

# SMUGGLING ANTHOLOGIES READER



PREVIEW

# SMUGGLING

## Smuggling Anthologies Reader

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ANTHOLOGIES  
READER**

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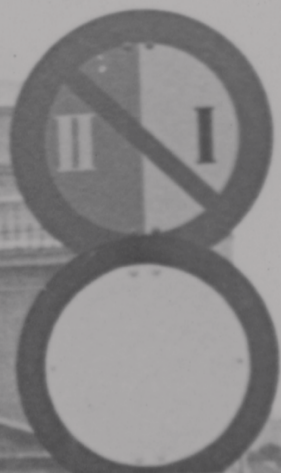
# SMUGGLING ANTHOLOGIES READER

A black and white film still showing a busy street market. In the foreground, several men in suits are walking towards the camera. One man in the center is looking directly at the viewer. To his left, another man in a suit and hat is walking. In the background, there are many other people, some carrying shopping bags, and a row of market stalls with awnings. The architecture is classical, with a large building featuring columns and a pediment on the right side.

[1] Vladimir Petek: *Ponte Rosso*, film still, 1971.

# SMUGGLING





GIORNI FERIALI  
DALLE 7 ALLE 19





[2] Vladimir Petek: *Ponte Rosso*, film stills, 1971.

**Ana Peraica**

***An introduction to smuggling as  
object of the academic research and  
the politics of artistic engagement***

This reader, which you find yourself beginning, is the result of a complex and multilayered experiment in cultural production. It was held from 2013 to 2015 on the ‘interstitial territory’ of three European, more precisely European Union, countries (Italy, Slovenia and Croatia). Carried out by three leading institutions, the Museum of Modern and Contemporary Art Rijeka, Croatia, the City Museum in Idrija, Slovenia, and Trieste Contemporanea, in Italy,<sup>1</sup> the topic of the project was a critical historical connection between them – smuggling. The territory under consideration was economically, legally and politically disjointed for about half of the twentieth century, which meant that quite often ordinary contact was strictly forbidden, controlled, prevented, and punished. Still, contact and exchange persisted, immediately after it was forbidden.

In the following introduction, I will elaborate on the topic of border-crossing in the physical sense, and then define border crossing in alternative ways. First I explore the idea of ‘porous territory,’ a territorial history treated as non-existent, obscured, yet not forgotten, one that urged re-naming in order to handle any real and present narratives at all. In the following section I will try to provide another interpretation of smuggling, a reading of the politically subconscious present, experienced not only in the smuggling of objects of desire, such as jeans (as well as goods that are far less legal), but also of smuggling as a form of transgression. I refer to the notion of breaking the physical body, and its regulation by the state as a kind of macro-body. I will proceed to relate notions of contamination to the idea smuggling, and finally I examine the narrative of the smuggler as anti-hero. So, let us see what is the point of the border and its various crossings.

Given potential future use of this project and reader, as its editor I found it useful to underscore three points in the organisation of chapters and subsequent reading offered in separate bibliographies at the end of the book. The first is the smuggling of ideas that can ‘contaminate’ politics and cultural discourses, which arrive as a by-product of smuggled goods, the second is the notion of hidden geographies, secret, illegal

1 Curators: Sabina  
Salamon, Marija Terpin  
Mlinar and Giuliana Carbi.

or mythical, and the third is the ideal of the desirable Other, blamed yet wanted, the anti-hero smuggler. So, this reader is divided into three sections, entitled, “Smuggling Ideas”, “Territory Smuggled” and “To Smuggle vs. To Be Smuggled.”

## Mythogeographies

2 A term coined by Phil Smith and explained in his Manifesto, [http://www.theidioticon.com/uploads/1/4/0/0/14002490/mythogeography\\_manifesto.pdf](http://www.theidioticon.com/uploads/1/4/0/0/14002490/mythogeography_manifesto.pdf).

3 Most of Yugoslavian partisan brigades had united in Trieste, in the celebration of the end of war, at the same time pushing the last Nazi Germany soldiers further North till the capitulation.

4 The seizure of Trieste lasted from May 1st to June 12th 1945. In that period many Triestins were reported to have been arrested, taken as hostages, or even killed by being thrown alive in natural caves (*fojbe*). Similarly, during the German Nazi government, which ruled Trieste 1943–1945 many Slovenes and Jews were killed, while a part migrated to Yugoslavia, or went in exile.

5 “Zone A – Zone B will both be ours.” (*Zona A – Zona B biće naše obadvije*), “We give all aside Trieste.” (*Sve damo – Trst ne damo*), “Down with the Pope, down with Rome, down with Pela (Italian minister of foreign affairs), son of a bitch.” (*Doli Papa, doli Rim, doli Pela, kurbin sin*) etc.

In order to better define the border under our consideration, I would like to introduce the neologism ‘mythogeography’ which refers to shifting multiple and simultaneous interpretations of space. It claims that aside from any official border dividing two systems, there are various ways of connecting a space to the body via performance, rather than only as a referent to a map of an official zone (Smith).<sup>2</sup> Geography, thus, is defined not via an objective space, represented via objective geo-representations, such as maps, but is an instable subjective and dynamic space, which may also be hidden and unknown. Let us first see the notion of the instability.

To clarify, the border between Italy, Slovenia and Croatia has changed several times during the lifetime of the project’s participants. Previous to being fused to the European Union, both Croatia and Slovenia were rather small separate nation states that belonged to various unions of South-East Europe. The cornerstone of this diffusion can be seen in the events of the summer of 1945. A massive partisan, anti-fascist celebration of the ending of World War II referred to as the ‘deliberation of Trieste’ by the Yugoslavian side, and the ‘occupation of Trieste’ by the Italian side, resulted in the formation of an autonomous political zone.<sup>3</sup> Although this occupation lasted for only forty days (for which it is named “Forty Days of Trieste”) it became a major obstacle in the post-war period between the two countries as well as a taboo in any conversation on common history till recent days.<sup>4</sup> Needless to say, this event in the last days of the World War II turned into a childish joke for one side, who could hardly wait to shout “Trieste is ours!” (*Trst je naš*) without really knowing why, while it became a tale of imprisonment at the same time for the other.

These strictly separate views of history have produced a bit of static in the editing process of this reader. As narratology claims, personal points of view are always built into even in the most academic forms of prose. Some authors had grandparents on one side, other authors had them on the opposite, and a few knew the songs that were sung in the last days of the World War II, ridiculing Pope, Rome and Guiseppe Pela (1902–1981), Italian Minister of Foreign Affairs at the time, as being the Italian Minister of the Treasury.<sup>5</sup> Others might have been secretly afraid of the possibility of a problem with the European Union, namely that a new right wing revival might



refer to World War II in an unfortunate way, or that some other form of revenge might take place. This has rendered the events of those Forty Days of Trieste a certain taboo, an un-touchable part of a joint history which still reverberates as a kind of original sin, a transgression not unlike the orgy scene depicted in Pasolini's "120 Days of Sodom" (*Salò o le 120 giornate di Sodoma*, 1975), which referred to Mussolini's Republic.

Immediately after the war, with the withdrawal of Tito's soldiers, a new border was formed, which amputated, purified and anaesthetised any contact. Although named the Free Territory of Trieste (1947–1954), the zone was schizophrenically divided.<sup>6</sup>

A line of division divided not only these two states, but also two economic constructs, a capitalist part under rule of the British and Americans, and socialist Yugoslavia. Two political organisations, the democratic Republic of Italy and the single-party state of Yugoslavia continued governing the two new zones; Zone A, being the Territory of Trieste under British/American rule and Zone B, under Yugoslavian rule, after its final dissolution in 1954.<sup>7</sup> This division, elaborated on in the artwork and text by Anja Medved in this reader, lasted for more than fifty years, and was a point of enormous frustration for the domestic population as families and their properties were divided. Gorizia and Nova Gorica functioned in a less restricted yet similar way to East and West Berlin, with the Berlin Wall dividing Germany for the greater part of the twentieth century.<sup>8</sup>

Nevertheless the border, finally defined in 1975 by Osimo Treaty, was crossed. Some passages were well known previously, such as those of Črni Vrh in Slovenia (Jurjavčič), or Gorizia (Sancimino and Di Bartolomeo). As we will see in this reader, the same border crossing points that were active between capitalism and socialism had a long history of smuggling, from the Middle Ages to a peak around the year 1700 (Čeč) in the case of cinnabar, and 1778–9 for mercury (Hodnik). So a long history of frequent meetings documented from both sides prevented the more solid formation of a taboo seen in other European countries. In this area there was no Iron Curtain, as described in the text on the Museum of the Iron Curtain in Felsőcsatár, Hungary by Róbert Tasnádi.

With the process of democratisation of Yugoslavia, in sixties, these crossings become more frequent. This was the reason a market zone formed in Italy near the border with Yugoslavia. Trieste, the largest city nearest this part of the Italian border was at one time something of a gigantic contemporary urban mall. Its shops, bars, restaurants, and lively theatrical streets, especially squares such as Ponterosso, collectively became a shopping centre, especially during the post-war socialist baby boom, once this generation had their passports issued.

6 Ceasing to exist with the London Memorandum, 1954.

7 In 1947, Trieste was declared an independent, named Free Territory of Trieste. The territory was divided into two zones, A and B, along the Morgan Line established in 1945: Zone A was under Italian control, Zone B under Yugoslavian control.

8 Gorizia is an Italian border town which has been divided. In 1947, Nova Gorica, a twin town was formed. Through this reader the location would be consequentially named by the original language of the authors (in Slovenian: Gorica; in Italian: Gorizia).

Borders near Trieste were common sites for the smuggling of goods. The invention of new ways of hiding them became a topic second only to the hunt itself, with tall tales and near perverse confessions of hiding legally purchased goods as though they were stolen.

In the beginning of nineties, the so-called 'soft-border' between capitalism and socialism paradoxically hardened, when Slovenia first separated from Yugoslavia in 1991 and began the process of entering the European Union. In 2007 it fulfilled all requirements and became a full EU member state. A new border went up in a place where it had never existed before, now between 'ex-YU states'. Slovenia and Croatia marked the edge of the integration and disintegration of South Europe, of an entity usually called the Balkans. Respectively, in 2013, Croatia also entered the European Union, slipping out from under the mythical union of the Balkans, known itself for the open air trade practices.

The Balkans, or the Balkan Peninsula (Balkans tur, chain of mountains), defined as South-European territory marked by mountains, includes the countries "Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro, Macedonia, Albania, Bulgaria, Romania and Moldova" (Britannica Online).<sup>9</sup> Historically, this territory has been signified as having been invaded and conquered by the Turkish Ottoman Empire, whose armies reached parts of Croatia, and further north up to Vienna. Still, it is important to note, if this balkan aspect is still visible (contrary to all other arguments provided in the debate on balkanisation) it is best seen in open air markets, which remind one of turkish *bazaars*. One such market opened on Arizona Road, right in the heart of the Balkans – in Bosnia, as reported by Azra Akšamija in this reader. The Old Arizona Market mimicked Trieste's Ponterosso of socialist times, as many places in Yugoslavia after World War II did.<sup>10</sup> Still, visually it reminded one of an Ottoman style market *bazaar*. The Arizona Market story, speak to the decline of commercial smuggling that came with the unification of the European market as well as other globalisation processes, following the disappearance of non-commerce oriented societies of the second half of the twentieth century. Urban Trieste itself was depopulated precisely due to these processes as shops moved south and a new era of global trade broke down walls which had previously divided sellers from new buyers. Marketing surely played a subconscious role in motivating the breakup of the socialist unions that ended in war, providing a new mythogeographic space for analysis of the Balkans.

Similar to the emblematic 'Forty Days of Trieste', the whole country of Yugoslavia become 'unspoken territory' in later years. Even today, twenty years after the breakup it is still collectively referred to more often as ex-Yu ('YU' being a reference to

9 <http://www.britannica.com/EBchecked/topic/50325/Balkans>.

10 In Split, Croatia, a square on which goods from Trieste were resold is still named Puntak, from Punta Rosso.

socialist era vehicle plates) than by any other of its proper names.<sup>11</sup> In most writing today, it is still perceived of as in terms of a particular union, although a subconscious one – the Balkans.

### Balkan subconscious

Encyclopædia Britannica, in its definition of the Balkans quoted previously, continues: “However, there is not universal agreement on the region’s components. Some define this region in cultural and historical terms and others geographically, though there are even different interpretations among historians and geographers” (Ibid.). Still, according to cultural anthropologists, being defined as a zone of the rude and uncultivated, the Balkans are always somewhere else (Žižek, 1999). In cultural rather than historical studies, Balkan has been typically defined from the outside, as the European psychoanalytical Lacanian Other, for example in works of the notable Slovenian philosopher Slavoj Žižek. And precisely this Other, this Lacanian Other as redefined by Žižek can be used to analyse the position of the socialist buyer in Trieste. Although Žižek never referred to Trieste, or Ponterosso as symbolic of the subconscious of the Western Balkans, he mentioned another connection of Slovenians to Trieste, saying: “You know that he was in Trieste, Trieste has a long Slovene presence, and many Slovenes were around Basaglia” (Parker, 2009: 355-373, 358). Franco Basaglia (1924–1980) was an Italian psychiatrist who proposed deinstitutionalising the psychiatric asylum, exemplifying in practice Western leftist thought, which we can observe in Foucault’s thoughts on madness (Foucault, *History of Madness*, 2006). Basaglia’s first decisions took place in seemingly Free Territory of Trieste, cut in two pieces after World War II by agreements which divided Gorizia with a border. Precisely there he refused to bind psychiatric patients. Basaglia claimed:

“Mental illness is not the reason and origin but the necessary and natural consequence of power dynamics-related exclusion processes potentially and concretely acting on all social institutions. It is not sufficient to liberate the ill to restore life and history to the persons who were deprived of their life, their history.” (Basaglia in Paladino, 2008: 3)

For this particular reason, of territory unbound, of asylum released, it is important that we do not view the local triangle in which many case studies of this reader are situated in terms of strict binary relations, of capitalism vs. socialism, democracy vs. totalitarianism, or even mad vs. sane. As it is possible to follow in the reader, the official division of territory even

11 Aside from political changes, it is important to note in the reader’s articles there are different states, but also different names of states used, depending on the time-period covered by the article. The first period covered is the one immediately after the World War II, when the acronym FNRJ (*Federativna Narodna Republika Jugoslavija /Federal People’s Republic of Yugoslavia/*) was used for Yugoslavia, usually positioned as a political opponent to Trieste. In 1963 it changed to SFRJ (*Socijalistička Federativna Republika Jugoslavija /Socialist Federative Republic of Yugoslavia/*). As the market was liberated and small private businesses were allowed to exist, any sense of opposing capitalism was lost.

12 Featherstone notes: “A postmodern account of postmodernism would resist the examination of developments in knowledge and the interrelation between specialists in symbolic production and other groups to provide a parasitical account – a parasite of a parasite – which would use postmodern strategies to play on the unities and differences within postmodernism, its paradoxes, ironies, incoherences, intertextuality and multiphrenic qualities. Alternatively, it might follow the strategy of smuggling in a coherent metanarrative, a tale telling a version of the fall, to announce the end of metanarratives.” Mike Featherstone, *Consumer Culture and Postmodernism*, Sage, 1991.

13 According to *Politika* magazine, Tito smuggled the Resolution of Kominintern, <http://www.politika.rs/rubrike/Kultura/Kakoj-Tito-svercovao-rezoliciju-Kominterne.lt.html>. According to other daily magazines, the Croatian prime minister arrested for corruption was himself a proud smuggler of pornography during socialism, while Prime Minister of Montenegro Milo Đukanović was accused of being a smuggler of cigarettes. Still, in 2011, Đukanović was released of all charges. See: “Milo Đukanović oslobođen optužbi za šverc i sada bi oštetu od Italije”, *Slobodna Dalmacija*, January 31, 2011, <http://www.slobodna-dalmacija.hr/Svijet/tabid/67/articleType/ArticleView/articleId/128225/Default.aspx>.

in the coldest of the wars, was as incapable of keeping those territories separated as it was to keep (totalitarian) discourses clean. Under official division, there was an illegal connection, but moreover even books were smuggled and read (Steiner, Brajnović), ideas were leaked (Edzgeradze), supporting their related ideologies. Or, was smuggling actually a form of madness in and of itself? As Lacan says, it is not only the unconscious that is the Other, but also that “desire is the desire of the Other” conforming to a perversion, hidden, and so here we find the original transgressor – a smuggler.

## The anti-hero

Smugglers were indeed the anti-heroes, existing between the object smuggled and the story of the object being smuggled, producing proper postmodern narratives.<sup>12</sup> Even popular culture distinguished smugglers from contrabandists and chain-linkers (Žigon, Trobič), also making some of them famous, in the case of the legendary Slovenian Martin Krpan (Fajfar-Gubanc, Trobič). Even Tito himself is said to be the smuggler of the documents of the Komintern.<sup>13</sup>

As the object of choice to be smuggling changed, moral and political responsibilities changed as well. In the fifties those objects were fetishist, intimate objects, such as silk stockings, shoes and supplements to the bedroom. Later on, more externally visible, still criminalized commodities were slowly becoming emancipated: jeans, espadrilles, and sweaters were tolerated though still not allowed. They did not, however, travel uncontaminated: aside from the story of the object itself, there was the story of the object passing through border control.

Besides the material goods flowing between capitalism and socialism, ideas of democracy offering both political and social freedom flowed also. Weirdly enough, decades later there seem to be more communists in Italy than in the whole ex-Yugoslavia, those of the latter having been swallowed up by the recent war and their own corrupted post-war democratisation processes. Today one can hear the psychoanalytical reading of Trieste as a symbol of the Balkan subconscious in the recalling of some particular memory of once-a-state Yugoslavia, the romantic longing of the more clearly defined world, “In those times...”

“In those times...” yes, once upon a time, there were different systems: Italian democracy was known for a capitalism organised around the nucleus of family, full of small family factories, for their upper middle-class design of everything, a warm and cosy capitalism, in contrast to the version in the USA, for example.<sup>14</sup> At the same time even Yugoslavia was not

really and truly a socialist country, because precisely there – at the site of family organisation, private capital was allowed, producing one of the wealthiest middle classes in the context of today’s European Union, if wealth was calculated as inactive capital, by the number of properties per family.<sup>15</sup> For Yugoslavs, surely, Italy was not a site of social injustice, or abuse of labour, as neither for Italians was Yugoslavia a communist torture camp. They had been travelling there since the sixties, Yugoslavia was a sunny country full of fish and mushrooms and cheap cigarettes. Both countries had their own domesticated versions of twentieth century political systems. Perhaps for that reason it is as much easier to use this territory for analysis. Our ‘Bermuda triangle’ is the centre of attention for most of the case studies in the reader, but it suggests that similar research could and should be undertaken for the other atypical borders in the EU and wider, for example the maritime border of Finland, Sweden and Estonia, or the active border between Mexico and the USA. This project and in particular this reader attempts to provide a methodological example which can be used, or adapted for use in the interpretation of various non-restrictive and non-restricted Others in European history.

In closing I would like to thank to our sponsors: the European Union which has generously supported the project of hidden and illegal history of Europe, as well as the state and municipal organisations in all three of states, Ministry of Culture of Croatia Ministry of Culture of Slovenia, The Municipality of Idrija, the Regione autonoma Friuli Venezia Giulia, the Comune di Trieste, the police and finance museums for allowing us to use their collections, which clarified important political and cultural aspects of crossing. Also, I would like to thank the three organisations carrying out the project: the Museum of Modern and Contemporary Art in Rijeka, which provided strong leadership as principal organiser, and the two excellent partner institutions participating, the Museum of Idrija in Slovenia and Trieste Contemporanea in Italy. These three institutions cooperated magnificently to articulate the unspoken and hidden histories we shared during the times when we were politically and economically divided.

14 See for example: Sylvia Junko Yanagisako, *Producing Culture and Capital: Family Firms in Italy*, Princeton and Oxford: Princeton University Press (2002).

15 For that reason some authors call it “capitalism under red flag”. See: Juraj Katalenac, “Yugoslav Self-Management: Capitalism Under the Red Banner”, *Insurgent Notes Journal of Communist Theory and Practice* (2013), <http://insurgentnotes.com/2013/10/yugoslav-self-management-capitalism-under-the-red-banner/>.



# 1



[3] Victor López  
González: *Atlas*, photo-  
installation, 2013.



# SMUGGLING IDEAS



# SMUGGLING





[4] Azra Akšamija: from the *Arizona Road* project, "Arizona Market", 2008.



## Sabina Salamon

### *On smuggling with credibility*

This book encompasses the evidence of a two-year effort to deliberate the notion of smuggling. The international project entitled *Smuggling Anthologies* consisted of three exhibitions, with accompanying symposia and related activities in three cities; after taking place in 2013 in Rijeka (Croatia), the program continued in 2014 in Idrija (Slovenia) and Trieste (Italy).<sup>1</sup> Contemporary visual art, history, ethnology, urbanism, literature and media theory overlapped in the project, which provided exhibitions, lectures, artist talks, screenings, presentations, projects, performances and research that could be interpreted in three modes: documentary, fictional and theoretical. The model of every edition of the project was similar, but variations in content arose based on differences in the geopolitical and cultural legacies of each specific location.

#### European vs. local

We devised the project and began preparations in 2009. Realization began in 2012, during the period of advanced disintegration of European borders, or as the official rhetoric goes, in the midst of an integration process in which the continent of Europe was undergoing structural changes. Of all continents, Europe was typically characterized as the smallest and most thickly populated. It has been repeatedly cut up, shaped and re-sorted by numerous borders, and as such was always an appropriate environment for smuggling. Recently and in a relatively short time, its physical outline changed again, expanding like a balloon of tense, ingrown boundaries. We finalized the project at the time of complete neutralization of the Italian-Slovenian-Croatian border.<sup>2</sup> This is the location of our pilot research project on smuggling, which intends to corroborate the rule that smuggling springs from divergence between the rich and the poor, the settled and the unsettled.

Despite its universality, and attracted to all the ways smuggling has endured through time as an unlawful economy, we anchored our understanding by focusing on the local crossroads of Mediterranean-Alpine, Slavic, Latin and Germanic cultures, the West and the East as the onetime teeter-totter of

<sup>1</sup> The Museum of Modern and Contemporary Art held the group exhibition *Smuggling Anthologies* (October 22 – December 4, 2013), comprised of twenty six exhibitors and the solo exhibition *Work* by the artistic collective “Janez Janša, Janez Janša” in Mali Salon (November 14 – April 12, 2013). A symposium (October 23 –24, 2013) featured eleven speakers, with five documentaries screened at Art Kino Croatia (November 18 – 20, 2013), <http://www.mmsu.hr/Default.aspx?sec=116>. The Municipal Museum of Idrija carried out workshops (April 10 – 11, 2014), a group exhibition (September 10 – November 2, 2014) involving eleven exhibitors, an exhibition on cheating (*Cheating from A to Z*, October 2 – November 2, 2014), a symposium with twelve lecturers (September 11–12, 2014), and a movie evening entitled *Smugglers On Screen* (November 4, 2014), <http://www.smuggling.si/index.php/en/exhibition/events-at-the-exhibition>. The Trieste Contemporanea group exhibition put an emphasis on a screening program involving fifteen documentaries and featured six photographic works and installations (November 7 – December 18, 2014). Fourteen speakers participated in their symposium (November 7, 2014) and artist talks (special events) were held (November 4 and 11, 2014), [http://www.triestecontemporanea.it/news.php?id\\_news=220&l=e&id\\_m=2](http://www.triestecontemporanea.it/news.php?id_news=220&l=e&id_m=2).

<sup>2</sup> Croatia became a member of the European Union on July 1, 2013.

capitalism and socialism. The territory of Rijeka-Idrija-Trieste forms a triangle and constitutes an area of approximately 350 kilometers. In the past it played a paradigmatic role as a site for smuggling, with obscure or neglected narratives inconsistent with, yet existing parallel to the actual (official) historical moment in the territories of Croatia, Italy and Slovenia. As such, the location can serve as an example to promote broader understanding of the phenomenon.

All of the collaborating towns within the project shared a similar destiny in the past: they were under the sovereignty of the Habsburg Monarchy almost continually until the First World War.<sup>3</sup> In the long period from eighteenth century until the beginning of the twentieth century, their populations were essentially multinational. Another common attribute of participating towns is their geographical position, which influenced their economical status: Trieste and Rijeka were port cities, while Idria, though a bit removed, played an important role over the three centuries.<sup>4</sup>

Sudden changes occurred after World War I with the decay of the Austro-Hungarian Empire when designated towns close to newly drawn borders found themselves either isolated or divided.<sup>5</sup> The Kingdom of Italy and Yugoslavia (Kingdom of Serbs, Croats and Slovenes) established the *Rapallo* border (Treaty of Rapallo, November 12, 1920), which endangered multinationalism and multiculturalism in the area and encouraged nationalist movements in this difficult period during the first half of the twentieth century. The border created tension between different national groups empowered by the dictatorships that led to World War II. As life became harder, friction between local people and the authorities also increased. Moreover, resultant re-divisions of the continent caused by war forced people to develop alternative methods of survival. Most of those smuggling did it for the sake of survival and not to build up surplus stock.

In the period following the Second World War, Europe faced a kind of 'stable disunity', or better put, the exclusivity of the Eastern and Western blocks induced the ongoing potential threat of World War III, embodied in the Iron Curtain phenomenon.<sup>6</sup>

Motivated by this history and simultaneously confronted with new political circumstances within the wider region at the moment, the first public presentation held at the Museum of Modern and Contemporary Art in Rijeka offered a comprehensive perspective, providing examples from a broad range of cases: contemporary human organ trafficking (Ana Smokrović), illegal immigrants and human rights abuse in Europe today (Cristiano Berti, Oliver Ressler and Zanny Begg, Hassan Abdelghani, the Police Museum), live testimony (Robert Tásnadi on Sandor Gojak, the owner of the Iron Curtain Museum

3 Continuity was interrupted by short breaks; Rijeka became an autonomous city under the Hungarian Monarchy (1779), was occupied by Napoleon (1809 – 1814) and controversially was proclaimed a Hungarian port under unclear conditions by the Croatian-Hungarian Settlement of 1868). Trieste became a part of the Habsburg domain on 1382, while Rijeka has been integral part from 1527.

4 Rijeka and Trieste were both made free ports (1717 and 1719). Because of the mercury mine discovered there in the late fifteenth Century, Idrija's importance gradually increased, so that in 1575 it became the private property of the Austrian Emperor; [www.britannica.com/EBchecked/topic/605126/Trieste](http://www.britannica.com/EBchecked/topic/605126/Trieste), [www.britannica.com/EBchecked/topic/503665/Rijeka](http://www.britannica.com/EBchecked/topic/503665/Rijeka).

5 Idrija was about fifteen km from the border. Rijeka ended up being split into Italian and Yugoslav parts, considered as a subject by the collective "Association Without Borders" from Rijeka for the project.

6 Yugoslavia was the most liberal country within the Eastern block, and spared the Iron Curtain as such.



near the former Austrian-Hungarian frontier, Hermann Ariel Scheige on the hidden relationship between drug dealing and the neo-anarchist movement in late sixties and seventies), the appropriation of identity (art collective Janez Janša, Janez Janša, Janez Janša and Aleksandar Garbin) and the self-organizing and black marketplace in the Balkans (Azra Akšamija's multidisciplinary project mirroring not only social issues in Bosnia but also the wider process of balkanization<sup>7</sup> (Norris, 1999). A large percentage of visual art projects focused on smuggling from World War II until the present, testifying to the activity as a creative approach that allowed people to compensate for lack or take advantage of limitations – confines, prohibitions, boundaries, walls (Balázs Beöthy, Tomislav Brajnović, Soho Fond, Victor López González, Dušan Radovanović, Tanja Vujasinović).

Alongside the topics considered in Rijeka, the second public event, held in Idria, displayed rich archeological and historical research material, providing insight into a social reality marked by the political and economic situation that arose with the above mentioned Rapallo border, 264 km long, extending from the Austro-Italian-Slovenian triple-entente border area in the Alps all the way to the Adriatic Sea in Rijeka. The official data speak about 5,214 milestones made of concrete, largely destroyed after the Second World War by local inhabitants, as an act of rejection and erasure of memory (Pavšič, 1999: 31-32). Numerous caverns and bunkers on both sides rendered the border visible and in the same time created an incentive to overcome it. Thus, Idrija and broader Idrijsko-Cerkljansko region has proved tempting for smugglers. This research was particularly pertinent, because the cultural heritage of immobility was revealed in barely known archival documents and neglected

[5] Lorenzo Cianchi and Michele Tajariol: *FalseBottom*, installation detail, maps of smuggling routes (Trieste territory), Rijeka, 2013.

<sup>7</sup> Balkanization: “to divide a region or territory into small often hostile units”, *The Oxford English Dictionary*, London (1998), see also: <http://www.thefreedictionary.com/Balkanisation>.

8 The first public activity of the project occurred in Idria in the form of a two workshops mentored by the institute “Ad Pirum” (April 10-11, 2014), <http://www.smuggling.si/index.php/news/175-novica-2-en#>.

archaeological remains; finally this material could bear witness to the tightly interlocked coexistence of the people living along this border.<sup>8</sup> Aside from the roles Trieste played as a shopping pilgrimage city for former Yugoslavian citizens in socialist times and as a referent for smuggling, the last event of the project in Trieste approached the subject from the perspectives of history and contemporary art, with an accent on the theoretical analysis of empirical examples. Thus the general aim was to show how artistic and theoretical interpretations (the basis of our consideration of smuggling) encompassing both documentary and fictional approaches can contribute to a broader understanding of the phenomenon (Marco Cechet, Federico Constantini, Gia Edzgeradze, Michele Tajariol and Lorenzo Cianchi).

### Restraint vs. motivation

“The relation between control and escape is one of temporal difference: escape comes first. Unsettled bodies move, they become vagabonds who escape, they leave the stage of forced immobility; power reorganizes itself in order to respond to their exit.” (Papadopoulos, 2008: 77)

This quotation extracted from sociological discourse could at first be criticized for pointing us in the wrong direction, but it actually serves us here by refining our comprehension of the relationship between prohibition and smuggling (in correspondence with the relationship between escape and control). To paraphrase, the interrelationship is based on a temporal difference – first smuggling occurs and thereafter comes prohibition. But, once the restraint is there, smuggling does not stop, but persists; the efficiency of the prohibition motivates an effort to override it. We are used to thinking that the aim of smuggling is to struggle either for survival or for a profit, but it can also occur as a form of revolt. The peculiarity of the quotation under consideration lies in the unusual interpretation of a situation that is reminiscent of the well-known chicken/egg *aporia*. From this vantage point an unexpectedly simple answer appears to the question, how does smuggling begin? Smuggling happens in the natural course or flow of things, from a natural inclination, one the regime retroactively sanctions. “Unsettled bodies move, they become vagabonds who escape...” Since it is impossible to imagine the smuggler preceding the prohibition (being a conceptual and temporal paradox), the unavoidable conclusion is that the smuggler was given a name and merits his/her status thanks to the prohibition that apropos favored the taboo and supported its marginality.

Without going deeper into the theme of prohibition, an impetus for the project was the evident yet unresolved disproportionate imbalance between smuggling as a method of survival and its unquestionable illegality, revealing a state of conflict between jurisprudence and praxis, restrictions and counter-actions, law and life. Therefore the project relied on the interpretative impact of smuggling, oral history, and written sources, dissensions and concordances of relations between the official and unofficial, the penned and established versus the fluid, oral and emotional, in order to look into these matters free of the burden of forming any moral judgment, disapproval or disinclination, and finally taking the perspective that personal practices are not necessarily in line with any ideological frames.

Our inquiry concerns what might lie behind the stigma of the prohibited. The large response (a total of 101 entries) to our open call in the summer of 2012 supported the resonant universality of the theme and its historical quality. The material that we received from the Police Museum, apart from serving as a daily update on current discoveries of contraband, enabled a comparison of the art projects submitted with the clinical depiction of offenses in the newspaper's crime section.<sup>9</sup>

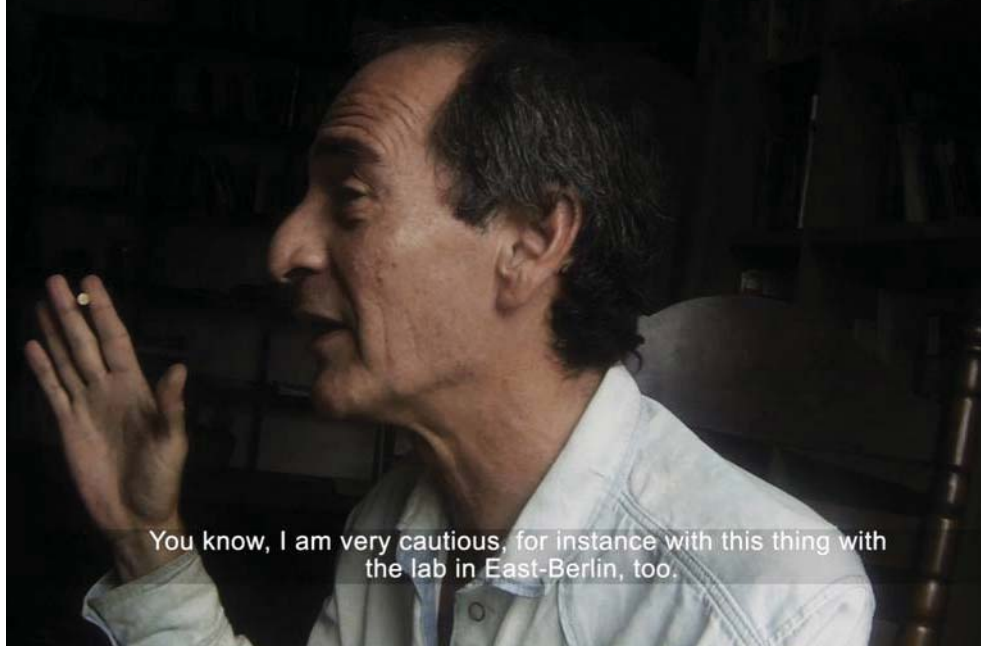
9 The collaboration with the Police Museum was on the initiative of its senior curator Željko Jamičić.

## Museum as safe haven

Taking into consideration the tempting nature of the unresolvable dichotomy between permitted-forbidden, legitimate-illegitimate, moral-immoral, and using the benefits of the context of art, it was natural to break the silence around a social phenomenon that takes place in concealment, out of sight in everyday life. Without adjudicating or persecuting, we spotlighted the unspoken phenomenon usually hidden in drawers, dossiers and behind bars. In this process a museological presentation was not an obstruction, on the contrary it helped to mediate the theme; not because the general tendency of museology is inclined to favor historiography, but rather due to the possibility of placing things in their appropriate context. We applied the status of the museum as a site of presentation, a space open to public view and discussion, protected by the context of art. We also took care that the theme did not infringe upon the 'plurality' (*multitude*), that it be easily understandable to everyone and therefore welcoming, even at the price of moral questionability, because it is exactly this plurality that commands credibility.<sup>10</sup>

10 Referring to Virno's explanation of the multitude "which has to do with defending plural experiences (...)", in Virno, *A Grammar of the Multitude* (2001), <http://www.generation-online.org/c/fcmultitude3.htm>, accessed December 24, 2014, p. 43.

For many, smuggling is reprehensible as base and worthy of prohibition. Thus, there is still one question to be resolved here: could smuggling ever be morally justifiable? Justification can be found in the paradigmatic example called 'a noble lie'



[6] Ivo Deković, Igor Kirin, Nikola Ukić: *Ariel*, video, 2013.

(Jay, 2010: 51) that Plato brought forth with the aim of suspending the absolute prohibition of lies, introducing as a criteria circumstance and social responsibility. To paraphrase, smuggling could be exceptionally justified, in cases where it occurs modestly, out of necessity. Without being led by the idea of relativism, but rather taking in account the codex of the ethical-legal domain, the project to a certain extent aimed at the promotion of freedom of speech. “The ideal of *parrhesia* or truth-telling, was extolled as early as the fifth century BCE in the plays of Euripides and other texts.” (Foucault, 2001; Martin, 2010).

More precisely, the project was challenged by the notion of free speech to speak about a subject denounced in moral terms as distrustful towards social order. Thus, it was necessary to suspend the prohibition against it and disregard the black and white optics of legal dictate. I read smuggling as a model of exceeding dichotomies like private-collective, hidden-public, official-nonofficial, proven-unproven, true-false, in consideration of the lost-hidden facts behind the official truth, whether in the form of a disavowal or a forgotten bit of data, the material that was typically rejected as personal, or irrelevant or even nearly mythical and ultimately brushed aside as highly improbable. The project encouraged the rehabilitation of meta-historical matters as part of our common cultural heritage. In that context the project anticipated a motivational reward for the best-recorded interview of *Smuggling Anthologies*, whose jury (comprised of the project’s curators) awarded three artists (Nikola Ukić, Ivo Deković and Igor Kirin) for their documentary on Herman Ariel Scheige, who represents a singular example of a great smuggler who was led by the aim of remaining outside the system.<sup>11</sup>

11 “1999 Hermann Ariel Scheige was sentenced by District Court of Aachen to twelve years of imprisonment. After being released in 2011, he came back to Düsseldorf... the whole thing was 2.5 tons of cocaine in 38 cases within 1.5 years.” (quotation from the documentary film *Ariel*). He passed away suddenly in February 2014.



## Conclusion

*Smuggling Anthologies* elucidated the nature of smuggling not only through testimonials and the perspectives of artists, but also in the form of historical and academic research that provided evidence of smuggling as a longstanding creative economy. From these scientific researchers I learned the distinction between a minor and major smuggler; the difference between those who smuggled for the sake of survival (contrabandists) and those for whom smuggling was a means of profiteering. (Žigon) *Smuggling Anthologies* not only provided some profiles of smuggling in the past, but also drew attention to its remote or indirect repercussions, emphasizing its significant and substantial contributions that underpinned standards of living and socio-political changes, providing us with new perspectives on the understanding of human preferences. I have corroborated the fact that smuggling develops changing territories and markets with the dynamics of administrative and political changes.

The three editions of exhibitions, symposia and concomitant programs bear witness to the fact that smuggling took place at the intersection of the anonymous and the officially confirmed, by and large as singular acts. Even though smuggling is referred to as a systemic phenomenon, individuals are on the run wherever it occurs, under cover.



[7] Alessio Bozzer: *Blue and Black Jeans*, video, 2014.  
Production: Videoest and Trieste Contemporanea, Italy, 22'.



## **Giuliana Carbi**

### ***Smuggling Anthologies Trieste***

The section of the project prepared in Trieste by Trieste Contemporanea had three manifestations: a conference in collaboration with Comune di Trieste held on November 7, 2014 in the auditorium of Museum Revoltella – Gallery of Modern Art, an exhibition of contemporary art at Studio Tommaseo that ran from November 7th to December 17, 2014, and the production of a documentary film entitled *Black and Blue Jeans*.

Contributions to the Trieste conference, of which this volume presents complete texts, prevalently approached from a historical perspective with a focus on social history and the history of contemporary art, the latter of which was augmented by statements from the artists whose work was selected for the exhibition in Trieste.

Historical and sociological contributions (Božo Repe, Bojan Mitrović and Melita Richter) centred mainly on the region of the former Yugoslavia and on smuggling after World War II, when Trieste was the main hub not only between two countries (Italy and Yugoslavia) but also two different political and economic systems (communism and capitalism). In this context, smuggling played an important role in the economy of many families. The authors examined the imaginative ways the local community devised in order to survive in these border areas where petty smuggling took place, rather than the serious and lucrative trafficking committed by international criminal organizations, though it was heavily present also.

Historical material and documentation in the form of interviews were analysed (thanks to the contributions of the video artists involved), together with a series of images provided by the Police Museum – Ministry of the Interior of the Republic of Croatia.

The documentary film *Blue and Black Jeans* was realized thanks to historical research by Giampaolo Penco. Made for the project in co-production with the audio-visual production house Videoest Srl, the film focuses on the period of the sixties and seventies in Trieste – in which the city adapted to the demands of cross-border consumers and the Ponterosso market was born – and examines the history of the trade in jeans that

in Trieste lasted through the seventies. At the time, this emblematic garment of the West illegally entered behind the Iron Curtain and spread from as far as Moscow to the Non-Aligned Movement lead city of Belgrade.

An inspiring vision of smuggling as literary *topos* was provided by Marija Mitrović while Tanja Žigon focused on the terminology used to describe smuggling and the variants that gradually appeared in Slovenian newspapers. Federico Costantini offered an exemplary case study on “cyber borders” in the information age.

The film *Čuvaj Film!* (Save the Film!), by Croatian photographer and director Antonio Perajica, who was head of the Film and Propaganda Section of the World War II Partisan Proletarian Brigade, was comprised of original 16 mm footage that he had hidden away in the wake of the war; it was screened as a special event of the conference.

Ana Peraica opened the conference in Trieste by focusing on relevant emblematic works of renowned international artists to frame the expansive section of *Smuggling Anthologies* devoted to contemporary art. Cristiano Berti, Tomislav Brajnović, Marco Cechet, and Michele Tajariol (along with Denise Zani) contributed to the conference in Trieste, which also included a Skype interview with the American artist Liz Glynn, who exposed the genesis of her 2012 work “Anonymous Needs and Desires (Gaza / Giza)”, and a presentation by the Georgian artist Gia Edzgvradze, who delivered his personal and poetic classifications of smuggling in the former USSR, “Smugglers of the moon”. A video by Soho Fond relating to smuggling was screened.

The exhibition featured works by Cristiano Berti, Tomislav Brajnović, Marco Cechet, Lorenzo Cianchi and Michele Tajariol, Dušan Radovanović and Tanja Vujasinović, with videos by Azra Akšamija, Zanny Begg and Oliver Ressler, Bez granica, Ivo Deković, Igor Kirin and Nikola Ukić, Soho Fond, Krešo Kovačiček & Associates, Victor Lopez Gonzalez, Anja Medved and Can Sungu. All works were created for the *Smuggling Anthologies* project.

Two special events were held during the opening of the exhibition: meetings with Jan Lemitz (December 4) and Anja Medved (December 11), during which the audience in Trieste became better acquainted with the work of these two artists (photos and videos respectively) dedicated to the theme of smuggling.

Immediately after the exhibition closed, Trieste Contemporanea proposed that Gia Edzgvradze follow up on his text for the conference in Trieste, and the artist conceived of the exhibition “The Dud Smuggler (Unexpected Outcome)”, which was held in Trieste from December 20, 2014 to February 12, 2015.

## **Marija Terpin Mlinar**

### ***Frankly about the illicit***

**A museological interpretation of the theme of smuggling for the exhibition *(Pre)tihotapljene antologije/Smuggling Anthologies***

*tihotápiti* -ãpim nedov. (19th century) *tihotãpec*, *tihotãp-stvo*; compound of silent and derivative of “quietly, carefully walking” – Slovenian etymological dictionary (2009)

In this essay I would like to present the creative process of preparation for this international temporary exhibition, in parallel with one of the numerous lexical interpretations of smuggling.

Exhibition production is one of the central activities of the Idrija Municipal Museum, and in the context of the international interdisciplinary project *Smuggling Anthologies*, it is among the most noticed in the public eye. In addition to the Idrija Municipal Museum, partners for the project are the Museum of Modern and Contemporary Art in Rijeka (Croatia) and Gallery Trieste Contemporanea (Italy).

Presenting collected material to the public for the duration of the project was among the tasks of all three participating partners but one must emphasize that this did not mean one exhibition was hosted by three different institutions, rather three different conceptual layouts resulted from the different directions taken by the participating institutions. In contrast to galleries, where the focus would typically fall on addressing the topic of smuggling in contemporary art, the Idrija Municipal Museum did not give up a museological interpretation. This exhibition is therefore a fusion of internal museum work, cooperation with the project partners and integration with other related institutions and individuals from Slovenia and abroad.

Our production team decided to point out in the title itself, “Frankly about the Illicit”, that ‘illicit’ covers both the concept of smuggling and a sincere reflection on the creative process for the preparation of the exhibition. The aforementioned duality and related (though sometimes only ostensibly) contradictions were recurring motifs throughout the formation of the exhibition. Given that the arduously distinguishable boundary between the permissible and the forbidden, the legal and the illegitimate, offered a number of challenges from the very beginning in terms of the content and selection of central



1 At the announcement of the exhibition we placed the shapes of smugglers on PVC plates at various location around the city.

2 Mark Cowling, "Marxism and criminology: Three Puzzles", <http://www.pages.drexel.edu/~pa34/COWLING.htm>.

3 Andreas Buehn, Mohammad Reza Farzanegan, "Smuggling Around the World: Evidence from a Structural Equation Model", [http://www.researchgate.net/publication/228426341\\_Smuggling\\_around\\_the\\_world\\_Evidence\\_from\\_a\\_structural\\_equation\\_model](http://www.researchgate.net/publication/228426341_Smuggling_around_the_world_Evidence_from_a_structural_equation_model).

4 Official Journal of the Republic of Slovenia, No. 50/2012, June 29, 2012, Article 250 of the Criminal Code, KZ-1.

themes, the range of materials on exhibit and the quest for appropriate design solutions demanded creativity. How could it not? It was not easy finding answers to questions about enigmatic social phenomenon that exist and remain in the shadows, especially as images of smugglers arose suddenly around Idrija at the announcement of the exhibition.<sup>1</sup> The present essay is therefore an etymological appropriation primarily in terms of an attempt (fr. *essai*) to present reflections and openly discuss reasons for and dilemmas associated with the content and design that arose during the preparation of the exhibition.

### Why an exhibition on smuggling and smugglers?

Smuggling is not just a subject with which we are all superficially familiar, neither is it associated solely with the everyday, the uncultured and the non-patronizing. Moreover, it is contaminated with the illegal, the criminal, and we cannot overlook the inevitable link with borders: framing the actual geopolitical divisions and boundaries as metaphors for the (un)acceptable and the (un)ethical. Indeed, there are different theories of smuggling as a historical and political phenomenon, stating that it is impossible to uproot precisely because it is linked to survival. Marxism, for example, regards smuggling as a form of rebellion against superior authorities.<sup>2</sup> The socio-historical approach interprets it as a reflection of past unrests and conflicts and contemporary theories rely on the explanation of this phenomenon in light of social conditions.<sup>3</sup> Finally, the law defines smuggling as a type of transnational organized crime, which includes a variety of activities and agents, which is nearly impossible to eradicate.<sup>4</sup>



[8] Impressions from the exhibition. Photo: Marija Terpin Mlinar, Photo Collection: Idrija Municipal Museum, 2014.

Although museums in Slovenia and abroad often focus on themes related to violence (eg. war, the Holocaust, weapons<sup>5</sup>), they are much less likely to choose topics related to marginalized groups and especially to crime.<sup>6</sup> Globally speaking most of these museums are privately owned. There are very few exhibitions dealing with these kinds of topics in Slovenia. The largest amount of this kind of content appears to be held in the permanent exhibition of the Slovenian Police Museum,<sup>7</sup> and is based on original physical material related to delinquent acts. Among the main difficulties in assembling a collection of works on this topic are contextual sensitivity, intangible and unverifiable data as well as troublesome access to materials. Activities related to smuggling are taking place within the criminal underground for which even police data is not a reliable source, as there are only a random number of detected cases.

Artistic interpretations and treatments of this topic are becoming more and more frequent in the world.<sup>8</sup> It seems that it is so because any artistic expression by definition derives from personal experience and is biased. Art allows greater freedom of expression and less subordination to formally verifiable facts. Expressing a personal manifestation is not only tolerated, it also presents an added value to a work of art. The curator is in that case exempted from liability for the authenticity of the content presented.

Every museum's interpretation is personal, as it draws from the knowledge, feelings, views and emotions of artists, despite efforts to be objective through the consistent use of narrative in the third person. In general, it seems that it is not desirable in our country that an exhibition states clearly that it is an interpretation and a kind of highlighting of a topic as

5 Such as numerous exhibitions and events at the 100th anniversary of World War I, A/N.

6 Cf. American Private Museum of Crime, Crime Museum from Washington, established by a lawyer; <http://www.crime-museum.org/>.

7 The Slovenian Police Museum falls under the Ministry of Internal Affairs of the Republic of Slovenia, Police. It is intended for the general public and professionals: as a professionals' teaching aid through which students get acquainted with actual cases of offenses, and for the general public as a tool to raise awareness of various forms of crime and how individuals can protect themselves from becoming victims of crime, <http://www.policija.si/index.php/novinarsko-sredie/muzej-slovenske-policije>.

8 Cf. eg. Crime and Punishment (March 26 – June 6, 2010, Musée d'Orsay, Paris), [http://www.musee-orsay.fr/en/events/exhibitions/in-the-musee-dorsay/exhibitions-in-the-musee-dorsay/article/crime-et-chatiment-23387.html?no\\_cache=1](http://www.musee-orsay.fr/en/events/exhibitions/in-the-musee-dorsay/exhibitions-in-the-musee-dorsay/article/crime-et-chatiment-23387.html?no_cache=1); Crime in art (May 16 2014 – September 28, 2014, Museum of Contemporary Art in Krakow), <http://en.mocak.pl/crime-in-art>.



9 During the exploration of written material and interviews the difference between the terms 'contrabandist' and 'smuggler' became increasingly clear. The former represents an unauthorized, independent and non-profiteering transporter of small quantities of everyday goods across the border for personal use, while the latter is an organized, connected, profiteering member of a criminal organization. Milan Trobič ("On the Trail of Martin Krpan", 2006) believes that the distinction between the two terms is common only in the western part of Slovenian territory. Even the Dictionary of Standard Slovenian Language (2008) does not mention conceptual differences between the two terms.

10 Personal stories about life in this area at the time of the existence of Rapallo border were collected, edited and published by Tomaž Pavšič in his work "By the Old Border" (1999). Field work at this time has shown that people's feelings about contraband are very different, ranging from pride and a sense of moral victory over the authorities, which cut into their lives by forming anachronistic borders to shyness and discomfort that derives from the awareness that despite everything, this was still illegal. In any case their decision for silence must be respected, despite the fact that more than 70 years have passed since then.

seen from a various points of view, which could also be contradictory! We normally wish to create an impression that what is shown is the objective truth.

Why did we, the creators, therefore decide to address a topic that national museums at home and abroad in particular rarely address? In addition to the attractiveness of smuggling as a rarely presented topic accompanied by a feeling of safe contact with the illicit, we decided to speak openly and without bias about this unspoken and forbidden subject. All collaborating partners originate from the places where the *contrabandist*<sup>9</sup> already represents a part of the collective consciousness, due to the presence over centuries of small-scale smuggling. Thus, we wanted to open a dialogue with this entire project and the exhibition to present smuggling as a multifaceted social phenomenon as well as a form of criminal activity, to de-mythologize a taboo in order to critically evaluate it. In spite of this effort, or perhaps because of it, raising awareness about these topics awakened a number of prejudices, and represented a provocation to the public.

During the preparation process for this exhibition we advanced from the position whereby our institution performs a public service. Due to the historical memory of the *contrabandist* in the region of Idrija-Cerkno the attitude of the local population regarding this topic cannot be impersonal. The roots of smuggling in Idrija go back to the late sixteenth century, (associated with the operation of a mercury mine), the tumultuous political events between the two World Wars (1918–1943), and the period of Yugoslavia (1945–1991). The preparation of the exhibition was therefore an opportunity to collect and to present rarely published witnesses' narratives and fragments of informal oral history.<sup>10</sup>

## Smuggling Anthologies

The title of the exhibition is a pun on the official name of the project, *Anthology of Smuggling*, and partly originated from the desire to expose diverse terminology related to smuggling, while at the same time presenting the exhibition as a separate entity, thereby giving it its own identity.

Smuggling, as a process, is enabled by the existence of actual and ethical borders, so in the exhibition we tried to delineate the *difficult-to-determine boundary* between good and bad, permitted and forbidden, legal and illegitimate.

The openness and inter-disciplinary nature of the project made the selection of main topics difficult, because of the wide range of content and historic periods. At the same time discerning the relevance of resources also played a difficult role because even the data that the police have collected is incom-

plete. Because of the wide semantic range allowed by the loose terms *smuggling* and *to smuggle*, from the beginning we wanted to provide clear definitions of various forms of smuggling. This terminology proved to be of considerable help, since it is extremely rich particularly from an etymological point of view, and this allowed us to compose a glossary of specific terminology.

It appears that the logic that applies to the museum's presentation of smuggling is the same the logic that by definition applies to smuggling gangs: look for cracks and exploit any inability to control! We tried to highlight the many dimensions of smuggling as ubiquitous social phenomena; from witty *contrabandists'* narratives to the more serious consequences of organized smuggling activity.

The most comprehensive part of this content was "Smuggling and the Law", dedicated to various aspects of smuggling from the point of view of law enforcement, which was the frame for the development of subtopics "Balkan Smuggling Route", "Smuggling Art", "Illegal Border Crossings" and the sensitive relationship between "Smuggling and Corruption". We were interested in the question of social tolerance of smuggling, particularly in light of the positive evaluation of smugglers in the Slovenian mythological tradition "Legal – Illegitimate: The Justification of Martin Krpan".

In our historical interpretation entitled "The History of Smuggling" we focused particularly on the geographical area of Trieste-Idrija-Rijeka. In addition to general facts about border control in the individual historical periods from antiquity to *smuggling tourism* after the Second World War we also highlighted individual cases dealing with this topic. The subtopic "Smugglers' Stories" added a personal touch to this historical overview and through it we presented the stories of famous smugglers and contrabandists of the past in the area of the museum's activity.

Among the objectives of the exhibition was to use the opportunity to popularize the works of modern European creators selected in a competitive project. The placement of artwork in the flow of the exhibition represented a significant challenge given the layout itself, since the majority of selected works can be presented in different thematic clusters. Surprisingly (or not), artists mostly opted for a documentary approach in the realization of their works, drawing from their own experience and knowledge of the topic (eg. Michele Tajarol, Tanja Vujašinić, Victor López González, Jan Lemitz), while in some cases they even upgraded this knowledge with a particular personal experience (eg. Marco Cechet, Dušan Radovanović). Less commonly they interpreted the topic abstractly (eg. Cristiano Berti, Irena Gubanc) or relied on historical events (Adijo kultura).



[9] Presentation of the rich terminology related to smuggling at the exhibition. Photo: Marija Terpin Mlinar, Photo Collection: Idrija Municipal Museum, 2014.

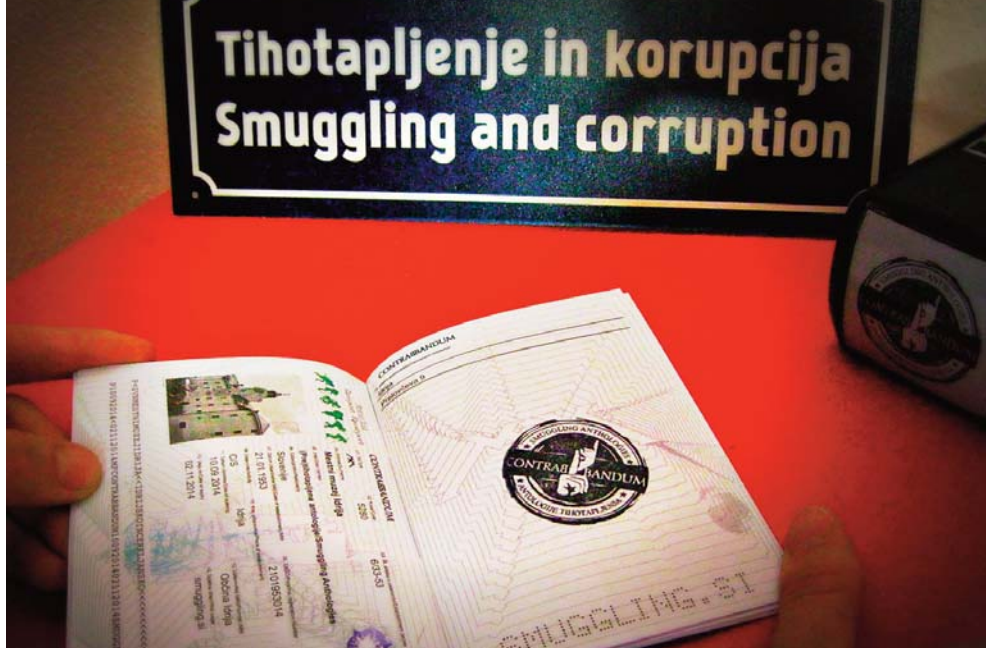
### Corporate Identity and the design of street level advertisement for the exhibition

Given that the concept of the exhibition combines the interpretations of both a gallery and a museum, we decided to create a recognizable image. Design should follow content, so we wanted to create an image that exceeded the temporal, geographical and social contexts in both the design of the exhibition and its corporate (visual) identity. We proceeded from word games offered by dictionary definitions and historical sources, eg. the image of a whisperer and footprints; smuggling (Slo: *tihotapiti*: quietly, carefully walking). Since smuggling is inextricably linked to the borders (customs) that were personified by stamps up until the digital era, we decided to create an image in the form of a seal, a stamp. This symbolically represented the legitimization of treatment and presentation of the topic of smuggling at the exhibition.

This exhibition in particular can be categorized among conceptually oriented exhibitions with regards to the items on display. The museum objects and reproductions selected supported this approach to the exhibition, while also partly belonging to a narratively oriented approach, given that the objects themselves are at the forefront of the museum's interpretation of the criminal-illegal content of smuggling, as well as the exhibited artwork.

The substantive material on smuggling is an ungrateful task to exhibit: beside the fact that authentic material is extremely difficult to obtain, it is usually not attractive in the least, and not at all beautiful. So how do you attract the attention of visitors by exhibiting material that is average looking? Visitors cannot be challenged even by the aesthetics of ugliness (Umber-





to Eco, *On Ugliness*, Ljubljana, 2008), because smuggled goods are barely noticeable due to the smuggler's need for stealth and invisibility. Authentic smuggled goods may nevertheless evoke a feeling of ugliness, not so much as objects in and of themselves (e.g. plates of hashish, weapons, etc.) but primarily through their social connotation of being prohibited, dangerous and harmful.

The collection of materials at the exhibition consisted of museum items and objects, literary texts, photographs and in part reproduced archival material recorded in institutions in Slovenia and abroad. It also included artistic documentary works in the form of photos, audio and video recordings and installations, since contemporary artists are using trans-media presentations with increasing frequency. The selection of materials at the exhibition was guided by the desire to exhibit actual smuggled goods despite sensitivity regarding the suitability and assurance of appropriate safekeeping of the material (for example drugs and weapons). In our historical interpretation, we wished to introduce new and hitherto less known material that we obtained during research in various archives.

More orthodox artists in the exhibition were challenged by limited capabilities to meet the need for sorting and classification, which, despite some exceptions remains the foundation of modern museum professional practice and criticism.<sup>11</sup> In addition to the material exhibited, the chosen topic also required classification based on ethics, which demanded a lot of caution from the creators. The dividing line between and relative ratios of truth/justice/punishment are unclear. At the same time it was also a challenge not to stray into moralizing, while clearly and decisively exposing a social critique and the values systems of the society in question. We devoted ourselves

[10] Stamping passport Contrabbandum at the exhibition. Photograph collection: Idrija Municipal Museum. Photo: Lili Strmšek.

<sup>11</sup> Randolph Starn, "A Historians' Brief Guide to New Museum Studies" (2005), [http://www.colbud.hu/mult\\_ant/Getty-Materials/Starn.doc](http://www.colbud.hu/mult_ant/Getty-Materials/Starn.doc).

most obviously to the close link between the level of corruption and the extent of smuggling in an individual country as well as reflections on the border between morality and illegality in mythologizing Martin Krpan.

The latest research shows that visitors to museum exhibitions read only twenty percent of the texts presented to them, and this percentage decreases in inverse proportion to the number of texts,<sup>12</sup> so a wider range of texts can represent a considerable disadvantage. An extensive amount of text was additionally burdened by bilingualism, since all texts are presented in Slovenian and English. To solve the overload of graphic source material with text we tried 'text visualization', for example boards with definitions of smuggling terminology, two-sided captions for exhibited works, and a timeline. The comprehensive scale of the exhibition space proved to be a grateful quality with regards to this issue, as the space simply absorbed the texts so that the exhibition did not come off as overloaded.

Contemporary museological critique highlights a concern that text in relation to the choice of words and style can subconsciously reinforce stereotypes or myths (Coxall, 1991). Still, authors such as Gurian (1991) give greater attention to the concern that text captions themselves as a medium are a myth. We are currently living in a time when the visual dominates the written or oral. In this paper we do not wish to open issues of contemporary museology concerning the identity of modern museums and their potential extrication from a traditional role, however, we are aware of an interesting conflict regarding the strong reluctance of the profession to use text captions in exhibitions, that we have, in recent years simply replaced with digital media.<sup>13</sup>

In the section "Smuggling and the Law" we tried to imitate the formal style of legal professional writing, while in "Smugglers' Stories" we decided on a more personal writing style that emphasizes subjectivity.

A museum exhibition requires the systematic classification of visual, spatial and material elements into its composition. Designer Dado Andder was invited to examine spatial possibilities and relate them to the content of the exhibition. The Nikolaj Pirnat Exhibition Hall (169 m<sup>2</sup>) at the Gewerkenegg Castle is comprised of three open, transitional spaces, which are separated into a smaller introductory space and a larger room that is divided into two parts by a small open staircase. Sight lines in this larger area are further reduced by the two pillars that divide the room. The building, dating from the early sixteenth century, is protected as a cultural monument and is a UNESCO heritage site, a status that limits spatial interventions. Lighting the space was one of the main challenges in creating this exhibition, as these limitations only partially allowed for adequate lighting design.

12 "Writing Effective Interpretive Text" (2006), <http://www.tepapa.govt.nz/SiteCollectionDocuments/NationalServices/Resources/WritingEffectiveInterpretiveText.pdf>.

13 Ross Parry, Mayra Williams Ortiz, Andrew Sawyer "How Shall We Label our Exhibit Today? Applying the Principles of On-Line Publishing to an On-Site Exhibition" (2007), <http://www.archimuse.com/mw2007/papers/parry/parry.html>.



Another design challenge was connected to the content of the exhibition, which covered a broad, diffuse set of themes related to smuggling, but needed nevertheless to divulge a uniformity of content. The design also had to take into account modern principles of interactivity that allow different profiles of visitors both passive roles as spectators/observers and active roles as explorers. We were led by the desire to maintain a certain roughness in the design of the exhibition, an incompleteness and a 'street look' familiar to smuggling, and to merge the museum and gallery layout in such a way that the two approaches are complementary, so that one would not over-take the other.

Occasionally an exhibition allows a greater degree of boldness due to its topic. For this reason, and the integration of gallery and museum approaches to layout, our exhibition was not quite classical, it was rather modern in the way it engaged the senses. We wanted to address the visitors in such a way that they could feel the true tension of 'prohibited acts' and still feel relaxed and pleasant on the exhibition grounds. We also did not want to make everything easy for them but we wished to challenge them to be active. We wanted to influence their experience through all the senses: sight, hearing, smell and touch.<sup>14</sup>

[11] Impressions from the exhibition. Photo: Marija Terpin Mlinar, photo-collection: Idrija Municipal Museum, 2014.

14 We encouraged sensory perception in addition to graphics and audio-video equipment with 'The Smell of Contraband': (coffee, washing powder and tobacco), and touch (smuggling coat, Book of Smuggling, stamping, the board game Smugglers' Paths, and a tunnel).

## Life of the exhibition

Each exhibition is intended primarily for visitors. The greatest satisfaction for the creators is a good response from the public. In smaller museums that are somewhat remote from the major administrative centers, the audience always varies, however local audiences represent the largest share of visitors. Presenting materials to the general public is a particular challenge,

since it is necessary to find and anticipate the greatest common denominator of visitors so that the exhibition's message can be understandable by members of diverse cultural backgrounds.

The opening of an exhibition does not mean that the work is completed. The creators all too rarely consider an exhibition comprehensively from its opening to its closing. Preparing an exhibition for its opening is merely a starting point for the implementation of accompanying programs which are designed on the basis of the content of the exhibition and allow it to 'come alive' and start living. We increase direct contact with our audience with the help of additional programs that are aimed at different profiles of visitors. We expanded and deepened the central themes of the exhibition by organizing an international symposium, *Antologije tihotapljenja – Smuggling Anthologies*, which took place in Idrija after the opening. We wanted to expose the smuggling of less tangible, immaterial things such as ideas, knowledge, and spiritual messages, and to this end we prepared a smaller part-time exhibition on the subject of smuggling knowledge – "How to Use a Cheat Sheet From A to Z". This was aimed at a younger audience and was created on the basis of a research paper *Cheating – Smuggling Knowledge?* by author Anja Brelih, a student of Jurij Vega Grammar School Idrija. Due to our past experience, because the dynamic flow of an exhibition urges visitors to be in constant motion, videos remain largely overlooked, so we chose to give this medium special attention with an evening of documentary films about smuggling entitled "Smugglers on Canvas".

Also, in an accompanying program, we organized museum story time for children "Shhh, Smugglers!" designed for our young audience. For this program we created a new fairy tale entitled "Thieves' Accomplice". It is based on real historical events from the beginning of the eighteenth century, which were also presented at the exhibition. The fairytale narrates the story of a cunning smuggler, Melhiorca from the area of Idrija. Due to her transgressions she was brought to the castle dungeon and beaten on a dark snowy night. We wanted to present it in a form typical for the noble folk tales of Slovenian storytellers. It will also come to light in the form of a children's tale, in a film entitled "Melhiorca and her Smuggling Bag".

Two final thoughts occur at the end of this reflection on the process of mounting this exhibition. The first thought is that the modern era is a period of ideas. Old prejudices can crumble in the face of new ideas and confer legitimacy to formerly forbidden topics, even those that are true *tabula rasa* for most people due to their need to remain concealed. The second: addressing the various dualities related to smuggling, in which many internal contradictions are hidden is no longer a bad thing, rather, in exposing these in our exhibition we increased the refinement of its content.



TIHOTAPSKI  
PLAŠČ

SMUGGLER'S  
COAT

CHECK THE COAT



PRETIRAJ



[12] Museum sensual aids:  
smuggling coat. Photo:  
Marija Terpin Mlinar, Photo  
Collection: Idrija Municipal  
Museum, 2014.

## **Marija Mitrović**

### ***Smuggling as a literary topic***

“And dignity is not in the subject (...) It is not the most important and primeval matter in me or the world, but it is in speed, in the dexterous game of their contacts, their unavoidable encounters.” (Matić, 1969: 43, my translation)

It is quite clear to anyone engaged in the analysis of literary works of art that their value does not lie in their subject, but in their literacy, in the manner of its description. Nevertheless, while I thumb through the book *I cento libri che rendono piu ricca la nostra vita* by Piero Dorflès, I cannot but note that none of these literary endeavours which enrich the lives of readers deal with the illegal transport of goods across borders as a topic. This does not mean that smuggling is not an attractive theme for literature (or film) to examine. It has become if not central to the plot, at least a sub-plot, in a large number of action, trivial and adventure films, stories and novels.

The quotation stated as a motto is important, among other reasons, because it contains the concept of *speed* and because it indicates literature as a *game of contacts*, as an encounter of the world *in me* with the world *around me*. A good literary work of art results from that speedy, close encounter, that particular combination of internal and external worlds. And now, if action, speed, and adventure are in the foreground, we will have action films, genre or trivial literature. If, on the other hand, in this encounter of two worlds, external and internal, the psychological aspect of the described event or situation prevails, one tends to believe that one has come across a valuable literary work of art. Once, this difference between ‘high’ and ‘low’ literature used to be stressed even more, described as the difference between real literature and trash (as popular and entertaining literature used to be labelled). Nowadays, such distinctions have practically disappeared, although I must admit that my list of required reading and (watching) hardly ever contains literary and film genres that are founded solely on action. Therefore, I admit that I am not at all acquainted with a considerable portion of modern literary and film production.



As a kind of entrance into this type of literature on the topic of smugglers that I would like to present here, an introduction could be *The Smuggler, A Tale from the Middle East*.<sup>1</sup>

1 Story Library. *The Smuggler*: <https://www.storyarts.org/library/nutshell/stories/smuggler.html>.

A clever smuggler came to the border with a donkey. The donkey's back was heavily laden with straw. The official at the border was suspicious and pulled apart the man's bundles till there was straw all around, but not a valuable thing in the straw was found. "But I'm certain you're smuggling something," the official said, as the man crossed the border.

Now each day for ten years the man came to the border with a donkey. Although the official searched and searched the straw bundles on the donkey's back, he never could find anything valuable hidden in them.

Many years later, after the official had retired, he happened to meet that same smuggler in a marketplace and said, "Please tell me, I beg you. Tell me, what were you smuggling? Tell me, if you can."

"Donkeys," said the man.

A person who gets involved in illegal trade, in carrying goods from one place to another when these two places are separated by a border, some form of barrier where one is charged for crossing, a place where duties are paid, such a person must certainly be dexterous, quick, courageous, and must count on such a job being risky and on the possibility that the hands of the law might get a hold of him/her at any moment.<sup>2</sup> Such a person, therefore, inevitably invests his/her internal qualities into some external, risky action. In other words, such a person features the very components that a literary work is built on – a combination of internal and external worlds that come into contact and intermingle.

2 It should be mentioned that key figures, the actual protagonists of smuggling of goods are always men, although female persons are also involved in the chain of developments.

Although in the type of literary works I like to read the topic of smuggling is not predominant, when I learned about a meeting focused on the concept of smuggling in all forms of art and social sciences, I felt a wish to speak on this topic, but based on so-called classic literature, the most restricted body of literary works that are recommended to young people during their education, the ones that form the so-called literary canon.

In 1906, the writer Rudyard Kipling, recipient of the Nobel Prize (1907) and the author of the *Jungle Book* (1894–5) still popular among young people, wrote a brilliant poem, *The Smuggler's Song*, which you can find on the internet in a series of different interpretations, composed as a ballad, recited by excellent actors, interpreted down to every last detail.<sup>3</sup>

3 <https://www.youtube.com/watch?v=pELNBp6DBh8>.

In one of the commentaries on the poem, I read the following:

4 <http://www.funtrivia.com/en/subtopics/Anatomy-of-a-Poem-A-Smugglers-Song-319582.html>.

“Smuggling started in England in approximately 1300, when Edward I placed a duty on exporting wool. In the 1670s twenty thousand packs of wool were smuggled to Calais every year. That’s a lot of wool! This went on until the beginning of the 18th century, when the French customs could buy wool from Ireland at about the same price.”<sup>4</sup>

And further on:

“Many regions of England are extremely proud of their smuggling past – including Cornwall, the Cinque Ports, East Yorkshire – in fact, virtually anywhere that has a coast.” (Ibid.)

There are indeed differences when it comes to goods which are smuggled, their quantity and the amounts of money circulating in the process, but certain main principles remain in force: it is always a business that skirts the law, it is passed over in silence, it is opportune not to ask anything even when you see what is going on and how, to turn towards the wall and refuse to see what everybody else might be aware of, but pretends not to see. Smuggling brings benefit to many, not just those who are directly involved in the business, but also to numerous mediators, and even those who will camouflage and ‘conceal’ the whole operation from the authorities. In Kipling’s *Smuggler’s Song*, even wives of indirect participants get golden necklaces when the illegal trade chain is successfully completed.

Let me mention another story from the English-speaking world. In 1845, a very prolific English writer, George Payne Rainsford James (1799–1860) published a story with a very simple and direct title: *The Smuggler*. It is a story about a smuggler full of typical English humor and with unquestionable affinity for the skill with which the smuggler carries on his business. Some British regions, James warns, practically lived off smuggling.

There are a few stories which were at the time included in all textbooks and school anthologies on the territory of the former Yugoslavia, which have either as their central topic or sub-topic exactly this: illegal transportation of commodities, trading in goods for which no prescribed duties have been paid; the smugglers are likable and “tame”, physically powerful, skilful, somewhat secretive, and exotic, although it is quite clear that their actions are illegal and punishable by law. If the literary characters of smugglers that I will briefly present here are all from literature of the nineteenth and early twentieth centuries, this is not just because I am better acquainted with this literature than with that of the present, or because it is still surmountable, not so massive that a reader is easily discouraged by its production, but rather it is because in those

times writers were interested primarily in the psychology of characters, the nature and character of people who were engaged in illegal trade, and less in the speedy, reckless and nerve-racking situations that inevitably characters who devoted their lives to something authorities put outside the law found themselves in.

I have chosen three stories on our topic, all three of them published in the second half of the 20th century. Their heroes include Martin Krpan, who smuggles “English salt” from Trieste to the interior of Slovenia in the story *Martin Krpan s Vrha* (*Martin Krpan from Vrha*, 1858), a Slovenian classic by the author Fran Levstik, Štivrnikov France, the hero of Josip Jurčič’s story *Tihotapec* (*Smuggler*, 1865) who illegally trades in tobacco brought to Slovenia from Croatia; and two characters who also smuggled tobacco in the story *Vodene sile* (*Water Forces*, 1897), located in an unnamed small port in the Central Adriatic written by a Serb author born in Šibenik, Simo Matavulj.

Since I know that Martin Krpan transports English salt on his mare from Trieste to the interior of Slovenia was already discussed at previous sessions of the gathering on smuggling, I would like to stress only two facts related to this story: it became extremely popular at the time of preparation for and the winning of Slovenia’s independence; anthropologist Bojan Baskar pointed out how and why this story turned into a true myth among Slovenians (Baskar, 2008: 75-93). In a series of interpretations of Levstik’s story, commentators asked the following question: what was Krpan in fact trading in? What is that English salt? Baskar offers quite a few convincing reasons to believe that it was indeed kitchen salt, but he also stated opinions according to which Krpan was in fact smuggling potassium nitrate that was transported from India and China by English ships where it obtained the epithet ‘English’. This powder is an important component of gunpowder (besides being used in food industry, and as fertiliser in agriculture). If we look upon Krpan as the smuggler of kitchen salt, we will consider him a man of the people who was helping them get hold of a product monopolised by the Empire until 1818, but if we look upon him a smuggler of an important component of gunpowder, we see him as a predecessor of a currently important field of smuggling – we see him as a smuggler of arms, in other words as somebody who is involved in smuggling pyrotechnics, and not in helping the impoverished population get a basic necessary ingredient of their daily diet.

The other two stories about smugglers, although they can be found in numerous anthologies, have not won such a degree of popularity, or so many commentaries. Jurčič’s longer story *Tihotapec* has the features of so-called village stories, but also contains germs of a criminal novel. It follows the destiny

of a young man called France Štivrnik from a poverty-stricken village on the border between Slovenia and Croatia. In order to make a few dinars, Štivrnik approaches tobacco smugglers who are bringing the goods from Croatia. One of the border officials (*ibljatarji* was the local term for that department of police) falls in love with a smuggler's sister. Risking his own life, Štivrnik kills the border guard, because he believes that an honourable village girl cannot marry such a broadly reviled man, as customs officials are seen this way in the eyes of the entire region. This story tells us that poor people were engaged in forbidden trade, especially people who had once already broken the law and were then forced to hide; they were double culprits – for smuggling, but also for fights, assaults against border guards, murder... France murders the border guard because the latter tries to become close to his beloved Lojzka. In the eyes of a villager, the greatest enemy is the border guard. The local population gets along better with smugglers than border guards and protects the former; after all, villagers buy tobacco from these very smugglers. In their eyes, they are powerful colossuses, very strong, bright and resourceful.

An exceptionally interesting figure of a *contrebandier* can be found in Simo Matavulj's *Vodene sile* (Water Forces). Matavulj was born in Šibenik, but spent his working years as an Italian language teacher in Montenegro, and then in Belgrade. An excellent realist, he always stationed his stories in specific geographic spaces, and built his plots on the very finely drawn psychologies of his characters.

In this story, apart from the narrator, who is at the same time one of the protagonists in the plot which emphasises the credibility of the narration, there is also Sep, a young man who offers to drive a tourist – who becomes the narrator of the story – along the coast and show him the sights. The third character lives in a lonely house on a ledge above the sea, a ridge up which the curious tourist climbs, and Sep follows.

Both the site (the difficult to climb ridge) and the bizarre dialogue that goes on in front of the lonely house between Sep and Lovrić are brimming with certain hints, indications of an unclear relationship and encrypted language between these two who know each other but pretend they don't; the few words they exchange provoke great curiosity in the tourist and he realises that Lovrić is not just an elderly fisherman who is unable to move about and is mending nets sitting down, but is also something else that the tourist is unable to fathom. The dialogue between Sep and Lovrić proceeds as if Lovrić were some kind of sorcerer, a superior being who not only predicts when a storm will come up at sea, but also advises young Sep how to defend himself against 'water forces'. The mysterious relationship between the two locals is resolved by the tourist only later that evening at the inn when he begins to ask who

these two men in fact are, who is old Lovrić, and who is Sep. He learns that Lovrić is “the notorious leader of contrebanders, possibly pretending that he is mad, and perhaps he is, too” (Matavulj, 1969: 165, my translation). The relationship between Lovrić and Sep was shady and mysterious because these two men who are in the same chain of illegal trade have certain unsettled business between them, which they did not want to reveal in any way in the presence of a witness who is outside this ‘chain’. Guests at the inn who reveal to the tourist the true identity of the men with whom he spent the day do not express any condemnation of the forbidden business. Even in the narrator-tourist himself there lingers a predominant veil of secrecy, a miraculous aspect. He even attributes a magician’s skill to old Lovrić: “Lovrić did guess that ‘water forces’ would cause a great ‘gale’. – I don’t know how long the storm lasted because I had gone to bed, but I know that I have never had more terrible dreams” (Ibid.). There is neither condemnation nor suspicion about the men who are engaged in smuggling. A constant that appears in all three stories is a naïve, attractive presentation of the men who were engaged in activities banned by law, as in a fairy tale.

Geographically speaking, two of these three stories take place in littoral parts of the country, so it can be assumed that in the south of Europe, like in England, smuggling flourished in the vicinity of sea routes. It seems, however, that not only was the openness of sea routes decisive, but also the severity of regulations imposed by a state on its citizens. Very soon after the publication of Levstik’s story about Martin Krpan, experts pointed out the fact that Levstik built the key scene in which Krpan beats up fifteen customs officials on the model of a folk story published by a folklorist Matija Valjavec ten years before. That was a story about a huge man, Štempihar, who was a tobacco smuggler. Valjavec collected stories in northern Slovenia, the interior areas that are now at the border with Austria, in other words, far away from the sea. Josip Jurčič’s *The Smuggler* also takes place in the interior region somewhere towards the south of Zagreb, where the border between Croatia and Slovenia is now located. If we recall that all these regions were parts of the Habsburg monarchy at the time, we cannot help but wonder: which borders were these, and what obstacles did the commodities travelling within the same state come up against? Obviously, the state collected taxes for goods not just at its entry, but also within the country there were regions within which special customs regulations existed. More regulations meant more offences. As James reminds us in the preface of his novel: “The nature of both man and woman, from the time of Adam and Eve down to the present day, has always been fond of forbidden fruit; and it mattered not a pin whether the goods were really better or worse, so that they were pro-

hibited, men would risk their necks to get them” (Rainsford James, 2012: 5). Perhaps this can explain the absence of this topic in classic Serbian and Bosnian literature, in the parts of the former Yugoslavia which lived under the domination of the Ottoman Empire: less democratic, but also less organised, this society had different principles of collecting taxes and inside the whole empire there were no points where a traveller would have to pay dues for entering a new region or area. In this sense, the Ottoman Empire operated like the European Union operates nowadays: within its borders, commodities travelled freely. A vivid illustration of a completely different attitude towards the concept of customs and travellers who carried dubious goods can be found in the first story published in 1920 by Ivo Andrić, *Put Alije Đerzeleza (Travels of Alija Djerzelez)*. The story is about a hero known from Bosnian Muslim oral tradition who travels all the time. Andrić describes him at the moment when he was forced to stop by the Drina River, at the border between Bosnia, already ruled by the Habsburgs, and the Ottoman Empire. A torrent had destroyed the bridge and in the building of customs authorities, the so-called ‘jumrukana’, all kinds of people gathered: merchants and *khojas*, soldiers, healers, priests, Jews, Muslims. They are all waiting for some kind of temporary crossing to be erected on the river and to continue their journey. A good opportunity for customs officials to check what kind of goods these diverse people carry. But no – there is no trace of customs officials, although everything is happening in the building that belongs to the customs authorities. The writer is interested in only one thing: how the myth of the eternal traveller is crumbling, how clumsy Djerzelez Alija is in communicating with people, least of all with women, when he is forced to dismount from his horse, to abandon his only natural state: eternal travel.

And here is another confirmation of the absolute absence of awareness of the concept of smuggling in regions under the jurisdiction of Ottoman authorities. This anecdote was recorded by Ljubomir Nenadović, Serbian writer from the second half of the 19th century in his documentary essay titled *O Crnogorcima. Pisma sa Cetinja iz 1878 (On Montenegrins. Letters from Cetinje in 1878)*. It reads as follows:

“A man called Simo Premović (he is still living), at the time of Prince-Bishop (meaning in the mid-nineteenth century) used to carry a little tobacco from Montenegro across the Emperor’s border and sell it at the seaside. Once, border guards caught him and confiscated the entire quantity of tobacco. Simo came to Kotor: ‘Give me back the tobacco!’ – ‘We shall not, and moreover you’ll pay a penalty.’ – He then went to the *circulo* (region head), but the *circulo* gave



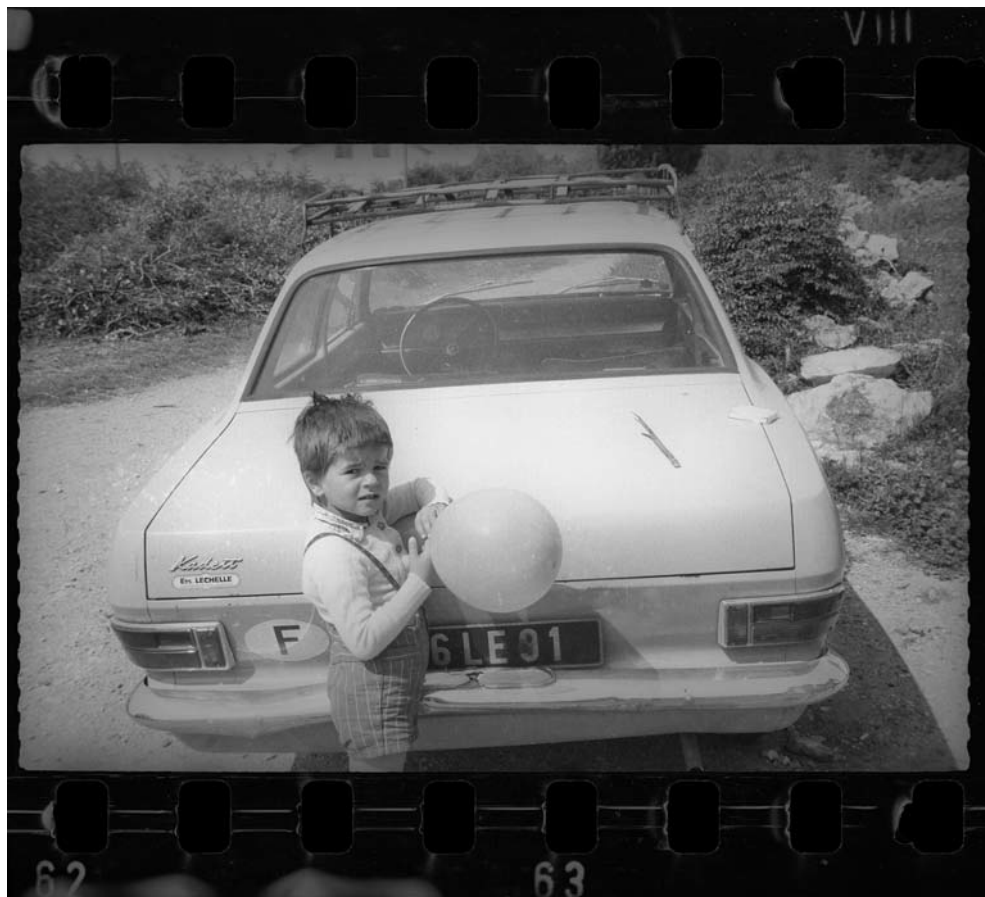
him the same answer. Simo went to the General, told him everything and said:

‘General, you are a soldier and a hero like we, the Montenegrins are; that’s why I came to you. For the sake of bread given to you by the Emperor, give me back my tobacco! Your Empire can live without my meagre means. – The General replies: ‘I’d gladly do it, but I’m here just for war and military matters, and these are financial matters – I don’t meddle in them’. – Simo then asked again: ‘Will you give me the tobacco?’ – ‘No, there is no way we can do it’, the General responds. Then Simo stands up, stamps his foot and cries out: ‘War to the Emperor! War to the Empire!’ – the General who didn’t understand well, asked his aide: ‘What is he saying? What is he saying?’ – ‘He is declaring war on Austria’, the aide answered. Puzzled, the General laughs and says to his aid: ‘Go, let them give him back the tobacco. We cannot be engaged in a war for such minor matters.’” (Nenadović, 1929: 38, my translation)

In comparison with contemporary literature dealing with the topic of smuggling, the enormous difference between the goods which were smuggled in the 19th century and the ones illegally traded today immediately catches one’s attention: today the goods are primarily narcotics, followed by arms, but people have also become a commodity, women’s bodies are subject to trade, and so are certain human organs. Smuggling described in the literature of the nineteenth century seems as naive and innocent today as the Eastern fairy tale cited in the beginning of this paper.

And just as the difference in the type of traded goods is enormous, so are the differences in the literature that focuses on smuggling today. Relying on an analysis of topics of the latest prose made at Vladimir Nazor library in Zagreb, I went through ten odd prose works written in the new millennium the central topic of which is modern smuggling.<sup>5</sup> There is no trace of anything exotic or tame! The reader is faced with a description of bare criminality linked by corruption to people in power. Cruel conflicts among gangs, between gangs and authorities, an unjust judiciary, smugglers who can bribe the authorities are privileged in court, corruptible and corrupted authorities – all of which creates an image of the abundant presence of crime and corruption in modern society. The subject of trade is practically never mentioned: attention is completely directed towards methods, the relationships between illegal trade and authorities, and the involvement of authorities in illegal activities. There is nearly no trace at all of good literature there.

5 Here there are some titles of novels with smuggling as a topics published in Croatia; in fact, all of them are criminal novels: Naprta, R.: *Bijela jutra*, 2006; Brozović, D., *Bojno polje Istra*, 2007; Gjoni, S., *Nula Nemo*, 2007; Janjanin Z., *Hazmat: Eksp(lo)zivan roman*, 2009; Koščec, M., *Četvrti čovjek*, 2011; Šoštar, M., *Državni prijatelj broj 1*, 2011; Živanović, M., *Razbijanje*, 2011; Đikić, I., *Sanjao sam slonove*, 2011; Balenović, I., *Ljudožder vegetarijanac*, 2012; Čulina, A., *Od pizduna do tajkuna*, 2013.



[13] Tomislav Brajnović: *Opel Kadett B*, installation, 2013.

# Tomislav Brajnović

## *Opel Kadett B*

2013

At the core of the installation *Opel Kadett B* (2013) is the Brajnović family story. After several migrations around Europe the family joined the Jehovah's Witnesses and decided to return from Paris to Rovinjsko Selo in 1977. Brajnović remembers:

“In 1975, after coming back from Italy, we moved to France, precisely to Thonon-les-Bains, invited by my father's friend and benefactor Kop, originally from Zagreb. After a short stay and a conflict with the 'benefactor' we escaped to the suburbs of Paris, and stayed in the town of Sainte-Geneviève-des-Bois. My uncle Izidor, who lived in Sweden at that time, organized Jehovah's Witnesses from the area to visit us. We began to study the Bible with them and shortly after we joined them. Religious books were piling up...

In 1977, after we moved again, this time to the center of Paris, we decided to go back where we came from, to Rovinjsko Selo. In the overloaded Opel Kadett, in which we had to transport all the goodies collected throughout all those years plus four children, there was no extra room for books. The books were very important for us and I came up with the 'genius' solution to stash the books in the only remaining empty space left: under the backseat where all the kids were sitting. It was the space where the springs of the seat should flex. I overloaded it with so many books that our heads touched the roof of the car. My father didn't know about that 'cargo'. I remember the scene at night on the border with Yugoslavia, when the customs official was insisting on examining just the books that were in other places in the car. He said: "You cannot do it like this, where is the list? What is the content?" Luckily they didn't search the car; if they had they would found about thirty books with problematic content.”

## Stephan Steiner

### ***Dangerous read – An essay on a world we have lost***

#### 1

Quite ironically, this essay speaks about books in the age of their disappearance. My generation might be one of the last to consider books as lifelong neighbours, loved or hated, as buddies or bullies, as collectibles or neglectables. This statement does not, of course, aim at the contents of books, their story-lines or their interpretations of the world – Flaubert's *Madame Bovary* will most probably linger, Beckett's *Molloy* will stick at least in some minds and Jelinek's *The Piano Teacher* will be talked about for some time. But the book itself, as an object, as a physical reality, as a well or badly designed, smooth or sticky, aseptic or smelly physical entity, is more and more doomed to dissolve into sheer virtuality, not perceptible any longer by senses other than sight. Google Books is emblematic, a vast realm of billions of pages, which no longer represents wild-cards for the real thing, but sucks the real thing into the vortex of search words and quotation bits and pieces. As a strong objection it is, of course, arguable that so many technologically condemned things have indeed lived longer: paper cuts, for instance, are still there after the triumph of photography, video did *not* kill the radio star and people *do* flirt in the subway sometimes. But concerning books, the strong law of large numbers is clearly on one side, the side of a vanishing act. If one of the (posthumously published) early modern studies of the historian Lucien Febvre was entitled *The Coming of the Book*, we can now rightfully claim to be witnesses to the fading away of the same (Febvre and Martin, 1958).

#### 2

Forbidden books lose much of their attraction almost immediately after their proscription is abolished. As soon as the ban is lifted, they start an increasingly unglamorous afterlife, made of memories and ghosts. Even the Vatican's *Index librorum prohibitorum*, the list of books prohibited by the Catholic Church, after more than four hundred years of ominous impact, lost its mandatory status and quite unspectacularly left the scene

in 1966. Later on, towards the end of the twentieth century, at least in the Western world, the literary poison chest was opened widely at first, and then completely, and all of its secrets, well kept for any number of generations, now lie there available to the general public and ready to be grabbed up in commerce. Sex sells better than ever, godlessness – at least in countries that have been touched by the Enlightenment – only infuriates a few bigots, obscenity must increase and increase, only to face itself proceeding harmlessly over the act. Marquis de Sade, Apollinaire, Henry Miller, Anaïs Nin – all said, all read, all seen, all on screen. All done, all gone. All not even shades of gray any longer.

### 3

Compared to these delineated developments, smuggling seems to be a constant of civilisational dimensions, there since the days back when customs was invented, persistent and ineradicable. A Sumerian cuneiform from the third millennium B.C. already gives the advice to *accept* kings and dukes, but to *fear* the customs officer, a guideline which to the present day remains valid for all those who are up for breaking the laws of border regimes (Hobusch, 1988:7). The spectrum of such offenders ranges from social rebels to outright criminals, from people working in some sort of public interest to people only interested in working to put more money into their pockets. And sometimes there is even an in-between, as we will see later on, a twilight zone, in which it is hard to discern whether or not people are only in it for the money or if an ideological superstructure can also be found. Fyodor Mikhailovich Dostoevsky even deemed a third motivation as easily conceivable now as when he wrote:

“Would you believe, for example, that for some smugglers money and gain play only a secondary role, are only of secondary importance? Yet that’s sometimes the way it really is. A smuggler is passionate about his work; he does it because it’s his vocation. He’s something of a poet. He risks everything, exposes himself to terrible dangers, employs cunning, is inventive, extricates himself from sticky situations; sometimes his actions are even guided by a sort of inspiration. It’s a passion as strong as the passion for cards.” (Dostoevsky, 2013: 20)

### 4

Let’s do the time warp again... taking us back to the days of the early modern period which is so ultimately touching because it is the cradle of so many phenomena that still confront

us, marking the birth of high hopes and of recurring terror: of capitalism and of individualization, of *transcendental homelessness* and of revolutionary self-confidence, of the exuberant world of baroque and of the clear-cut and mathematized world of Descartes (Lukács, 1971: 41). From *Great Expectations* the way often directly leads to *Lost Illusions*, regarding the nineteenth century Honoré de Balzac was the chronicler of these developments, for the twentieth Samuel Beckett. Opposing this, in the early modern period all the emergences raising hope and promising a better future were new and so alive, their potentials still unconsumed.

## 5

Concerning religious affairs, the Austrian hereditary lands (*Österreichische Erblände*) in the seventeenth and eighteenth century were in a state of exception. Protestantism, or shouldn't one rather say: Protestantism *of various kinds* was strictly forbidden, but nevertheless stubbornly and quite commonly practised in some regions of Upper Austria, Styria and Carinthia, and measures taken against it over the decades became increasingly draconic. So-called heretics were doomed to a permanently endangered existence, their lives at risk. With the House of Habsburg, seeing itself as an embodiment of Catholicism, playing a major and with the Catholic Church playing a minor role, the situation in the course of the eighteenth century was dramatically escalating and finally getting out of hand. Punishments now did not just include fines and citations in front of governors, but expulsion, forced recruitment and coercive labour were also applied, all finally topped by deportation to the south easternmost parts of the Empire (Banat and Siebenbürgen). In the course of these relocations rich farmers were turned into day labourers, as their legitimately earned or inherited money was withheld from them. Husbands were separated from their wives, children forcefully taken away from their parents. Footslogs, epidemics and bureaucratic mismanagement were killing people.<sup>1</sup>

1 An overview on the relevant literature can be found in Stephan Steiner, *Reisen ohne Wiederkehr: Die Deportation von Protestanten aus Kärnten 1734–1736* (Vienna and Munich: Oldenbourg 2007), p. 13-20 and (especially concerning the increasing violence), *Rückkehr unerwünscht. Deportationen in der Habsburgermonarchie der Frühen Neuzeit und ihr europäischer Kontext* (Vienna, Cologne and Weimar: Böhlau 2014), p. 243-298.

## 6

Keeping this background in mind is crucial in order to understand the role that books played in those affairs. Leaders of the various local Protestant movements often had reading capabilities and in reading *aloud* during meetings in the underground they acquired the role of somewhat alternative priests. *Reading* the Bible within the community, but also for oneself, almost naturally turned into interpreting the Bible as a means of *thinking* for oneself, most often resulting in conclusions quite apart from Catholic doctrine. Books were a strong vehi-



cle for cultivating a clear mind but not always for keeping a cool head. Books were often an incitement to action. It is true, that at times they just made their readers cautious and cunning but at other times they made them courageous to the point of pure self-endangerment.

7

Self-made theological thinkers; we could address many of those Protestants working in the Habsburg underground as such, in need of a permanent supply for one of their most basic requirements: alphabetic letters, alphabetic letters and alphabetic letters again. And this is not just anachronistic phrasing, one can find it in the correspondences of the time. In the writings of a log driver, for instance, who was imprisoned because of a heavy quarrel with a Catholic priest. In appealing to the administrator he was not complaining about his situation, neither was he begging nor insulting, rather his major request was the following:

“In the name of God, I’m only asking you to be so kind as to send to me some books, (...) the gospel with the red covenant and my book of prayers, as I do not have a single letter over here to shorten my time more easily (...)” (Tschrieter, 1736, my translation)<sup>2</sup>

Not by chance, this delinquent is asking for *some* of his books, as he was a glutton for books. No less than twenty heretic tomes were found in his house, which clearly shows that many of these countrymen already had switched from intensive to extensive reading.<sup>3</sup>

8

Although quite different than in modernity, the eighteenth century already generated a book market and books were more and more sought after, even in rural areas. Apart from this general trend, forbidden groups in religious conflict zones literally depended on replenishment if they wanted to fuel the flames of dissent. Books in this case were used as a surrogate for the sermon, as inspiration for deviant interpretations of the Bible and the world, as a treasure chest for new songs that were such an important factor for the social cohesion of the group. The so-called ‘book visitations’, which were, in fact, seizures of forbidden books, clearly brought to light how infiltrated all those regions were. Some of the books confiscated were in the possession of various families for centuries, some even dating back to the high days of the Reformation movement. But most of them were borrowed or bought.

2 The original text has been translated by the author of this essay and reads as follows: “(...) Ich bite aber noch Eines Umb Gottes willen sie wollen doch die giete hoben Und mier ein Par bichlein herab schicken (...) das Evongöly biehlein mit dem Roten bunt, Und mein bet biehlein, don Ich hob nicht ein Einziges buechstom damit Ich mir die Zeit leichter Vertreiben Kunte (...)”, Kärntner Landesarchiv (Carinthian Provincial Archive in Klagenfurt), Herrschaft Paternion, Fasz. 88/158 Korrespondenz des Pfliegantes Paternion in Religionssachen 1702–1770: Letter by Christian Tschrieter, August 14, 1736.

3 Kärntner Landesarchiv (Carinthian Provincial Archive in Klagenfurt), Herrschaft Paternion, Fasz. 89/159, fol. 248f. Undated specification (1736).

They were bought...

What sounds like an easy act, in fact, is quite an enigma. How did farmers and craftsman from the countryside in a world far apart from commodity flows in the nineteenth century manage to get their hands on illegal books? The short answer is that they – either as providers or as consumers – were deep into the smuggling economy. Playing an active part meant to become a so-called ‘book carrier’ (*Büchertrager*), a person who had established links to Protestant book printing centers in Germany and who was able to master the long distances to Austrian hereditary lands without getting lost or caught on the way. On the side of the consumers, it meant to find the right ways to track down or even order such books and to make sure that during the handover neither the books nor the smugglers and their purchasers were caught by the authorities. Thereby a highly active cycle of a secondary economy was established in which both sides were risking their skin for the hot stuff. This cycle was one of the pillars of what Peter Burke once called “clandestine communication” within early modern Europe (Burke, 1996: 59-71).

4 Pioneering work has been done by Paul Dedic, “Besitz und Beschaffung evangelischen Schrifttums in Steiermark und Kärnten in der Zeit des Kryptoprottestantismus”, *Zeitschrift für Kirchengeschichte* 58 (1939), p. 476-495 and idem, “Die Einschmuggelung lutherischer Bücher nach Kärnten in den ersten Dezennien des 18. Jahrhunderts”, *Jahrbuch der Gesellschaft für die Geschichte des Protestantismus im ehemaligen Österreich* 60 (1939), p. 126-177; also very illuminating and with a helpful overview on the respective literature Martin Scheutz, “Das Licht aus den geheimnisvollen Büchern vertreibt die Finsternis. Verbotene Werke bei den österreichischen Untergrundprotestanten”, in *Kriminelle – Freidenker – Alchemisten: Räume des Untergrunds in der Frühen Neuzeit*, ed. Martin Mulsow (Cologne, Weimar and Vienna: Boehlau, 2014), p. 321-351.

## 10

Carrying books was usually not a regular occupation, but just one facet in the peddling activities of soldiers, traders or beggars, which also included hats, knives, mirrors and so on. Books in those days were expensive and risking one’s neck for *illegal* books made the extra money for the book carrier even more lucrative. It is interesting to see how elaborate this ‘market’ already was: notifications about what was new, subscriptions, utilization of the used book sector, even down-payments for book orders were common practice. Only preliminary research has been carried out about this trade so far, but it seems that when we come to the smuggling of Protestant literature, the profile of such smugglers was Janus-faced: on the one hand they were on the make, hoping for good money; on the other hand they were themselves part of a deviant religious community and by their smuggling activities also served an ideological purpose that they themselves were committed to.<sup>4</sup> If nothing else, a book carrier for the consumer also had to be a confidential person who would not disclose their order to the authorities. In this setting, it is only logical that many book carriers were coming from within the ranks of the underground Protestants themselves, trusting and trustworthy, in a mutual act of quite multifaceted interests.

Like in all other cases of smuggling, such activity made people witty and ingenious. To always stay one step ahead of their potential or real persecutors, they used all means of delusion and camouflage in order to keep the business and/or mission going. With various locals they explored mule tracks which were unusual and hard to observe by the customs patrol. Casks were provided with double bottoms that were disguised as best as possible. In the case of control checks, precautions were also taken not to disclose the contents of such books too easily. Front pages were cut out to make it harder to classify the book at a single glance and quite often the Protestant contents had a Catholic binding, giving a wrong title and a fictitious place of print. All in all this smuggling business was a well organized, highly elaborate and cunning activity (Scheutz, Licht: 326-330).

The meaning and impact of books in the pre-modern era is a world we have lost.<sup>5</sup> And if, as in the case of underground Protestantism, religious deviance, literacy, stubbornness and smuggling smarts come together, a new movement is born, a movement which I once attempted to coin as *rural enlightenment*.<sup>6</sup> Although the contents of such forbidden books nowadays might seem unspectacular, as most of them are God-fearing and pietistic, their appearance in the context of the eighteenth century was far from harmless: being able to read in itself was a door into alternative thinking and alternative culture. One delinquent, dragged in front of an examination jury, put it impressively in his own, radical words: "I don't believe in anything [you say], as long as I can't verify it with the Bible!"<sup>7</sup> At such moments, pietistic introspection changes into revolutionary attitude.

The aim of this essay was to present an example of the birth of smuggling from the spirit of both pursuit of profit and resistance. Enlightened countrymen and women, who made use of the illegal channels of their time, quite unexpectedly and most probably even involuntarily gained a place among the founding fathers and mothers of modernity. Smuggling in this particular case was a major transmission for a new world on the make. Even though the books that once were smuggled, have nowadays completely lost their punch and are nearly relegated to the dustbin of history, the revolutionary potential of reading skills as a legacy of these learned country people is still a productive force in our hands. And even if the book itself

5 This expression is taken from Peter Laslett, *The World We Have Lost* (London: Methuen, 1965).

6 Stephan Steiner, "Im protestantischen Herrgottswinkel: Mutmaßungen über ländliche Aufklärung" in *Orte des Wissens*, eds. Martin Scheutz, Wolfgang Schmale and Dana Štefanová (Bochum: Winkler, 2004), p. 225-238.

7 Kärntner Landesarchiv (Carinthian Provincial Archive in Klagenfurt), Herrschaft Paternion, Hs. 375 Religions-Prothocoll (Verhöre) 1733-1734: Interrogation protocol of Georg Gegner, September 10, 1733, answer 41.

might be completely drowned out in the Google universe, the search words “freedom”, “equality” and “brotherhood and sisterhood” might still unlock potentials unheard, unseen, and unthought of so far.

## Gia Edzgeradze

### *Smugglers of the moon*

Expressions of old smugglers:

Barnet Newman: “Art is always about Truth.”

Joseph Beuys: “Art is always about the main questions.”

I would like to reflect on a particular moment in the history of smuggling, one that has created a painfully exotic cultural episode. Smuggling was an important phenomenon in the Soviet Union, dividing the population into two groups: those who longed for an unknown future, and those who felt content with a future that was planned and predictable. The Soviet Union was a totalitarian state – on every level and in every territory there were restrictions and bans – as a result smuggling existed there also, on every level and in every territory.

We had a full time smuggling class and this class I would further divide into three symbolic sub-groups: *smugglers of rebellion*, *smugglers of paradise* and *smugglers of the moon*. The *smugglers of rebellion* were smuggling dissident thought from the Soviet Union to the West, and vice versa. Usually these were politically engaged and socially acute discourses that were smuggled, generally speaking, from the West to the Soviet Union. It was a big, important and dangerous mission. The *smugglers of paradise* were serving the extensive demands of people in the Soviet Union for material goods, and they were on the lookout to locate all kinds of aesthetic advances from contemporary Western culture. Such goods made people more happy and proud of their existence – and sometimes more snobby as well. But more importantly, this illegal trade of goods made us aware of the natural flow of things in the West, the genesis and order, manifested there in the territory where emerging new forms were not forced to represent a specific ideology. So these smugglers were sustaining a glittering celebration: the natural and everlasting flow of new and freshly born signifiers.

But for me the most interesting and important of these three sub-groups were the *smugglers of the moon*, and in this I myself was involved. The *smugglers of the moon* were dealing with immaterial values from the whole world – from the East



and the West – and also from our own past (because many esoteric forms of practice and schools of thought were also banned under the Soviet regime). The goods smuggled in this case were ontological in character: philosophical and metaphysical texts, a variety of evidential forms and discourses on eroticism (sexual discourse was one part of this), and aspects of creativity that attempted to expand the boundary of ordinary human consciousness. (In the Soviet Union, these kinds of reflective activities were called ‘idealistic thought’.) In other words, the ‘goods’ were everything that was something ‘other’ than a rational and pragmatic communist social life built on clearly defined moral rights. Hence, the *smugglers of the moon* were smuggling two things, ontological touch: images of contemporary art, contemporary classical and pop music, pornography, films etc., and also ontological research: texts, documentation of facts and events, everything that was something ‘other’, so to speak, than the Soviet cultural set.

*Smugglers of the moon* in general is a complex of trafficked ideas: in the West during the period of heroic modernism, creative people (the first *smugglers of the moon*), were attempting to smuggle sparks from the forbidden territory of Truth; from the West these sparks and the insights they provoked were once again smuggled into Soviet territory. An interesting dynamic!

The three sub-groups of smugglers in the Soviet Union together created, within the consciousness of Soviet citizens, a set of values that were sacral in character, and the agents of these values had a shining, vital and magic aura. Because smuggled goods were mainly emanating from the West, the West was sacralised as the single intangible producer of what human beings need on every level: rebellion, paradise, and the moon.

But times changed tremendously, and the extraordinary experimental island that was the Soviet Union disappeared. I became a Western artist and discovered that the initial *smugglers of the moon*, those members of Western society mentioned above who smuggled sparks and insights of Truth have also practically disappeared, and the art world is now left bereft of this great breed of human beings.

How did this happen?

At the beginning of the last quarter of the twentieth century, Western society became utterly disappointed with the results of communal attempts to break through boundaries, efforts that were aimed at to building (with help of rebels and revolutions) peace and harmony here on earth.

So the major theoretical basis of these activities – the verities of ‘grand narratives’ – fell under great suspicion, and were ultimately discredited; but the cultural world’s response to this fact of epochal change, this elimination of the metaphysical Truth as a vertical orientation, was peculiar to put it mildly. Rather than seeking a different truth, the search for truth was



[14] Gia Edzgeradze:  
*The Dud Smuggler –  
 Unexpected Outcome,*  
 photo-installation,  
 Trieste, 2014.

abandoned altogether. Under this misunderstanding the cultural world became happier, busier and more dynamic – its power of dedication merrily connected with the world itself, to serving a ‘better future’. Art became involved with worldly problems and began to dedicate most of its language power to political, economic, demographic, ethnic, feminist, and environmental problems, all kinds of discrimination issues and so on and so forth. These kinds of activities received more generous support from the state, enabling an immense number of projects all over the world, because these kinds of projects also improve and elevate the image of the state. With this support, the art world also became ‘luckier’: more travels, more fun, more interactions of all kinds, and more people involved. These new kinds of activities are more democratic and open to a wider number of participating artists. So the art world became less introspective and more joyous and interactive; a more communal cultural life was established, with better and friendlier interactions between artist and curator – and the power matrix between artists and curators was tangibly inverted.

But what happened to the *smugglers of the moon*?

Smugglers of ontological insights, smugglers of the features of the face of the ‘other’, smugglers of no features, of nothingness, all disappeared. If there is no need for alien products, those with the smuggler’s gift have lost the opportunity to discover this talent inside themselves. The *smugglers of the moon* disappeared in the same way as the central figure of Kafka’s ‘A Hunger Artist’; these skills are simply no longer in demand.

## **Darinka Kolar Osvald**

### ***Smuggling of artwork, cultural heritage***

The smuggling of works of art and cultural heritage is mostly related to other crimes and illegal trade, which is sometimes referred to as trade in the soul of nations. International organisations dealing with the protection of cultural heritage estimate that illegal trade in works of art and antiques represents the third largest black market on a global scale, being right behind illegal drugs and weapons, whose annual earnings are counted in billions of euros. At the same time, nations are losing irreplaceable and priceless information about their identity and their past.

For these reasons, the issue of smuggling of artwork can best be introduced by describing a broader context of crime related to cultural heritage, which I will try to do further on, accompanying it with the presentation of cases that the Slovenian police has dealt with in the past.

#### **Cultural heritage**

As an old saying goes, a nation without its own cultural heritage is like a tree without roots. Knowledge of past achievements is crucial for current and future development of a society.

Cultural heritage is a document of history, a witness, the evidence of human creativity in the past, a monument to human culture. It includes all the relics, moveable objects, facilities, buildings, groups of buildings, spatially regulated areas, other monuments and their positions in space, no matter whether on land or under water; any

human traces in general from previous periods. Cultural heritage is also essential for understanding the history of civilisations, for learning about the history of mankind; it is the oldest source and witness of ancient history, a means for historical and scientific study (Petrič, 2002).

Definitions of cultural heritage appear in legal and expert texts and are terminologically very different although unified in content. Cultural heritage has a special value (historical, artistic, archaeological, scientific, cultural...) that exceeds the material sphere and represents a unique, irreplaceable and invaluable resource for each nation and the entire world community.

International documents speak of the cultural heritage of all mankind and the world's cultural heritage as common goods, which must be respected and preserved. Each nation contributes its share to the world's cultural heritage and any damage, destruction or loss of heritage is to the detriment and impoverishment of all nations.

National regulations on cultural heritage mainly focus on the importance of the heritage of each community. Slovenian Cultural Heritage Protection Act /ZVKD-1/ (*Official Journal of Republic of Slovenia*, no. 16/2008 and amendments) states in Article 1:

“Heritage are goods inherited from the past that Slovenes, members of the Italian and Hungarian national communities and the Romani community and other citizens of the Republic of Slovenia define to be a reflection and expres-

sion of their values, identities, ethnic, religious and other beliefs, knowledge and traditions.”

Slovenian Rules on the Registry of Types of Heritage and Protection Guidelines (*Official Journal of Republic of Slovenia*, No. 102/2010) separate and define the types of immovable and movable heritage. They list as immovable: archaeological sites, buildings, parks and gardens, building with parks or gardens, commemorative objects and places, other objects and devices, settlements and their parts, cultural landscape and others. The following are listed as movable heritage: weapons, tools, building equipment, living accessories, clothing and personal belongings, means of traffic and transport, objects for play and leisure, art objects, objects of useful art, ritual objects, objects of communication, coats of arms, flags, awards and recognition, trade and banking assets, objects for presentations and visualisations, machinery and equipment, objects of education, science and technology, geological objects, botanical subjects, zoological objects, human remains, musical instruments, other items of historical interest.

### **Unlawful acts against cultural heritage**

Crime related to cultural heritage knows no boundaries and occurs on all continents and in all countries through various illegal activities that motivate them, especially with regards to the lucrative art market. Police most frequently deal with:

- Theft of cultural heritage objects from sacred, profane and residential buildings;
- Illicit archaeological excavation and theft of archaeological findings;
- Wilful damage or destruction of objects and subjects of cultural heritage (vandalism, or acts of war);
- Smuggling or illicit import and export of cultural heritage;
- Fraud related to illegal trade (sale or pawning of stolen or illegally exported ob-

jects, selling or mortgaging forgeries, evasion of tax liabilities...).

Among the objects of crime we find all kinds of cultural objects, most often:

- Paintings, graphics, icons;
- Statues, carvings, architectural plastics (stone portals, window frames...);
- Antique furniture (chests, cabinets, chairs, tables...);
- Old weapons and coins;
- Craft objects (pottery, jewellery, liturgical objects...);
- Archives (manuscripts, old books...);
- A variety of archaeological finds... (Kolar Osvald, 2003).

The motive for committing such acts is the value of art/cultural objects. Perpetrators are guided by the desire to possess an object or to create a profit. Different types of people commit this kind of crime; from ordinary thieves to collectors and persons with distinguished careers. Actions are often executed by well-organised gangs equipped with the latest technological devices. Among them some are good connoisseurs of art, such as restoration specialists, auctioneers in auction houses, art historians who leave the professional ethical principles, and so forth.

A typical chain of participants in illegal trafficking of cultural objects includes:

- Local thieves and looters of archaeological sites looking to improve their social situation by executing unlawful acts (such cases are common in poorer but culturally rich countries);
- Local brokers or dealers who buy stolen items for a cheap sum and sell them to smugglers for much more money;
- Smugglers who ensure that the object reaches the final buyer or seller;
- Dealers in antiques/artworks who carry out transfers with the object of changing the subject from illegal to legal commodity (displaying the object in a renowned institution, obtaining an export license from an official institution, obtaining a certificate or appraisal or opinion from a sworn legal appraiser or a recognized expert etc.);

· Collectors, museum administrators and other experts in the field of art, who pledge their name for creating provenance of the object, and thus mislead and cheat customers on the legal market (Pareli 2011).

Experts point out that trading in cultural objects is increasing because the criminal world sees the art/antiques market as a relatively stable, long-term source of illegal profit as the prices of items grow due to their limited supply while globalisation, increasing international cooperation, modern communication channels and the increasingly free movement between countries (in the European Union because of the collapse of borders) contribute to the legitimisation of stolen or smuggled cultural objects. Objects of unknown origin are sold for millions. The money obtained from the sale of stolen or smuggled cultural objects is also used to finance other illegal activities (e.g. terrorism), while trading in works of art/cultural heritage is often used for laundering illegally obtained money.

Many blame museums and dealers who buy or exhibit items of unknown or dubious origin for the boom of the illegal art market, which encourages crime against cultural heritage. By exhibiting in well-known museums objects acquire 'good' name, while multiple reselling allows formation of false provenances making discovery of the true place of origin of the object difficult. That is how stolen or smuggled cultural heritage gains sovereignty; it enters the legal market from the illegal one.

### *Theft – robbery of cultural heritage*

Theft is the most common crime against art all over the world. It is particularly enabled by the profitable trade in works of art and antiques – especially the illegal kind.

In 2001, INTERPOL (International Criminal Police Organisation) published a list of countries with the largest number of stolen cultural objects in a year. With about 22,000 items Italy is at the top of the list, followed by the Czech Republic with 5,300,

then Russia with 4,400, Switzerland with 3,100 and Turkey with 1,700 items (Hot Art, January 4, 2007).

The demand for high-quality works in the West encourages looting of churches, temples, shrines and poorly protected private collections in countries where they cannot or do not know how to appropriately evaluate and protect their cultural heritage. The global art market was recently flooded with icons and other religious and cult objects from Eastern European countries (in particular the former Soviet Union and Yugoslavia), Cyprus, Iraq, and Afghanistan.

Criminal groups stage genuine looting raids in areas of ancient civilisations in South America, Africa and Asia. Thefts of gold from pre-Columbian America, African ceramics, and the looting of tombs and temples are well known.

Very famous stolen works of art usually wander directly to the customer and do not appear on the market. Stolen items less known to the general public are most often sold on the black market. They are often not equipped with the appropriate documentation. Where and when they will appear is mainly influenced by customer demand.

Thieves differ in manner of execution of the offence and the interests that lead to this action. One can distinguish between professional and casual thieves. The former usually executes acts according to customers' orders, they prepare for acts (by gaining knowledge about the object, examining its security, preparing false supporting documentation in advance...), while the latter (among them there are various thieving collectors or drug addicts) are randomly tempted by an easily accessible object in a house, apartment, church, chapel, gallery, museum, office, abandoned castle, etc.

Burglary is the most common way of obtaining objects that are kept in different collections. The offender breaks into a facility in which the object is located, wherein the decisive role is played by the security system or lack thereof. Analyses of burglaries have shown that the premises where



the items were located were relatively easy to access and unsupervised at the time of the offence. According to statistics, more than half of the artworks were stolen from private apartments and houses, followed by religious buildings (mostly isolated and inadequately secured churches and chapels). A small percentage of thefts occur in galleries and museums, but the value of stolen items from these facilities, in which cultural monuments of the highest category are collected, is extremely great (Kolar Osvald, 2003).

### *Vandalism – destruction of cultural heritage*

Nowadays we use the word vandalism to denote the senseless ravaging and destruction of something useful, beautiful, things of special cultural significance, while vandal is a description of a barbarian hostile to the culture. The term derives from the event in 455 A.D. when an old Germanic tribe the Vandals invaded Rome and destroyed most of the cultural monuments (Verbinc 1976).

The largest dimensions of vandalism have been shown on war zones where whatever could not be taken away was damaged.

Destruction and alienation of cultural heritage of losers that followed the motifs of cultural cleansing and their subjugation was aimed primarily at glorifying victories of conquerors, victors in battle during the first civilisations, while later the offences were done out of arrogance and greed.

“The most extensive and most lasting damage and destruction of the heritage of all kinds in history was caused by World War II.” (Jogan, 2008: 43)

Recently, the ravage of war was going on in our vicinity in the former Yugoslavia. The world public is still shaken by the events in Iraq and other crisis areas, where we are witnessing loss of a unique cultural wealth of the world despite the rule of international law on the protection of cultural prop-

erty in the event of armed conflict. The resolved question of responsibility for the disappearance of priceless objects, which the parties engaged in the war are trying to establish, will not compensate for the damage that has occurred.

Many important ancient monuments (e.g. around 4,000 exhibits disappeared from the National Museum in Baghdad) were destroyed and stolen in Iraq in 1991 during the Gulf War, but it was just a drop in the ocean compared to the destruction and looting of cultural heritage that followed in 2003 after the American occupation of Iraq. Numerous museums, archaeological sites, and libraries were looted. According to the experts' judgement more than 150,000 items were stolen from the National Museum in Baghdad, where one of the greatest archaeological collections in the Middle East and Iraq's most important collection of historical heritage were kept, which included priceless Sumerian, Babylonian and Assyrian collections and rare Islamic texts. Gone are the golden chalices, ceremonial masks, valuable head-dresses, musical instruments studded with gems, unique texts in cuneiform and other exceptional items of old Mesopotamia. Most of the objects that remained in the museum were destroyed. It was the treasure of 7,000 years of civilisation, the treasure of the cradle of Western civilisation. Farming began here, the plough, the wheel, potter's wheel, the alphabet and the first laws originate from here, this is where Abraham was born.

Vandalism often occurs as a result of social protest (destruction of cultural objects belonging to a specific group), political or religious reasons (damage to cultural objects related to a particular political regime or a particular religion), anarchism, arrogance, robbery or theft (with the looting of temples, tombs, archaeological sites and thefts from the collections most of the cultural heritage often remains destroyed, while the most renowned works are stolen). Vandals attack facilities (cul-

tural monuments, graves, commemorative plaques...) with various means: pens, paint, fire, firearms, explosives, knives, etc. (Kolar Osvald, 2003)

### *Smuggling of cultural heritage*

We speak of smuggling of cultural heritage when objects of special cultural or historical significance are transferred or exported and imported across state borders without permission of the competent authority. Sometimes individuals do not know how to formally import an object, so they hide it while crossing the border, but mostly they smuggle stolen or protected objects, for which it is not possible to obtain an import or export license (Kolar Osvald, 2003).

Well-organized smugglers have different ways of avoiding the control of public authorities. They cross state borders in less controlled remote places, hide objects in various places (in modified car parts, in modified luggage, covered or mixed with other items, and so on), ship them in special postal items, carry them along with falsified documents, or 'disguise' them in such a way that they have the appearance of an ordinary cheap souvenir.

Procedures for disguising or masking the objects for the purpose of smuggling are usually carried out by experts – restoration specialists in particular, and the value of the artwork is determined by the input and accuracy of their work, because the procedure must be repeated and the object 'de-masked' once it crosses the border and reaches the final customer.

In many cases, the objects are smuggled in the displayed form or in smaller parts (for example, triptychs, larger composite sculptures, architectural parts...). That means they are transported across borders in different places and at different times.

Due to smuggling and related offences, the cultural heritage of people who are unable to protect their assets is disappearing. The art market is becoming increasingly globalized and often the place of an object's

landing depends only on where it can achieve a higher price.

The London art market is known for its large trade in Islamic art, the German for an intensive trade in antique watches, while the best selling goods in Italy are silver and the Netherlands has a strong market for china (Kursar – Trček, 2002). Meanwhile, individual countries represent only a transit area. In most cases Slovenia plays such a role, although it also appears as the final destination due to the evolving art market and it is often also a country from which cultural heritage illegally 'escapes.'

### **Cases of cultural heritage archived by the Slovenian police**

The cases of smuggling, which are presented below and were dealt with in the past by the Slovenian police, show that smuggling is part of a crime against cultural heritage, which plays a crucial role in its total loss.

#### *Smuggling of items stolen from a gallery in Novo Mesto*

Ninety-nine valuable exhibits of Hallstatt culture around 2,500 years old were stolen in 1975 from the exhibition spaces of Doljenjska gallery in Novo mesto. (Slovenian Police Museum 2014) Well-organized perpetrators got to the items at night, by breaking through the window of the gallery. Most of the objects and the perpetrators were found a few months later.

The theft was carried out by two Italians from Ravenna by order of a wealthy stranger for a high sum. The stolen items were intended for the US market. The client had previously visited the gallery several times, once with the accomplices in order to study the situation of security and develop a plan to execute the theft. After the burglary the stolen items were immediately taken by car to the Istrian coast, where a hydrofoil was waiting to transport the objects to Italy, while the foreigners drove

an empty car home, where they picked up the things and paid the transportation with fourteen items.

The perpetrators were identified on the basis of the registration plate of their car, which was recorded by a citizen who saw a foreign car near the gallery at the time of the offense and subsequently announced the information to Slovenian security authorities who sent a notice to Italy via Interpol. There the Italian police arrested the perpetrators and found most of the stolen items upon completion of the investigation of their residence. The eighty-five items were returned to Slovenia (Slovenian Police Museum, 2014).

#### *Smuggling of Russian-Ukrainian icons across the Slovenia-Italy border*

At the Kozina border crossing Slovene customs and police officers discovered fifteen icons and an old military sword in the specifically modified space for the tank of a car during border control in December 1999. (National Gallery in Ljubljana, 2014) The things were being smuggled by a Polish citizen, or rather he was trying to illegally transport them to Italy.

During criminal proceedings the objects were seized by the Slovenian police. According to the opinion of a sworn expert in the art history profession, it was found that they were valuable Russian-Ukrainian icons from the eighteenth and nineteenth centuries. The icons have been placed in storage at the National Gallery in Ljubljana, while the police provided information to Russia, Ukraine, Poland and other countries through INTERPOL, with the aim to find the rightful owner, to whom they would be able to return the items. Slovenia has so far not received any positive information so the foreign cultural heritage remains in Slovenian care (National Gallery in Ljubljana, 2014).

#### *Smuggling of Macedonian archaeological diggings and their return*

In March 2005 at the International border crossing Obrežje during border control, Slovenian customs and police officers discovered a greater number of archaeological diggings (Ministry of Internal Affairs – Police 2006). The items were being smuggled by a Macedonian citizen who wanted to transport them to the Republic of Slovenia without a proper export license from the country of origin, which was a contravention of the regulations of international treaties. Archaeological objects were found in the luggage compartment of the bus heading to Germany from Macedonia. In the cardboard boxes 160 different products made of metal (earrings, clips and brooches), seventeen different coins, a decorative metal buckle belt and sixteen clay vessels were hiding among the beans.

The items were confiscated during the customs procedure. An expert from the National Museum in Ljubljana found that the objects were of special cultural significance, mostly from prehistoric times (from the ninth to the fifth century B.C.) and the Roman period and that they were obtained by illegal excavations. The police sent a notice regarding the confiscation to security authorities of Germany and Macedonia through Interpol. The Macedonian authorities discovered that the objects came from two archaeological sites (Karakus in the village Dedeli and Isar in the village of Marvinci), which were declared cultural monuments in Macedonia. They also found a group of people (among them a Macedonian policeman) who excavated objects illegally and organized illegal transport to Germany. All persons were criminally charged in Macedonia.

In 2005 Slovenia returned the objects that have been detected in this case and kept in the National Museum of Slovenia in Ljubljana after seizing, to Macedonia and for the first time realized UNESCO's provisions of the Paris convention, which is de-

scribed in following part of the text, entitled *Fight against crime related to cultural heritage and legal framework of heritage protection* (Delo, May 30, 2005; Ministry of Internal Affairs – Police, 2006).

### **Investigation of criminal offenses related to cultural heritage**

Criminal acts against cultural heritage are among the most sophisticated forms of crime, of international dimension, which often takes place in reputable environments. The perpetrators are usually armed with a thorough knowledge of the objects, their value, the art market and methods to elude state control and sanctions. Therefore, the investigation of criminal offences is complex and time consuming. Globally the police successfully discover only about ten per cent of the stolen items and return them to the owners.

The police have to deal with many problems in their work. One of the key difficulties is the lack of data on lost objects, since the victims usually have no photos of them, nor accurate data on the subject and ownership. That makes searching for missing items and returning them to their rightful owners difficult.

It often happens that the police discover items associated with a particular crime and for example seize the objects that were being smuggled across national borders, and then cannot find their rightful owner. Thus, objects of cultural heritage despite the success of the police and other competent authorities do not find their original site and remain lost for the community to which they belonged.

### **Fight against crime related to cultural heritage and legal framework of heritage protection**

With an increasing awareness of the importance and value of cultural heritage and

that it is endangered because of illegal acts, the international community began actively engaging in finding appropriate solutions in the middle of the last century. After the Second World War many international governmental and non-governmental organisations were established to pursue common interests to protect cultural heritage.

The most striking among them is United Nations Educational, Scientific and Cultural Organisation, known as UNESCO, founded in 1946, headquartered in Paris. It laid the foundations for the protection of cultural heritage (Constitution of UNESCO was signed on November 16, 1946 by thirty-seven nations). Over the years it has developed standards and an international network for the protection of cultural heritage, prepared a number of important recommendations and international legal acts that were ratified by many countries and which influenced the creation of national regulations.

The most important legal acts of UNESCO in the fight against crime associated with cultural heritage include:

- Convention for the Protection of Cultural Property in the Event of Armed Conflict, known as the Hague Convention, the Regulations for its execution and protocols – 1954 (*Official Journal of the FPR of Yugoslavia – International Treaties*, no. 4/1956) and the Second Protocol to the Hague Convention – 1999 (*Official Journal – International Treaties*, no. 22/2003), which give immunity to cultural monuments in the event of war and states that in such events cultural property must be respected and protected from damage, theft, thievery, vandalism and alienation actions regardless of where they are and whose they are.
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, called the ‘Paris Convention’ – 1970 (*Official Journal of SFRY – International Treaties*, no. 50/1973), which is based on the standpoint of the necessity of international cooperation in the prevention of

unlawful disposal of movable heritage and its return to its rightful owners, and the duty of each country to protect its heritage against theft, illegal archaeological excavations, illicit export and to protect the heritage of other countries by preventing the illegal import and transfer of ownership of the illegally obtained items, and restrictions on the movement of such objects. The signatories to the Convention are bound to establishing services for the protection of cultural heritage that will be involved in making the necessary legal provisions, develop and update a register of important cultural property, promote development and establishment of institutions that are necessary for the preservation and presentation of cultural goods, organize control of archaeological excavations and protec-

tion of archaeological sites, make rules and recommendations – aligned with the ethical principles of the Convention to assist the professional and the interested public, implement educational activities to foster respect for the cultural heritage of all countries, ensure an adequate echo in the public regarding the loss of cultural property, be involved in the repatriation of illegally exported cultural objects and the like. The Paris Convention is signed or acceded to by most of the countries, with which it exceeds any disadvantages of rules of national law.

Later legal and professional regulations were passed derived from the provisions established by the Paris Convention and that provided for more formal systems meeting specific needs for the protection of cultural heritage through various measures.<sup>1</sup>

1 Some such applicable international, European and Slovenian acts are: Convention on the Protection of the Underwater Cultural Heritage – 2001 (Law on ratification of the Convention on the Protection of the Underwater Cultural Heritage, *Official Journal of RS – MP*, No. 1/2008), prepared by UNESCO.

1. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects – 1995 (Law on ratification of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, *Official Journal – International Treaties*, No. 6/2004), which was prepared by the International Institute for the unification of Private Law, based in Rome. It provides more detailed procedures for return of illegally removed or obtained cultural objects and emphasizes appropriate diligence of an art collector when buying art and expects them to check the origin of the artwork in information databases that are accessible (Art Loss register, Interpol database of stolen works of art, national databases, etc.). Council Regulation (EEC) No. 3911/92 of December 9, 1992 on the export of cultural objects with amendments, passed by the Council of the European Union and states that it is necessary to issue an export license for the export of cultural objects from the territory of the European Union, and specify the authority for issuing such licenses in each country.

2. Council Directive 93/7/EEC of March 15, 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, which was also passed by the Council of the European Union and lays down the procedure for the return of cultural goods between Member States of the European Community and binds its Member States to appointing coordinating bodies in proceedings for the return of items and deadlines for submission of applications.

- Law on Protection of Cultural Heritage/ZVKD-1 / (*Official Journal of RS*, No. 16/2008 and amendments).
- Act on the return of unlawfully removed cultural objects (*Official Journal of RS*, No. 126/2003).
- Rules on genres of unlawfully removed cultural objects (*Official Journal of RS*, No. 34/2004).
- Rules on the lists of types of heritage and conservation policies (*Official Journal of RS*, No. 102/2010).
- Regulations on the procedure for issuing licenses for exports and removal of objects of cultural heritage (*Official Journal of RS*, No. 26/2011).
- Rules on record and control of trafficking of cultural heritage (*Official Journal of RS*, No. 140/04, 15/07 – dec. US, 95/07 and 16/08 – ZVKD-1).
- Rules on keeping inventories of movable cultural heritage (*Official Journal of RS*, No. 122/04 and 16/08 – ZVKD-1).
- Rules on the Register of Cultural Heritage (*Official Journal of RS*, No. 66/09).
- Code of Ethics for Museum, which was passed in 2004 on the basis of the Code of Professional Ethics in 1986 by the ICOM (International Council of Museums, an international non-governmental organisation of museums and professional museum workers). The Code, which was also translated in Slovene in 2005, is the basic document for the work of museum experts worldwide. Among other things it binds them to not acquire or exhibit in the museum any object, suspected to have been illegally obtained or, if it is determined that they already have such items in their collections, they should be ready to start talks regarding the return of cultural property to the country or nation of origin.



In carrying out the prescribed rules and recommendations in the fight against crime associated with cultural heritage, the most prominent role at the international level is played by the UNESCO and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin, ICOM and INTERPOL.

UNESCO organizes a series of seminars on the topic of cultural heritage protection and prevention of illegal trade in such objects, informs and warns the public about alienated cultural heritage and the return of objects to their countries of origin and implements concrete actions in crisis situations. Thus, during the war in Iraq in 2003, they sent a delegation of experts there in order to assess the damage caused to archaeological sites, monuments and museums, and compiled a list of missing items; they urged the international community and member nations of UNESCO, which includes Slovenia, to take all necessary legal and administrative measures to prevent the import of any cultural, archaeological and bibliographic items that have been removed from Iraqi territory. They also called upon the museums, art dealers and private collectors not to deal with such objects.

In these endeavours UNESCO brings together international institutions and organisations such as the Council of Europe, The International Council of Museums, and INTERPOL<sup>2</sup> (in the case of Iraq a list of items that were stolen in Iraq was created in the context of the Interpol database of stolen artworks, to which an instant access was provided to investigators, museums and dealers via the website [www.interpol.int](http://www.interpol.int)) and national authorities.<sup>3</sup>

Crime related to art/cultural heritage is one of the areas of Interpol's work. Thus, in 1995 it started creating a database of Stolen Works of Art to centralise information about stolen property and ensure its global use. By the end of 2011, the database contained about 40,000 hits from 125 countries, with more than 36,500 searches per year. Data are collected in a database based on the international standard for describing art Object ID, prepared under the patronage of UNESCO, intended for the professional and the general public. The database is accessible via Interpol's secure system for law enforcement authorities in different countries, and has also been available for other state authorities and the authorised general public since 2009.

Interpol is also active in the field of informing the general public about crime related to cultural heritage (e.g. it prepares specific lists of most endangered and sought after cultural heritage; the leaflet "Interpol's Most Wanted Works of Art" or the list of artwork that has recently disappeared are very well known) and in the field of education by the competent authorities in different countries.

In all this, it actively cooperates with other international organisations and agencies including UNESCO, The United Nations Office on Drugs and Crime (UNODC), The International Council of Museums (ICOM) and the World Customs Organisation.

At the national level, mainly authorities such as the police, customs and services for the protection of cultural heritage are relevant for the implementation of laws and professional recommendations. The said authorities monitor the implementation of the rules, detect and deal with

2 INTERPOL is the International Criminal Police Organisation, headquartered in Lyon, France, founded in 1923 in Vienna, in order to provide mutual assistance between the Criminal Police of different countries (notably by ensuring the flow of information and the building of infrastructure for collection and data analysis), with the goal to improve prevention and suppression of crime in the world. Today it brings together 190 national police forces of the Member States, among which from 1992 is also Slovenia, while the Slovenian police and militia have cooperated with Interpol already in the former Yugoslavia.

3 After UNESCO's notification the Slovenian Ministry of the Interior – Police also urged all museums, art dealers and private collectors not to trade with objects that could stem from Iraq during this time and to provide information relating to the trading of the aforementioned items the police.

crimes and offences committed against cultural heritage, sanction violators, produce a database of stolen cultural heritage and artworks/cultural objects and raise awareness among professionals and general public about the importance of and threats to cultural heritage through preventive activities.<sup>4</sup>

All organisations involved in the fight against crime connected to cultural heritage have a unified standpoint that cultural heritage can be protected only with active mutual cooperation and collaboration of the general public and concerns of each individual.

<sup>4</sup> In Slovenia, the information on stolen and found objects and preventive advice can be found on the website of the Slovenian police [www.policija.si](http://www.policija.si).



[15] Aleksandar Garbin: *Vukosav Ilić*, ready-made, 2013.

## **Aleksandar Garbin**

### ***Vukosav Ilić***

**2013**

Aleksandar Garbin approaches the topic of smuggling by displaying a canvas painted by the naive artist Vukosav Ilić (Born in Crnče, Serbia, 1950). He found the canvas on a dump pile during the posthumous cleaning of the studio of Vilko Šeferov (Mostar, 1895 – Zagreb, 1974) in Rovinj.

Exhibiting another man's work can be taken both as a gesture of hospitality, since the author, in fact, concedes his place in the exhibition to someone else, and also as the smuggling of a work whose theme and location have no apparent connection to the museum in which it is situated. Garbin appropriates another man's identity only seemingly, using the topic of smuggling as a chance to play a trick: he exhibits another man's work, but does not renounce authorship, as he considers his own work to be the act of painting the wall and hanging Ilić's work on it.



2



[16] Aleksandar Garbin: Area Neutra, ready-made, 2001.

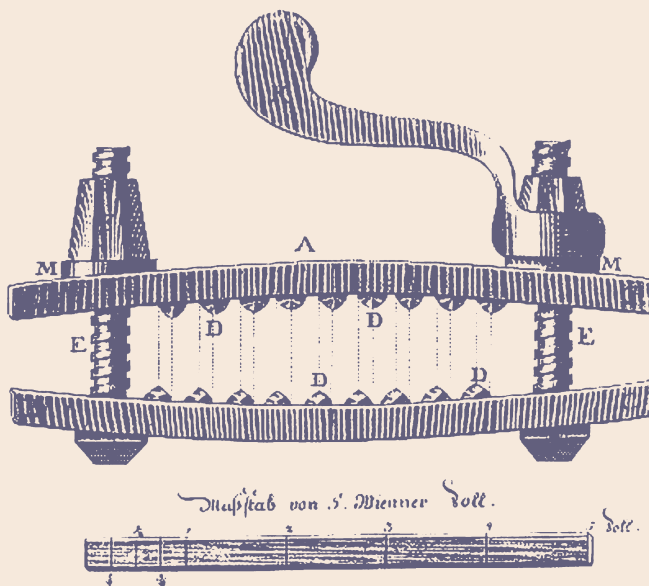


# TERRITORY SMUGGLED



# TERRITORY

## Der Grad des Daumstockes.



## Erklärung der Buchstaben.

- A. Die zur peinlichen Tortur gehörige Daumenstocke.  
 B. C. Zwei flache Eisen, welche hier nach der Seiten, oder eigentlichen Dicke anzusehen kommen, die mit stumpfigen, und in Ecken zusammenlaufenden hervorstehenden Knöpfen D. dergestalt besetzt, daß die obere bey Uebersammenlegung denen untern ausweichen, und nicht übereinander treffen.  
 E. Schraubenspindel } die die flache Eisen zusammen halten.  
 F. Schraubemutter }  
 M. Ein kleiner etwas breiterer, als die Schraubemutter, an selbe besetzter Ring, welcher als der Fuß, oder Basis der Schraubemutter anzusehen, damit selbe genau auf der Fläche des obren Eisen passen könne.  
 K. Der Schraubenschlüssel, mit welchem die Schraubemutter F. an der Schraubenspindel E. anzuziehen, und die flache Eisen dadurch aneinander gedrückt werden können.  
 Das obere Eisen dieses peinlichen Instruments ist A. wird in Ides vorgefesselt, als ob selbes auf beyden Seiten aufgehoben werde, damit man die unvorwendige Lage der Eisen, und der Knöpfen sehen möge.

[17] Special torture device for the compression of thumbs. *Constitutio criminalis Theresiana*, 1768.



## Dragica Čeč

### ***Theft and smuggling of cinnabar as a means of survival – the trial of thieves and smugglers of cinnabar in 1700–1701***

#### **Introduction**

Any archduke of Habsburg Hereditary Lands who had monopolized certain raw material, minerals and products for commercial lease had a lot to gain. That such an economic move would provide him with immediate funding is not surprising, from the end of the sixteenth century and up until 1713 we can hear more than once that “the emperor as archduke had a precious treasure in the Idrian mine which cannot be matched among his private possessions” (Verbič 1969: 122-123). In reports of the Tolmin revolt,<sup>1</sup> which “dangerously approaches” Idrija, officials at various levels used the same phrases heard centuries before to describe this treasure. This political statement becomes more understandable once we take into account other circumstances in play: for example, little of the income obtained from the lease of the monopoly (S.C. Appalto) was left to the Hereditary Lands, given that the archduke typically spent most of it on the needs of the court. Most of income from the mercury mine was spent on dynastic weddings in the beginning of the sixteenth century.<sup>2</sup> The lease on mercury sales was the archduke’s most profitable monopoly (Valentinitisch 1989: 92). A profitable mercury mining monopoly of course depended on the living conditions of the miners and on effective control of the acquisition and any illicit sale of ore. The ruler’s politics were splendidly displayed in the mining regulations for Idrija (Bergwerkordnung): all miners and workers in the mine who stole ore were labelled as thieves, while all traffickers and resellers were called smugglers, and the mining regulations threatened serious punishment for transgressions (Verbič 1969: 60-79). Thefts took place during both the digging and smelting processes, as miners were searching for native mercury as well as ore residue. On the other hand the supervision of the process of mercury extraction from ore was more intensive, and the theft of mercury from storage was rare.

Due to the monopoly on raw material the authorities had the option of trying those caught smuggling ore or mercury. Subjects who legally fell under the jurisdiction of other land-

1 The Tolmin peasant’s revolt in 1713 arose because of dissatisfaction with the newly introduced wine and meat tax, the mode of collecting the new taxes on meat and wine consumed in households, as well several other conflicts with landlords.

2 In 1607 in order to obtain a monopoly over the sale of mercury Carlo Albitunelli paid 180,000 goldinars, which was a huge sum even for Inner Austrian business transactions. In comparison, for the purchase of a livestock enterprise (1611–1622) in Inner Austria he recovered a still considerable sum of 125,000 goldinars, and 3,000 annually for the sale of honey. To this initial sum, the leaseholder added 15,000 goldinars for a loan without interest.

lords or sectors could be fined according to mining regulations from 1580 (for minor offences), or according to valid penal codes, depending of course on the joint value of stolen goods. (When stolen goods exceed the limit of twenty-five gulden crimes were subject to penal codes). The trial and punishment of acts that were subject to the mining order were conducted by a mine judge, who was responsible for public safety, civil and commercial law, punishment of minor offences; this was the case up until the mine administration reforms at the end of the 1820s and beginning of the 1830s (cf.: Terpin, 2007: 86, Verbič 1969: 60-79). Complaints could be addressed to the mine manager (Verweser) in the second instance and then to the Inner Austrian government and chamber in Graz in the third instance (Innerösterreichische Regierung und Kammer) (Valentinitisch 1989: 141-142). Judging from criminal trial practices during the second half of the sixteenth century, the seventeenth and most of the eighteenth century the larger thefts that fell under so-called *causa maiores* were tried by special criminal court judges (Bannrichter) that were appointed to the smaller Hereditary Lands (Kambič 1996: 1-8). The more serious criminal cases (so-called maleficent affairs) were excluded from the mine court's jurisdiction, which was straightforwardly controlled only in the Carniolan mining regulations (Berwerkordnung) (Kambič 1996: 14). Similar legal delimitation was shown in both the mining regulations for Idrija (Verbič 1969: art. 27 and 28) and in criminal practice in Idrija. Valentinitisch interprets article 28 in such a way that he concludes that even subjects were excluded from the patrimonial power of their landowner during temporary departure to their native dominion (or manor) (Valentinitisch 1981: 142).<sup>3</sup>

We can conclude the following hypotheses from an analysis of the criminal trial of 1700:

1. The criminal process of 1700 can prove some general characteristics of criminal procedure and substantive law, even in some matters that fell under the jurisdiction of special courts.<sup>4</sup> The process shows not only the plurality of existing criminal norms and practices (particularly in relation to legal guidelines) but also emphasizes a desire for the unification of criminal law which involved in its procedure authorities in charge of public order on the lowest level.
2. Segments of the population involved in thefts were mainly those subjects and miners who were in difficult social situations.

3 Or jurisdictions for trial for minor offences in the hereditary land Gorizia/Gorica/Görz.

4 In Carniola (Krain) and Gorica (Gorizia) as a part of the Holy Roman Empire s. c. inquisitional system was still in use in criminal cases, in which the criminal judge had a central role. Judges on different levels of administration conducted investigation of crimes in the eighteenth century. Criminal judges could re-question witnesses, interrogate suspects, order searches for denounced persons or conduct further investigations. In some legal circumstances they could decide on a penalty and declare the verdict. In other cases they just propose the verdict to the final administrative-judicial level.

## Trial for the theft of cinnabar ore in 1700 compared to other similar trials in Idrija

Trials for theft in the year 1700 (1701) in comparison with some other cases of theft and the smuggling of ore were not extensive according to the number of people imprisoned (four).<sup>5</sup> They cannot even remotely compete with the most high profile case during 1778–1779 in which fifty-five people were interrogated while the actions of twenty-six individuals (Hodnik 1995: 22-27) were so incriminating that they demanded trial before a criminal court judge. The trial in 1700 was slightly more extensive due to the social status of the imprisoned, and was somewhat larger than the process that took place between 1729 and 1731, which was analysed in detail by M. Terpin (Terpin 2007: 84-97). Nine people were suspected of involvement in crimes in 1729, among them three miners. Only three were imprisoned, and none of them were the incriminated miners.

According to a few other cases there was quite some ore extricated in the case tried in 1700. Initially, four suspects<sup>6</sup> were imprisoned and included in the investigative process before a criminal court judge:

Jakob Gatej (Götte), approximately thirty years old, born in Otalež (Tolmin dominion) had to present his case in front of a criminal court judge as a thief and a trafficker.<sup>7</sup> He lived in Spodnja Idrija and worked as a replacement worker, was married and the father of one child.

A thief and trafficker slightly more incriminated than Gatej was the forty-year-old miner Anže Arhar (Hanse Archer), otherwise known as Štefič, born in Žiri (Loka dominion), the father of four and a tailor by profession who lived in Idrija with his family.<sup>8</sup>

Mihael Jež, a broker and a buyer of ore from Berdašnica (Werdaschniz) at Sevnica in Tolmin dominion, a fifty-five-year-old widower with six children, found himself in front of the court.<sup>9</sup>

Hilarij or Jeller Mažgon (Maschgon) from Šebrelje (Tolmin dominion), father of five, appeared before a criminal court judge merely as a reseller. The criminal court judge labeled him a foolish man, and according to criminal procedure he lowered the level of his criminal responsibility. Because he had to take care of his children, he was released from prison. He did not live to see the verdict since he quite unfortunately fell from a tree even before the first investigation process was concluded.

5 Only the final verdict belongs to 1701 that was passed by the Inner Austrian government in Graz.

6 The information that will be presented and interpreted further on includes the hearings of Jakob Gatej (the 'first' hearing was held (in May or June) and the second on December 14, 1700); Anže Arhar ('first' hearing was held on May 8, 1700, the second on June 8, 10 and 11, 1700 and the 'third' on December 14, 15 and 18, 1700); broker and buyer Mihael Jež (interrogated in Idrija only on June 26 and then June 30, 1700 when he was faced with the subsequently deceased Moškon); Moškon (interrogated June 18, 1700. May 8, 1700). Another replacement worker Mihael Pirc was interrogated. (StLA, IR, Cop, 1701-1-10, Cop 1701-1-109, Cop 1701-1-117).

7 <http://www.rodoslovje.com/index.php>.

8 I used Slovene versions of names and surnames that were more often used for this environment, the exceptions are specifically noted.

9 Given that the military map with this geographical name only gives the stream Sevnica, it was obviously a solitary house.



The presentation of testimony of those imprisoned under investigation confirms that the system of ore theft, the search for native mercury and its trafficking was a multifaceted process which involved many other brokers and mediators besides the thieves. Large scale vendors were included in the system of purchase who – as this particular court case emphasizes – bribed the miners. Most often they sent intermediaries to buy and traffic the ore, which is why they were more difficult to imprison. The biggest clients (ore buyers with their own clandestine smelters) lived close to Idrija at the time but were in different dominions belonging to two Hereditary Lands: Loka dominion which belonged to Carniolan Hereditary Land and Tolmin dominion with its special district board belonged to Gorica (Gorizia) Hereditary Land. At least eight intermediaries, traffickers and resellers or buyers that were denounced by alleged thieves in the investigative process in 1700 remained unpunished even after a year's time. It was probably because the intermediaries only occasionally came to Idrija that the Idrijan authorities could not imprison them. Not only Idrijan authorities but the criminal court judge Janez Jurij Hočevar demanded from the landlords of the alleged offenders (especially the Škofja Loka governor) that they be apprehended, but the cooperation of other landlords was not always exemplary in such cases. The more exemplary collaboration was with the Tolmin dominion, which according to an urbarium from the beginning of the seventeenth century conducted criminal procedures even for Idrijan subjects (cross-referenced in Terpin, 2007: 85-87). According to this particular criminal court judge's apology before supreme authorities he did not receive any kind of response from the Škofja Loka governor, and so he avoided responsibility by labeling all of the accused as fugitives to other Hereditary Lands and to the Republic of Venice. (StLA, IÖ, Cop 1700-4-138, 1700-7-71, 1700-11-87, 1701-1-10). According to the system of public security established it was expected that these other governors would imprison the alleged wrongdoers and conduct their initial interrogations (Žontar 1998). In his first letter addressed to the Inner Austrian government the judge believed they would apprehend some of the traffickers even before passing the verdict on those already imprisoned (StLA, IÖ, Cop 1700-4-138, 1700-7-71, 1700-11-87, 1701-1-10). In contrast to his expectations they did not manage to catch any of the denounced delinquents before the publication of the final verdicts. Škofja Loka subject Andrej Peternel or Boč (Wätsch), who had his own ore smelter, as well as Matija Jezeršek remained at large. There was also 'some other' Matija, a reseller who came from the same dominion and whom the investigators believed had family ties with Peternel and supposedly even lived with him for some time. Later on the criminal court judge notes that he

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 d'vberaan wiffsoot bij den hofsoot d'vberaan  
 wiffsoot, soot vber so jebsoot hofsoot gomet  
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came from Škofja Loka. Other collaborators included Tolmin subjects Tomaž 'Boučan' and Andrej Plah (Plach) and allegedly also Ivan Gatej, a vicar from Šebrelje who smelted ore with Mihael Jež somewhere on the Šebrelje plateau in a place called Zatrej (StLA, IÖ, Cop 1701-1-10). The Inner Austrian government was bothered by the fact that there were three subjects of the Idrijan dominion among the accused, including two tenants: Anže Jesenovc, who supposedly lived near Peter nel under Ptičje Brdo, Sebastjan Likar (Liker) and Matevž Kenda<sup>10</sup> (Valentinitsch, 1981: 359). During the process several other suspected resellers were mentioned in court protocols, among them Mihael's son Andraž Jež and Matija Kožuh.

The process of theft and trafficking of ore was dangerous and quite intense for the perpetrator; the risk of being caught was high, due to well-organized system of formal supervision and informal social control.<sup>11</sup> A thief would have to remove the ore from the worksite slowly. Nevertheless, Arhar claimed in his second and third interrogation that he could remove from one and a half to three pounds of ore from the pit at once; from 0,789861 to 1,5802 kilograms (Valentinitsch, 1981: 428). He hid it in a special pouch under his belt. If we believe Gatej's statement then he would have accumulated around eighty pounds (42,12 kg) of ore that way in his hideout. That means he would have smuggled the ore under his clothes from the mine almost every day. He then had to hide the ore, for which he used more or less well-chosen hideouts: during winter he would hide it in a pile of leaves on the dominion garden that was close to the mine. Arhar even buried it. They also listed firewood, a chest in the foyer of his apartment and the space under the stairs there as hiding places. The perpetrator and the hideout could have easily been discovered, or noticed in the same

[18] A note about use of torture in case of Anže Arhar. Styrian Provincial Archives, Graz, StLA, IÖ, Cop-1701, May 10, 1700.

10 Subjects in the immediate vicinity of the mine fell under the jurisdiction of the mining manager from the beginning of the seventeenth century (1606 according to Arko). Also, I am using the forms of surnames that are most common in this environment and to which the court records relate.

11 'Social control' means the informal mechanisms by which people have always sought to put pressure on one another in traditional societies.

way that Gatej was observed (StLA, IÖ, Cop 1701-1-10). Despite this danger he did not flee from Idrija, which was the obvious choice of some workers and miners, so the judge noted during the trial that this was a special extenuating circumstance.

The investigative process was led by the Carniolan Janez Jurij Hočevár, active as a criminal judge between 1695 and 1702–1703. 3 (Košir, 2001: 182). In historiography he is well-known mainly for his notoriety in persecuting witches which was to be the reason for deposing him as the Carniolan criminal judge (after 1702 or 1703) but supposedly he nevertheless assisted during a witch trial in Idrija in 1706 (Terpin, 2007: 97). As a composer with the nickname Candidus he was a member of an esteemed society of intellectuals, the Academy of Operosi (Academia Operosorum Labacensium), with which he engaged more deeply after he was deposed from his job as criminal court judge (Košir, 2001: 171-182). He worked during a time when the Inner Austrian government was certain that witchcraft in Carniola was spreading. He sentenced at least four women to death between 1696 and 1699 (Košir, 2001: 176-179). But his list of 'famous' convictions does not end here: he also sentenced to death the notorious Kljukec gang (the group of robbers led by Anže Košir) in a trial in 1697 (Otošec, 1997: 143-152) which was mentioned in Valvasor's *Slava vojvodine Kranjske* 'The Glory of the Duchy of Carniola'. Right before criminal process in Idria he presided over the trial of two women accused of witchcraft in Ribnica in Idrija (Košir, 2001: 182).

The first part of the process he led in Idrija was accomplished very quickly, and began approximately a month after the arrest of the first delinquent, Jakob Gatej. The interrogations of people under investigation and of witnesses began in the early May, and continued into the second half of June. It was easier to lead these more serious criminal cases due to the proximity of Idrija (StLA, IÖ, 1700-4-138, 1700-7-71, 1700-11-87, Cop 1701-1-10, 1701-1-109, 1701-1-117). Soon after the final passing of verdicts against the delinquents in Idrija in January 1701, Hočevár began a second large-scale process. At the end of 1701 he presided over the interrogative case of a woman accused of witchcraft (Košir, 2001: 182). He began the process in Ribnica despite procedural errors in conducting both interrogations in Idrija. High-level officials criticised Hočevár for not complying with criminal law even though he should be familiar with it. That is why the court authorities in Graz reprimanded him further after the first process and demanded that he perform his work more diligently and with greater fervour. He had to return to Idrija and once again interrogate the delinquents at the end of 1700.

## Why ore theft was a criminal act

Mercury was used in professional and folk medicine to relieve many forms of suffering. It was used as a laxative, and for the cleaning and treatment of (festered) wounds and ulcers. Among the upper classes, mercury was perceived to be an antidote for 'illnesses of the elites' – melancholy and some sexually transmitted diseases (Oriol, 1994: 85-87; Burton 1835: 325). Since the sale of ore was monopolised mercury was expensive on the ordinary market in pharmacies and due to its high price was inaccessible to most people.

Any product that had been subjected to a monopoly spurred a vibrant illegal trade whether it was oxen, salt, tobacco or mercury (or cinnabar ore). But vendors of other goods liked to avoid compulsory taxes and places where tolls, additional taxes or customs duties for maintenance of roads and bridges were collected. Tollhouses were densely planted in both Carniola (Krain) and Gorica (Görz) in the Habsburg Hereditary Lands (Valentinitsch, 1989).

A vibrant illegal trade was also established for cinnabar ore. The investigative process in 1700 again showed that the demand for mercury was great, as was the system of illegal acquisition and sale of mercury. Wealthier individuals appeared as ore or mercury buyers, such as the priest of Šebrelje Ivan Gatej (Götte) and the aforementioned unknown Matjaž from Škofja Loka. Hočevar deftly packaged the forbidden activity of Šebrelje's vicar uncovered during Arhar's second and third interrogations as unverified rumours, as Arhar said that he heard of the priest's activity from some messenger who bought the ore for him. Thus he justified his decision not to investigate the priest's involvement. The miners' statements reveal Ivan Gatej's social standing: they describe him as dressed in "noble" cloth in comparison to the peasant traders (StLA, IÖ, Cop 1701-1-10). It is specifically mentioned that the parishioners drove the priest from Šebrelje before 1710 (Rupnik 1997: 59-60). Perhaps the charge also reflects the disagreements they had with him.

Besides the ore buyers, the judge and of course the mine authorities were interested in mining sites and elementary mercury sites. Therefore, the court clerk meticulously recorded all sites. Among other things, Arhar claimed to have found elementary mercury in the Nikova stream and ore at the dominion mill (StLA, IÖ, Cop 1701-1-10). In contrast with the miner's testimony Hočevar seemed to represent the opinion of the mine administration that this elementary mercury could no longer be found. The judge labeled Arhar's claims to be lies and proof that any kind of interrogative process can be used against him, including torture. Notwithstanding the likelihood of such finds, Arhar used these stories of veins of ele-

mentary mercury in his defence (StLA, IÖ, Cop 1701-1-10). Such stories were obviously popular among the miners. It would be difficult for him to invent such excuses by himself. Nevertheless the belief that such sites could be found persisted for some time. Even in 1737 the mining authorities hoped to find new mining veins and publicly promised their discoverers rewards (Arko, 1993: 101).

### **Mercury market: The social standing and economical situation of thieving miners**

In all known judicial processes against thieves and smugglers of cinnabar, most of those convicted came from the lowest social strata or lived on the edges of society. This claim applies to mine workers who stole ore and messengers alike. In the documentation of the process in 1700, large-scale buyers (and smugglers) of cinnabar and mercury appeared alongside peddlers. These buyers were quite wealthy and knew how to convince the miners to steal, a fact that was singled out by the judge in the trial presented here. Hočevár was also investigating information regarding the quantity of mercury that could be produced from ore. During his interrogation in 1700, Anže Arhar, who was one of the most experienced miners on trial, dismissed the judge's belief regarding the enormous quantity of mercury produced from the ore in question. He responded that it was merely the boasting of the trafficker in order to convince the younger and less experienced Jakob Gatej to steal the ore (StLA, IÖ, Cop 1701-1-10). Just a few years prior, an order for the miners to come to work in pocketless uniforms to discourage theft was added to the main instructions for the Idrijan mine (Arko, 1993: 101). The authorities of neighbouring dominions obviously had no interest in discovering illegal traders of cinnabar ore; the silence of the Škofja Loka governor could be attributed to this circumstance.

Let's first examine the ore thieves. In the description of circumstances surrounding the crime the criminal trial records (when read between the lines) reveal Hočevár's belief that the traffickers sought 'easy' victims, i.e. poor miners. Persecution, denunciation and punishment of ore smuggling in the beginning of the eighteenth century focused primarily on the segment of mine workers that were at the bottom of the social scale. Before the eighteenth century that sector was comprised of auxiliary workers who needed no qualifications (Verbič, 1952: 536, 539). At the beginning of the eighteenth century, however a new category of workers called replacement workers (s. c. Pojser) joined them as being one of the least integrated groups in the mine. Replacement workers represented one way of solving the social problems miner families faced when their



main breadwinner was unable to work, and this can be observed from the end of seventeenth century. The replacement worker would take the position of a sick, deceased or disabled miner and divide the income with his family. This policy met with criticism. The mine administration, in particular the mine manager supported such way of working but the highest offices strongly opposed it. In this way the mine administration (namely the manager Johan Friderik Stampfer) maintained social stability and prevented potential conflicts. Such conflicts might arise due to the miners' eventual incapacity to work, while at the same time it preserved future employment for mining families with children that were too young or too weak. The existence of this kind of work proves that other mechanisms for solving social problems, particularly the communal insurance society for miners (Bruderlade) were ineffective. Likewise, employing replacement workers was the fastest way to ensure the required workforce, which often came from neighbouring dominions (Verbič, 1952: 536). The replacement workers presented a potential conflict between the miners and the mine administration. Over several centuries the mine administration faced repetitive protests from miners opposed to employing subjects and peasant boys from the surrounding area, saying they should instead employ the sons of miners (Valentinitich, 1981: 200-201). A similar claim was written in a special workers memorandum to the emperor in 1728 (Arko, 1993: 101). The protests point out the fragility of social peace in the mining community despite the miners' oath to not rebel (Verbič, 1969: 60-79).

Even though attributed actions in the court protocols often reflect stereotypical notions of the perpetrator, the judge's opinion in all criminal trial protocols showed that the miners' standards of living varied greatly. Unequal working positions marginalised the auxiliary workers, while the better livings of other mine workers, relative to the deterioration of their own economic situation (either due to better pay or due to expansion of family) drove some of the workers to seek less legal means of survival. They did this despite their fear of punishment. Even though it was taken for granted in the early Modern Era that younger workers occupied worse and lower paid positions. The families of sick, disabled and deceased miners were not the only ones who found themselves on the edge of existence. The families of replacement workers also faced the same fate. After 1718 widows of miners received some sort of social support (Pfeifer, 1976: 14).

Anže Arhar must have been in poor health since the judge attributed his physical weakness to the plight of his sizeable family. (StLA, IÖ, Cop 1701-1-10). The judicial protocol reflects the Hočevar's belief that the miner's position was bad. Perhaps the criminal court judge's note that he was "physi-

cally weak' also meant that he was no longer able to work as a tailor, which obviously brought additional income to his family. At the last trial Arhar even asked to be released from long imprisonment because his family was in dire straits. (StLA, IÖ, Cop 1701-1-10).

Jakob Gatej was one of the replacement workers (StLA, IÖ, Cop 1701-1-10). The judge's reference to his servility could be connected to the last part of Article 28 in the Idrijan mine rules that stipulates the employment of "peasant sons" in the of miners:

"(...) that outside of their father's and their master's estate and land they are subject to the mining judge in the matters that are not of an criminal court judge's jurisdiction until they completely relinquish the mine." (Verbič 1969: art. 64, my translation)

Verbič does not determine the formal, legal subordination to the administration immediately after entering mining service with the pronouncement of the oath (Verbič 1952: 536; Verbič, 1969: art. 28) since this can also be proved by an analysis of the administrative and legal practices of the mine. Jakob Gatej from Otalež like many other workers came to work in the mine from the surrounding dominions, in fact from the immediate vicinity of the mine. At the time of the trial he had been working in the mine for six years (StLA, IÖ, Cop 1701-1-10). He came when the manager Kienpach was still managing the mine (he did so until 1695). His administration was marked by the great crisis and numerous accusations that he demanded bribes from new employees.<sup>12</sup> The mine took mainly younger boys as replacement workers, evidenced in the life story of Jakob Gatej (Pfeifer 1989: 27). When Gatej took up work he was between twenty-one and twenty-three years old and unmarried<sup>13</sup> (StLA, IÖ, Cop 1701-1-10). Since he was already married and the father of a child at the time of his arrest it is also confirmed that marriages of mine workers were not yet restricted, marital restrictions were the product of a time yet to come.<sup>14</sup> Gatej did not belong to the group of replacement workers that the subsequent manager Stampfer felt would sooner or later reach full wages, either through death of the incumbent holder of the post or by marrying a widow (Pfeifer, 1989: 27).

The desire for additional earnings was evident among the least paid mine workers and presented a problem for the mining authorities. Marriage and children, clearly stated in the case, significantly worsened the economic position of replacement workers including Jakob Gatej, which can be observed from the notes of the administrative authorities and judge in this trial. Thus Hočevár noted in an additional protocol in the cases of both workers that they were deceived by 'bad people'.

12 Some authors attribute the start of this form of employment only to his successor J. F. Stampfer but it apparently was already in use some time before.

13 His statements regarding his age change during the judicial protocol.

14 The new regulation of everyday life in the 1830s did not spare the mining population in Idrija, and brought marriage limitations for the lower class.

(StLA, IÖ, Cop 1701-1-10). The judge entered such statements into the hearings of the two miners under investigation, in that he presented the buyers of the ore as those who had promised the miners the goods they wanted. Gatej guaranteed that he would use the payment that Andrej Peternel promised for the ore to buy lard and other necessities. In the court record the judge even added the alleged statement of Gatej that by purchasing these comestibles he wanted to live “like the others” (StLA, IÖ, Cop 1701-1-10). Early modern protocols of trials are not “tape recorded” notes of the statements heard, a subject of methodological concern (Čeč, 2006: 339-362, in particular Fuchs, Schulze, 2002), nor are they a reliable representation of what actually happened. We can only say with certainty that this statement reflects the opinion of the judge. A judge creates a judicial truth through judicial protocol. Hočevár was undoubtedly convinced of the difficult economic situation of all interrogated delinquents. The search for extenuating circumstances is also a component of court hearings. In the second hearing of Jakob Gatej it is believed the judge added to Gatej’s statement that his thefts were not only a consequence of the desire for a better life, but also a direct response to the worsening social and economic position of his family (StLA, IÖ, Cop 1701-1-10).

The mine workers were paid for stolen ore in various ways: the payment of their tab in the tavern (Mažgon was compensated only with a tavern tab payment) or with different types of food. Sometimes the thieves were left without payment. Gatej was also paid in beans and fruit (StLA, IÖ, Cop 1701-1-10). Arhar received lard and bread from Peternel and once even mush (*gerstbey*). (StLA, IÖ, Cop 1701-1-10). In some cases, thieving miners testified that they were paid only with food or that they drank away the payment for stolen ore in a tavern together with the buyer. This is one of the most stereotypical explanations regarding where money from stolen goods ended up (Čeč, 2004: 38-41). Such practices are not only a reflection of the normal trading patterns of small buyers but also a handy tactic. Payment with goods made it was easier to conceal the theft and was an expedient way to convince the miners to cooperate with intermediaries and resellers.

Cash payment was much more dangerous because it tempted thieves to commit a careless act. With his payment for stolen ore Jakob Gatej bought himself new shoes (StLA, IÖ, Cop 1701-1-10). Clothes also reflect the economic situation of the individual, so Gatej’s new shoes certainly attracted the attention of neighbours and the community. This raises the question of informal social control over the miners. The decision to participate in informal social control through surveillance practices was the result of several different motives: some miners were frightened of punishment, while others were influenced

by moral/ethical education. At the request of the mine administration the local priest had to educate inhabitants through special sermons. The families of sick miners and widows feared losing certain rights (and any form of support), this explains why they were more willing to cooperate with authorities. Those who implemented informal social control in the local community were most watchful of unusual practices among miners and especially by the least integrated members of this particular mining community. The cooperation between individuals from the local elite and the mine administration was expected, but the collaboration of families of miners with the administration was not so obvious. Katharina Tibbaldi who is addressed according to the protocol as 'lady', which indicates a similar social standing as the judge, reported the discovery of eighty pounds of cinnabar ore in her garden to the mining manager. The ore was hidden in a pile of leaves by Jakob Gatej (StLA, IÖ, Cop 1701-1-10).

Another person who denounced Jakob Gatej was his landlady Marija Kolenc (Khollenzin). (StLA, IÖ, Cop 1701-1-10). Because she was the owner of the house, she was probably a widow. It is not known whether she was a miner's widow and whether Gatej was a replacement worker associated with her family. Of course, one cannot exclude the fact that it is likely she denounced him to the mining authorities in order to maintain social support for her family, if she was entitled to it. Families of deceased miners were well aware of the fact that a socially deviant way of life would get them expelled from Idrija (Pfeifer, 1989). Informal social control was most likely implemented by the family of the miner for which Gatej performed the replacement work, since his deviant practices would also have affected the economic position of their family. But the source is silent regarding that. Even though the owner of the house discovered the ore by chance she immediately reported the theft to the mine administration (StLA, IÖ, Cop 1701-1-10). Despite the benefits the mining authorities and families of the miners provided for the replacement workers, they were, as is evident from this criminal case, more marginalized than other miners (Arko, 1993: 103). Obviously intense informal social control was imposed on their work both by their supervisors and those in their surroundings. Informal social control of the replacement workers is also a reflection of dissatisfaction on the part of the miners with the employment policy of the administration.<sup>15</sup> There was no trace of solidarity with the workers at the bottom of the labour hierarchy, even in this situation where the defendant was bringing a miner's widow additional income as a tenant.

The readiness of those accidentally involved in both the theft and concealment of ore to openly declare its existence has been associated primarily with the advantages they might

15 Complaints regarding the mine's employment of foreigners accumulated in the first half of the eighteenth century.

leverage from the mine administration. However, it was evident that the fear of sanctions among certain social groups, if the illegal trade was to be accidentally discovered, outweighed any possible benefit from participation. A certain Pavel Pulin (Pavlin/Pullin) reported his discovery of ore. He was most likely a transporter who quite accidentally drove Sebastian Likar's stolen ore to Spodnja Idrija. Pulin asked Likar what he was carrying with him, the answer frightened Likar so much that he "threw away" a large amount of the ore. (StLA, IÖ, Cop 1701-1-10).

Certainly control over the miners increased after the discovery of the large quantity of hidden ore, particularly after the theft was denounced by Pavel Pulin. At the same time it increased the level of fear among thieves. After the discovery of his hiding place Gatej refrained from stealing ore for several months. After Andrej Peternel persuaded him to begin stealing again, he continued to hide the ore in the same place, probably because the place was convenient. If we compare the thefts of both mine workers, Arhar was more experienced and more cautious. He had supposedly been stealing and selling ore for at least five and a half years. He stole smaller quantities, probably in order not to be discovered. He allegedly stole elementary mercury as well, which he found during the rinsing process in St. Ahacij shaft, or by the stream (the stream Nikovo, mentioned in the case, was known at least in the sixteenth century to have had a substantial quantity of fallen ore in it) (StLA, IÖ, Cop 1701-1-10). He took some ore to buyers by himself, apparently on non-working days (especially on holidays) to avoid suspicion regarding the regulation of work on holidays (Verbič, 1952: 538). During the procession to Vojsko on St. Jacob's day in 1699 he took ore to Ledina (Arko, 1993: 199) and sold it to Peternel (StLA, IÖ, Cop 1701-1-10). He even once delivered ore to Peternel's house. Unlike Gatej, Arhar had a more extensive network of buyers and intermediaries from several dominions in the surrounding area: if one failed to buy, as it happened in January 1700 when Peternel refused to buy from him, he would find another buyer (StLA, IÖ, Cop 1701-1-10). Since the thieves were aware of each other, Arhar was convinced that Gatej denounced him as a thief.

In the criminal trial of 1700 only the most problematic mine workers were denounced. During the trial the judge tried to be lenient of Anže Arhar's lack of discipline at work. Perhaps, because he worked at the mine as well as at the smelter, he had been exposed to mercury for so long that "he was made ill from it".<sup>16</sup> His hiding of the ore he allegedly found was excused with argument that he intended to mix it with previously excavated ore, in order to work less. The miner Mihael Pirc (Pürz) in his testimony claimed that he witnessed Arhar lying around in Vihtelič garden, and this was used as

16 Occupational exposure to mercury causes mercury poisoning.



17 Tomaž Josip Vihtelič nob. Wichtenstein (chaplain in Idrija during the years 1707-1741) was the son of a mine official.

proof of his lack of discipline at work.<sup>17</sup> In court he confirmed that he had seen him in autumn, sleeping in the garden “in the first hour of the night” along with two other Tolmin peasants: Andrej Peternel and his farmhand. Apparently he had also seen him at the end of working hours (StLA, IÖ, Cop 1701-1-10), which finished at 5 pm after September 29th (St. Mihael’s Day) (Arko 1993: 101). His immorality was especially underlined with his claim that another worker worked in the pit in his stead (i.e. replacement worker). He identified him as old Jurij Troha. Pirc asked Arhar what he was doing and the latter replied that he went to the senior guard to get the keys. He added that he dropped his tools in the St. Barbara pit and he needed the key. Pirc didn’t believe Arhar’s story and threatened to report him to the senior supervisor. A few days later he carried out his threat. He reported him to the lower supervisor Urban Čuk, who assured Pirc that he would punish Arhar (StLA, IÖ, Cop 1701-1-10). But the witness believed that did not happen. On the other hand Arhar continued to assure him that he was punished for that event. Such accusations were common. Even in 1735 the court committee noted appeals regarding the fact that some mine workers refused to work and that they sent replacement workers or loiterers to do their day’s labour (Pfeifer, 1989: 27). The judge specifically asked him while he was being tortured why he had lied about this punishment for laziness. Even under torture Arhar was convinced that he had been punished for this transgression (StLA, IÖ, Cop 1701-1-10).

### **Mercury market: demand, resellers and buyers**

Illicit trade in cinnabar was first enabled by the existing trade, supply and transit routes passing through Idrija. This situation allowed for the number of contacts that the miners had with transporters and other subjects, such as those who delivered food and products needed by the mine as well as merchants who crossing Idrija in transit. Subjects of Tolmin and Loka dominion came through Idrija in addition to “Carinthians and Carniolans”, who were commonly known as peddlers and transporters. Some of them occasionally smuggled as well. The main buyers of ore and mercury exploited the economic circumstances of the area. Buyers of large quantities of ore needed peddlers and traffickers as intermediaries or resellers. Ore was not light, large quantities could only be transported by those who had the appropriate animals and/or enough of them. One of the messengers, Matija Kožuh, whose name suggests he could have dealt in the highly active trade in animal skins (Žontar, 1956: 16-18) was assumed to have been arrested for other crimes and sentenced to death in Carinthia.

When the Carniolan provincial officials introduced new rules for tollhouse operators, whom they could use to watch out for smugglers, one of them from Col came forward. He monitored the heavy traffic to Trieste passing through Idrija. He claimed a lot of smuggling went through his tollhouse that he was unable to suppress without an armed supervisor – his previous armed controller having been killed by smugglers. Major traders and transporters generally did not travel alone but in groups of two or three and also had up to thirty horses (Žontar, 1956: 18; Marušič, 1973). They often travelled with their farmhands. Peddlers who wore their loads on their backs in bundles or cane baskets were also involved in local commerce (the peddler and beggar<sup>18</sup> Melhiorca is well known among them in historiography) and were still coming to Idrija (Terpin, 2007: 84 and 88). We can find both types of peddlers and small merchants among the messengers who were involved as mediators or resellers in the smuggling trade. Even though a part of the commerce from Škofja Loka (which reached from Trieste to Rijeka and ran throughout Carinthia to even more distant Austrian provinces) otherwise circumvented Idrija by crossing Žiri and Veharšče (Blaznik, 1973: 91; Gestrin, 1965: 208-209), a number of the transporters from Škofja Loka and the dominion still travelled across Idrija. According to the judge's statement an unknown but wealthy Matija from Škofja Loka was also involved in the smuggling networks in 1700 (StLA, IÖ, Cop 1701-1-10). He bought and took away as much as fifteen pounds of ore. Since he was not known by his surname, thieves described him: he was of medium build, blonde "with an equally light coloured beard". The person interrogated specifically pointed out that he was wearing fancy clothes, which would be unusual for an average peasant on a smaller farm. This Matija supposedly lived with Andrej Peternel for some time and was believed to be his cousin. (StLA, IÖ, Cop 1701-1-10).

Individuals of different social standing acted as intermediaries or resellers between buyers and miners: rural artisans, beggars and vagabonds and even farmers who lived in the vicinity of buyers, especially those who found themselves in distress. Among the suspected intermediaries or resellers were subjects of the surrounding dominions who performed low paid work for the mine and who were because of this work in frequent contact with the miners. Logatec subjects, due to their business supplying the mine with food, were among the richest subjects in Carniola at least until the mid-seventeenth century, while Tolmin subjects in particular delivered wood. The transport of wood was paid at a lower rate than the transport of foodstuffs (Valentinitsch, 1981: 218-219). Obviously, this was still the case at the turn of the eighteenth century. Thus, Tolmin subject Hilarij Mažgon once

18 Melhiorca was a beggar, which was also a common label for widows and other people without property.

bought as much as eighteen pounds of ore, which was possible only if he came to Idrija with a bullock cart. On other occasions when he came to Idria without bullock cart he transported or carried only three to five pounds of ore. According to the mine administration major resellers of ore in 1687 were strangers, peddlers who dealt in lace, while in 1700 at least some resellers were from a “local dominion” (Arko, 1993: 85). The tenant from Spodnja Idrija Anže (Hans/Ivan) Jesenovec paid Gatej for ore with rough and fine linen, worth more than three goldinars (StLA, IÖ, Cop 1701-1-10).

Since the stolen ore was quite heavy, messengers (especially peddlers) would carry or transport less than ten pounds at the most. Even though Anže Arhar assured a judge that he took as much as eight pounds (4.2 kg) to Peternel, trafficking such a large quantity of ore without animals is exceptional. Other messengers would in fact carry between six and eight pounds of ore (between 3.162 and 4.216 kilograms) according to the statements of thieves and brokers (StLA, IÖ, Cop 1701-1-10). Judging from the average weight of ore carried, such an amount was still appropriate for loads that would not attract attention and suspicion, as it was due to an excessive load that the cover of the clumsy Sebastjan Likar was revealed. (StLA, IÖ, Cop 1701-1-10). Due to this factor of weight, secret smelting plants had to be positioned close enough to transport routes, close enough to the mine and close enough to the forest which provided wood for smelting. Only the smelters were able to convince traders and peddlers to cooperate with deliveries. The unsuccessful search for the smelter and reseller Andrej Peternel indicates that the mining authorities had a lot of problems with smelters in the vicinity of the mine, and at the same time in the territory of other dominions.

Unlike the ore thieves, Andrej Peternel or Wösch – as he was often referred to among buyers – was quite a wealthy farmer and regular buyer of ore, and had a special secret smelting plant. This peasant lived in the hamlet ‘pod Pleče’ (Elsterberg unter Pletche – probably ‘Ptičje’ Brdo and Podpleče west of Cerkno). The literal translation is ‘Magpie Mountain’. In the official record the hill was called Sračje Brdo, which fell under the Loka dominion. Although there is still a hamlet Pleče above Idrija by Bača (Rajšp et al., 1997: 389) no slope nearby is named as the record states. The hamlet otherwise fell under the Tolmin dominion (Blaznik, 1973: Annex). During his hearing Anže Arhar claimed that he was enticed into theft by “better people” and ranked Matevž Kenda and Peternel among them. According to Gatej, Peternel used cinnabar also for the separation of copper ore. During court protocol he was shown to be particularly dangerous as he was seducing the miners into thievery by promising them good earnings. He convinced Gatej that he had produced fifteen pounds of mercury from the ore, which

encouraged the naïve boy to steal much larger quantities of ore than the more careful Arhar. Peternel typically paid for mercury and ore with cash, but if he wanted to bribe the miners he did so with 'rare' types of valuable coins. He paid Gatej and Arhar with very large denominations of coins, which were a rarity in monetary exchange among the lower classes of the population. He gave Arhar a crown (worth two goldinars and forty kreutzers) and the younger Gatej a shining tolar (worth three goldinars and thirtyone kreutzers), which surely impressed the boys (StLA, IÖ, Cop 1701-1-10). The lower classes of the population typically saw much smaller change: fivers (five kreutzers) and sevens (seven kreutzers). Seventeeners (seventeen kreutzers), and so-called repars (four kreutzers) were the most common means of payment and valuation. Sold and repar (4 kr.) were copper coins. Beside sevens (7 kr.) seventeener (17 kr.) there was also silver money (Aichelburg 2002: 124, 125). Due to the economic crisis the value of certain coins was changing. Repars as foreign money were never expressed in krajcars or pfennigs (Šolski prijatelj, 1852). In everyday exchange they were accustomed to paying with copper and small silver coins (Čeč, 2005: 16-48). Peternel's desire for purchasing large amounts of ore shows that he was also probably a transporter and had enough cargo cattle for transporting such quantities. Thus in January 1700 he did not want to buy "merely" twenty pounds of ore from Arhar, so the latter found another buyer. (StLA, IÖ, Cop 1701-1-10).

The general characteristic shared by the subjects denounced as messengers was their level of economic distress. In Šebrelje, which was under the Tolmin dominion, another buyer of ore named Mihael Jež found Hilarij Mažgon to be a trafficker for him. According to the record Mažgon was the less intelligent of the two. Hočevar was convinced that Jež and Arhar convinced Mažgon to do the business. According to the criminal judge he was a simple man and in a difficult economic situation. Mažgon's wife had left him, so he was taking care of five children by himself. (Even Mihael Jež was a widower with six children). Therefore, he kept insisting before the judge that another buyer named "Boučan" (Vonča)<sup>19</sup> convinced him to purchase the ore. Šebrelje's vicar Ivan Jež apparently collaborated with the buyer mentioned. The subject Sebastjan Likar from Spodnja Idrija was also among the resellers. In February 1700 he quickly realized why Gatej was looking for Peternel and convinced him to reveal that he was looking for a buyer for stolen ore. He convinced Gatej to sell the ore and became both the reseller and an intermediary between Gatej and Peternel. Since Likar paid with linen, he was probably also a hawker or at least a reseller. Seasonal workers and rural artisans were also involved in illicit trade. Any trade, even in illegal goods meant an additional source of income.

19 I did not change the surname/nickname into its modern form "Vonča" so as not to lose the connection to the area from which he most likely came.

(StLA, IÖ, Cop 1701-1-10). In contrast with the processes of 1774–1775 we do not know if any of suspects in 1700 were also rural artisans (Hodnik, 1995: 34-35). Some aspects of the testimony indicate that Sebastjan Likar had a winery – a public space in which a thief acting as a seller and a trafficker could agree on a sale. Gatej himself looked for his wealthy client Andrej Peternel in this place (StLA, IÖ, Cop 1701-1-10).

Idrija was connected to Loka dominion by the transport of pottery, which the dominion provided to the mine for the packaging of mercury. From 1623 on, the potters living in Idrija allegedly produced most of this necessary pottery (Valentinitsch, 1981: 257). Fairs and inns enabled economic relationships between miners and peddlers. One of the miners met his customer at a church festival on the holiday of Holy Cross on the third day of May, when there was a fair in Spodnja Idrija. Arhar agreed to sell the ore to Mihael Jež in an inn. Andrej Peternel met both of the convicted miners in January 1700 at the inn of Anže Kolenc and tried to convince them both to steal ore by giving a small deposit to Gatej. (StLA, IÖ, Cop 1701-1-10).

### **The trials, verdict and punishments**

The mine in Idrija like other mines represented a territory with particular jurisdiction whose boundaries were set in the mining regulations. These rules defined the scope of mining jurisdiction in relation to all activities associated with the mine, for example chopping wood (Bruckmüller 1989). We can deduce from articles 28 and 29 of the mining regulations that mining jurisdiction had some limitations in the context of the personal lives of the miners. The workers in the mine, as subjects of surrounding dominions were subject to the patrimonial rights of landlords or judicial lords during their temporary departure to their native jurisdiction (Verbič, 1969: 64). Regardless of the legal jurisdiction of an offender, the removal (by theft) and resale of ore was punishable both according to (Karl's) mining regulations from 1580 and according to the miners' oath as well. This oath summarized the main elements of mining regulations and included aspects that addressed the most common fields of conflict between the mines' administration and miners through the centuries. While the first miners' oath from 1580 focused on the previous year's suppressed revolts, the oath from the beginning of the nineteenth century included many more elements relating to thefts from the mine (Verbič 1969: 70; Arko 1993: 106-107; Velikanje, 2001: 70-71). According to the mine regulations each miner would have had to take the oath before entering the mine for the first time (Vebrič, 1969: 60). But the case in question shows that this rule was not always followed. At least for the thieving



miners in 1700 Hočevar claimed the delinquents had not taken it. After the inspection of the Inner Austrian court chamber commissioner Janez Ferdinand Morelli in 1711, he reproached the mine administration regarding similar irregularities (Arko, 1993: 105).

Stealing smaller quantities of ore was punishable by the mine administration. The theft of large quantities of ore was regarded as a severe offence, and fell within the scope of criminal law and as the ruler's privilege was subject to special criminal legislation. Even though the threat of the death penalty for stealing ore was already stated in the mining regulations and the miners' oath, the mine management could not pass these sentences on its own. They were required to call in a legal expert. Still, there weren't many criminal court judges in the Habsburg Hereditary Lands and these posts were awarded only to people with the appropriate legal expertise, and often required knowledge of the local or 'provincial' languages. Juridical practice shows that two criminal court judges presided over the criminal cases in eighteenth century Idrija; they resided in Carniola and the Gorizia hereditary lands. While the criminal process in 1700 was led by the Carniolan criminal court judge Jurij Janez Hočevar,<sup>20</sup> the case was most likely initiated by a mine judge or the mining manager despite the lack of any material evidence to support this idea. According to mining regulations the supreme mining officer would have had to formally request a criminal court judge after the first hearing of the delinquents (the phase of searching for evidence – *corpus delicti*) and at the proposal of the mining judge, request the surrounding provincial courts (Landgericht) to search for the denounced persons who had 'escaped' or were subject to their jurisdiction. How much he would have to pay the neighbouring provincial courts for delivering the denounced person was sometimes specifically stated in the *urbariums* (Svetina, 1957: 45-46).<sup>21</sup> Although Idrijan officials would have the right to apprehend and imprison Carniolan subjects, who were delinquents even on the territory of their own estates according to the rules of the provincial court in Carniola (Landgerichtordnung) (Kambič, 1996: 8), this provision was practically not enforced. According to judicial practice landlords generally interrogated delinquents under their jurisdiction, or foreigners who had committed a crime on their estates. The final verdict was decided by a criminal court judge and sometimes by the supreme judicial authorities (the Inner Austrian government). A similar procedure was practiced in Idrija as well, since they called on surrounding estates to hand over the delinquents. At the request of the Idrijan mine administrator, Tolmin dominion handed over Mihael Jež and Hilarij Mažgon, while the Loka dominion did not even respond to the request for the extradition of delinquents.

20 I will not touch upon the issue of administrative subordination of the Idrija mine *de jure* in this paper. Certainly the Carniolan executioner judge's trial is no proof *de jure* that Idrija was subordinated to Carniolan administration.

21 The basic administrative unit for peasants (subjects and tenants) composed of different manors responsible for criminal trials, public safety and recruitment of soldiers.

The criminal trial produced different images of the delinquents. Hočevar categorized both defendants as particular criminal personalities: he described Anže Arhar as a wily, experienced offender and a liar. The much younger Gatej was presented as a young man who rashly committed criminal acts. That is why in the final part of Gatej's hearing, in which one ordinary argued the prisoner's remorse for the offence, the judge added wording to request a mild punishment and a promise that he will never steal ore again. Hočevar perceived the miner Anže Arhar's theft as the worst of all of these crimes, his thefts also had the highest value, and therefore he considered the use of torture necessary in his case. (StLA, IÖ, Cop 1701-1-10). Hočevar was known for his use of different modes of torture. During his service he was often reproached for using it excessively; just a few months before his arrival to Idrija he conducted another criminal trial during which Martina Košir died while being tortured on the "witch chair" in Ribnica. Because this tool for torture was so often used in witch trials it acquired the name "witch chair" (Košir, 2001). During the third hearing Hočevar defined five of Arhar's statements during the hearing as either inconsistent with the statements of other delinquents or unlikely, in particular he declared as false Arhar's statement that the priest paid him for the ore in goods (but just barely, with hazelnuts). Therefore he decided on the use of torture, which was carried out during the third hearing. He used one of the most common modes: compression of the thumbs in a special device (StLA, IÖ, Cop 1701-1-10, Wilde 2003: 41). Arhar clarified some details of the crime under torture and the judge wrote them down as credible in the second trial protocol. But regarding his punishment for laziness Arhar consistently claimed he had been punished for it already, even while under torture. Arhar also confessed under torture that Peternel was boasting in front of Gatej. He did, however, while in such pain 'correct' his statement regarding another point: due to doubts arising about the sites of native mercury he confirmed that he only sold (stolen) ore to Jež. (StLA, IÖ, Cop 1701-1-10). The criminal court judge disregarded the stipulation that a person under investigation should also confirm all statements later without the use of torture. But those same statements that Arhar uttered under torture were entered into the third record at the next criminal trial in December.

The miner's oath presented a specific legal problem. Miners vowed fealty directly to the ruler, the archduke and emperor, so breaking such an oath in the form of a crime constituted an especially aggravating circumstance regarding fidelity to and deception of a ruler. A much earlier oath contained both loyalty to the emperor and notification of damages, and repeated the penalties awaiting them if they steal mine property (Arko, 1993: 105-106; Velikajne, 2001: 70). Consequently, this meant

the imposition of a more severe punishment or the enactment of the death penalty. Therefore, the question regarding the miners' oath was included in standard questioning of the miners (Hodnik, 1995: 27). The Inner Austrian government demanded in an earlier stage of the criminal trial that Hočevár consult with the other judges in order to comply with legal practice in complex criminal cases and follow all criminal codes, in particular those of Carolina (*Constitutio criminalis Carolina*, 1532) and the "criminal code for provincial courts of in 1656", the so-called *Ferdinanda* (StLA, IÖ, Cop 1701-1-10). His knowledge of criminal law and practice was supposedly evidenced in his library, where in addition to criminal codes he also held the most important legal manuals, among which was the Saxon lawyer Benedikt Carpzov's popular manual and guide, which had the greatest authority (Košir, 2001). His competent knowledge of criminal law was evident from the second judicial protocol. Although his legal argument for the proposed penalty was satisfactory, the Inner Austrian government was not satisfied with Hočevár's approach in conducting the trial over this serious criminal case. They complained that he stopped searching for the remaining suspects of illegal trade too quickly. They were particularly bothered by the fact that he did not ensure that some of the traffickers and resellers would appear before the court (StLA, Cop-1700-11-87, Cop-1701-1-10), since they believed that with the arrest of suspected criminals the missing portion of the ore stolen would be discovered. They demanded that Hočevár repeat the criminal trial. But in the renewed criminal trial he interrogated only two miners. They were probably the only ones imprisoned in Idrija. The traffickers were released, with Hočevár arguing that "they need to take care of large families" (StLA, IÖ, Cop 1701-1-10). Even though the Inner Austrian government did not outline what was wrong with Hočevár's process management, the second court hearing protocol sent by Hočevár was completely different. Only the second case record complied with the rules of criminal procedure law set from *Ferdinanda* forward.

The first criminal trial presided over by Hočevár dragged on for two months, then five more months passed before the criminal court judge received a reply from the Inner Austrian government in November, which ordered him to repeat the judicial process (StLA, IÖ, Cop 1700-11-87, Cop 1701-1-10). The second criminal trial was carried out quickly and the record was immediately sent to Graz. With the argument that the delinquents had been in prison for too long, the Inner Austrian government sent the final verdict to local authorities in January 1701, just over a month after the hearing (StLA, IÖ, Cop 1700-11-87, Cop 1701-1-10, 1701-1-109, 1701-1-117).

Hočevár's last task before the sending the criminal court records to the Inner Austrian Government was drafting a pro-

22 Article 13 of Karl's mining rules (from 1580) states: "It is not allowed to buy or sell any mercury, cinnabar, neither cleaned or uncleaned ore, either by the caves or in the smelting plants, or to take it anywhere and secretly seize it. Whoever does that or knowingly allows it to be done or helps do it will be severely punished by the death penalty (italics mine) and forfeiture of property." (Hodnik 1969: art. 13)

posal for a conviction. It was made on the basis of the investigative process and resulting confirmed evidence. After considering all aggravating circumstances Hočevar proposed the death penalty for Anže Arhar: hanging from the gallows. He argued also that the total value of his theft exceeded 100 goldinars (StLA, IÖ, Cop 1701-1-10). The minor offender J. Gatej should be humiliated with the public punishment of cutting off his ears or three fingers from his left hand, followed by expulsion (StLA, IÖ, Cop 1701-1-10). For the smuggler Mihael Jež Hočevar he proposed the penalty of expulsion with the argument that he was involved only in the resale of ore. The criminal court judge substantiated Jež's penalty by referring to absence of the death penalty for resellers of ore according to Saxon mining regulations and neglected Article 13 of Karl's mining regulations of 1580 for Idrija.<sup>22</sup> Certainly the first penalty proposals in this criminal case – according to precedents in criminal procedure before 1775 – were quite severe, and the Inner Austrian government failed to meet them. Despite repeated criticism of the criminal court judge the Inner Austrian government completed the process very quickly after second trial in December. In the final verdict the government pronounced the penalty of expulsion from Idrija for all three delinquents. Expulsion was the most common penalty besides capital punishment. According to the criminal code it was possible to punish minor offenders also with a certain number of lashes as a public humiliation. Arhar and Gatej were sentenced to fifteen lashes (s. c." half a shilling") before they were expelled from Habsburg Hereditary Lands. Hočevar did not impose the additional humiliating penalties of exposure at the pillory (pranger in Idrija or Lenštat). The penalty pronounced by the Inner Austrian government also failed to take into account the significant differences between subjects, which Hočevar had introduced in the processes.

The penalty of expulsion was a unique punishment. The return from exile was regarded as a crime and any violation was punished with severe penalties, including the death penalty. In criminal theory expulsion was interpreted as a means of general deterrence. From the point of view of the local government and administration expulsion had also a practical purpose, eradication of the problem. But the rigour of the sentence (as deterrence) did not stop the 'runaway' Andrej Peternel. He successfully continued with criminal activity and even enticed other miners and intermediaries into thievery. He was sentenced to a penalty in 1708 (Arko 1993: 86) together with the miners Janez Kos and Andrej Jazbar. During this criminal trial Peternel was perhaps eventually turned over to Idrijan authorities and imprisoned. That year Janez Kos and Andrej Jazbar and trafficker Jakob Likar were punished, although Likar merely paid a fine (Arko 1993: 86). The life story of Andrej

Peternel and other statements of witnesses involved in the trial in 1700 indicate that some local inhabitants maintained contact with convicted ore traffickers. Also during the trial Anže Jesenovc, a tenant from Spodnja Idrija thus resold cinnamon to Matija Kožuh (Khoschuch = fur coat). Young Gatej also knew that Kožuh was imprisoned in Idrija “years ago” because of his involvement in illegal trade but had escaped. In the second hearing, the judge added a note to this statement that Kožuh was in all probability imprisoned for other crimes in Carinthia and had already been executed (StLA, IÖ, Cop 1701-1-10).

Obviously the general preventive purpose of punishment by expulsion had no particular effect, at least on messengers and ore smugglers. We find high recidivism among the thieves and traffickers. Neither the moral education which the priests were requested to give eleven years prior to these processes (Arko, 1993: 85), nor the miners’ oath had managed to frighten off those involved from participating in smuggling.

Later the frequently imposed penalty of labour on public works projects became a substitute for expulsion and reflected a more utilitarian trend in the thinking of lawyers and rulers (Krause 2002: 117-130). Initially, due to its nature this penalty was given only to able-bodied men; it was in occasionally in use in the hereditary lands in the seventeenth century, and was fully implemented after the year 1714.

## Conclusion

The trial of two miners and two intermediaries in 1700 demonstrates that even special courts had to follow changes in criminal procedure and substantive law. These courts also respected the imperial (provincial-ruler) patents, which modified substantive criminal law for certain offences. This was observed in the handing over of serious criminal cases to special criminal court judges, as seen in reports on these processes to the Inner Austrian government.

Despite its methodological and procedural legal constraints, the trial documentation analysed in this paper sheds light on the everyday life of mine workers at the time. In particular, we gain insight into the lives of those who, due to various circumstances (large families, death or abandonment of a spouse) were driven to live on the edge of subsistence, which motivated their activities. The representatives of the elite were particularly convinced of the poor economic situation of those involved in the trial. In this criminal case we can also gain some understanding of the exceptional moral and existential aspects of life in this period in general, and for the miners and their community in particular.





[19] Rapallo border map, with sector border stones. Cartography: Grega Žorž, 2014.

## Petra Jurjavčič

### *Smuggling in the Črni Vrh area in the period between the two World Wars and in the years after*

After the First World War ended, a new Rapallo border was enforced in 1920. After the conclusion of the armistice with Austria-Hungary in November 1918, the Italian Army occupied the Slovenian coast (*Primorje*) and Slovenian Istria. With the Treaty of Rapallo in 1920 this territory then belonged to Italy. The border between the two countries, the Kingdom of Serbs, Croats and Slovenes and the Kingdom of Italy, was then called the Rapallo border, and was dictated by Italy, which was victorious in the First World War. Under Italy there were more than 300,000 Slovenes (Vidmar, 2009: 9). With that Črni Vrh received all the characteristics of a border town. A larger number of Italian soldiers were accommodated there, the border allocated a part of arable land to Yugoslavia, and the population of Črni Vrh knew the border area exceptionally well. If one adds the economic crisis to that and the difficult life of Slovenes in Italy in general, we get fertile ground for developing contrabandist activity and illegal border crossings of all forms and dimensions.

After the Second World War, the village with its surroundings belonged to Zone B but contrabandist activity did not grow to such dimensions as it did before war, although it did of course exist.<sup>1</sup> The reason for smuggling, before and after World War II, was the fight for survival but also for profit, which was the essential thing especially for younger generations. While almost everyone smuggled smaller amounts of flour, coffee, meat, tobacco, chicory, saccharin and cigarettes, the smuggling of cattle was mainly the work of residents of Črni Vrh, Predgriže and Lome who were usually landowners in both countries.

Individuals also exploited the border for patriotic purposes and thereby exposed themselves to a much greater danger.

In this article I will discuss the phenomenon of smuggling on the Italian and SHS border (after 1929 the Yugoslavian border), precisely in the village of Črni Vrh near Idrija (in today's Slovenia), and its surroundings between the two World Wars and after World War II until 1947. The plateau landscape of Črni Vrh village is positioned at the edge of Trnovski gozd and extends below the peaks of Javornik, Špik and Špičasti vrh. Although Črni Vrh has somehow always been culturally con-

<sup>1</sup> From May 1945 to September 1947, two Anglo-American military administrations with their headquarters in Trieste and Udine, and a Yugoslav military administration operated in this area. Venezia Giulia was divided into two zones of occupation: Zone A under the AMG (The Allied Military Government – the 13th Corps Venezia Giulia), and Zone B under the military administration of the Yugoslav Army (VUJA).

nected to both Primorska and Notranjska region, with the Rapallo border it was finally ceded to the Primorska region. The Črni Vrh Parish includes the villages Zadlog, Idrijski Log, Mala Gora, Koševnik, Bukovška ravna, Brkovnik, Javornik, Mrzli Log, Strmec, Kanji Dol, Lome, Griže in Predgrize.

As I have already made some research about the Primorska region (being a part of today's western Slovenia), and the village of Črni Vrh under the Fascist regime for the purposes of another paper before, most of the evidence and material used for this work was collected then (Zagoda, 2004). However, I have highlighted certain issues again by re-visiting interviewees and reading books which have been published in the meantime.

The period I will discuss in this article is becoming more distant and consequently we have less and less firsthand information about it. The information and the stories included in this research were contributed by the people who at that time were still children or were very young, which of course can have an effect on the interpretation of the research itself. We should not forget that parents and adults did not speak about sensitive subjects to their children or in their presence as this might have put the entire family in danger.

I should also mention that the stories which I gathered for this research touch upon the last period of the Italian occupation. This was a time when Fascism and the suppression of everything that was Slovene were at their peak.

## **Črni Vrh between the two World Wars**

When World War I broke out in the summer of 1914, Italy declared itself neutral in the conflict, despite its membership in the so-called Triple Alliance alongside Germany and Austria-Hungary since 1882. A set of long negotiations with the Austro-Hungarian Empire and the Entente Powers (France, Britain, and Russia) started. But as the Entente Powers were in a better position to offer foreign territory compared to the Austrian-Hungarian Empire, Italy decided to make a deal with the forces of the Entente Powers and on the 26th of April, 1915 in the greatest secrecy it signed the London Agreement defining the role of Italy in the war. Namely by signing the agreement, Italy committed itself to entering the war in no later than one month on the side of the Entente Powers. In return the Powers, in case of victory promised the territories of Trentino, South Tyrol to Brenner, Trieste, Istria, Dalmatia (defined by its borders at the time) the bigger Adriatic islands, Port Valono (today Vlorë), the island of Saseno in Albania (today Sazan) and full sovereignty over Dodekanez in the Aegean Sea. They were also promised a share in a division of the German colonies and a



share in the event of a partition of Turkey. After signing the London Agreement on the 3rd of May, 1915 Italy denounced the Triple Alliance (Simić, 1996: 11).

The armistice between Austria-Hungary and the Entente Powers was signed on the 3rd of November, 1918 in Villa Gusti in Friuli. With the armistice, the victorious Entente Powers authorized Italy to occupy the territory of Austria-Hungary, to the border established by the London Pact (Kacin Wohinz, 2000: 27). The reason why the Kingdom of SHS<sup>2</sup> agreed to sign the Treaty of Rapallo in the first place lies in the fact that it was extremely weak due to the internal conflicts between the united nations in the country and also because of border issues with other neighbouring countries. Since England and France were also committed by the London Pact an additional pressure on Yugoslavia came from their side too (Rutar, 1996: 16).

As a consequence the Rapallo border was established along the line of Peč, Jalovec, Triglav, Bogatinsko sedlo, Možic, Črni Vrh and Cerknim, Blegoš, Bevkov vrh, Hotedršica, Planina, Javorniki, Bička gora, Snežnik, Kastav and Rijeka.

[20] Italian customs officers and carabinieri with their families in 1930. Courtesy: Sancimino and Di Bartolomeo.

2 Kingdom of SHS – the Kingdom was officially called the Kingdom of Serbs, Croats and Slovenes, but the term ‘Yugoslavia’ was its colloquial name from its origins. The official name of the state was changed to Kingdom of Yugoslavia by King Alexander I on October 3, 1929. After WWII, in early 1945 the Kingdom of Yugoslavia was formally restored.

## Life under the fascist regime

“In their greed for beautiful Slovenian land, Italians occupied the towns of Postojna, Logatec, Idrija, Vipava and other neighbouring villages without any battle. On the 18th of November approximately 300 men came to the village of Črni Vrh and settled in the school building, the fire station, church, in the so-called Drgot house No. 51 and other bigger buildings in the village. They instantly demanded that all the former Austrian soldiers under penalty hand



over the weapons and ammunition. The exchange rate of one krona (Yugoslav krone) was set at 40 so-called *vinar*, while one Italian lira was worth 2 crowns.” (The Parish Chronicle of Črni Vrh, 1918, my translation).

During the time of the Fascist regime there were almost no jobs for the local Slovene people. As the farms did not provide enough money for survival, people had to find additional sources: “Since the government runs the inflation policy the lack of money is more and more noted. Farmers are in great danger to fall into debts if they do not run a smart economy.” (The Parish Chronicle of Črni Vrh, 1926)

The local companies were being destroyed as all the public jobs were taken over by Italian companies. There were professions where the locals could have been employed to a certain extent, but mostly just as ordinary workers of Italian companies. The interviewees most frequently mentioned a service of road workers and foresters. The Italians even demolished the Slovenian charcoal-makers. Some of them were sent to Italy and were replaced by Italian charcoal-makers instead. The nation was oppressed.

The most radical sanction for the people living in the Friuli Venezia Giulia region was the Gentile Reform in 1923 which banned the Slovenian language from schools, prohibited Slovene journals, books and newspapers, and the functioning of several Slovenian associations in 1928. Gentile school reform was enacted on the 1st of October, 1923. The fourth article of the law stipulated that all primary schools of the Kingdom must be taught in the national language. This gradual death was planned for the period from the school years 1923–1924 to 1928–1929 (Cencič, 1997: 44). The only place where the Slovenian word was still present was the church. This has produced an immigration movement.

Emigration under the Fascist regime was quite frequent. The Italians had tried, as much as possible, to prevent the migration of the local population to Yugoslavia and secretly encouraged emigration abroad so that they could fill the area with Italian population. A permanent emigration was mostly directed to Yugoslavia and South America, as well as to France and Belgium.

Tourism was an important source of income for the inhabitants of the village at that time. In summer, mostly in July and August, and also in winter some of the families from Črni Vrh who owned larger houses rented out ground floor rooms to tourists while they themselves moved to the hayloft: “In summer when the tourists came it was worth moving to the hayloft, they paid really well.” (Mikuž C., 2004) Some families also rented out the kitchen. In the winter the tourists mostly visited the area for one day, the ones that stayed overnight usu-



ally slept in some private house, usually just on the bare floor in the main room where the farmhouse stove was, obviously because this was the warmest room in the house (Mikuž C., 2004, Mikuž A., 2004, Rudolf L., 2004).

There were not many friendships or romantic relationships between the local men or women and Italian customs officers, carabinieri and other Italian immigrants. Friendships or friendly relations were perhaps at most usual for Italian and Slovenian children, which helped the children to learn the language.

“In Črni Vrh there was an Italian road worker with his family. And with his son, Peppino was his name, we were always playing together. And so I have learned perfect Italian, and he Slovenian...” (Mikuž C., 2004, my translation)

I did not find much evidence about romantic relationships between the local women and customs officers or carabinieri. Still, there were not many cases where a local girl would have married an Italian man. Actually they can be counted on the fingers of one hand. Consequently there were also not many illegitimate children. A general disapproval of local people when it came to mixed relationships was obviously too strong. Despite the fact that the mother and some aunt normally kept an eye on the girls, it seemed nice to the girls to get some attention from Italian men nevertheless.

### **Almost everyone was smuggling**

Very soon people started to smuggle flour, coffee, meat, tobacco, chicory or saccharin from Yugoslavia. Brave adults and especially young and single men were also smuggling oxen, horses and bulls. They had different routes; the ones that were dealing with small scale smuggling were usually passing the villages of Griže and Novi Svet to go to Hotedršica and the ones that were smuggling livestock were passing Nadrt. In Yugoslavia the prices were much lower at that time, basically you could get three Yugoslavian dinar for one Italian lira (Rupnik, 2004, Zajec, 2004, Mikuž C., 2004, Rudolf P., 2014).

The unfortunately now deceased Mr. Bernard Čuk from a little village of Predgriže nicely summed up the occurrences of smuggling in the village at that time: “They were all smuggling. Anyone who has felt the need was smuggling.” (Čuk, 2004). And so it was that almost every house in Črni Vrh occasionally dealt with smuggling at least in small dimensions.

Smugglers had no major difficulties crossing the border as the path to the Italian side extended almost directly from the forest. If the Italian customs officers were not around, the smugglers slipped to the Yugoslavian side and further into the vil-

lage (Rudolf P., 2014). The people I have interviewed say that the Yugoslavian Customs Officers were not against these little smugglings, they basically only noted down the goods that were carried across the border. Italian customs officers on the other hand were a little more persistent and tough and occasionally detained children who had to be later picked up by their parents. Occasionally it also occurred that the customs officers imprisoned children or their parents or that they simply “did not see” the child. As is often the case, it was a matter of an officer’s character how he behaved in a certain situation (Mikuž C., 2004, Rudolf P., 2014).

Children were very fond of walking to Hotedršica also because of the socialising aspect. They normally smuggled somewhere between eight to ten pounds of flour depending on the child’s age. They were walking in groups, normally not more than four at a time, and at least in a group of two.

“We were so eager to walk in good company of friends running through the woods. As soon as I got home, I said to my mum: ‘Mum, I will go tomorrow, too.’ And mother said ‘No, you will not, we don’t need so much flour.’ We didn’t have much money, so I just went and brought flour to someone else. Flour, meat.” (Mikuž C., 2004, my translation)

Goods were normally brought in home-made backpacks from material for sacks onto which two straps were attached. The walk from Črni Vrh to Hotedršica took about an hour and a half (Mikuž C., 2004; Rupnik, 2004). There were two butcher shops and two grocery shops in Hotedršica.

“The butcher had to give us a slice of salami for free. If not, we would have gone elsewhere but of course he rather gave it to us. And in the grocery shop they had to give us some sweets.” (Mikuž C., 2004, my translation)

Before these smugglers left Yugoslavian territory, they had to note down the goods that they carried across the border – only then they were allowed to pass on the Italian side.

“We could see the Italian border from the Yugoslavian customs officers’ shack. Once we noticed two Italian customs officers standing at the shack so we had to wait until they were gone and soon we were sixteen smugglers waiting to cross the border. The Italian customs officers noticed us, so we had to wait. The Yugoslavian customs officer said that as we were already waiting, we could have also sawed a log for him. And so we sawed some wood for him and also more easily waited for the time to pass and to finally

cross onto the other side. As children, we were sometimes naughty too. That day we were brandishing our fists to Italian customs officers at the border and we were therefore not allowed to cross the border. If we had crossed it we could have easily been shot by the officers and we were aware of that. But of course the officers were chasing us when we finally crossed the border and we had to hide in a chapel in Novi Svet.” (Mikuž C., 2004, my translation)

“Sometimes when the children returned home with smuggled goods during the day, they had to hide them in some house outside the village until it got dark. The village was swarming with customs officers accommodated in a Drgot house and with carabinieri in the so-called *Zadružni dom*.” (Zajec, 2004; Rudolf P., 2014, my translation).

Smuggling was running in the opposite direction as well, but apparently not on a large scale. Thus, some individuals from the Yugoslavian side (especially people from Hotedršica and Novi Svet) were visiting the houses on the Italian side of the border and were selling flour, sugar, coffee, saccharin, etc., (Rudolf P., 2014) or they simply left the goods on the agreed hidden spot on the Italian side. In the book *At the Old Border*, the author Tomaž Pavšič writes about a woman called Tončka Brus from Hotedršica who was purchasing goods (sugar, coffee, tobacco, saccharin and flour) and carried them on an agreed day to the ‘fox cave’ just across the border. On that same night or the next day the people from Črni Vrh then went to collect the goods. Tončka had her ‘spot’ in the homestead in the small settlement called Dol between Novi Svet, Godovič and Črni Vrh. While the people from Dol went to collect the goods from the hidden place just next to the border, Tončka took care of the cash settlement. As she had a so-called double pass she was able to cross the border safely (Pavšič, 1999: 169).

Smuggling of horses, oxen and bulls was much more risky and complicated. This presented a serious problem for both the Yugoslavian and Italian sides. It is mentioned in the book written by Pavel Čelik, a document dated 1940, “Circular About Smuggling Military Horses from Yugoslavia to Italy” (Čelik, 2012: 439) signed by the Minister of Interior Affairs.

“First two or three men from a reconnaissance patrol are sent out, each one leading a horse. After the reconnaissance patrol the main queue is formed, namely into small groups of four to six people who then lead the horses in intervals across the border (...). These horses are mainly purchased at fairs and then brought to the frontier district, and from there on with the help of people with a double pass taken to Italy.” (Ibid.: 439, my translation)

For such ventures a whole chain of collaborators was needed both on the Yugoslavian and the Italian side. This was done mainly by people from Lome (Lomčani), Predgrize (Predgižani) and Črni Vrh (Črnovrščani). Smuggling of horses, oxen and bulls was mostly done by young and unmarried boys. They were willing to be exposed to dangerous situations not only because of good money but also because smuggling became some kind of a “passion, just like tobacco – a lottery game.” (Čuk, 2004). Some smugglers had fewer difficulties leading livestock across the border because they had properties also on the Yugoslavian side and they were using a double pass:

“People from Lome had shrubs behind which they were able to hide themselves. I remember that Klepc from Lome said: ‘This is our land.’ As the land was owned by them they were able to cross without a license. ‘From Hotedršica towards those hills, is our land.’” (Zajec, 2004, my translation)

The wife of an deceased smuggler told me that her husband (Jože Rudolf - Dominetov from Črni Vrh) with Lojze and Ivan (Tominec boys) from Lome were smuggling livestock across the border. Besides horses they also smuggled larger quantities of flour (50 kg), coffee, saccharin, etc. On the Italian side they normally got in touch with trustworthy people and found a safe place to keep the livestock. From that place other smugglers normally took it and finally delivered it to a final buyer. It had also occurred from time to time that the smugglers “in competition” stole the horses during the night. The lady I interviewed pointed out that no customs officer had ever found the smugglers, but many times they were very close (Rudolf P., 2014). Some smugglers from the Črni Vrh area were also selling horses and oxen alone. Mostly to Vipava.

“They made little paths through Nadrt, and every smuggler threw a little branch on the path and left a sign for the other smugglers every now and then. In this way they knew that they were on the right path. They crossed through Nadrt to Vipava and also through Lazec. When the smugglers bought the horses, they took a cart and went to Gora where they sold them. I remember that many times more carts were attached to one horse.” (Mikuž, 2004, my translation)

### **Patriotic illegal actions**

Little is known about the patriotic actions of local people. The only person who more or less systematically addressed this issue is a priest Gasper Rudolf, the son of a patriot named Karl Rudolf from Lome. I will summarize the results of his research

in the following sections, but first I will touch upon another important topic: the ongoing illegal delivery of Slovenian newspapers and books, and performances in the rectory.

The campaign against the Slovene newspapers and books started with the campaign against Slavic schools and associations with the military occupation in 1918 and continued until 1930, when the last Slovenian and Croatian newspapers disappeared. In early 1927, the persecution of the Slavic press became systematic.

“This year (1928) the Slovenian political newspaper *Edinost* and *Goriška straža* were abolished. The Slovenian press was prosecuted: the carabinieri were taking away the Slovenian journals and books that were published in Mohorjeva publishing house. People that eagerly wanted Slovenian words bitterly suffered by this injustice.” (The Parish Chronicle of Črni Vrh, my translation)

Some local people from Črni Vrh (led by Franc Pivk from Lome) started to bring Slovene newspapers from Yugoslavia, namely the weekly newspaper *Jutro*, the daily newspapers *Slovenec*, *Bogoljub*, *Domoljub*, *Glasnik Srca Jezusovega* and some books that were published by Mohorjeva publishing house. The fact that the village was positioned close to the border helped to get the Slovene newspapers into the village.

The locals were also able to order and buy a newspaper from a private shop owned by Vidmar and books or Catholic newspapers in the rectory of the parish priest Filip Kavčič in the village. “Pivk from Lome was arranging the newspapers. The fascists were trying to figure out who was responsible for that but never managed” (Rupnik, 2004). It seems almost unbelievable that local people and even the children knew who was arranging the Slovene printed matter and yet nobody ever disclosed this information to the Italians.

In the rectory of the village church, trustworthy villagers were studying and performing Slovenian theatre plays, which were later performed in front of a smaller audience. “The priest sometimes arranged a theatre performance during the night so that the Italians did not know about it but. Usually the audience were just his friends.” (Mikuž C., 2004; Rudolf P. 2014)

There is little known about the assistance in illegal escapes of the members of “Tigr”<sup>3</sup> and Slovene patriots to Yugoslavia. By all means the connection existed since it is known that among others in this area the border was also crossed by Filip Terčelj (Slovenian writer, poet, writer and priest from 1892 to 1946, escaped in 1934), Just Godnič (a member of the Tigr who escaped in 1931), Rafael Križman (a member of the Tigr who escaped in 1929) and Ignac Godnič (a member of the Tigr who escaped in 1935) (Cencič, 1997: 222-223).

3 From the available information we can conclude that this was a group led by Franc Pivk.



## The events in Črni Vrh connected to the defence line of the Alpine Wall

The Alpine Wall, which was 1,850 km long, was built as a preparation for the war. It was considered that the upcoming war would be similar to the previous one. It was a set of fortifications which actually started with the construction of fortified barracks for finance guard units (GAF), and fortifications set on fields, especially trenches and machine gun nests. By the end of the twenties, other extensive infrastructure works which enabled the construction of the fortress system were also carried out.

For illustration purposes I will mention a few stories told by local people who followed the comprehensive work: "I was already eight or ten years old (around 1930 A/N) when they were building those caverns in 'Vrh Gore', fortresses, and it was not allowed to stop on the way to Kampljc, you had to continue." (Rudolf L., 2004) In Podtisov vrh, at the end of the village of Zadlog, they built new bunkers in addition to the previously constructed barracks (around the year 1939). They also set up a barbed wire and included five farms within the wired area.

"This was from behind the Kosmač house to the middle of the valley below the Rudln smithy; down there the wire was twice eight meters. Those farmers who were inside the restricted area could only mow to the wire. When the Italians left, the farmers removed the wire and were able to cultivate the fields again." (Rupnik, 2004, my translation)

"When they were constructing those bunkers, they were driving and delivering material by truck and were making so much noise that we didn't even have peace at night. The farmers who were inside the restricted area were only allowed visits by their relatives who had a pass." (Zajec, 2004, my translation)

Since the patriotic actions under Fascist regime were held strictly underground and since the post-war communist authorities did not acknowledge the efforts of Primorskan Slovenes to unite and live in the same country as the remaining Slovenes, oral or written traditions of the ventures of local patriots were very few. I myself have encountered very few fragments which were moreover very difficult to assemble into an integral whole. Therefore, this topic has never been dealt with carefully and in this context; I mainly summarize the research of the priest Gašper Rudolf born in the village of Lome, who investigated the functioning of the patriots in Črni Vrh more extensively and rescued at least a part of their patriotic actions from complete oblivion.



An interesting story, worthy of additional attention is the one about the arrest of some local people in connection with the plans of fortifications of the Alpine region defensive wall in 1934. During this time, a group of locals gathered some information about the Italian fortifications and military actions and carried this information across the border to Hotedršica to the Yugoslavian informants. A very important person in this story was a road worker Jakob Rudolf from Črni Vrh, who was able to move closer to the fortresses due to his profession and draw them. A leading constructor of the forts lived in Jakob Rudolf's home and while Franc Pivk was making a suit for him, some of the local guys copied the construction documentation. Another time Mr. Jakob Rudolf arranged a picnic for all the responsible men working on the construction of the fortifications and some of the local guys again copied the construction documentation.

On the 31st of May, 1934 they arrested priest Filip Kavčič from Črni Vrh. From the 13th of September until the end of November 1934 they arrested twenty-four other locals. They were unable to prove anything against fourteen detained people and they had to be released; ten of them were put on trial in a Lower Court of Gorizia and Udine, five were sentenced to imprisonment or confinement and other five were placed before the Special Court for protection of the country in Rome. They were all exempted from the death penalty almost miraculously thanks to a military expert who was hired by the court. He had analysed the copies of the construction documentation and confirmed that they did not cause any harm to the Kingdom of Italy. All five were sentenced to twenty-six years in prison (Merljak, 2012). The relatives of those who were arrested were also searched and put under stricter controls. The

[21] The construction of the roadline Zadlog – Mala Gora – Lokve – Trnovo near Gorica in 1932. Courtesy: Ivan Mikuž.

[22] Occupation of the Kingdom of SHS, 1941. Dividing line between the Italian and German armies. Muzej Novejše Zgodovine, Ljubljana.



house searches were extremely thorough: “In our house they even turned the barn upside down because my uncle was in prison.” (Mikuž A., 2004) The fascists’ actions with which they discovered the main Slovene patriots who were actively cooperating for their nation, were very thorough and from their point of view also successful.

### Smuggling after the war

After World War II when the negotiations to determine a new border between Italy and Yugoslavia started, the Friuli-Venezia Giulia area was divided into so-called Zone A and Zone B. From May 1945 until September 1947, Zone A was under Allied military administration and Zone B under the administration of the Yugoslavian Army. In Zone B the former municipalities ceased to exist, although the territory was legally still part of Italy. The administration was taken over by the authorities established during World War II (Pang, 1991).

The war left behind an enormous havoc. The Parish was completely devastated economically. The soldiers, internees and refugees were returning home. The Parish Chronicle of Črni Vrh states that:

“... about 170 people were killed, burned or otherwise killed during the war. Thirty-four houses with other outbuildings were burnt down. Each farmer kept at most one cow, one pig and few sheep here and there. Rare farms still owned an ox, even rarer a horse. They formed a so-called Zone A and a Zone B. The border with the former Yugoslavia in Hotedršica was abolished. They introduced a new currency

called 'Jugolira' (especially for Primorska region) which enabled people to trade with Zone A or the rest of Slovenia. People frequently walked to Gorizia to buy goods at least until the time when the Italian lira was still their currency." (Parish chronicle of Črni Vrh, 1945, my translation)

One of the major problems that people faced with was the lack of food and raw material. In Zone B it was hard to supply and distribute food and other goods, to set the prices and applicable taxes. In Zone A the standard of living was pretty different from the other side of the border and the residents of Zone B understandably felt unhappy which led to heavy criticism of the authorities. The situation led to smuggling, a black market, economic sabotage and speculation (Rosa, 2002).

When I was conducting research, I was mainly interested to what extent and why the smuggling after the Second World War was even present. I was unable to collect much information about the topic so I came to the conclusion that smuggling was pretty scarce. For such ventures people would need reliable people in Zone A, who would be willing to sell the goods (Slokar, 2010: 59). Among the smugglers more women were caught in act than men, with small goods such as butter, eggs, cigarettes, etc. These goods were normally hidden between the planks of a wagon or in a haystack, etc.

In the following section I will quote a few examples of the reports of the District Executive Committee of National Liberation of Idrija.

"On the 22nd of December, 1945 Črni Vrh NZ Patrol stopped a companion named Pirc Franciška, born November 9, 1886 residing in Zadlog No. 4 who had in her possession 2 kg of butter hidden in a chariot between the planks..." (KLO Črni Vrh, 1351, my translation)

"(...) Mr. Franc Bonča claimed in a hearing that all the above goods were intended to be transported to Ajdovščina and replaced other goods to be used in a household. Since Bonča Franc was known as a smuggler and had some goods hidden in hay, the Local Command NZ Črni Vrh confiscated those goods." (KLO Črni Vrh, 1351, my translation)

"Rudolf Jožefa, residing in Črni Vrh 31 was searched in the transition Zone A and was caught with the following goods for which she had no permission: 19 eggs, 0.90 g of butter, 200 pcs. of different types of cigarettes and two golden rings. The listed goods were hidden and intended to be smuggled into Zone A." (KLO Črni Vrh, 1351, my translation)

The authorities were trying to prevent smuggling and speculation with the goal that people would sell goods in the shops or in a cooperative. (Slokar, 2010: 59).

With the implementation of the Treaty of Peace with Italy on September 15, 1947, when Zone A and Zone B were abolished, the borders near Črni Vrh were abolished too and thus the illegal channels and associated smuggling were no longer necessary.

## **Conclusion**

When I started with the research about life in the period between the Two World Wars and smuggling, I actually did not realise how many different personal stories would be disclosed to me. Undoubtedly, the border marked the inhabitants of Črni Vrh and its surroundings. They used it to be able to survive both physically and spiritually. Therefore, the people I talked to do not consider the smuggling carried out in those sensitive times as something illegal, or something one should be ashamed of.

Most of the interviews I did were recorded. For this reason I decided to include some specific quotes into the text and in this way outline some specific topics. It has to be pointed out that most of my interviews were done back in 2004 and most of my interviewees have passed away in the meantime. I am truly grateful to everyone that helped me with this research. It would have been impossible to deal with the topic in the Črni Vrh area without all the help I received from them. I am honoured and pleased that I had the opportunity to peek into the past.



SALUTI DA



MONTENERO D'IDRIA.

# MONTENERO D'IDRIA



[23] Italian postcard from  
Črni Vrh between the two  
wars. Photo Collection:  
Idrija Municipal Museum.



# R. ESERCITO ITALIANO

## COMANDO SUPREMO

Segretariato Generale per gli Affari Civili

### Il Segretario Generale

*Vista l'Ordinanza del Capo di Stato Maggiore del R. Esercito 19 Novembre 1918 ;  
Vista la propria Determinazione 1° Gennaio 1919 sulla vendita dei tabacchi nei  
territori occupati ;*

*Ritenuta la necessità di regolare lo smercio dei tabacchi da fumo nelle rivendite  
per limitarne il consumo ;*

### DETERMINA :

**art. 1.** - E' vietato ai venditori al minuto di vendere nella stessa giornata ad ogni compratore tabacchi da fumo in quantità superiore a 20 sigarette, o 5 sigari o un pacchetto di trinciato. Le persone di età inferiore a 16 anni sono assolutamente escluse dall'acquisto di qualsiasi specie di tabacco da fumo.

**art. 2.** - E' vietata fino a nuova disposizione la vendita di tabacchi da fumo nelle osterie, trattorie, alberghi, caffè ed in genere in tutti i pubblici esercizi, ancorchè muniti di licenza speciale per lo smercio limitato ai propri avventori.

I proprietari o conduttori saranno tenuti responsabili in solido con i propri commessi delle vendite abusive di tabacchi da fumo e puniti con la chiusura da tre a quindici giorni degli esercizi da essi gestiti.

**art. 3.** - Ogni contravvenzione alle disposizioni degli articoli 1 e 2 accertata a carico dei rivenditori sarà punita dalle competenti Autorità di Finanza con la destituzione del contravventore.

I commessi di rivendite (assistenti) che si siano resi colpevoli delle contravvenzioni stesse saranno dall'Autorità di Finanza esclusi dall'impiego nelle rivendite.

**art. 4.** - Le Autorità di Finanza possono in caso di bisogno incaricare della sorveglianza nelle rivendite, oltre agli organi di controllo (personale della R. Guardia di Finanza), anche altri funzionari di ufficio: questi saranno muniti di legittimazioni speciali, con incarico di ispezionare ripetutamente le rivendite di determinati Comuni ed accertare se siano osservate le prescrizioni della presente Determinazione.

**art. 5.** - E' fatto obbligo ai rivenditori di tenere esposto in luogo visibile, nei locali di esercizio, un esemplare della presente Determinazione, la quale entra immediatamente in vigore.

Addì 28 febbraio 1919

Il Segretario Generale  
d'ADAMO

(Com. Sup. R. Eser. - Segr. Gen. Aff. Civili)

## Federico Sancimino and Michele Di Bartolomeo

### *Gorizia – Regia Guardia di Finanza and the contraband at the Rapallo border*

Until the 1930s, smuggling was the type of tax evasion that most influenced Italian government revenue, causing legitimate concern among government authorities, who had confided in the repressive activities of *Guardia di Finanza* since its establishment.<sup>1</sup> That was also the case at the end of World War I, when the *Finanzieri* spread like capillary along the new eastern border, drawn by the armistice in November of 1918. It was a territory still considered at war, whose constraints were the prelude to illegal trafficking.

On March 4, 1919,<sup>2</sup> the laws in force<sup>3</sup> in the Kingdom of Italy were extended to the Region of Venezia Giulia, in order to prevent any passage of goods through the armistice line. Any transgression would lead to confiscation according to the norms on border contraband. The free transit of persons was also limited, and the *Fiamme Gialle*<sup>4</sup> were constantly fighting against the illegal importation of Austrian currency and stocks (until the revocation in May 1919), or exportation of the Italian ones. Moreover, they acted in favour of protecting sensible objects, such as the mercury mine of Idria, which was the second most important in the world, to avoid illegal trade of this precious material.

The war regime also led to more restrictive prohibitions, such as those on the freedom of the press and communication. For example, it was forbidden to transport newspapers, letters, journals, and drawings, or to transmit private telegraphs or to telephone news.

The aftermath of war left precarious social and geopolitical imbalances that, in addition to the difficult conversion of the war industry to newly demanded peacetime needs (such as the need to cultivate land that hadn't been cultivated for years, and the dismemberment of territories with consolidated economic relations) they were the prelude to the first cases of *contraband* coming across the new border, caused by a real run for survival in life, as well as the business instincts of a small number of wily speculators.

New restrictions imposed by the Italian Army, which by that time was supervising every area of life in the occupied territories, can be added to the above-mentioned list. Aside from

<sup>1</sup> *Guardia di Finanza* acquired that name in 1881, derived from the *Corpo della Guardia Doganale*, established in 1862, a year after the Italian unification, as a new body joining all customs and finance corps (*Corpi doganali e di finanza*) existing before the unification, although, according to tradition, the establishment of the *Corpo* would have been on October 1, 1774, when the *Legione Truppe Leggere* was established. This was the first section established and managed exclusively for financial control service on the borders. In 1886, the noun *Regia* is added to the name, thus becoming even with the rankings and badges of the Army (*Esercito*), but only in 1907, with the permission to add small stars, did the *Guardia di Finanza* become a definite military order.

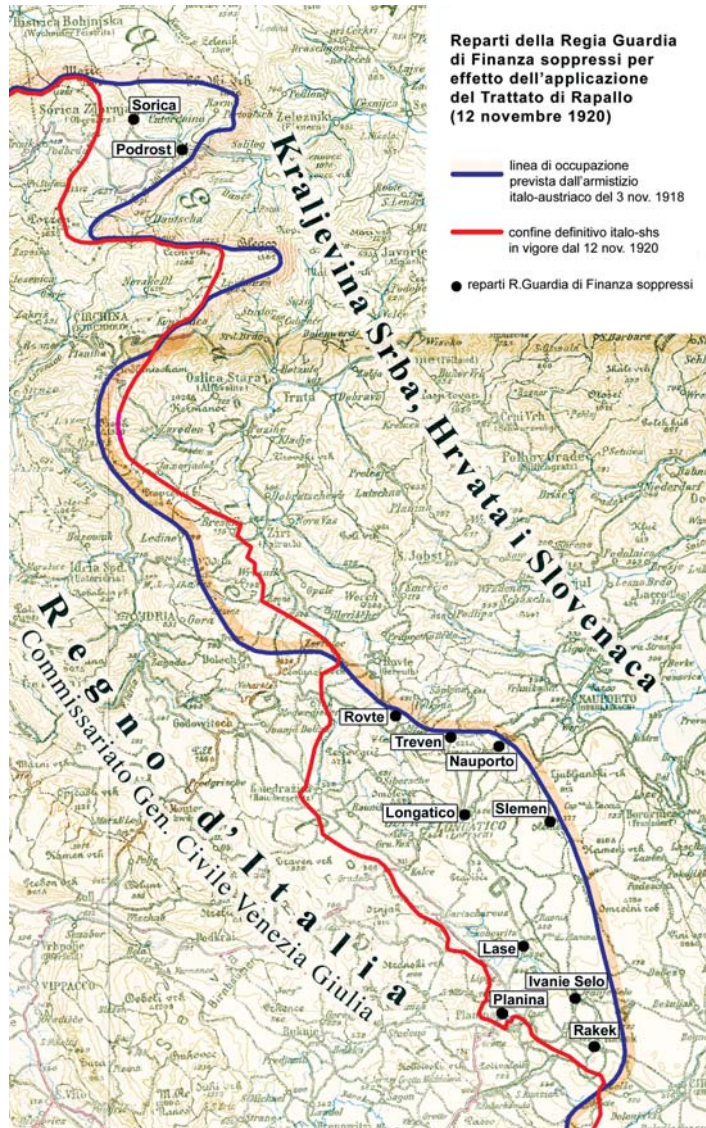
<sup>2</sup> National Archive of Gorizia, fund *Archivio storico del Comune di Gorizia – Archivio generale 1830–1923 / busta 1084, fascicolo 1349, Circolare n. 8390 del 4 marzo 1919 del Comando Supremo – Segretariato Generale per gli Affari Civili*.

<sup>3</sup> “Ogni traffico di esportazione, d'importazione o di transito è vietato fra il territorio del Regno e delle sue colonie e il territorio della Monarchia austro-ungarica”, Art. 1 del regio decreto n. 697 del 24 maggio 1915 esteso nei territori occupati dal Regio Esercito con Ordinanza 17 ottobre 1916 del Comando Supremo.

<sup>4</sup> *Fiamme Gialle* (yellow flames) is a name currently in use in Italy to indicate the members of *Guardia di Finanza*, and the name comes from the yellow insignia on the uniform collar.



[25] Territories ceded to the Kingdom SHS in 1920.



5 Civil commissioners of districts were government authorities in the occupied territories.

6 *Spallone* is a name typically used to describe the smugglers exporting goods across the border. The spalloni would load the smuggled goods in a straw basket (*bricolla*) that was then carried on the shoulder (*spalla*), and they would climb the mountains on the border.

priorities regarding food smuggling, which sustained the population, tobacco and related goods were also under the attention of control. Tobacco, which has always been susceptible to smuggling, was the subject of correspondence among *commissari civili* (civil commissioners) from the districts of Gorizia,<sup>5</sup> who asked for an adequate supply of tobacco for the whole population, knowing that deprivation would lead to illegal trade, which was already noticeable.

Also in the newly annexed territories, there were smugglers, called the *spalloni*<sup>6</sup> from Collio Goriziano and from Valli del Natisono: they were already familiar and experienced in prohibited trafficking on the old Italian-Austrian border. Since 1866, they had been travelling during the night in territory of

the Kingdom of Serbs Croats and Slovenes (SHS, formed on December 1, 1918), in order to purchase goods, mainly tobacco. The recurrence of smuggling episodes lead *Commissario Generale Civile*<sup>7</sup> for Venezia Giulia, to threaten severe proceedings against those who participated in tobacco trafficking.<sup>8</sup>

The fact is that in early 1919 the *sole rights*<sup>9</sup> and tobacco retailing were still not organized in the occupied states and the few ones opened were subject to a daily quota of price and selling limits controlled directly by the *finanzieri*. The official prices were used by the smugglers to calculate their price and profit.

In March 1920<sup>10</sup> the regulations regarding tariffs of the Kingdom of Italy had been extended to the occupied territories of Venezia Giulia. The original customs law dated back to 1896,<sup>11</sup> but later copious and changing legislation related to specific sectors attempted to widen the tax base in order to cope with increased financial needs, especially after World War I.

To suppress the phenomenon of smuggling, active in the directions of both Italy and the Kingdom of SHS in addition to the Italian *Regia Guardia di Finanza*, in the Kingdom of SHS the Customs Guards Corps, which originated in the Austro-Hungarian Empire, whose staff and regulation it had inherited, was active also. In late October 1920, the authorities in Belgrade replaced civil customs supervision with military border troops, the so called *graničari*, mostly of Serbian origin, who were assigned the task of fighting against smuggling, regulating finance controls mainly within the territory and at border crossings of the first category.

The longed-for agreement on the definition of the eastern borders, known as the Treaty of Rapallo, was signed on November 12, 1920, in the setting of Villa Spinola in the town of Liguria. One of its accomplishments was the withdrawal from international policy of the American President Woodrow Wilson, but it made the Wilsonian theory on ethnic identity a factor for the determination of the new eastern borders. The side of the Kingdom of SHS came out weaker than the Italian side; Italy obtained from the treaty more than a natural border, a military border, with numerous hills beyond the main watershed, and it ended in a predominant position, if compared to the Balkan nations.

In the area of Gorizia, however, larger territorial adjustments were made in favour of the Kingdom of SHS, as the area of Sorica, Planina and Longatico.<sup>12</sup> From Longatico the Italian District Commissioner departed to new headquarters in Idria, on March 1, 1921. Due to the particularly complex geography of the territory of Planina, this area became delineated definitively only in 1925 as provided for by the Treaty of Rapallo. In these places, the border line, designed by the Italian-SHS Commission, follows a torturous course, which involved the establishment of eight border crossings<sup>13</sup> in few kilometers.

<sup>7</sup> *Commissario Generale Civile* was the highest civil ranking in the occupied territories that the *Commissari Civili* of the districts depended on.

<sup>8</sup> National Archive of Gorizia, fund *Commissario Civile per il distretto di Gorizia 1919–1922/busta 11, fascicolo 55, foglio “Vendita abusiva di tabacchi 19 ottobre 1919”*.

<sup>9</sup> Name of goods that may be subject to monopoly.

<sup>10</sup> *Regio decreto legge n. 366 del 7 marzo 1920*.

<sup>11</sup> Respectively the *regio decreto n. 20* of January 26, 1896 followed by the approval of the *Regolamento doganale* by *regio decreto n. 65* of February 13, 1896.

<sup>12</sup> In those territories different Commands of *Regia Guardia di Finanza* were suppressed: *Brigate di Planina e Racche/Planina* and *Rakek*, which were a part of the *Tenzenza di Planina*; *Tenzenza di Longatico*, formed by the *Brigate di Longatico, Rovte, Nauporto/Vrhnika, Treven, Slemen/Sleme, Lase/Laze* and *Ivanje/Ivanje Selo*. The hierarchical structure of *Guardia di Finanza* was made as follows, starting from the *Comando superiore* to the lower rankings: *Legione, Circolo, Compagnia, Tenenza, Brigata, Distaccamento*.

<sup>13</sup> *Tenzenza* and *Brigata di Caccia* (from 1935 *Villa Caccia*) are present, as well as *Brigata di Haasberg*. The eight border crossings are: *Caccia* (first category); *Segheria, Molini, Castello di Haasberg* and *Unec* (second category); *Castello vecchio, Nert* and *Ingresso al mulino* (third category).



14 Padiglioni are simple wooden two-storey structures on a stone base, with slate roofs that could host fifteen to twenty *finanzieri*.

15 *Alpini* are mountain troops of the Italian Army and they are a sector of the *fanteria* specialized for wartime in the mountain areas.

16 *Carabinieri Reali* (today known just as *carabinieri*) are an Italian military police force for public order and public safety.

17 *Milizia Confinaria*, distributed along the Italian border, was founded in 1926 as a specialized sector of the *Milizia Confinaria per la Sicurezza nazionale* (MVSN) established as a fascist political police force for the protection of national interests.

18 Special arm of the Italian police for border control located in the main inhabited areas and for the coordination of other police forces on the border.

19 Official currency in the Kingdom of Serbs, Croats and Slovenes, later also in Yugoslavia.

In February 1921, with the end of war time, military pressure loosened, but the formal normalization of relations between the two Countries had not yet led to the establishment of a peaceful climate along the border. In fact, the *Regia Guardia di Finanza* started its consolidation by building so called *padiglioni*,<sup>14</sup> or barracks for border brigades. They were built in areas mostly covered by forests, where the inhabitants were scarce and they could be used as 'bases' for the *finanzieri*. However, the barracks were built in proximity of carriage or cart roads, where the border crossings were located. The buildings, from the area of Tarvisio to the gates of Rijeka (about fifty), are mainly made of wood (with a few made of stone), and represented an uncomfortable home for the financiers but an important defence system for the border.

However, the *Fiamme Gialle* were not alone. There are also the *Alpini*<sup>15</sup> of the *Regio Esercito*, in charge of military cover and the *Carabinieri Reali*<sup>16</sup> that check the documents at the border crossings of the first category, and carried out the service 'behind the border'.

This initial balance was then 'troubled' by the creation of *Milizia Confinaria*, back in 1925 (which complemented the *Regia Guardia di Finanza* in the front line). *Milizia Confinaria* was a special department of the *Milizia Volontaria per la Sicurezza Nazionale*,<sup>17</sup> established with the aim of deploying a border force that would mainly execute the political defence of the border. From this point on, both the historically royal *Regia Guardia di Finanza* and *Carabinieri Reali*, were considered therefore less reliable in unconditional adhesion to fascist policy, and participated in a supportive role only.

Finally, to give a complete view, these three *corpi*, as far as the border surveillance is concerned, were directed and coordinated by the *Pubblica Sicurezza* offices of the *Polizia di Frontiera*<sup>18</sup> division that, in the province of Gorizia, had its command centres in Tolmin, Petrovo brdo (Piedicolle) and Idria, in charge of their relative sectors.

Despite the obvious police presence, the inhabitants of these villages close to the border longed for the return to normality, but actually the great financial crisis that struck these territories did not weaken, and so a widespread, though modest form of smuggling came to life among the border communities. This was also enabled by the fact that the inhabitants knew the territory and the movement of the patrols of the *Fiamme Gialle*, who had stable barracks and a consolidated patrolling system along the borderline. The Italian *lira* at the time was worth three to four times the *dinar*.<sup>19</sup> The exchange rate favoured the passage of certain Italian products towards the Kingdom of SHS, specifically: rice (practically unknown, due to its high price, sixteen *dinars* vs. two *liras* in Italy), tomatoes, pasta, wine (the *kjantarice*, wicker-clad bottles of Chianti

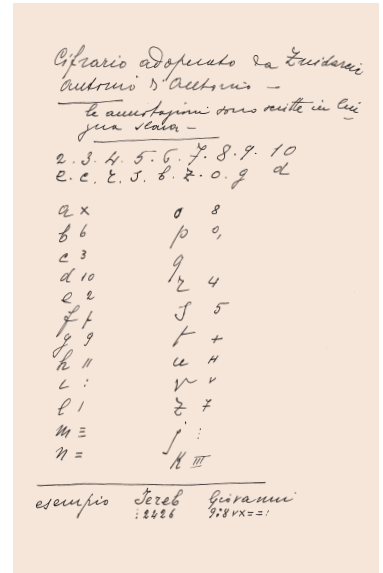
wine),<sup>20</sup> clothing, textiles and umbrellas. In the other direction, the products that came to Italy were: tobacco, cigarettes, coffee (the latter sold with a profit two to four times the cost), saccharine and sugar (sold at five times the cost), meat, flour, butter, eggs, brandy and alcohol.<sup>21</sup>

Due to the modest means and quantity of this traffic, the phrase “kitchen smuggling” was coined at the time, which was usually performed by women and children. The financial police of both sides were less severe towards them: the women hid the ‘goods’ under their wide dresses, and despite being caught red-handed, they usually managed to avoid punishment by crying or flirting. However, if it happened more than once, the punishment became more severe: first a fine, then imprisonment. Sometimes the solutions for avoiding an irreparable situation ranged from enticing soldiers who were weak with sexual pleasure, or by ‘allowing’ them to smoke for free a few packs of smuggled cigarettes, patriotically carrying names of rivers in the Kingdom of SHS: Drava, Sava, Neretva, Ibar. (Pavšič, 2006)

Innocent children, eight or nine years old, engaged in these missions more for curiosity and adventure, as can be expected at that age, helping a family to ‘make ends meet’ by filling their backpacks with goods to exchange. These kids spent the little money they had to buy a few kilos of saccharine or tobacco and, according to the instructions of the seller, regarding where and who they were supposed to meet on the other side, would wait in the dark, and then start walking towards the Italian woods, avoiding publicly known roads and those used by occasional smugglers. They returned home with the same boldness, carrying rice or a few meters of textile for mom.<sup>22</sup>

Smuggling had different levels of effort, risk and profit. A great profit was registered in the field of mercury contraband in the areas of Idria and Žiri, although it was very dangerous and difficult to transport, as just one beer bottle filled with precious ‘loot’ can weigh up to seven and a half kilos. Certain *recidive, habitual or professional* smugglers, (according to the classification by the Italian customs law of those who were reported with respectively two, four and five smuggling convictions), decided also to encrypt their notebooks, in order to hide the trafficking and contacts related to their lucrative but dishonest activity with a mysterious personal code.

Even cattle and horse smuggling had a flourishing market. After having their hooves wrapped with sacks so as not to attract too much attention,<sup>23</sup> the herds coming from Croatia crossed the dense forests around Snežnik (Monte Nevoso) illegally and arrived at the Italian fairs and markets, where they were sold for profit to the *Regio Esercito* or to farms as draught animals. The border also cut historic mountain pastures for cattle, and the new situation was cleverly exploited by sending



[26] Smuggler code book. Archive: Nucleo PT of the Guardia di Finanza of Gorizia.

20 In the Kingdom of SHS wine wasn't sold in shops, but it could be distributed only in bars, and the price was ten dinars per litre, and was controlled by the National tax administration (Information leaflet of the Museum of Žiri – Slovenia)

21 Martina Čuček, “The Strategic Position of Upper Pivka and the Intermittent Lakes after Implementation of the Rapallo Treaty” (Ljubljana: Acta Carsologica, 2005).

22 Dušan Šcodič, “Lungo il confine del Trattato di Rapallo fioriva il contrabbando” (Alpinismo Goriziano, No. 1 gennaio-marzo 2011 – anno XLV).

23 Martina Čuček, “The Strategic Position of Upper Pivka and the Intermittent Lakes after Implementation of the Rapallo Treaty” (Ljubljana: Acta Carsologica, 2005).



[27] *Padiglione of the Brigata della Guardia di Finanza of Selo.* Fototeca of the Museo Storico della Guardia di Finanza, Rome.

large herds to the border line, and by smuggling them in dribs and drabs, a context that obviously also caused border incidents. In August 1921, for example, more than a hundred head of cattle from the Kingdom of SHS crossed the border at Kobla mountain, under the jurisdiction of the *Brigata di Bacia di Piedicolle*: the *finanzieri*, assuming potential smuggling of the cattle, decide to confiscate them while waiting for higher orders. Soon enough this become the main news in the valley, and in the evening the owners from the Kingdom of SHS, about forty of them, escorted by six armed soldiers, were brought to the border to take over the confiscated goods. The *Guardia di Finanza* tried to cope with the situation, but it was forced to desist because it was outnumbered by the Yugoslavs, thus avoiding military action.<sup>24</sup>

24 National Archive in Trieste, fund *Commissariato Generale Civile per la Venezia Giulia/busta 107*.

Finally, a few determined smugglers, maybe even by bribing officials at the border, smuggled wood, abundant in the Slovenian and Croatian forests, and were impatiently awaited by the Italian buyers who wanted to survive the autocracy imposed by fascism.

25 Regio Ministero degli Affari Esteri, “Trattati e convenzioni fra il Regno d’Italia e gli altri Stati”, volume 27, 1921 (Roma: Tipografia del Ministero degli Affari Esteri, 1931), p. 361-362.

It is obvious that persistence in the smuggling of horses and wood had not been influenced by the previous agreements reached at the Portorož Conference held on November 23, 1921. Article 4 of the “Protocol to Facilitate Commercial Exchanges”, signed by Italy with the countries derived from the former Austro-Hungarian Empire, including the Kingdom of SHS, states as follows:

26 Regio Ministero degli Affari Esteri, “Trattati e convenzioni fra il Regno d’Italia e gli altri Stati”, volume 28, 1922 (Roma: Tipografia del Ministero degli Affari Esteri, 1931), p. 513-522.

“In order to avoid, as much as possible, the harmful consequences that the bans on import and export currently in force may cause to the economic life of some States (...) within the period of four months, the negotiations indi-

cated below will be implemented: (...) j) between the Italian Government and the Serbo-Croat-Slovene Government for the export of horses and oak sleepers for railway tracks from the Kingdom of Serbs, Croats and Slovenes into Italy.”<sup>25</sup>

Moreover, the historical roots of contraband did not find the lawmakers of these two neighbouring States unprepared, as on October 23, 1922 in Rome they signed the “Convention for the Repression of Contraband and Violations of Finance Laws Between Italy and the State of Serbs, Croats and Slovenes”.<sup>26</sup>

The protocol foresaw the obligation of the two states to cooperate in order to prevent and punish the violation of customs laws and the monopolies between the contracting parties. On the Italian side, the officers of the *Regia Guardia di Finanza*, as well as the customs officers, needed to inform the authorities of the Kingdom of SHS of facts and news on contraband that had violated their laws, but they could also communicate and request information on the transit of goods that are subject to fraud.

Substantially, the customs officials and the *finanzieri* had to maintain continuous relations with the relative authority of the Kingdom of SHS, that they shall “help each other with attention” in order to adopt the right measures for the achievement of desired results: to prevent the accumulation of goods close to the border, or their entrance in the neighbouring State across the common border crossing, at the time when customs formalities may be carried out.

At the time of the repression of contraband, the phenomenon was fought by legislation regarding commercial exchange and Italian/Kingdom of SHS border transit: the Ministries of Foreign Affairs of the two countries signed a series of general agreements in order to facilitate economic recovery in the territories close to the new border, which had been generally ‘closed’ after the war ended.

For example, in the Idrian zone, following a preliminary convention signed in Postojna in 1924 by the Joint Italian-Kingdom of SHS Committee, the commander of the local *Compagnia* of the *Regia Guardia di Finanza* presented the parties with the *modus operandi* for the transit of people living close to the borders who owned agricultural land on the other side. Farmers could have a border card (*tessera di frontiera – obmejna karta*), validated by the two countries, allowing them to reach their land. Cattle and rural tools were registered in a separate book.

The *finanzieri* at the border crossing had the duty of controlling both the card and the book in which they registered the specifications and number of tools and animals farmers were bringing across. (Each brigade had a list of individuals with



[28] Italian border card. Collection: Federico Sancimino.

27 National Archive in Gorizia, fund *Commissario civile per il distretto di Gorizia/Seconda serie 1922–1926, busta 53, fascicolo 348, foglio della Compagnia di Idria 49/27 di prot. del 13 giugno 1925 – Tessere di frontiera.*

28 Archive of the *Museo Storico della Guardia di Finanza*, fund UGA/busta 542, fascicolo 14 *progetti casermette di confine, nota n. 59/R del 30 dicembre 1929.*

29 The Italian fortification system started in 1931 on Mussolini's orders, officially named *Vallo Alpino del Littorio* in 1940. The name *vallo* comes from the ancient roman defence structure (*vallum*). The army of the Kingdom of SHS from 1937 to 1941 also built their border military fortification called the Rupnik Line (*Rupnikova linija*) after the Slovene general Leon Rupnik.

cards, in order to facilitate the checks). If their lands were far away from the border crossings, and the owners wanted to cross the land in such a way as to avoid long distance travel, agricultural passage was authorized by the commander of the closest barrack of the *Regia Guardia di Finanza*, who intensified controls during peak season, in order to prevent abuse of transit and of declared material.<sup>27</sup>

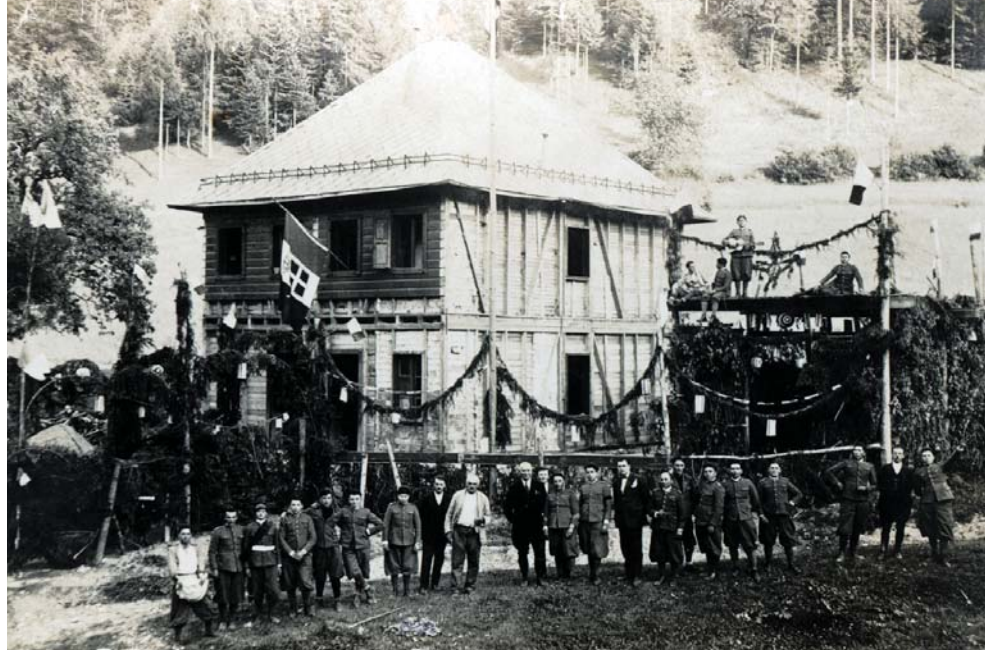
In the early 1930s, control of the eastern border of Italy, from the fiscal point of view, seemed almost total (with an average of 5.35 *finanzieri* per every kilometre of border),<sup>28</sup> but the military defence system was still considered inadequate. Unlike the border with France, already equipped with different defence structures, the young border with the Kingdom of SHS completely lacked them. In that period the military controls were based on a coordinated action of forces coming mostly from the *Alpini* of the *Regio Esercito*, and also from the *Regia Guardia di Finanza* and *Milizia Confinaria*. That system relied heavily on the fifth and sixth *Legione della Guardia di Finanza* (based in Udine and Trieste, respectively), who were increasingly forced to allocate enough people from their internal departments in order to meet these responsibilities. Pressured also by events in foreign policy, in 1931 a decision was made to build a fortified system, *Vallo Alpino del Littorio*,<sup>29</sup> an impressive complex of structures, composed of small barracks located in caves, and reinforced concrete tunnels equipped with slits and stations for machine guns protruding from the sides of the mountains and hills that dominated the border, on the roads coming from The Kingdom of SHS.

The border was an open construction site, and huge quantities of construction material were stored nearby, which favoured illegal traffic in sacks of cement heading towards the Kingdom of SHS by night, where it was difficult to find cement at reasonable prices. This is how one extremely original type of smuggling was born.

Having completed the costly fortifications, the problem regarding their permanent occupation arose, as the alpine troops of the *Regio Esercito* that were in charge of the border control were about to be used for another purpose. There was now the new idea of a 'rapid progress' war (dynamic use) that had become necessary due to increasingly aggressive Italian policy towards other countries. The strictly defensive tasks, left by the *Alpini*, needed to be assigned to special troops, formed for this specific purpose, in order to maintain constant defence of the new fortified structures (referred to as static use), also at times of peace, to ensure security in case of any emergency. (Ascoli and Bernasconi, 2008)

The question had been resolved by 1934 with the establishment of the *fanteria* (infantry), *artiglieria* (artillery) and *genio* (engineer) units, deriving from the lines of *Regio Esercito*, who





pecially trained for military defence of the border. The birth of the new subject was made official in 1973<sup>30</sup> with the formal establishment of the border guard, *Guardia alla Frontiera* (GAF).<sup>31</sup>

With the arrival of the new border guards on the scene there came a need for general restructuring of military management of the border. The complete integration of the forces in the field had to be done through the coordination of military duties of the *Regia Guardia di Finanza*, *Carabinieri Reali* and the *Milizia Confinaria*, all under the directives of the GAF. The initial fears of possible interferences with the institutional tasks of the *Regia Guardia di Finanza* (and with other police forces operating at the border) had been gradually scaled down with a series of joint agreements that clarified their respective roles.

The *Guardia alla Frontiera* was structured in sections; *Settori di Copertura*,<sup>32</sup> headed by general officers or colonels of the *Regio Esercito*, below which were *Sottosettori di Copertura* commanded by senior officers or captains.

Sector commanders were responsible for all border police forces, during wartime and in peacetime. They had to ensure proper war preparation of police forces through the arrangement of military exercises and via inspections within departments. Generally military tasks were given with full respect to the autonomy of the special institutional tasks of each force, which should not in any way be compromised.

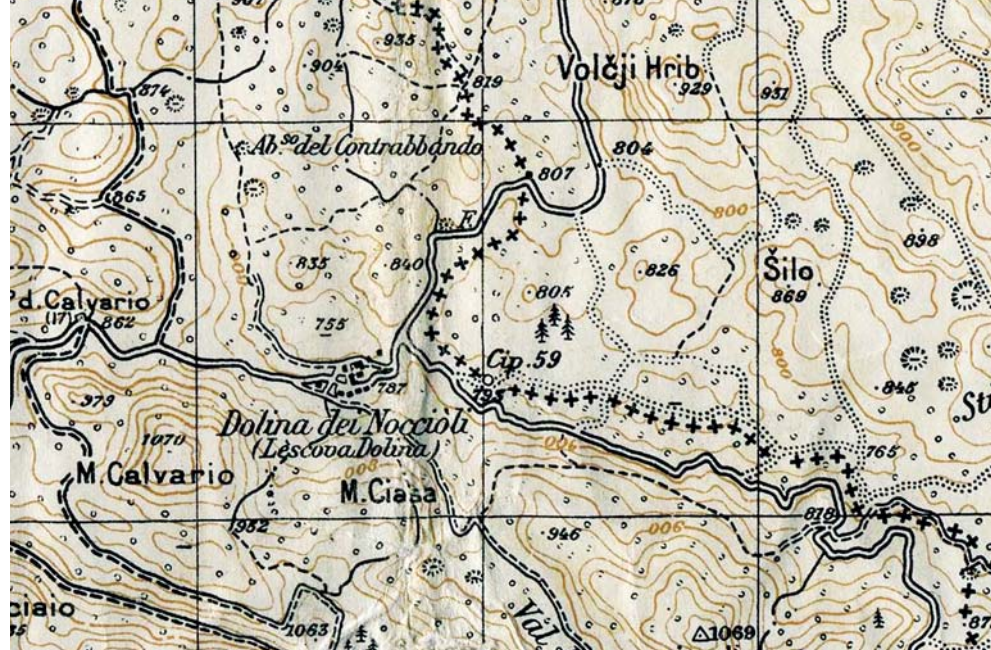
Basically, in the mid-1930s the eastern border of Italy was heavily controlled in villages and on main roads, as well as in less inhabited areas. It is clear that such a heavy deployment of police and military forces in Italy on one side, and the respective Kingdom of SHS surveillance system on the other side did not facilitate the proliferation of smuggling on a large scale;

[29] Wooden pavilion of the *Brigata di Podplescia* during the bricklaying, early 1930s. Courtesy: Cerkljanski Muzej.

<sup>30</sup> *Regio decreto n. 833* of April 28, 1937.

<sup>31</sup> GAF (border guards) was a military corpus of the *Regio Esercito*, active from 1934 until the end of the Second World War, having the task to protect Italian borders. *Guardia alla Frontiera* consisted of units: infantry (*fanteria*), artillery (*artiglieria*) and engineers (*genio*).

<sup>32</sup> In the mid-1930s, the border with the Kingdom of SHS was divided into the following Sectors: XXI Upper Soča, XXII Idrija, XXIII Postojna, XXV Timav, XXVI Kvarner, XXVII Rijeka.



[30] Detail of the IGM map of V Corpo d'Armata of Trieste with the toponym "Abyss of smuggling", 1931. Archive: Federico Sancimino.

indeed in those years a limited phenomenon was observed, both in terms of flow and quantity. In the 1920s and 1930s more regulations were introduced with the aim to stem smuggling and protect the fragile national economy: the organic law on the monopoly of salt and tobacco was introduced, with the decrees on clandestine manufacture of spirits, the smuggling of saccharin and on cigarette machines and firestone.

It should be noticed that the Italian practice coined two different words to distinguish types of smuggling: the *intraispettivo*, and *extraispettivo*. *Intraispettivo* was the passage of goods subject to duty through authorised channels (border crossings), accompanied by false documentation certifying contents in order to enjoy exemptions or preferential treatments.

*Extraispettivo*, on the contrary was conducted away from border crossings so as to evade controls, perpetrated by men crossing the border on foot or by mechanical means with loads of goods subject to customs duty, forcing the surveillance of the *Guardia di Finanza* of impervious and partially supervised areas.

And it is precisely the *extraispettivo*, or extra-inspective *modus operandi*, which generates a map of smuggling along the border area, or a legacy on the maps available at that time, in the form of symbolic toponyms. For example, a few hundred metres north of Dolina de Noccioli (Leskova Dolina) and east of the relative border crossing, lies the *Abbisso del Contrabbando*, a land depression that facilitated illegal trafficking and disguised smugglers from the *Fiamme Gialle*.

Episodes related to the fight against smuggling are balanced by just as many personal and neighbourhood relationships in which coexistence and cooperation appear as regular occurrences. It is so for most of the *finanzieri* and members of the local community, due to the network of border barracks

that allowed a continuous contact of *Fiamme Gialle* with residents: they knew each house. The service at the border gave the possibility to foster daily relations. Border patrols, often adjacent to pastures and crops, facilitated regular meetings with farmer families.

Even today, in those places where elderly people's oral testimonies are collected, someone may wipe the dust from an old framed photo displaying a whole family depicted with smiling *finanzieri*. Narratives were given that the *finanzieri* did not hesitate to help in the field, play with childrearing, and (why not?), pay visits to girls that sometimes resulted in numerous 'cross-border love stories'. Faded photographs from the 1920s and 1930s depict wedding festivities between *finanzieri* and girls of Slovenian origin. The only barrier to a wedding celebration was the lack of permission of the *Comando Generale* of the *Guardia di Finanza*. Such permission was subject to specific conditions and, above all, required information on the origin and condition of the bride's family. The latter, in a territory as 'difficult' as the eastern border, represented a serious problem: it seemed unlikely one would get the permission required to wed if one of the members of the bride's family had, for example, a record of smuggling or other activities deemed detrimental to the reputation of the *Guardia di Finanza*.

Returning to the subject of smuggling, in September 1940,<sup>33</sup> a few months after Italy's entry into the Second World War (June 10, 1940), the new Customs Act was passed. Still, on the eastern front it had only partial application because in April of the following year, with the Italian-German occupation of the Kingdom of SHS, part of Slovenia fell under Italian governance, including the city of Ljubljana, which in May of the following year became the capital of a new, autonomous province.

Consequently, a twofold border was created. Alongside the existing political border an occupational one detached from the Rapallo border at boundary stone n. 40 (near Vrsnik),<sup>34</sup> and ran perpendicular to it heading eastward, dividing the German-occupied Slovenia, in the north, from the Italian-controlled southern part.

As previously mentioned, the immediate consequence for the departments of the *Regia Guardia di Finanza* from Gorizia was the easing of institutional service on the border between the Kingdom of Italy and Yugoslavia. The border was not abandoned, as it was a border imposed by a treaty and it was the national limit. It continued to be controlled by the *Fiamme Gialle*, which initially provided military coverage duties. From the end of June 1941 a recovery of trade on the border of German Slovenia was authorized, and from the first of July border police stations were activated and tax services were normalised, all carried out by the newly formed command of the *Guardia di Finanza* of the province of Ljubljana.

33 Customs Act No. 1424 of September 25, 1940.

34 The boundary stone in question is today exhibited in the Museum of Idria (*Mestni muzej Idrija*).





[31] *Finanzieri* joking around with hikers at the Bogatin pass. Archive: Elio Piras.

35 In the form of a voluntary pool (only for wheat) regulated for the first time by Royal Decree Law No. 1049 of June 24, 1935 in the interest of producers against the speculations of traders. This assumed a mandatory character with Royal Decree Law No. 396 of March 16, 1936, and later was organically disciplined by Royal Decree No. 1273 of June 15, 1936. With that institution the legislator placed a limit or a property right restriction on agricultural and industrial products, with the obligation for the manufacturers to give to the State its own products by placing them for storage in warehouses of certain stockpiling institutions, except for a certain quota for their personal, family and business needs, at a price fixed by the competent Ministry (stockpile price).

The new conflict, like the previous one, involved the area of Gorizia and inevitably fed new irregular trading alongside existing smuggling: the so-called 'black market'. This included the areas of the institution of stockpiles<sup>35</sup> and the rationing of consumption, which placed limits on the use of certain goods (gradually increasing in number) of scarce supply. As these consumer staples reached extreme prices, as opposed to the market ones set up by authorities, there was a need once again for the *Regia Guardia di Finanza* to come to the rescue.

The worsening of the war cleared one of the last remnants of a twenty-year history: the final closing in 1945 of the border of Rapallo. The endless struggle between 'good and evil' is often completed in daily silence, consisting of long stakeout hours and difficult pursuits by the *finanzieri*, and of dangerous escapes and clever tricks by the smugglers.

Many of these incidents were entered in detail into the history of the *Fiamme Gialle*, so much so that the archives of the *Guardia di Finanza* still remain filled with documents of the most significant events in the period between the two World Wars witnessed by the *finanzieri* of Venezia Giulia at their first line, where (sometimes unwillingly) they fought against the smugglers.

The archival documentation, however, is not the only source which tells us about these distant events: searching the press of this period one discovers interesting elements that enrich historical narratives, providing often unpredictable details, perhaps overlooked in official documents, and offering readings from multiple points of view. Of course, all presentations are influenced by the political colour of the country of origin of the particular newspaper. Among many stories related to the fight against smuggling, there are several episodes



in which *finanzieri* and criminals clashed, leaving some dead and injured, many of whom then became symbolic figures and examples to be followed by their respective communities over time.

The first known episode, takes place in the vicinity of the former Austrian-Italian border where, despite the fact that the border had not existed since 1918, the ‘art of smuggling’ was still well practised by the local population. It was on August 6, 1921, that the *finanzieri* Francesco Tadina and Luigi Mattei during the course of their financial supervision at Kambrenško<sup>36</sup> close to the local tavern, encountered three smugglers carrying large sacks full of tobacco. One of them was immediately arrested, while the others escaped and called backup. About fifteen people come to help the arrested friend. Both *finanzieri* were injured with several stab wounds. Although battered, the *Fiamme Gialle* responded with their guns and expelled the attackers. On the same evening the *carabinieri* arrested two locals, including one of the people who had been stopped by the *finanzieri* in the earlier incident.

Only five days after the event in Kambrenško, on August 11, 1921, the corporal Sante Scorzio and the *finanziere* Francesco Stanganelli stopped two cigarettes smugglers on the road Landol-Bukovje, near Predjama. A violent scuffle exploded in which the *finanzieri* gained the upper hand at first, injuring one of the smugglers with the bayonet of his rifle, then the same weapon (Slovenian newspapers say ‘accidentally’) backfired and Stanganelli was killed instantly.

On May 1, 1922, a similar episode happened in Dolenja Trebuša, where the *finanziere* Domenico Cumini, was left to fight alone against two tobacco smugglers who had attacked and pushed his colleague, *finanziere* Boscardina, into a ravine.

[32] *Brigata di Slappe d’Idria*, 1934. The confiscation of a still for the production of brandy for smuggling. Courtesy: Balbi family.

36 A small village in Kanal ob Soči municipality.





[33] *Finanzieri* Francis Tadina, Michele Guerrieri, Guido Marignoni and Giuseppe Manca. Source: *Il Finanziere* magazine.

Cumini managed to break free from the attack, injuring one of the attackers with the same rifle with which they tried to hit him. History repeats itself on March 1, 1923 near Postojna, but the goods change. The *finanziere* Michele Guerrieri, in stakeout, encounters a smuggler of horses. This time it's the 'criminal' who takes a beating, and is mortally wounded with the dagger that the *finanziere* took away from him during the clash.

The old Austrian-Italian border remained a warm front for smugglers. On December 7, 1924 the corporal Giuseppe Rubini and the *finanziere* Vittorio Salaris discovered a clandestine distillery on Ponte Miscecco, in the Valle dello Judrio, with two farmers who were intending to manufacture aquavit. They managed to arrest the elder farmer and, while taking him away, they were surprised and attacked by a group of about six to seven men. One of these, the son of the arrested, hit Rubini with a stick. The latter shot the attacker and killed him. Salaris, frightened, shot as well, but hit his own colleague, Rubini. The arrested man escaped while Rubini died the following day at the Hospital of Cividale.

In the night of July 28, 1927, another encounter happened between smugglers and law enforcement. The *finanziere* Guido Marignoni, during a stakeout on the border near the Bevkov Vrh, close to Cerkno, spotted four men with large bags on their backs, while they were sneaking into the Italian territory. The military fired a shot into the air to stop them, but the shot was returned by smugglers who, after slightly injuring *finanziere* Guido, escaped across the border.

The last episode that the chronicles of the times mention concerns *finanziere* Giuseppe Manca on patrol on March 22, 1936 in the remote region of the Snežnik mountain. This *finanziere*, together with his colleague Giovanni Multineddu, members of the Brigata Dolina dei Noccioli, during a patrol and stakeout, discovered traces of a passage of horses on the ground at Lepi Dol. They thought they had come across a group of smugglers of horses coming from the Kingdom of SHS, and decided to follow their trail. The chase through dense vegetation lasted for several hours through the villages of Vavkovec,

Meželišče, Mali Snežnik and Pikel<sup>37</sup> on the Slovenian side. Arriving close to Lenčajev Vrh, they noticed two men sitting in a valley. Approaching them cautiously, the *finanziere* Manca was shot in the stomach and fell to the ground, lifeless. Multi-neddu responded to fire but could do nothing against smugglers who disappeared in the forest.

For his “loyalty to the oath validated with the sacrifice of life”, Giuseppe Manca, was posthumously awarded with the bronze medal for military valour. The *finanzieri* Cumini and Marignoni, in recognition of their “attachment to duty” received the same recognition. The *finanzieri* Tadina, Mattei and Guerrieri were granted a higher reward: the silver medal for military valour.<sup>38</sup>

These young distinguished *finanzieri* represent only a small fraction of the hundreds of *Fiamme Gialle* who came from every region of Italy, fought against smuggling and in a time far away and nearly forgotten lived, worked, found love and, in some cases, death in the alpine border region known as *Fronte giulio* (Julian front).

37 Places around Snežnik.

38 Reasons for decorations for valor in archive of military service of the Historical Museum of the Guardia di Finanza.

[34] Društvo bez granica:  
*Noničeva tiramola*,  
installation, 2013.



## **Društvo bez granica**

### ***Nonićeva tiramola*** **2013**

The Society Without Borders was founded with the aim of establishing the Drenova Heritage Museum, which should collect and process the tangible and intangible heritage of Drenova and its close region. The research project *Nonićeva tiramola* (2013) was based on a reconstruction of smuggling paths based on the testimonies of inhabitants of Rijeka's neighbourhoods of Drenova and Pašac. Through an interactive map, a film record in the form of an interview and documentary material, it analyses smuggling along the Italian-Yugoslav border in the 1920s and the 1930s. Drenova was, as a metaphor for the city of Rijeka, in the last century forcefully divided in Upper and Lower Drenova. The citizens found alternative ways of earning money, fighting for survival. An important part of the new economy was smuggling, which has always blossomed in the bordering areas. From the people's memories we learn one anecdote, about a tiramola (a string on a sheave) used by an old man to transfer smuggled goods to the other side of the Rječina river (Rječina used to be the borderline), while he himself crossed the border point empty-handed. His wife crossed the river with oranges tied all around her body. Oranges were considered precious goods on the Yugoslav side. The authenticity of these anecdotes is highlighted by the interviewed people's language – ča dialect from Drenova and Pašac.

# Róbert Tasnádi

## *Crossroads of the Iron Curtain*

### **Interview with Sándor Goják, founder and owner of the Museum of the Iron Curtain, Felsőcsatár, Hungary**

The Iron Curtain that divided Europe for forty-one years has left marks on the former East block socialist countries that were confined by it from the Baltic region to the Adriatic and Balkans. These marks, even a quarter of a century after the demolition of the Iron Curtain, being a political, military and ideological barrier between East and West, can still be found, in traces physically and in memory as well.<sup>1</sup> The people living on the border may still reminisce from time to time about the years of strict border controls, while people living farther away may feel nostalgic about the border and the Iron Curtain's demolition. And for the teenagers of today it is almost inconceivable that there once had been barbed wire fences separating these countries, preventing free passage.

Sándor Goják (born in 1947), former border guard, and current owner of the Iron Curtain Museum located in Felsőcsatár on the Hungarian side of the Austrian-Hungarian border, feels it is his duty to present the Iron Curtain's history to the public. He says it is important for posterity to know about this period when hundreds of thousands of people, whether out of lust for adventure, a broken heart or just in search of freedom, risked the dangerous paths going West. The museum opened in

2001 and during its existence the owner has collected numerous objects, photos and stories that help us remember this period.

**In Hungary, but probably in the whole of Europe, it's unique to find a private museum about the Iron Curtain. How did this collection come about?**

After the change of regime, in the early years of the 1990s, I got the idea that this museum should exist for the sake of posterity. On the one hand, because we used to have a family restaurant here, at the Vashegy hills of Felsőcsatár, and many people coming from the West asked questions about what the Iron Curtain looked like. They simply couldn't imagine it. Neither could those coming from the Eastern part of the country. People living near the border mostly knew about these things. On the other hand, I was an enlisted border guard serving on the Western border between 1965 and 1968, and I am proud that I was discharged with triple honours as a platoon leader on the 15th of February, 1968. I worked in a position where I had an overview of a lot of things. I know a lot more because I worked in the same office as the commander and when he'd get a little too drunk his tongue would loosen quite a bit.

<sup>1</sup> The Iron Curtain was erected by the Soviet Union after the World War II to seal off itself and the dependent Eastern and Central European allies from open contact from the West and other noncommunist areas. The term 'Iron Curtain' was used first in the post-war context by the former British prime minister Winston Churchill in his Fulton (Missouri, USA) speech in 1946 (Encyclopedia Britannica). On the former border zone and remains of Iron Curtain era: Ildikó Péter, *Borders*, 2013, <http://www.ildikopeter.com/pages/40>. See also Ignacio Evangelista, *After Schengen (European Borders)*, <http://www.ignacioevangelista.com/index.php?seleccion-natural/work-in-progres-after-schengen/>.



The creation of the museum began with the gathering of original objects, descriptions and photos that had a connection with the Iron Curtain. It wasn't an easy task! The first period of the Iron Curtain is between 1948 and 1956, and gathering material from that period was nearly impossible. I tried to find credible people. Those who built the Iron Curtain in 1948–49 were the ones who took it down between the autumn of 1955 and the 20th September 1956. Unfortunately, there are very few people still alive from that time, since they were born around 1918, 1922.

When I started the museum, I began with the period when I was an enlisted soldier, that is the period after the revolution. This was the era I was a hundred percent clear about, how things looked, how things were at that time. But I had little knowledge of the first period. In Zala county, in the tiny town of Lenti, there was an old man who took part in the building of the Iron Curtain. I sought him out and brought him here so he could tell me about what the Curtain looked like, how they built it, and what the technical details were. These same people were ordered back in the autumn of 1955 to take down the Iron Curtain. I am willing to travel hundreds of kilometers for one genuine object or story. I used to say, we are all different. Some like to hunt or fish. This is my passion.

There was a time when I exchanged twenty new concrete columns for one that was originally part of the Curtain because a man had built it into his vineyard and didn't want to give it up. I still do not spare any energy, time or money to seek out these original objects that are truly genuine and have some kind of connection with the Iron Curtain. Among other things, I have bars that were used to prevent passage through drainage pipes. Or this other, a manhole cover. In the 1970s to 1980s, near Hegyeshalom, there were these look outs

built into the ground. A soldier would climb in for the night so only their head was visible and they kept a watch on the road from there. They watched the headlights of cars, observing whether they stayed on the road. If not then they were probably trying to escape and were reported immediately. A lot of people come by the museum who had served on the Western border. Not long ago, I had a visitor who served near Hegyeshalom and recognized the manhole cover, saying he had served in such a pit-like thing that was dug into the earth.

### **How did the Iron Curtain on the Austrian-Hungarian border work?**

The Austrian-Hungarian border is 365 kilometers long.<sup>2</sup> Although they had drawn the border here in 1923, people could cross the border until 1948. There were dirt roads for wagons that people used to cross over and plow their lands, or to bring home the harvest. Then, from one day to the next, the barbed wire fence was raised. Back then they placed the landmines right next to the border. Ninety-nine percent of those who wanted to escape tried to do so in the darkness of night. In the first two or three years mostly local people tried to cross, because their forests and lands were mostly on the Austrian side of the border.

Later the landmines were removed, by the 20th of September, 1956. That is why, after the 23rd of October, nearly 250 thousand people could cross the green border without injury. There weren't any landmines left. The Yugoslav border was 680 kilometers long. It is now the border of Serbia, Croatia and Slovenia. Eighty thousand people left through there. It's by chance that the border was passable during this time, during the revolution. The Soviet Union had not finished the bakelite landmines yet and here, at home, they hadn't finished the concrete columns.

<sup>2</sup> Establishing of Hungarian-Austrian part of the Iron Curtain has three main periods: I. 1948–1956, II. 1957–1971, III. 1972–1989.

Finally the manufacturing finished by 1957 and the border guarding resumed. The only difference to the previous period was in the modernization of the border defenses. Then, in 1966 in Hungary the landmines were converted to an electric signaling system. The Austrian-Hungarian border was permanently landmine free by 1971.

The biggest difference between the two types of border security was that while the landmines were placed right on the 365 kilometers of border line, the electric signaling system was placed from fifty to ten thousand meters towards the heart of the country, according to the topography and the terrain.

The signaling system was 243 kilometers long and had twenty-four volts of power running through it. It even surrounded thirty-four villages, practically cutting them off from the outside world, so entering or leaving wasn't easy. No matter if an event or party was held there, they couldn't just walk over from the next village.

### **Who was guarding the border back then?**

During the 1960s they didn't bring the enlisted soldiers from the Dunántúl (West Hungary) but from the Alföld, the other half of the country. The most important thing was reliability, and commitment to the ruling party. The footsoldiers were brought here from the middle of the country. In our time the compulsory military service was three years. I myself arrived here for my service from the southern part of the country. In the 1960s I met my wife here, I started a family and settled down here. These border villages involve the Croatian communities, Narda, Felsőcsatár, Horvátlövő, Szentpéterfa. Vaskeresztes and Pornóapáti on the other hand, there live German nationality.<sup>3</sup> People lived here in peace with each other.

### **How was the illegal border traffic here? How typical were human trafficking and escape attempts?**

There was more movement during the period of the electrical signaling system because people knew they wouldn't get hurt. But they were also caught easier. When the landmines were still buried, people hesitated more to try because they knew that avoiding those 1.5 million landmines would not be an easy feat. The landmines hindered ninety-five to ninety-six percent of the escape attempts. May and June were the busiest time for the border patrol. A lot of youngsters headed for the border out of thirst for adventure. Or they got bad grades or failed their school year and they couldn't face their parents, so they headed for the border. But also because of love sickness, this period was crucial for the border patrol. Or if someone committed a crime they would rather try to escape through the green border. Those who tried to cross the border could never be sure if they would be among those forty to fifty people who made it through out of a thousand. The landmines were planted so that if somebody tried to escape to the West, they would suffer injuries that would prevent them from continuing their journey. It was only a secondary effect if they left a foot or hand behind – more importantly they wouldn't be able to continue the journey. If somebody lost a foot, they usually died there from blood loss. But there were people who managed to cross, in a very clever way. It wasn't simple at all.

It started with going through five lines of defense if somebody wanted to reach the barbed wire fence coming from Budapest. Later, sixty to sixty-five percent of the escapees were from East Germany, trying to cross the border to the West through Hungary. They tried here because an East Ger-

<sup>3</sup> Slavic and German settlements could have been found in West Hungary from the earlier periods of the history of Hungary, while greater number of Germans and Croats were settled down in the region from the sixteenth to eighteenth century.



[35] Museum of the Iron Curtain: East German family, border crossing, Sandor fellows, museum fence. Photos: Róbert Tasnádi.

man citizen couldn't even get nearer to the West German border than fifty kilometers. On top of that they had 380 volts running through the fence there. After the removal of the electrical signaling system, mostly East Germans, Transylvanian people and people from other countries tried crossing.

**You are collecting these stories to this day. Could you share a couple of the most typical ones?**

I have a ladder in my collection that is an original escape attempt aid. On the 21st of October, 1978, a photographer and an editor-reporter of the West German magazine *Stern* wanted to help an East German architect couple and their daughter escape to West Germany through Austria. During this period it wasn't an easy escape attempt. They had to watch the patrol movements, and the terrain for days to learn all the small details. They made their own map and sent it to the East German family. The family came to Hungary in their Wartburg type automobile three days before the planned meeting and got a room in the center of a small town called Kőszeg. The next day the father got in his car and drove west, to-

wards Cák, for about six kilometers. They had been demolishing these old thatched-roofed wine cellars around that time. So the father, using the leftover materials, nailed this ladder together, that I now have in my collection. It couldn't be longer than two meters and wider than twenty-five, twenty-six centimeters so it wouldn't touch the signaling system's wire. On the prearranged day they went to the meeting point on the map – on time to the minute. Five people came from Austria: the two reporters from *Stern* magazine and three muscle-for-hire type men who were over two meters tall. It was easy to get to the border zone from both sides. There weren't any landmines left. The last one was removed in 1971 and this happened in 1978. The patrol went by, then the father leaned the ladder against the fence. First the little girl climbed up. The strong men sat on each others' shoulders and reached over the fence to lift the escapees over. They lifted over the girl and the photographer took pictures from six to eight meters away for an article they wanted to publish later. They successfully lifted over the mother as well. The father, on the other hand, must have been a bit too heavy because the top rung of the ladder broke

under him. It fell right onto the signal-wire and the alarm sounded immediately at the guard station. The seven people on the western side of the border ran towards Austria as fast as they could. When the signal reached the station they knew immediately which sector sent it so they were on their way with the capture team. They arrived toward the escapees and found them quite quickly. The mother told the guards in tears that her husband remained on the other side of the fence. He was caught a good three hours later. According to international conventions, the West Germans were expelled from Austria while the East Germans were sentenced to three and a half years of prison time in East Germany. This happened many many years ago. But the story is not over. I was visited last year by a couple from Germany's eastern side. The man was Hungarian, had moved to East Germany in the 1970s to work as an electrical engineer, stayed there, met a German lady, and married her. When the lady saw this picture at my museum she broke into tears. It turned out that she had worked at the same architectural office as the East German father of the story. She told me that after the couple got out of prison they managed to get to the West legally.

But here I have a telephone that used to be in operation at the Hungarian-Yugoslav border. You should know that in the 1950s, this border was much more dangerous than the Austrian-Hungarian border. An armed conflict almost broke out between the two countries. Serb soldiers would fire on the Hungarian soldiers from the lookout, and vice versa. About this phone we know that there were phone-lines planted at certain distances. The soldier would go and plug in a phone so he could connect with headquarters. The Serbian sharp shooters would destroy this connection until they started to make them out of concrete and put them in more sheltered places. This phone here is an original. There is another object connected to human trafficking, namely this long iron rod with

a handle. The story of this rod is that in the 1970s they used to transport gravel from Hungary to Austria in trucks. During the first weeks a couple hid in an iron crate in the truck. A bamboo stick would be set in a hole in the crate so they could breathe and then the truck was filled with gravel, the bamboo was sticking out only five to six centimeters. When they arrived to the road crossing of the border at Bucsu, the border guard would check the cargo as usual. It was a routine check, he usually said, "Okay, go on!" This time around, however, he noticed that, as the gravel shifted around, there was a bamboo stick protruding a good thirty centimeters and he didn't know what it might be. He immediately guided the truck to park to the side and made them empty out the gravel. And there was the couple at the bottom, hiding in the iron crate. After this incident the guards would have to go into the cargo compartment every time, and push this iron rod down the cargo until it hit bottom.

### **Where do more and more new stories come from?**

This is a good question. After the change of regime, in the last twenty-five years, I tried to interview a lot of high ranking officers, brigadiers, political deputies and national deputy commanders. Over a hundred people. Most of them didn't want to talk about this. Not just to me, but they would not talk about it to their children either. It is not by chance that I organized this military meeting. I came to find out that between 1948 and 1989 there were about 110,000 to 120,000 of us, enlisted soldiers, border guards, border sentinels, and technicians on the western border. A few years ago we decided to plan a biannual meeting for the enlisted soldiers (volunteer soldiers not included). At the first event there was a 500 person turnout. I get a lot out of this. I always ask at the outset that if anybody has an anecdote that happened to them around this time, at that sentinel post, please share

it! I memorize these stories and also pass them on. Off the top of my head I can tell thirty to forty stories. It's enough for me to look at an object or go to a site. But most stories didn't take place when I was a soldier. These were recounted to me, but they aren't rumours but actual, true stories. I was just called by an eighty-year-old man from southern Hungary who was a landmine technician during 1958-59. He is going to give me a photo from the period. So even after all these years, they can still tell me new things.

**These stories aren't written down or published. You recount them from memory to your guests. If we're talking about posterity, shouldn't these stories be written down?**

Essentially, I am one of the last generation who can tell people about these things. I thought about writing a book but the truth is it is much too expensive. I'd need two to three million forints to finance the publishing, I'm a retiree, it's not an easy thing for me. I keep this museum running from my measly income. I would need to order at least a thousand copies of the book if I'd want a return on the costs, but what is the guarantee that I can sell them? This is why instead, I made two DVDs, in which I tell a lot of stories. The DVDs are mostly purchased by those who come here from farther away, from other countries, and they have a relative with connections to the events. Many people come here out of nostalgia. Those too, who live nearby, come here with distant relatives, acquaintances, or friends. Those who defected in 1956 are elderly by now, most of them cannot visit,

so a younger relative brings them the DVDs. People write in my guest book in multiple languages. Last time, for example, there was a group here from New Zealand and they included my museum in their tour. They were surprised when they saw what this really was, and they filmed and took pictures, finding it all very interesting. I'm proud that there is no continent left in the world from which I haven't been visited by people. It's no coincidence that the information plaques are in multiple languages. My diary, my guest book is proof that I have visitors from all over the world.

There are times when retiree groups or school groups visit the Iron Curtain Museum. I find it important and spend so much time on the upkeep because I know that it's different when somebody reads about this in a textbook or sees it in real life and I can tell them about how things were, how things worked in this period. History comes alive here. I have about twenty-five to thirty school groups visiting every year. They come here for excursions, class trips and include the Iron Curtain Museum in their program. There isn't a group that doesn't ask me at the end of the tour how many people – whether soldiers or civilians – got through the border, and how many were caught or shot down while the Iron Curtain still stood. Nobody is going to be able to give the exact numbers. I heard that the former socialist countries had this data officially destroyed every five years. I built this museum for posterity, as proof of how things were in that time. I often say to my guests that in Hungary's thousand-year history these forty-one years are only a small part, but we shouldn't forget about this period!





[36] Anja Medved:  
*Views through the Iron  
Curtain*, 2010. Video  
screening, Rijeka, 2013.

## Anja Medved

### *Smugglers' Confessional*

The subject of this film<sup>1</sup> is the border crossing between two cities, two countries, two social systems, between the Romanic and Slavic worlds, 65 years after the Second World War.

On December 20, 2007, when Slovenia joined the Schengen area, Nova Gorica found itself without border barriers for the first time in its short history (since 1948). The same evening this space of separation became a meeting place. In the booth at the crossing a camera, a microphone and a computer were installed as well as a curtain, enabling a flow of uninterrupted remembrances to occur in peace. People came from both sides (Nova Gorica and Gorica) bringing with them stories and images to donate to this album of memories of both cities. Entrusted Collected memories and fragments of family and archival films tell the story of how two different realities can find themselves in the same place at the same time.

The short documentary film *Views through the Iron Curtain* (2010) is made up of fragments recorded at this first remembrance campaign, entitled “Smugglers Confessional” (2007), created at the border crossing between Nova Gorica and Gorica on the evening of the removal of border barriers.

Three additional campaigns took place in the same location. This public collection of memories of both Goricas was complemented at the same location in following years by three thematically different campaigns intending to preserve the common concept of searching for lost memories of both cities. “Memory Clinic” (2009) was intended for the collection of personal and family photos that bear witness to the memory of the city. “Album of the City” (2011) focused on the present, inviting those capturing current scenes of the city through their lenses to contribute. In the “Found Portraits” (2013) campaign we sought portraits of townspeople who, though unnoticed by most, have created the identity of the city.

Donated photographs were digitised, registered and then returned to their owners. A conversation about the collected memory connected to the donated image was recorded in a closed room with each of the donors.

The purpose of publically collecting these memories and documenting them these remembrance activities is to create

1 Awards: Festival It's My Film, European Home Movies Network, Vicenza, Italija, 2010; Big Fish, International Festival of Small and Independent Film Productions, Tolmin, Slovenia, 2010; The Erasmus EuroMedia Seal and Medal 2008.



[37] Anja Medved: *Views through the Iron Curtain*, video still, 2010.

a common archive of memories for both Goricas, which will become a gift from today's residents to future generations. An archive of memories is in a such as this one is also in constant process of creation, rearticulating and redefining the symbols that have lost their meaning in the current of social change. And so the border crossing that has divided us from 1947 to 2007 becomes a meeting place that encourages reflection on the relationship between personal and collective memory of a single city no longer separated by a border.

One memory usually evokes another, which is how we rescue the past from oblivion: by listening to other people's memories and looking at their photos. In such a way the film becomes a space for the hidden and the unexpected, a space in which a previous no man's land can open behind conventional notions of the past.

The need to preserve memory is proportional to the speed with which the world is changing. The desire to relieve the fragility of memory stored in the human brain necessitated the invention of film, which so radically marked the twentieth century. New media and audio-visual technologies have developed enormously since then, making it hard to imagine how future historians will struggle through the endlessly documented present. During the flood development of new media and audio-visual technologies since then, it is therefore reasonable to wonder about the future of remembering and historicizing. It is hard to imagine how future historians will struggle through the endlessly documented present. However, memory not only speaks about the past but also refers to the present, to why we remember certain events and not others. It is directly linked to plans, visions and fears. The future is always produced from specific memories and exact oblivions.

## **Bojan Mitrović**

### ***Yugoslavia between socialism and consumerism***

The citizens of the Socialist Federative Republic of Yugoslavia (SFRJ), maybe even more than the official propaganda of the country, took pride in living in one of the most liberal socialist states in the world. Indeed, during the Cold War, Yugoslavs had a relatively high living standards and freedom of expression, especially when compared to communist countries, while enjoying a degree of social security and public welfare system rarely available in the West. As early as the 1960s this 'hybrid' or 'syncretic' political and economic system was dubbed "socialism with a human face" or "the Yugoslav path to socialism" (Ristović, 2011: 410). Yet, like most 'paths' in historical development, it was a product of contingency as much as of a pre-conceived plan.

The Second World War in the Western Balkans was particularly brutal in its aspect of "world civil war" (Hobsbawm, 1994) as different local factions and armed forces confronted each other and the German and Italian occupation armies. Out of this struggle, the communist Partisans emerged as a leading resistance movement that gained foreign support not only from the Soviets, but also, from 1943, from the Western Allies. By promising to end both ethnic war and the endemic poverty of the population, the Partisans were able to rally rather strong support from the Yugoslav people. By 1945, the Soviet and Bulgarian armies had some 580,000 troops on the Yugoslav territory, whereas the Partisan units had up to 800,000 men (Perica, 2004: 96).

At the end of the war, the Yugoslav Partisan and communist leader, Josip Broz Tito (1892–1980) could depend on a high level of local support as the Party, in 1945, counted some 140,000 members (Čalić, 2013: 272). In the aftermath of the war, the whole of South East Europe was highly unstable. In Greece, the civil war continued even after the end of the global conflict and in all the other Balkan countries the new communist regimes were still shaky, as they were imposed largely through more direct intervention of the Red Army. In this context, without the approval of the Kominform (the international organization of communist parties), Tito started to work towards the formation of a new Balkan federation that would



[38] Branko Marjanović: *Rijeka u obnovi* (*The reconstruction of Rijeka*), film still, 1946.

include all the lands from Romania and Bulgaria to Albania and Greece. In the aftermath of the Second World War, Stalin's plan for the Balkans envisaged a series of powerless satellite states of the USSR. Within this highly centralized and Soviet-dominated communist worldview, Tito's move was considered to be very dangerous as it potentially created a new centre of power. Thus, by June 1948, the Kominform, made the so called 'Bucarest declaration', also known as the 'informbureau declaration' that accused the Yugoslav leadership of revisionism abandoning communist orthodoxy. The hope of the Soviets was that the Yugoslav party leadership would overthrow Tito, as loyalty to the Soviet Union, in this period, went hand in hand with the membership in any Communist Party of the world. Yet, by combining tactfulness with fierce repression Tito managed to stay in power even after the break up with Stalin.

The first years after the Tito-Stalin split were extremely harsh for the Yugoslavs. The country was still suffering widely from the consequences of the war and was now excluded from any Soviet aid or relief programme. Political persecution continued, not only against collaborationists and the 'bourgeois', the exponents of the old regime and the better-off citizens in general, but increasingly against Communist Party ranks, if suspected of pro-Soviet allegiance or 'Stalinism'. More substantial help of the democratic states was also out of the question, for the time being. On one hand, the Yugoslavs were eager to prove that they were not 'traitors' in the communist block and that it was the Soviets who had gone astray from Marxist orthodoxy, while on the other hand, until the early 1950s, US intelligence and diplomacy were not entirely sure whether the split with Stalin was a mock movement within the socialist block or a serious geo-political change (Lampe, 1996: 250).



Yet, this situation forced the Yugoslav communists to search for a new model, both in politics and in economy, and the answer was found in Marx's idea of the communist stateless state as an "association of free producers" that should represent the final stage of social development. In the Yugoslav interpretation, this meant a gradually more flexible version of the Soviet system that permitted openings towards the free market and political freedom, though under control of the Party (Lampe, 1996: 279). Whereas the state and its institutions should progressively die away, the Party would remain as guide to society. Thus, in the early 1950s, first steps were taken towards what would later become to be known as the 'self-management' system of collective (as opposed to both state and private) property. In 1950, the new Law on the management of state companies included both elements of worker participation in the management process and economic competition, whereas, by 1952 the centralized five-year development plan was substituted for looser development guidelines in the economy (Čalić, 2013: 238).

Various segments of the society did not accept, fully or partially, the new regime, for various reasons. In the aftermath of the war, the communists saw this urban resistance as the remnants of the old bourgeois social order. This type of resistance generally assumed the character of 'voting with one's feet' by fleeing the country. Yet, during the 1950s the main reason for leaving Yugoslavia gradually shifted from ideological to purely economic. The 112,000 new émigrés joined a numerous migrant Yugoslav population both from the inter-war (economic) and the war (political) period (Marković, 1996: 243). The communists condemned this emigration, especially in the post-war period, but were unable and unwilling to sever the ties of family and friendship the émigrés maintained with their country of origin. During the isolation of Yugoslavia after 1948, help from Yugoslavs abroad was an important source of income for many people in the country. In 1958, tourism, which will later become the most profitable branch of the Yugoslav economy, still produced only seven million dollars a year, whereas help from Yugoslavs abroad amounted to an impressive sixteen million dollars. It was only in 1962 that the revenue from tourism would reach the level of émigré aid (Marković, 1996: 258). It must be added that these numbers show this aid only in foreign currency and the unknown total value of goods that were shipped to Yugoslavia by foreign relatives should be added to the sum. All in all, this help, though extremely important for the survival of the post-war, isolated Yugoslav citizens, and thus also for social peace in Yugoslavia, created an image of the West as being more prosperous and attractive.

Yet in the aftermath of the war, most Yugoslavs had only second-hand knowledge of Western society. Those who re-

ceived aid from relatives abroad still outnumbered those who could, for example, read foreign press. American and Western European journals and magazines were available in the reading-rooms of foreign consulates and cultural centres, but going to such places was a personal risk, not only because it could attract the attention of the police, but because one could get beaten up or publicly humiliated by ardent communist passers-by.

During the 1950s travel abroad was still very limited. The same scheme that was applied to the economy, granting an increasing level of private initiative, but always under the control of the Party, was also being transferred to personal freedom. Individuals were granted certain civil liberties but always under the arbitrary control of the Party, and in exchange of their undisputed allegiance to communism. Thus, the first Yugoslavs to travel abroad were party leaders, diplomats and high-ranking bureaucrats. In order to exit the country legally, all citizens had not only to get passports, but also exit visas for every single country. Both documents were under strict police control and these exit visas were further conditioned by a letter of invitation that had to come from the country one intended to visit. Furthermore, only a very limited amount of foreign currency could be taken out of the country. In the 1950s, Yugoslavs could carry abroad only 20 US dollars, and the amount was reduced to half if the reason for the trip was to visit relatives. By 1960, this amount was raised to 30 dollars and then raised again in the following years, but the limit on exporting foreign currency was never completely lifted (Marković, 1996: 251). However, by the second half of the 1950s, the privileges previously granted only to the most loyal communists were gradually extended to other groups.

The death of Stalin in 1953, and the following 'anti-Stalinist' course followed by Krushchev, drastically reduced foreign pressure on Yugoslavia. Within the communist countries, Yugoslavia was now perceived, though not officially by Soviet leadership, as the first country to have followed the new, correct course against Stalinist 'revisionism'. Thus, the Yugoslav communists could behave more confidently in opening towards the West. In 1954, the London memorandum was signed with Italy and the contested border area of Trieste, hitherto under international administration, was split between the two countries. The following year, an agreement was signed in Udine, again between Yugoslavia and Italy, permitting free border crossing of those citizens of the two countries that lived within a ten-kilometre range of the border. In 1962 this range was increased to 15-20 kilometres in order to conform to the territory of local administrative units. Thus, the Slovenes living near the western Yugoslav border were among the first Yugoslavs that could travel freely, at least to Italy. (Pirjevec, 1995: 201; Lampe, 1996: 272)

The citizens of the country's capital, Belgrade formed another geographic category of early travellers. In 1960, during the last year exit visas were required for Yugoslav citizens, out of some 100,000 such documents, 61,000 were issued only for the inhabitants of the country's capital. This figure is even more impressive if confronted with the fact that during that same year Belgrade had only 619,000 inhabitants (Marković, 1996: 251). Of course high-ranking officials were concentrated in the capital, but Belgrade was a centre of other social groups that were permitted to travel early on.

Immediately after World War II, Yugoslav athletes started participating in international competitions. Like elsewhere in Eastern Europe, travel abroad by these young men and women meant both an opportunity to flee the country, and also, for those who returned, to smuggle Western goods. Furthermore, athletes managed to avoid restrictions on export of foreign currency more easily than any other social group. While abroad they received reimbursement for their expenses and, when they received awards, these were also paid in foreign currency (Marković, 1996: 245). One of the most interesting cases, in this sense, was the cycling career of Milan Panić (1929), former president of the Federal Republic of Yugoslavia (1992–1993) and owner of ICN Pharmaceuticals. In the early 1950s, Panić was a prominent Yugoslav cyclist but, as he later revealed, he was constantly engaged in smuggling Western goods. For this purpose he would stuff his bicycle frame with nylon socks or other goods and smuggle them back to Yugoslavia. In 1955 his entrepreneurial character inspired him to run away from Yugoslavia and settle in the United States (Vulić, 2000) where he founded his pharmaceutical company.

The second group of 'ordinary' citizens to share the privilege of travelling abroad were university students, mainly of language and literature, but of other subjects as well. The students travelled in organized groups, at times accompanied by some of their professors, and went to countries that were, at the time, their object of study. From 1953 to 1956 some 7,000 students from Belgrade University alone had been on trips abroad, which was roughly one-sixth of the student population of that university. Unlike the athletes, university students were generally poor, even by Yugoslav standards. Having to abide the foreign currency restrictions, students smuggled goods both in and out of the country. They smuggled foodstuffs and domestic products from the farms of their parents or grandparents, especially local spirits (*rakija*), out of Yugoslavia. They brought mostly textiles and clothing into the country (Marković, 1996: 250-251).

One of the main peculiarities of the Yugoslav model was its insistence on the well-being of citizens rather than on raw industrial development, which was the paradigm in most

Eastern European countries. Thus rather than focusing only on the development of heavy industry, Yugoslav planning and development strategies permitted a wider production of consumer goods. The Slovenian Iskra factory of electrical goods and the Serbian Kluz textile factory were examples of Yugoslav success as they managed to export up to 60% of their products to Western countries in the 1960s (Lampe, 1996: 313). Yet this production could not meet the ever-growing demand for diversity, even more than quality, of the Yugoslav consumer. Thus many factories and shops had their stocks full of goods no one bought, as the Yugoslavs were shopping abroad (Velimirović, 2007: 353)

Travel as a pastime was also one of the main successes of the Yugoslav model. One of the early hallmarks of this policy were organized holidays on Yugoslavia's Adriatic coast, which promoted the building of special "social vacation centres" where children from the same school, or workers from the same company would enjoy their vacations together. In 1948, Yugoslavia was still suffering from famine, isolation and the consequences of war, but the new regime managed to organize the holidays of 1.5 million Yugoslav tourists to the national sea-side. In comparison, the last pre-war swimming season, in 1939, had seen only 780,000 Yugoslav sunbathers on the same coast (Marković, 1996: 241).

As any socialist country, Yugoslavia legitimated its power on the benefits that it had, allegedly or truly, brought to the masses. Thus it might be interesting to say a few words about who exactly the masses were. At the end of the Second World War an overwhelming majority (75%) of Yugoslavs worked in agriculture. Yet, the agriculture of the region was still very traditional, unproductive and underdeveloped. Mary-Jenine Čalić has argued that even in 1960 the Yugoslav village was so unproductive that every third peasant was actually a burden to his community (Čalić, 2013: 255). As many resources as possible were taken from agriculture in order to finance modernization. Thus, the villages remained very closed patriarchal communities. Before 1945, Yugoslav peasants never actually travelled anywhere. For men the experience of the broader world came only from the military service, war, and rare visits to the closest town in order to sell or buy goods. Women rarely exited the homestead. After the war, things gradually started to change. It is important to observe that in Yugoslavia, the number of agricultural workers dropped to 57% in 1965, whereas the number of city-dwellers would exceed the rural population only in 1985. The population caught in the scissors of these statistics were called 'polutani' (half-breeds), people who worked in the factories or in other companies but still lived in the village according to patriarchal and archaic models (Čalić, 2013: 260).

Travel was thus both a sign of emancipation from rural models and of the embracing of socialist modernity. After 1961, when exit visas were abolished, some 300,000 Yugoslavs travelled abroad each year, with the maximum number reached in 1979, when 22 million trips abroad were registered by customs officers out of a population of roughly 20 million inhabitants. Many Yugoslavs decided not only to travel, but also to work in the West for certain periods. In 1965, the first international agreements on work-force exportation were signed with France and Austria, and in the following years, such agreements would be signed with most Western European countries. The workers sent abroad under to these regulations numbered 775,000 by 1971, living and working mostly in Western Germany (Čalić, 2013: 262).

This flow did represent both an ideological and an economic problem for the Yugoslav leadership. On an ideological level, socialism should have proved to create a more perfect society than capitalism. Yet many socialist citizens longed for consumer goods. Furthermore, these citizens exited to spend Yugoslav foreign currency reserve among the 'rotten capitalists'; the bottom line was they went to work in the West in search for a better living. The communist leadership was aware of these problems but, by the late 1960's and early 1970's, they had adopted a rather pragmatic attitude. Yugoslavia was to become a part of the global economy with its connections to the Eastern block, to the Western system and to the developing non-aligned world. Thus, the Yugoslav workers in Germany, were presented in the same light as French workers in the UK, or Italian workers in the US. On a more practical level, these workers somewhat continued to flow cash into Yugoslavia, though the weight of this assistance was, by the late 1960's, much less relevant. The same criteria of reciprocity began to apply to legitimate (at least to a certain degree) Yugoslav 'shopping tourism' in the West. In 1967, Yugoslavia unilaterally proclaimed the abolishment of visas for all the countries in the world and, in the late 1960s and early 1970s, revenues from tourism skyrocketed. Thus, though the Yugoslavs were spending their foreign currency abroad, Germans, Austrians, Italians and others came to the Yugoslav shores and gave back the country valuable revenue (Čalić, 2013: 265).

Like elsewhere in Europe, the 1960s was an era of economic growth, though, as far as Yugoslavia is concerned, the real importance of various data is still debated. Whereas it is true that Yugoslav industry had steady growth throughout in the 1960s and 1970s, it is also true that Yugoslav industrial production was starting off from a very low level. Furthermore, this industrial growth was only partially consumer-oriented. Many factories were built in this period only to increase the popularity of certain party leaders in their place of origin





[39] Richard Burton on the set of *Sutjeska*, 1973.

without any regard for the needs of the market or the availability of resources. An ideology that was founded on the premise of the well-being of its citizens was prone to developing unsustainable projects if they proved to be popular. Thus, for example, in 1961, the average wage in the industrial sector increased by 23% whereas the productivity of Yugoslav industry registered only a 3.4% rise (Sundhausen, 2009: 387-390).

Yet all of these improvements transformed the society and made everyday life considerably easier. Spending on food in the family budget dropped from 54% in 1953, to 45% ten years later, to less than 40% in 1970. The extra money was used to buy household appliances, creating even more free time in the family, especially for women. A more modern concept of free time started to appear, a portion of one's life dedicated to leisure activities, usually paid for, and to have a different social value than the sheer idleness of the unemployed or underemployed worker in the previous centuries. Though Yugoslav cinemas screened both Eastern and Western films alongside domestic offerings, the US government subsidized their entertainment industry, so Yugoslav distributors could get cheap prices on the latest Hollywood films. Thus, through cinema and music, Western (though mainly American) models of culture took hold in Yugoslav society. The communist leadership, and especially Tito, accepted with ease these new behaviours. The lifelong president of Yugoslavia was a very big movie fan and enjoyed the company of Hollywood actors such as Sofia Loren and Orson Wells. High-budget Yugoslav productions also cast Hollywood stars such as Yul Brynner and Richard Burton.<sup>1</sup> On more orthodox-Marxist and 'puritan' grounds, the accusation of hedonism in the ranks of Yugoslav party leadership came as early as the 1950s, when Milovan Đilas, then president of the

<sup>1</sup> Yul Brynner was in the cast of the 1969 *Battle of Neretva* movie by Veljko Bulajić (YU, col., 175') alongside with Orson Welles and Franco Nero, whereas Richard Burton played Tito in the 1973 *Battle of Sutjeska* by Stipe Delić (YU, col., 128').

Yugoslav Federal Assembly started his accusations against his party-colleagues and war comrades. Without specifically mentioning anyone, Đilas collectively accused the party leadership of having a bourgeois way of life and being interested only in accumulating material goods (Ristović, 2011: 493). Yet this opening towards the pleasures of life and consumerism might have even benefited the Yugoslav communists. Even rock music was 'tamed' and incorporated within the Yugoslav ideology of the 70's: while the singer-songwriter Đorđe Balašević wrote a very popular ode to Tito and the communist revolution, members of Bijelo Dugme, a glam-rock band, participated in *radna akcija* (Youth Work Actions) hand in hand with their fans.

Not even the Party structure was immune to radical social change. At the eve of World War II, the illegal Communist Party of Yugoslavia counted some 12,000 members, mostly young men, out of which only 3,000 survived the war. The Partisan struggle and victory in the war, however, meant that in 1945 the Party had some 140,000 members of which roughly 50% were peasants, 30% workers and 10% civil servants. Twenty years later, in 1966, the peasants were already a small minority of 7%, whereas the relative majority of 39% became the civil servants. What these figures indicate is the rise of a new class, of the 'socialist bourgeoisie' as Mary-Jenine Čalić has called them (Čalić, 2013: 271), loyal to the Party but adopting most of the behavioural codes of the Western middle and upper-middle class.

As in any hierarchical society, fashions and social models do tend to trickle down from the rulers towards the people and in the Yugoslav context, even the supreme leader of the Party enjoyed the life of a prominent member of Western high society. In the 1950s, trips to the West were rewards for the most loyal communists, but also to the social sectors of the population that somehow expressed the socialist model of society: the physically strong athletes and the university students dedicated to the acquisition of knowledge. Western goods thus started to mark social differences between those included in the communist modernity project and those who remained on the edge. Thus, they acquired a much higher value than their nominal price: they became a status symbol that distinguished the elite (or would-be elite) from the rest of the population. Ultimately, in the case of Yugoslavia, the reward for being a good communist was to be able to participate in consumerism.

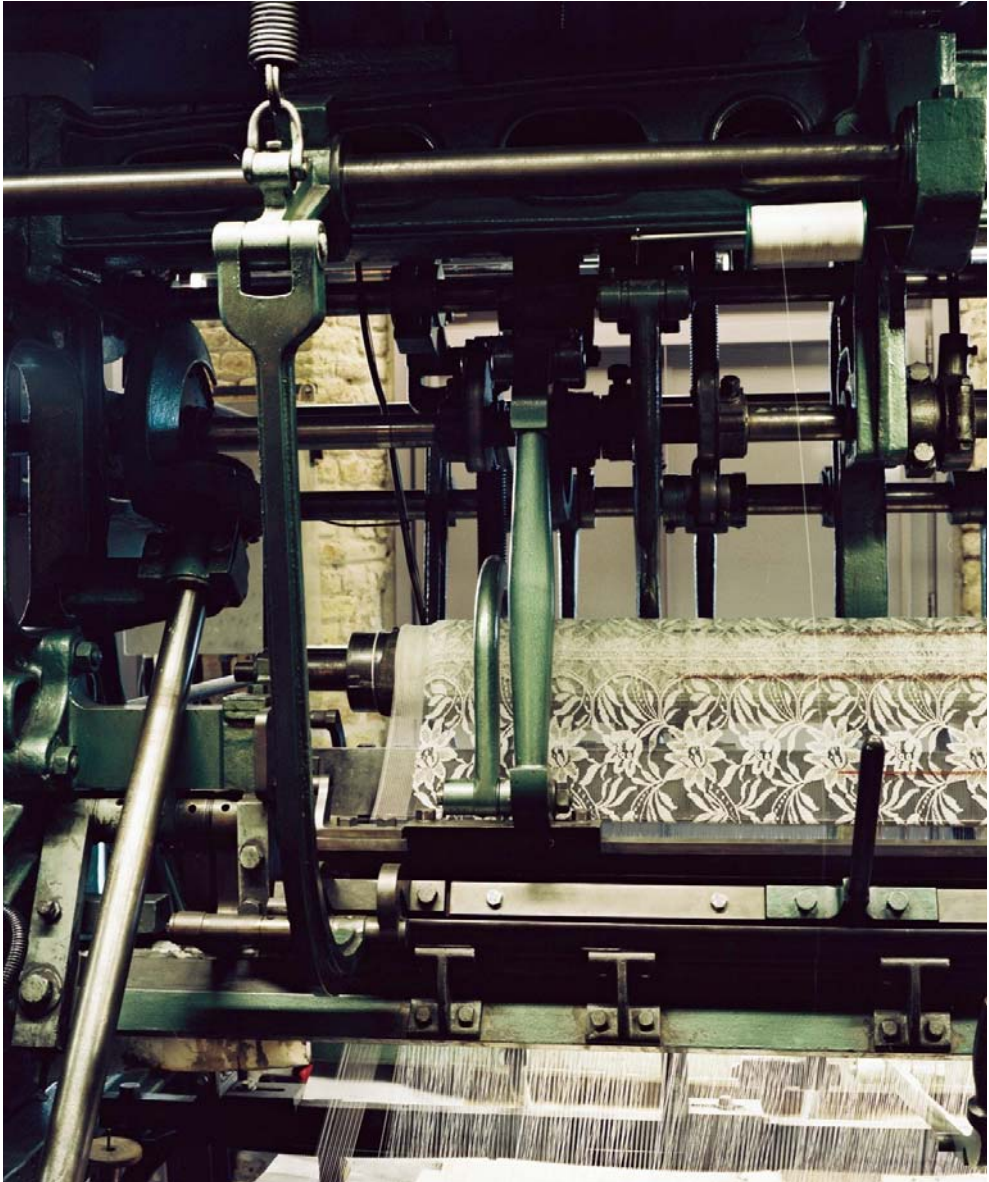
**Jan Lemitz**

***The registration  
machine***

**2011-2014**



The photographs provide a rich account of attempts to overcome the natural borders between England and France. Calais' importance in lace production in the era of industrialisation was built on smuggled machines. It made Calais a key site within Europe where clandestine migration was becoming visible and relocated its geopolitical position from an inner and central border location to the outer frontier of European space.



[40] Jan Lemitz: *The registration machine*,  
photo-installation, 2011–2014.

[41] Victor López  
González: *Atlas*, photo-  
installation, 2013.





# **Victor López González**

## ***Atlas* 2013**

*Atlas* is an artistic project that explores methods or processes related to the global economy and the economy of subsistence, with the dependencies, subordinations and tensions that this generates. The project focuses on the working conditions of many human beings who, forced by the impact of globalization on their social group, have been relegated to the invisibility that this process imposes on them.

The world is in a phase of redefinition, a series of political, strategic, environmental and economic events are accelerating certain global processes. By contrast people coexist with basic needs that act as a driving force worldwide. They are what make up an “Atlas” of struggle, of effort and suffering that travels the planet changing its apparent geography, set apart from regulating borders or states. A world where ‘objectives’ do not rest at any time; in which every event is recorded by images that overlap, rapidly changing our view of reality, conditioning our perception, requiring an extra effort to try to understand the realities of other social groups, peoples, conflicts or events. A hybrid horizon where all realities and identities meet and are mutually transformed at a transient border. Where the map is dislocated by the impact of a ‘meteorite’ that disintegrates previous geographical paradigms.

This is a new world map configured by migratory movements, transnational labour production, techno-economic connections, precarious employment that many times results in post-colonial situations and in a centrist world trade phenomenon. On the new stage of global mobility, that limit of national territory, the border, turns into a permeable membrane, into a space for transgression.

Two of these membranes would be the Spanish enclaves of Ceuta and Melilla in Morocco, which extend the concepts of limits and borders due to the special characteristics of these two autonomous cities, as they have inherited a colonial past where economic power relations persist in time and are stratified creating a singular society of subordinations, servitude and contemporary slavery.

In this context a ‘paradise of smuggling’ emerges where women porters meet every day to carry out the same ritual: the

transport of goods back and forth across the border, smuggling between the two sides, which unilaterally converts them into human merchandise, representing one of the last echelons in the social labour structure of globalization. The search for livelihood calls on them to carry, for a few euros, bales of fifty to eighty kilograms on their backs, a daily transfer or 'atypical trade' that moves a lot of money on both sides of the border and produces substantial economic profits for a determined elite. For these women porters, as for many others on the planet, norms and controls acquire a secondary value when what really matters is survival. Their life and work situations are conditioned by both local and global interests that are beyond their power.

Smuggling as it has been throughout history and is now in many places, is their economic source of subsistence given their impoverished situation and relative exclusion. The border is their area of resistance, where a system of life blooms that constructs another 'globalization' from below, where links are established between work, inequality of gender, migrations, submerged economy etc. This system generates local circuits connected to the global economy that operate outside of it. The sociologist Saskia Sassen would include this within the "counter-geography of globalization", where women are underpaid, used as a labour force and their rights are not recognized.

This border that joins and divides two continents, is a space of separation that refuses and violates the human rights of many people and forces them into situations of neo slavery. This paradigm of division and approximation is reinforced every day by the penance or penalty that imposes an unjust system of work, trade and exploitation. We should not forget that borders represent a place of traffic, a changeable, flexible, permeable body that metamorphoses its form through the legal or illegal smuggling of people, goods and merchandise. In many cases, they are containers of human suffering that, like a container of goods, base its nature on a dichotomy, one of 'containment' and at the same time paradoxically of mobility.

In these borders of inequalities, the gap between North and South is probably more evident than others, since these two enclaves belong geographically to the South, but economically to the North. This is where Africa and Europe stand, opulence and impoverishment, which gives place to a peculiar socioeconomic reality of interdependences. The social division is latent. Women porters with their vulnerability have to compete against one another. The economic and social differences of the planet are compressed in the proximities of the border or "border areas" and in the few square kilometres of these two cities.

The 'smuggler women' symbolize a tragic existence between suffering and force in view of a charge that is too heavy,

imposed by a power superior to them, just like the titan Atlas from Greek mythology. Resigned, these women assume their role in the global economy, where the avalanche of information, products or merchandise is infinite; they not only live on the expansion and liberalization of markets, but are also the cheap labour force exploited as the most weak, due to their need for subsistence.

The porters in the series of the installation *Atlas* appear in a neutralized space, a black background that de-contextualises their daily environment, in order to isolate, catalogue, enumerate and document them, with the idea of bringing out their individuality as people. Their activity does not stop being a human gesture that is repeated in time, an oppressing charge bound to poverty, one that we have found in images throughout the history of the art, society, culture and humanity. It is an allegorical, punitive and 'superhuman' gesture, that in the digital era survives as an icon and that Aby Warburg, in the early twentieth century, includes in his *Atlas Mnemosyne*, an image file that was a machine activating ideas, relationships and thoughts, exploring the relationship between language and image.

The project *Atlas* tries to be a mechanism of correspondences in the same way, an almanac of images, where the relations between the conceptual, the document and the digital construction serve to question the limits of visual representation associated with the idea of reality, without forgetting that the vision of the foreign thing, the different, the other one belongs to a series of narratives and dominant global processes.

The allegorical value of *Atlas*, its visual similarity or proximity to the mythological figure, not only refers to the women porters of the border, but also to many other individuals or social groups that like them resist and carry the weight of the world on their shoulders. In the world of mobility, these stories are devoured by history, and this forms a new "human mapping process", which moves away from the simple representation of a map, as it can not be determined by a few two-dimensional lines. These micro histories are included in the project, which uses a hybrid proposal where different audio-visual medias coexist, such as photography, video and installation.

The project *Atlas* constitutes a work in progress, an expandable, transnational and open work of art. Beyond being considered a critical process only, it wants to invite the spectator to reflect on his/her position, because globalization defines us all as potential interdependent or 'consuming' actors.



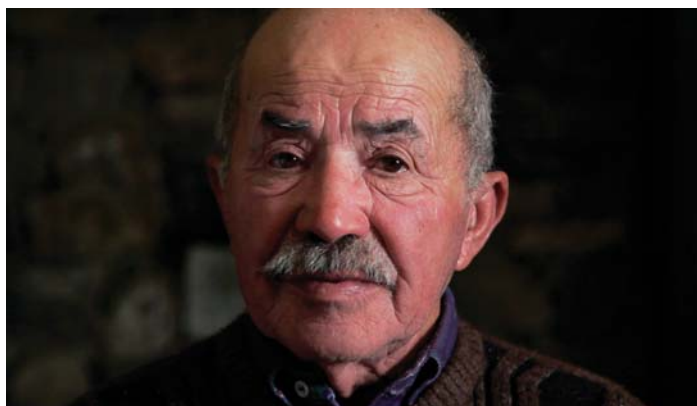
[42] Victor López González: *Atlas*, installation detail, 2013.

## Victor López González

### *The Smuggler of Images*

2012

[43] Victor López  
González: *The  
Smuggler of Images*,  
video still, 2012.



The work *The Smuggler of Images* (2012) is based on the idea of deconstruction and questions the concepts of borders and frontiers using the figure of a smuggler as a person who exceeds these limits, in effect ignoring them.

The video work uses a labyrinthine narrative strategy with various levels of ‘reality’ to create a common space in time between two figures. The protagonist Antonio Giavelli, a former smuggler, talks about his problems and experiences smuggling between Italy and France in the Stura Valley. In the temporal space of the video he encounters a fictitious contemporary smuggler who tries, with the help of donkeys, to transgress the boundary, carrying ‘illegal goods’ in the form of an indefinite number of images.

In the video installation images from different geographical areas of the Stura Valley converge with shots of high-tech industries located there, which suggests a common cartography for both protagonists as well as a way of thinking about history.

## **Božo Repe**

### ***Italian-Yugoslav border after the Second World War — crossings, shopping, smuggling***

From the beginning of the sixties on, Yugoslavia differed a great deal from other Eastern European countries. The difference could be seen not only in the political system but also in the standard of living in personal life; tourism, travelling, shopping abroad and the imitation of a Western life style. In addition Slovenia had a specific position within Yugoslavia: it bordered Italy and Austria, had strong national minorities in those countries, and was Yugoslavia's most developed and pro-West oriented region. This allowed Slovenia – with the exception of the first post-war years – to be constantly in touch with these two countries and to make realistic comparisons of their relative standards of living.

Italy was the first window to the Western world for the Slovene (and Yugoslav) people. The new border – to the advantage of Yugoslavia – was set between the two countries in 1957, and was incised painfully in the lives of people who had up until then lived together, first within Austria-Hungary and later, between the two World

Wars under Italy. In some cases the border ran between houses, crossed gardens, or even – as in the case of the village of Miren – divided the graveyard into two parts. Relations with Italy remained tense until 1954 when the so called 'Trieste question' was resolved by the London memorandum (the division of the Free Territory between Yugoslavia and Italy).<sup>1</sup> Border crossings were therefore scarce; only people who lived within two hundred meters of the frontier zone, and the so called double owners (i.e. people who possessed land in both states) were entitled to cross the border. The latter were allowed to take the shortest route to their land in the other state but forbidden to visit bigger villages or towns. In spite of strict controls on both sides of the border they did visit them (on the Italian side they were frequently recognised by their "socialist" shoes or by the license plates on their bicycles). As the first buyers of Western products, people living along the frontier used to smuggle them into Slovenia.<sup>2</sup>

1 London Agreement (Memorandum of understanding between the Governments of Italy, the United Kingdom, United States and Yugoslavia, regarding the Free territory of Trieste) is an international agreement by which the military administration was brought to an end in Zone A and Zone B of Free Trieste Territory. It was signed by the representatives of Italy, Yugoslavia, Great Britain and USA on October 5, 1954 in London. Yugoslavia and Italy confirmed the existing demarcation, the Italian civil administration was extended throughout zone A, and the Yugoslav throughout Zone B. Guarantees were given for the unhindered return of persons who had formerly held domicile rights on the territories under Yugoslav or Italian administration, Special statute guaranteed for both sides the national rights of minorities. "White Book on Diplomatic Relations", Ministrstvo za zunanje zadeve Republike Slovenije/Ministry for Foreign Affairs of the Republic of Slovenia (Ljubljana, March 1996), p. 34-39.

2 Arhiv Republike Slovenije (Archives of the Republic of Slovenia): Committee for tourism and catering trade (1948/1951); Secretariat of government for trade and tourism (1962/63); Questionnaire realized by students of Department of History in border area Faculty of Arts, Ljubljana (seminar year 1996/1997); Andrej Malnič: "Topografija spomina na novo mejo", (Acta Histrie VI, Koper 1998), p. 331- 346.



In 1955 Yugoslavia and Italy signed an agreement regarding local border traffic, the so called Videm (Udine) Agreement.<sup>3</sup> It was the first agreement of its kind to be signed by a capitalist and a socialist state respectively during the period of the Cold War. The right to cross the border was expanded to the entire population living along the frontier which resulted in a vast increase in border crossings. People from these regions were particularly keen to visit diverse fairs (i.e. the fair of St. Andrew in Gorica), where they were buying cheap goods. One of the most popular articles was the so called *bambola* (Italian doll) – a big baby doll clad in a colored dress; such dolls were placed as decorations on matrimonial beds. Furthermore, people used to buy *confetti* (for weddings), chewing gum and typical Italian sweets (i.e. panettone, amorette...). The goods purchased on Italian stands had a major influence on forming the taste of Slovenian and Yugoslav customers in the fifties, as well as later on.

People who were not living within 10 km of the frontier zone were able to acquire a passport (either a personal, a family or a group passport). Passports were issued by the district departments for internal affairs; application for a passport could be refused without further explanation; also passports were not issued to men who had not yet served in the army. A visa was necessary for almost all the states; in addition to that, a Yugoslav citizen had to provide a letter of guarantee from the destination state. Until the beginning of the sixties administrative hindrances and also a low standard of living prevented Yugoslav citizens from more frequent visits abroad; their travel was restricted to business trips and visiting relatives. Quite a number of people crossed the border illegally and emigrated afterwards to countries overseas. In the second half of the fifties, however, tourism began to develop which re-

sulted in more frequent visits by foreigners to Yugoslavia. In the mid-sixties Yugoslavia opened up towards the world and the standard of living increased a great deal. Passport became available (with few administrative hindrances) to the majority of citizens and visas for neighbouring countries were gradually abolished. In 1962 Yugoslav citizens were allowed for the first time to legally purchase foreign currency in the amount of 15,000 dinars (50 US\$) while a larger sum was only available for the purpose of medical treatment abroad and attending international meetings and conferences). It was possible to open a bank account for foreign currency. Masses of people went to Austria and Germany to work there; through employment agencies 62,347 Slovenian citizens found work in the West between 1964 and 1969 but there were even more people who moved to the West on their own. They were coming back home for major holidays and bringing with them products from the West.

The Western shopping trend gradually moved from cosmetics, washing powder, jeans (the famous Slovenian actor Janez Hočevar still bears the nickname Rifle for being one of the first citizens of Ljubljana to wear jeans in the fifties) and tennis shoes (still called 'superge' in Slovenia, after the popular Italian trademark), to washing machines, vacuum cleaners, other domestic appliances and eventually cars. During this period Slovenian producers and trades were gradually adapting to the new needs of their customers: Gorenje started to produce domestic appliances which became popular in Eastern European countries in the following years; self-service stores and department stores began to emerge. However, the supply of goods in these shops was not as good as in the West and the prices were still higher. Like elsewhere in the world, towards the end of the sixties the teenage generation gradually became a very

3 Videmski sporazum (Udine Agreement) August 20, 1955 (Dodatek uradnega lista FLRJ/Supplement to the Official Gazette of the Federal People's Republic of Yugoslavia, 1957), p. 3-42.

strong consumer group. The socialist supply of goods was not able to cover their demands for all sorts of notebooks with portraits of film stars, felt-tip pens, school bags, fashionable clothes, records and similar articles. Even if this was not so, for example in the case of high quality Slovenian Elan skis, the products were often considered to be inferior and parents were forced to buy – with their modest socialist salaries – fashionable foreign brands of skis abroad.

Regarding the standard of living, the seventies turned out to be the best post-war years for Yugoslavia (Slovenia). The official policy had defeated the liberal orientation of the sixties; it wanted to prove that the self-managed socialism was the best system in the world. With the help of cheap loans, a large number of Slovenians were building houses of their own in the seventies. Shopping abroad proved this tendency: building materials which were either better in quality, cheaper, or not at all available in Yugoslavia were transported in car boots from abroad. The most popular articles purchased abroad were bathroom tiles, wash-basins, water-taps, furniture, diverse tools, especially for gardening, even concrete-mixers. There was a great demand for domestic appliances, foodstuffs, spirits, clothing, shoes (Italian shoes remain a byword for quality, despite the good quality of Slo-

venian products), and items which were – for ideological reasons – not available in Slovenia (communion and confirmation clothes, white shoes and handbags, etc.).

Another phenomenon of the seventies was the so called *Ponterosso*, where cheap goods and gimcrack were sold. It attracted thousands of Yugoslav buyers who were coming in organised groups by regular trains, buses and cars from the most distant parts of the country. They were buying everything, even the most worthless goods. *Ponterosso* grew into a symbol of consumer mentality, adapted to socialist buyers with little money. Hiding purchases from the customs officers (duty free imports were limited to the value of 100 dinars only) was one of the favourite Yugoslav sports of the seventies, regardless the age or sex of the people involved.

Mass shopping in Italy was also a result of the so called Osimo Agreements, which Italy signed in Yugoslavia (influenced by the spirit of Helsinki) in 1975.<sup>4</sup> The Yugoslav-Italian border became by far the most open border between a socialist and a capitalist country. In 1978 over 40 million people crossed the border in the Triest region (Tržaška pokrajina);<sup>5</sup> 21 million with passports and 19 million with regular border permits. New border crossing points were opened but there were still

4 Helsinki Declaration was the first act of the Conference on Security and Co-operation in Europe held in Helsinki during July and August 1, 1975. Thirty-five states, including the USA, Canada, and most European states (except Albania) signed the declaration in an attempt to improve relations in Europe, especially between the Communist bloc and the West. Declaration was an important effort to reduce Cold War tensions. Among ten points of the declaration was also one on the inviolability of frontiers and the Final Act stated that frontiers in Europe should be stable and only change by peaceful means. Following the spirit of the Declaration, on November 10th 1975 at Osimo, near Ancona, Yugoslavia and Italy signed the so-called Osimo Agreements. They were internationally considered to be the first direct fulfilment of the principles of Helsinki Declaration. They contain three fundamental documents: The agreement between SFRY and Republic of Italy on boundaries and border related questions, the Agreement on Accelerating Economic Cooperation and the protocol on Joint Free Zones. The economic part of the Agreement was also confirmed by European Economic Community. Agreements at first place regulate the internationally recognized stated boundaries which as not been determinate by the 1947 Peace Treaty with Italy and with them also London agreement was overpassed. Following independence, Slovenia took over the obligations from the international agreements signed by the former SFRY. In relation to the Osimo Agreements Slovenia did so through an exchange of notes on July 31st in Rome. Upon publications of the documents in the Italian Official gazette some protest arose in Italy, repudiating Slovenia's legal succession in these agreements and the demanding that they be revised, which was in first years after Slovene independence also a part of Italian policy, finally abandoned after an Association Agreement with the EU (came into effect in 1999).

5 Archives of the Republic of Slovenia, Chamber for economy (1962/1992).

traffic hold-ups in spite of that, especially during weekends – a phenomenon which began in the sixties. The frontier zone was increased to 30 km. The residents of Jesenice, a community bordering on Austria and Italy were entitled to Austrian and Italian regular border permits.

The authorities were not enthusiastic about shopping abroad because so much money was spent on there; but on the other hand, foreigners were shopping in Yugoslavia also, buying petrol, meat and other food in particular, which was cheaper. Even more important to the authorities was the ideological significance of shopping abroad: how is it possible that people living ‘under the best system in the world’ go shopping to Italy? From time to time therefore articles criticising shopping abroad appeared in newspapers, often with the comment that Yugoslav shoppers were being exploited by the capitalist traders. Particularly communists and public officials/civil servants were advised not to succumb to that shopping fever, but there were no sanctions and no other efforts to reduce shopping abroad (except for customs measures).

In the eighties Yugoslavia glided into a crisis. The standard of living fell to the level of the mid-sixties. A number of products were rationed or not available at all (petrol, oil, washing powder, citrus fruits). Shopping abroad was concentrated therefore on foodstuffs; and anyway, due to the growing rate of inflation which in the mid-eighties grew to hyperinflation, Yugoslav citizens could hardly afford to buy anything else anyway. The geographic position of Slovenia allowed its citizens to compensate for the shortages with weekly shopping trips abroad (the supply in Slovenia was better than elsewhere in Yugoslavia as well). Buying power improved in 1990 when Yugoslav Prime Minister Ante Marković froze the exchange rate of the national currency (dinar) in relation to German the mark at 1:7.

For a period of a few months Slovenian salaries reached the level of their Italian

and Austrian counterparts, which had an immediate effect on shopping across the border. After the crisis, which led to the disintegration of Yugoslavia and consequently to the independence of Slovenia, shopping abroad gradually normalised. Goods are abundantly available in shops at home, therefore shopping abroad is not a consequence of insufficient supply anymore; it is rather a matter of lower prices and (or) of prestige.

Border crossings, shopping abroad and travelling have had an important influence on the lifestyle of Slovene people in the post-war decades. They sharpened their sense of quality and influenced domestic production and trade, making an effort to reach Western standards. Shopping abroad further exerted indirect pressure on politics, which was – at least to some extent – forced to take account of the demands of consumers and act accordingly. It must be mentioned however, that shopping was limited – particularly in the fifties and in the first half of the sixties – by the low standard of living. In the course of time a specific consumer ritual was established, a sort of shopping fever to which the majority of Slovenians (and even more Yugoslavs) succumbed.

A typical feature of that attitude was that people did not only buy products they really needed. When abroad they had to “take the opportunity” to make the journey “worth the money and time” it took and therefore bought everything that came to their hands. This philosophy was in perfect agreement with the belief that saving and the rational spending of money made no sense, since under socialism the state was believed to be responsible for providing housing, regular income and solving other problems of its citizens; however, not all of this could be implemented and Slovenians tended to be more economical, for example many of them bought flats or built houses on their own.

Shopping tourism was only one of the influences that formed the post-war so-

cialist consumer mentality in Slovenia. Its impact has to be seen within a broader context, together with films, music, television, mass motorization, the expansion of foreign tourism in Slovenia and economic emigration. All of this led to the fact that Slovenians accepted Western standards and behaviour patterns, in the style of their home decor, their clothing and the way they were spending leisure time, from as early as the 'liberal' sixties. By the second half of the seventies, for example, more affluent citizens already had access to inter-

national credit cards, including American Express. People took from socialism what was of use to them (free schooling, good health services, full employment), whereas the ideology that filled political speeches, newspaper articles and TV news was perceived as a necessary evil. During the last two decades, self-managed socialism was hardly taken seriously by anyone. This was probably also due to the fact that both regime critics and party officials met on their shopping tours across the border.



## PONTE ROSSO

*Doverosa proposta*

[44] A satirical proposition for a monument on Sant'Antonio Square, in close vicinity of Ponterosso, commenting the trend of buying dolls (*pupe*)<sup>1</sup> that are not used for child-play, but for interior decoration, especially bedroom decoration, 1969. Editorial cartoon by Renzo Kolleman in Delbello, 2012.



# Melita Richter

## *Memories of living with/beyond border*

Cross-border smuggling is related to the very border regime itself and its normative interpretation, but it is also closely connected to the economic development of the countries that confront each other at the said border, as well as cultural diversities and differences in standards of living and citizens' purchasing power. This essay focuses on the border between Italy and Yugoslavia, two countries that after World War II chose completely different development paths resulting in different levels of development and modernisation, and that belonged to different, often opposing ideologies – the former to capitalism and the latter to socialism – “will not be limited to the normative aspect of the border and the burning political post-war Trieste Issue”, which definitely did not contribute to international understanding.<sup>2</sup> Rather it will warn about the dynamics of relational development between the two countries and, accordingly, designate how border-crossing changed, what kind of goods were purchased and what kind of goods were smuggled by citizens, with endless innovation in different time periods.

At the same time, one cannot fail to mention the painful aspect of the drawing of definitive boundaries between Italy and Yugoslavia after the London Memorandum<sup>3</sup> in 1954, which cut across houses, barns, fields, vineyards, cemeteries, families... All this is portrayed in the documentary film *Il mio confine – Moja meja*, produced by Slovenian national television's Kinoateljje.<sup>4</sup>

From this documentary feature it is evident that in the first period, border crossing was possible only for the inhabitants of the local areas within a radius of 100 metres, which is what it took for farmers to work on their land ‘on the other side’, which had been cut in two. This ‘freedom’ of movement was from the very beginning accompanied by some elementary aspects of smuggling related to production needs and the ‘normalisation’ of life which had been brutally disturbed. The inhabitants of rural areas of the Slovenian Kras region who owned livestock, lost a market for meat and agricultural products – as urban settlements mainly belonged to the Italian side – so they experienced a significant lack of groceries and spices

1 The source of the illustrations and caricatures are the works of authors Renzo Kolleman and Josè Tallarico, published in the catalogue of the exhibition ‘Satira disegnata in una città di frontiera’, Kollman & Josè per Carpinteri & Faraguna, promoted by Istituto Regionale per la Cultura Istriano-Fuimano-Dalmata (Edizioni Italo Svevo, Trieste, 2012). The catalogue editor: Piero Delbello. We would like to thank the Institute and the catalogue editor for being so kind and allowing us to publish the illustrations that accompany this text.

2 Following World War II, the city of Trieste and its environs was contested between Italy and Yugoslavia. Trieste was the southern point of the newly-descended Iron Curtain.

3 In 1954, the ‘Memorandum’ signed in the British capital by ministers of the United States, United Kingdom, Italy, and Yugoslavia divided the Free Territory of Trieste (established in 1947 in Paris by a protocol of Treaty of Peace with Italy) in two zones, with Zone A falling under Italian jurisdiction and Zone B to be administered by Yugoslavia. The intention was to cool down territorial claims between Italy and Yugoslavia and to accommodate an ethnically and culturally mixed population in a neutral independent area.

4 The film was made in 2002, in cooperation with RAI Friuli Venezia Giulia, directed by Anja Medved and Nadja Velušček.

5 In his autobiographical book *Tito amor mijo*, the writer of Slovene background Marko Sosič recalls aunt Berta who pays a visit to her sister, grandma Katarina, smuggling food. Berta “arrives from Yugoslavia on a bicycle and crosses the border at Sežana. She takes a break at grandma Katarina and then continues her ride to the city, where she would sell butter and meat, which she carries hidden under her skirts. She says she does that in order to make some money for the house she has been building near Dobravlje.” (Sosič, 2012), p. 39.

6 The light material of these raincoats produces a small rustling sound when the person moves, therefore they have a special name in the Croatian language (*šuškvanci*).

needed for the preparation and preservation of food, like salt, pepper, rice, lemon, sugar, coffee, besides medications, soap, ironware etc. These products were transferred, hidden in peasant carts full of hay, in pipes, tires and bicycle handlebars, and in underwear. Products used in grape-cultivation such as blue vitriol (*solfato di rame*) were also in demand, then later nails, tools, even brushes and sorghum brooms (the stick-like broom used on farms). At the same time, peasants smuggled meat, eggs, butter, grappa, so-called homemade products that have been respected in cities such as Gorizia and Trieste and bordering villages on the Italian side.<sup>5</sup>

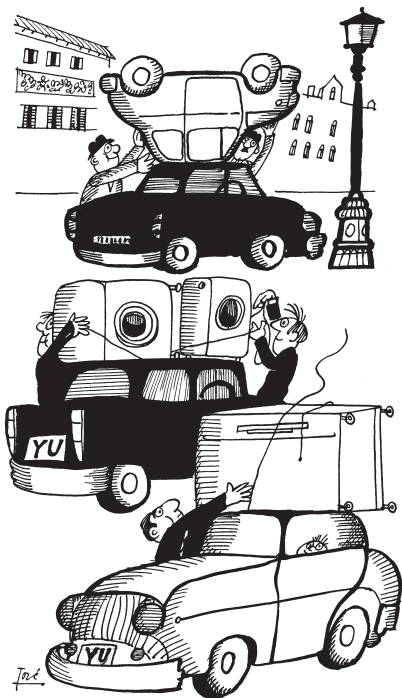
In 1955 Yugoslavia and Italy signed a treaty that expanded freedom of movement in the bordering areas to 10 kilometres, which, as Slovenian historian Božo Repe wrote, resulted in the first mass crossings (Repe, 1999).

The border crossing privilege was used in the 1960s mainly by Slovenian citizens who smuggled particular articles of clothing across the border, for instance raincoats made of light synthetic material,<sup>6</sup> foldable and pocket-packed, and sold them in other parts of the country, creating a real business which, as Repe claims, made it possible for some people to even finance the construction of a house (Ibid.).

However, a boom of the so-called *smuggling bravados* blossomed and spread to a growing number of people, hand in hand with Yugoslavia’s opening to the West, a rise in the standard of living, liberalisation of the issuing of passports and visas and the development of tourism. This occurred from the late 1960s and continued through the next two decades. Dolls, gilded gondolas and third-grade Chianti, which used to be a *must*, had in the 1950s given way to a new, high demand for jeans – Rifle, Lee, Wrangler, Levi’s – and many other garments, attractive and colourful, but not always of good quality, such as sweaters, turtlenecks (*dolcevite*), underwear, shoes, and beauty products.

Many of them became status symbols and proof of the Western Dream’s magical touch. Then people switched to buying technical goods and spare parts or construction material. Even though Slovenia at that time manufactured quite good technical products, primarily Gorenje appliances, the rush to Trieste for Italian fridges and Candy washers was a mass occurrence.

Busloads from the most distant corners of Yugoslavia overflowed the Trieste coast, unloading Yugo-people early in the morning, who then pervaded the city streets and shops. The Ponterosso phenomenon was blooming, Triestine sellers got rich, Bora wind scatters paper and plastic bags after the departure of the ‘Yugos’, and the bourgeois middle class, the *italianissimi triestini*, grumbled.



[45] Crammed cars with YU license plates carrying household appliances, an ironical interpretation of the image “you can import as much as you carry”, 1969. Editorial cartoon by José in Delbello, 2012.

[46] A drawing showing people buying refrigerators, followed by a satirical text: “Why do they buy them so large?” “So that they can store all the meat Triestini buy on the other side of the border!”, 1969. Editorial cartoon by José in Delbello, 2012.

[47] “The ‘bura’ is on strike too”, say the Triestines, expecting help from that strong wind in cleaning the city after the invasion of the Yugo-buyers. In the background: litter around Ponterosso, 1969. Editorial cartoon by José in Delbello, 2012.

Shops bloomed like mushrooms, primarily street stalls. The Italians called the goods offered at these 'bazaars' 'straze', decently translated as 'rags'.

Next to them, people bought gold, objects of flamboyant design in bright colours for home decoration, or bed linen and food. Shoes had always been the most desired object, the myth. Italian shoes, even though the imprinted sign 'vero cuoio' ('real leather') not always inspiring confidence, were the most visible sign of adopting the fashion dictates of the western hemisphere, a living essence of belonging to a comfortable world.

Testimonies about this period are endless, and many of them became literary texts. I am quoting Rade Šerbedžija's autobiography, which gives a good picture of the *zeitgeist* and atmosphere that followed the endless armies of passengers heading to Italy, or more accurately, to Trieste.

“Usually we went twice to our Trieste which has definitely become theirs. In an awkward way, irrespective of any official state agreements, Trieste has in fact remained our city, where we wholesaled and retailed and where we found a tiny part of the world that allured us with its colours, taste and fashion, and offered us glitter and dubious quality. All this was wrapped up in head-spinning design, which made our entire sad pathetic socialist reality, with its norms and five-years, even more parochial, something we were quietly ashamed of and kept it hid between our frozen fingers. In spring in Trieste we bought: shoes, stockings, coloured underwear, mandatory jeans ensembles, blue, brown and olive green parkas (one for me, one for her, one to be smuggled). In autumn we bought colourful sweaters (put on only on Saturday nights), winter shoes, with light fur inside, mohair coats and trench coats, and those better off also bought feather-light synthetic fur hats in all colours, so different from those heavy black and gray Russian astrakhans that smelled of mothballs and sheepskin. Pontorosso, Via Carducci and Piazza Unità became our new centres, our highways of desire, our inns of longing! “Trieste magnifica, Trieste fantastica!” Bars with the best cappuccino and restaurant names with fresh fish and exceptional pasta, written down on special maps and revealed only to best friends in utmost secrecy. I remember one afternoon panic, only half an hour left before Upim and Coin close, the count-down of what yet needs to be bought begins. We never returned home without at least 30 dg of Mortadella, a bit of Gorgonzola, whose smell made the customs officers frown. Of course, there were also cigarettes, Chianti in wire netting, the mandatory Stock brandy, coffee, walnut chocolate and living room flower-patterned wallpaper. There were long rows of the desirous of Italian patterns.

From Triglav to Gevgelija. The busloads of lucky ones with plastic bags squeezed in clenched hands, with reloaded baggage overflowing with colourful trophies. The socialist labourers from Banat and Macedonia, from Bosnia and also from Dalmatia and Zagreb, on the road of Fraternity and Union, to Italy and back. As I said, usually we went to Trieste twice a year to touch something else, something more tasteful, silkier, less provincial, something that does not come from a sheep-fold, not something traditional or domestic, but something global, which enthralled and enthused us, like colourful balloons and a soap bubble dream, like smuggled childhood. It was important to be different, as the man always feels a need to distinguish himself from others. (...) Trieste was the first destination of some other freedom, some other feeling, even though I have to admit, the return home and crossing the border was somehow very important to us – revisiting our small and narrow streets. Smuggled goods represented a new victory, another threshold crossed. How to get a girlfriend with this smuggled illusion, how to spark despair in our neighbours and envy in our guests with this lavish dinner table...?” (Šerbedžija, 2004: 33-34, my translation)

In her book *Le stee che stanno giù*, the journalist Azra Nuhefendić described the following experience:

“(...) and so we began giving in to Trieste. Thanks to Trieste, our world started to change in colour, literally. Things that people used to bring from Trieste were different, particularly in terms of colour. Thus we all hastened to exchange the grey and the black of our lives for lighter, more perceptible, happier colours”. (Nuhefendić, 2011: 124)

Entire generations perceived Trieste as something different, something more tasteful, more fragrant, something silkier, something un-provincial. More than Paris, London and Berlin, to the Yugoslav people it was the first destination of ‘some other freedom’. But it was also a threshold of unhindered return, a space of confrontation between ‘us’ and ‘them’.

A similar feeling of recognition of that something ‘that we did not (yet) have’ can also be found in an article written by a journalist from Rijeka, Ivančica Celevska, published by the daily newspaper *Slobodna Dalmacija* in 2011:

“It was in the late 1960s when I first went with my parents to Trieste. I was not yet interested in shopping, but I remember the trip as that was the first time I tasted Coca Cola. It could not yet be bought in our country, but we heard things about this symbol of brutal capitalism. They also got



7 In the tragicomedy *Trieste*, based on a play by Miloš Radović, directed by Alisa Stojanović and staged by the Belgrade theatre “Atelje 212”, the remarkable Jelisaveta Sablić plays a role of a cloth peddler who wears several pairs of jeans at the same time, bringing back the memories of days when people went to Trieste to buy clothes which they later sold illegally. The play was a great success with the Belgrade audience, [vimeo.com/29779394](https://vimeo.com/29779394).

us ‘Brooklyn’ chewing gums! We bought parkas, thin rain-coats made of rustling synthetic material in all the colours of the world, dolls that decorated double beds with appropriate dust ruffles, gilded black plastic decorative gondolas, jeans, ruffled skirts and point-toe shoes. Fashion changed and we started to buy technical goods. Soon afterwards we switched to spare parts for those same goods. We bought car parts for cars manufactured in our country. And toilet paper! We used to put several pairs of jeans and T-shirts one on top of the other<sup>7</sup> and we all looked like bumblebees.

The customs officers were ready to turn a blind eye on cheaper goods. The due was paid by the arrogant or the misinformed ones who did not get rid of the surplus on time. Loads of garbage we left by the roads and the Italians loved and loathed us at the same time. The city blossomed thanks to the poor eastern neighbours, but the Triestine people would be happier if we could have just somehow sent over the money without coming.” (Celevska, 2011, my translation)

Kenka Lekovich, the Rijeka-born Trieste-based writer, writes in Italian, publishes in Austria and as a summarised definition of her trans-border and multilingual writing she titled her book *I Speak Goulash: Und andere Texte* (Lekovich, 2006). In the short story *Senza scatola, grazie, ovvero vai troppo spesso a Trieste* (Lekovich, 2003) published in a collection of essays written by authors of different origins, but who live and work in Italy, she describes a half-day family trip to Trieste that will satisfy the needs of all the family members. Tools and a Candy washer drain pipe for the father, coffee, fabric by the metre, tassels and ribbons for curtains for the mother, shoes, and especially black patent leather Mary Janes for the little girl, who will endearingly call them ‘patties’. The brother is the least demanding and enjoys his Mortadella – straight from the wrapping paper – in an old VW which takes this smuggle-driven family across the border. Often, much more often than the ordinary Yugo-people who start their journey during the night, in overcrowded buses from places like Zaječar, Subotica, Skopje... More often because Rijeka is close and a car becomes a part of many people’s household standard. On the way back, however, it is necessary to think of tricks for how to avoid customs. The little girl Kenka will be forced to renounce the box in the shoe store: “No box, thank you” – which will remain ingrained in her memory as a painful self-renunciation experience – and before the border crossing she will have to put on her new ‘patties’ and scratch the dusty side road to make them look worn and old. ‘Obvious’ as it may seem, it did prove a useful method of border-crossing.



“... And while she, at the border crossing point of Pese-Kozina, had to think of a way to get dirt on her beautiful new shoes, he (the brother) gorged on his beloved Mortadella lounged in the VW like a pasha. He was eating it, his favourite cult made-in-Italy product, directly from the paper, no bread, thanks. Chew, chew. And between the chews he chanted: cara-mel, morta-del, manda-rine, mando-line. Who would be so heartless to stop him? At the border no one would look in his mouth and through the oesophagus to see what is this comrade carrying in his stomach. Huh, what? Ten dg of Mortadella, Italian enemy Mortadella...” (Lekovich, 2003: 56, my translation).

[48] “Ponterosso, once a popular market of fruit and vegetables, transformed into stands where jeans are sold in kilos.”, 1979. Editorial cartoon by José in Delbello, 2012.

The above quotes refer to the period of the 1960s and 1970s, when Yugoslavia tried to strengthen the self-governing system, liberalise the market and improve the citizens’ freedom of movement with implied tolerance for one aspect of the illegal import of foreign-produced goods (smuggling) into the country, which never obstructed the national market, but rather made it possible to keep track of global trends and improved the Yugoslav standard of living, seemingly or actually.

At that time the Triestine Ponterosso became a myth, deeply ingrained in the memory of former Yugoslav citizens.<sup>8</sup> The Ponterosso – a symbol of consumer mentality. The money imported in Italy went to the pockets of foreign currency exchangers, gold sellers, and especially jeans, parkas and colourful trendy clothes sellers. However, the profit from Yugoslav visits enviably grew in department stores, exclusive shops, restau-

<sup>8</sup> My personal experience confirms that the myth still lives in a large number of citizens of former Yugoslavia.



[49] “The Scots wear nothing under their kilts, while we wear another pair of jeans under these!”, 1978. Editorial cartoon by José in Delbello, 2012.

rants, *trattorias* and bars as well. Usual trips for Republic Day on the 29th of November always turned into a ‘flood of nations’ and Trieste became the target of 250,000 Yugoslav consumers in only three shopping days!

After the Treaty of Osimo in 1975, this border could be undoubtedly called the most open border between a capitalist and a communist country. In 1976 the border was crossed (in both directions) by 40 million people, 21 million of them with passports and 19 million with passes (*il Lasciapassare*).

New border crossing points opened and the zone of border crossing with a pass for bordering area inhabitants increased to 30 kilometres. It was also the time when rows of cars at border crossing points heading to Trieste and Gorizia grew. Many of the consumers expanded their shopping zone to Udine, Monfalcone and Palmanova, while cross-border smuggling became ‘the most frequent athletic activity’, as Repe calls it:

“In these years there was a growing occurrence of something we might call hiding the goods from customs control. The objects/goods that could be imported without customs duties amounted in value up to 100 dollars. Regardless of the border crossing point, the answer to the question ‘Any-thing to declare?’ was always ‘Nothing’. Naturally, the cynical and tired customs officers never trusted these or similar answers one bit, as confirmed by one of their comments: ‘They smuggled everything except chicken milk.’” (Repe, 1999: 226, my translation)

Here is how the writer Slavenka Drakulić remembers crossing the border in the golden age of the Yugoslav boom:

“I remember the last time I was at the Kozina border crossing point three summers ago. We waited in an endless line of cars with license plates from Zagreb, Belgrade, Niš, Skopje, Sarajevo. Under the hot tin car roof I was feeling dizzy and felt a familiar cramp in my stomach; the typical symptoms of every true Yugo-person approaching the Italian border. The fear that the customs officer will not smell liras we bought from smugglers and dinars we were immediately exchanged by Triestine traders or street traffickers for the little liras left. There was no place to hide them! Shoes, bra, belt, compact, below the car seats, in a folded newspaper, in old grandma’s pockets, whom we brought along for that occasion to visit nonexistent cousins. The officers asked: ‘Where are you going?’ as if they didn’t know. And we responded, ‘To visit our relatives,’ playing a fool. We lied completely naturally, spontaneously, like breathing.” (Drakulić, 1994: 53-54, my translation)

At the same time, we should not forget the millions of Italian citizens who crossed the border in the other direction, to enjoy vacation on the Adriatic Sea. There were also those living near the border, who wanted to buy gasoline, meat and other products or to have a sumptuous but cheap meal in Slovenian and Istrian restaurants. Rituals of shopping on the other side of the border did not bypass the people of Trieste; they even incorporated the experience into everyday life.

In a reminiscence of rituals, personal and collective experiences entwine, and all the places, people, anecdotes, customs officers and purchased goods, which were smuggled to Italy, come to life again. Trieste’s sociologist Gian Matteo Apuzzo wrote the following:

“Gasoline, meat, cigarettes and alcohol also belong to symbols and goods that were carried over the border. These were small and personal myths: everyone, as much as they could, defied and challenged the formal limitations and carried a few kilos more meat than allowed, an extra bottle of alcohol, an extra few packs of cigarettes, hidden under the clothes and scattered all over the car. People used to go shopping in small groups of two or three, so that they could carry as much as they could over the border.” (Apuzzo, 2008, my translation)

Therefore, the well-know question “Something to declare?”<sup>9</sup> frequently asked by the customs officer on duty, produced the same discomfort in the Italian citizens who thus turned into a small-time and day-time smugglers.

These scenes belong to the past. Borders, along with the contradictory regimes, no longer exist or they do not have the

<sup>9</sup> Smuggling goods across the border had become something like a sport activity of both nations. It was described in the popular song ‘Il finanziere’, composed by the Trieste musician Lorenzo Pilat, which poses an ironical question: *Finanziere finanziere cosa devo dichiarare? Quanta trapa posso bere quanta carne posso portare?* [www.youtube.com/watch?v=34LNlIMtbcY](http://www.youtube.com/watch?v=34LNlIMtbcY).



[50] “A Saturday in Trieste, the city that turns into a Balkan village.”, 1978. Insinuation of the rural background of the buyers, inappropriate behavior, piles of litter the people leave behind. In the background: clothes stands in Ponterosso, the Serb-orthodox church San Spiridione and the catholic church Sant’ Antonio. Editorial cartoon by Kolleman in Delbello, 2012.

significance they used to have. However, a memory of a period and its mark on state borders, as well as its real or imaginary interpretation, remain alive, firmly rooted in people’s minds.

Slavenka Drakulić will be the one to symbolically link the social and political scene that led to the collapse of Yugoslavia with a change in our relationship with the border, its perception and the rapid decrease of the presence of former Yugoslav customers in Trieste. In the degradation of the Ponterosso, the very symbol of communist ‘liberalism’, the author will metaphorically analyse the collapse of the Yugoslav/Western dream.

“When I sat in a half-empty restaurant at Ponterosso, a thought occurred to me that Trieste finally became what it used to be, before and after the invasion of ‘the Slavs’: a lethargic provincial town on the fringes of Italy. The waiter brought spaghetti alla bolognese. It was overcooked; the sauce was watery and bland. At the very first bite, just like in Proust’s madeleine cakes dipped in linden tea, a bright image of the past came before my eyes. In the overcooked spaghetti I saw, clear as day, that Trieste, Ponterosso, the restaurant I sat in and the meal in front of me are the key to understanding ourselves, our woes, and maybe even our war.” (Drakulić, 1994: 55, my translation)

However, before the crossing of the border – today nonexistent – between Italy and Slovenia and later Croatia and Slovenia becomes only an imaginary line devoid of customs controls and duties, before I will be picking ripe nuts by the formerly strict control point of Ospò/Osp, the very same borders will be struck by a change of local police officers and customs





[51] Even before the signing of the Treaty of Osimo, long lines of vehicles travelled to Yugoslavia, going shopping for gasoline, cigarettes, alcohol, home-made food products and Sunday meals. 1970. Editorial cartoon by Kolleman in Delbello, 2012.

officers with tanks and new military units, flags, uniforms. The subject matter of the former border-crossing, tolerant and tolerated smuggling will then become something else, and the Italian press will only occasionally inform the readers about smugglers caught with ammunition, weapons and drugs, or about the runaway traffickers of human souls and bodies, the immigrants and young women who will fulfil the ever more demanding market for prostitution.

*Contrabbando, šverc, krijumčarenje*, smuggling and trafficking have changed face and content as the borders' character has changed, caring less about harmonizing economic differences and discrepancies in modernity between two or more neighbouring countries, but rather adjusting to the global and globalized market which is not interested in blue jeans and washers, but in money laundering, weapons dealing, shady financial transactions and vulnerable groups of fugitives from poor, 'underdeveloped' and war-stricken areas.

[52] Azra Akšamija: *Skala-merija*, installation, 2009.



## **Azra Akšamija**

### ***Arizona Road***

The projects *Arizona Road* and *Skalamerija* by Azra Akšamija explore the urban development and transformation of the Arizona Market in Bosnia-Herzegovina, formerly one of the largest black markets in the Balkans.

Arizona Road was the name given by the American military to the main North-South transit route in Bosnia-Herzegovina along which the Arizona Market is situated. Surrounded by minefields and the ruins of war, this center of informal economy represents a fascinating case study for the way smuggling and tax-free trade can enable post-war reconciliation. The market also provided a unique opportunity to observe the birth of a self-organized city.

The very formation of the market represents a unique paradox: it was purposefully and officially founded as an informal market in 1996. Difficulties in supplying the region of Northern Bosnia with basic goods, during and after the 1992–1995 war, led the International Community to an act with political creativity by establishing an informal market as a meritorious example of post-war communication.

The location of the market was also special: a heavily fought-over area around the city of Brčko that remained a political no-man's-land after the Dayton Peace Accord was signed in 1995. It later became part of the special de-militarized zone called Brčko District. The choice of the market's location is related to its strategic importance as a borderland of Bosnia-Herzegovina, Croatia and Serbia, three countries that were at war with one another.

Once founded, Arizona was left to develop on its own. In the absence of any institutional control, the market grew rapidly into one of the most flourishing commercial centers in the region. At its peak state of development in 2001, there were around 2,200 businesses, sixty-five cafes, and seven nightclubs. 30,000 people made a living from it and its daily turnover was estimated at 50,000 euros. Smuggled articles, copies of designer brands, women – anything/one could be bought and paid for there, in any currency. Many aspects of the market reflected the new political, social, economic and urban conditions that have arisen as a consequence of the war in Bosnia.



[53] Azra Akšamija:  
from the *Arizona Road*  
project, “Old Arizona”,  
2000–2001.

Illustrating the new Bosnian economy of survival, the market knew only one rule: it had to be cheap!

While the smuggling business was flourishing, the market also became one of the first spaces of communication between the warring entities in the country. People of all religious, ethnic and national groups that were at war with one another would go to this ‘neutral’ zone to meet neighbors, friends and to do business. All languages were equally used and purchases could be made in any currency. For this reason, the market also jokingly became known as the United Colors of Bosnia.

Yet, as much as this colorful agglomeration of self-made structures may be fascinating, the life and work in Bosnia’s Arizona it is not to be romanticized: the lack of control strengthened organized crime and trafficking, especially of women for the sex trade. Besides criminal activity, the market had reached a critical point in the year 2000, when its acute risks of fire and epidemic could no longer be mediated through individual action and improvised self-made public infrastructure.

These pressing issues, along with the market’s economic success, in which the regional government wanted to have a share, were the reasons why the local authorities planned the market’s regulation. A *tabula rasa* type master plan was developed by the firm Italproject, with the objective to turn the market into the largest shopping mall at the Balkans. To make this happen, all the aspects of self-planning of the city of Arizona and the social network of its inhabitants were to be erased.

The government’s top-down strategy immediately faced strong resistance by the market people, because the regulation would have meant an enforcement of a double taxation on the vendors, since payment fees to the mafia could not be abolish-





ed easily. Given these circumstances, stall owners ran into the surrounding minefield with their merchandise when tax inspectors came. In order to protect their livelihood, they were risking their lives at the same time.

At this point, I had already conducted research at the market and presented my ideas to the local authorities. I suggested that some form of regulation was indeed necessary, but that, instead of completely erasing the market, as the government of the Brčko District intended to do, a less costly spatial regulation of the market could be achieved with alternative means.

This was to be achieved by learning from the market's existing qualities. For that reason, I conducted a detailed analysis of how people create and recreate structures of a place whose only regulation is based on maximizing sales. As the market was not regulated by any institution, anyone was able to build however they desired. I was interested to investigate the guiding principles for architecture created when everything is allowed. What parameters could be identified as responsible for the constructive qualities of the market?

Presented in form of diagrams and a video, my analysis revealed eleven 'patterns of spatial behavior' of the market.

One such spatial pattern, for example is *leeching*, which describes the way tapping into the state electrical supply is linked to social behavior.

When market people tap the electricity network, they use an extra-long cable, thus enabling other market people to leech electricity.



The pattern of *symbiosis* is another example of a spatial pattern; this term describes how new functional objects are created through improvised fusion with pre-existing objects, and their reprogramming for other necessary functions.

Instead of destroying a pre-existing traffic sign, for example, a key-cutting craftsman uses the sign pole to secure his improvised shop. When large businesses place their advertisements, they let small business share the structure of their signs. In this way new symbiotic elements are created, such as the key-cutting-service-road-sign or the leg-sharing-signs.

Based on this analysis of the market's socio-spatial patterns, I developed my proposal for a spatial regulation of the market: a temporary infrastructural intervention called *Provocative Pole*.

This pole is designed as an extended form of a street lamp that provides electricity, water, sewer, satellite TV and advertisement possibilities. The pole could have been inserted in the existing market structures to improve the living conditions of the market people without destroying their huts, but also to increase the value of surrounding areas, and thus inciting the market's further growth. I also proposed to keep certain areas free for eventual future communal projects, by occupying them with social spaces, such as playing fields. The idea was that this intervention would allow for a productive interweaving of the informal and formal systems at the market, and its gradual integration into the state system.

The *Provocative Pole* and the playing fields represented the first action of an elastic method of urban planning that I call *urban negotiation* – a method of balancing formal and informal systems through temporary interventions. The underlying hypothesis is that the formal and informal systems can complement one another in the direction of sustainable urban development. This balance was to be re-established through a temporary infrastructural intervention such as the *Provocative Pole*. The aim of this intervention was to advocate self-organization as a system that was more functional under conditions of crisis. This form of negotiation would have allowed for either the market to grow, or to close down, in case at some point it proved no longer necessary.

Given the crisis in the country at the time, this informal system proved to be much more successful than the formal system, as it was able to respond more flexibly to the fluctuations of an unstable political and economic situation. Thus the proposal questioned the efficiency of the master plan developed by the local government, which threatened the existence of many market people as it suppressed the creative energy of self-initiated spaces.

The prototype of *Provocative Pole* and a video documenting the market's spatial patterns, which I created as a part of my *Arizona Road* project, were produced by the Generali Foundation Vienna in 2001.

In 2009, I revisited the Arizona Market, which at that point had been destroyed and transformed into a shopping mall without customers. This transformation of the market provided the basis for a new artwork called *Skalamerija*, produced by the Stroom Gallery in The Hague in 2009.



### Transformation of the Arizona Market 2001–2009

The contract signed between the firms Italproject, Šantovac d.o.o. and the Brčko District government in December 2001 marked a turning point in Arizona Market's destiny: all shopkeepers were to become 'legalized' and subject to a new form of taxation. All informal structures were to be destroyed and resettled into a new shopping zone built on the neighboring area of the market along the Arizona Road. The firms Italproject and Šantovac received a full concession for the Arizona Market and its income for twenty-three years, after which the market and its infrastructure were to be given back to the local government. The shop owners were given the option to buy or rent the shops in the new location named Arizona 2.



[54] Aerial view of the Arizona Market before and after rebuilding.

From 2001 to 2009 the first out of three project phases of the Italproject's plan for Arizona 2 has been realized. An additional road was built parallel to the main traffic route Arizona Road, resolving the problem of traffic jams on the main traffic route. All the informally built wooden structures had been destroyed. The more solid structures located between the former wooden bazaar and the new shopping mall remained standing, and became a mixed trade and housing quarter. Dirt roads between these houses became paved, and illuminated streets. Market inhabitants in this area got access to sewage and electricity.

A new series of shopping halls with small shops were built on an area located 500 meters north of the old Arizona Market. The largest part of this area is now occupied by small businesses. The shops have no direct access to water and toilets, which the market people perceive as a problem. The market still has 2,000-3,000 workers, and the social and ethnic constellation of the market traders is still highly diverse. Most shops sell cheap clothing and household goods, almost exclusively imported from Turkey or China.

By 2009, most of the legal and property issues at the market had been settled. The market's activities are highly regulated and supervised. Trade, health and safety inspections are frequent and highly visible. The insistence on regulation and



control is architecturally exemplified in the numerous parking lot control stations and gates. Despite regulation, the network of informal trade did not disappear – instead, it moved to a location several hundred meters northeast of the old Arizona. The new black market called Nova Pijaca (The New Market), located in the District of Gradačac, in the Serb Republic's territory, has a cheap repertoire of goods and represents a direct competition to old Arizona.

The consequence of all of these developments and regulations is that business and goods at the Arizona Market had become much more expensive. As the profit from the Arizona Market decreased, the firm Italproject backed out, conditioned by its (ongoing) lawsuits with the Brčko District government. The firm Šantovac d.o.o., now the sole administrator of Arizona, is struggling to revitalize the market with investments in marketing and cultural events.

That Chinese investors started moving out of Arizona is an indicator that this revitalization is a remote goal. Bosnia has too many similar shopping malls today, and many of them are much closer to urban centers. The myth of the old Arizona will not be sufficient to keep attracting customers. The construction of the China Town shopping mall at Arizona 2 was initiated, but the project was never completed. The Chinese investor withdrew from the project, when he realized that the market was losing clientele and profit. Two concrete lions and a rusted building framework remained on the site, waiting for better times.

Reacting to the new problems of the market, I created *Skalamerija*, a contraption visualizing ways to de-formalize the new Arizona's highly regulated spatial order, which has led to





its recession. While no sustainable development is in sight at this point, a better future for the Arizona Market will depend on its becoming less reliant on sales of cheap imported goods and more reliant on alternative economic programs. *Skalamerija* capitalizes on locally available materials, resources and skills in order to initiate production of homemade and local specialty foods and handicraft products. The contraption thus provides infrastructure for cooking, barbecuing, smoking meat, roasting lamb, sewing, ironing, and carpet weaving. The idea is that the return to a more informal economy would be a better avenue for revitalizing Arizona.

These two projects, *Arizona Road* and *Skalamerija*, reveal the nature of *urban navigation* as an open-ended type of urban communication. The role of the artist in this process is to act as a sensor, a guide, and a creator of provocations that can be deployed to negotiate the open-ended cycle continuously reshaping urban conditions. This *urban navigation* can be understood as an artistic method of informal provocation, an incitement for improving the living conditions at the existing market, as well as making new spaces available for its future expansion. The projects use existing conditions to create new ones, which the next generation will have to come to terms with – this cycle continuously reshaping urban conditions and communication processes. The aim of these projects is not the development of a new order, but rather an advocacy of self-organization indicating the acceptance of effective chaos, granting potential growth and fostering fresh urban solutions, while allowing for failure as well.

[55] Azra Akšamija: from the *Arizona Road* project, "Arizona Market", 2008.







[57] Balázs Beöthy, *Travelling Secrets*, 1995. Installation view, Rijeka, 2013. Courtesy: Ludwig Museum – Museum of Contemporary Art, Budapest.



## Balázs Beöthy

### ***Travelling Secrets***

1995

The installation *Travelling Secrets* deals with historic tricks for smuggling goods between Romania and Hungary, consisting of objects in which other objects are hidden. A videotape completes the installation, showing several processes used for hiding goods. These acts of hiding were designed following techniques used for the transport of valuable goods such as Swiss watches, contraceptive pills and various white powders. The installation can be seen as a collection documenting sub-cultural techniques, which people used in order to survive harsh economic conditions and repression during the Ceausescu's regime, but also as an example how information alters perception.

#### **'Suit Trick' ('ST26')**

This method can be of help with regards to the transport of watches. In preparation for travel, one can integrate the watches into suits using the following method:

- Step 1.* Cut off the suit buttons.
- Step 2.* Take the watch bands off the watches.
- Step 3.* Cover the watches with the same fabric as that of the suit. Be careful to match the color correctly! If the material is too thin, double the amount of fabric covering the watches.
- Step 4.* Sew the new 'buttons' where the original buttons were. If they are larger than the button-holes, this may be corrected using either of the following procedures: a) enlarge the button-holes, or b) fasten the new buttons in a pre-buttoned position.

#### **'Tire Trick' ('TT43')**

A method for the transport of pills. A rubber car tire can provide enough space for up to 70 leaflets of pills (the preparation of more than two tires on one car is not recommended). The procedure is the following:

- Step 1.* Let the tire down, remove it from the hub.
- Step 2.* Through the crack that appears, place the pills inside the inner tire (it is suggested that they be packaged in newspaper or plastic bags).
- Step 3.* Secure the wheel to the hub, than pump it up to the normal level.
- Step 4.* Place the wheel back onto the car.

### **‘Soap Trick’ (‘ST18’)**

This method is primarily suggested for the transport of any kind of powder. A single bar of soap can accommodate up to 10 grams of powder. The procedure is the following:

- Step 1.* Select an appropriate bar of soap, one that you usually use.
- Step 2.* Cut the soap in half. An appropriate tool is a fret-saw or a styrofoam cutter.
- Step 3.* Package the powder in 5-10 g polythene bags, vacuum seal the bag.
- Step 4.* Carve out the soap to accommodate the size of the bag.
- Step 5.* Soften the two connecting sides of the soap with steam, place the filled bag in the recess, and join the two sides of the soap together.

*Bon voyage!*



[58] Balázs Beöthy, *Travelling Secrets*, 1995. Installation view, Rijeka, 2013. Courtesy: Ludwig Museum – Museum of Contemporary Art, Budapest.







**Mira Hodnik**

***Smugglers of mercury  
and mercury ore in  
the Loka dominion***

At the 2013 October symposium *Smuggling Anthologies* in Rijeka, Croatia I spoke briefly about what is known so far to be the most extensive judicial process in the Loka and Idrija dominions occurring between 1778–1779. My intention in this text is to present the hearings and personal stories of people who were involved in the illegal trade in prohibited goods between Idrija and Loka.

From the sixteenth century onwards lively trade relations developed between Idrija and Loka dominions; the latter was witnessing a flourishing of pottery craft, which was closely linked to the development of the mercury mine in Idrija. From the surviving records of denouncements and judicial hearings<sup>1</sup> it is clear that many residents of Loka and Idrija dominions were knowingly or even unknowingly involved in illegal trade. The mine required large amounts of clay jugs for the smelting of ore and the Loka potters sold from 20,000 to 60,000 jugs to the mine annually. This ensured reliable and decent earnings for both potters and transporters. Notwithstanding this relatively safe business, some found that trade in mercury and mercury ore could be a profitable business outside official routes; for many people illegal trade improved their personal income. It flourished despite the severe penalties that could befall people should their smuggling be disclosed. According to Karl's mining rules from 1580, theft of mercury was a very serious offense and anyone caught in the act was threatened with the death penalty and dispossession of all property.

When mining officials pursued the trail of a smuggling network in 1778, the Higher Mining Office immediately established its Interrogation Commission (k. u. k. or *kaiserlich und königlich*, Verhors Commission),<sup>2</sup> which consisted of the following mining officials: justiciar Karl. Gariboldi (nobleman and special officer, working as a judge), mining engineers Bernhard Schaiber, Ignatz Passetzky (nobleman) and Anton Leitner, and Joseph Enhuber (court recorder). The hearing committee interrogated fifty five accused persons who were more or less associated with the smuggling, smelting and trafficking of mercury ore and mercury. Those who committed minor offenses had their penalties pronounced by the hearing committee,

1 Zgodovinski arhiv Ljubljana Enota v Idriji, fond Rudnik živega srebra Idrija, S\_ZAL\_IDR/0055, fasc. 873.

2 *kaiserlich und königlich* (ger.): imperial and royal.

while the more difficult cases (*crimin maiore*) were handed over to the execution judge from Gorizia. The trial of serious criminals started in March 1779. It was presided over by the nobleman Josip Locatelli Gibellini and his assistant Anton Comini. The mine justiciar, nobleman Karel Gariboldi and the court recorder Joseph Enhuber were also present at the trial. The process resulted in execution sentences on November 23 and 24, 1779. Judge Gibellini announced the convictions on November 20, 1779.

The main defendants were Jožef Ambrožič from Loka dominion, Luka Bizjak from Tolmin dominion and Tomaž Bonča and Anton Pivk from Idrija dominion. They were sentenced to death by hanging.<sup>3</sup> After the execution judge read the sentence, they were taken to the castle prison, each put in their own cell and allowed one last conversation with the priest. A red flag was hoisted over the castle. They set up gallows at a place near the road that leads to Spodnja Idrija on the right bank of the Idrijca. Past this point was the path the offenders used to smuggle the ore. This choice of location served as a reminder to everyone else if they thought to do something similar. At 8 o'clock in the morning on November 26, 1779 all the delinquents were read their indictments once again, then each was taken by wagon to the gallows, accompanied by a large division of the Idrijan mining militia.<sup>4</sup> The executions were carried out by the executioner from Gorizia. Afterwards, those remaining were gathered in the courtyard and admonished once more.

As I mentioned before, this was the largest trial in the Idrija mine, where fifty five suspects were interrogated. Twenty six of them were brought in front of the Gorizia execution judge Locatelli, who immediately pardoned eleven suspects of any guilt, condemned nine delinquents to public work at the mine (*ad labores publikos*) for ten years or less, and banned rest from the Idrija area from a few years or for life. The mine management complained regarding the nine delinquents' conviction, arguing that they should work together with fair playing miners. At the request of mine management, the Court Chamber in Vienna expelled the offenders and sentenced them to public work to Trieste. The Higher Mining Office assured the Governor of Trieste, Count Zinzendorf, that it would pay for the care of the offenders and agreed that they would stay in Trieste only for the duration of serving their punishment. It was also determined that the offenders should be paid for their work.

Below I focus only on the smugglers of mercury ore from the Loka dominion. Eighteen people were interrogated, one of which was sentenced to death by hanging.

In 1778 in the village of Davča, Loka dominion, a search was conducted at the home of the commoner Jožef Ambrožič Žagar. He was about sixty years old. He was a man from the cottage industry and worked with linen. Before this trial he had

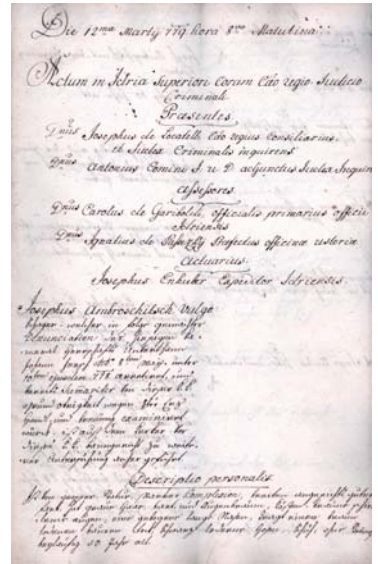
3 SI\_ZAL\_IDR/0055, Mercury mine Idrija (Rudnik živega srebra Idrija), f. 873.

4 SI\_ZAL\_IDR/0055, Mercury mine Idrija (Rudnik živega srebra Idrija), f. 873.

already served a prison sentence of several years in the Karlovac fort. After completing this sentence he began cultivating the land, which was not sufficient for his survival, so he again returned to his trade in cloth and to illicit trade in mercury as well. The investigation yielded 134 ounces of mercury ore, twenty two lots of cinnabar and thirty seven florins and twenty five coins worth of goods (thirteen retorts, a cave lamp and various kinds of fabrics). He paid suppliers of mercury ore with money, bacon, yarn and fabrics. Ambrožič smelted ore in a forest fifteen minutes away from his house, where he had a stone furnace with two retorts. His accomplices Poljanec and Kodermač supplied him with retorts purchased in Bled (aus Ober Krain). Ambrožič bought the mats (Vorlagtegel) by himself in Železniki. Typically he smelted ore in the autumn for a month or five weeks twice a day, once in the morning and once in the afternoon. As Ambrožič himself said, he produced forty five to fifty ounces of mercury over two years. Luka Kodermač from Železniki and Štefan Polanec, an Idrijan who had moved to Železniki, helped him smelt the ore. Ambrožič then sold the mercury to an Italian, at the price of one ounce per four seventeens (silver coins with the number 17), and also to Gregor Šaul from Lazec at Cerkno. He demanded two ducats for ten ounces.

To succeed as moonlighters smelting ore many reliable suppliers of ore were required. The network was well organized and often the ore came into the right hands only after it had passed through the hands of second or even multiple intermediaries or brokers. At this point I should mention that Ambrožič's son Pavel, who was not included in the criminal proceedings, also participated in supplying ore. I will now describe other suppliers listed from Loka dominion.

Primož Eržen was born in Ledine, under the Žiri parish in Loka dominion. He was about forty years old, a tenant at the church of St. John in Oslica (Oselica), without a profession. In the summer he worked in the fields, and among other things in the winter he smuggled mercury.<sup>5</sup> According to his statements he was unknowingly enticed. He met the old Žagar at a restaurant in Oslica, who addressed him with a request to transport some cargo for him. He told him he was already old and no longer able to work so much. Eržen was promised him such a good salary he did not ask what the cargo was. He found that out over time but kept it up because those earnings alleviated his poverty. Eržen transported ore that was being brought from the pit by Štefan Vrišer and Luka Bizjak from Tolmin dominion and Andrej Beričič from Poljanska Valley. They were all employed as miners in the mine. Eržen received ore secretly given to him by the miners from the smelting plants. It was then smuggled to the mill in Vrhčev (where today the farm Na Lužniku is located), or Žagar and Štefan Vrišer would wait for him at the bridge near the church of St. Cross in Idrija. Luka



[60] First page of the interrogation of Gregor Šaul. Historical Archives Ljubljana, Idrija Unit, Mercury mine Idrija, SI ZAL IDR/0055, fasc. 691.

5 SI\_ZAL\_IDR/0055, Mercury mine Idrija (Rudnik živega srebra Idrija), f. 690, f. 691.

Bizjak and Pavle Ambrožič, Žagar's son often helped transport it. Primož Eržen was caught and arrested near the smelting plants (*locus delicti*) on May 8, 1778. He was handed over to the judicial authorities, but it is not clear from the judicial records what kind of punishment they gave him.

Andrej Beričič from Poljanska Valley was about forty years old. He was a stonemason who moved to Idrija and was employed at the mine as a miner. He lived as a tenant at the miner Luke Jereb's home. He was one of the miners who supplied ore for Primož Eržen and Žagar. He secretly took it out of the cave to the kilns, but he stood in before the court for the illicit sale of gunpowder, which he collected while working in the mine.

Lovrenc Šušnik, nicknamed Luka Kodermač, born in Smoleva, was forty five years old. He lived in Železniki, where he was the tenant of a shoemaker nicknamed Kopčaber. He was a charcoal burner and he burned charcoal for ironworking blacksmiths. Kodermač was familiar with smelting of the ore, given that he already smelted it together with Štefan Polanc on Blegoš, even before he met Žagar. At first Kodermač supplied Žagar with wood and ore, but later he joined him in the production of spirits as well. He was arrested while transporting ore to Žagar in the forest Kokonak in Železniki. Kodermač was supplied with ore by the miner Valentin Filipčič. The punishment he received is not recorded.

Štefan Polanc was sixty five years old, born in Spodnja Idrija, but moved to Železniki. He was a tenant with Simon Mihelič, nicknamed Kamč. A shoemaker by profession, he was arrested for the illicit trade of ore having become entangled in the mercury trade completely by chance. For the repair of shoes, his customer gave him mercury ore in exchange for payment, saying he should sell it. When he realized how sought after the cinnabar ore was, he started to deal in it. Later, in Viharše, where he had a kiln together with one Resosa from Kamnik, he was burned in an accident. During his clandestine business he was introduced to major parties from all three border dominions (Camerla, Loka and Tolmin) in the smuggling chain that sustained contact between miners and peasants.

Pavle Bizjak was fifty five years old, born in Žiri, but later moved to Plužne, which was in Tolmin dominion. He was a roofer by profession, and also sold fruit. Knowing that there was mercury on the black market in Idrija he started inquiring among his customers for the precious metal. He came in contact with the miner Tomaž Lampe who was supplying ore in exchange for tobacco. In 1778, while under interrogation, Bizjak fell ill in prison and died. Thus, the judges no longer concerned themselves with his sentence.

Matevž Beričič was thirty two years old. He was born in Dobravlje in Loka dominion, a stonemason by profession who also worked as a miner. According to his claims he sold only five



or six ounces of mercury ore once to Štefan Polanec because he needed new shoes. Ore was brought out of the cave while he was making stairs there, and debris that contained mercury was created in the process. The judge Karel Gariboldi did not consider taking this debris to be a criminal offense, so he was released from prison with a warning to not repeat the offense and an order to leave Idrija within three days.

Ninety-year-old Miha Dauč (or Daus) from Davča illustrates the degree to which mercury was interesting for people of all ages. He was arrested because he bought some mercury a single time. Since he was not involved in this type of trade regularly, he was released from detention with an order not to appear in Idrija again.

Gašper Derlink, called Potočnik, was thirty years old. He was from Leskovic, where he had a farm and an inn. According to his statement mercury ore smugglers gathered at his inn and temporarily stored their ore there. He was never a part of illicit trade but he followed all of it, so he was ordered to pay a fine of seventy florins only.

Jernej Jemec was forty eight years old, a native of Davča. He transported mercury officially for the mine. Sometimes he stole some and immediately sold it to Janez Podobnik, son-in-law of Jožef Ambrožič. The value of this was estimated at twenty nine florins, fifty three kreutzers and 3/4 coins, and he was ordered to reimburse these costs.

Štefan Žakelj was from Žiri. He was Matevž Mravlje's tenant in there, where he worked as a farm hand. He liked to entertain himself and others by occasionally playing the fiddle. His charge states that he one day came to the inn Pri Skvarču in Spodnja, Idrija where the smugglers gathered with a man named Jurij from Veznica (Besnica). There they met with someone named Matevž (probably Beričič). According to people's stories he supplied Žakelj with mercury ore. Žakelj acknowledged that he was with Jurij in Spodnja Idrija but denied getting the ore. Franc Skvarča, the innkeeper, who was also the mayor of Spodnja Idrija, was criminally deposed from office of the mayor because he did not denounce the smugglers to the authorities.

Martin Mlinar, nicknamed Hamc, was seventy years old. He was born in Žiri, and lived with Martin Jurjavčič on Vrsnik as a renter. A tailor by profession, during interrogation he admitted that he was bringing Matevž Stopar gunpowder, which was brought to him by the miner Miha Ragnus from Idrija. He confessed that he stole some mercury twenty years ago and traded it with someone named Blaž Kralj from Ljubno (Maria Laufen) in the Gorenjska region. He was given the penalty of either paying all damages in cash or repaying them with public roadwork. What he decided is not known to us.

Janez Rasp from Žiri was sixty six years old. He was a tenant with the innkeeper Marija Kameršek in Žiri, where he helped

her with daily chores. He was charged because he was transporting mercury ore with Jurij Demšar, also an innkeeper from Žiri (I will say more about him later), for Jože Jurman. After thirteen days of detention he was released and was no longer allowed to show himself in Idrija.

Janez Jesenko was seventy years old, born in Žiri. He was a tenant of Janez Gantar in Brekovce. He was charged with illicit trade in gunpowder. Since he did not do that on a large scale, his only penalty was to pay the expense of his custody; he was banned from entering the Idrija area on release.

The last person questioned in the interrogation process from Loka dominion was Jurij Demšar, nicknamed Spick (Špik) from Žiri. He had a cottage and an inn. This apparently was not earning him enough money, so he moonlighted as a mercury ore transporter to Selce. He received the ore in Veharše from miners in the Zois iron mines. Demšar was transporting this iron ore to Škofja Loka legally. But in Veharše he also met with two Idrijan miners, Jožef Jurman and Matevž Stopar, who would bring him ore stolen from the mine. Upon investigation, the Imperial Royal Mining Interrogative Commission found that he had managed to resell 190 ounces of mercury ore this way. As a punishment, he had to repay the ore and the costs of his detention. He was banned from entering the Idrija area.

I described the cases of people from Loka dominion who were interrogated and punished for engaging in illicit trade as examples, to illustrate their motives for embarking on the path of trafficking.

To conclude, I would like to summarize the financial report of one mine official, for the two-year trial and cost of the recorder of the process Anton Kavčič. The total cost of the trial amounted to exactly three thousand one hundred fifty eight florins, fifty eight 1/4 coins, and the Court Chamber recovered three thousand florins for the mining administration.

# Tanja Žigon

## *Contrabandists, chainlinkers or smugglers?*

Reports on smugglers and the terminological conundrum of Slovenian newspapers as the new 'profession' proliferated along the Rapallo border

### Introduction

The political journal *Jutro* published a news story that a certain Evgenija from Trieste was earning large amounts of money and doing profitable business smuggling. For one silver gulden she received 6 to 8 liras, so it comes as no surprise that she attracted the attention of the customs guards who decided to do a control search one Friday evening. Even though she kept resisting, they escorted her to the customs office, where they decided to 'subject her to an especially delicate operation', as the reporter of *Jutro* ironically remarked. During the search, they discovered that the lady had been smuggling old silver guildens under her blouse. They confiscated 1150 silver coins that all together weighed 14 kilograms, and handed her to the authorities (Anonymous, *Jutro*, 1920).

As is evident from this example, the woman from Trieste together with speculators had weaved a real smuggling network 'that was chainlinking' with the old money. But of course we do not encounter only profiteers among the smugglers, but also simpler sections of the population who engaged in illegal activity in order to ensure for themselves and their families a slightly better life. They, too, illegally crossed the border, and traded mainly in tobacco, salt, coffee, eggs, sausages, saccharin, wine, timber or horses (Trobič, 2005; Pavšič, 1999; Stanonik, 2007: 43-76), as well as dishes and silk or other linens (Vavken, 2012: 81).

I remember often hearing stories of smugglers as a child, as my grandparents

lived at the edge of *Planinsko polje* (Planina Basin), located directly by the Rapallo border, which was established after the First World War. My grandmother never spoke about smuggling, only about contrabandists, and I never had the feeling that she was talking about illegal business, but rather about great adventures with many comic details that confirmed the cunning and cleverness of the contrabandists, as she called them. I most vividly remember the double- or triple-sewn hems of skirts in which women sewed tobacco and cigarettes and smuggled them across the border. However, this was not organized smuggling of large dimensions, but (just as illegal, of course) smuggling 'for home use', as Pavšič says (Pavšič, 1999: 14).

While my grandmother's stories were about the 1920s or 1930s, given that she was born in 1913, this contribution will focus on the period of time after the First World War and after the establishment of the Rapallo border. The war left a mark on the daily life of the border population, which was left to make the best of things on their own. Smuggling became a strategy to help people survive given that the delicate social balance had been upset. It began to crumble during the war, and was only more damaged after the war by the financial crisis and the adaptation to new cultural and political conditions, especially the rising price of food and the desire for additional, usually quick earnings.

This paper illustrates how the daily Slovenian press reported on the rise in illegal border crossings between Kingdom of Serbs,

Croats and Slovenes (SHS) and Italy in the time of the demarcation line and after the establishment of the Rapallo border in 1920. The research covers three newspapers: the conservative *Slovenec* (1873–1945), the liberal *Slovenski narod* (1868–1943) and the daily *Jutro* (1920–1945), which was founded due to disagreement between the old and the new liberals. Based on the reviewed news reports, most of which relate to the area of *Notranjska* (Inner Carniola) and Idrija, this study answers the question where the journalists saw the main problems that the new ‘profession’ brought along the border, how much attention the media paid to smuggling, and what their standpoint was regarding the illegal business. The terminological aspect is also presented. This paper explains what the delinquents were called and what were the differences between the different terms, such as contrabandist (*kontrabantar*), smuggler (*tihotapec*), chainlinker (*verižnik*) and price winder (*navijalec cen*).

### **Political and social situation along the Rapallo border**

In 1918 the population of Slovenia exchanged one state framework for another, and the Western border divided it into two countries. The national customs and borders “interrupted the traditional flow of goods and people” (Lazarević, 2009: 60) which enabled the growth of illegal activity. At the same time, the new borders cut sharply into the society’s daily life, both the Slovenian economy and the national tissue (Ibid.: 20). The newly outlined state border’s drastic dimensions can be vividly presented with the information that was given to me in an e-mail by M. Hugo Windisch-Graetz on November 29, 2013. He is a descendant of the family that owned the Planina castle Haasberg. He said his grandfather had liked to tell stories of how he had to go from the dining room into the drawing room with a passport because he was

crossing the state border. With the help of diplomatic connections, the family later managed to get the border moved in such a way that Haasberg belonged to Italy. How exactly they managed to do that is not evident from currently reviewed sources (Stekl and Wakounig, 1992: 109-111). The unenviable position was picturesquely presented by an anonymous correspondent from Spodnja Idrija (Anonymous, *Slovenec*, 1919: 3), complaining not only about the high cost of living but also about the Italian occupation and cultural hegemony over the territory which was annexed to Italy after the war.

Similarly in the issue 33 the newspaper *Jutro* published a letter from the *Primorska* (Littoral) local circles (Anonymous, *Jutro*, 1920) in which the authors write about the disadvantage of Slovenian language that was beginning to be supplanted by Italian even in daily use. The authors also called on Slovenes on both the Yugoslavian and Italian side of the border to be aware of the importance of their language and be proud of it.

The views of the economy and the political situation were very pessimistic as well. A commentator for *Jutro* complained in the Economy section on November 13, 1920 that ever since the establishment of the Rapallo border, Slovenia had been cut off from the sea and had been forced to transform its economy (Anonymous, *Jutro*, 1920). After the loss of Trieste even Rijeka fell into foreign hands with which – as it reads – all hope of Slovenes having any kind of influence on the merchant traffic with Rijeka and Trieste had died.

But the average person was hardest hit by the straitened circumstances and the severe cost of living. The sources show that Ljubljana’s supply slowly went back to normal in 1919 and 1920 although there were still occasional shortages of sugar, petroleum, fat and flour. In 1920 there was a shortage of milk and sugar and in 1921 and 1922 of meat due to export (Brodnik, 1989: 315). Trading was complicated even fur-



[61] Rapallo border stone at Haasberg near Planina.

ther by the fact that trading in foodstuffs, except for sugar, oil and petroleum, demanded special transport permits within the Kingdom of SHS, while exporting outside of borders of the kingdom demanded so-called exporters (Ibid.). For quantities up to thirty kilograms they could be issued by the Ljubljana town hall, while elsewhere they were issued by the district boards. For larger quantities, they were issued by the Department of Food at the Provincial Government or even by the Ministry of Food and Land Restorations in Belgrade (Brodnik, 1989: 315). Food prices had also soared very fast: in January 1921 white flour was almost fifteen times more expensive than in the middle of 1917 (Ibid.). The flour prices grew the fastest in 1919 (by 42%) while in 1920 the price jumped by 190%. Meat prices more than quadrupled between June 1915 and March 1919, while oil prices jumped about 330 times by December 1920 (Ibid.: 316). That was of course connected to the fact that the value of the crown was persistently falling and that due to constant border controls 'legal' purchasing was also time consuming. After the collapse of Austria-Hungary there was initially a shortage of cash, since the Austrian currency was not immediately replaced with dinars. Crowns were stamped or had marked with

special stickers of the Kingdom of Serbs, Croats and Slovenians so that they could distinguish them from the Austrian ones. The crown-dinar coins were marked with both values. Four crowns were worth one dinar, which was a very disadvantageous exchange rate for the Slovenian economy. In 1923 the dinar became the only currency (Guštin, 2006; Slokar, 1920). In November 1918, when Italy occupied the western parts of the Slovenian settlement area, they initially still kept crowns as legal tender, but by November 26 they banned the import of crowns and set the official exchange rate between the crown and the Italian lira (10 crowns = 4 liras). On April 5, 1919 they introduced the lira as the only legal tender (Pančur, 2006: 35). In its 18th issue on January 23, *Slovenec* (1920: 3) wrote that the trip from Trieste to Ljubljana by car could take up to thirty hours instead of four, since there were eighteen control points on the way.

The provincial government tried to watch over the sale of food and keep prices the same with the help of special advisory committees, but in the first years after the war, they devoted themselves to preventing trafficking and smuggling rather than eliminating the shortage (Brodnik, 1989: 318), as is evident from the meeting records



## Proti verižništvu in tihotapstvu.

Vztrajnost, s katero se trudi sedanja deželna vlada za Slovenijo, da bi prebivalstvo redno prehranjevala in oskrbovala z vsemi potrebščinami, je vsega priznanja vredna.

Take volje, kot jo je pokazala ta vlada, ni pokazala še nobena, kar smo jih imeli do sedaj. Verižniki in navijači cen, ljudske pijavke seveda trepetajo, ker jim močna roka dr. Zerjava dan, za dnem zavija vratove. Ljudstvo pa, ki bi ga dragoletniki radi molzli, mora biti tej vladi hyaležno in jo pri njenem delu podpirati.

Koliko gnoja je treba pri nas posnažiti, nam kažejo obsodbe zoper navijačce cen, ki jih lahko vsak dan čitamo v časnikih.

Vlada je ustanovila urad zoper navijačce cen, verižnike in tihotapce, vlada nazira z vso strogotjo in neusmiljeno odpravlja čez mejo prekupčevalce, ki bi si radi pri nas nabrali blaga za vsako ceno ter ga s tem dražili za naše domače prebivalstvo. Imeli smo priliko govoriti z ljudmi iz Hrvatske in Srbije; vsi so nam rekli, da takega reda in tako nizkih cen ter dobre preskrbe ni nikjer v Jugoslaviji, samo Slovenija ima tako dobro upravo, da kolikor največ mogoče znižuje draginjo in skrbi za preskrbo. Če bi naši ljudje malo potovali po Hrvatskem, potem bi šele videli, kaj se pravi draginja. Ta vojska nam je nakopala toliko zla, da nam je težko biti kos od danes do jutri. Če pa vidimo, da ima nekdo dobro voljo in tudi zmožnost ter nam od dne do dne v vse večji neri čisti smeti, ki nam jih je zapustila gnila Avstrija — in to posmetajoče delo opravlja neutrudljivo sedanji predsednik dr. Zerjav — potem mu je treba iti na roko in udariti z loparjem po tistih, ki bi radi še naprej sesali in se mastili.

Klerikalni listi pišejo in lažejo o tem, kako razni odseki sedanje vlade neredno gospodarijo. Enkrat se zaletijo v žitni zavod, drugič v vnovče-

valnico itd., potem ko pa dobijo uradne izjave in točne podatke o poštenem uradovanju, pa stisnejo rep in molčijo.

Danes ne bomo govorili o raznih naredbah in ukazih deželne vlade — omenjamo samo na navodila, ki jim je deželna vlada postala okrajnim glavarstvom glede določitve enotnih cen za živila.

Po tem ukazu se bodo ustanovile pri okrajnih glavarstvih posebne komisije izvedencev, ki bodo določale cene živilom za okraj. Doslej je bilo vse narobe. Če si šel iz ene vasi v drugo, pa že nisi več vedel pri čem da si; tukaj je bila ena, tam pa za isto stvar druga cena. To ni ne pametno, ne gospodarno in za medsebojni promet samo škodljivo.

Ljudje so navezani drug na drugega in morajo imeti v tistih okrajih, kjer se vsak dan shajajo, kupujejo in prodajajo, nekaj skupnega in stalnega v svojem gospodarstvu. Če tega ni, izgubljajo zaupanje v državo in pri tem trpi vse gospodarstvo. Tak nerad je, n. pr. danes v Nemški Avstriji, kjer se ničesar ne dobi in plača vsaka cena za blago.

Naša država ima pa vsega dovolj, samo pametno je treba blago razdeliti in pametno z njim trgovati. Zato bo pa v teh komisijah, kjer bo odločalo ljudstvo samo, kako se bo gospodarilo, najlažje pobijati draginjo in pomanjkanije. Potrebno je le, da se izbero pravi možje za te komisije, možje, ki nekaj vedo in potrebe življenja poznajo.

Vlada naj pa gre po tej poti naprej, ljudje bodo že spoznali, kdo jim hoče dobro. Vsa zablavljanja tistih gospodov, ki so imeli upravo dežele pred sedanjo vlado v rokah, ne bodo zakrila dejstva, da je pravo delo za ljudstvo pričela šele sedanja vlada pod predsednikom dr. Zerjavom.

[62] An article about the establishment of the Office against price winders, chainlinkers and smugglers. *Domovina*, January 26, 1920.

of the National Government of Slovenes, Croats and Serbs in Ljubljana and the provincial governments of Slovenia (Ribnikar, 2002: 67-68).

### **Reports on smuggling along the Rapallo border around 1920**

Smuggling had been known in earlier historic periods, but after the end of WW I practically everyone started doing it: men, women, youngsters, children, the bourgeoisie, craftsmen, merchants, and officials, even bankers and guards. Due to the introduction of tollbooths and tolls and the tightened fiscal policy, peasant commerce began to flourish at the end of 15th century. It is likely that a large proportion of that can be attributed to smuggling (Gestrin, 1965: 75). Ever since the Middle Ages, salt was a type of goods that the state wanted to control (Vilfan, 1962) and was also transported by the famous Martin Krpan, while many other stories of bandits and thieves are also known (Trobič, 2005: 63-72). The poorer class eased its financial strains that way, while the professional smugglers took advantage of the given situation and increased their wealth by avoiding customs and regulations (Trobič, 2005; Rožac, Darovec, 2006). Smugglers, skilled in their new profession, either knew the points where they could cross the border (Premk, 2004) or transported the illegal goods by train. Sometimes they found new ways to trick the customs guards. Along the border, order was maintained both by the Italian Financial Guard and the Yugoslavian guards. About the posts of Italian financial guards along the Rapallo border see: Jankovič-Potočnik, 2004: 24–29; Sancimino and Di Bartolomeo, 2014; for financial guards on Slovenian side where a border squad was formed in the fall of 1920, see: Čelik, 2012: 81–84.

That is why the smugglers' deals were risky, dangerous and often led to gunshot wounds or even took a death toll. An article

titled *Wounded by Italian shots* tells the story of a landowner who tried to cross the demarcation line at Ivanje selo but did not succeed (Anonymous, *Jutro*, 1920). As he was crawling through wire barriers, three shots were fired: the first one hit him in the right thigh where the bullet lodged inside the bone, the second one shot through his hat and the third one missed him. When the soldiers saw him fall, they just left him there. It took him until morning to recover enough to crawl to Cerknica, from where he was taken to the Ljubljana hospital.

In the woods that were considered the ideal areas for development of smuggling, an honest man was often threatened by unexpected dangers, mainly armed robbers. It was reported that two young men had lain in wait above Planina and ambushed and brutally murdered sixteen-year-old Alojzij Jenček from Strmca just to take away his two oxen which they later sold to an innkeeper in Senožče for 5200 liras. Upon their return to Ljubljana, they had exchanged the foreign currency into crowns, but the long arm of the law was already waiting for them (Anonymous, *Slovenec*, 1920: 3). 'Small' smugglers would also often end up behind bars, as we can read from a news story with the humorous title *Inventive name-calling rewarded with ten days*. A certain Marička C. had planned on smuggling sausages across the Italian border near Zaplana, but she had bad luck, as she was stopped by financiers who repossessed the smuggling goods. But Marička did not give up that easily and became very angry. She was advised by the court that she was not allowed to attack and quarrel with the financial guards, and was ordered to spend ten days in jail. Finally, reports also show that some smugglers decided to be their own judges for fear of punishment (Anonymous, *Slovenec*, 1920: 3). An article entitled *Horrible Death of Cocaine Smuggler* (Anonymous, *Slovenec*, 1923: 3) reports that two Italian financial guards discovered a 22-year-old girl on a train from Vienna to Trieste who was smuggling cocaine,

which was (along with opium and other intoxicants) a very desirable good in pharmacies and doctor's offices at the time (Trobič, 2005: 230–234; Pavšič, 1999: 101). Panicked with the thought of being extradited to authorities in Trieste, the girl opened the door and jumped off the train (Ibid.). Unfortunately she did not jump in time and the train dragged her along. When it was finally stopped after several hundred meters, the poor girl was completely mutilated.

Those who smuggled wholesale, meaning that they illegally transported across the border greater quantities of different kinds of goods, also risked their heads, but they were guided solely by their greed and desire for profit. On May 27, 1919 *Slovenski narod* reported that two police agents in Šiška stopped a closed carriage in which they found tobacco and cigarettes (Anonymous, *Slovenski narod*, 1919: 3). Tobacco was to be transported to Škofja Loka and from there across the demarcation line onto the occupied land. The owner of the tobacco, Štefan Grosar from Čepovan, a member of a joint stock company that dealt in smuggling, accompanied the coachman and asked the police agents to allow him to keep the tobacco since it was intended for Slovenes living on the occupied territory. He 'forgot' to mention that the joint stock company would earn at least 10.000 crowns from this bargain. To help imagine the amount, we need to know that in 1919 a shop assistant earned approximately 500 crowns in monthly salary, and he spent half of that on housing and food (Žebre, 1969: 194). For the purchase of two houses in the Town Square of Škofja Loka, the local Sokol society had to pay 55.000 crowns (Ibid.: 192). *Slovenski narod's* correspondent noted in conclusion that the representatives of the authorities were not mollified, and so they confiscated the tobacco and handed it over to the financial management.

Both the Italian and the Yugoslavian authorities fought to quell smuggling, which was causing an ever-growing hole in both treasuries. The Italian Finance Minister

claimed in 1923 that Italy had lost 100 million liras in a few years due to smuggling (Trobič, 2005: 176). According to *Slovenec* the Temporary National Representation in Belgrade discussed a bill against smuggling of foodstuff, clothes and livestock at its meeting on April 3, 1919 (Anonymous, *Slovenec*, 1919: 3). The working class was also becoming louder and louder. On December 20, 1919 *Slovenski narod* reported on the rally of transport and traffic workers that had occurred the day before in Ljubljana (Anonymous, *Slovenski narod*, 1919: 2). There they had spoken about the rising cost of living and passed a resolution in which they demanded that the government immediately reduce consumer prices of basic necessities and take action against so-called chainlinkers and price winders.

### **Establishment of the Office against price winders, chainlinkers and smugglers**

The grey economy which started to flourish after the war, also in the form of smuggling, needed to be restricted. The provincial government acted quickly and in November 1919 issued a decree to restrict smuggling. From then on, in accordance with the decree, in the first phase the individual cases were examined by the district board and the penal senate decided on possible complaints. All criminal offenses related to smuggling were under the jurisdiction of ordinary courts. At the same time the Provincial Government's commissariat for internal affairs established the Office against price winders, chainlinkers and smugglers, which operated as a police department in Ljubljana and gradually opened several branches in Celje, Gornja Radgona, Maribor and Murska Sobota (Čelik, 2012: 81). The Office worked until the middle of April 1921 (Čelik, 2012: 81).

The newspapers immediately published news of the establishment of the Office and welcomed it. *Slovenec* announced on

January 25, 1920 that the new Office in Ljubljana ‘found a grateful field for its operation’ and that “the *cleansing* of chainlinkers who have no right of domicile here, are not citizens and do not deal in legally allowed business, has begun” (Anonymous, *Slovenec*, 1920: 3).

Celje’s *Nova doba* wrote on December 13, 1919 that the basic task of the Office was ‘to fight stockpiling and inappropriately wound-up prices of basic and economic essentials and chainlinking with them them, to ban the smuggling of foodstuffs, tobacco and other forbidden goods across the border and to fight uncontrolled trading in money’ (Anonymous, *Nova doba*, 1919: 2). However, the anonymous author was furthermore highly critical of the new law-enforcement body and doubted its success, saying the intentions were good, corruption would be difficult to prevent.

Similarly to the Celje newspaper, one writer assumed the author of an article in the 26th issue of *Slovenec* on February 1, 1920 assumed that the Office would have a lot of hard work due to the corruptibility of officers (Anonymous, *Slovenec*, 1920: 3). Despite the concerns, corruption and bribes that undoubtedly accompanied the Office’s work, the Ljubljana Office proudly stressed – as was reported in *Slovenec* on March 14, 1920 – that they had pronounced 65 legally binding verdicts between January 2 and March 13, 1920, and that in most cases they had confiscated cattle, horses, pigs, large amounts of leather, shoes, manufactured products and quite a lot of wine (Anonymous, *Slovenec*, 1920: 3). The penalties issued over this period amounted to 203,610 crowns, which was enough at that time to buy four small residential houses (Žebre, 1969: 194). In addition, the Office handed several people over to the court for misconduct, fraud and misuse of power, and conducted searches in cafes, restaurants, inns, hotels and other accommodations. At a meeting to discuss economic issues on the basis of an ‘expensiveness survey’, and which was opened on April 9, 1920 with a

## Tihotapstvo in njegove eventualne posledice.

Dne 18. marca t. l. je bila na Jelovci tolpa tihotapcev, oborožena z nabitimi Manliherjevimi puškami, od orožniške patrulje ustavljena, ki je onega izmed njih aretirala, drugi pa so ušli. Tihotapci so bili sami domači fantje.

V noči od 24. na 25. marca t. l. ob 2. uri zjutraj je zalotila orožniška patrulja vočjo tihotapsko tolpo v hiši blizu Blegaša, ko je hotela prepejati enega konja čez demarkacijsko črto. Na povelje »stoja« je skočil tihotapec, ki je držal konja, proti orožniku in ga dejansko napadel, hoteč ga ovirati pri izvrševanju njegove službe. Orožnik, napaden in v silobranu, je rabil orožje in napadalca ustrelil, nakar se je pričela pravcata bitka med orožniki in tihotapci, ki se je slišala daleč naokoli. Bitka se je končala s porazom tihotapcev, ki so zbežali in pustili mrtvega Jurija Tavčer-ja, sina posestnika iz Žetin, na licu mesta.

Vsi taki žalostni dogodiljaji, posebno ta tragedija, ki se odigravajo ob meji, so posledice pohlepnosti zapeljive valute.

Zadnji čas je, da se temu zlu napravi konec, pa makar z najsrajnejšimi sredstvi.

Po vseh teh pojavih se bližamo času, ko bode samo denar in surova sila igrala glavno vlogo, medtem ko bo morala, patrijotizem in nacionalizem stopil čisto v ozadje.

Vprašajmo se pa sedaj kaj bo takrat, ko radi pomanjkanja blaga ne bo mogoče ničesar več kupiti, torej tudi z nobenim blagom ne bo mogoče tihotapiti, medtem ko tihotapstvo progresivno narašča. Potem bo prišel čas, ko ne bode podivjane in delamržne tolpe več razločevala, kaj je moje in kaj je tvoje, ter kradic in z ukradenim blagom tihotapile, da zbrijejo sledove tatvin in ropov.

Tihotapci bodo postali tatinke in roparske tolpe, ki nas bodo privedle v čas roparskih vitezov in pomorskih roparjev srednjega veka.

Če pomislimo, da se ukvarjajo z dobičkanosnim tihotapstvom skoraj izključno prebivalci obmejnih krajev, ki bodo tudi svojo mlajšo generacijo moralčno popolnoma porvarili in jo odvrnili od dela, si moramo postaviti vprašanje, kdo naj bo ukraden in oropan? V prvi vrsti le prebivalci obmejnih krajev in posebno kmeti tam.

Še je čas, da vse pristojne oblasti konečno privedejo prebivalce obmejnih krajev do pameti, če ne, bo kesanje prepozno.

Konečno naj se še pripomni, da se že znatna in otroci ukvarjajo s tihotapstvom, katerim je že s tem podana prva lekcija v vzgoji za tatvine in vagabundstvo, za poznejše sleparije in roparske zmore.

[63] An article on smuggling and its consequences. *Slovenec*, April 2, 1920.

speech by the Commissioner of Internal Affairs, professor Remec, they also discussed 'the fight against smuggling and other degenerates of trade', as reported in *Slovenec* No. 81. Furthermore, according to the reporter of *Slovenec*, the Chief of the Office against price winders, chainlinkers and smugglers, councillor Kerševan, delivered a report on smuggling and explained the various methods that the smugglers used. He advised everyone present that in the course of fighting against smuggling, it was necessary to raise the public morale and inform the people, have smugglers declared dangerous criminals, deprive them of the right to vote for five years, and send them off to forced labour, and to be equally strict with their collaborators.

In the second part of the report published by *Slovenec*, Kerševan recommended further action against chainlinking and price winders, which he summed up in three points. He demanded the establishment of an office that would watch over prices and the rising cost of living, and proposed expulsion from the country for the chainlinkers and price winders, if they were foreigners; the loss of voting rights for five years; revocation of their business license and concession; and exclusion from all associations and cooperatives. The proposals were heatedly discussed, although the traders' and manufacturers' representatives were mainly justifying the high and ever-rising prices, which is of course not surprising – we know of similar examples in today's consumer society. Those measures and recommendations clearly show that both government and journalists roughly distinguished between two groups of delinquents. Smugglers were part of the first group and everyone else of the second. So who were the chainlinkers and price winders and who the smugglers – and who the contrabandists, of whom we so often hear nowadays but the newspapers at the time never even mentioned?

### **Contrabandists, smugglers, chainlinkers and price winders**

On the basis of the listed reports of newspapers we can conclude that around 1920 newspapers had three main terms for the illegal 'profession' along the Rapallo border: a) *smugglers*; b) *chainlinkers*; c) *price winders*. The folk tradition also knows the word *contrabandist*, which cannot be observed in the newspapers, as well as the word bootlegger (*švecar*), which is popularly known but relates more to the time after WWII and to shopping trips to Trieste's Ponterosso in post-war Yugoslavia.

The *Slovenian Etymological Dictionary* says that the word *smuggling* (*tihotapiti*) derives from the adjective silent (*tih*) and its derivative walking silently (*tapati*) (Snoj, 1997: 667): therefore the word means *secretly, in an illicit way bringing, storing* (SSKJ, 2008). *Contraband* (*kontrabant*) is merely a synonym for the Slovenian term for smuggling (Ibid.). The *Dictionary of Foreign Words* explains that the word comes from the Italian word *contrabbando*, which comes from New Latin word *contra bannum* which means 'against the announcement (ban)'. It therefore speaks of smuggling, secret transporting or carrying of goods across the border (Tavzes, 2002: 607). *Contrabandist* is similarly explained by Wolf's German-English dictionary from 1860, which says that it is a synonym of *Schleichhandel* (i.e. smuggling), while stating that it is a "bargain with forbidden and secretly imported goods", therefore it is "a secret, smuggling bargain" (Wolf 1860: 312 and 1379). Pleteršnik's Slovenian-German dictionary at the end of 19th century keeps quiet about *chainlinkers* and *price winders*; it gives no headword for *chainlinking* or *chainlinkering* (Pleteršnik, 1894), suggesting that the two terms likely occurred only in the 20th century and upgraded the concept of smuggling. That involves the illegal traffickers (SSKJ 2008) which newspapers sometimes call a 'new kind of usurers'.



### a) *Smugglers*

Journalists called both 'small' and 'big' fishes simply 'smugglers' and did not distinguish between them. The foreign word *contrabandist*, taken from Italian (or German), was not used in reports, most likely also out of concern for the Slovenian language, and it only caught on among the people. They used it in the *Krpan* way. In the same way that Martin Krpan was known to be a fair hero and not a criminal, contrabandists who smuggled goods for domestic use and did not aim to become rich but merely to survive prevailed as wily, simple people who enjoyed a reputation in the village. They were the ones who "were resourceful" (Trobíč, 2005: 17). Their smuggling was bound by the border area; they rarely came to Rijeka or Trieste, except for horse and cart drivers who also occasionally dealt with the forbidden trade since, the rural population of the surroundings of Trieste and Rijeka saw the possibility of an additional income from a non-agrarian source. Those who had better connections and already guaranteed buyers of smuggled goods got slightly higher earnings through their clever transactions.

Unlike the small smugglers, the organized smuggling gangs had really big amounts of money circulating in their hands. Besides the aforementioned smuggling of cigarettes and tobacco, the bigger gangs also smuggled wood and livestock. And that is how an organized gang of Italian horse smugglers, as a correspondent of *Slovenec* named them, specialized in transporting and selling horses from the Yugoslavian side to Italy through their company registered in Logatec (Anonymous, *Slovenec*, 1920: 4). Among them they had interpreters, middlemen and peasant boys who supplied horses to the organization in all possible ways, often through theft. Since these kinds of businesses had a lot of money at stake, they were much more dangerous. Organized gangs were often armed, like the smuggling gang, as a correspondent of *Slovenec* calls it, which was caught by the armed

police patrol in the night between March 24 and 25, 1920 (Anonymous, *Slovenec*, 1920: 2). They were trying to smuggle a horse across the demarcation line, but they were caught. At the command "stop", the smuggler holding the reins of the horse jumped towards a member of the armed police force and attacked him. The constable shot him in self-defence, which was followed by an actual battle between the armed police officers and the smugglers which could be heard far and wide.

### b) *Chainlinkers*

Chainlinking is closely connected to smuggling and would be most simply explained today as resale. There were many players in the trafficking chain that would sell wanted goods – those that were most in demand and hardest to get – to people at outrageous prices. The chainlinkers were opportunistic speculators who tried to gain as much profit as possible through resale of goods. They usually had valid permits and concessions, which is why they were more difficult to uncover. They also had huge stocks of goods that were sold at extremely high prices in case of shortage, and of course there were those who smuggled the goods themselves as well. *Slovenec* reported in January 1920 that a man from Trieste was arrested for trying to bring 65 meters of satin from Trieste without a valid concession. He was fined 1,000 crowns and sentenced to a week in jail, while the goods were confiscated (Anonymous, *Slovenec*, 1920: 2). Law enforcement officers often got on the track of currency chainlinking. As *Jutro* reported in October 1920, they confiscated large amounts of foreign currency, especially dollars and Romanian lei, in Verd. People had been trying to smuggle them over the demarcation line in Italy; the total sum was estimated to be around 10 million crowns (Anonymous, *Jutro*, 1920).

Sometimes reporters weren't entirely sure what to call the offender, smuggler or chainlinker. And so they published a news

story in *Slovenec*, entitled “The chainlinker who stole”, about a twenty-year-old boy who came to the landowner Ivan Knific in Selje pri Medvodah and offered him ‘petroleum in exchange for potatoes and also spent the night there. In the morning he left but also took new pants with him’ (Anonymous, *Slovenec*, 1920: 3). Here we cannot speak of real chainlinking which could seriously endanger the Treasury. It most likely had to do with smuggled petroleum which the young man wanted to exchange for food.

### c) *Price winders*

‘Winders’ (also ‘raisers’) of prices are the third group which appears in reports. However, they are not smugglers, but merely a group which seriously endangered the already weak purchasing power of the population with its deliberate raising of prices. At the same time they avoided paying taxes, and so the authorities tried to thwart them. Sometimes price winders were connected to the chainlinkers, from whom they bought their goods. Price winders are therefore traders, innkeepers and craftsmen who did not adhere to the legally defined prices.

The newspapers tirelessly reported on unjustified raising of prices, so we will name some examples from *Slovenec*. Individuals were punished, for example, because they charged too much for wine or due to changed prices of goods in the shop window, which also brought a week or two in jail along with the fine. They also fined innkeepers who did not have a prescribed price list, while farmers could spend 24 hours behind bars due to too high milk prices, as *Slovenec* reported on October 5, 1920 (Anonymous, *Slovenec*, 1920: 5).

## Conclusion

We can find reports of smuggling, chainlinking and price winding in almost every issue of Slovenian newspapers in the years between 1919 and 1921. It is mostly short

news announcements from local towns which carry sparing data. We rarely come across contributions in which the authors take a position for or against the illegal developments along the Rapallo border and its surroundings. Nonetheless, we can see differences between short articles that bring sad news of the unfortunate fate of “small” smugglers, for example of women who smuggled in order to secure a better tomorrow for their children and families, wounded men who were caught trying to smuggle a single cow across the border and so on. In such cases the newspapers report on the *poor woman, terrible fate, sad story*, etc.

We can find less solidarity and understanding and absolutely no sympathy in reports relating to organized smugglers. In these cases, the reporters choose different phrases and names. They were called evildoers or even bandits, organized in smuggling groups for which publishers used the pejorative term gangs. In the newspapers we can read primarily about the fines and jail time they earned through their illegal business, from time to time we can even find some irony as is the case of the woman from Trieste which is mentioned in the introduction. Journalists were extremely critical of such smugglers and they warned against their corrupting influence on society in general. Similarly to smuggling gangs, we can see no understanding for chainlinkers and price winders, whom the journalists found to be modern usurers, urging the readers to report any kind of breaking of law to the authorities. We may conclude that after the end of WW I, journalists had quite some trouble finding new names for the things that were going on along the newly drawn borders. While *chainlinking* and *price winders* were unconditionally condemned, they reported more or less sympathetically on smugglers, as we can see in their articles. Thus, on the *meta* level even journalists distinguished between *contrabandists* and ‘real’ smugglers organized in groups, despite the fact that they were both in conflict with the law.

# Krešo Kovačiček & Associates

## *Tobacco Standard*

2013

“A chameleon died from exhaustion,  
put on tartan.” Oscar Wilde

Tobacco smuggling, in order to signify or emphasize the market and constant exchange, also everyday survival in divided city. The illegal market, of our daily tobacco, which is now (like in history) from Bosnia – that is the place where we get things much more cheaply.

Ivo Andrić was the only one who recorded this exchange, of famous Bosnian tobacco and Rijekan cigarette papers – quite famous cigarette papers, renowned as third in the world. Andrić wrote in his novel about this exchange where custom officers investigated a guy they knew of. He swallowed a bunch of cigarette paper which caused immediate dehydration. So he had to jump into the river, whereby he proved his guilt but saved his life. This is one scene from the border of Rijeka’s everyday smuggling situation and a memory of our past.

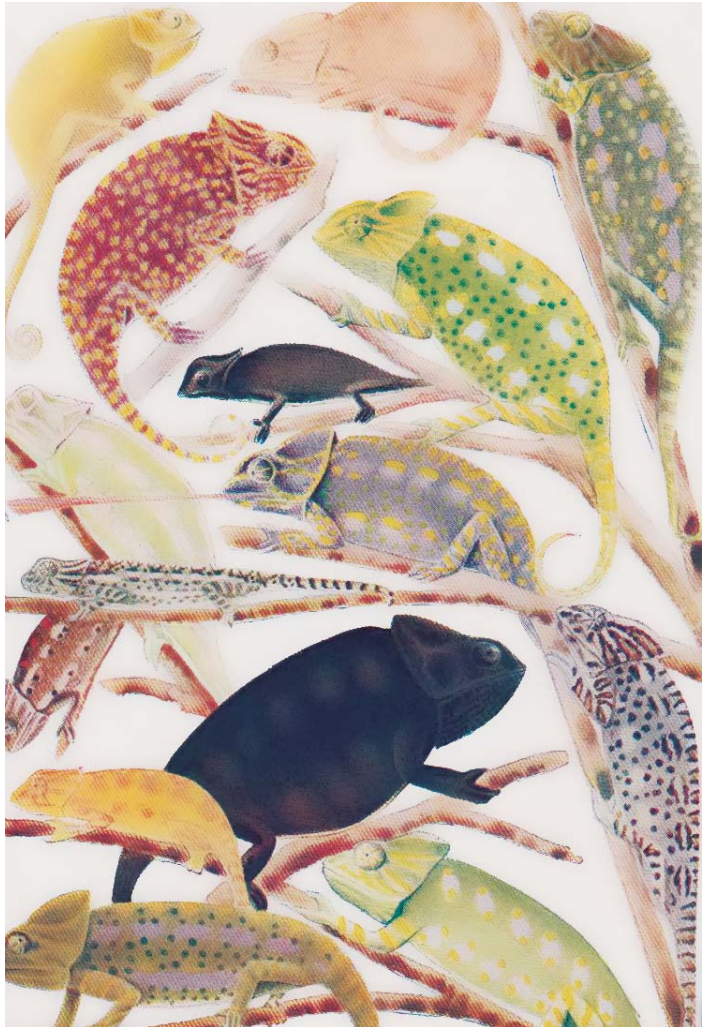
The performance is site specific, it is held where the border actually was. The location is loaded with memory, so we approach it with respect. The the green steel bridge is movable, and was once a frontier.

In the performance, groups of people on one side of the bridge face others on the other side – in order to prove constant exchange. This is the basic scene. This central scene has symbolic significance and interprets the moment of swallowing a bunch of cigarette papers. (Beside Andrić, there is a bit of Jean Genet re-visiting our city where he was once imprisoned.

Location: The arrival of the railway in the city required that several railway bridges be built. Back then two drawbridges were built, in 1896 – one at the turn of the Dead Canal and one at Porto Baroš. The bridges were destroyed by D’Annunzio’s soldiers during the Bloody Christmas, the so-called “Five Days of Rijeka,” (*cinque giornate di Fiume*) in December of 1920. Several years later, the ruins of the old bridges were rebuilt – first tentatively, then constantly, and the border bridge between Italy and Yugoslavia opened there in 1926.

Music by Damir Stojnić.  
Recording and Arrangement by Miro at Filip’s.  
Video & Visuals by Kristian Vučković and Marta Ožanić.  
Performers: Kate Foley,  
Neda Šimić Božinović, Luka Kapetanić, Zoran Krema, Vladimir Lončarić, Sabina Salamon. Additional support by Zoran Krema.  
Lights by Mrki. Logistics by MMSU, Rijeka. Thanks to the Port Authority of Rijeka. Video contains an excerpt from Jean Genet’s *Un chant d’amour*.

[64] Krešo Kovačićek & Associates: *Tobacco Standard*, Marine Terminal in Rijeka, October 24, 2013. The documentation of this performance was presented a few days later in *Smuggling Anthologies*, Museum of Modern and Contemporary Art, Rijeka.



In a kind of confusion of unsettled movements, some particles come to the fore and then, precisely – since they are organised in a different manner – slide a bit off, through ludic mode – they start to show you that the things you see are not those ones that matter – the business that goes on underneath that no one seems to bother about...

A traditional shadow play of the vital drive that there is “more to life” – an urge disclosing only a symptom of the situation that is standard – that there is enough provided through exchange... Where there are borders you can expect transgression – as no rule can ever limit them. No ideology, where “every day is like survival” (Boy George/Culture Club).

# Milan Trobič

## *Contrabandists and smugglers*

While exploring cart drivers or wagoners (Trobič, 2003: 9), I was fascinated when I came across the topic of illegal trade and the people who made a living or benefited from it. In my master's thesis, entitled *Sindrom Martina Krpana – med junaštvom in razbojništvom* (The Martin Krpan Syndrome – Between Heroism and Banditry), I described the way people view contrabandists and smugglers, the state and its laws – especially those laws that prohibit a particular activity – and the state's repressive organs that supervise and enforce these laws. While these relationships are not univocal, people have a specific attitude towards individuals who operate on the edge of law and repeatedly cross its boundaries.

I further explored this topic in my doctoral thesis (Trobič, 2007). I carried out an analysis based on professional and popular literature, archival sources and fieldwork, thus defining contraband and smuggling over a longer period of time as well as some other phenomena connected with the two: chaining, overpricing, the black market, speculation and trafficking. A review of literary, biographical, historical and other sources revealed that authors mention these phenomena only briefly, insufficiently and without additional explanations. When speaking of smuggling and contraband one must take into consideration the interventions of a state that was actively involved in illegal trading. I feel there is an important need to distinguish between the terms 'contrabandist' and 'smuggler', which has not been addressed in professional and popular literature until now, except in rare cases, and certainly has not yet been studied in detail. I encountered some slippage in use between these two terms, nevertheless I offer the following definitions, based on my research.

A contrabandist<sup>1</sup> according to my exploration<sup>2</sup> is, in the opinion of informantors<sup>3</sup> an individual that is engaged in the prohibited and criminal activity of illegally carrying products, objects and materials across state, city and other borders. His actions benefit the entire community. The quantity of goods he carries across borders is limited and a contrabandist does not gain large personal profit by doing so. Various personal accounts and texts reveal that most contrabandists did not become rich except in rare cases.

1 Contraband (n.) 1520s, 'smuggling'; 1590s, 'smuggled goods'; from Middle French *contrebande* 'a smuggling', from older Italian *contrabando* (modern *contrabbando*) 'unlawful dealing' from Latin *contra* 'against' + Medieval Latin *bannum*, from Frankish *ban* "a command" or some other Germanic source. <http://www.etymonline.com/index.php?term=contraband>).

2 Ethnological exploration in different part of Slovenia, during the years: 1980–2010.

3 Individuals who participated as speakers in my ethnological explorations.



4 Smuggle (v.) “import or export secretly and contrary to law”, 1680s, of Low German or Dutch origin (see smuggler). Related: Smuggled; smuggling. <http://www.etymonline.com/index.php?term=contraband>.

5 Švercarji, etymology from German – *schwarze Markt*, in the Slovenian language it means persons, participants of the black market that sell goods on their own terms.

6 Črni Vrh is a village in the Western part of Slovenia, occupied by the Italian state between 1920–1945, located near the old border between Italy and Yugoslavia.

7 Bloke, village and Municipality, in the Southern part of Slovenia, known as a center for buying and selling domestic animals (horses and cows) for smuggling them across the border of Italy and Yugoslavia, between 1918 and 1941.

8 Cerknica is a small town in the Southern part of Slovenia, near the Cerknica Polje, a karst field, with a world famous intermittent lake Cerknica Lake (Cerkniško jezero).

9 According to interviews, my personal opinion is that this is not completely true.

10 Meaning, residents who participated in my explorations in Črni Vrh, Cerknica, Bloke etc.

11 Hotedršica – a village in Inner Carniola, Slovenia, located on the border of the old Yugoslavia and Italy (1920–1945).

A smuggler<sup>4</sup> on the other hand is a person whose illegal activity of carrying products, objects and materials across state, city and other borders is carefully planned. He carefully selects his goods, customers and sellers and is a part of organized groups that are also involved in other criminal activities. Smugglers were often called švercarji<sup>5</sup> although it should be pointed out that this term is also used for the phenomenon of mass shopping in neighbouring Italy from the middle of the 1960s to the beginning of the 1990s and continues today. The earnings of a smuggler are huge, and he does not shy away from using violent methods and weapons to achieve his goals.

We must keep in mind, however, that not all smuggling is the same. My field research and interviews confirmed my thesis regarding the distinction between contraband and smuggling. I encountered peculiar responses from people when discussing the two terms. Interviewed Residents of the Slovenian village Črni Vrh<sup>6</sup> and municipality Bloke<sup>7</sup> distinguish between contrabandists and smugglers while the locals of the town Cerknica<sup>8</sup> mostly speak of contrabandists, no matter what type of goods they carried across the border and in what amount. The first group stated that they were involved in contraband themselves and spoke of smugglers as their neighbours who were not from their local village or town. Smugglers were regarded as ‘those other people’, because they were perceived to be more dangerous than the contrabandists who tended to describe their activities as a fight for survival and a way to provoke the authorities. Furthermore, smugglers were armed, contrabandists were not. Smugglers were committing crimes, such as shooting at officers of the Financial Guard, border guards and others, contrabandists were not. Quite the opposite, the contrabandists conducted their business without the use of weapons, and so cunningly that they were rarely discovered.<sup>9</sup> A gradient developed, however, between these two definitions and they constantly shifted in my interviews. Nevertheless the character of a sly contrabandist was formed: a poor, simple, often consciously nationalistic individual enjoying the trust of the village community and a high level of solidarity.

The locals<sup>10</sup> regard contrabandists as ‘inventive’. They do not speak of their actions as offences, crimes or sins because they were cheating a country from which they felt alienated. This was not necessarily a foreign country but often their own since the citizens regarded its leadership as a type of coercive power. The notion of an inventive contrabandist also spread to other areas. I came across one such example in Hotedršica<sup>11</sup> a bordering village between the old Yugoslavia and Italy in which people divided contrabandists into two categories: larger ones – those engaged in the resale of horses – and petty ones that smuggled saccharin, coffee, tobacco, rice, flour, textiles, pig skins and other goods. Petty contrabandists carried small quan-

tities of goods while larger ones did everything on a larger scale, meaning they crossed the border with herds of horses, wagons full of wood, etc. (Trobič, 2007).

Smugglers in general were individuals and groups that acted solely for their own benefit, but the state also practised smuggling activities. These activities were organized by the country and its authorities, particularly by secret agencies, as a highly centralized and controlled set of operations. An example of this are the operations of the State Security Administration (Uprava Državne Bezbednosti, or UDBA) and its third section that was involved with legal and illegal trade, smuggling and the establishment of companies.<sup>12</sup>

When analysing the attitude of people towards contrabandists and smugglers in depth one can discover specific forms of behaviour by which Slovenians tend to adapt to an individual authority and ruler, as different relationships were formed with different governments. Participation in strategies for survival at the edge of the law such as smuggling was typical for representatives of the so-called peasant trade, also later for cart drivers or wagoners, contrabandists and smugglers, as well as many others. The actions of individuals within these groups – for example the smugglers and contrabandists – depended on the government that sometimes supported contraband and smuggling as ways of combating the monopoly of other competitive nations. One example is the clash that took place over several centuries between the Habsburg Court and the Venetian Republic. At first Venice was the seat of the Byzantine Administration in the Northern Adriatic. Later it became a free oligarchic republic and competed with the Habsburg Empire and its imperialism. The Empire answered not only with military force, but also with administrative and guerrilla procedures. It protected Trieste as its port, promoted and defended Uskok pirates from Senj and renewed their population with newcomers from Krajina.<sup>13</sup> Moreover, it tolerated and perhaps even encouraged contrabandism and smuggling, which interfered with Venetian monopolies and allowed – by way of Carniolan and Styrian peasant traffickers – the passage of pirate loot from Trieste to the interior of the continent (Rotar, 1993: 22).

A similar method of state functionality can be found much later when the map of Europe and the world radically changed after World War II. There was a disagreement among the Allies who had defeated Fascism and Nazism and Europe was divided into two blocks when communist countries were formed. These blocks were separated by the Iron Curtain and the condition referred to as the Cold War. In 1945 this 'quiet struggle' continued on the borders of the Western capitalist and Eastern socialist and communist countries. Shootings and border incidents, such as illegal border crossings, incursions of armed groups and individuals that terrorized the population, the es-

12 Smuggling was the main activity of the third Section of the State Security Administration – called UDBA, from 1947 to 1980.

13 Krajina – part of Croatia, known also as The Military Frontier or Military Border and Military Krajina; Croatian: Vojna granica. [http://en.wikipedia.org/wiki/Military\\_Frontier](http://en.wikipedia.org/wiki/Military_Frontier).

establishment of refugee centres, intelligence services and such became the playing field for illegal state activities. The national secret services set up illegal trading centres, and we can see how this happened in Yugoslavia and Slovenia.

The OZNA (Department for the Protection of the People) and in 1947 its successor UDBA (State Security Administration), had special economic sections within their organizations that dealt with legal and illegal trade and the establishment of business and intelligence networks. These sections were active until 1953/54 when they were finally disbanded. The operatives were sent to work in various other sectors of the economy or to retirement. However, this was not the end of illegal trading by the state, sections of UDBA continued to engage in it, but how this was done is part of other studies. It is known that the handover of documentation, money and valuables was executed in 1953 by the chief of the third section of UDBA – Niko Kavčič, who forwarded everything to the chiefs of the Slovenian headquarters of UDBA Ivan Maček-Matija.<sup>14</sup> In his records as head of illegal trade, Niko Kavčič revealed that he worked in the economic department of UDBA until the end of 1953 when the situation began to change due to the Trieste question. At the time of international attempts to solve the Trieste question Belgrade began to act, bringing the ‘illegal farce’ into the framework of state institutions and normal legal channels in a shift towards the liquidation of this illegal activity. Things were left to the civil administration, and later the liquidation of this section also began inside UDBA. Kavčič advocated this as early as the beginning of 1953.<sup>15</sup> But according to him things progressed slowly. He felt that once a company starts to close, liquidation takes some time. In this case we are speaking of a large group of people delicately arranged in networks in foreign countries, and the process dragged on until 1954. Kavčič then insisted that the operatives should be turned into a professional banking branch but Boris Kraigher did not allow this saying “first let’s shut down this part not the entire house; let’s clean up and then I will tell you when and how to continue”. In the spring of 1955 Kavčič left the department and went into banking (Kavčič, 2001: 3).

14 Ivan Maček (May 28, 1908 – April 1, 1993) was a Yugoslav Communist politician from Slovenia who served as the President of the People’s Assembly of SR Slovenia from 1963 to 1967. He was also chief of the UDBA department for Slovenia. [http://en.wikipedia.org/wiki/Ivan\\_Maček](http://en.wikipedia.org/wiki/Ivan_Maček).

15 I had several interviews with Niko Kavčič in the years 2000–2003, his statements are in my notes.

## Contraband and passenger smuggling

My research has been a continuation of my master’s thesis entitled: *Sindrom Martina Krpana* (The Martin Krpan Syndrome) in which I discussed the common attitude of people towards contrabandists, smugglers and their activities that to some extent went on with the silent permission of the country. I stumbled upon the question of how deeply involved individual national authorities were in illegal activities. I found the

answer by analysing contraband and smuggling over time, particularly in the aftermath of World War II. Here I must mention the reflections of Christiano Giordano about a community searching for internal connectedness, cohesion and collective identity, turning not only to myths of origin but also creating its own role models. Among such role models we find smugglers and contrabandists. Giordano describes this as the 'updating' of history. If we disregard various cults of personality that were promoted by totalitarian regimes, in order to celebrate the figures of true leaders, which are still present today, exemplariness was attributed to eminent figures in the past as a set of virtues that should be marvelled at or even imitated (Giordano, 1994/95: 80). In addition to the need for role models, in some communities strong mistrust tends to form towards the government. One of the more important aspects of this mistrust is the duality of the concepts of legality and legitimacy, as well as the gap between them. Translated into everyday language, we are speaking of the attitude towards the rule of law, legality, and the dominant right, legitimacy. What is legal in Mediterranean societies and part of the legal system may not be regarded as fair, justifiable or legitimate by an individual or a more or less strong group. Of course the opposite is also true. The methods of some classes especially the ruling ones, which its representatives tend to accept as legitimate, completely justifiable or at least acceptable – are often in conflict with the rule of law. This contrast between legality and legitimacy seems quite normal, familiar and common. Dunja Rihtman-Avğuštin believed that like our fathers and grandfathers we have convinced ourselves numerous times that the government has deceived us and that the implementation of laws is not carried out according to regulations. Enforcers of laws do not follow written rules; citizens look for 'legal loopholes'. In her opinion, we have learned that every individual who wants to succeed must be aware of the twisted order of things otherwise he will pay for his naivety (Rihtman-Avğuštin, 2000: 168).

Peter Burke wrote about preindustrial Europe between the sixteenth and nineteenth centuries. He stated that there is a considerable degree of mistrust by those living outside the cities towards anyone that does not belong to the narrow circle of relatives and friends (a characteristic of traditional societies). This results in an image of the world as a place of 'limited goods' in which one person can only advance at the expense of another. Burke added that such a view of the world is present in societies with no economic growth and there is good reason for it. The result of this was widespread envy, fear of envy and 'the evil eye'. We find this in the belief that witches are able to milk the neighbour's cows by using supernatural forces. People were thus familiar with magic, protected their

animals with it and redirected evil onto the livestock of others. It is as if they knew that the system cannot be changed but what can be changed is the position an individual occupies within it (Burke, 1991: 143). These two authors touched upon the topic of the relationship of individual communities towards the state and its rulers and uncovered the foundations for various explanations of citizen's 'activities', involving banditry, theft, contraband and smuggling.

Let us look at how smuggling and related 'banditry' are viewed by Miroslav Bertoša. He writes that the uncertainty and lawlessness in the time of so-called pre-industrial Europe were largely a consequence of state authorities wanting to forcibly collect war, administrative and cash taxes and duties. Cash taxes, higher customs duties and the increased control of border crossings considerably reduced the possibility for rural and urban trade and increased the number of smugglers. In France people smuggled salt and tobacco, in England tea and other goods. Such cases were also known in Istria where people smuggled salt, oil and wine. Thus an illegal private trade network was formed that offered goods at lower prices. (Bertoša, 1989: 15). This led to frequent armed conflicts with members of the Financial Guard and border officials who tried to prevent smuggling in the name of the state. The people responded with an overt and passive resistance that brought the state apparatus to a position of helplessness and forced it into making compromises. The whole population was involved and the country had to give in. Poorly paid soldiers were allowed to live at the expense of municipalities in which they were urgently needed. Keepers of feudal law (many of which were poor) were overlooked for their abuse of power and their violence towards vassals. Farmers who could not pay direct and indirect taxes were also excused, those whose property had been reduced and divided because they had many children as well as previously important village men who had dropped down the social ladder as a result of the new balance of power. All of these classes regarded the state and its expensive and useless apparatus as their main enemy, one that had changed the traditional social balance and wanted to change the internal mechanisms that had offered prestige, a convincing defence and a safe life over many centuries (Bertoša, 1989: 16).

The attitude of local people towards smuggling is visible from Darko Darovec's example of the tradition in the Istrian village Rakitovec (Darovec, 2004: 11-43). Several inhabitants of Rakitovec were involved in smuggling especially those who did not have enough land to acquire an additional income by legally selling crops and so were unable to make a decent living. Smuggling activities were not considered immoral in the informal ethical codes of villages and smugglers were not regarded as dishonest. According to Darovec, it is interesting that



people considered the act of a villager who denounced his fellow residents to the police as more morally controversial. During World War II this villager paid for this with his life.

In closing I must mention the famous Slovenian literary character Martin Krpan.<sup>16</sup> He represents a person with a strong heroic charge situated on the border between the laws of the state, legality and the legitimacy of survival. Krpan used behavioural strategies typical of representatives of the bordering small nations of so-called Mediterranean societies. Cheating the country was never a crime in Sicily, for example. Mediterranean societies have a deeply rooted aversion to public authority, the state and its representatives. They stand for power, whose main characteristic is that it is “weak towards those that are strong, and strong towards those that are weak” (Giordano, 2001: 80). Of course this is not only typical of Mediterranean behaviour. We encounter the same thing at the Military Frontier among Uskoks, in many border areas and elsewhere. Martin Krpan’s contraband and victory over the financial guards reveal his attitude towards the government from which he was alienated. This behaviour is not only acceptable among members of Mediterranean societies but also in other subordinate societies in which the gap between the state (and everything that is part of it) and society and its individuals is very wide. Levstik’s character of Martin Krpan became a model for describing contrabandists soon after the novella’s publication. A contrabandist must thus be a strong hero, a robust man from a small farm who beats the Financial Guards and laughs in the face of danger. In conclusion I can add that Martin Krpan was a contrabandist and not a smuggler, even though his behaviour fluctuates between that of a contrabandist and a smuggler. Discussions about the importance of the cargo he carried have revealed that he was not merely a contrabandist; more lays hidden – rebellion, perhaps even the early beginnings of arms trade.

16 Martin Krpan is a fictional character created on the basis of the Inner Carniolan oral tradition by the 19th-century Slovene writer Fran Levstik in the short story “Martin Krpan from Vrha” (*Martin Krpan z Vrha*). It was published in 1858 in the literary journal *Slovenski Glasnik*. The popularity of the story led to it becoming a part of Slovene folklore and made its lead character a folk hero. [http://en.wikipedia.org/wiki/Martin\\_Krpan](http://en.wikipedia.org/wiki/Martin_Krpan).



[65] Irena Gubanc:  
*Martin Krpan and a  
 seasoned mind*, concept  
 drawing for an interactive  
 installation, Idrija, 2014.



## Monika Fajfar

### *Martin Krpan and a seasoned mind*

Irena Gubanc is a designer and an illustrator. Her dual vocational orientation is reflected not only in the diversity of the projects she creates but also in such a way that in her work these two sides of visual art connect and complement each other formally, aesthetically and philosophically. That is proved by this project *Martin Krpan and a seasoned mind*<sup>1</sup> which she is presenting in the context of international exhibition *Smuggling Anthologies* in the Idrija Municipal Museum. The exhibition of artworks along the documentary and historical material wonderfully corresponds with the multidisciplinary way of Irena Gubanc's work. In harmony with the theme of the exhibition the author "smuggles" a number of formal and substantive elements: industrial and graphic design, original authorial illustration, imaginative conceptual design and modern technology. Thus it interactively speaks to the viewer.

Irena Gubanc takes the most famous Slovenian tale of smuggling, Levstik's story of Martin Krpan for the frame of her story. She focused on two motifs, which are inextricably linked even on the symbolic level – Krpan's special (physical and characteristic) power and salt, the smuggled goods. In history, salt like other spices, was a subject of prestige. And salt is the main spice, without it the dishes are unsalted, tasteless, even inedible and quickly perishable. Due to the irreplaceable role that it plays in the cuisine, salt was also given a special place in speech – perhaps because both the food and the words slide across the tongue. Salt symbolizes wisdom and knowledge as well as wit, cleverness, ingenuity and humour.

Martin Krpan is also ingenious, although coarse in his body shape and his words. Therefore his strength is not only physical but also mental and, although it may seem paradoxical, even moral. Irena Gubanc artistically depicts Krpan's strength and confidence with a frontal illustration which shows the heroic appearance of Martin Krpan in the full sense of the word. Simple but strong drawing in the front draws Krpan's (playfully) witty face, while his physical strength is unfolding in the background. The author metaphorically translates other substantive elements of the story into equivalent visual elements in a similar manner; black and white contrast corresponds to the relation-

<sup>1</sup> Having salt in one's head is a Slovenian idiom for being crafty, sly, smart and resourceful.

ship between good and evil (the whiteness of the salt also matches well with the whiteness of the snow), multi-layered structure with clear and coloured plates suggests the gap between external appearance and the actual content (double-bottomed vessels are also a frequent tool of smugglers), while the act of turning symbolizes the changing of meanings when we look at a matter from the other side. The circular shape is unstable, in constant rotation and so reminiscent of the wheel of time, history, story...

Some kind of a round box with the inscription affixed to the wall of the gallery is an unusual, even mysterious subject. Underneath the linden branch (the symbol of Slovene) at the bottom lies the instruction to “turn around”, but it is discreet so it only addresses an attentive observer. At the turn the salt begins to flow to the lower ventricle of the structure, similarly to an hourglass whiteness fills the space behind the transparent surfaces and displays the illustration. The smuggled picture is therefore close at hand but it needs some effort. First, we need curiosity which triggers the action. Then we need common sense, intelligence, “salt in the head”, with which we can interpret the meanings of the disclosed image.

The structure, made of glass, salt and metals, is aesthetically sophisticated and a piece of refined craft. Irena Gubanc also smuggles spiritual, non-material possession into the materialized story. This manifests in conjunction with a virtual portion of the project. Under the guise of decorative ornament a QR code is hidden between the typographical elements which can reward a curious (and smartphone equipped) viewer with the online experience and new information. Smugglers are in fact still people who think a step ahead, who are resourceful, have more information and can (and also dare) using it.

### **A useful explanation**

As true smuggled goods, the drawing of Krpan's face is present in the installation all the time, although initially hidden. In the elementary position we only see the text because it is white on a black background. The image of the face on the bottom part of the plate is a transparent glass outlined with black colour, so it is invisible in front of the black background. Salt is poured inside the structure between the glass and the background. By turning/rotating the installation salt begins to pour into the bottom of the container on the principle of hourglass. On a white salt background we now see a black drawing of the face, while the white text is hidden.

## **Anonymous**

### ***Childhood smuggling***

I was five years old when I smuggled for the first time. While we were on summer vacation at the Belgian North Sea, my father suddenly decided to take me on a week-end trip to Paris. I was excited, because my father rarely took care of me. I had never spent a whole day, let alone a whole weekend, with him by myself. My mother packed my little multicolored synthetic school backpack with clean underwear and a few pieces of chocolate for the road, and placed my old-fashioned French cap on my head. I hopped into the back seat of our ancient Ford station wagon that smelled like cigarettes and wet dog.

This car was gigantic. Sitting in the belly of such a chariot made me feel very safe. That day the soft grey velour cushioning of the back seat was unusually hard and bumpy. I sat nevertheless and we started driving. After an hour or so, as we were approaching the border, my father gave me a thin checkered Scottish woolen blanket and told me that I should lie down with the whole length of my body over the back seat, cover myself with the blanket, and pretend to sleep. I wasn't sleepy and the blanket was itchy but I complied. We rode for a little while.

I was proud to help my father with his work. I didn't exactly know what he was doing. Nobody really knew, probably not even himself. But it didn't seem like an unusual job to me. From what I could see, it was quite fun. It involved going to bars, driving the chariot around, chatting with people and not being home very often.

When I was still in kindergarten, my mother trained me to answer the inevitable "What do your parents do for a living?" question. They are both "entrepreneurs", I learned to answer. I had no idea what it meant, but was proud of the fanciness of the word. Schoolmates and teachers seemed to be happy with it. I wasn't aware of it, but it was a masterpiece. While truthful, containing no lies, it stayed comfortably vague. At the same time, it made me belong to the rising heroes of the eighties, market magicians and other masters of influence. After laying on this hard mattress a while, my father turned his head, saying to me "That's it, we passed the border. Good job, son!". We had just arrived to France, and under my seat several dozen boxes of Russian caviar were hidden.



My parents were petty smugglers. In fact, strictly speaking, they were not even smugglers; they were retailing illegal goods, mostly within Belgium. They only rarely passed borders with the goods they sold. The Paris story was only a one time deal. The merchandise they sold came from abroad and was delivered by someone else, actual smugglers who specialized in transportation. My parents were the last link in the sale's chain, very close to the point of consumption. Their customers were rich individuals or even smaller local dealers. They trafficked in luxury products. Caviar mostly, but as well art and jewelry, mainly originating from Russia or Europe.

The traffic of luxury goods is extremely safe. Although illegal, the police didn't give a damn. In the last three decades that my immediate family has been involved in the business, I never heard of a single person within Europe who got into a real trouble with the law. The reason for that is that there is no big-business lobby advocating for the legal commerce of caviar or antiques. Unlike with cigarettes and alcohol, the smuggling of which means huge losses for both industry and state, the contraband of luxury items harms neither private nor public western institutions. In fact, it is the very opposite: such smuggling is greatly beneficial to European countries. It is the national wealth of a foreign country – in my family's case, Russia – that gets stolen from its people and hawked to the European upper-classes. In exchange for some money, for sure, but that money does not stay in Russia, it goes directly into the pockets of the oligarchic mafia that controls the traffic, and ends up soon enough filling up Swiss bank accounts or used to purchase villas on the French Côte d'Azur.

Why would Europe fight a traffic that is so beneficial? Let alone that it further enriches those in Europe who are already rich. Why bother our royalty with the fact that their caviar has been served to them by the mafia? My parents were very careful to never touch drugs or weapons. Setting aside the fact that they would have had moral issues regarding it, if those are the goods that can get you into a trouble. Of course, because they engender a much more visible evil: AK47 murders or heroin addictions on local streets are harder to ignore for Europeans than the impoverishment of a foreign nation or the extinction of a fish species. But also because this evil is mostly located in the countries that receive weapons and drugs, not in the countries that produce and export them. Russia is always glad to export kalashnikovs to the European criminal market.

It is Emilio who was our first caviar provider. He wasn't exactly a smuggler at that time, he was a retailer who had created his own supply network. Nobody really remembers how we became involved with him. To me, it feels like he had been there since ever. My childhood memories are entangled with the sound of his uncanny use of French, a unique mix between



an Italian dialect and a French-Flemish Belgian slang. He was often at our home, hanging around wearing a brown leather jacket, something that made him look tough, like a mobster, so the softness of his heart would stay hidden. Sometimes concealed in his pocket, was a telescopic metal truncheon, a pretty dangerous weapon, which he'd show me how to draw to defend myself if ever attacked. He was already in his sixties at the time, but was offering me fighting demonstrations like a ten year old, slicing the air with his formidable stick, knocking out legions of imaginary thugs in our tiny kitchen. He seemed to always have something to do at our place, a package to deliver, some merchandise to check out, some serious discussion to have, some money to get or give. In truth, I think he simply enjoyed being around us. I listened to his stories and must have heard the tale of his entire life several times over, broken up in little chunks. He is a talker, famous among Belgium's shady fellows for his permanent storytelling as well as for always being late. Inhabited by the demon of telling, time vanishes from his mind, and he embarks in three, four, five, sometimes six hour long stories. He'd sit on a stool in the kitchen while I made him espresso, he'd talk and I'd listen. Over the years, I've come to love him like a grandfather.

Emilio was not in business for the money person. He was doing it for the people. What he loved, are his people. The queer ones, the people who stand out, who in a way or another cannot conform to society, unable to bend to the laws of normality. What he was looking for in human beings was a kind of animality; a sincerity that could not be faked, a violence that cannot be repressed, a revolt that cannot be disciplined, something primal that will never quite fit into the categories of middle class lifestyle.

[66] Smuggled Russian caviar packages, Anonymous' home collection.

He was born in the land of contraband, in the Italian southern Alps, close to Switzerland, a place where borders only exist on maps and where smuggling appeared as soon as those borders had been traced. Although Emilio was born in the 1930s, not much had changed in those remote areas since the nineteenth century. And then as before, the only alternative to crass poverty was either immigration or smuggling. Many like Emilio did both. He has spent his childhood herding goats in the Italian Alps, not going much to school. He was alone for three months every summer with his beasts, making cheese literally in the clouds, at an elevation of 2000 meters. There he learned to talk to animals. The great regret of his life is to have had to leave those mountains, to have to migrate, to go to work in cities, to become a trader, a man of things and not a man of beings.

A mourning for his lost mountains brought him to search the cities for their beasts, a universe made of Polish smugglers, bank robbers, current and former convicts, crooked cops, gypsy lion tanners, megalomaniac con men, stolen object receivers, Jewish orthodox diamond carvers, Georgian middlemen, big hearted prostitutes, Yugoslavian burglars, Italian pickpockets, soviet sailors, Bulgarian truckers, flamboyant gangsters, Belgian lumpen-proletariat, millionaire industrialists, welfare recipients and city dwellers, art swindlers, Russian mafiosis, distinguished college professors and catholic monks. Those people, sometimes kind, sometimes not, often take advantage of Emilio, but he doesn't care. He knows wild beasts, they bite but never out of meanness. It's their nature.

In the early eighties, Emilio rebounded with smuggling. After having being legally employed for 25 years in northern Europe, his business had abruptly collapsed, and with a young family to feed, he had to find a new source of income. He got a senior position at one of his former competitor's, but, not working more than 50 hours a week, he quickly grew bored. He knew people looking for caviar and proceeded to find it for them. Official caviar was expensive, the profit margin tiny. The only way in was to get a hand on contraband caviar. And in Belgium, but really in the whole of Europe, the center for contraband was the infamous "Falconplein" in Antwerp, Europe's second biggest port and one of the world's largest. The Falconplein was a market where every kind of illegal, smuggled, stolen or forged good could be found for sale. At the time, it was tolerated by the Belgian police, who preferred being able to watch the trafficking rather than having it happen out of sight.

Back in those days, the sailors of the soviet bloc would always smuggle a little something out of the country, to be sold during their stopovers in the West. Naturally, the state controlled merchant navy tried to avoid such petty commerce: a sailor could only go ashore if accompanied by an officer. Supposedly

because belonging to antagonistic social classes, sailor and officer were supposed to report on each other. Of course, the officer could be bought or his attention diverted. On the Falconplein, anxious sailors could be seen furtively looking for potential buyers. In exchange for a few dollars slipped into their palms, they would hand off a paper-wrapped package from beneath their jacket. The content of such packages was often surprising; from a metal caviar box full of stinking sand to a beautiful ancient miniature orthodox icon.

Emilio quickly figured that much more efficient was having contact with some of the Falconplein's permanent merchants, most of which were Georgians Jews. Those merchants, speaking Russian and always being around the harbour, had good contacts with the sailors. Steady networks of smuggling had been set up, which surprisingly were largely based on trust. People in Russia, often Jews needing dollars in order to buy their right to migrate out of the USSR where they were always under threat of persecutions, would find caviar or icons, and give them to entrusted sailors, embarking from Leningrad or Kaliningrad. On a stopover in Antwerp, the sailors take the goods to a known merchant of the Falconplein. For caviar, they would collect the money right away, but for art and icons, they would only do it on their return trip to Russia, if the merchant had managed to sell the piece, and if not, take it back to Russia. Despite the iron curtain, despite the absence of legally binding contracts, mutual confidence was the only thing that insured that the sailor or the merchant wouldn't run away with the money.

Once, in the 1980s, when Emilio was visiting one of these Georgian merchants of the Falconplein, buying three or four crates each containing 140 glass canisters of 95 gram jars of preserved caviar, he met a man who would become a life-long friend, a student and a long time caviar provider. Having tasted a few boxes, payed for the crates and chatted with the Georgian, Emilio proceeded to carry his purchase to the trunk of his car.

Because the crates were heavy, each weighing more than 20 kilos, the Georgian summoned Micha, his all purpose handyman, to carry them. Once they found themselves alone loading the crates into Emilio's car, Micha, handed him a piece of paper with his number on it and whispered that he could easily find him fresh caviar for a cheaper price than the Georgians'. At the time, fresh caviar was much harder to find than preserved one. It was much harder to smuggle, because it had to constantly be refrigerated, making it therefore much more expensive. Micha was a Polish man in his mid-thirties. Back home, he had been a track star, having won the national gold medal for 800 and 1500 meters. The communist state had provided him a salary as long as his sports career lasted.

After retirement, he got stuck doing odd jobs and decided to clandestinely migrate to the West. Belgium was not as welcoming as he had hoped, and he found himself sharing a damp room with four other Poles, making little money as an errand boy on the Falconplein. He was smart though, and quickly figured that he too could enter the business of contraband. Emilio was the first client he had attempted to approach. When Emilio called, Micha invited him to the shack he was living in, and proceeded to show him the few boxes of fresh caviar he had scouted. The caviar was horrific. But Emilio liked the man, and having himself been a struggling immigrant some thirty years prior, he decided to help him. A few weeks later, he came back to Micha with different boxes of caviar. He made him eat all of them, giving him a crash course on caviar degustation inside the damp dorm. Soon after, Micha began scouting good product, and became Emilio's main supplier. Micha ended up quite prominent in the business, marrying and going back to Poland a few years later, where he grew to be one of the key people organizing legal and illegal exports of caviar from Russia to Europe.

It is through Micha that Emilio met Janusz. Micha and Janusz were friends back in Poland, very close friends. Janusz spent a year in communist jails. Once out, none of his former friends wanted to have anything to do with him. But Micha was there. He helped him come to Belgium, and brought him into his new caviar smuggling business. They lived and worked together. It was often Janusz that Emilio contacted for the deliveries. Emilio liked him as well, and proceeded to school him as he had done for Micha. Later, in the nineties, when Micha went back to Poland, Janusz became the delivery person taking care of exports to Western Europe.

Janusz was a man of mysteries. Short, middle-aged, always wearing a grey suit, he looks like just another petty clerk from Warsaw's suburb's trying to make it in post-communist Poland. And for a long time, I believed that he was indeed someone with a simple and somewhat boring life, a smuggler yes, but who could do his job like a traveling salesman. The only things he ever told me about, when he sat drinking coffee in our kitchen, was about minor business troubles, conflicts with his wife, and worries about his kids' teenage crisis. He did seem overworked, but besides that he seemed to have the same uneventful existence as anyone else. It is only recently, while visiting him in his hometown in Poland, that I discovered that this was only a façade.

For him, smuggling is something between a day job and retirement; something that he does to make some cash and especially, avoid doing what he used to be doing before. Janusz started his career as an army officer, and was involved with the Soviet occupation of Afghanistan as well as with training of communist troops in Vietnam.



Later on, he ended up in a Polish jail for treason, allegedly for spying for the West. He managed to be released and be granted permission to leave the Eastern block. He then worked in Asia and Africa as a fixer for large western multinational corporations extracting natural resources. His work involved corrupting local politicians as well as organising the western mercenaries responsible for security. In his career, he killed people and had people killed. He was a little taskmaster of oppression, an overseer of domination. For a long time he thought that he did not have a choice, that he had to do what he was doing and that even if he stopped doing it, someone else would do it in his place. His actions started troubling him. He could not sleep any more. So, when Micha offered him the chance to enter caviar smuggling, Janusz jumped on the occasion to quit his murderous career. He still could not sleep very much, and when he does, it is only because he exhausts himself through constant work. He is incredibly grateful to Micha and Emilio to have introduced him to smuggling. Without them ever knowing it, they saved his life.

Janusz came to the business at one of its turning points, a radical game changer for contraband: the conjuncture of communism's fall and European integration which would result in a free pass to all kinds of smuggling within Europe, especially coming from Russia. With the fall of the Berlin Wall and Russia's opening to the West, caviar was cheaper than ever on the black market. Under the USSR, when Emilio and Micha started in the business, contraband caviar, but as well icons or vodka would arrive in small quantities at random times. Large scale smuggling was strictly fought by the Soviet authorities, simply for the reason that the Soviet Empire desperately needed foreign currencies in order to survive: Russia's economy was in such disarray that it needed to buy American wheat in order to feed its people. A sustainable management of high value export goods like caviar was compulsory, hindering most of the smuggling, if the basic needs of the Russian population had to be met, and therefore a popular uprising avoided. But in the 1990s, the interests of the elite did not involve political stability anymore, but rather the plundering of Russia's national wealth by any possible means. The ruling few went from being state, army and secret services apparatchiks to mafiosi and capitalist oligarchs. This meant that smuggling from Russia to Europe would be greatly eased, if not encouraged by the corrupt Russian officials. It meant as well that frantic illegal fishing became the rule, organized by the very policemen who once regulated it. Caspian Sea sturgeons quickly became an endangered species. The fishermen themselves started dying in great numbers: Illegal fishing is extremely dangerous for those who do it. They do it for survival, making a few dollars on every box that will be sold for thousands in the West. On small

decrepit old boats, they have to discreetly go to sea when the coastguards stay ashore, that is at night and when the weather is bad. Very often, sailors do not come back to their wives. In Belgium, the fall of communism meant that huge amounts of caviar were arriving in our kitchen fridge for next to nothing. At the same time, Russian churches were emptied of their artistic treasures, sacred paintings that had been the center of a family's home shrine for centuries were sold for pennies by desperate people trying to survive.

In the West, post-communist times coincided with Europe's integration, meaning the progressive implementation of the free circulation of people and goods within its borders. Europe was to become a nation through the free market. The Schengen Agreement, in the mid-eighties, had largely softened border controls, which allowed vehicles to cross without stopping while maintaining something called a "reduced speed vehicle check." Soon after, in 1990, all fixed border controls would be stopped. For my parents, and even more for their colleagues, the smugglers, this had been great news. Overnight, Europe had become a smuggler's dream playground. Originally you needed a special scheme for passing every single border within Europe, often with a separate smuggler for each border, each encountering a new risk of being caught by border controls and extra time for passing those controls, all of it representing supplementary costs. After Schengen, you would just need one person picking up the merchandise somewhere close to the borders, place it into the trunk of a nice looking but non-descript rental car, and have this person drive wherever you want within Europe. The important thing is to make sure the driver wears a nice suit, and looks like he's a businessman on a trip. One rarely stops businessmen when the authorities are focused on chasing undocumented immigrants.

Arriving to the caviar business during such favorable geopolitical circumstances, Janusz's only remaining challenge was to have the caviar cross the Russian border. Although it was extremely permeable, an arrest – for example in the case of a competitor paying off the police to do so – meant jail time for the transporter, and nobody wants to do time in a Russian gulag. After Vladimir Putin took power in 2000, criminality had to take a slightly more orderly form in Russia. The border wasn't as permeable as it once had been. Exemplary sentences would occasionally be pronounced. Janusz, a professional, had to establish safe routes for his merchandise. In the 1990s, when Russian caviar was still flooding Europe, he simply hired a diplomatic car. Or rather, a diplomatic truck. Police cannot search or control cars bearing diplomatic license plates. So, employees from an African embassy based in Moscow, instead of buying a Mercedes, registered a van with the diplomatic plates, loaded it with caviar boxes and drove directly from Moscow to Paris.

The early 1990s was the time I was eating caviar for breakfast. We were receiving so much of it that we couldn't sell it all, and would eat it ourselves in place of marmalade. I especially, had to eat it every day before going to school, my parents being convinced it was particularly healthy for growing kids. I loved it, but often ate so much of it that even the simple thought of caviar would make me feel nauseous. We didn't have much money. My mother worked hard. Sometimes she made a good income, but my father would soon enough drain our resources. He was not an idiot. He could from time to time put together a surprisingly successful swindle or make a good deal. But the money would immediately disappear. Alcohol. Some gambling. Madness for sure. I spent my childhood in a house that was literally falling apart, never having recovered from the time it burned down. My father pretended for ten years that he was about to start the renovations, which somewhat made sense because he was a gifted worker. He would start the works, tear down a wall here, remove some carpet there, but would never finish anything. The house effectively looked like a ruin. Fully inhospitable. Living there permanently placed us in a mode of survival, constantly having to move buckets around to catch the rain going through the roof, being careful to not displace the planks covering the holes piercing the floors, minding the mice traps or patching up the water pipes so they didn't explode, sleeping next to the stove in winter because we had no heater. When I was about six, I had the surprise to see a court bailiff enter the living room as I was watching cartoons. Nobody had answered the door, I was home alone, so, with a locksmith and a cop they broke-in and started seizing our valuables, trying to reimburse one of my father's unpaid debts. It was in that same house that I spent my childhood eating caviar.

Already in the late 1990s, sturgeons were on the verge of extinction in the Russian waters of the Caspian sea. Caviar prices experienced a dramatic increase, and the deliveries grew thinner. Janusz could not afford the services of diplomatic personnel anymore, and had to find a new smuggling route. At the time, a direct Russian train was still running between Moscow and Western Europe. Janusz told us to go to the station in Brussels, and wait for the train to arrive. It was an old Soviet train, grey-brown in color, rusty, with a huge green locomotive in the front. A monster from ancient times. It was quite long, but we would at most see two or three passengers get out. Our instruction was to board the train and find an attendant. Inside, nothing had changed for the last twenty years. The train attendants were large middle-aged women, dressed in a very proper kind of blue suit, the kind that remind you of a police officer's uniform, looking more like battlefield nurses than catering personnel.

We had to give them a password. It was a strange French sentence, as if from a 1950s french class: “Êtes-vous Mademoiselle Jeanne?” – “Are you Miss Jeanne?”. “Ah, Janna!” answered the strong lady with her heavy accent. With a gesture, the bulldozer of a woman would then immediately lead us to another wagon, and hand us a paper-wrapped package, repeating “Janna!”. “Mademoiselle Jeanne” was not the attendant, it was the package itself. Sometimes the package was cold, having been refrigerated in the attendants’ fridge. Once they pulled it from under a seat, just next to the heater, and when opening the box at home, we discovered some kind of warm and stinky fish puree.

After the train line was finally terminated, having run so many years without any passengers on board, Janusz convinced some airline pilots to work for him. They would smuggle a few boxes in their personal belongings, having ways to avoid border controls at Moscow’s airport, and just keep it with them in the pilot’s cabin for the few hours of the flight. Janusz would then recuperate the boxes after custom, having sometimes travelled as a passenger on the same plane. We would pick him up at the airport as if coming to get a friend and drive out to the first gas station. There, we would stop and do the exchange. He’d give us the boxes and count the money. Those things are better done away from prying eyes and omnipresent surveillance cameras. We would then drop him back off at the airport, where he would disappear again into the mysterious whirlwind of his life.

Lately, as business has grown even slower, Janusz somehow lost his vista as an international smuggler. He still does the traveling, but by himself, either in small rental cars or on the train, always taking with him a few pieces of luggage filled with caviar boxes. He doesn’t even need the money anymore. He does it to keep himself busy, as a kind of hobby. It does feel like the end of an era. The fish are dead so we can’t eat their offspring any longer. Caviar smugglers have killed their own source of income. Like the fish they preyed upon, they too have become an endangered species.

As the caviar grew more expensive and harder to get, I would only taste it to check for quality. So, I know caviar. Probably better than most professionals. It can be very good. Some *Oscietra* (one of the two main kinds from the Caspian sea) can have a fine fruity taste of hazelnut, the firm grains popping between your tongue and your palate. *Beluga* (the other and most expensive kind), with its large, grey and doughier grains, has a deeper complex taste, with buttery notes. I always enjoy when my mother has a bit of caviar for me, that she scraped from dividing a large box into smaller ones. It’s a fine food, but it’s fineness is fully matched by a good piece of fish or fresh mushrooms. I enjoy it mostly because it plunges me back into

my childhood, to its joys and sadness. It reminds me of the loneliness inscribed deep inside me, a loneliness I have always felt, and of which I've never been able to free myself. It is the loneliness of a child trying to make sense of his parent's immaturity, noticing that if he is to make it, he will have to not be a child for very long. It reminds me of my father's megalomania, of his brilliant appearances which hid his systematic pathological self-destruction, of the innumerable promises he made, making people expect so much from him, looking to him as if to a genius child, only to better deceive them later on. For my father, caviar was an ideal attribute, something that perfectly corresponded to his aristocratic charm, fitting his picture of himself as a worldly gentleman, always having a good story to tell, a man at ease in the world and whose acquaintances went from royalty and millionaires to mercenaries and street junkies. It reminds me of the moment I stopped forcing myself to believe my father's tricks and instead, started to cultivate a murderous rage towards him. It reminds me of the feeling of comfort I could find in my mother's infinite love, and then of the guilt I would feel, when her love would inevitably turn into a masochistic self-sacrificing done in the name of her children.

My father's delusional persona was somehow the perfect match for her: one that would gladly be worshipped as a God, and at the same time, that would fulfill her need for being victimized. Thanks to Emilio, caviar is what she in turn started selling when she had lost everything, when she indeed became my father's victim. It reminds me that I was not born as a son, but as my own parent, and even as the parent of my own mother and father. Despite everything, I still like caviar. It reminds me of the child I was, and makes me feel grateful to have become the adult I now am.

As a white middle class European, I never see myself as a criminal. But of course, I am a criminal. In my name, colossal amounts of evil are committed. I sit on top of a pyramid of suffering, a vast machine that deals violence and oppression to its bottom in order to offer wealth and comfort to its top. The system steals from the poor in order to give to me, the rich. And yet, I do not see myself as a thief. I do not feel guilty. Culpabilities are blurred by the complexity of our system of oppression. Between me, the European lord, and the innumerable slaves around the world who work for sustaining my livelihood, there are legions of intermediaries. Those middlemen force the ones at the bottom into believing they have no alternative, that their only choice is to sell their workforce for close to nothing and that if they are in such situation, it's probably their fault. When I buy a T-shirt for twenty euros, I never have to face the people who have produced it for a few cents, and they can never direct their anger at me. Between us are borders, police,



armies, corporations and subcontractors. Between our two worlds, nothing transpires, and I can live on with an untroubled conscience.

But I am not only a middle class Belgian, I am also one of the middlemen of oppression. As the child of traffickers, as someone who has lived from the extinction of a fish species, from the impoverishment of a people, from the enrichment of a criminal oligarchy, I feel guilty. A strange phenomenon, knowing that most of the time the nature of legal markets is not different from the one of illegal markets. Isn't buying a cell phone containing coltan extracted in central Africa through sheer violence as criminal as buying caviar from the Russian mob? Isn't consuming pretty much anything in the West against our environment? The proximity to shadow economies helps cure naivety. Delinquents are often very aware that our legal institutions, like our states, our elections, our tribunals, our armies, our police forces or our markets, are disguised criminal organizations. Surprisingly, they do not see their own activities as being opposed to these institutions, but rather, as their continuation, a continuation of their logic. My own mother, Emilio or Janusz never pretend that what they do is right. They just say that what judges and politicians do, what police and financiers do, what industrialists and lawyers do, is just as immoral. At least, the traffickers do not blind themselves through pretending to be working for the common good. At least, in their wrong doings, they aren't hypocrites. When I was opening caviar boxes through the night, knowing that those may be the last ones, because who knows if there will still be sturgeons to be fished next spring, or wondering how many poor devils died at sea precariously fishing so I can sell those eggs, I sometimes thought: if I wasn't doing it, someone else would. Or I would think that we needed the money to live, that we ourselves were suffering, that we had no choice. I may have been correct. Or not. I've never been able to answer this question. The only thing I've learned is that there is no difference between a Belgian schoolboy and a Russian mobster.

It has been years now that I've wanted to write down some of those childhood memories. If I hadn't done it yet, it is because recalling them brings up wounds that have not yet healed. Usually, when I tell stories of my family, most of which I didn't even touch upon here, people are fascinated, telling me it would make a great movie. But for me, the telling resonates with pain, resuscitating what had long been buried. Caviar can be seen as the symbol of my parents' tragedy, having somehow followed every stage of the transformation of their love and happiness into mental illness, hatred and violence. My father got involved with caviar because, progressively turning mad, he needed himself to believe he was living a fantasy, a life of quixotic proportions, when in fact it was mostly sad, if not sor-

did. When my father's delusional progression reached its peak, my mother had started selling caviar as a full time job in order to survive, because escaping my father meant abandoning everything she had built over the last twenty years and starting over very late in her life. Having written this text, I notice that caviar trafficking can be seen as the thread running through my childhood, the thread of my parent's confusing inheritance. The confusion comes from the fact that in this trafficking legacy, love is always entangled with pain. I love caviar and I hate it, just like I hate my father and can't help to somehow love him, for he is an inseparable part of my self.

Telling you these stories, recalling the facts, interviewing the people, this all has been washed in pain and love, anger and compassion. Until now, I have always tried to keep emotions away from my writing, making it a theoretical exercise, an act of disembodied thought, resulting in a perpetual discontentment towards my work. It is hard to think from the rawness of my very self, but much truer. Somehow, having to write this text anonymously has been an unforeseen blessing. Anonymity was compulsory. Although law enforcement doesn't care about the kind of trafficking I'm relating here, it remains illegal, and could theoretically bring trouble to my friends and family. The names I use are pseudonyms, and personal information has stayed purposefully vague, at times altered. Unexpectedly, such necessity happened to be liberating for my writing. Becoming "Anonymous", dissolving my own self for a short while, creating an interruption into the structure of my habits and internal blocks, getting over the censorship of my fearful intellect, this all allowed emotions to emerge and mingle into the realm of speech. Avoiding the scrutiny of the laws of society, I avoided as well my inner judge, a cruel lord of mastery and certainty, allowing myself to open up a little. Refusing to be known, I could allow my voice to come forth. As if, in order to be able to accept myself, I had to smuggle myself over the borders of my own control.

[67] Tanja Vujašinić:  
*Family Archive*, detail of  
installation, Trieste, 2013.



# Tanja Vujasinović

## *Family Archive*

2013

*Family Archive* (2013) by Tanja Vujasinović is an archive of smuggling in this artist's family through three generations of women. The work consists of photographs of three smuggled objects (nylon tights, a drafting tool set and a high-voltage neon transformer). Below each photograph there is information about the object, the year it was smuggled (1952, 1964 and 2009), the name of the person who smuggled it (Angela Jurman, Marjeta Jurman Vujasinović and Tanja Vujasinović) and the smuggling route (Trieste-Ljubljana, Trieste-Ljubljana, Ljubljana-Zagreb). The countries divided or "confronted" by smuggling are at the same time connected by it. Smuggling is an everyday occurrence for the local people and as such it became part of their family histories. *Family Archive* portrays smuggling as an existential necessity conditioned often by senseless and absurd social and political limitations.

Offense: ..... smuggling  
Offender: ..... Angela Jurman  
Description of item: ..... nylon tights  
Year of offense: ..... 1952  
Route of smuggling: ..... Trst – Ljubljana

Offense: ..... smuggling  
Offender: ..... Marjeta Jurman Vujasinović  
Description of item: ..... drafting tool set  
Year of offense: ..... 1964  
Route of smuggling: ..... Trst – Ljubljana

Offense: ..... smuggling  
Offender: ..... Tanja Vujasinović  
Description of item: ..... high-voltage neon transformer  
Year of offense: ..... 2009  
Route of smuggling: ..... Ljubljana – Zagreb



[68] Can Sungu: *Replaying Home*, installation view, Rijeka, 2013.



## Can Sungu

### *Replaying Home*

2013

Before the invention of ‘cheap flights’, cars were the most important means of long-distance travel for Turkish guest workers (*Gastarbeiter*) living in Germany. The train was slow making the journey on rails very time consuming. Flights on the other hand were mostly unaffordable but they also had luggage restrictions, which made it nearly impossible for the travellers to carry all the *bayram*<sup>1</sup> presents they wanted to give their relatives at home. So finally the opportunity to show off a brand new German car, and the relief that luggage was restricted only by father’s packing skills made the trips by car even more attractive. In the trunk many ‘first’ items were carried from Germany to Turkey: deodorants, soap, radios, binoculars, colour TVs... Every new commodity which they brought along with them from Germany provided great attraction and strengthened positive clichés about German technology and Occidental opinions about the higher development of German and/or Western culture. The almost hysterical desire for Western consumer products resulted in such a craze that even people without any relatives abroad now wished to own one of these products. Due to high tariffs and inadequate mass purchasing power during the 1980s in Turkey, electronics in particular labelled “made in Germany” were regarded as luxuries. Therefore, everything that did not fit into father’s car was now transported by pickup truck. In addition to this, groups of guest workers that regularly travelled to Turkey in the early 1980s, unintentionally established a smuggling route which eventually evolved into a ‘silk road’ for professional smugglers.

Video tape recorders, which have been the most significant of these smuggled products, gave way to a new cultural field in Turkey: video. But in order to understand the how video culture developed in Turkey, we have to go back to the starting point, namely to Germany. In the early 1980s, first Betamax and then VHS video recorders had become widespread in Germany and in a very short time they were also well accepted by many Turks. The lack of sufficient German language skills, as well as the fact that the content of German television broadcasting was not targeting the Turkish audience at all, led Turkish immigrants increasingly to rent videotapes. Somehow in

<sup>1</sup> Muslim religious feast.

this context watching videos replaced watching German television. These video nights were a sort of social event including neighbours and family. Watching videos was accepted as a pleasant and family-friendly alternative to going out and getting attached to German-dominated cultural life.

The enthusiasm for video inspired Turkish film producers to export Turkish movies to Germany and transfer them to videotape. In order to take part in that growing market, a lot of Turkish video companies opened up in Germany. These companies had their own studios and were responsible for the transfer of imported movies to videotape. Usually they enriched the content of these videotapes with commercials and trailers. They packaged and distributed the tapes to Turkish video rental shops in German cities. Some of these studios also produced low-budget video movies by themselves targeting the Turkish audience in Germany.<sup>2</sup>

2 Due to digital revolution, these companies were not able to compete against digital TV and online videos and closed one after another. Some of the movies which were only released on videotapes, are now in danger of disappearing forever.

Those who spent their summer vacations in Turkey now started to bring video recorders and videotapes along with them. In Turkey the idea that you could watch any movie any time you wanted was magical. The video recorders were mostly combined with colour TVs which were also brought by relatives in Germany and which were placed in the favourite corner of the living room.

The copyright laws in Turkey could not keep up with technological innovation and the Turkish state did not enact laws against the illegal duplication of videotapes. Thus, a new video market rapidly grew in Turkey, which in its early stages was a bit improvised and “semi-legal” as it was dominated by duplicated or smuggled videotapes. Video clubs, where videotapes could be rented and/or duplicated at favourable prices, became commonplace. Some Turkish film distributors in Germany were keen on these developments in Turkey and got involved in smuggling video recorders. The smuggled goods were sold, for example, in a big warehouse in Istanbul called *Dogubank*, a place admired by Turkish consumers due to its low (tax-free) prices. *Dogubank* still exists and is a popular spot for buying home appliances and electronics.

For *Replaying Home*, I started my research in 2010, a couple of years after I had moved to Berlin. At this time I had already heard of some of these movies. A few of them I had even watched before. But the real turning point of my interest and the start of my research occurred when I coincidentally discovered one of the last Turkish video rentals in Berlin. The shop was about to close and the owner had decided to make a sell-off. I took the opportunity to buy some videotapes and I talked with the owner as well. As a result of him sharing his memories with me I learned a lot about the golden age of home video. This was the trigger for a long research phase, during which I watched a vast number of movies, tried to reach local experts



and collected more and more information about production companies, directors, actors and so on. I noticed that most of these movies were based on similar plots that, following their protagonist(s), focused on the life of Turkish immigrants in Germany. The plots mainly deal with issues such as culture shock, homesickness, discrimination and the threat of assimilation, and discuss them from ranging perspectives related to religion, national identity or social rights. I began to edit sequences into thematically titled clusters, for example “arrival to Germany”, “first impressions”, “Neo-Nazis” or “drugs”. I created a new narrative imitating the narratives of the movies by editing cuts, taken from more than 25 movies, into one plot. I tried to avoid documentary approaches and I left out any anthropological statements. In contrast, I explicitly wanted to emphasize fiction and the storytelling.

[69] Can Sungu: *Replaying Home*, video stills, 2013.

The installation *Replaying Home* recreates the “video corner” of an anonymous Turkish family and presents therein this found footage-video. The video includes selected cuts from smuggled videotapes such as the Turkish movies shot in Germany during the 1970s and 1980s, commercial films of German-based Turkish video studios, movie trailers and title animations. The installation offers a one-on-one experience, where the visitor’s role shifts between spectator and family guest. *Replaying Home* invites the viewer on a journey through a fictive universe based on stereotypes, Occidentalism and the traumas of migrant life.

[70] Zanny Begg and Oliver  
Ressler: *The Right of Passage*,  
video stills, 2013.



Places such as Latin America and parts of  
Africa have a rich history of political struggle,



where there is a permanent construction  
and reaffirmation of their identities,



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Because finally you realize that in



## Zanny Begg and Oliver Ressler

### *The Right of Passage*

2013

“We can’t imagine a global citizenship or any concept of dynamic citizenship if we don’t think about it not only in terms of law but in terms of the political economy of bodies that move. There have to be structures that can receive and host this kind of movement. This is why citizenship is not simply a subjective phenomenon but also an objective phenomenon of hospitality.”

Antonio Negri, *The Right of Passage*

In their third collaborative film<sup>1</sup> Zanny Begg (Sydney) and Oliver Ressler (Vienna) focus on struggles to obtain citizenship, while at the same time questioning the implicitly exclusionary nature of the concept.

The film is partially constructed through a series of interviews with Ariella Azoulay, Antonio Negri and Sandro Mezzadra. These interviews form the starting point for a discussion in Barcelona, one of Europe’s most densely populated and multicultural cities, with a group of people living *sans-papiers* or “without papers”. The film is set at night, against a city skyline, providing a dark void from which those marginalized and excluded can articulate their own relationship to the arbitrary nature of national identity and citizenship. Spain was chosen for this project as it is teetering on the brink of financial meltdown and is testing the limits of European cohesion.

The title, *The Right of Passage*, refers to the stages, or ‘rites of passage’ that mark important transitions on the path to selfhood. The exchange of “rites” with “rights” suggests that freedom of movement must become a right granted to every person – regardless of his or her place of birth. As the film explores these journeys not only transform those who embark upon them but also the places they inhabit.

In the film, the conversations around citizenship are interwoven with animated sequences.<sup>2</sup>

1 *The Right of Passage*, video, 23’, 2013. Concept, film editing and production: Zanny Begg & Oliver Ressler. Passport sequences: Zanny Begg; Camera and interviews: Oliver Ressler; Camera in Barcelona: Carlos Chang Cheng, Roberto Martín; Sound recording: Oliver Ressler; Sound design, mix and color correction: Rudi Gottsberger; Original music: Kate Carr; Participants: Ariella Azoulay, Lucía Egaña, Sandro Mezzadra, Antonio Negri, Daniela Ortiz, Will Sands, Katim Sene, César Zúñiga; Production assistance and translation: Daniela Ortiz, Xose Quiroga, Jason Francis McGimsey. The project was funded partly through a grant of BMUKK and the Australian Council for the Arts Barcelona Residency Program. Many thanks to Gerald Raunig.

2 Further information:  
[www.ressler.at](http://www.ressler.at),  
[www.zannybegg.com](http://www.zannybegg.com).





[71] Janša, Janša and Janša: *Work*, exhibition view, Rijeka, 2013.



# Vana Gović

## Janša?

Interview with Janez Janša,  
Janez Janša, Janez Janša

In 2007, three artists; Davide Grassi, Emil Hrvatin and Žiga Kariž, took the name of Janez Janša, who at the time was Slovenia's PM and the president of the Slovenian Democratic Party. This act has produced numerous effects on personal lives of three artists, on public and political sphere, and on the concept of art in general. By changing their names, these three artists have let art to occupy their lives permanently, but also the lives of those who get in touch with them. Since then, art has been functioning along the same principles as life itself. Accordingly, art has become as unpredictable as life itself. Their exhibition titled *Work*, hosted at the end of 2013 by Rijeka's Mali salon gallery as a part of *Smuggling Anthologies* project, has served as a motivation for our talk with the artists Janez Janša, Janez Janša and Janez Janša.<sup>1</sup>

**You decided to call the Mali salon exhibition *Work*, introducing it by the words: "For us, there is no difference between our work, our art and our lives; in that sense, we are not different from you".<sup>2</sup> Can you explain in what way you treat your work, art and life as one?**

J. J.: One of the basic features of neoliberalism is the removal of distinction between

work and free time. Post-fordism, cognitive capitalism, non-material work are the phenomena by which we say that it is not the notion of work that has changed, but life itself has turned into nothing than mere work.

J. J.: It is best shown by what present-day companies require from their workers. It seems that the companies adopt the lifestyle of artists: today's workforce has to be flexible, always at hand, full of ideas and energy; it has to be sociable, it has to love its job and to be highly motivated, always to wear a smile and never to stop working. Who else but an artist has exactly these qualities?

J. J.: Yes, when artists attend an opening of an exhibition or an after-party, they actually work. They broaden their horizons, hoping to leave an impression on a curator, producer, critic, or a minister... A freelancer's work has certainly become a non-stop audition for getting new jobs.

J. J.: We decided to title our exhibition *Work* because it mainly displays works from our everyday lives. We haven't had any influence on most of these works – they have developed themselves, as a collateral effect of our name change. Even when we haven't worked in the strictest sense, life has been "working" for us.

1 Janez Janša is a Slovenian politician who was Prime Minister of Slovenia from 2004 to 2008 and again from 2012 to 2013. He has led the Slovenian Democratic Party since 1993. Janša was Minister of Defense from 1990 to 1994, holding that post during the Slovenian War of Independence (June–July 1991). On June 5, 2013 the District Court in Ljubljana convicted Janez Janša of corruption and sentenced him to two years in prison.  
2 The statement is cited from the letter, sent by the three artists to the Slovenian Prime Minister Janez Janša in 2007, notifying him of their name changes. The letter is now part of art documentation by Janša, Janša and Janša.

J. J.: We also included a small word-play. In the Croatian language, the same word, “work” denotes both work as a process and work as a piece of art, and each piece of art is always a product of work. We decided to use the singular form of “work” (instead of “works”, which is normally used in exhibitions) because the exhibited works portray work as a process. The exhibited “work” is actually consisted of a number of our life situations produced by the name change (for instance, people meeting us at airports carrying the sign “Janez Janša”).

**In 2007 you changed your names into Janez Janša, the former Slovene PM and the president of the Slovenian Democratic Party (SDS). It was an intimate act that highly affected your lives and work. What was the motivation for such an act? Did you see it as an effective way to influence the existing political symbols or did you, through your personal experience, try to re-examine different aspects of “possessing” a name?**

J. J.: For me, name change is a personal act so I do not want to discuss it in public.

J. J.: I agree with my colleague. Your question offers potential answers that we have come across multiple times. A name is a mediator, an interface; it is our mode of entering the community. In a certain way, our name belongs to the community more than it belongs to us. A name is something that is given to us and it takes a certain amount of time in our lives to get used to it. Our personal names are a lot more frequently used by others than by us, even though we are the possessors. A name change can be compared to death: it affects those who remain living much more than those who died. In a similar manner, the community has a lot more difficulties in accepting someone’s new name.

J. J.: Shakespeare’s Juliet in the famous balcony monologue laments on what it is in a name, claiming that that which we call a

rose would smell as sweet by any other name. When we were working on the play *The more there is of us, the faster we reach the finish line*, we were wondering if a rose would smell the same by the name of Janez Janša.

### **ART DOES NOT OFFER ANSWERS, BUT POSES GOOD QUESTIONS**

*Subversive affirmation and excessive identification are frequently mentioned as the most efficient ways of affecting the system that is able to absorb every kind of criticism and resistance. To what extent is it right to talk about your work in terms of Subversive affirmation and excessive identification, notions that imply socially engaged art?*

J. J.: We are familiar with such interpretations. In a certain way, many people wanted to see more theatricality, more identification, parody... Radical, left-oriented critics (Marina Gržinić, for instance) wanted us to confront directly with Janša the politician.

J. J.: Subversive affirmation is known for its ability to act in all domains. One of the key questions posed to us was whether the change of name was politically motivated and whether it serves to support the politician or to criticize him. An act of subversive affirmation evokes precisely such questions, and the one who asks the questions has to live with them and find the answer themselves.

J. J.: We see art and society as a dynamic sphere of rational and efficient individuals. In that sense, each person articulates their position in society and reflects social relations that he or she creates. It is not a task of art to provide answers, or to fascinate or guide people. On the contrary, the ability to pose good questions is something that separates art from religion.

**Your latest works *Troika* and *Credits* are the result of a fruitful cooperation between two different systems: a**

**museum and a bank. They can be held up as examples of how such stern practices can be made flexible. Do you see art as a place of reconciling the irreconcilable and changing the unchangeable?**

J. J.: Museums and banks do have something in common: they keep artworks and money and they raise value of artworks and money.

J. J.: Yes, if they handle the artworks and the money in a proper way :-)

J. J.: The Museum of Modern Art and the Museum of Contemporary Art in Ljubljana wanted to include our personal identity cards in their collection. They sent an official request to the Ministry of the Interior, the issuer of the ID cards whose owner is the state, to allow them to buy the work. The Ministry rejected their request so the Museum has sent the same request to the Ministry of Culture. They are waiting for the response.

J. J.: Our relationship to institutions is not motivated by criticism. It is motivated by a desire for collaboration. Thanks to their position in society, institutions can produce something that cannot be produced from the position of an artist.

J. J.: There is no such thing as the irreconcilable and the unchangeable. Everything that is solid and entrenched turns to smoke.

## **THE PARADOX OF THE AUTONOMY OF ART**

**The previously mentioned identity cards materialize the connection between two worlds. Like most works that you exhibit, they are official documents and relics of art at the same time. What are the effects of such a broad understanding of a piece of art? Has art silently, but completely, took over life?**

J. J.: The thing is that the same item has two different functions (identity document and

a work of art) and that different institutions and different government bodies stand behind these functions. In such a situation, two different fields collide with each other and freedom of artistic expression becomes clearly limited. In simple words, if the Ministry of the Interior allowed the sale of official documents, it would set a precedent, which could be used as a reference in other, not so innocent, situations. In the same way, could we talk about freedom of artistic expression if the Interior Ministry was allowed to intervene in the field of art?

J. J.: We are not interested in who is stronger because we know that artistic value lies precisely in this duality, that the item is an identification document and a piece of art at the same time.

J. J.: The autonomy of art is a paradox; on the one hand it reduces the possibility that a power holder's affects the work of art, but on the other hand, the effect of art on society is weaker because of that.

J. J.: We produce art with an expiry date. When an identity card expires, when it is no longer valid, it becomes merely a document about a situation from the past, an empty item of memory. It will be replaced by a new identity document and, which will also be an inseparable part of artistic work, until it expires too.

**Your work is based on official and regular means of communication with the governmental, economic and cultural institutions, and the product is collateral art. Can you describe your perception of collateral art?**

J. J.: I will follow up on what I have just said. The new identification document, as an integral part of a new work of art will not be produced on our own accord, nor will it be created by one of us or by a cultural production institution. No, it will be created by the state, i.e., the Interior Ministry. In that sense, whether we like it or not, they will produce a new piece of art for us. And that's not all: they will give it a name, too.

J. J.: Collateral art is a practice in which works of art are created as an effect of specific social circumstances (change of name, in our case). It develops independently of the work of an artist or a cultural milieu.

J. J.: Effects of collateral art spread independently of its activity. Jela Krečič, the journalist of *Delo*, says that when she writes about our work, she feels like a collaborator in our work – each appearance of Janez Janša, Janez Janša and Janez Janša in the media is a collateral effect of their work.

J. J.: But the media have also jumped on the new situation following the change of our names. The political weekly *Mag* interviewed us, instead of the politician, who had refused to be interviewed. *Dnevnik* published the news that one of us will run against Janša in the next government elections. Probably one of the best examples of journalism as a collateral effect of the name change was a column written in 2007 by Boris Dežulović. Dežulović titled it *Is Janez Janša a Jerk?* and signed it by the name of Ivo Sanader.<sup>3</sup>

## COURT PROCEDURE AS A PERFORMANCE, PARLAMENT AS A THEATRE

**In these times of biopolitics, when political and economic system engages in the lives of individual people in so many ways, you hit back and, as individual people, you engage in the system.**

## **To what extent has such behavior changed your personal freedom?**

J. J.: The author of the book *Janez Janša, Biografija*, Marcel Štefančič Jr., the well-known film critic and political commentator, believes that politicians differ from each other according to how much they want to interfere into other people's lives. Some decide to interfere only a little, while others interfere a lot. In Štefančič's opinion, Janša the politician has decided to interfere a lot. Therefore, Štefančič concludes that there is nothing left for us to do but to interfere in his life too.

J. J.: This is an interesting interpretation, but I think it is not so important in our work. Another journalist noted it is funny that a prime minister in political and public life uses the name that is not his legal name (his legal name is Ivan Janša). Nevertheless, he has to use his real, legal name when he appears before the court. Personally, we don't care what politicians do with their names. We explore the position that an institution has in the whole society. Speaking in the words of art, justice system operates in the field of facts, by which it comes close to performance, while governments and parliaments create fictional frames for actions of reality (laws are nothing else but a display of how life and reality work, display of limits imposed by power-holders), which makes them much more similar to theatre.

<sup>3</sup> Ivo Sanader was the Prime Minister of Croatia from 2003 to 2009. In 2007, when the article was written, Sanader was in conflict with the Slovenian Prime Minister, Janez Janša, over Slovenian objections to Croatian legislative adaptation regarding the mutual border-line before Croatia entering the European Union. During the time, newspapers reported on political espionage from Slovenian side. Obstacles weren't solved while Sanader was in charge.



[72] Janša, Janša and Janša: *Work*,  
exhibition view, Rijeka, 2013.



## Aleksandra Lazar

### ***Pirates of the precariat – the effects of transition on culture workers in Serbia***

“The person is nothing but the residue – therefore precarious – of the process of valorization.” (Berardi, 2011: 130)

“Creative industries are a contested zone in the making. While policy draws on a set of presuppositions around the borderless nature of cultural and economic flows, situated creativity is anything but global. Concepts are always contextual.” (Lovink, 2007: 6)

Context and value: two key determiners used to appraise art. Outside the sphere of personal artistic expression, these flexible qualifiers chart the path of a successful artwork. The process of changing hands in the art market implies silent consent to the changes of interpretative meaning in an increasingly less regulated, more uneven playing field. Regardless of the established criteria (of an auction space, art fair, exhibition, critical publication, public award or similar incentive) this tightly controlled process doesn't always benefit the deserving. Thus 'smuggling' becomes a byword for survival and, within creative industries, a way of systematic resistance to the violence of the market.

Over the last twenty years capitalism has picked up pace under various guises, imposing deregulated markets and enforcing more and more repressive legislations, transforming an ever larger extent of the population into borderline criminal classes. The grey economy in Serbia, which was allowed to run in parallel with the official economy during the sanction-riddled 1990s, has also provided a grey umbrella for culture: whereas the funding was never overflowing, it always seemed possible to survive by slightly dodging the law, funding criteria or taxes. 'Unofficial channels' were somewhat acceptable for the sale of works or import or materials. The 'smugglers' were not people trafficking weapons, drugs, luxury goods or resources, but rather their minds, experience and creative potential, in an expression of intelligent activity deprived of the means of survival. These cultural workers were not exactly gangsters or thugs, but this specific survivalist slant in the 'underground', alternative art scene meant *smuggling yourself* while finding increasingly subterfuge ways to survive.

This, they tell us, is now over. At the end of the ideological project that is 'transition', culture is gradually legislated in accordance with European law and the requirements of the International Monetary Fund, and these legislative measures leave very little room for maneuvering. The proposed changes are, however, not led by the desire for a healthy state but by the private companies and for-profit ventures keen to influence and interpret the law in their best interest in accordance with the guidelines of disaster capitalism. This leaves culture open to cynical 'reconstruction' and privatization. The irregularities and regular borderline lawlessness (closed sessions, acceleration of the legislative process, full media blackout) of this speedy neoliberal shock package taking place in the emergent countries of the former Yugoslavia demand that the cultural precariat self-organize in order to avoid falling prey to the changing circumstances which, besides altering their modes of survival, also threaten to forever alter the way art is envisaged, learnt, created and passed on.

The radicalization of cultural workers in the private sector (which is currently undergoing a seismic change) has led to an emergent class of activists, groups, unions and independent organizations with a shared interest in defending their working life and basic welfare. This new left, *the pirates of the precariat*, represent both a promise and a threat to the culture industry. Unlike their predecessors who are wallowing in acute apathy, these voices are equipped for democratic discourse but are also potentially more profitable and marketable.

Unlike the proletariat before them, which self-organized via class struggle, trade unions and an ideology of socio-economic belonging, the precariat is an exploited, fractionalized group without visible and progressive goals, and struggles for its survival on the market. A growing segment of the group consists of artists, culture workers and educators. Defined as the bottom of the class ladder in the UK according to the Great British Class Survey from 2011, the precariat are mostly low-skilled workers (drivers, cleaners, manual laborers); yet they share the income bracket with a considerable sector of culture workers with high education and social and cultural aspirations.<sup>1</sup> As a class, the cultural precariat are defined by the rapid system of devaluation of permanent jobs and casualization of labor in culture. This process is not new, but it is more intensified, widespread and normal than ever before. At the end of the twentieth century, while the Balkans were preoccupied with the war, sociologists observed the crisis of labor in Japan and the emergence of 'freeters', a growing class of freelancers in insecure casual employment who live as parasite singles in their parents' homes. Today, multigenerational cohabitation is almost a stereotype among culture workers. Add to this flexible working hours (enabled by technology but normalized by

1 <http://ssl.bbc.co.uk/labuk/experiments/class/> "Britain's Real Class System: Great British Class Survey". BBC Lab UK. <https://ssl.bbc.co.uk/labuk/experiments/class/>. Retrieved April 4, 2013.

pushy businesses) and uncertain socio-economic status, the resultant future of the cultural precariat becomes increasingly dictated by the principal investors on the market.

“Precarity” is a word that denotes an insecure, uncertain position. This condition of being neither here nor there, hovering on the edge, describes the global class defined by temporary and mediated work, zero-hour contracts, a precarious living standard and greatly reduced social welfare. This is the generation that, in many ways, returns to the uncertainty of pre-industrial employment that, ironically, is advocated as ‘more personal freedom’. The majority of this class does not belong to any professional association or union, and has no ‘social memory’ or consciousness that would unite them with a mutual goal. It is a fragmented class with outdated rhetoric, no control over their time, and lacking any progressive vision.

The art industry is a dirty industry. Its foot soldiers are often undervalued, overeducated, respected in their own closely incestuous circles but irrelevant in the sectors of real power. This cultural precariat reflects the trend of casual or volunteer work offered to highly skilled and educated professionals, without much hope that they’ll succeed in hanging on to these jobs; instead, they enrich the projects with their knowledge, culture capital, personal connections and free time, gaining very little institutional knowledge in return.

In her exhaustively researched book *Seven Days in The Art World*, Sarah Thornton confirms the known belief that “art is not a smooth-functioning machine but a cluster of subcultures – each of which embrace different definitions of art” (Thornton, 2008). This interpretation is shared by artists in Serbia. When asked to describe the present Serbian art scene, artist and educator Žolt Kovač offers that it is “many incoherent scenes [ranging from] inflexible institutions, enthusiastic individuals, and an independent culture scene”.<sup>2</sup> This cluster of subcultures or scenes have their own laws of survival, each with their own definition of art. The highly intellectualized dialogue between the groups often obscures the dystopic climate in which the majority of art practitioners make and support art.

The life of artists and culture workers is in itself an art form – not in terms of participatory art that uses ‘people-as-medium’, but as role models and agents that perpetuate the canon of valorizing culture which, in turn, fires the PR machine for the lifestyle, belief and class industries where art imagines new status symbols, enhances the experience of cultural, business and political manifestations and lubricates the rhetoric of social activisms and myths. Artistic practices that incorporate and reflect diverse (or merely fragmented) social roles which, like in a classic drama, represent various voices of the society, often function as intellectual platforms for the toxic processes of diffusing and de-clawing those very same social segments

2 From an interview with Žolt Kovač in April 2014. For more about the culture scene in Serbia vs that of England, see the author’s article “Spektar opsene: jedno poredjenje prekarijata Srbije i Hrvatske” for *Supervizuelna* from June 2014, <http://www.supervizuelna.com/blog-spektar-opsene-1-deo/>.



through cannibalistic processes of auto-consumption. By giving a prescriptive 'voice to a minority' art de-radicalizes by proxy, leaving many less desirable voices of those same groups unheard.<sup>3</sup>

Art production as such requires money to project itself out of the heads of artists and into some mode of communication, even if it's just a sheet of paper. It also requires some form of goodwill that something or someone stirs and feeds in the artist. It is this goodwill – which the authentic blue-collar precariat are exempt from – that makes the artists and cultural workers so suitable for exploitation and self-exploitation.

The question is, how will the current economic and social shifts effect art – how will they redefine freedom, value, desire, representation and creativity in the region? Will all freedom be bravely reimagined as 'freedom to sell?' How does art produced within a newly-forged liberal society differ from art produced in the so-called invisible economy and on the adaptation or pirating of ideas and methodologies? If artistic value is no longer produced as a by-product of the grey markets (alongside various mechanisms of money laundering, cross-border smuggling, gambling, procurement, embezzlement, blackmail, forgery, and other unauthorized, unofficial, illegal and semi-legal actions) how will it be determined, and who will ultimately determine it? Who will the art be for?

Following the footsteps of Croatia, major changes for Serbian art practitioners and cultural workers came with the Law on Culture (2009) and Law on Labor and Pensions (2014), which jointly redefined the policies and legislation that regulate cultural production, effectively marginalizing and criminalizing many of its players. The reforms of the Law on Labor and Pensions, which were hastily pushed through parliament in January 2014 ahead of the loan talks with the International Monetary Fund expected later in the year, have been adopted with every attempt to avoid public debate, through silence of the media and exclusion of the unions and workers. These reforms effectively legitimize precarious work by increasing flexible work hours, cutting down basic welfare and raising the retirement age of women to 65. Coupled with the lowest minimum wage in the world, Serbian liberalization of the market will likely attract foreign investors and further impoverish its citizens and art producers.

In the flurry of this post-legislative shock, in July 2014 I wrote Marko Miletić from the Kontekst Collective ('Collective for Autonomous Space', previously a gallery of the same name which was closed in 2010) what he thinks of these legislation changes and what consequences will they have on culture. "I think that the opportunity for the cultural workers to understand the economic relationships they're entering is long past," he wrote back. "This has likely never happened because in the

3 Provided there is such a thing as a 'minority': an increasingly marketplace model of society demands that art focuses on the differences rather than on the whole in order to remain 'cutting edge'. 'Good' art (that is to say, art governed and approved by the art market) is often expected to transcend to that which is mutual by exemplifying that which is individual, rather than coming to that which is individual via deeper attention to the mutual.



period between 2000–2005, a) there was still some money left over in the state budget (from the privatization of state-run firms and sale of credits) which had a trickle down effect on the culture budget; b) foreign interest in the Balkans was still present to some extent, which offered some independent funding and opportunities, and c) members of the former opposition from the 1990s took some key positions and pushed for reforms. The control over spending was less exact [before the legislations], so it was possible to pay fees from the general budget; contracts were not so heavily taken into account. The increased pressure to work within a legal frame meant an increase in author contracts, and to increase taxable fees and taxes for the hiring of the ‘unemployed’ (which is how we are listed under the authors contracts). This meant that people working under these contracts had negligible social and pension insurance, but it also forced higher production costs, which in turn reduced the content, i.e. the number of projects we could fund from obtained grants”.<sup>4</sup>

4 Marko Miletić, e-mail message to author, July 24, 2014.

The Law on Culture introduced in Serbia in 2009 had already placed cultural workers in a precarious position, which the new Law on Labor and Pensions in Croatia further escalates. Miletić thinks that the 2014 legislations are more likely to put workers from other areas into a position similar to that already occupied by the culture workers and artists; however the artists that support themselves through a second job in another sector will now be in a more difficult position. Miletić gives an example from his own experience: “I worked for six months at the National Museum on a purely technical job, selling publications, but because it is in the cultural sector I had to renew my contract every six months. The salary for the full time job was minimum wage – 22,000 din per month (188.68 EUR), but as it was an author’s contract it did not include any pension or health insurance contributions. Due to the employment freeze in the public sector there was no chance for me to get permanent job”.<sup>5</sup>

5 Marko Miletić, e-mail message to author, July 25, 2014.

These instances of government ‘piracy’ against the private sector are forcing a change in the way culture is supported on a major, irreversible, scale. Lethal austerity measures in the public sector combined with business favoritism leave little time for a nuanced cultural discourse. And while some argue whether this is ‘better’ or ‘worse’ than before, what is clear is that these parameters will change the way art is produced, viewed, taught and enmeshed in life. The shift potentially will qualitatively re-evaluate one of the most historically pertinent questions of art – that of artistic and human freedom – by positioning freedom as individually negotiated on the grey side of governance (as was often the case in socialism and post-socialism) versus freedom determined by the market and situated within a liberal capitalist production chain.

I was interested to hear what the artists and curators, aside from their personal and professional disappointment, predict for Serbia. Most of them were happy to speak informally, but asked for anonymity when I asked permission to quote them in print. The following are the transcribed answers from a number of key participants on the art scene; some work for independent sector, some are freelance, and some work for state-run institutions. They mostly all know each other and have frequently worked together in various panels, committees, group projects, etc. To my first question “what is culture for you?” their answers were concise, positive and idealistic:

“Looking deeply into things. Sets of relations. Public discourse. Education. Emancipation.” (Ž. K. in discussion with the author, April 2014)

“An important, integral part of every society, the cornerstone of its development.” (M. K. in discussion with the author, April 2014)

“Asking a question in a different way. Refuge and sanctuary.” (M. Č. in discussion with the author, April 2014)

“A way of life.” (D.R. in discussion with the author, April 2014)

The answers to the question “what is culture in Serbia” became more complex, in depth, contradictory or even tinged with bureaucratic jargon:

“On one hand, my first association is, unfortunately, an insufficiently cared for sphere: the absence of a clear cultural policy, endless reconstructions of the museums, insufficient financial and media support, the general lack of interest of citizens for culture... and on the other, despite all these problems, culture remains a very active and vital space, continuing our relationship with the world...” (M. K. in discussion with the author, April 2014)

“Culture is perhaps the only place where some fundamental change in this society can happen, because the political and economic spheres have failed. [...] At the same time, culture is the field of public action on important social issues, perhaps the only space where you can address some important issues without delving into politics.” (Ž. K. in discussion with the author, April 2014)

“It exists in various forms. For me it is culture that follows local intellectual history and practice, and all the projects

that were realized as a direct result of critical thinking, opening new horizons by using established and new methods.” (M. Ć. in discussion with the author, April 2014)

“Same as the culture in general, but its significance [in our society] is on the last rung.” (S. S. in discussion with the author, April 2014)

The attempts to discuss issues of the flexibilization of labor were met with ambivalence and frustration. The cultural workers were keen to compromise and eager not to be seen as less than willing, but couldn’t really see the way out of the noose once it had been legally positioned around their necks:

“Flexibilization is adapting to the systemic problem, so that we can maintain some activity against all odds and despite the long-term consequences.” (D. T. in discussion with the author, April 2014)

“I feel ambivalent about it. It’s difficult to live without the market, and yet the market can completely destroy the authenticity of our practice to date.” (M. Ć. in discussion with the author, April 2014)

“It is a process whose problems, I’m afraid, we are not yet fully aware of.” (M. K. in discussion with the author, April 2014)

When asked if it’s currently common or normal to expect to do voluntary, overtime and free work, the answer was a resounding yes. I was interested to hear what changes they would like to see in the cultural sector. What was interesting is that the language perceptibly straddles both sides of the ideological divide: strong social safety nets and workers’ protections, *and* greater privatization – thus reflecting the contradictions that are also present within workers unions:<sup>6</sup>

6 In his analysis for [criticatac.ro](http://www.criticatac.ro) Aleksandar Matković reports that “it is not uncommon to see state unions support privatizations and denounce cooperation with private sector workers”. Matković quotes the NIN interview with Milenko Srećković, “the unions were complicit that any form of privatization was better than the public sector, thus enabling mass closures of job places”. <http://www.criticatac.ro/lefteast/struggling-against-serbias-new-labour-law-part-2/>, and <http://www.nin.co.rs/pages/article.php?id=88046>.

“Evaluating quality, ignoring reactions to daily politics.” (D. R. in discussion with the author, April 2014)

“Change of values in the education system, a more communicative approach to the audience, the involvement of private capital, more government support for culture.” (Ž. K. in discussion with the author, April 2014)

“More concern for institutions and heritage. Given the current state of museums and other institutions, the alternative scene has become the carrier and the only active participant of the culture scene, which greatly limits the vis-

ibility and accessibility of ‘culture.’” (S. S. in discussion with the author, April 2014)

“Certainly the changes of status of artists and cultural workers, the measures that would bring the best way to regulate or enable the functioning of the cultural scene.” (M. K. in discussion with the author, April 2014)

“Safe pensions, workspace, nurseries, tax exemptions for art materials, legal protection, better copyright law.” (M. Ć. in discussion with the author, April 2014)

And finally, which segment of society can lead to these changes? The typical answers:

“The experts.” (S. S. in discussion with the author, April 2014)

“Culture professionals.” (M. K. in discussion with the author, April 2014)

“Networking with other localities, regions, the world.” (M. Ć. in discussion with the author, April 2014)

“It would probably have to be networking between multiple segments of the society, and that is probably the most difficult job in this country because it’s hard to achieve any kind of common interest, the culture of communication and work ethic is at a very low level. Everybody wants to maximize their interests with minimum labor and communication. If we were to connect multiple segments on the same task, perhaps something would be accomplished.” (Ž. K. in discussion with the author, April 2014)

While it was unclear who the referred to ‘experts’ are who should guide the reforms, there was a strong willingness to network (something they already experience in peer-to-peer work) and to lead. The hybrid expectations and predictions were surprising. The cultural workers expected quality (associated with being given more time to conduct work) but also greater turn-around speed; they wished for government incentives and stable, sustainable long-term planning but also the greater privatization of culture (which leads to short-term profit-oriented planning); greater regulation of the status of local artists, and greater communication and networking with the outside world. What seems like a schizophrenic blend of old and new, simultaneously weakening and strengthening the public sector and welfare, is characteristic of a speedily atomized system which reevaluates and re-combines its aims in a compromise be-

tween the memory of the past social system and current market requests. Many mention networking, but do not specify if these networks should bear any resemblance to unions in the traditional sense, or if professional networks might commercially compete against individual peers.

In response to the question from the beginning of the essay, “who will the future art be for?” I expect that privately sponsored art will benefit the loud, spectacularised, PR-savvy projects that will reflect their sponsors’ next Big Idea. This could certainly boost the quality of production but also influence the tone, scope, aims and agendas of the work. A new era of happy, bland, fast and forgettable amusement park artworks will likely outnumber the less showy, slow-emerging, or critical works. It is likely that the sponsors will demand legible allegiance to their business ethos, or that the art consultants will find it difficult to resist the productions that would mirror the successful trends in art world centers. The parochial tendency of aligning with specific aspects of the art canon never truly left this region, in spite of the insistence from curators, critics and artists on the opposite.

‘Relational Aesthetics’, the theory symptomatic of post-modernism that is, in a word, the theory of art commerce: an art market whose participants (artists, curators, gallerists, collectors, educators and critics) promote the idea of *representation*, of ‘giving voice’ to ever-smaller groups of society (thus a leveling of values through the celebration of a multi-faceted normal), projects what appears to be non-competitive hierarchies on a palatable roster of affinities and discourses. This feigned abundance has deeply affected art production of the late twentieth and early twenty-first century, and will certainly be one of the definitions of ‘freedom’ for the Serbian art market.

Cultural workers, activists and art practitioners in Serbia are aware of their precarious position, but it is hard to maintain momentum and involvement. The difference between activism (effectively unpaid social or political work) and volunteerism (unpaid work that benefits the corporation and hopefully one’s career) is not always what it seems.

It is not always clear how to address these changes within the ‘liberal turmoil’ in the Balkans, or to determine where many of its players will be in several years’ time when the reforms are in the full swing. The new liberalism in Serbia has united many art collectives and workers that seek to address the imbalance and serve as a platform (perhaps only temporary) for better political articulation and cooperation. The Association Independent Culture Scene of Serbia (NKSS) united over 60 organizations, initiatives and individuals from 15 towns in Serbia with an aim to ‘promote development of critical art practices, impact cultural policy and other related public policies, contribute to decentralization of culture in Serbia and



establish regional cooperation in Southeast Europe'. Founded in 2011 after two national conferences in 2010, the NKSS was already floundering by 2014, their members too demoralized by everyday economic precariousness. They were however still active at the time of this writing, as were the theoretical groups *Oktober* and *Kritička Mašina*, who attempt to strategically educate the new left and to organize an activist response to what they see as the antisocial and antidemocratic processes in work and culture. On the other hand, there are the emerging liberal organizations such as the Society for Academic Development (and many other groups and organizations with the word 'freedom' in their titles) that fully embrace the free market. Their campaigns such as 'Culture as a Gift' or 'Be Available', (from the Society for Academic Development) stimulate citizens' volunteerism, content-making, and peer-to-peer support; such frothy babble fronts a group of young entrepreneurs ready to engage with the market.<sup>7</sup>

<sup>7</sup> Association NKS, accessed July 20, 2014, <http://www.nezavisnakultura.net/index.php/en/>; Društvo za Akademski Razvoj, accessed July 20, 2014, <http://dar.org.rs/o-nama/clanstvo-dar-a/>.

It bears remembering that the emancipatory activism of *Oktober*, *Kritička Mašina* and others may be home-grown but is funded by the Rosa Luxemburg Stiftung – the intellectual and educational powerhouse of German democratic socialism – inevitably posing the question how would the scene look if there was no systemic built-in vent in the ideological pressure cooker. Or indeed, how would it look if they evolved beyond the educational format and strengthened their roots with the precariat. While activism on the present scale is seen as socialist romanticism, metro-radicalism, a practical field for emerging nonprofits or simply a kind of data mining, the pirates of the cultural precariat are still relatively safe in a bubble – joining the eco-activists, media-activists etc. the world over. Should they stir some deeper social unrest away from the think-tanks, workshops and debate forums, I have no doubt that they'll find themselves branded as terrorists, a sphere considerably less tolerated than smuggling.



[73] Cristiano Berti: *Iye Omoge*, 2005–2006.  
Detail of installation, Rijeka, 2013.

## Cristiano Berti

### *Black Torino*

I remember a photograph of a Nigerian girl, seen in the early nineties. Posed in front of a shelf in a supermarket in Turin, proud of being seen in the midst of so much wealth: a picture taken for relatives at home, to reassure them that the adventure had turned out well. This was the way people condemned themselves to a future of pressure and interference from the family, by showing a scene of well-being and fostering the illusion of being part of it. Later on, accelerated communication and the circulation of images reduced the dimension of this pipe dream, that here the girls were fine, and that if they didn't send any money home it was only due to selfishness. But only a little, because, as the saying goes, there are none so deaf as those who will not hear.

The Nigerian girls arrived in Turin in 1987, perhaps the first place in Italy to see them, their arrival possibly preceded by a few months in the Caserta area. Understanding where the girls first arrived, and why, could explain many things, but no one has ever asked this question seriously. From the very beginning, this was clear: that the girls were all driven into prostitution, that they all said they had contracted a debt, that they were all exploited by an older woman called *madàm* and were psychologically dominated and believed to be bound to obedience by *juju* rituals to which they were subjected, and that, in addition to their debt, they all had to pay the same woman for food, housing and the right to occupy a piece of sidewalk (the "joint"). Almost all were from Benin City in the Edo State much more than from any other cities; a big city but not as big as Lagos or Ibadan, and a sort of unofficial twin city of Turin from the nineties. Until 1990 they lived in boarding houses or small hotels close to the Porta Nuova train station or the market of Porta Palazzo, working in Turin, or in the surrounding areas and neighbouring regions, travelling hundreds of miles by train to reach their place of work. Then, suddenly, they moved into lodgings found by Italian clients and friends. Little by little they scattered throughout the city, also gradually settling in other Italian towns as well.

The Nigerian community gave life to a series of informal activities, in addition to sex work. In the nineties it was easy

to find Nigerian women who went from house to house, or stood at the edge of local markets, selling foods and drugs from their country. They would buy shoes in Naples, and sell them in Benin City, buy dry fish and skin-lightening creams in Benin City, and sell them in Turin and other Italian cities. The first words in *pidgin Italian* appeared: *papagiro* for an Italian man, often elderly (*papa* – father) who would give them a free ride in his car (*giro* – ride), *bigliettoprego*, an onomatopoeic word for the train ticket controller, *centrò*, for the most popular good-looking Nigerian guy. And more complex expressions like “*She dey sale*”, which literally stands for “She rises!” and means “a girl very much in demand.” This can be said of a friend who receives one phone call after another, but it derives from street language: “*sale*” is Italian and means “getting into a car”, and thus “*She dey sale!*” stands for “she has many customers (today).”

The presence of Nigerian women has dramatically changed the city where I was born and where I lived for a long time. Turin was a decidedly provincial town until the eighties and the arrival of the first migrants from distant countries. Within the motley world of immigrants who settled in the city, this fragment of the large Nigerian Diaspora distinguished itself by the impact it had on the direct experience and collective consciousness of Turin’s inhabitants. This question should be further investigated and there will be other opportunities to do so.

My work *Iye Omoge* tells the story of a particular place where Nigerian women and the city of Turin met, on the pavement of a road called Corso Regina Margherita which runs alongside Pellerina park. All through the nineties this was the stage for Nigerian prostitution, the most famous in Italy. Every night, more than two hundred women and girls would crowd on its eight hundred metres of pavement. Sexual intercourse took place outdoors in secluded areas of the park, or nearby in a car with a client.

When I carried out this work, between 2005 and 2006, there were no more Nigerians in the area. The decision of the municipal administration to close the road at night, and the first fines given to clients, had the effect of dispersing the women to neighbouring areas, or even much further away. It is likely that this decision was taken in view of the 2006 Winter Olympics, as Corso Regina Margherita is one of the main traffic arteries and a port of entry into the city, just off the ring road.

Photographing Corso Regina in early 2006 was not accidental. I wanted to do something delicate and rarefied for my last show in the gallery of Guido Carbone, who at the time was very ill and who died shortly afterwards. We opened the exhibition during the Turin Olympics, preparing it quickly and taking the last photograph, a wide shot from the platform of a cherry picker, at the very last minute (you can just glimpse the

banners of the event). Turning back to the Nigerian ghosts of Corso Regina was my personal antidote to the postcard rhetoric of the period. I wanted to dredge up a fascinating and oddly shaped stone from the pond of oblivion, a part of the history of Turin hidden from most of its inhabitants. To speak about the time when the Nigerians had divided the pavement into three zones: first, second and third class, depending on the age and beauty of the girls. In the first class stood the most beautiful ones, half-naked, tall also thanks to their incredibly high heels. They were the ones you first came across if you took the side lane in the direction of the traffic flow. Immediately after, and with no apparent division (but the Nigerians knew very well where the border was: a kiosk selling drinks and sandwiches) came the second class. The girls were still beautiful, but perhaps more young than beautiful. Less haughty, equally naked. The customer who would have continued driving in the direction of the traffic flow wouldn't have found, a short distance further on, any women on the pavement. Crossing the bridge over the Dora river, with the park on the right, however, was the third class. Here the women were a bit more dressed, not so young, and not so expensive. They stood back from the road, in the dark, but were just as resolute. Most of them were already mothers, their children in Africa with their grandmother, but they were rarely older than 35. This was the third class, also known as "*Iye Omoge*" ("mother beautiful" in Edo language). This African name had been given by the girls at the top of the avenue, meaning that those older women could be their mothers (the "mother" of a "beautiful girl") or that they wanted to appear more beautiful and younger than they actually were (the "mother" who acts like a "beautiful girl", who poses as a "beautiful girl").

I was told all this some years before, by a woman who had worked in Corso Regina when I was an HIV/AIDS prevention outreach worker. I managed to find this woman again and asked her to tell me the story once more. By making it the starting point for *Iye Omoge* I gave this tale a permanent home, small and incomplete, but nevertheless one I'm proud of. Until recently I thought that no one else had heard or spoken about these three classes. This fact sometimes made me doubt the truth of what I had been told. Is this not one of the most hateful aspects of oblivion, coming to the point of doubting reality? But last year, a friend told me about a novel by Tony Alum, *Images From a Broken Mirror* (2008), which contains a brief description of the three classes of Corso Regina. Since then, the pleasure of telling this story has only grown greater.



[74] Soho Fond: A tribute to the Soviet underground business scene in Tallinn, video, 2013.



## **Soho Fond**

### ***A tribute to the Soviet underground business scene in Tallinn***

**2013**

A two-minute video *A Tribute to Soviet Underground Business Scene in Tallin* (2013) by Soho Fond gives an overview of Soviet Estonia's underground business scene and one of its central points in Tallin, the Viru hotel. Viru businessmen as they were called were illegally distributing Western goods that Soviet Union had shortage of: fashionable clothes and accessories, cosmetics, condoms and most notorious plastic shopping bags. Since Estonia has a marine border with Finland, business was mostly made with Finnish tourists. Since Western currencies were forbidden for Soviet citizens, one could end up in prison for 200 Finnish Marks (app. 40 Euros). A pair of jeans from a Viru businessmen could cost as much as an average monthly salary in Soviet Estonia. Estonian artist Soho Fond has himself a background of Viru businessman and has been making a research of this former subculture in his recent practices.

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biglietto di andata n° **S1 8871163**  
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Matro Inter Rail -26 +26+ -12 EUR 399

Sexo  M  F

Data del viaggio	Data di partenza Treno/Nav	Numero del treno			Da	A	Controllo
3/09	3/09		X		Tarvisio Boscoverde	Wien Südbahnhof	
5/09	5/09		X		Wien Südbahnhof	Bratislava 8735 * 07.09.2004	
7/09	7/09		X		Bratislava	Praga 21.11.2004 09/19702006-78829 LAVA-ME	
9/09	9/09		X		Budapest	Praga * 18.10.2004 09/19702006-78829	100904
13/09	13/09		X		Praga	Dresda	130904
13/09	13/09		X		Dresda	Berlin Zoo	

Data del viaggio	Data di partenza Treno/Nav	Numero del treno			Da	A	Controllo
18/9	18/9		X		Berlin Zoo	Dresda	
18/9	18/9		X		Dresda	Berlin Zoo	
23/9	23/9		X		Berlin Zoo	Amsterdam	00242
26/9	26/9		X		Amsterdam	Paris nord	
27/9	28/9		X		Paris Berry	Bologna C.le	

[75] Marco Cechet:  
 Big Lie (t)To Interail,  
 2004. Detail of installation,  
 Rijeka, 2013.

**Marco Cechet**

***Big Lie (t)To  
Interail***

**2004**



Marco Cechet's *Big Lie (t)To Interail* documents his journey around Europe during the summer of 2004. The core of the work is a fake, home-made train ticket. *Big Lie (t)To Interail* reflects on the concept of true/false and the nominal value of shared normative documentations – as for example train tickets. At the beginning of this journey the ticket was fake, but each time a train conductor confirmed it with his mark within those shared rules that regulate this normative contract, the ticket became true. There is a similarity between this ticket and the idea of artwork: train conductors as specific operators have confirmed the authenticity of this ticket just as art operators endorse the value of an artwork or an artist.

## Lorenzo Cianchi and Michele Tajariol

### *FalseBottom*

2013



The project *FalseBottom* by Lorenzo Cianchi and Michele Tajariol reflects on the relationship between traffickers and territories, on the capability of smuggling, hiding and transporting objects illegally. *FalseBottom* is a research divided in two parts: firstly the individuation of maps drawn by locals who have been in contact or played a role in smuggling and, subsequently, a confrontation with the security force who prevent illegal traffic. Comparing maps drawn by locals with official maps allows artists to create a third map and to try out one of the smugglers' itinerary. Following locals' suggestions and instructions Tajariol and Cianchi also create a specific art-luggage to transport the new map, which becomes both a traded and a trading object.



[76] Lorenzo Cianchi  
and Michele Tajariol:  
*FalseBottom*, detail of  
installation, Rijeka, 2013.





[77] Hassan Abdelghani: *East of Svilengrad and Crossing the Maritsa River*, photographs, 2012.

## **Hassan Abdelghani**

### ***East of Svilengrad and Crossing the Maritsa River***

**2012**

East of Svilengrad, Bulgaria, the river flows eastwards, forming the border between Bulgaria (on the north bank) and Greece (on the south bank), and then between Turkey and Greece. At Edirne, the river flows through Turkish territory on both banks, then turns towards the south and forms the border between Greece on the west bank and Turkey on the east bank to the Aegean Sea.

Maritsa has become the access of choice for about three-quarters of illegal immigrants arriving into an EU member country. Over 120,000 migrants and political asylum seekers went to Greece in 2010, and more than 40,000 of them arrived through the Greece-Turkey area of the river. Asian and African migrants have started to use Maritsa to reach the European Union after debated bilateral agreements blocked the traditional routes through Italy and Spain.

**Ana Smokrović**

***Biopolitics and human organ trafficking***

This paper discusses the issue of trade in human organs. In order to grasp this matter, after delineating the current approaches to human organ trade/harvest, this paper tries to touch upon the question of the human organ sale and its implications within the global context of neoliberal market with the emphasis on the class issue. With the class question as a tool for approaching this matter, this paper situates the people who see their organs as a last resort of financial resource within the biopolitical context which is critical towards the political exclusion of people through their biological means.

When I think about the concept of *smuggling* I usually recall moments from my childhood when we used to ‘smuggle’ across the border all kinds of goodies from Trieste – mostly clothes; Levi’s jeans or good Italian leather shoes. Still, the topic of this paper falls within the domain of smuggling, yet unfortunately it is far from nostalgic childhood memories. It concerns a more serious topic: human organ trafficking.

Let’s start with the commodification of human organs which is not such a recent phenomena; what is new is the neo-liberal context in which it occurs now. Commodification of human corps and of body parts reaches far in the past and as Margaret Lock shows in the book *Beyond the body proper: Reading the anthropology of material Life* (2007), “vivisection of human bodies was

known for thousands of years and human material did not just serve in medicine but also through history had value as war trophy, religious artefact and anatomical sample” (Ibid.: 569). According to her, during the Middle Ages, professional anatomists carried out public dissections of the corpses of criminals or wanderers and that practice was present in Europe until the nineteenth century (Linebaugh in Lock, 2007: 570). This practice ensured immense medial gain and from the seventeenth century in Europe organs and bodies could be bought and sold as any other commodity (Ibid.). The Anatomy Act of 1831 prohibited the sale of dead bodies and that act stands as the basis for the modern law in the Anglo-Saxon countries (Ibid.). So, one can conclude that the commodification of human corps and parts existed for a long time. But it seems to me that in today’s neoliberal society and in this era of globalization the issue of commercialization of human organs is more problematic because today human organs mostly derive from live donors. That fact taken together with the category of class which is emphasised within the global neo-liberal geometry of power that creates sharp divisions creates a very problematic context when one speaks about the commodification of human organs. The majority of the world lives within a system shaped by the market, trade and profit: capitalism.<sup>1</sup> Almost everything in today’s

<sup>1</sup> I am leaving aside the issue of stalinist ‘socialist’ policies, as well as feudalism in which the feudal lord had the right over life and death of the certain categories of population. I am referring to the period of modern liberal theory where domination over body takes the form directed by market.

world can be reduced to a good which can be sold and bought. But why do I feel uncomfortable with the idea that with my credit card I can purchase a new kidney as well as a new book? With free trade, smuggling comes hand in hand, and in this case we are talking about human organ trafficking. The issue of human organ trafficking is inseparable from issues concerning the neoliberal market shaping today's global economy and inspiring the nefarious idea that the human body can be seen as a commercial piece of property, its organs being yet another object of commodification; mere objects with a price tag. To repeat, in order to contextualize the sale and accompanying human organ trafficking, it is necessary to situate this phenomenon in the global context of a neoliberal economy which operates hand in hand with the achievements in medicine and biotechnology.

Concerning this topic, I shall rely on the major work by Nancy Scheper-Hughes *The Global Traffic in Human Organs* (2002) and *The Ends of the Body: Commodity Fetishism and the Global Traffic in Organs* (2002). After delineating the global context of the sale and human organ trafficking, I will try

to situate human organ trafficking within the discourse of biopolitics.<sup>2</sup> Namely, human organ sale and human organ trafficking can be subsumed under Foucault's notion of 'modern racism'<sup>3</sup> and Giorgio Agamben's idea of *Homo Sacer*.<sup>4</sup> As I intend to show, when one looks at the market on human organs from the global perspective, it becomes clear that this market rests upon human inequality and poverty – a particular group of people is politically dead, i.e. excluded or in Agamben's terminology "sacrificed" in order to make it possible for those who are financially solvent to survive.

Commodification of human organs is not such a recent phenomena; what is new is the neo-liberal context in which it occurs now. Commodification of human corps and of body parts reaches far in the past and as Margaret Lock shows, vivisection of human bodies was known for thousands of years and human material also in medicine had value as a trophy of war. During the Middle Ages, professional anatomists carried out public dissections of the corpses of criminals or wanderers and that practice was present in Europe until the nineteenth century. This practice ensured immense medial gain and

2 In the age of 'Enlightenment', the social contract was established which stands as a base for the modern liberal states and shapes the life of people legitimating the authority of the state upon the individual. According to Michel Foucault and his lectures assembled later in a book *Society must be defended: Lectures and the College de France 1975–76* (2003), two modalities of power which control the life of people arose as well from that period onwards: 'anatomy-politics' of individual human body and 'biopolitics' of the human race. Namely, while the 'anatomy-politics' produces docile bodies through the control of the individual body which is put under surveillance, trained and if necessary, punished, 'biopolitics' on the other hand, regulates the population as a whole, controlling the rules on hygiene, child-care, education, sexuality, management of fertility of population, of birth rate, and mortality rate (Ibid.), p. 242-243. The emergence of biopolitics points out that for the first time in history, biological existence was reflected in political existence (Ibid.).

3 Foucault writes about exclusion within the modern states through the concept of 'racism' which represents the basic mechanism of power and finds itself between "what must live and what must die" (Foucault, 2003: 254). Basically 'racism' divides the controlled species and in the name of 'health' and 'purity', the 'inferior' race must die; 'racism' for Foucault is really a precondition that makes killing acceptable and can "justify the murderous function of the State" (Ibid.: 256). 'Killing' for Foucault does not represent intentional causing of death as such; it stands for every form of indirect murder as starvation, exposing someone to death, increasing the risk of death, political death, rejection, expulsion and so on (Ibid.). For him, evolutionism was not just a transformation of political discourse into biological scientific discourse, but it was also used as means to legitimize colonization, war, criminality, madness, class system etc. and its legacy present through the hierarchization of species, struggle for existence and selection and elimination of ones who are less fit, first developed 'racism' (Ibid.), p. 257. In the Foucauldian sense, 'modern racism' surpasses the skin colour and refers to the political notion of exclusion.

4 Giorgio Agamben in his book *Homo Sacer: Sovereign Power and Bare Life* (1998) uses the term *Homo Sacer* to indicate people who are politically deprived of rights and exist just through the exclusion. *Homo Sacer* (lat.) or 'Sacred Man' represented outlawed person which could be killed and not sacrificed in a religious ritual.



from the seventeenth century in Europe organs and bodies could be bought and sold as any other commodity (Linebaugh in Lock, 2007: 570). The Anatomy Act of 1831 prohibited the sale of dead bodies and that act stands as the basis for the modern law in the Anglo-Saxon countries (Ibid.). So, one can conclude that the commodification of human corps and parts existed for a long time. But it seems to me that in today's neo-liberal society and in this era of globalization the issue of commercialization of human organs is more problematic because today human organs mostly derive from live donors. That fact taken together with the category of class which is emphasised within the global neo-liberal geometry of power that creates sharp divisions creates a very problematic context when one speaks about the commodification of human organs.

### **Contemporary approaches to human organ donation/human organ harvest**

What are the approaches to human organ donation/human organ harvest today? Relying on Amitai Etzioni's *Organ Donation: A Communitarian Approach* (2002), an insightful overview of approaches to organ donation/harvesting today, we can speak, firstly about the extremely coercive method of harvesting organs known as *organ conscription* in which the organs and bodily tissues are harvested without the person's consent.<sup>5</sup>

As a second approach, Etzioni states the method of *presumed consent*, meaning that a person needs explicitly to opt-out of a commitment to organ 'donation', otherwise, the state institutions assume that the person agreed to donate his/her organs

after death (Ibid.: 2). I agree with Etzioni who claims that although this approach preserves the individual's autonomy, it is still a rather coercive approach and he detects two problems concerning it: the problem of state bureaucracy which can result in a mistake and harvest the organ of a person who opted out which can be seen as a violation of civil liberties and furthermore, can lead to the general negative stand towards organ donation which Etzioni detects as a second possible problem (Ibid.).

Third approach to human organ donation is, according to Etzioni, *required/mandated choice* which requires that subjects explicitly express and note their choice about organ donation which should be visible on their driver's license, state identification card or tax return; for the 'irresponsible' subjects who fail to express their choice, for example, the application of their tax return will not be accepted (Ibid.: 3). The problem with this approach is that the subject's decision would be recorded publicly, which can produce pressure on individual (Ibid.). Honestly, I would not feel comfortable with the decision about the possible donation of my organs displayed on my driver's licence because I find it to be too personal a decision to share publicly.

Fourth approach which Etzioni states is *commodification*, i.e. the sale of human organs (Ibid.: 4). The problem with this approach is that the human organ market reduces human organs and bodily parts to a commodity and as Etzioni points out, and I agree, in this approach, the act of altruism of the donation is altered into the act of trade (Ibid.: 2-3).

<sup>5</sup> According to Etzioni, this is a routine practice in China where the government harvest the organs and bodily tissues from the executed prisoners (Ibid.), p. 2. Furthermore, Geis and Brown in 'The Transnational Traffic in Human Body Parts' (2008) state the number of 4.500 executions per year and some two hundred of them are reported to yield body parts after the execution (Ibid.), p. 219. According to them, the prisoners are "attractive organ trafficking targets" because they cannot resist the procedure and them providing the body parts for others is seen as a way of paying off their debts to society and restoring the family honour (Ibid.).

## The trade in human organs

Unfortunately, we live in a world driven by profit that reduces people, their labour and their organs to the status of commodities. Nancy Scheper-Hughes talks in the same (Marxist) tone about the ‘fetishism of organs’. Namely, in the same way that alienation arises between people and the product of their work in capitalist society, the same thing occurs between people and human organs which are seen as mere detachable objects which can be altered into something valuable (Scheper-Hughes, 2002: 67).

According to the Global Initiative to Fight Human Trafficking:

“Trafficking in organs is a crime that occurs in three broad categories. Firstly, there are cases where traffickers force or deceive the victims into giving up an organ. Secondly, there are cases where victims formally or informally agree to sell an organ and are cheated because they are not paid for the organ or are paid less than the promised price. Thirdly, vulnerable persons are treated for an ailment, which may or may not exist and thereupon organs are removed without the victim’s knowledge. The vulnerable categories of persons include migrants, especially migrant workers, homeless persons, illiterate persons, etc. It is known that trafficking for organ trade could occur with persons of any age. Organs which are commonly traded are kidneys, liver and the like; any organ which can be removed and used, could be the subject of such illegal trade.”<sup>6</sup>

Important as they might be, I shall not focus upon legally criminal acts listed in the quotation. I would like to address the issue of agreed, consensual trade, the fourth cate-

gory of Etzioni’s list. According to Geis and Brown, people who are against human organ trade consider it, to my mind rightly, to be a class problem, since, the sale of human organs by living persons is a way for impoverished people to obtain money. This kind of sale is correctly seen as a commercialization of body parts, which is an insult to human integrity and dignity and furthermore, a tactic for exploitation of poor and vulnerable persons who often, after the removal of the organs, experience medical problems caused by the operation itself. (2008: 213). Also, the Guiding Principles on Human Organ Transplantation (1991) of World Health Organization state that the commercialization of human organs is “a violation of human rights and human dignity”<sup>7</sup> It is worth mentioning Wilkinson and Gerrard and their text “Bodily integrity and the sale of human organs” (1996) who claim that on its own, sale cannot be distinguished from donation because both practices involve the violation of bodily integrity, but in the case of organ donation “the disvalue of the body’s being violated is typically ‘defeated’ or outweighed by the value placed on the purity of the motive and positive outcome” (Ibid.: 338). So, with organ donation, usually the motive is altruism, but with organ trade, another important issue comes into question: i.e. money or financial compensation. And here the class issue arises and the following question I find most problematic within the discourse of human organ sale: who are the organ suppliers and why did they choose to sell a part of their own body?

Supporters of the sale of human organs claim that organ sale is just a routine market transaction (Geis and Brown, 2008: 213). The above-mentioned Wilkinson and Garrard claim that those in favour of permitting trade in human organs consider that it would produce an increased supply

6 Definition provided by the United Nations Global initiative to Fight Human Trafficking, viewed October 10, 2014, <http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html>.

7 Viewed Oct. 18, 2014, <http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html>.

of life-saving means (Ibid.: 334). This could be seen as an argument, but in my opinion, one that is too narrow; the inevitable question is – what is the price of this ‘supply’ and furthermore, from where does this ‘supply’ come from? Moreover, there is a well-known libertarian argument grounded in the notion of self-ownership according to which, people have a right to do with their body and their body parts whatever they want to (Ibid.: 334). The liberal pro-market argument which understands the body as a piece of self-owned private property and consequentially, something that can be sold on the market can be seen as problematic and I think that it is necessary to broaden the debate and ask – why should a person choose to sell his/her organs in the first place? In a Marxist tone – is it possible to separate the self, the person, from the body? As Anne Phillips argues in her text “It’s my body and I’ll do what I like with it: Bodies as objects and property” (2011), and I agree with her notion, ‘we are embodied selves’ and the representation of a body as a ‘thing’ or the equation of one’s body with a means of material resource perpetuates a false and misleading dualism, which detaches the body from the self (Ibid.: 741). The equivalence of the human body with pieces of property that can be sold as any other item in the market, is unacceptable because people and the body and its parts cannot be detached from the person/the self and therefore cannot be reduced to any ‘thing’, that can be sold on the market for a particular sum of money. The basis for thinking about the body and the self within the discourse on the sale of human organs I see in ‘body exceptionalism’ according to which “the body should not be treated in ways analogous to material resources, either in reality, with bits of it rendered or sold out, or in the discourse we use when talking of our bodies and selves” (Nir Eyal in Phillips, 2011: 725).

### **The class issue concerning the human organ trade and the question of ‘choice’**

In order to grasp the global context of the market in human organs, I will rely on Nancy Scheper-Hughes and her noteworthy work on this subject “The Global Traffic in Human Organs” (2002) and “The Ends of the Body: Commodity Fetishism and the Global Traffic in Organs” (2002). She argues that the routes of organs correspond to the routes of capital in the contemporary world – from South to North; from the ‘Third’ to the ‘First’ World, from rich to poor, from black and brown to white and from female to male. She talks about *medical apartheid* that splits the world into the populations or classes: ‘buyers’ and ‘sellers’, organ receivers who represent a privileged class of patients and organ donors who are usually marginalized and about whom nothing is known (Scheper-Hughes, 2002a).

Namely, she talks about regions of the world known as ‘kidney belts’ (places in India, Iraq, Moldova, the Philippines and Turkey) whose (poor) inhabitants are hoping to sell an ‘extra’ kidney (Scheper-Hughes, 2002b: 70). India is known as the “organs bazaar of the world” – a primary site for a domestic and international trade in kidneys bought from living donors (Chandra in Scheper-Hughes, 2002a: 276). Apparently, India is known for the practice of low-paid female domestic workers who trade their kidneys as a last chance to pay off dowries (Scheper-Hughes, 2002b: 70). In Argentina, the asylum for mentally disabled persons (but physically healthy) became in the early 1990s a place for organ trade harvested from patients (Ibid.:71) (to return for the moment to Etzioni’s second category). Namely, for the several dead and harvested bodies of the patients which were found no one was charged as responsible, and even more horrified, that act was interpreted as a “payback” to the state for providing the expenses for the patients for

the treatment (Ibid.). Above mentioned Geis and Brown write about the mysterious murders of about four hundred poor women working in exploitative low-paying industries in Mexico with an additional several hundred women who disappeared (Ibid.: 216). Namely, the murdered women were young and, judging by their bodies, were strangled, mutilated, dismembered, raped, and stabbed. Most of the local population believe that the young girls and women were killed in order to satisfy the need for organ transplantation in wealthy patients in the USA (Ibid.). The authors also offer further similar examples: in Mozambique 120 children had supposedly been killed for the sake of organ harvesting (Ibid.: 219). Also, one of the notorious cases, and still an actual on-going investigation, is of human organ trafficking in Kosovo in 1999 when apparently an unknown number of people during the war were kidnapped and their organs were coercively harvested.<sup>8</sup>

*Transplant tourism* is also a new entrepreneurial branch for ambitious organ brokers who benefit from the practice of travelling to other countries (usually ‘Third World’) for organ transplantation (Scheper-Hughes, 2002b: 67). *Biopiracy* is also a known term present in the work of Scheper-Hughes when discussing human organ sale, who cite an example of Brazilian patients who, during the routine operations in the hospital on other organs, have mysteriously ‘lost’ kidneys as well (Ibid.). We are thus, back to the taxonomy from the Global Initiative to Fight Human Trafficking. The second concern regarding biopiracy, according to Scheper-Hughes, is the “presumed consent” law which I mentioned in the first part of my paper and which is a practice in Brazil and allows doctors the possibility to remove organs from the patient unless the patient explicitly opted-out of donation, and this kind of practice opens the door for organ trafficking (Ibid.). The desperation of donors and recipients

and the focus on the improvement of the recipient’s health and life results in the commodified and fetishized kidney which becomes, as Scheper-Hughes claims, ‘an organ of opportunity’ for the buyer and ‘an organ of last resort’ for the seller (Ibid.: 65). Given all this, is it too radical to talk about *neocannibalism* present in the human organ market? (Ibid.)

Taking all this into consideration, the above mentioned claim of Nancy Scheper-Hughes that the discourse of human organ trade and trafficking divides people into two distinct populations, buyers and sellers, points to its very serious implications. The liberal notions of consent and individual ‘choice’ are not applicable in cases when a person is forced by poverty to sell one of her/his organs in order to survive – how “free” were those people really in making that choice?

### **Human organ trade within the biopolitical context**

Once we note that the market in human organs is based on inequality caused by poverty, can we argue that one group of people, in this case, the group connected with poverty, are sacrificed in the name of another, characterized by their financial solvency? According to Giorgio Agamben, old Greeks once distinguished two concepts of life: *zoe* and *bios*. *Zoe* referred to “the simple fact of living common to all living beings – animals, men or gods”, while *bios* indicated “the form or way of life proper to an individual or group” (1998: 9). The critical moment of modernity, claims Agamben, was the entry of *zoe* into the sphere of *polis* – or “the politicization of bare life as such” (Ibid.: 4.) The fundamental category of Western politics is not friend/enemy but bare life/political existence; *zoe/bios*; exclusion/inclusion (Ibid.: 8). The question that arises is – who gets to be “in” and

<sup>8</sup> Viewed October 19, 2014, <http://thebloodyyellowhouse.wordpress.com/>.

who gets to be “out”, and under which conditions? And furthermore, who gets to decide on that? When we talk about the sale of human organs, I find it logical to ask – whose life is called into question? Is it understandable to claim that life of poor people, who are forced by poverty to sell their organs, is called into question, literally? If “life that cannot be sacrificed and yet may be killed is sacred life” (Ibid.: 52), can one claim that that the same poor people who sell their organs due to economic necessity are “Homines Sacri”? “Bare life remains included in politics in the form of exception, that is, as something that is included solely through exclusion” (Ibid.: 11). Can one claim that the life of a poor woman/man somewhere from the Third World is included and exists but only through its exclusion?

According to Agamben’s theory, one can conclude that inclusion and inequality of particular groups of people are built into the very foundations of what we call the modern state. Who gets to be a ‘citizen’ changes through time and Agamben claims, the borders that decide who is included and who is excluded from the rights of the State are fluid. So, every society sets the limits and decides who its ‘Sacred Man’ will be (Ibid.: 139). Women and black people who got their rights in the nineteenth and twentieth centuries are the most common examples, but is it understandable to ask if people who sell their organs are also excluded from the rights of the State?

Foucault indicated a paradox: the social contract was constituted in order to protect life, but how come life became one of the rights of sovereignty? Shouldn’t life remain outside of the contract itself as the reason for making the contract in the first place (2003: 241)? It is imagined that with the contract, the state will protect life and will provide its citizens with security and rights. But, the question is who gets to be in

the category of “citizen” and who will have rights? A wealthy person from the Western countries eagerly claims his or her right to life but what about the poor person from the Third World – what rights to live a decent life do they have? Or in Agamben’s terminology – whose life is worth living and whose life does not deserve to be lived (1998:137)? It seems to me that lives of the people forced to sell their organs for one reason or another have ‘the life not worth of living’ that is, a life terrified in order that the wealthier person lives on.

## Conclusion

Let me conclude by switching the focus from the victims to the beneficiaries of organ trafficking. What image of life, death and survival is responsible for their morally problematic and at least *prima facie* excessive investments on the fringe of legality? Let me end with some speculations. As Scheper-Hughes claims, life itself became the ultimate commodity fetish – it has to be prolonged or saved at any cost (2002b: 62). Namely, from the beginning of the 1980s organ transplantation became a common medical procedure thanks to the Cyclosporine – a drug which disables the rejection of the transplanted organ.<sup>9</sup> Usually organ donation is associated with altruism, but what occurred parallel to the possibility of organ transplantation are “new tastes and desires” for bodily parts, situated in the era of global neoliberal capitalism, and results in an international and multi-dollar business in tissues and body parts (Scheper-Hughes, 2002 b: 64). This market has resulted in “certain disadvantaged individuals, populations and even nations being reduced to the role of ‘suppliers’. It is a scenario in which bodies are broken, transported, processed, and sold

<sup>9</sup> Cyclosporine is an immunosuppressant drug used to prevent transplant rejection people who have received kidney, liver, and heart transplants. It was discovered in 1972 by scientists in Sandoz (now Novartis) in Basel, Switzerland, and from 1983 the drug is accepted for use. Viewed 18 October 2014, <http://www.nlm.nih.gov/medlineplus/druginfo/meds/a601207.html>, <http://en.wikipedia.org/wiki/Ciclosporin>.



in the interests of a more socially advantaged population of organs and tissue receivers” (Ibid.). What about *organ scarcity* – the syntagm constantly present in the discourse concerning human organs? The transplant procedures are very expensive (in the U.S. a heart transplantation costs more than \$300,000 claims Scheper-Hughes) and are frequently interrupted by constant shortages in organs. According to Scheper-Hughes, it is “an artificially created need” invented by medical discourse (Illich in Scheper-Hughes, 2002b: 67), and Scheper-Hughes argues that it is “misrecognized” as a natural medical phenomena in the context of “survivalist” utilitarian pragmatics (Ibid.). When speaking about human organs and consequentially, about human organ trade and trafficking, should we rethink the concepts of life itself and death itself?

Namely, it seems to me that we are living in a world in which death is a taboo and one will do everything in his/her power to postpone it. In the “Western” world death is inseparable from the “medical gaze” – Foucault’s concept according to which, in the eighteenth century sciences and physicians paired pathological anatomy with their clinical expertise to justify a new, empirically based clinical medicine and biomedical science (Foucault in Kaufman and Morgan, 2005: 328). It seems to me that death is represented as “the enemy” and modern medicine has to develop all kind of tools in order to beat it down. The end of life is connected with medicine and hospitals; Sharon R. Kaufman and Lyn M. Morgan in their text “The anthropology of the Beginnings and Ends of Life” (2005) write how the culture of medicine organizes the end of life; in the mid-twentieth century in the U.S. dying became organized through the structures of the hospital (Ibid.). When intensive care units in the 1970s became a standard feature in North American and Western European hospitals, life-extending, ‘heroic’ technologies clashed with medicine’s ambiguous sense

of its role in prolonging dying and keeping the ‘dead’ alive (Ibid.: 326). So, one can talk about death due to a disjunction between ‘death with dignity’ or naturalized death (a death without medical intervention to prolong dying) and the routinized use of life-extending/death-prolonging technologies (Ibid.: 327). Somewhere in this context of “death as an enemy” it seems logical to situate organ scarcity. It looks to me like there is a big demand coming from the people who desperately want to postpone death, while at the same time the whole topic of organ donation is somehow marginalized because it is directly connected with death and that is an inconvenient topic, to say at least. Yes, dying is a natural process which we all have to face one day, but how death and dying are represented within one culture, that is wholly another thing and when talking about ‘organ scarcity’ one should inevitably confront the concepts of ‘life’ and ‘death’ and their meaning in a contemporary Western society.

Aside from the representation of life and death in contemporary Western culture, what is also interesting is the representation of two groups of people – organ suppliers and organ receivers. Organ receivers are represented usually as visible and in need while organ donors are usually invisible, claims Scheper-Hughes (2002a: 76). Namely, in the media, recipient patients are represented as the ones who suffer and are in need. But, there is an absence of presence and empathy for donors. Donor anonymity prevents any contact between donors and recipients. But nephrectomy is not a risk-free procedure, claims Scheper-Hughes and many living donors have died or later found themselves in need of a kidney or some other kind of medical assistance which was financially impossible to get due to their financial situation (Ibid.). Also, poor donors from rural areas could not endure the hard physical work in agriculture or construction work after donation and were faced with an existential problem. (Scheper-Hughes, 2002a: 76).

The market in human organs is deeply problematic because it relies on human poverty and one consequence of this is human organ trafficking. To me, it is a structural problem, because, in general, the neoliberal society in which we live today is based on a market economy which again results in competition and inequality. If there is inequality in the market in general, why should the market of human organs be an exception? The act of trade in human organs organizes people in two categories: buyers and sellers. And when one has two categories of people separated by financial solvency which is a value in today's market and profit based society, it is legitimate to talk about racism in this context of human organ sale in Foucauldian terms. According to Foucault, exclusion through the concept of 'racism' represents the basic mechanism of power and locates itself between what must live and what must die (2003: 254). 'Killing' for Foucault does not represent the intentional causing of death as such; it stands for every form of indirect murder such as starvation, exposing someone to death, increasing the risk of death, political death, rejection, expulsion and so on. Racism is really a precondition that makes killing acceptable and can "justify the murderous function of the State" (Ibid.: 256). Foucault associates evolutionism and its legacy to this apparatus; hierarchization of species, struggle for existence and selection that eliminates those who are less fit (Ibid.: 257). Can one claim that there is a division among species based on class between those who should live and those who must be sacrificed in their name? "New

market strategies will have to be examined and eventually utilized if a premium is to continue to be placed on *restoring health and sustaining life*",<sup>10</sup> claims George P. Smith II in "Market and Non-Market Mechanisms for Procuring Human and Cadaveric Organs: When the Price is Right?" (1993: 18). Does not this allegation reflect Foucault's and Agamben's claims about those who are included and whose life has a certain value and those who do not have any value and have to be killed in the name of 'restoring health' or 'sustaining life'?

The domain of organ donation and organ transplantation is a slippery terrain because it surpasses altruism and it interconnects person, bodies, states, borders, and above all – money. The idea that the human organ market is 'just a transaction' like any other is highly problematic because we are talking about living human beings. And when this sale is contextualized, one can see that due to the fact that this kind of market relies on human poverty, it seems that there is something really wrong with the sale of human organs. Also, the discourse about organ donation I find to be marginalized, or represented purely as something valuable that prolongs someone's life. The reason for this kind of representation or marginalization I see in the connection between organ donation and death; namely, death as a taboo in today's world in which health, youth and beauty are imperatives. Everything is being done in order to postpone aging and dying, and in that kind of world organ donation becomes a 'dirty' phrase, as it implies one's mortality.

10 My italics.

**Ivo Deković,  
Igor Kirin,  
Nikola Ukić**

***Ariel***

**2013**

In 1999 Hermann Ariel Scheige was sentenced by the District Court of Aachen to 12 years of imprisonment for dealing 2.5 tons of cocaine in 38 cases in a year and a half. After being released in 2011, he came back to Düsseldorf.

*Ariel* (16'38") is the first collaborative work by artists Ivo Deković, Igor Kirin and Nikola Ukić. Through a true personal story, Hermann Ariel Scheige talks about the political climate and development of anarchist and neo-anarchist movements since the 1960s, focusing on the situation in Europe. Coming from a leftist family who moved to West Germany from Uruguay in the late 1960s out of political and economical reasons, he exposes the influence of Latin American urban guerrillas on European ones (the Tupamaros movement on RAF) and the lesser known connection between anarchist movements and drug dealing and drug abuse, especially after the movement was suspended. He takes a clear standpoint regarding his actions, which were grounded in his wish to stay outside of the system.

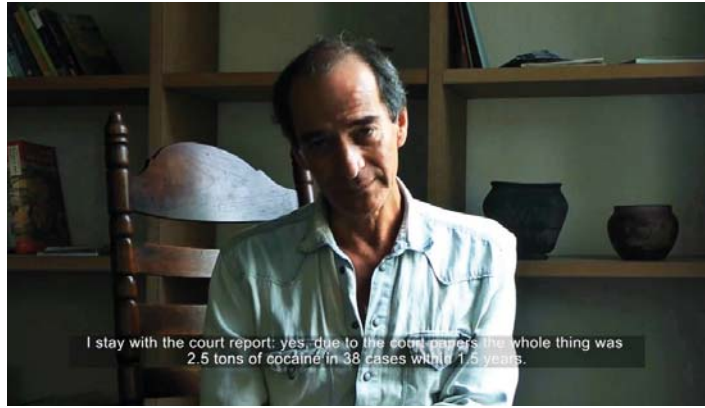
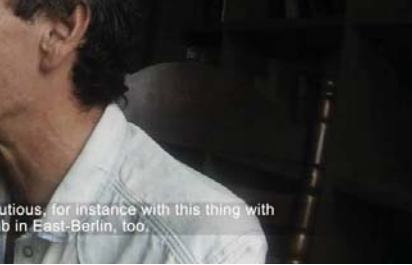
In a non-linear narration, the film features the ambivalence of time, while Hermann Ariel Scheige himself embodies a model of inappropriate behaviour, confirming the unbreakable connections between the parallel worlds: the world inside the walls of the Aachen prison and the Düsseldorf jet set, the adventurism of South America and the high-profit business of the West Europe. Finally, it illustrates the link of the talk with the three artists and the intimate fantasies stuck between the past and the future.

**Transcript of video-interview  
with Hermann Ariel Scheige:**

— People in Berlin introduced it, because they just had problems to bring goods from West Berlin to West Germany. They brought it partly from Nepal overland, but they didn't want to bring it from West Berlin to West Germany, just imagine that!

— And that's why they started doing it by post. They provided all their clients in West Germany by mail. First you'll think: are they crazy? Then you see that it is working and since you've seen that: why not do the same thing from Düsseldorf to Frankfurt as well? At that time, in the first half of the 1980s, I know an awful lot of people that were doing it by post. I've never heard that a single parcel got lost or anyone being caught. It was an absolutely secure method.

— So, here in Düsseldorf I was the leader of the Spontis (neo-anarchists). They were the militants. Our aim was to conduct a long lasting war against the German State and to win it! My name is Ariel, actually Hermann Ariel Scheige. On my father's side my family is Jewish-German, but I was born in Uruguay. When my father was a little boy, my grandparents were able to escape from Berlin in 1938 and they finally ended up in Uruguay. My mother was from Uruguay and I grew up in Uruguay. But I went to German kindergarten and school. When I was fourteen we moved to Germany for several reasons; mainly for economic, but as well for political reasons, because my mother was a left-wing extremist, and since that time, 1971, I have lived in Düsseldorf.



[78] Ivo Deković, Igor Kirin, Nikola Ukić: *Ariel*, video stills, 2013.

— I was brought up in the belief that an armed war was the only thinkable possibility of change, especially the urban guerrilla, because we came from Uruguay where the urban guerrilla was invented from the Tupamaros. The previous organization of the RAF was called Tupamaros West-Berlin. The famous congress of the Tricontinental, an organization still founded by Guevara, took place in Havana 1967. That was the attempt to unite the Third World. The Tricontinentale came from Asia, Africa and Latin America. In this congress they found Uruguay to be the only improper country for the guerrilla war because of its lack of inaccessible mountains and jungles. So the Uruguayan Delegates went home quite frustrated and thought: what are we going to do now?

— In the 1960s the expression Asphalt Jungle had become trendy, originating from the USA. From the idea of the Asphalt Jungle they developed the idea of the Urban Guerrilla. We don't have jungle, but we have the town, which is a jungle. So they developed this concept out of necessity,

just because there was no other option. In 1972 I was 15 and as the first RAF offensive started I probably was the only one in Düsseldorf to think: That's great! At school and everywhere else that was really tough because I aroused hysteria at that time. The atmosphere was hysteric.

— The famous Mescalero from Göttingen wrote an article in the student paper about the same time when Buback was shot. I read it then and found it extremely soft, this is something I couldn't accept. He just said to have felt a clandestine joy when Buback was shot dead. We were really delighted! This was no clandestine joy.

— Therefore they examined the University of Göttingen for weeks and they interrogated all kinds of people to find out who was this Göttinger Mescalero. After that all Sponti papers reprinted the article. Here in Düsseldorf as well. I was responsible for everything regarding press law. Every Sponti paper was sued, as well as me. It was a process against the denigration of the memory of deceased. The atmosphere was like this!

— At that time the group Autonomia operaria formed in Italy. Every group today considered to be independent – like the





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ever intended or had the goal to do a lot and to make a lot of money and then to found a drug empire. This was never in my head.



You know, I am very cautious, for instance with this thing with the lab in East-Berlin, too.

Autonomie Block in Berlin. It can be traced back by name to this Italian group. This was a radical left-wing splitter group of Lotta continua. *Lotta! Lotta di lunga durata, lotta di popolo armata – lotta continua sara!*

— Here in Europa we were partly still in the Hippie Era because we were behind the times compared to the USA. The Sponti groups always had a drinker and pothead faction. That was for instance one of the interesting points. In my mother's view the anarchists were placing bombs and having shootings, but they went to work, to school and didn't take drugs. She would never have expected that all anarchists in Europe were taking drugs. However, during these times there was no clear dividing line. Several people from the radical left-wing scene were involved in drug trafficking. In later years when the German Autumn frayed the whole thing, I was not the only one who became a drug dealer.

— Back then at the end of the 1970s and 1980s drug dealers still originating from the left-wing movement or even those coming from the Hippie movement. End of the 1980s and the beginning of the 1990s we increasingly had to deal with Ukrainians and Albanians. No Hippies any more.

— At that time Carlos Lehder a well-known Columbian drug dealer of German descent, said in a *Stern* interview, that cocaine was the A-bomb of Latin America. From 1982 or 1983 a wave crashed over Europe and all of a sudden everyone took cocaine. Going out for a Saturday night without cocaine was a complete no-go. I didn't deal with cocaine until 1983, beforehand I had only hash or LSD.

— In fact there was a famous LSD-lab in East-Berlin. Understandably this laboratory in East-Berlin was a big secret. This means, I don't know how it was, that it was run by West-Germans. The people of GDR basically never had a problem with the West destroying itself with drugs. They closed both eyes concerning smuggling and such stuff that went to West-Germany. I don't know if it were West-Germans running this lab tolerated by the authority or any special department of the MfS (Ministry of state security) for biochemical military strategy against West.

— But for many years a lot of hard drugs arrived made in East-Berlin. This I know sure because I knew people that were buying them there. You know, I am very cautious, for instance with this thing with the



lab in East-Berlin, too. Back then the Secret services were involved and, heaven knows, who else. I already have, I prefer not to say more. Anyway, there's nothing more I can say. I only know: the lab in East-Berlin.

— There were two big labs, the other was in London. One could distinguish the things: the red little stars came from London. For a while there were red little stars from Stockholm to Sicily and from Berlin to Lisbon. The green monster came from Berlin. Those were always on the scene: those from Berlin and those from London. That was really pretty common.

— Shall we move on? We were just talking about Ecstasy. In the early 1990s I picked up on it for the first time, this Ecstasy. At first Cocaine-people were looking at it rather despisingly, this is common when new things arrive. At first I was a bit touchy as well.

— So one time, I say OK, I take some Ecstasy in Holland and bring it to her in Spain.

And well, I do it for the first time. I took it also, because I only sell drugs that I took myself. I liked it really. My first impression was acid light. But I liked it, it was really good. It was really good stuff. Over this girl I learned this scene in north Spain it was dealing with this new drug, new music. It was very very funny.

— I stay with the court report: yes, due to the court papers the whole thing was 2.5 tons of cocaine in 38 cases within 1.5 years. The Ecstasy was dropped due to insignificance.

— I never intended or had the goal to do a lot and to make a lot of money and then to found a drug empire. This was never in my head. It was impossible – I was a drug dealer because I wanted to be outside of the legality of the system. Nothing more absurd for me than the thought of investing the money I made with the drug dealing to buy myself into legitimacy of the system. This would have been totally absurd.

Thanks to Hermann Ariel Scheige, Tabea Langenkamp, Cornelia Langenkamp, Jana Urban Ukic. Hermann Ariel Scheige's sudden and premature death has left this project in its present form and the planned sequel of the documentary, titled *El Magico*, based on autobiographical texts that he wrote in jail, will sadly remain unfinished.

## Ralf Čeplak Mencin

### *Smuggling opium from Afghanistan*

For over two millennia Afghanistan's geostrategic importance made it a historical crossroad of civilisations. Afghanistan enriched the world civilisations in many ways. Famous poets and philosophers and leaders such as Rumi, Zoroaster, Mahmud of Ghazni, the Bactrian princess Roxana (Avestan: *Raoxshna*), who was Alexander the Great's spouse etc. were born here. Nevertheless over the last thirty years Afghanistan found itself an nexus of international terrorism and became the world's main drug supplier.

The economy of opium is a complex phenomenon in Afghanistan. It has deeply indented the political structures, civil society and the economy of the state. It comprehended, abused and enslaved the poor population in the countryside: peasants, day labourers, small dealers, women and children and left them to the mercy or disgrace of the tribal chiefs and international criminal, which dominates in many areas in the south, north and east of the country. Despite the fall of the Taliban regime and efforts to reintegrate Afghanistan into the international community the country is the biggest producer of opiates: opium, morphine and heroin in the world which is smuggled through Iran and other Central Asian countries to Europe, Russia and USA.

This paper will give some general facts about Afghanistan's modern and recent history and its economic collapse. In the section *Economics of the poppy* I will analyse the process of acquisition of opium and consequences of one hundred years of global prohibition and approximately forty years of the War on Drugs, which have not just failed to suppress illicit opium production, but for an increasing number of countries these efforts seems likely to have both stimulated and displaced production. In the following section *Opiate smuggling routes from Afghanistan to Europe and Asia* I look at illegal smuggling and trafficking routes from Afghanistan to Pakistan, India, Iran, Turkey and Central Asia. The concluding section "A \$60 billion business" will outline the world's most lucrative business and the active involvement of the Afghanistan government officials and security forces and how difficult if not impossible it is going to be to eradicate the Afghan opium cultivation habit.

## General Facts and Statistics of Islamic Republic of Afghanistan

1 <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

Afghanistan<sup>1</sup> is located in Southern Asia, north and west of Pakistan and east of Iran. It's area comprehends 652,230 sq km. It's Capital is Kabul which numbers about five million inhabitants. In 2006, the United nations Population fund estimated the population at some 31 million (the most recent census was in 1979 when the population was reported to be about 15,5 million). Population under 14years of age is approximately 14 million, and refugee population outside Afghanistan is approximately 2 million.

The border countries are: China 91 km, Iran 921 km, Pakistan 2,670 km, Tajikistan 1,357 km, Turkmenistan 804 km and Uzbekistan 144 km. It is a landlocked country; the Hindu Kush mountains that run northeast to southwest divide the northern provinces from the rest of the country; the highest peaks are in the northern Wakhan (Wakhan Corridor). The highest point is Noshak (7,485 m) and the lowest point is Amu Darya at 258 m. Land boundaries are 5987 km. Climate is arid to semiarid with cold winters and hot summers. Terrain is mostly rugged mountains with plains in north and southwest.

About half of its territory is more than 2000 metres above sea level. Land use is: arable land 11.95%, permanent crops 0.18% and other 87.87% (2011). Natural hazards are damaging earthquakes which occur in Hindu Kush mountains, flooding and droughts. There is a limited natural freshwater resource, inadequate supplies of potable water, soil degradation, overgrazing, deforestation (much of the remaining forests are being cut). The literacy rate is only 28.7 percent (UN Afghanistan Human Development Report of 2005). Adult literacy is 36%. Infant mortality rate is 160 per 1000/live births. Gross domestic Product per capita is US \$800. Main exports are opium, fruits and nuts, hand-woven carpets, wool, hides and pelts and gems. Main imports are petroleum products, food, textiles and machinery. Ranking on UN Human Development Index is Afghanistan number 173 (out of 178). The major languages are Pashto and Dari/Farsi.

### Modern History

In 1919, Afghanistan gained independence from British occupying forces and modernized by building up extensive infrastructure with the assistance of the international community. This period of relative stability ended in 1973 when King Zahir Shah was overthrown in a coup by his cousin and former Prime Minister, Muhammad Daud.<sup>2</sup> Daud declared Afghanistan a republic, himself president, and the King went into exile in Italy.

2 <http://www.embassyofafghanistan.org/page/afghanistan>.

In the succeeding years, from 1978 and 1979, a further number of coups brought a communist government to power that drifted increasingly toward the USSR, ending with a Soviet puppet government in Kabul, led by Babrak Karmal, and an invasion of Soviet forces (Rasanayagam, 2010: 67). Throughout the eighties, an indigenous Afghan resistance movement fought against the invading Soviets. With the help of the United States, the Afghans successfully resisted the occupation. On February 15, 1989 the last Soviet soldier retreated across Afghanistan's northern border. By the time hostilities ceased, more than a million Afghans lay dead and 6.2 million people, over half the world's refugee population, had fled the country (Ibid.: 140).

The Soviet withdrawal in 1989 weakened the communist government of President Najibullah, leading to his ousting in April 1992. An interim president was installed and replaced two months later by Burhanuddin Rabbani, the founder of the country's Islamic political movement, backed by the popular commander Ahmad Shah Massoud.

Agricultural assistance, food aid, public and maternal health services and economic recovery programmes were initiated with resources provided to the United Nations by the international community. But other programmes that had been planned – to repair infrastructure, provide shelter and discourage narcotics production – had to be shelved because of insufficient funds. As civil war between various factions continued following the Soviet withdrawal, the number of civilians fleeing the country increased steadily making Afghanistan the world's worst refugee crisis. By 1990, there were 6.3 million civilians in exile: 3.3 million in Pakistan and 3 million in Iran. In addition to setting up a voluntary repatriation project, UNHCR (United Nations High Commissions of Refugees) established more than 300 villages in Pakistan for the mainly ethnic Pashtun refugees. In Iran, the mostly ethnic Tajiks, Uzbeks and Hazaras lived and found work in local communities.

## Recent History

The government remained unstable and was unable to form a national consensus amongst its various factions. Kabul was soon besieged again: first by various *mujahideen* (Muslims who struggle in the path of Allah); factions and then by the Taliban ('*talib*' means 'religious student' or 'seeker of knowledge') movement with its foundations in Kandahar. The Taliban were mostly sons and orphans of *mujahideen*, who had been raised in refugee camps in Pakistan and were opposed to what they saw as the corruption of the *mujahideen* (Barfield, 2010: 255). With the assistance of foreign governments (mainly Pa-

kistan), organizations, and resources in late 1994 and early 1995, the Taliban took control of much of southern and western Afghanistan including Kandahar and Herat and in September 1998 entered Kabul (Ibid.: 260). This round of fighting led once more to the displacement of the population, with some 350,000 people fleeing the Kabul region for camps near Jalalabad, bringing the total of internally displaced people dependent on the UN for food and sustenance to 800,000 (Griffiths, 2011: 213). By the late 1990s, Afghanistan had become notorious as the source of nearly 80 per cent of the world's illicit opium with nearly 1 per cent of its total arable land – some 640 square kilometres – devoted to poppy growing (UNODC, 2003: 100). In response the United Nations Drug Control Programme (UNDCP)<sup>3</sup> established a poppy crop reduction project, as part of which it introduced alternative crops, rehabilitated irrigation systems and improved roads. It worked with the Taliban with some success and in December 2000 noted that the Taliban had banned opium production, although the Security Council sanctions made it difficult to support alternate crop development projects (Ibid.: 102).

3 <http://www.unodc.org/>.

Between 1988 and 2000 more than 4.6 million Afghan refugees returned to their homes with UNHCR assistance, but as the fighting continued they were soon replaced by new refugees; themselves in need of clothing and housing from UNHCR and their host countries.<sup>4</sup> All said, by the end of 2001 UNHCR had spent at least \$1.2 billion for refugee operations in Pakistan, \$352 million in Iran, and \$72 million inside Afghanistan. As the year ended, some 2 million refugees remained in Pakistan and 1.5 million in Iran (Ibid.).

4 <http://www.un.org/News/dh/latest/afghan/un-afghan-history.shtml>.

To compound the problem, refugees were returning to what the UN Mine Clearance Programme has called the most heavily mined country in the world with a staggering 9.7 million landmines. As part of its efforts, the Programme cleared some 68 square kilometres of previously infested areas but much remains to be done (Ibid.).

Taliban rule became infamous for their repression of women and dissidents as well as their destruction of the country's cultural heritage. Showing little interest in trying to govern and rebuild Afghanistan, they instead played host to the radical Al-Qaeda terrorist network. Following Al-Qaeda's 2001 attacks, the United States and its allies began military operations and quickly overthrew the Taliban. An interim government was installed (Barfield, 2010: 272). In December of 2001, Afghan and world leaders met in Bonn, Germany under United Nations auspices to design an ambitious agenda that would guide Afghanistan towards "national reconciliation, a lasting peace, stability, and respect for human rights", culminating in the establishment of a fully representative government. Many political and civil institutions were established with the Bonn



Agreement such as the Afghan Independent Human Rights Commission, the Judicial Commission, Counter-Narcotics Directorate, and the Constitutional Commission.<sup>5</sup>

Progress on the political front led to appointment of Hamid Karzai as the president of the Afghan transitional administration at 13 July 2002 by Loya Jirga held in Kabul and an elected parliament (December 2005), as well as a national constitution. With international assistance, the new government of Afghanistan was developing a political infrastructure and security apparatus.

The security situation in Afghanistan necessitated the continued presence of international forces. The International Security Assistance Force (ISAF) was created in accordance with the Bonn Conference in December 2001 after the ousting of the Taliban regime.<sup>6</sup> The North Atlantic Treaty Organization (NATO) took over command and coordination of ISAF in August 2003 (Ibid.). Initially restricted to providing security in and around Kabul, NATO's mission covered about 50% of the country's territory (Ibid.). In accordance with the road map laid out in Bonn implemented with the support of UNAMA (United Nations Assistance Mission to Afghanistan), a Constitutional Loya Jirga<sup>7</sup> approved a new constitution for the country in January 2004. It established the Islamic Republic of Afghanistan and restored the country's guarantee of human rights and adherence to democracy. In December 2004, Hamid Karzai became the first democratically elected president of Afghanistan and the National Assembly was inaugurated the following December. Karzai was re-elected in August 2009 for a second term.<sup>8</sup> Despite gains toward building a stable central government, a resurgent Taliban and continuing provincial instability – particularly in the south and the east – remain serious challenges for the Afghan Government.<sup>9</sup> The London Conference on Afghanistan in January 2006 aimed to launch the Afghanistan Compact, the successor to the Bonn Agreement to present the interim Afghanistan National Development Strategy and to ensure the Government of Afghanistan has adequate resources to meet its domestic ambitions. The Afghanistan Compact marked the formal end of the Bonn Process with completion of the Parliamentary and Provincial elections and represented a framework for co-operation for five years.<sup>10</sup>

The Tokyo Conference on Afghanistan held on 8 July, 2012 was the civilian-diplomatic bookend to NATO's 2012 May summit in Chicago, where the alliance confirmed plans to withdraw foreign combat troops by the end of 2014 and pledged about \$4 billion a year to pay for on going training, equipment and financial support for Afghanistan's security forces. In exchange for pledges from the Afghan government to combat corruption, \$16 billion over the next four years for civilian projects such as roads to schools or projects aimed to strength-

5 [http://eeas.europa.eu/afghanistan/docs/2011\\_11\\_conclusions\\_bonn\\_en.pdf](http://eeas.europa.eu/afghanistan/docs/2011_11_conclusions_bonn_en.pdf).

6 <http://www.isaf.nato.int/history.html>.

7 A *loya jirga* (Pashto: grand assembly) is a special type of jirga that is mainly organized for choosing a new head of state in case of sudden death, adopting a new constitution, or to settle national or regional issue such as war.

8 <https://www.understandingwar.org/report/re-election-hamid-karzai>.

9 <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

10 <http://2001-2009.state.gov/r/pa/prs/ps/2006/60081.htm>.

11 [http://www.mofa.go.jp/region/middle\\_e/afghanistan/tokyo\\_conference\\_2012/](http://www.mofa.go.jp/region/middle_e/afghanistan/tokyo_conference_2012/).

12 <https://www.gov.uk/government/publications/wales-summit-declaration-on-afghanistan>.

13 Encyclopædia Britannica Online, s. v. Afghanistan, accessed September 2, 2014, <http://www.britannica.com/EBchecked/topic/7798/Afghanistan/21426/Demographic-trends>.

en the rule of law were pledged by the some 70 nations attending the conference.<sup>11</sup> The reconstruction and development aid was pledged for the time frame through 2015 but under the condition that the Afghan government reduce corruption before receiving all of the money. In the so-called Tokyo Framework of Mutual Accountability foreign governments will assure Afghanistan a steady stream of financing in exchange for stronger anti-corruption measures and the establishment of the rule of law. Up to 20% of the money would depend on the government meeting governance standards according to the Tokyo Framework of Mutual Accountability. A follow-up conference was held in Britain in 2014 (Ibid.). The NATO summit Wales/Great Britain in October 2014 checked progress toward 'mutual accountability' and was a review and monitoring process to assure that development aid is not diverted by corrupt officials or mismanaged – both of which have been major hurdles in putting aid projects into practice thus far.<sup>12</sup>

### Economic collapse

However low the Afghan economy had sunk during the period of communist rule, it was to decline even more under subsequent mujaheddeen and Taliban governments.<sup>13</sup>

After more than two decades of war and in the face of the Taliban's harsh social policies, few educated Afghans with even rudimentary technical skills remained in the country. In effect, any remains of a modern economy – at least a formal, legal one – largely collapsed during the 1990s (Rashid, 2009: 171). Public and private investment in productive enterprises was rare. Foreign aid agencies and groups, governmental and non-governmental provided what few services were available, but these met only basic humanitarian needs.

During the 1990s economic activity flourished mostly in illicit enterprises such as growing opium poppies for heroin production and smuggling goods. The taxing of Afghan-Pakistani trade contributed much revenue to the Taliban's war chest. As the Taliban's prime source of income, it overshadowed the taxing of opium trafficking. But that part of trade – encompassing a massive smuggling of duty-free goods – had crippled local industry and revenue collections and created temporary food shortages, inflation, and increased corruption in Afghanistan and neighbouring countries. Poppy cultivation was the major source of income for farmers but they shared little in its full profits. However, the drug economy did provide essential revenues that enabled the Taliban to pursue their war effort. By the late 1990s Afghanistan had become the world's largest producer of opium and was thought to be the main source of heroin exported to Europe, North America, and else-

where. Although the Taliban successfully banned the growing of opium poppies in 2000, drug trafficking continued due to large reserves of opium warehoused in the country. Production returned after the fall of the Taliban in 2001 and reached record levels in 2007.<sup>14</sup> The revival of the opium trade enriched both corrupt government officials and the Taliban insurgency, which was believed to collect tens of millions of dollars a year from the industry (Griffiths, 2011: 282).

14 <http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghan-opium-survey-2014.pdf>.

Most of the population continues to be engaged in agriculture, though the destruction caused by war has been a force for urbanization by driving many away from the countryside. Many Afghans brought up in refugee camps lack the farming skills they need to survive and the country's agricultural sector is in great need of restoration, particularly its destroyed and degraded irrigation system. The road system is similarly damaged and domestic energy sources need to be developed for both export income and domestic use.

### **Economics of the poppy**

Bitter, brownish and sticky, opium – the sap of the opium poppy, *Papaver somniferum Linnaeus* (the Sumerians called it *Hul Gil*, the ‘flower of joy’) – is an addictive narcotic drug known since the earliest times. Both a palliative and a poison, the exotic origins of opium and the properties that were frequently, if erroneously, attributed to it have ensured the West's continuing fascination and the aura of mystery that has long surrounded it. About three months after the poppy seeds are planted, brightly-coloured flowers bloom at the tips of greenish, tubular stems (Chouvy, 2009: 11). As the petals fall away, they expose an egg-shaped seed pod. Inside the pod is an opaque, milky sap. This is opium in its crudest form. The sap is extracted by slitting the pod vertically in parallel strokes with a special curved knife. As the sap oozes out, it turns darker and thicker forming a brownish-black gum. A farmer collects the gum with a scraping knife, bundles it into bricks, cakes or balls and wraps them in a simple material such as plastic or leaves. Then the opium enters the black market. A merchant or broker buys the packages for transport to a morphine refinery. “Most traffickers do their morphine refining close to the poppy fields, since compact morphine bricks are much easier to smuggle than bundles of pungent, jelly-like opium” (McCoy, 1991:6). At the refinery, which may be little more than a rickety laboratory equipped with oil drums and shrouded in a jungle thicket, the opium is mixed with lime in boiling water. A precipitate of organic waste sinks to the bottom. A white band of morphine forms on the surface. This is drawn off, reheated with ammonia, filtered and boiled again until it is reduced to a brown paste. Poured into

moulds and dried in the sun, it is now morphine base that has the consistency of dense modelling clay. Morphine base can be smoked in a pipe – a practice introduced by the Dutch in the 17th century – or ready for further processing into heroin. By an age-old rule of thumb, every 10 tons of raw opium reduces to one ton of heroin. In other words, the worldwide opium output in 1996 translates into 430 tons of heroin about half of which is destined for the United States (Ibid.: 7).

The failure of more than a century of prohibition of certain drugs – opium included – is now evident. In fact, one hundred years of global prohibition and about forty years of a US-led War on Drugs have not just failed to suppress illicit opium production: for an increasing number of countries it seems likely to have both stimulated and displaced production.

Following the multilateral efforts of the League of Nations (1919–46), then of the United Nations (founded in 1945), and after the Communist government in Beijing succeeded in eliminating opium production in China during the period 1949–59, global illicit opium output fell dramatically – to as little as 1,066 tonnes in 1970 (Ibid.: 495). But as world production was drastically reduced, so the areas where the opium poppy thrived changed (McCoy, 1991: 495). South of the recently opium-free China, a major new opium producing region emerged: Mainland Southeast Asia's so-called Golden Triangle. By 1970, 67% of the world's illicit opium was harvested in the Golden Triangle, with 23% in the other emerging area: the Golden Crescent. Burma, in the Golden Triangle alone contributed 47% of the total; Afghanistan, in the Golden Crescent, a mere 10%. Ironically, despite the fact that the world's illicit opium production was at its lowest in 1970 the following year saw both the expression *Golden Triangle* coined by a US official and the launch of a global War on Drugs by Richard Nixon's administration (Chouvy, 2009: 12). But this reduction in global production was short-lived and was mainly the result of the rapid suppression of production in China and India rather than an efficient global prohibition regime. In fact, many argue that the highly repressive War on Drugs proved not only inefficient but also counterproductive. Subsequent development-based policies which were designed in the early 1970s would also fail to drive illicit opium production down (Ibid.).

What is undeniable is that between the low of 1970 and the year 1989, illicit worldwide production of opium increased by 218% to 3,395 tonnes (UNODCCP, 2001: 60) and that a marked change in the relative importance of producing countries took place. In 1989, Burma, whose many complex internal conflicts had stimulated opium production was still the world's leading illicit producer of opium. In fact, Burma's output in 1989 exceeded the total world output for 1970, with 1,544 tonnes or 45% of the global illicit output (Chouvy, 2009: 12). But a chal-

lenger to world supremacy emerged to the west of the Himalayas: Afghanistan. Afghanistan's opium output increased by 800% in thirty years (from 130 tonnes in 1970 to 1,200 tonnes in 1989) and represented 35% of the total world output for 1989 (Ibid.). In 1989, Afghanistan alone was producing more opium than the entire world had done in 1970 (Ibid.). At the close of the 1980s, the Golden Triangle and the Golden Crescent together supplied 96% of the world's illicit opium – a percentage that has remained virtually unchanged into the 2000s.

Despite increased international and national anti-drug efforts, and despite a much better understanding of the dynamics of the global illegal drug markets and of the shortcomings of anti-drug policies and programmes, not much has changed since 1989 and global illicit opium production continues to increase. The only thing that has changed, especially since the mid- and late 1990s, is the relative size and breakdown of production figures (Ibid.). While Thailand, Vietnam and Pakistan drastically reduced their opium output, production has boomed in Burma and Afghanistan. Burma remained the world's premier producer of illicit opium until 1991 (1,728 tonnes) when it was (just) overtaken by Afghanistan (1,980 tonnes) (Ibid.). Then, in a matter of a few years, Afghanistan's opium output snowballed, breaking record after record (3,416 tonnes in 1994, 4,565 tonnes in 1999 and 6,100 tonnes in 2006) and in 2007 its huge 8,200-tonne opium crop reportedly amounted to 93% of the global output (Ibid.). In 2007, Afghanistan produced more opium than the entire world had done in 2006 (6,610 tonnes) (Ibid.).

The steady increase in global opium production since the early 1970s has occurred despite the many efforts by the international community to suppress or reduce illegal opium poppy cultivation worldwide. Countless forced eradication campaigns and many crop substitution and alternative development programmes, have failed. It can even be argued that forced eradication campaigns have been counterproductive, causing – at least to some extent – an increase in illicit opium production. Of course, the reasons for such a global failure are many and complex, rooted in the long history and politics of Asia and of the poppy. Opium production has clearly benefited from the turmoil of Asian history and geopolitics. The nineteenth-century Opium Wars, the twentieth-century Cold War and the many local conflicts waged by proxy in Burma, Laos, and Afghanistan, and even the twenty-first-century War on Terrorism in Afghanistan and Pakistan have all fuelled the continent's illicit opium production. Illicit drug economies and war economies share a long and common history and have shared many territories in Asia and elsewhere.

Yet, illicit opium production has benefited not only from synergies between war economies and drug economies: it has



also thrived on economic underdevelopment and poverty, whether war-induced or not. It is now widely acknowledged that the vast majority of Asian opium farmers grow poppies in order to combat poverty and above all food insecurity. Despite this fact (and the vast majority of Asian opium farmers are among the poorest of the poor), many observers and policy makers still doubt that farmers engage in illegal opium production out of need and not out of greed. In 2007, even the United Nations Office on Drugs and Crime bluntly argued that Afghan opium production was not linked to poverty – ‘much to the contrary’ (Ibid.: 14). In fact, history and geography show that illicit opium production never thrives better than when war and poverty overlap, as in Afghanistan and Burma. Part of the problem, in both Afghanistan and Burma is that illicit opium production largely outlasts war. War often transforms political and economic realities and time is needed for war-torn countries to achieve the transition from war economy to peace economy. In predominantly rural countries such as Afghanistan and Burma where conflict has lasted for decades and hampered economic growth and development, it seems that the suppression of illicit opium production can only proceed from the establishment of peace and the initial reconstruction of the state and of the economy.

But opium suppression policies have also failed because they have been – for the most part – inadequate, ill-funded, and improperly sequenced. In spite of three international ‘conventions on narcotic drugs’ (1961, 1971, 1988), the launch of a global War on Drugs by the United States in 1971, and the creation of a specialized anti-drug body within the United Nations (UNFDAC: 1972; UNDCP: 1991; UNODC: 2002) the ‘Drug Free World’ proclaimed by the motto of the UN anti-drug agency has proved an elusive goal (Ibid.). The politics favouring poppy cultivation have proven considerably more successful than the policies designed and implemented in order to ban it. Neither the War on Drugs nor development approaches have reduced illicit opium production in Asia – quite the opposite.

### **Opiate Smuggling Routes from Afghanistan to Europe and Asia**

Afghan heroin and the trafficking routes that bring it into Europe remain a serious problem despite the fall of the Taliban, especially now that the EU is extending membership to Eastern European states through which Afghan heroin transits (Ibid.).

Although the Taliban regime has been replaced by a pro-Western administration, Afghan trafficking has not abated (Ibid.). In 1999 Taliban-controlled Afghanistan produced 4,600 tons of opium and was the source of 75% of the world’s heroin.

In 2002 the country produced 3,400 tons of opium and provided about 90% of the heroin consumed in the UK (Ibid.).

An examination of the trafficking routes taken by Afghanistan's illicit products suggests that the task of curbing the entry of Afghan drugs into Europe is complex. The pattern of opium production has undergone significant changes within Afghanistan and, consequently, trafficking routes have evolved to reflect these changes. The rise of the north-eastern province of Badakhshan as a major production centre, for example, clearly puts more pressure on Central Asia as a main drug trafficking route with an estimated 200% increase in volumes traded in 2002 (Ibid.). The Pakistani and Iranian routes are also still plied by drug traffickers in spite of close monitoring and patrols along the Afghanistan-Pakistan border by US Special Forces.

## **Pakistan**

Between 2000 and 2003 heroin as well as opium was still exported to Pakistan through North West Frontier Province (NWFP) and Balochistan province in the south.

One of the main opium markets in northern Afghanistan was, until it was closed down in April 2002, in the village of Ghani Khel, southeast of Jalalabad, the provincial capital of one of the main opium-producing areas of Afghanistan, Nangrahar. Two other such regional markets were Achin and Kahi, located further away from the Kabul-Jalalabad-Peshawar road and thus less convenient until the closure of Ghani Khel (Ibid.: 28-29). As the UN Drug Control Programme reported, in southern Afghanistan where most of the opium production is concentrated (in Kandahar and Helmand provinces), the opium market was less centralised than in the north (Nangrahar) where the Pashtun (the Shinwari tribe in Afghanistan and the Afridi in NWFP) tend to monopolise the trade (Ibid.: 29). In the south, Sangin in Helmand province was the biggest opium market in 2002 followed by Musa Qala, north of Sangin (Ibid.).

Northern Afghanistan's regional market is dominated by the heroin trade mainly because of the leading role taken by both the Shinwari and the Afridi in heroin conversion. In the south of the country the principal trade is in opium and morphine base (converted into heroin using acetic acid anhydride), mostly conducted by Balochi and Pashtun merchants who are not members of the Afridi and Shinwari tribes (Ibid.).

The result is that NWFP and Central Asia are experiencing heroin trafficking on a larger scale than southern Pakistan (Balochistan) and Iran where seizures tend to relate to opium and morphine base (Ibid.). Heroin is easily trafficked in NWFP from Afghanistan across Afridi territory and the Khyber Pass, through what has been termed a 'drug pipeline' (Ibid.).

In southern Pakistan, Balochistan shares a 1,200 km border with Afghanistan and touches two of its biggest opium-producing provinces, Helmand and Kandahar (Ibid.). Important quantities of opiates go through Balochistan to be exported from the Makran coast, 700 km long and sailed by thousands of fishing boats and cargo and passenger vessels (Ibid.). However, opium, morphine base and heroin also cross into Iran from Balochistan if not directly from Afghanistan. Balochistan is thus at the crossroads of Afghan opiates trafficking and is plied by countless caravans of camels crossing the deserts of Afghanistan, Pakistan and Iran by night. Groups of drug traffickers relay one another; for example, from Afghanistan to Panjgur in Pakistan then to Turbat and eventually to Mand, Pasni or Gwadar (Ibid.). Dalbandin is a major centre of regional drug trafficking from Afghanistan to the Makran coast or to Iran, with Balochis said to take a leading role in the trade (Ibid.).

### **India**

Heroin is imported into Pakistan either to supply its large domestic consumer market or to reach destinations further afield. India is one such destination with heroin coming into the country through Punjab, Rajasthan and Gujarat: the districts of Jaisalmer and Barmer in Rajasthan are among traffickers' favourite crossing points (Ibid.). The Thar Desert offers many hideouts for illicit drugs, often buried in the sand before being retrieved and moved inside the country. Prior to the closing of the only train link between the two countries in December 2001, the Samjhauta Express between Lahore and Delhi was widely used by drug and fake currency traffickers. Amritsar in Punjab is still an important node in drug trafficking routes to India – its emergence is linked to Pakistani secret services fostering Sikh separatism in the province (Ibid.). After 1992, when Sikh militancy died down and insurgent violence increased in Kashmir, Indian drug seizures showed a sudden increase of Afghan and Pakistani heroin moving through Jammu and Kashmir mainly via Ranbirsingh Pura, Samba and Akhnoor. Acetic acid anhydride also goes through these areas, although in the opposite direction, from India – an important industrial manufacturer – to Pakistan and Afghanistan (Ibid.: 30).

### **Iran**

Iran is arguably the main route for Afghan opiates trafficking across Khorasan or Baluchestan va Sistan provinces (Ibid.). In Khorasan in 1998, opiate seizures by Iranian authorities accounted for about 40% of all such seizures worldwide, with

the country as a whole accounting for 85% of worldwide opiate seizures. Iran shares borders with both Afghanistan and Pakistan and is a strategic outlet for Afghan opiates on their way to the main consumer market, Europe (Ibid.). A 2,440 km long coastline also makes Iran a natural springboard for maritime drug trafficking towards the United Arab Emirates and east Africa (Ibid.). Along Afghanistan and Pakistan, Iranian borders are manned by 30,000 law enforcement personnel equipped with elaborate counter trafficking infrastructures such as patrol roads, concrete dam constructions, ditches, sentry points, observation towers, barbed wire, electrified fences and even electronic surveillance devices. Iran says it spends US\$400m annually on anti-drug operations and has so far invested \$800m in efforts to increase control over the Afghan border (Ibid.). In Iran, as well as in Pakistan, anti-drug trafficking operations are characterised by their extreme violence: drug traffickers are typically armed with weapons such as rocket-propelled grenade launchers, and large-scale battles are regularly waged with Iranian law enforcement authorities (Ibid.). In Khorasan alone, in 1999, 285 drug traffickers and 33 members of the Iranian armed forces were killed during such engagements. In November 1999, 35 policemen were killed in Baluchestan va Sistan while making an assault on Pakistani drug traffickers. During 20 years of anti-drugs operations Iran has lost 2,700 men on active duty (Ibid.).

Iran's anti-trafficking efforts have been subsidised by the UK, Germany and Switzerland. The USA, in a 1999 report, recognised that although Iran was "a major transit route for opiates smuggled from Afghanistan and Pakistan", it was pursuing "an aggressive border interdiction effort" (Ibid.). Despite its efforts, Iranian authorities claim that 65% of the trafficking in Afghan opiates goes through its territory. As opium production is concentrated in southern Afghanistan, the Iranian route remains the major route through to Turkey and Eastern Europe, where heroin laboratories are known to operate and thence to the EU (Ibid.).

## Turkey

Afghan opiates enter Turkey mostly through the provinces of Igdir, Agri, Van and Hakkari. In August (Ibid.) 1999 Turkish authorities seized 500 kg of heroin in Agri. However, Turkey is not only an entry point and transit route for heroin; it is also home to many heroin refineries. In March 2000 three tons of morphine base were seized in Iran, between Yazd and Kerman, supposedly on the way to Turkey (Ibid.). In May 2000 the Turkish police found 250 kg of morphine base in Baskale, in the province of Van, close to the Iranian border, while drug traf-

fickers were arrested in Istanbul with 80 kg of heroin destined for the UK. Such shipments of morphine base or even opium from Afghanistan to Turkey via Iran are increasing, reinforcing the belief that heroin production occurs in Turkey as well as eastern European countries before being traded on the European consumer market (Ibid.: 31).

## Central Asia

The UN estimates that central Asia is the outlet through which 65% of Afghan opiates pass. While this estimate is probably somewhat exaggerated, there is no doubt that the Central Asian route is growing in importance.

With the demise of the Soviet Union in 1991, Afghanistan saw its northern border split three ways between Turkmenistan, Uzbekistan and Tajikistan. The old silk routes were revived and Afghan opiates were quickly taken through this northern outlet (Ibid.). Rashid Alimov, Tajikistan's UN representative said his country was a victim of an "opium tsunami" and "narcotic aggression" (Ibid.). Tajikistan claimed to have experienced a 250% increase in drug trafficking between 1998 and 1999 alone (Ibid.). His Uzbek counterpart, Kamol Dusmetov reported a 600% increase for the same period, while in Kyrgyzstan the interior minister reported a 1,600% increase in illicit drugs seizures between 1999 and 2000 including an 800% increase in heroin alone (Ibid.).

Tajikistan, experiencing civil war between 1992 and 1997 became the main corridor for Afghan opiates exported to the emerging Russian market and the traditional European market (Ibid.). From Ishkoshim to Nijni Pandj, drug trafficking was fast developing across the Amudar'ya (formerly Oxus) river, turning Khorog into the main transit town from where the only major road from Badakhshoni Kuzi province in Tajikistan led, via Dushanbe, to Osh in Kyrgyzstan and the Ferghana valley (Ibid.). Afghan opiates could then go west to the Caspian Sea, Azerbaijan and Georgia, or north, through Kazakhstan and to Russia. Turkmenistan has also become a major passageway for Afghan opiates. Many major seizures have occurred in Kushka, the main border post between Afghanistan and Turkmenistan (Ibid.).

The re-opening of the Quetta-Kandahar-Herat-Ashgabat road by the Taliban, partially financed by the Pakistani (Pash-tun) mafia considerably helped the development of drug trafficking in Turkmenistan (Ibid.). However, it is through Tajikistan that trafficking has most increased over the past two years. Indeed, after the Taliban proscribed opium production in 2000, the 2001 harvest was a mere 185 tons and out of this only 35 tons were produced in Taliban-held areas while 150



tons came from United Front-controlled regions. In north-eastern Afghanistan – mainly in Badakhshan – opium poppy cultivation more than doubled between 2000 and 2001 (Ibid.).

In 2002 poppy cultivation again increased in Badakhshan and opium yields rose from 17 kg/ha in 2000 to 24 kg/ha in 2001 and 36 kg/ha in 2002 (Ibid.). This increase turned the remote province into Afghanistan's third biggest opium-producing province in 2002, considerably increasing its role as a stepping stone for conveying opiates to Russia and Europe via Tajikistan, Uzbekistan and Central Asian railways (Ibid.). Increased drug trafficking through Central Asia and opium production in Afghanistan has encouraged heroin consumption along drug trafficking routes. Intravenous heroin consumption has surged both in Central Asia and Russia, as far as Novosibirsk and Irkutsk in Siberia where heroin first appeared in 1999 (Ibid.). Russian and Kazak authorities mention the leading role of Tajik drug traffickers in the regional trade: one third of traffickers arrested on the Dushanbe-Saratov train are Tajik, and Russian police forces in Irkutsk have declared that they seized heroin in trucks driven by traffickers suspected of being Tajik special services personnel. In Kazakhstan, in January 2000, a Tajik police officer was caught preparing to deliver seven kg of heroin to a senior Tajik official, while in May of the same year 62 kg of heroin was seized from the car of the Tajik ambassador to Kazakhstan, who was not himself implicated in the seizure (Ibid.). According to the Russian interior ministry, in 2000, half the heroin penetrating Russia came through Kazakhstan: shipments cross via Troitsk (in Chelyabinskaya oblast) to go to Iekaterinburg, or via Orenburg and Oral to Samara. Further east, Barnaul is a trafficking relay before Novosibirsk and eventually Irkutsk (Ibid.).

### **A 60 billion dollar business**

Western drug cops talk of busts in grams and kilograms, whereas their relatively ineffective counterparts in Helmand talk in tons (Clammer, 2007: 196). Afghanistan, in terms of volume and quality, is the world leader in opium production – producing 92% of the world crop or a staggering 6100 metric tons as reported by the UN in 2006, much of it bound for Europe and Russia as heroin (Ibid.). The estimated value of the 2006 crop is nearly \$3,5 billion, equating to street value in excess of US\$60 billion (Ibid.) Helmand contributed 42% of the 2006 crop, Badakhshan in the northeast a long second at 8%. Lashkar Gah sports many 'Poppy palaces' amongst mud houses – massive, gaudy houses all built with drug money.

A UN survey unsurprisingly lists 'easy cash' as the reason for growing poppies by over 41% of farmers, although 12%

cite the high cost of Afghan weddings. However, Afghanistan has not always haemorrhaged opium, in 2001 the Taliban outlawed its cultivation and it stopped overnight; however, the upper Talib echelons still continued to trade (Ibid.). Since the fall of the regime, the poppy fields and the trade have blossomed. President Karzai declared a Jihad on poppy, which has had little impact (Ibid.). Many of his government officials and security forces are actively involved in the business, cooperating with the narco lords, warlords and criminal gangs who run the trade. This further undermines the international community's efforts of eradication and finding alternative livelihoods for poppy growers; both are falling dismally (Ibid.). Although the level of eradication increased by 210% between 2005 and 2006, the national crop grew by 59% in Helmand, it increased exponentially by 162% (Ibid.). At 100 Afghani a hit on the streets, heroin's cheap price has also seen the increase of Afghanistan's intravenous user population, bringing with it the related criminal and health issues such as HIV and AIDS (Ibid.). Having porous international borders with most of its neighbours, making it easy for the heavily armed opium convoys, the Afghan experience is similar in neighbouring countries (Ibid.). The Afghan opium cultivation habit is going to be a hard one to crack and it is clear that the ancient Silk Road, with its camel caravans of silk and spices has indeed been replaced by the opium highway, replete with Toyota Hiluxes packed with opium and heavily armed men (Ibid.)

## Federico Costantini

### “Pretty Good Privacy” – Smuggling in the Information Age

If a sense of limitation is inherent in the human condition, a smuggler can be seen as the embodiment of a demiurgic figure, who claims to challenge both nature and institutions.<sup>1</sup> In ancient times, a frontier was seen as a zone potentially populated with divinities – the *pomerium* (sacred no-man’s-land) in Rome (Coarelli, 2000)<sup>2</sup> – while in the modern era it represented the absolute independence of the sovereign in relation to other states and religious authorities (Hobbes, 1651). One can then easily understand why *contraband* has always been severely punished: in ancient times, it was a form of impiety against the ‘natural’ order imposed by the political authority, in modern age, it was a sort of disenchantment for the legal system and the bureaucracy. One recalls a wide range of examples, from the myth of Prometheus, the Titan who smuggled fire from the gods and delivered it to humans,<sup>3</sup> to Al Capone, the Italian mobster who trafficked spirits during Prohibition<sup>4</sup> in the United States.

The frontier is where smuggling is put to the test: it is the battleground between the smuggler and the customs officer. The former has to create and take advantage of an ‘information asymmetry’ against the latter, typically by means of deception, since the trafficked goods are carried through hidden passages or concealed under the guise of worthless objects. As a demiurge connects two spheres – the mundane world and the realm of ideas – in the delicate act of creation, a smuggler finds or creates paths crossing the frontier, linking domestic territory to the outside world.

Today, it is known that information technologies flatten physical barriers, and the sharing of data – with undeniable practical benefits – inevitably involves control of information, which is held by a new kind of power that, as such, has no limits other than technological. In this context, we can see in encryption<sup>5</sup> the same contrast between reality and appearance that we find in the act of smuggling: important infor-

1 The demiurge is a semi-divine figure that we can find in the dialogues of Plato, especially in the *Timaeus*, and in Gnostic mythology (Jonas, 1954). In the Platonic myth, it gives to matter the shape of ideas, and therefore connects experience and transcendence, while in the Gnostic view it expresses the conflict between these two dimensions. In the latter perspective, in which existence is a condition of suffering for humankind, this figure can be conceived as a guardian of the laws of nature and therefore as a kind of jailer. Salvation to humans, therefore, can only be a sort of emancipation by appropriating of supernatural, hence demiurgical, powers. Salvation identifies itself with freedom and implies the violation of the natural order.

2 The *pomerium* was a strip of territory surrounding a settlement. It was considered sacred and therefore impassable, so the transit could only be allowed through the town’s gates.

3 <http://en.wikipedia.org/wiki/Prometheus>.

4 [http://en.wikipedia.org/wiki/Al\\_Capone](http://en.wikipedia.org/wiki/Al_Capone).

5 ‘Encryption’ is the process of converting ordinary information (called ‘plaintext’) into unintelligible text (called ‘ciphertext’), while ‘decryption’ identifies the reverse process. The cypher is the key that enables the program to perform the processes of encoding and decoding (Norman, 1973). On the epistemological aspects of espionage short after ‘9/11’ (Horn and Ogger, 2003).

mation can be hidden inside insignificant files. Indeed, coding *plaintext* and decoding *ciphertext* respectively extend or tighten the domain of available resources.<sup>6</sup> Incredible amounts of data can appear or vanish in a moment: this kind of control is a power so immense that hackers are often compared with magicians<sup>7</sup> (Stefik, 1996; Haker, Borgmann and van Erp 2005; Fioriglio 2010).

In this essay, I will address the problem of smuggling on the new battlefield named Information Society, where the information asymmetry between smuggler and customs officer occurs in a different way than it did with respect to the border of ancient political communities and the frontier of modern states, because the sole purpose of the contrast between the two figures is the control of information. After providing some legal premises for the concept of smuggling and a few technical details about cryptography, I will focus on a legal case that occurred nearly twenty years ago concerning the ‘smuggling’ of the encryption system called “Pretty Good Privacy” (henceforth “PGP”) across US borders. I shall comment briefly on its most significant legal issues, and finally I will draw some theoretical conclusions.

### Preliminary legal clarifications

From a strictly legal point of view, one can make a distinction between two kinds of activity concerning contraband: illegal trade occurring when a state’s legal system is in danger, referred to as “contraband of war”, and the activity in peacetime commonly called “smuggling”. It is useful to provide explanations for both concepts.

The term “contraband of war” refers to a set of transactions in international trade that is intended to prevent the procure-

ment of enemies. There are several ways in which this phenomenon occurs: the delivery may be made directly to the hostile state, or through neutral countries; prohibitions may also cover items specifically designed for war, such as weapons and munitions, or common goods that acquire specific relevance by their destination, such as food supplies for an army. Following international customary law (de Groot, 1625), in order to facilitate diplomatic relations and international business, states issue specific lists of goods that, being considered or alleged contraband of war, are forbidden or submitted to very strict regulations (Jessup and Deák, 1932, 1933 a, b).

“Smuggling” refers to a diverse set of phenomena involving the crossing of boundaries, which can be qualified as illegal for several reasons: because the trade of certain goods is strictly regulated as such (i.e. pharmaceuticals), due to infringement of customs taxation, or because it is part of a composite crime (i.e., trafficking in persons).

Taken as a whole phenomenon, we can identify two profiles for smuggling, which involve: (1) the foundation for prohibitions, and (2) the effectiveness of prescriptions.<sup>8</sup>

(1) According to the conceptual model of modern sovereignty, laws rely not on the justice of conducts prescribed – or the injustice of actions forbidden – but on the effective power to punish infringements. This means that, for example, trafficking in human beings shall be prohibited just because the law requires it, not because it is an abomination in and of itself. In accordance with this view, a law that would make it legitimate – or actively promote it, for absurdity’s sake – should be cherished and enforced (Kelsen 1960).

6 The message contained in ‘ciphertext’ can not be understood without the key that enables the encoding process. In this sense owning the access code means to widen the horizons of the available information.

7 The figure of the ‘computer wizard’ symbolically expresses the supernatural powers of the demiurge. Technology is a tool of salvation, knowledge of which is the guarantee of freedom and is reserved for a select few.

8 Hereinafter I will use the word ‘smuggling’ in a general sense.

(2) In international commerce, goods traded are increasingly accompanied by documents that represent them (for example, the Air Way Bill for goods carried by planes). Thus, the customs control is performed indirectly: not by monitoring the displacement of physical goods, but by checking their shipping documents. Consequently, we can also say that smuggling has changed in the ‘physical world’: it has become less focused on the hidden movement of things across the border, and more focused on the avoidance of customs procedures (for example, with forgery of invoices). Therefore, deception remains a key feature of smuggling.

### Technical explanations

Encryption has always been important, but in the Information Age it became crucial. Just as decency is part of human nature, and society requires that certain matters be kept confidential, governments have often made use of encryption tools in the transmission of messages of strategic importance (i.e., the greek *scytale*, the Roman Caesar’s *cipher*). Recently, as a result of the importance of information in wartime (for example the breaking of the Enigma Code in World War II which was pivotal for the Allied victory),<sup>9</sup> the development of automation technologies has enabled the improvement of more complex methods – cryptographic systems – requiring the use

of increasingly sophisticated devices (mechanical, electrical, electronic, quantum theory based) to encode and decode communications.

Of the two kinds of existing cryptography – ‘symmetric’ and ‘asymmetric’<sup>10</sup> – the latter (and most often used) was invented in 1976 at Stanford University by Whitfield Diffie and Martin Hellman (Diffie and Hellman 1976a, b). According to the theoretical model they proposed, soon after three researchers at MIT – Ronald Rivest, Adi Shamir and Leonard Adleman – developed a technology – named RSA – that has been the basis of security in electronic communications since then.<sup>11</sup>

During the Cold War the U.S. divided technologies into two categories: the tools that had an exclusive military application, called “munitions”, were entrusted of the State Department, and civil technologies also suitable for exploitation in war, called “dual use technologies”, were delegated to the Department of Commerce. In 1976 the U.S. government issued the AECA (Arms Export Control Act),<sup>12</sup> which provides a very strict regime for arms exports contained in the ITAR (International Traffic in Arms Regulations).<sup>13</sup> Within ITAR the USML (United States Munitions List)<sup>14</sup> provided a very detailed list of goods whose export required permission from the Department of State. The AECA included cryptographic systems in the USML,<sup>15</sup> thereby establishing that the export of cryptographic systems would be severely punished as ‘con-

9 It is known that the communications of the Nazi army were based on a rather advanced encryption that was decoded by a group of British researchers. In this discovery, a decisive contribution was provided by Alan Mathison Turing, a famous mathematical genius whose studies are moreover crucial to the birth of artificial intelligence.

10 In ‘symmetric’ cryptography, the key used for encryption is the same as that used for decoding; it is older, and is the only one to be used until the 1970s. In the 1960s, IBM introduced a particular algorithm, DES (Data Encryption Standard), which was adopted and strengthened by the NSA (National Security Agency). Here the keys are different: one is called ‘private’, the other ‘public’, hence the ‘asymmetry’ in this kind of cryptography.

11 Rivest, R.L., A. Shamir, and L.M. Adleman, ‘Cryptographic communications system and method’, U.S. patent # 4405829, 1983.

12 Title II of Pub. L. 94-329, 90 Stat. 729, enacted June 30, 1976, now in Title 22 USC § 2778 and § 2794 (7).

13 In Title 22 CFR, Title 22, Chapter I, Subchapter M, Parts 120-130.

14 In Title 22 CFR, Title 22, Chapter I, Subchapter M, Part 121.1.

15 Title 22 C.F.R. 121.1 (XIII)(b)(1) (1994): “cryptographic... software with the capability of maintaining secrecy or confidentiality of information or information systems”.



traband of war'.<sup>16</sup> Although cryptography was included in the USML, financial organizations were pressing for permission to use cryptographic systems worldwide in order to protect electronic transactions. The federal government granted the use of cryptography only to large companies able to manage very high security standards. Later, in 1992, several companies, gathered in the Software Publishers Association, made an agreement with the U.S. government for permission to export software with 'weak' encryption.<sup>17</sup>

### The "Pretty Good Privacy" case

In order to explain the famous legal case concerning the 'smuggling' of the cryptographic technology called PGP, I will consider the following topics: (1) the circumstances in which the case took place, (2) the judicial proceedings and (3) the outcome and subsequent events.

(1) In 1991, the U.S. Senate was debating a bill that would have granted the gov-

ernment access to messages through devices placed by the producers in communication equipment.<sup>18</sup> Shortly before the proposal was shelved in response to public protests, a computer scientist and civil activist named Philip R. Zimmermann wrote a public-key encryption software package for the protection of electronic mail with the aim of defending citizens' freedom of speech.<sup>19</sup> The 1.0 DOS version of program was released freely to his friends and – it seems, not by the author – was uploaded on the Internet, which then had 30 million users. Various reactions were immediately unchained: i.e., activists all over the country, fearing that government could inhibit the spread of the program, uploaded it on different BBS<sup>20</sup> by connecting their computers to public telephones (Kerben 1997, 129), while some providers – such as CompuServe Inc. – removed the software from their servers to avoid being sued.<sup>21</sup>

(2) In 1993, federal prosecutors began investigations against Zimmermann for the infringement of AECA (Arms Export Control Act) and ITAR (International Traffic in

16 "Any person that knowingly violates the Export Administration Act (EAA) or the regulations of, is subject to a fine of up to five times the value of the exports involved or \$ 50,000 whichever is greater, or imprisonment of up to five years or both" 50 U.S.C. 2410(a) (1994); and: "Any person that willfully violates the EAA or the regulations of, is subject to five times the value of the exports up to \$ 1,000,000 (\$ 250,000 for an individual), or up to ten years of imprisonment, or both" 50 U.S.C. 2410(b)(1)(A)(B); and finally: "The violation of the Arms Export Control Act (AECA) or the International Traffic in Arms Regulation (ITAR) is punishable by a fine up to \$ 1,000,000, or imprisonment of up to ten years, or both." 22 U.S.C. 2778 (c) (1994. See also: 22 C.F.R. 127.3 (1996).

17 The encryption was considered 'weak' if the 'symmetric' key was lower than 40-bit or the 'asymmetric' key was below 512-bit. For example, the Netscape browser was first released in two versions, depending on the security protocol SSL, international (40-bit) and domestic (128-bit, which was later reduced to the same length of the international version). The 40-bits encryption was not at all sure, as could be violated in two days. Users protested because the government imposed limits on the safety of their financial transactions in the name of national security.

18 Senate Bill 266 "Comprehensive Counter-Terrorism Act", Introduced on January 24, 1991.

19 <https://www.philzimmermann.com/EN/background/index.html>. Zimmermann wrote the program in just six months. During this time, he was out of work and used all the savings of his family, so that he was likely to be evicted with his wife and two children. The software name "Pretty Good Privacy" comes from "Ralph's Pretty Good Grocery" in humorist Garrison Keillor's "Prairie Home Companion" radio show.

20 The BBS (Bulletin Board Systems) were a tool for sharing information very popular before the advent of the World Wide Web.

21 The first commercial disputes also arose: RSA Data Security Inc., which held the license for the distribution of the RSA technology on US territory, undertook a legal action against Zimmermann, claiming that the diffusion of PGP had infringed their rights. In order to resist their claims, Zimmermann signed a distribution sub-license with Viacrypt (Phoenix), which was also a dealer of the RSA: at that time, PGP was sold for \$100 (DOS version) and \$125 (Windows version). Another company, the Austin Code Work (Austin, Texas), began distributing software similar to PGP called Moby Crypto, containing encryption.

Arms Regulations), because PGP enabled users to encrypt their files with extremely “strong” keys (512-bit, 1024-bit, 1280-bit, 2048-bit) that far exceed those permitted by law.<sup>22</sup> In February, US Customs agents showed up at Zimmermann’s home to seize documents concerning PGP.<sup>23</sup> On November 4, 1994 Zimmermann was arrested at customs in the International Airport of Dulles (Colorado), returning from travel in Europe (Stay 1997, 581). On that journey Zimmermann was writing the book published in 1995 under the title *PGP Source Code and Internals* (Zimmermann 1995). In it, he transcribed the whole source code of his program, so that anyone in the world – beyond the US border – could re-write the software.

It needs to be emphasized that to ‘smuggle’ the program, Zimmermann did not pass any frontier, he did not even transmit anything through the Internet; he created instead an intellectual work: just a book, but one symbolic of freedom of expression. Some very delicate issues arose. We can express them in three questions:

(1) How could the US government prosecute a citizen for exercising freedom, which is the pillar of the American Dream?

(2) How could the US government indict one single person, while everyone in the world already was using PGP?

(3) How could the US government condemn the inventor of a system that had become a *de facto* technological standard (Atkins, Stallings, and Zimmermann 1996, Callas et al. 2007)?

As written by John Perry Barlow, the visionary prophet of cyber culture (and former lyricist for “The Grateful Dead”)

“The genie of guerrilla cryptography is out of the bottle. No one, not even its maker, can stuff it back in or keep it within what America laughably calls its borders. The genie is all over the Net. It’s in your hands as you hold this book. Summon it with a conscience. But be prepared to summon it if you must.” (Barlow, 1995)

On January 11, 1996, the federal investigation against Zimmermann ended with the archiving of charges.<sup>24</sup> The press statement of an assistant attorney general was very laconic: “No change in the law, no change in policy. If you’re planning on making encryption available over the Internet, or other means, better check with the State Department first.” (Kerben 1997: 131).

Soon after, Zimmermann yielded the rights on his algorithm to a company named Network Associates Inc., which in 2002 was acquired by PGP Inc., which was merged with Symantec Corporation in 2010.

(3) From the statement of the public prosecutor, we can understand that the government did not admit defeat, yet we can guess that something was going to happen. Indeed, it happened very soon. In July 1996, the US government, along with thirty-three other countries, signed an international agreement, the “*Wassenaar Arrangement on Export Controls for Conventio-*

22 Just to give an idea of the effectiveness of PGP, I can report that it was said that a decent computer would have taken about 280,000 years to force open the encryption (Kerben, 1997) p., 129.

23 In September 1994, a Federal Grand Jury in San Jose (California) issues subpoenas to Viacrypt – namely on September 9, 1994 – and to Austin Work Code (Austin, Texas) – precisely on September 17, 1994 – requiring evidence concerning the distribution of PGP.

24 We can read from the text of the provision that the action performed by Zimmermann fits perfectly in the provision of Title 22 CFR § 121.1, Category XIII(b) (1995), which forbids export of: “Information Security Systems and equipment, cryptographic devices, software, and components specifically designed or modified therefore, including: (1) Cryptographic (including key management) systems, equipment, assemblies, modules, integrated circuits, components or software with the capability of maintaining secrecy or confidentiality of information or information systems, except cryptographic equipment and software as follows: (i) Restricted to decryption functions specifically designed to allow the execution of copy protected software, provided the decryption functions are not user-accessible.”

*nal Arms and Dual-Use Goods and Technologies*”,<sup>25</sup> which prescribed that the export of cryptographic systems were subject to government authorization if they exceeded 56bit keys (symmetric encryption) or 512 bit (asymmetric cryptography). On October 1, 1996, Vice President Al Gore announced the administration’s intention to remove cryptographic systems from USML and place them under control of the Department of Commerce, so that the authorization would not have to be requested from the Department of State.<sup>26</sup> On November 16, 1996, the US Government proposed a new initiative called the “Clipper Chip III”, pursuant that the export of ‘strong’ encryption would be allowed if equipped with a key recovery system.<sup>27</sup> More recently, after an initial partial disclosure in 1999, in 2009 the federal government submitted the export of cryptography to the Export Administration Regulations (EAR),<sup>28</sup> putting it under the supervision of the Department of Commerce’s Bureau of Industry and Security. The regime, as provided in the Commerce Control List,<sup>29</sup> draws a rather complex system of restrictions divided by product type and destination (the states are divided into groups A, B, C, E).

## Legal issues in the PGP case

From a legal perspective, the issues raised by the PGP case are still very much present, even after twenty years. Considering the reasons why smuggling encryption was considered legitimate despite the violation of severe prohibitions, I can identify three main profiles that correspond to the above-mentioned questions. They involve: (1) the protection of freedom of expression, (2) the safeguard of privacy and (3) the right to legal defence. It is useful to scrutinize each profile.

(1) It is known that the First Amendment of the U.S. Constitution protects freedom of expression.<sup>30</sup> This is the principle, as we have seen, invoked by Zimmermann in support of his action. The protection of freedom of speech is also contained in the discipline of the ITAR, and particularly in the provision that excludes the application of the prohibitions in the case of “public domain”.<sup>31</sup> The courts interpreted these regulations holding that the definition of the list of prohibited goods were exempt from judicial review – as an expression of sovereignty – and thus the inclusion of encryption could not have been discussed.<sup>32</sup>

25 The participating states – the number of which nowadays has reached forty-one – regularly meet in Vienna. See [www.wassenaar.org](http://www.wassenaar.org). The European Union has established a legal framework pursuing this international agreement, see: Council Regulation (EC) No 428/2009 of May 5, 2009 “setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items”, in OJ L 134, 29.5.2009, p. 1-269, recently amended with Regulation (EU) No 599/2014 of the European Parliament and of the Council of April 16, 2014 “amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items”, in OJ L 173, 12.6.2014, p. 79-83. Encryption is contained in Annex I, ‘List of dual-use items’, Category 5 – Part 2 ‘Information security’. The term ‘Export’ is extensively defined as follows: “transmission of software or technology by electronic media, including by fax, telephone, electronic mail or any other electronic means to a destination outside the European Community; it includes making available in an electronic form such software and technology to legal and natural persons and partnerships outside the Community. Export also applies to oral transmission of technology when the technology is described over the telephone” art. 2 c. 2 (iii), Reg. (EC) 428/2009.

26 Executive Order No. 13,026, 61 Fed. Reg. 58,767 (1996), signed by the President on November 15, 1996.

27 See recently [http://www.foia.cia.gov/sites/default/files/DOC\\_0006231614.pdf](http://www.foia.cia.gov/sites/default/files/DOC_0006231614.pdf) (Schwartzbeck, 1997).

28 Title 15 C.F.R. Chapter VII, Subchapter C.

29 Supplement No. 1 to Part 774 Category 5 Part 2 – Information Security.

30 “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”, The First Amendment, U.S. Constitution.

31 “(a) Public domain means information which is published and which is generally accessible or available to the public: (1) Through sales at newsstands and bookstores; [...]” 22 CFR Chapter I, Subchapter M, Part 120, § 120.11.

32 See: *United States v. Martinez* 904 F2d 601 (11th Cir 1990), (Stay 1997, 600).

However they stated that depending on the circumstances, encryption, as such, could also be considered “public domain” and then be included in the exception that permitted free circulation within national territory. The federal government expressed its position on the matter in other legal cases, with quite questionable arguments: in the “Karn case”, granting the export of a book containing lines of code, but not of an identical executable file;<sup>33</sup> in the “Bernstein case”, on the pretence that the prohibition on the use of foreign languages in communications under rules that came into force during World War II<sup>34</sup> was enforceable in peacetime; in the “Junger case”, pretending that the exclusion applied to teaching cryptography at a university to non-citizens students.<sup>35</sup>

(2) The Fourth Amendment<sup>36</sup> has been traditionally considered the conceptual pillar of the doctrine of privacy, (Warren and Brandeis 1890), but does not play a special role in the protection of encryption, as if it was overshadowed by the debate on freedom of expression. Moreover, confiden-

tiality of communication is a value whose defence in courts has always been very challenging, as shown by the cases *Olmstead*<sup>37</sup> and *Katz*.<sup>38</sup>

(3) The principle established by the Fifth Amendment<sup>39</sup> draws out a further aspect of cryptography, that here for lack of space I can only mention. The privilege against self-incrimination becomes relevant as it inhibits the state to force a person – i.e. a suspect – to reveal the credentials necessary to access information that he had previously encrypted. Yet, very recently a court of Virginia Beach Circuit Court (2nd Judicial Circuit of Virginia) decided that this rule does not apply to biometrics (such as fingerprints), because they don’t involve an act of will, but rather they are similar to DNA samples: just a measurable quality of the physical body (Hulette 2014). This solution seems contradictory, because the same information can receive different legal protection depending on the system of protection previously chosen by the owner.

33 On February 12, 1994 Phil Karn asked the Department of State whether approval was required to export a book containing lines of code and documentation of a cryptographic program (Schneier, 1993). The answer was that this did not require permission. On March 9, 1994, he asked if it could be exported in the digital version and received a negative response by the same officer, William B. Robinson. In the judgment on the appeal of the denial, the government refused to include the export of software as freedom of expression and the judge agreed this position. See: *Karn v. United States Department of State*, No. 95-CV-01812 (D.D.C. filed Sept. 21, 1995).

34 See: 32 CFR § 1801.48 (1945). It was forbidden not only to speak in languages other than English, French, Portuguese and Spanish, but also to use “any word, term, phraseology or language having a double meaning”. See: *Bernstein v. United States Department of State*, No. C95-0582-MHP (N.D. Cal. filed February 21, 1995). In this case, the Court decided in favour of the export of encryption. See: (Reiman, 1996).

35 *Junger v. Daley*, 209 F.3d 481 (6th Cir. 2000).

36 “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”, The Fourth Amendment, U.S. Constitution.

37 *Olmstead v. United States*, 277 U.S. 438 (1928). With this decision, which contains the famous dissenting opinion of Justice Brandeis, was recognized as legitimate wiretapping of a bootlegger without judicial authorization.

38 *Katz v. United States*, 389 U.S. 347 (1967). This judgment overruled the *Olmstead* sentence, recognizing the right to privacy of a bookie who used a pay phone to collect bets.

39 “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”, The Fifth Amendment, U.S. Constitution.

## Conclusions on PGP and “smuggling technologies”

In the information age, we can assume that our territory is defined by the domain of available resources, information is the good carried, and a boundary consists only of reaching the limit of data processing capacity. Secrets are the most valuable kind of information, and the most precious technologies are those that allow maintaining or eradicating them. Two observations can be made from this perspective:

(1) The availability of resources is independent of geographic location. Information is not a physical entity to move, neither a document to be checked, but an immaterial and volatile object, so that in order to prevent contraband the sovereign should isolate completely its territory from the rest of the world, however this is impossible.

(2) The control of information is a measure of power in the physical world. For states, potentially any information that is not at hand is a threat, thus secrecy as such has to be removed, and transparency has to be promoted in the name of national security.

The world community of Internet users considers Zimmermann a hero.<sup>40</sup> Today cryptography is widely used in order to ensure confidentiality, data integrity, authentication, and non-repudiation (i.e., electronic commerce, e-mail messages, electronic signatures, Digital Rights Management), but it's difficult to say that the case was a complete victory for supporters of smuggling. Indeed, the PGP case teaches that the

relationship between smuggling and encryption is two-sided, because encryption could be a tool of traditional contraband, and smuggling could be seen as a sort of encryption. Hereinafter I deepen both observations.

(1) Zimmermann claimed to have invented PGP in the name of freedom of expression, and exported it to support dissidents fighting totalitarian regimes. In this sense, encryption can be seen as a practical tool for spreading democracy. Zimmermann was a brilliant smuggler, certainly: he took advantage of an exception in the law, hiding the source code in plain sight, where everyone could see it. He was very lucky too, if we think about what happened recently to Edward Snowden or Edward Bradley/Chelsea Elizabeth Manning. Today, however, this view reveals all its naïveté not only because it does not take into account the ‘neutrality’ of technology, as scholars pointed out,<sup>41</sup> but also because it was, after all, ideological (Fukuyama, 1992). We have seen in recent years that, in addition to the most peaceful dissidents, even ruthless terrorists can benefit from encryption, and on this issue we do not find a satisfactory response within the ideological conflict between libertarianism and authoritarianism.

(2) To define smuggling as a semantic process means to focus on ‘asymmetric information’, which constitutes its epistemological structure, as introduced in the foreword of this article. The best perspective on the issue is given by the acknowledgment that the one who encodes a message has first-hand control of the information, and

40 <http://www.internethalloffame.org/inductees/philip-zimmermann>.

41 Zimmermann insisted on this point during a hearing held on June 26, 1996 in front of the “Subcommittee on Science Technology and Space of the US Senate Committee on Commerce, Science and Transportation.” Encryption is cherished as a tool for the protection of freedom of thought, available to opponents of totalitarian regimes, and ultimately as an instrument of transparency and democracy. In this regard, Zimmermann added “The information revolution... contributed to the fall of the Soviet Empire”, <https://www.philzimmermann.com/EN/testimony/index.html>. This is quite an optimistic perspective, since technology is a neutral tool, which can be used for good and evil. See: (Metzl 1996, Ball, Girouard, and Chapman 1997). Ball et al., criticizing Metzl, point out three problems and three solutions in the use of information technology by organizations involved in protecting Human Rights: (1) message authenticity and integrity, solved by digital signatures; (2) content surveillance, solved by encryption; (3) traffic analysis, solved by anonymous remailers.



ultimately that there is no substantial difference between a smuggler and a customs officer.<sup>42</sup> For states, as for companies and common people, it becomes crucial to own technologies that preserve secrets and to penetrate those of others. The purpose for which it is done does not matter, nor the entity that holds it. Control of information is a power to which everyone has to bow down, just as in a new religion.

The advent of the information age has not only weakened physical boundaries, but it has also raised higher barriers, defined as ‘cyber borders’. The Internet itself has been weaponized and increasingly put under military control (Schmitt, 2013). As a result, any electronic signal theoretically could fall into cyberwarfare, and thus be filtered, scanned, or intercepted. Therefore it doesn’t make sense anymore to distin-

guish between “contraband of war” and “smuggling” since, for example, it is no longer necessary to carry weapons across a border: one could find files on the Internet<sup>43</sup> containing layouts for 3D-printing them where ever needed (Feinberg, 2014).

Facing this scenario, nevertheless, I hope there is still an option for some sort of contraband to exist. Maybe we should learn to smuggle ourselves, as human beings, by circumventing the control of information. We should certainly defend our moral freedom in the face of the system, that is to say, we should grow our intelligence in order to recognize the distinction between good and evil as something real, something that no one can manipulate or encrypt. Let us say it is an ‘art’ that we need to learn, and as such, it cannot be controlled by a computer.

42 The two positions are perfectly symmetrical: someone (the smuggler) encrypts the message preventing others (the customs officer) to access the content that, being hidden, flows through customs control, unless someone (the customs officer) would find the credentials, and then access the ciphertext, overcoming the barriers (the cypher) posed by the sender (the smuggler).

43 For example, paying them in Bitcoin, which is an encrypted currency, and downloading them from the Deep Web.



[79] Dušan Radovanović: *Russian Forest*, installation view, Rijeka, 2013.

**Dušan  
Radovanović**

***Russian  
Forest***  
**2013**

The work *Russian Forest* (2013) by Dušan Radovanović was named after Leonid Leonov's novel (1953). It consists of Leonov's book which inside contains anabolic steroids in testosterone injections and Deca-Durabolin. The abuse of these substances, which cannot be bought without a prescription, is widespread, for instance in body building to increase body mass and definition. Radovanović found the book and his content as a left package in a Belgrade apartment in 2005. Later he transferred the book illegally over the border and documented the unhindered crossing with photographs. For *Smuggling Anthologies* he personally delivered the package to the exhibition, again documenting the act of border crossing.



[80] Dušan Radovanović: *Russian Forest*, object trouve, 2013.

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**Interviewees:**

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- Rudolf Pavla, born in 1925, Črni Vrh, 2014
- Rupnik Srečko, born in 1926, Zadlog (lives in Idrijska Bela), 2004
- Čuk Bernard, born in 1940, Predgriže (deceased), 2004
- Mikuž Ciril, born in 1925, Črni Vrh (deceased), 2004
- Mikuž Antonija, born in 1928, Črni Vrh (deceased), 2004
- Mikuž Adolf, born in 1932, Zadlog (Bukovška ravna) (deceased), 2004
- Zajec Marija, born in 1924, Zadlog (deceased), 2004
- Zagoda Marija, born in 1942, Dol (Parish of Godovič), (lives in Zadlog), 2004, 2014
- Zagoda Vincenc, born in 1937, Zadlog (deceased), 2004

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## Museum of Modern and Contemporary Art, Rijeka

- Group exhibition *Smuggling Anthologies*, MMSU & Mali Salon, October 22 – December 4, 2013  
Artists: Društvo bez granica, Hassan Abdelghani, Azra Akšamija, Zanny Begg, Balász Beöthy, Cristiano Berti, Tomislav Brajnović, Marco Cechet, Lorenzo Cianchi, Ivo Deković, Soho Fond, Aleksandar Garbin, Janez Janša, Janez Janša, Janez Janša, Igor Kirin, Krešo Kovačiček & Associates, Victor López González, Anja Medved, Dušan Radovanović, Oliver Ressler, Can Sungu, Michele Tajariol, Robert Tasnádi, Nikola Ukić, Tanja Vujasinović  
Archival material: Police Museum, Zagreb
- Solo exhibition *Work* by Janez Janša, Janez Janša, Janez Janša, Mali Salon, November 14 – April 12, 2013
- Performance *Tobacco Standard*, Krešo Kovačiček & Associates, ferry terminal and railway bridge, October 24, 2013 at 7 pm
- Screening, Mini Art Kino Croatia November 18 – 20, 2013:  
*My Border* by Nadja Velušček and Anja Medved, November 18  
*Crossroads of the Iron Curtain* by Róbert Tasnádi, November 19  
*Ariel* by Ivo Deković, Igor Kirin, Nikola Ukić  
*Green Border* by Nikica Klobučar and Tomislav Šoban, November 20
- Symposium, Astronomical Centre, Rijeka October 23 – 24, 2013  
Lecturers: Cristiano Berti, Dragica Čeč, Sándor Góják, Mira Hodnik, Aleksandra Lazar, Dora Medved, Melita Richter, Ana Smokrović, Ksenija Šabec, Róbert Tasnádi, Franc Trček

## Idrja Municipal Museum

- Workshops “The Methodology of Record Keeping and Documenting Residues of the Former Rapallo Border” and “Examples of Good Practice in Exploitation of Former Borders Forts Potential in Favour of Sustainable Development and Tourism”, Idrja Municipal Museum, April 10 – 11, 2014
- Group exhibition *Smuggling Anthologies/ (Pre)trihotapljene antologije*, Idrja Municipal Museum, September 10 – November 2, 2014  
Artists: Društvo bez granica, Cristiano Berti, Marco Cechet, Lorenzo Cianchi, Ivo Deković, Irena Gubanc, Igor Kirin, Jan Lemitz, Victor López González, Anja Medved, Dušan Radovanović, Soho Fond, Michele Tajariol, Nikola Ukić, Tanja Vujasinović
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Live music performance of the song *Kontrabant*: Adijo kultura
- Thematic exhibition *Cheat Sheet from A to Z*, October 2 – November 2, 2014
- Screening *Smugglers On Canvas*, An Evening of Documentary Films on Smuggling, November 4, 2014  
*Save the Film!* by Antonio Perajica  
*My Border* by Nadja Velušček and Anja Medved
- Museum story time for children *Shhh, Smugglers!*, October 11, 2014  
Film *Melhorta and Her Smuggling Bag*, January, 2015

## Trieste Contemporanea, Trieste

- Group exhibition *Smuggling Anthologies*, Studio Tommaseo, Trieste, November 7 – December 17, 2014  
Artists: Društvo bez granica, Azra Akšamija, Zanny Begg, Cristiano Berti, Alessio Bozzer, Tomislav Brajnović, Marco Cechet, Lorenzo Cianchi, Ivo Deković, Soho Fond, Igor Kirin, Krešo Kovačiček & Associates, Victor López González, Anja Medved, Dušan Radovanović, Oliver Ressler, Can Sungu, Michele Tajariol, Nikola Ukić, Nadja Velušček, Tanja Vujasinović
- Artist talk and video screening, Jan Lemitz, Studio Tommaseo, Trieste, November 4, 2014
- Artist talk and video screening, Anja Medved, Studio Tommaseo, Trieste, November 11, 2014
- Symposium, Museo Revoltella Auditorium, Trieste, November 7, 2014  
Lecturers: Cristiano Berti, Tomislav Brajnović, Marco Cechet, Federico Costantini, Gia Edgveradze, Liz Glynn, Bojan Mitrović, Marija Mitrović, Božo Repe, Ana Peraica, Melita Richter, Michele Tajariol, Denise Zani, Tanja Žigon
- Screening at the symposium  
*Save the Film!* by Antonio Perajica  
*Blue and Black Jeans* by Alessio Bozzer, a co-production of Videoest srl and Trieste Contemporanea  
*A Tribute to the Soviet Underground Business Scene in Tallinn* by Soho Fond

Lecturers: Cristiano Berti, Ralf Čeplak Mencin, Dragica Čeč, Mira Hodnik, Petra Jurjavčič, Darinka Kolar Osvald, Melita Richter, Robert Zeneral, Tanja Žigon, Stephan Steiner, Róbert Tasnádi, Milan Trobič

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