conference of necessary criteria to become a full and complete person in a globalized world: care, residency, or citizenship. Rather than gathering in the flock to provide care for their bodies or to extract production from their bodies, this landscape waits for stragglers to return in order to make them ask for care or for the chance to produce.

The current relationship that the European Union and Slovenia have is fraught with irony in light of the case of the Erased. Two glaring ironies exist. First, as a post-socialist/former Communist place, Slovenia should have been more closely vetted by the European Union under its mandate of protection of European peoples. The irony here lies with improper perceptions of the EU as a protector of human rights in Europe. At its core, it is an economic union. While this fact should lead to increased prosperity and social mobility for people in the EU, it is not necessarily the case that human rights will always be addressed first by the EU when accessing a new country. Slovenia's *izbrisani* is a case that demonstrates this fact.

The second irony is that the desire of both Slovenia and the EU to make the accession happen for economic, political and public relations reasons caused an enormously complex operation – the adjustment of Slovenia economically and legally to EU norms – to go smoothly and relatively quickly. It is ironic that such a complicated task could be accomplished in six years, but that the repair of the Erasing and its effects has now entered its third decade.

The Erasing, in the context of the European Union, is probably not unique, especially in the wake of the membership expansion of the decade from 2000 to 2010. Where the Communist era saw oppression of a wholesale nature waged against the populaces of Eastern European countries, the EU's expansion was meant to foster stability through political, economic and cultural cooperation. Yet, new exclusions have emerged. Why is this the case? The accession of individual states during this period came at a time when expressions of autonomy by individual persons became available. The tension between governance at the state level and governance as “an individual characteristic that determines the parameters of legitimate authority” is found deep inside the political desire to become part of the European Union both as a state-level actor and a person who lives within the power and authority of a state (Rasmussen 2011, pg 6). New rules, laws, and strictures are brought to bear against individuals just as freedoms of mobility and conscience were becoming apparent for individuals. Now, rather than constraints on speech or thought, there is the new autonomy directed by an ambiguous set of rules. These rules are promulgated at a level far

beyond even the new democracies that replaced the closed societies of the 20th Century. It makes sense then that the EU and Slovenia had this ironic relationship over the Erasing. The situation was one where nation-states were being built. Latvia used language tests to exclude Russian-speaking residents, for example (Aasland and Flotten 2001; Aasland 2002). The Erasing parallels the process in Latvia, but Latvian efforts at nation-building via exclusion were done in public. The fact remains though, that the State became creative in building itself all over Eastern Europe during this period. It also makes sense that within that context the *izbrisani* had to be creative in their approaches to remediating their erasing.

In the case of Bostjan, he possessed privilege as a man and his unique situation afforded him tools to circumvent the temporal barriers to becoming complete after his erasing. His process involved exploiting older European-scale networks. From a situation which could have easily have seen him rendered stateless and barred from Slovenia, his use of the German *gastarbeiter* programs (and his brother's identity) rendered him both visible and erased. In fact, he is accessing other states and territory to address his status as erased, which would have not been possible if it wasn't for the EU expansion. His return to "normalcy" came only after he had accumulated enough money and time to see the process of becoming complete through to his current fully restored situation. State power, in his case, was blunted by the force of personality, but also by the existence of two related systems: The cross-scalar German guest worker programs and the

family. Without the latter, his force of personality could not have traveled to access the former. The frightening space of erasing that he occupied has given way, through time, to a possibility of becoming complete. The fact remains, though, that he is *izbrisani* and the process to become complete has not ended. In truth, it will never end, because, despite his response to his erasing, he is still becoming complete. The memories of the time of being erased still complicate his everyday life as time goes on.

To contrast Bostjan with Marta, the power of the nation-state to erase one of its own comes to bear. A citizen by any other measure other than the circumstances of her birth, Marta's spiral downward into poverty and extreme uncertainty reveals the double erasing of being *izbrisani* and female. Still, the changes achieved, at the state-level, by NGOs and other *izbrisani* who have taken on the project of completing their relationship with Slovenia have helped her. She continues to have a roof over her head, even though her new-founded entrepreneurialism is hampered by her inability to cross borders into Austria and Italy to find markets for her antiques. If her personal problems can be overcome, she can start the process of becoming complete. Until then she is a woman and an *izbrisani* and she is caught up in structural as well as temporal boundaries promulgated by the State, which has time on its side. The time that the State has at its disposal is not being used for the people who live under state power. It is used for the State's own ends. In the case of Slovenia, this time was used to gain access to the European Union.

Nina is different from both Bostjan and Marta. Her story unfolds in the ubiquitous block of flats in Šiška where friends lent a hand when times were tough, but other neighbors, who were once close, abandoned her to her own devices. Partly out of fear and partly out of hate, people in those close quarters did not necessarily help. Here her story parallels Marta's tale of being a fighter, but with an outcome not bound to a failing family life and to the status of *izbrisani*. She fought to keep her kids in school, exploiting teachers' loves for their own children as an appeal for her own. Watching her daughter completing a stack of homework while Nina entertains a guest, one would never think that no one in the home is truly allowed to be in the house. A house is a material thing, but a home is where one belongs. It is the primary node on a person's large network of support if one is not erased, and it is doubly important as a base of operations if one is erased. One can appeal, at the door, to keep the power on or to forestall eviction if one has children in sight. One's voice can be heard in the hallways as solutions to schooling, health care, jobs, and food are found, often in the most desperate of tones. Nina learned all these things on her own through time. Like Marta, time becomes the stage upon which Nina's life disappears and the needs of the Slovene state come to the foreground. Her life and her erasing was necessary to establish state power, but also necessary, through time, to gain membership in the EU. The supranational European Union is an alliance of nation-states. Slovenia's bid at building a nation-state required measures to show

that it was a nation-state without exposing it to scrutiny that would remove it from consideration by the EU.

In the end, The Peace Institute, or at least an abstraction of what it is, becomes the key to “solving” the Erasing, but it also becomes the key to preventing something like this from happening again. The cross-scalar perspective of The Peace Institute differentiates it from other NGOs that work on the *izbrisani* problem and its hybrid form -- an academic research, legal aid society, social care organization, and media outlet -- makes it effective at its mission. The key to understanding the power of The Peace Institute to affect change in the face of the Erasing is that it is not solely focused on the Erasing itself, but considers the Erasing an important key to unlocking a more just Slovene society and, by extension, a more just European society. It does this by undertaking the difficult mission of participating in both knowledge production, but also in caring for the subjects of its research. The actions taken by the Institute to help the *izbrisani* require an acceptance by the *izbrisani* contacted by The Peace Institute and by those *izbrisani* who reach out to the Institute. This acceptance couples with The Peace Institute’s ability to jump across scales, to work at the European Courts, but also send field operatives out into communities looking for erased people separates The Peace Institute from the others. The multiple scales and multiple spaces of The Peace Institute situate it as a part of the inclusive disjunction that is the spaces of erasing. Becoming erased is becoming complete and The Peace Institute is the institutional embodiment of this process. The

process of becoming complete establishes the spaces of erasing as being real and elaborates upon that reality as not necessarily a negative ontology, but different possibility for people living in the European Union, and, especially for people who live in nation-states that wish to transition to EU membership.

To establish spaces of erasing is to participate in life and society. To re-establish it is to extend life and society. On the spectrum of *izbrisani* experience presented here, each of the vignettes speaks to these two statements to a degree. Marta's story is the negative that demonstrates the existence of the Erasing. Bostjan's is a tale of establishing oneself. Nina speaks to the re-establishment of life and family in the face of despair. The Peace Institute, especially, and all of the other NGOs and institutions as well as people who help with the Erasing are part of those potential and innumerable sodalities.

In conclusion, becoming complete is becoming erased. The new and complex spatial regime represented by the *izbrisani* has the potential to impact others in different parts of the world. It is not unique to Slovenia. It is a lesson in how complex incomplete relationships between individuals and the state have become, how they can unexpectedly become apparent in an individual's life, and the banality of those relationships in an individual's life. The lesson of the complex spaces of the Erased of Slovenia is not "stop state power." The outcome of this analysis is an understanding of the way people can be cast into spaces of erasing as part of a process against them as people with particular histories. Equally as important is that erasing is a process to support the State and justify it.

Since erasing has this two-fold nature the goal of an individual is to see that erasing is happening in direct ways and in subtle ways.

The solution to the Erasing derives itself not from its opposition to the State and its unbridled power, but from the discovery of places where the *izbrisani* cannot be touched. The photograph in Figure 8.2 speaks to this. “I would like to be erased.” This epigram was not written by an *izbrisani* person. The *izbrisani* would rather *not be* erased. It was written by a person captured in a rapidly transitioning place and bound by convention, laws and other things beyond his or her control. A person looking for a place where he or she would not be touched wrote it. The spaces of the *izbrisani* are new places formed by power (Agamben 2005). They are places where one is always at that moment where the touch of power is imminent.

When we recognize the immediacy of pastoral power, but do not feel it, we recognize that our relationships to state power are tenuous and possessed of limitless degrees of incompleteness. Pastoral power is not good nor is it evil. It is a shepherd that closes the gate to the fold, but also culls the flock. It protects from predators, but it also predatedes.



Figure 8.2. “Rad bi bil cigan ali izbrisani.” The graffiti reads “I’d like to be a gypsy or erased.” Taken near the author’s apartment in the Vič neighborhood in Ljubljana, it only became visible after a crew cleared brush from the drainage culvert. Photograph by author.

Understanding that the *izbrisani* are different in their status is one matter. Understanding that the state, in this case Slovenia, has expanded upon the state of exception and changed itself in the face of globalizing pressures such as post-socialist transition and accession to the European Union is another. The State has taken the state of exception and expanded it to a new extreme, unimagined by Agamben, the inclusive disjunction: a new political-social process. This process is becoming erased. Not only are the *izbrisani* erased, we are all becoming erased. Why? We are not completing our relationships with the State. Can we attempt to complete them? Yes, but this would require recognizing that all relationships with the state are necessarily incomplete. The question remains whether one can see this fact before one is erased. Through the experience of becoming erased and through living in spaces of erasing, the *izbrisani* began the journey of becoming complete with the awareness that experience brought.

In the end, two matters have been addressed in this work. First, the State emerges as innovative, though diminished in the sense that it must go to such extremes to remain the seat of power and authority. It has the ability to change itself to project its power and protect its authority despite larger forces arrayed against it in a globalized world. Its domain looms over a subject's social time as well as that subject's social space. Second, the examination of the *izbrisani* through the theoretical framework demonstrates that the state of exception is not the end of exclusion. In fact, there is political space beyond exclusion. The

spaces of erasing are political in that the realization that they exist empowers subjects to understand their world differently and, specifically, to understand that a subject's relationship with the State can become different. The state of exception has a paradoxical exception itself. Becoming erased is becoming complete. It is to be inclusively disjoined and to be aware of that fact. Becoming complete is the process of relating oneself back to power and authority from outside of political space of the State. It is innovating agency in the face of new political structures. Despite striking fear and despair into those who face it, it has the ability to be liberating.

Appendix A: Documents that form the basis of the Erasing



REPUBLIKA SLOVENIJA

MINISTRSTVO ZA NOTRANJE ZADEVE

61001 LJUBLJANA, ŠTEFANOVA 2

Telefon: (061) 151-400, 125-125, poštni predal št. 640, 642

Številka: 0016/i-S-010/3-91

4/6-1992

Datum:

VLADA REPUBLIKE SLOVENIJE

ZADEVA: ODPRTA VPRAŠANJA O IZVAJANJU ZAKONA O TUJCIH

Z operacionalizacijo 40. člena Zakona o državljanstvu je izčrpana pravica državljanov drugih republik bivše SFRJ za pridobitev državljanstva Republike Slovenije brez posebnih pogojev. V neposredni zvezi s tem zakonom je Zakon o tujcih v prehodni določbi (81. člen) dopuščal za te osebe možnost, da si uredijo svoj status na podlagi lastne svobodne odločitve. Tako so se po 25/2-1992 za večino oseb, ki niso zaprosile za državljanstvo Republike Slovenije, začele uporabljati določbe Zakona o tujcih, za osebe, ki so prejele negativno odločbo o državljanstvu Republike Slovenije, pa se določbe tega zakona začnejo uporabljati dva meseca od izdaje negativne odločbe.

Po naših ocenah gre za 40.000 oseb, ki so tako po sili zakona oziroma na podlagi negativne odločbe o državljanstvu postali tujci in si urejajo svoj status prebivanja v Republiki Sloveniji. Dosedanja praksa pri sprejemanju vlog za stalno in začasno prebivanje kaže na to, da je večina vlog oprtih na eksistenčne razloge, ki naj bi opravičevali razlog prebivanja v Republiki Sloveniji (daljše prebivanje v Republiki Sloveniji, zaposlitev, poroka z državljanom Republike Slovenije, nepremično premoženje itd.). Upravičenost razlogov prebivanja je povezana tudi s pridobljenimi pravicami, ki se nemalokrat izključujejo z zakonskimi pogoji (oseba nima sredstev za preživljanje oziroma mu preživljanje v državi ni kako drugače zagotovljeno - brezposlenost, opravičevanje z nepremičnim premoženjem brez upravičenih razlogov - fiktivnost). Svojevrstni problem pa predstavlja tudi zamuda pri sprejemu Zakona o zaposlovanju tujcev in Zakona o socialnem varstvu. Očitno je namreč, da se to pravno vrzel poskuša kompenzirati z določbami Zakona o tujcih, kar pa ni njegov namen.

Ministrstvo za notranje zadeve je do 1/6-1992 prejelo 800 vlog za stalno prebivanje. Upravno odločanje o začasnem prebivališču sodi v pristojnost občinskih upravnih organov za notranje zadeve. Problem dovoljenja za začasno prebivanje postaja vedno večji, kar dokazuje tudi podatek, da je samo MSNZ Ljubljana do 1/6-1992 izdal preko 5000 dovoljenj za začasno prebivanje. Poseben problem predstavlja reševanje vlog za stalno prebivanje, ker sta se izoblikovali dve pravni stališči. Prvo upošteva inštitut "pridobljenih pravic", po katerem bi v primeru negativne odločbe šlo za enostransko odvzemanje pravic, ki so jih te osebe že pridobile pred 23/12-1990 oziroma 25/6-1992. Po tej

MINISTRSTVO ZA NOTRANJE ZADEVE
 Uprava za upravno pravne zadeve
 Oddelek za JRM, PL in tujce
 Ljubljana, 27/2-1992
 Depeša, št. 0016/4- 1496 B

VSEM OBCINSKIM UPRAVNIM ORGANOM
 ZA NOTRANJE ZADEVE V REPUBLIKI
 SLOVENIJI IN MESTNEMU SEKRETARIATU
 ZA NOTRANJE ZADEVE MESTA LJUBLJANE ✓

ZADEVA: IZVAJANJE ZAKONA O TUJCIH - NAVODILO

Z iztekom roka iz 81. člena Zakona o tujcih (Uradni list Republike Slovenije, letnik I, št. 1/91) začnejo 28/2-1992 za vse državljane drugih republik, ki niso zaprosili za državljanstvo Republike Slovenije, ali je poteklo dva meseca od vročitve negativne odločbe, veljati določbe Zakona o tujcih. Vsem tem osebam je zato potrebno s tem datumom pričeti urejati njihov status. Vzporedno s tem naj se prične tudi razčiščevanje evidenc. V ta namen je že izdelan projekt računalniškega vodenja evidenc tujcev, za kar bo potekalo tudi usposabljanje. Le to bo izvedeno po regijah, o čemer boste pravočasno obveščeni.

V tem času je realno pričakovati številne probleme v zvezi z osebami, ki bodo z dnem 28/2-1992 postali tujci, niso pa dosedaj zaprosili niti za začasno niti za stalno prebivanje. Opozarjamo vas, da listine, ki jih posedujejo, tudi če so izdane od pristojnih organov v naši državi in so še veljavne, zaradi spremenjenega statusa teh oseb zanje ne veljajo več.

Zaradi različnega tolmačenja določil odpovedi prebivanja in prisilne odstranitve tujca po 23. in 28. členu Zakona o tujcih se pojavljajo nejasnosti zlasti v primerih ko tujci pri nas bivajo neprijavljeni, oziroma pridejo v našo državo na nedovoljen način (v večini primerov so celo brez sredstev za preživljanje).

Policijske enote vztrajajo, da mora v takih primerih upravni organ za notranje zadeve zdati odločbo o odpovedi prebivanja, kar pa ni v skladu z zakonom.

Iz 23. člena Zakona o tujcih izhaja, da se lahko prebivanje odpove le tistim tujcem, ki prebivajo na območju Republike Slovenije na podlagi veljavnega potnega lista, izdanega vizuma,

dovoljenja za vstop ali dovoljenja za začasno prebivanje. Le v teh primerih občinski upravni organ za notranje zadeve na predlog operativnih policijskih enot izda odločbo o odpovedi prebivanja. Če pa tujec pride na naše ozemlje na illegalen način in tu prebiva brez dovoljenja lahko uporabimo le 28. člen citiranega zakona, iz katerega izhaja, da v primeru če tujec prebiva na ozemlju Republike Slovenije več kot mu je dovoljeno po prvem odstavku 13. člena, ali prebiva dalj kot mu je z odločbo dovoljeno začasno prebivanje, lahko pooblaščen uradna oseba ONZ privede do državne meje in ga napoti čez državno mejo, brez kakršnekoli odločbe upravnega organa.


 Slavko Debelak
 DIREKTOR UPRAVE ZA UPRAVNO PRAVNE ZADEVE
 PODSEKRETAR

V VEDNOST:

- UP ✓
- UVIS ✓
- UKS ✓
- IC ONZ ✓

Appendix B: Time Line of the Erasing

November 21, 1990:

Slovenian state legislature decides to allow a vote on independence from Yugoslavia.

December 6, 1990:

A plebiscite is called. A broad agreement to protect Hungarian and Italian minorities is included in independence campaign.

December 23, 1990:

Plebiscite is held. Slovenian voters ratify the secession by 88.5 percent.

May 1991:

Legislature first proposes legislation on who is a Slovenian resident. Parliament rejects it.

June 25, 1991:

A law – the Aliens Act -- defines a six-month registration period for continued residency for persons resident within Slovenia on December 23, 1990.

December 26, 1991:

Six-month period ends. Unregistered residents are considered foreign alien residents.

February 26, 1992:

The Ministry of the Interior erases an unknown number of persons from the residency register, *ex officio*.

November 1994:

First constitutional challenge to the Aliens Act by Matevz Krivic.

April 1995:

Second constitutional challenge to the Aliens Act by Matevz Krivic.

1995-1998:

All constitutional challenges to Aliens Act are ignored by the Constitutional Court.

1998:

During the accession framework talks with the EU, Slovenia is asked to regulate and insure fair treatment of former Yugoslavs who are living in Slovenia.

February 4, 1999:

First ruling that the erasing was unconstitutional by Slovene courts and order from courts to fix the situation.

July 8, 1999:

The Act Regulating the Status of the Citizens of other Successor States of the Former Socialist Federal Republic of Yugoslavia (ARSCSS) passed by the Parliament to comply with court ruling. At that time, the Parliament is controlled by center-left Liberal Democracy Party.

February 2002:

The Association of The Erased is setup. First protests in support of the Erased.

June 10, 2002:

After no movement from the ARSCSS legislative remedy because of turmoil in the ruling party, a second constitutional initiative aimed at removing the ARSCSS is lodged in the courts.

June 19, 2002:

First “official” number of *izbrisani* is released: 18,305 individuals. Controversy arises at how this number was derived at.

November 7, 2002:

Parliamentary officials address the legal attack on the constitutionality of the ARSCSS act. Key members of the Legal Affairs Service of the legislation dismiss the notion that the Erased would be retroactively given back their statuses.

November 14, 2002:

A new citizenship act is put into place with onerous requirements including the ability to prove, with legal paperwork, continuous work and residence in Slovenia and a command of the Slovenian language. This act purports to “solve” the erased people’s problem. Erased people, by definition, cannot prove anything about themselves, as their paperwork is erased/invalid.

February 24-28, 2003:

Eleven years after the Erasing, the first academic and advocacy congress convenes.

March 6, 2003:

TV news special on The Erased introduces the issue for the first time to most Slovenes.

April 2, 2003:

Association of The Erased lodges hate crime charges against presumed instigators of the Erasing.

April 3, 2003:

ARSCSS ruled unconstitutional. The Erased are back to the beginning.

May 1, 2004:

Slovenia joins the European Union.

November 4, 2004:

Janez Janša, leading a center-right party coalition assumes prime minister’s position. A period of “back burner” placement of the *izbrisani* issue starts.

2006:

An egregious forced exclusion of a Roma family from a town in Southern Slovenian town brings Slovenian human rights record onto the world stage.

2007:

First *izbrisani* cases reach the European High Courts in Strasbourg. Court sends cases back to Slovenian government with an order to fix immediately. Order ignored.

2007:

First *izbrisani* given compensation for becoming erased.

November 21, 2008:

Leftist government of Borut Pahor comes to power.

February 2010:

Pahor's government passes new legislation retroactively offering residency rights with few documentary requirements to the *izbrisani*. This legally "ended" the Erasing.

Appendix C: Interviews Questions for NGO and Governmental Organizations

Ascertain an organization's relationship to the Erasing and the Erased.

1. How often does your organization work with The Erased?
2. In the past two years, how much contact with The Erased did you engage in?
3. If you had not worked with The Erased or on the problem of the Erasing, what would be your organization's relationship to it if such an occasion were to arise?

Ascertain an organization's record-keeping with regard to The Erased

4. What sort of records of contacts with The Erased do you keep?
5. What sort of documentary evidence do you keep about the Erasing?
6. In what formats do you keep these records/archives/documents?

Ascertain an organization's activities with regard to The Erased, formal procedures used when in contact with The Erased, and perceived effectiveness when working with The Erased.

7. When your organization works with The Erased or on the Erasing, what sort of advocacy activities, social support activities, legal advocacy, or other activities are engaged?
8. When The Erased approach your organization, what is the formal procedure for dealing with their problems?
9. How effective is your organization with regard to the Erasing? What is its strengths or weaknesses?
10. How effective is your organization in networking with other *izbrisani* advocacy groups? With which are you in contact?

Gather title of respondent, respondent's responsibilities, and metrics about organization

11. What is your title and responsibilities in your organization?
12. How many people work with you in the organization?
13. How long has it been in existence?

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