

Poland and the Silesians: Minority Rights à la carte?¹

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The Silesians are an ethnic or national group that coalesced in the nineteenth century. During the subsequent century, they survived repeated divisions of their historical region of Upper Silesia among the nation-states of Czechoslovakia (or today its western half, that is, the Czech Republic), Germany, and Poland, which entailed Czechization, Germanization, and Polonization, respectively. The ideal of ethnolinguistic homogeneity, a typical goal of Central European nationalism, was achieved in post-war Poland. After the end of communism (1989) and the country's accession to the European Union (2004), this ideal is still aspired to, though it appears to stand in direct conflict with the values of democracy and rule of law. The Silesians are the largest minority in today's Poland and Silesian speakers are the second largest speech community in this country after Polish-speakers. Despite the Silesians' wish to be recognized as a minority, expressed clearly in their grassroots initiatives and in the Polish censuses of 2002 and 2011, Poland neither recognizes them nor their language. This inflexible attitude may amount to a breach of the spirit (if not the letter) of the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, both of which Poland signed and ratified. The case of the Silesians is a litmus test of the quality of Polish democracy. In order to resolve the debacle, the article proposes a genuine dialogue between representatives of Silesian organizations and the Polish administration under the guidance of observers and facilitators from the Council of Europe and appropriate international non-governmental organizations.

Keywords: census, ethnolinguistic nationalism, linguistic rights, minority rights protection, misuse of statistics, non-recognition, Poland, Silesian language, Silesians

The article presents the little known issue of present-day Poland's largest minority (817,000), the Silesians, who remain unrecognized in their home country to this day, and their language (spoken by 509,000 persons), which suffers the same fate of non-recognition'. The goal is to draw the attention of the international community of researchers and human rights observers to the subject, so that more studies and polls could be devoted to the Silesians. At present, due to the lack of such studies,² there is a profound lack of clarity regarding how the Silesians emerged as a group, what they

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may think of their situation nowadays, and what change (if any) they may desire. Until very recently, the history and even the very agency of the Silesians were *a priori* subsumed either in the Czech, German or Polish national master narrative. Thus, in the article, I attempt to provide a tentative historical overview of the group's past before focusing on the efforts for regaining agency for and by the Silesians as a group in their own right.

As a backdrop to the analysis, I first delve into the logic of the ideology of nationalism that determines the processes of nation-state building and maintenance in the modern world and age of globalization. Second, I focus on the nature and paradoxes of the exclusivist ethnolinguistic nature of the Polish nation-state founded in 1918. The upheavals of the Great War in 1918, World War II, and the 1989 fall of communism deliver three periods in the history of this national polity that are radically different in ideology and forms of governance. Interwar Poland moved gradually from nascent democracy to authoritarianism. Communist Poland stuck to the economic and political orthodoxies associated with the Soviet-style totalitarianism. Post-communist, democratic and liberal Poland, which subscribed to free market economy, was deemed trustworthy enough to join the North Atlantic Treaty Organization (NATO) in 1999 and the European Union (EU) in 2004.

Nonetheless, all three Polands, which are seemingly so different from one another, share the same approach to the minorities residing in the state. From 1918 to 2000 the share of the minorities in the state's population plummeted sharply from around 33% to 1%. In interwar Poland, although obliged by international treaties to grant recognition and rights to its minorities, the educational systems and organizations of the minorities were Polonized by official fiat (Horak, 1961). Following the genocide of Jews and Roma and the waves of wartime and post-war expulsions, the existence of the largely depleted minorities in communist Poland was denied as a matter of course. Post-communist Poland's wish to join NATO and the EU was made conditional on, *inter alia*, Warsaw's recognition of the minorities living in the country. Poland observes the letter of its international and constitutional obligations in this respect, but tries hard to avoid their spirit. The undeclared (and maybe even unrealized because it was so deeply entrenched in people's minds by school and official rhetoric during the last century) but foremost reaction and continuing goal of Polish politics and administration are to deepen the ethnolinguistic homogeneity of the Polish nation-state, irrespective of the official espousal of

multilingualism and multiculturalism in line with the guiding principles of European integration. For instance, Poland's current minority educational system is quite a faithful copy of that from the second half of the 1930s, when minority schools were referred to as "minority" for teaching the minority language as a subject for two to three hours per week; the rest of education was channelled through the medium of Polish (*c.f.* Kamusella, 2007b and 2008).

Against this broader historical and theoretical backdrop, the history and specificity of the Silesians as an ethnic or national group until 1989 are presented. This presentation is preceded by a brief reflection on the nation-building (mis)uses of statistics and censuses in Central Europe since the last third of the nineteenth century. The accidental or intentional inclusion of one group and omission of another from a state's official statistical data granted, by default, the former group recognition (regardless of the state administrations unwillingness) and the right to exist as a subject of politics, while condemning the latter group to non-existence, which ideally (from the ennationalizing³ state's perspective) should lead to its swift assimilation and eventual disappearance.

The last part of the article focuses on the political re-emergence of the Silesians in post-communist Poland thanks to entirely grassroots efforts within the unprecedented space of freedom granted to Polish citizens through the functioning democracy in the country. Unfortunately, during the last two decades when these processes have unfolded, the state administration has utilized every legal loophole available to *not* grant formal recognition to the Silesians as an ethnic, let alone national, minority or to the Silesian language. Paradoxically, at international forums, as a state party to the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) and to the European Charter for Minority or Regional Languages (ECMRL), Poland is eager to demonstrate its good will by showing that it fully observes and implements all the minority and linguistic rights protection measures stipulated in the two documents.

However, this observance is to the persistent exclusion of Poland's numerically largest minority, the Silesians. The convention and the charter allow their state parties to choose which minorities and languages to protect and to what extent. This possibility lets states adopt an *à la carte* approach to their international obligations in the sphere of minority rights protection. The most notorious example in this respect among the EU's old member states is offered by France (Żelazny, 2000).

Poland, as many other ethnolinguistic nation-states in Central Europe, has emulated France in its ideological claims to a unitary and homogenous character, complete with the declaration of territorial integrity of the state as the highest good (*c.f.* The Constitution, 1997: articles 3, 5). By merely paying lip service to the observance of minority rights protection, the non-recognition of the Silesians permits Warsaw to reduce the number of members of Poland's minorities by almost two thirds, from 1.388 million to 579,000, as the results of the 2011 census indicate. This translates into the decrease in the minorities' share in Poland's population from 3.6% to 1.5%. Thus, in view of the official reinterpretation (manipulation?) of statistics, the country is ethnolinguistically homogenous (Wyniki, 2012: 17-18).

The article is wrapped up with the presentation of the latest developments, focusing on Silesian organizations' endeavours to have Silesian recognized as a regional language by the state. The organizations have limited themselves to this single modest goal because the events of the last 20 years show clearly that, irrespective of its constitutional and international obligations, Warsaw would not – if it can help it – agree to any recognition of the Silesians as an ethnic or national minority. Despite this inflexible stance of the Polish government and political elite, I present a set of recommendations for a dialogue between representatives of the Silesians and of the state administration, as repeatedly–thus far in vain–recommended by the Council of Europe's Advisory Committee on the FCNM (Advisory Committee, 2003: 9-10; Advisory Committee, 2009: 9-11).

1. The globalizing logic of nationalism

The Silesians, like any other ethnic group, are a product of social and political forces that unfolded at a particular time in a particular place in the past. Human groups are fluid, though from the temporal perspective of an individual's lifetime they appear solid enough. Usually groups that are dubbed as "ethnic" persist at least for several generations. This feeds the popular perception that such groups are "forever". During the last two centuries, or in other words, during the age of nationalism, this novel ideology has reified those human groups that have been accorded the novel rank of "nation" as the sole type of human groups that are to enjoy the unquestioned right of being the primary social unit of politics. This unit, in turn, has the right to a territory, construed as the nation's polity or nation-state (in other words, a political unit). As a

political principle, the reification of the nation proposes it as the sole source of sovereignty and the only legitimate social unit that has the right to unrestricted sovereignty on the territory of its nation-state (Gellner, 1983: 1). At the level of popular belief, especially in Europe, most members of a nation are prone to believe that theirs is very ancient – at least in excess of a millennium old – and that the nation is potentially immortal.

Nationalism seriously restricted the number of human groups with a legitimate stake in politics, in practice equating it with the number of the extant polities, nowadays invariably defined as nation-states (with the singular exception of the Holy See). It does not mean that the process has eliminated other human groups of the ethnic sort. They are still around, continuously coming into being and disappearing (*c.f.* Magocsi, 1999). The ideology of nationalism, however, has disenfranchised them, making any political claims on their behalf illegitimate by default. The reality being messy and not succumbing to neat political and legal categorizations, there is a grey zone between groups recognized as nations and other groups with no right to their own political life. Non-national groups become nations mainly through successful warfare (for instance, the Eritreans or the Croats), through peaceful separation (for instance, the Azeris or the Slovaks), or by attaining a degree of political autonomy within the boundaries of an extant polity (for instance, the Galicians in Spain or the Welsh in Britain).

What happens with groups that are not successful in this way, or simply are not interested in the national manner of participating in politics? Most are content with things as they are as long as their members are not discriminated against for the fact of being members of such groups. In this world of nation-states, discrimination often evokes reactions that have to necessarily be couched in national terms. Should a group wish to be taken seriously in the sphere of politics, it has no choice but to adopt a national rhetoric.

Upstarts on the national path are seen as usurpers by the already recognized nations with their own national polities. The latter often deny the aspirations of the former, and even deny their very existence. When the usual sleight of hand is not available for political or international reasons, new groups seeking a degree of political recognition in this age of nationalism are redefined from above as “nationalities”, “proto-nations”, “pseudo-nations”, “ethnic groups”, “national or

ethnic minorities”, “ethnographic, social or regional groups” (of the nations on the territory of whose polities they dwell) and so on (*c.f.* Bauer, 2000: 355-370; Zubov, 2009: 780-787).

Alternatively, nationally construed categories are imposed from above on some groups that are not interested in expressing their interests in a national manner. This is especially the case when their non-national existence can be transformed into political capital for another (dominant and state-supported) nation. A telling example of such a group is the Russophone population of the large industrial cities in eastern Ukraine. Thus far they have defined themselves as workers, espousing an assorted selection of Soviet ideals and symbols surviving from the period before 1991; the Soviet Union was the only major state legitimizing its existence on the basis of an ideology other than nationalism, namely communism. Today, Moscow considers the Russophone workers of eastern Ukraine a Russian minority oppressed by Kyiv’s policy of Ukrainization. On the other hand, the Ukrainian government perceives them as Russified Ukrainians who should be returned to the Ukrainian nation through de-Russification. Letting them remain as they currently are does not seem to be an option, unfortunately (Zimmer, 2006: 119-134).

2. Poland as an Ennationalizing State

Poland was founded as a nation-state in 1918 and, after some wavering, a popular and by now widespread consensus emerged that the Polish nation consisted of Polish speakers, preferably Roman Catholic or of Roman Catholic origin (in the case of communist *apparatchiks*, mostly self-professed first-generation atheists). Protestant and even atheist Polish speakers were also accepted, though with some reluctance, into the fold of such a Polish nation. The faithful of the Greek Catholic or Orthodox Churches, in liturgy and literacy associated with the Cyrillic alphabet, were by default excluded from Polishness, and were gradually reassigned in the course of the twentieth century as Belarusians, Ukrainians, and Rusyns (also known as Lemkos, Boykos, and Hutsuls). Judaism excluded a person from the commonality of the Polish nation even more vehemently, notwithstanding the fact that a person of Jewish origin might have declared himself or herself as a Pole and spoken no other language but Polish.

Such liberal treatment is denied not only to Jews of Polish origin, but even to Polish-speaking Jews. Until the turn of the twenty-first century, Israel was the largest market for Polish-language books outside Poland, but Polish authorities do not record any Polish minority in Israel. At most they may remark on Polish-speaking Jews or ‘our Jews’ in the country (*c.f.* Eisler, 2010; Walaszek, 2001).

In this ennationalizing manner, from the ethnolinguistic and ethnoreligious perspective, a third of interwar Poland’s population was “un-Polish” (*niepolski*). The majority of ideologues of the Polish nation-state founded after the Great War have claimed continuity with Poland-Lithuania (officially known as the Commonwealth of the Kingdom of Poland and the Grand Duchy of Lithuania). However, if one anachronistically projects the categories of ethnonational identification into this pre-national past, fewer than a third of the inhabitants of Poland-Lithuania could be credibly described as “Polish”. Hence, today’s Poland, created by vast border changes and ethnic cleansing associated with World War II, where about 99% of its population can be defined as Polish from the ethnolinguistic and ethnoreligious perspective, appears to be the least Polish of all the Polands known in the past (*c.f.* Adamczuk and Zdaniewicz, 1991: 38, 50, 53; Kuklo, 2009: 222).

3. The Silesians: who are they?

The Silesians live in the centre and the eastern half of the historical region of Upper Silesia, or in the area extending from Opole (Oppeln) to Katowice (Kattowitz), and from Olesno (Rosenberg) to Racibórz (Ratibor).⁴ The historical region of Silesia, today in the south-western corner of Poland, extends from the German-Polish border to the industrial city of Katowice in the east; its historical capital, Wrocław (Breslau), lies in the middle. Silesia briefly belonged to medieval Poland until the mid-fourteenth century. Then it became an integral part of the lands of the Czech Crown within the frontiers of the Holy Roman Empire. In the early 1740s, Prussia seized almost all of Silesia from the Habsburgs; only the southernmost sliver of Upper Silesia remained within the Austrian lands. It was later known as the crown land of Austrian Silesia in Austria-Hungary.

In the wake of the counter-reformation, its overwhelmingly Catholic character set Upper Silesia apart from the rest of Silesia. Another difference was that one half of Upper Silesia’s inhabitants spoke Slavic dialects, while the other half spoke Germanic

ones, though many were bilingual in both. Even so, this did not count for much until the age of nationalism, when the Slavophone half, often bilingual in German, became the basis for the rise of the Silesian ethnic identity. Earlier, speaking the same dialect or language or even professing the same faith did not make nobles and serfs members of the same nation. Nations did not even exist then. The narrow stratum of several per cent of the population, organized as the estates (nobility, clergy and burghers), controlled politics while the rest, as serfs, toiled without payment in fields for the sake of “their betters”.

3.1 Language and statistics: measuring or creating?

Modernization, or socio-political change spurred on by the Napoleonic Wars and accelerated in the course of the nineteenth century by industrialization and urbanization, completely altered the old order. Ethnolinguistic nationalism became the gradually accepted norm in Central Europe with the founding of the German Empire as a German nation-state in 1871. One had to speak an appropriate language (professing a preferred religion was encouraged, too) to be a member of a nation, regardless of whether one was of peasant or of noble origin. The process was facilitated by the standardization of languages through the use of authoritative grammars and dictionaries. Knowledge of these standardized languages was imparted to the population at large through compulsory elementary schooling, by conscript armies, by the press, and by state offices. Dialects were redefined as belonging to one or another standard language, with these languages being construed on an ideological plane as “national languages”.

Thus, the age of nationalism was also ushered into Upper Silesia and one could not speak only in order to communicate, as one did previously; now one first had to speak something reified as a language before any communication could take place (Billig, 1995: 29). Speaking what had been made into a language by the spread of mass literacy became the sign of belonging to one nation or another. In the first half of the nineteenth century, Prussian (later German) statisticians selected language as a presumably quantifiable indication of a person’s nationality (the fact of belonging to a nation) and they convinced statisticians from other European countries to adopt this approach in 1872 at the Eighth International Congress of Statistics in St Petersburg. Subsequently, censuses across Europe began to inquire about what languages

individuals used in order to ascertain to what nations they might belong (Arel, 2002: 94-96).

3.2 Novel Identities

With the privilege of hindsight, we could say that asking the language question in censuses did not really measure nations, but rather created them. In this way, “modern” demographic data were fashioned and fitted to various potential nations. Aspiring leaders of the respective national movements did not fail to use the officially approved numbers as political arguments to win political recognition and privileges for their nations (and themselves). Prior to this ennationalizing modernization, the inhabitants of Upper Silesia defined themselves in terms of their membership in estates, their religion and their locality of residence. Popular loyalty to the divinely appointed monarch unified subjects of variously organized identities into a coherent body politic. Now, statisticians redefined Germanicphone Upper Silesians as German-speaking and their Slavophone counterparts as Polish- and Moravian-speaking. (They completely disregarded as ideologically inconvenient the phenomenon of bi- and multilingualism. Nationalism—especially of an ethnolinguistic character – does not allow a person to belong to more than a single nation; the individual is discouraged from declaring more than one language as “truly” hers or his.) The statistics provided Polish national leaders from Posen (*Poznań*), Cracow, and Warsaw with an argument that because Upper Silesia was at least in part a Polish land, in the future it had to be incorporated into a Polish nation-state. Czech national activists chose to see the Moravian language as a sign of “Czechness”, thus claiming Upper Silesia for a future Czech nation-state.

Polish and Czech politicians did not care that the majority of Upper Silesia’s Slavophones at that time did not consider themselves to be Poles or Czechs. In their disregard for the opinions of the population concerned, they shared an attitude with their German counterparts. After the creation of the German Empire, the German authorities surprised many Upper Silesians by pressing them to espouse Protestantism and to speak in German only, and by telling them that it was no longer enough to be a Prussian in order to qualify for nationally construed Germanness (Bjork, 2008; Kamusella, 2007a).

3.2 *Ennationalizing Central Europe*

The turning point was the creation of ethnolinguistically defined nation-states in Central Europe in the wake of the First World War (*c.f.* Baár, 2010). Having co-opted various national movements for the war effort, the victorious Allies partitioned the non-national Austria-Hungary and the Ottoman Empire, and also detached some territories from the German Empire and from the former Russian Empire that could be seen as ethnationally non-German and non-Russian, respectively.

Between 1920 and 1922, Upper Silesia was divided between Czechoslovakia, Germany and Poland. Austrian Silesia, which like Germany's Upper Silesia was populated by Germanicphone and Slavophone people, was partitioned between Prague and Warsaw. In their respective sections of the regions, the three nation-states began to ennationalize (often with the initial use of extreme violence) the inhabitants to their Czech(oslovak), German, or Polish nations (Wilson, 2010). Soon it became apparent that speaking one or another Slavic dialect, classified from above as Czech or Polish, did not necessarily make one into a "true" Czech or Pole. The acquisition of the standard language was required for this purpose. On the other hand, some harsh ennationalizing policies in Czechoslovakia and Poland convinced the majority of the Slavophones (who were bilingual in German) from both Upper and Austrian Silesia that they preferred to be Germans, rather than Czechs or Poles (*c.f.* Jerczyński, 2006: 83-233).

The post-1918 border and identification changes nudged into existence Silesian ethnic and ethnonational political parties. These parties wanted the transformation of Upper Silesia and Austrian Silesia either into independent Silesian nation-states or into autonomous regions, preferably within post-war Germany or Czechoslovakia. During the interwar period Silesian political groupings were suppressed in Poland. As a consequence, their former members often sided with the German minority in Poland's sections of Upper Silesia and Austrian Silesia. In Czechoslovakia's sections of both regions and in Germany's rump Upper Silesia, the Silesian identity was tolerated. In Czechoslovakia, this tolerance reduced the numerical status of the German and Polish minorities, whilst in Germany it made embracing Slavophones possible for culturally (*not* linguistically) defined Germandom, as *eigensprachige Kulturdeutsche* ("non-German-speaking Germans

united with the German nation through shared German culture”) (Eichenberger, 1994: 36).

Interestingly, on the basis of north Moravian and south Upper Silesian Slavic dialects, Óndra Łysohorsky (a pseudonym of Erwin Goj), a poet from interwar Czechoslovakia, created a distinct Lachian language. He proposed the idea of a Lachian nation, which gained some support during the war in the Soviet Union. However, Czechoslovak émigré politicians strongly opposed the movement and consigned Łysohorsky (who had to settle in Bratislava, far away from his Lachia) to virtual oblivion after 1945 (Hannan, 2005).

3.4 World War II

In the wartime years, all of Upper Silesia and almost all of Austrian Silesia were included in the Third Reich. The Slavophones and bilingual persons in Poland’s parts of Prussian and Austrian Silesia and in Czechoslovakia’s sections of the two regions were defined as an “in-between” (*Zwischensicht* in German) population.⁵ They were to be properly ennationalized into the German nation by teaching them fluent German and by banning the use of any Slavic language, whether it was the local dialect, or, worse, standard Czech or Polish. In German terminology they were briefly defined as “Silesians” (*Oberschlesier* in Upper Silesia and *Slonzaken* in Austrian Silesia⁶), but shortly afterwards they were made into full Germans by administrative fiat. The war effort took the upper hand over the plans for relocating the Silesians into Germany’s heartland to ensure their proper Germanization. After a period of administrative vacillation, they were granted full German citizenship and were thus eligible to be drafted into the *Wehrmacht* (c.f. Kaczmarek, 2010).

3.5 The communist years

Slavophone and bilingual (that is, Slavic- and German(ic)-speaking) Silesians, who were claimed simultaneously as Germans and Poles in Upper Silesia and as Czechs in Austrian Silesia, became an ideological and statistical anomaly after the war. The Allies returned to Czechoslovakia and Poland their pre-war share of Upper Silesia and Austrian Silesia, and granted all of interwar Germany’s section of Upper Silesia (as well as other German territories east of the Oder-Neisse line) to a radically changed Poland. The Allies also enabled the expulsion (“transfer”) of Germans from both these

states. Silesians were exempted from this expulsion, often against their own will and wishes, and were retained as officially dubbed “Autochthons” (or “ethnic Poles unaware of their Polishness”) in Poland and as ethnic Czechs and Poles in Czechoslovakia. West Germany, and then reunified Germany, has continued to claim them as Germans (Linek, 2000; Wanatowicz, 2004: 22-132).

The retention of Silesians was an economic necessity for Warsaw and Prague. There was no comparable replacement source of qualified labour to run the Upper Silesian and Czech Silesian industrial basins. Neither the reconstruction of the states nor the development of heavy industry (required by the Soviet-style militarized modernization that was implemented) would have been possible without the industrial production of these areas. On the ideological plane, the existence of Silesians as “Autochthons” was considered proof of Warsaw’s claim of the archaic Polish character of the German territories incorporated into post-war Poland. This legitimized Poland’s new western border in the eyes of its inhabitants and (to a lesser degree) of the international public. In reality, however, Silesians were treated as “crypto-Germans”. Their permanent status as second-class citizens caused them to “vote with their feet”. Whenever possible, they left communist Poland and Czechoslovakia *en masse* for West Germany, where, as *Aussiedlers* or “ethnic German resettlers”, they were (re-)granted German citizenship (Jerczyński, 2006: 233-251; *Kamusella*, 1999).

4. Post-communist Poland and Silesians

The contracting of the Border Treaty (1990) and the Treaty on Cooperation and Good Neighbourliness (1991) between Germany and Poland lessened the ideological importance of Silesians as a political argument. The replacement of a centrally-planned economy with its free-market counterpart decoupled the economy from the industrial-military complex (such coupling had been typical of the Soviet bloc countries). Swift deindustrialization followed, during which numerous coal mines and metallurgical works closed down in Poland’s Upper Silesia and in Czech Silesia. On top of that, the introduction of democracy allowed Silesians to make their voices heard, regardless of what Warsaw or Prague may have wished of them.

In the context of democratization and rising unemployment, most Silesians from the (western and central) section of Upper Silesia that belonged to interwar

Germany applied for and were granted German citizenship, without the necessity of leaving Poland for Germany. (A similar process also unfolded across the border in the Czech Republic.) The institution of dual citizenship was not legal then (and still is not) in German or Polish law, but Germany and Poland silently tolerated the situation in Upper Silesia. On one hand, the former country faced huge problems with the integration of hundreds of thousands of *Aussiedlers* streaming in during the 1990s from the Soviet Union and the then former Soviet states. On the other hand, Warsaw did not want to lose as many as 200,000 people from western and central Upper Silesia (or the Opole Region). Such a loss would have led to the economic and social collapse of the area.⁷ Hence, the Polish authorities agreed to the emergence of a recognized German minority, mostly consisting of Silesians whom Warsaw had previously claimed to be Poles, or Autochthons (Berlińska, 1999: 176-335; Wanatowicz, 2004: 133-186).

Beginning in 1993, German citizenship granted to Silesians residing in Poland came with the bonus of EU citizenship. This allowed them to work and reside legally in Germany and elsewhere in the EU before Poland became a member of the EU in 2004. Germany and Austria, however, chose to maintain the maximum derogation period of seven years on the free movement of workers from, *inter alia*, Poland and the Czech Republic, thus closing their labour markets to Polish and Czech citizens until mid-2011. This contributed to the fortification of the German national identity among Silesians in the Opole Region, even though, because of forced Polonization during the communist period, the vast majority of them did not speak any German. Speaking the language is still seen as the main sign of one's Germanness, so Silesians often are considered to be "un-German" or even to be "Poles" when in Germany until they acquire a passing knowledge of German.

Not surprisingly then, language(s) spoken by Silesians have been employed for identification and political purposes. The generations born before 1945 and those who came of age before the fall of communism in 1989 mostly speak the local Slavic dialect, dubbed as "our language" (*pō naszymu* in Silesian), or the (Upper) Silesian dialect (*gwara* in Polish) or language (*gōdka* or *szpracha* in Silesian). Most have a limited command of standard Polish that was acquired in elementary school and gleaned from television. The older generation, who still attended German elementary school before 1945, knows German and may not know any standard Polish. Among Silesians with German citizenship in the Opole Region, the Slavic dialect (Silesian)

often functions as the main sign of their Germanness vis-à-vis Poles. This occurs especially among those who do not know German because many Poles see the Silesian language as a dialect of German. The sociolinguistic situation tends to be different in the Katowice region, where speaking Silesian may be interpreted as the indication of one's Silesianness or Polishness. In practice, it depends on the individual and on the neighbourhood where she or he lives, whether the Silesian spoken by a person is taken to be a sign of their Silesianness or their Polishness (*c.f. Badania*, 2010: 38-39; *Kamusella*, 2005-2006).

4.1 *The Silesians*

The situation of Silesians from the eastern third of Upper Silesia that belonged to interwar Poland, or from the Katowice region (that in 1999 was confusingly renamed the Silesian region), was significantly different from that of their counterparts in the Opole region. Due to the vagaries of (West) German citizenship law, most of them did not have the possibility to acquire German citizenship after 1989; at this time the rate of joblessness suffered by these Silesians was higher than it was for those in the Opole region. To add insult to injury, the needs and grievances of Silesians in the Katowice region were overlooked by mainstream Polish political parties. This bred resentment and created the social basis for the founding of the *Ruch Autonomii Śląska* (RAŚ, Silesian Autonomy Movement) in 1991. The party's aim is to transform all of Upper Silesia into an autonomous region of Poland, in emulation of the autonomy enjoyed by Poland's section of Upper Silesia in the interwar period (Sekuła, 2009).

A similar program of autonomy for Moravia and Czech Silesia in the Czech Republic was adopted by *Hnutí samosprávné Moravy a Slezska – Moravské národní sjednocení* (The Movement of Autonomous Moravia and Silesia – Moravian National Union) in the early 1990s. The claim was fortified by the 1.36 million declarations of Moravian nationality and 44,000 of Silesian nationality in the 1991 Czechoslovak census. However, the party had lost most of its initial attraction and influence by the turn of the twenty-first century. In the 2001 census the number of declarations of the two nationalities dropped to 380,000 and 11,000, respectively (Mareš, 2002; Základní, 2003).

In Poland's Upper Silesia, in 1996, RAŚ was joined by a twin organization, *Związek Ludności Narodowości Śląskiej* (ZLNŚ, Union of the Population of the

Silesian Nationality), which followed an ethnocultural programme supporting the development of the Silesian language and appealing for the recognition of the Silesians as a nation or an ethnic group. The ZLNŚ grew out of RAŚ's frustration over being prevented from entering the Polish parliament by the 5% election threshold. In Poland, national minorities are exempted from meeting this threshold, hence ZLNŚ, as a potential representative of the Silesian national minority, could allow RAŚ and ZLNŚ activists to join mainstream Polish politics (Roczniok, 2012). The authorities in Warsaw did not consent and refused registration of the ZLNŚ. The ensuing legal battle continued all the way up to the European Court of Human Rights in Strasbourg. The court decided that Warsaw was not compelled to register the ZLNŚ, if registration was a ploy to circumvent the election threshold. Nonetheless, the court also recommended that the Polish authorities engage in a constructive dialogue with ZLNŚ. Such a dialogue is yet to take place⁸ (Jerczyński, 2006: 252-255; Lange, 2009: 22, 36; Roczniok, 2006). Similarly, Warsaw rejects any possibility of a dialogue on the recognition of Silesian as a language, despite the recommendation voiced by the Committee of Experts reporting on the implementation of the ECMRL in Poland (ECRML, 2011: 6-7, 107-108).

4.2 The 2002 census

In 2002, the first post-communist census took place in Poland. Strangely, questions about nationality and family language(s) of the respondents were included in the questionnaire. Such questions had never been asked in communist Poland, with the exception of the 1946 census in which a question solely about German nationality and language had been asked. The aim of this question in the 1946 census was to establish the number of Germans that still needed to be expelled from post-war Poland.

Moreover, the Polish post-communist Constitution (1997) defines the Polish nation as all the citizens of the Republic of Poland, irrespective of their ethnically defined nationality, language or religion (The Constitution, 1997: preamble). The census and its questionnaire were prepared by the *Akcja Wyborcza Solidarność* (AWS, Solidarity Electoral Caucus) coalition government that was in office between 1997 and 2001. A small but vocal member of the AWS coalition was the now insignificant *Zjednoczenie Chrześcijańsko-Narodowy* (ZChN, Christian-National Union). The ZChN reintroduced elements of an interwar ethnonational program into

the political mainstream in post-communist Poland. The suspicion (which in the future may or may not be confirmed when relevant archival documentation is made available to researchers) is that this party's leaders advocated the inclusion of the nationality and language questions in the questionnaire of the 2002 census.

The ZChN's intention may have been to reconfirm the ethnolinguistic homogeneity of Poland achieved in the communist period. It may also have been intended to check whether the demographic size of the national minorities in Poland conformed to the claims of the minorities' leaders in this regard.

In the 2002 census, over 96% of Poland's population declared Polish nationality; more than 2% refused to answer the question. This meant that slightly more than 1% declared a non-Polish nationality. This reaffirmed Poland's unusual ethnonational homogeneity. In addition, the numbers of declarations of German, Belarusian, Ukrainian, or Roma nationalities were well below the estimates of the minorities' leaders.

The biggest surprise of the census was the number of the declarations of Silesian nationality (173,000), which made the Silesians the largest national minority in Poland. In official results Warsaw seems to have manipulated the outcome, first by obstructing the declarations of Silesian nationality, and then by unilaterally redefining the Silesian minority as a "social group" of the ethnolinguistically-defined Polish nation. (For these "irregularities" Poland was criticized by the United Nations, see Committee, 2003). This decision further lowered the share of non-Polish minorities in Poland's population to below 1% (Jerczyński, 2006: 255-256; Ludność, 2011; Największa, 2003; UN Committee, 2003: 2; Wróblewski, 2006).

Prague did not resort to influencing the results of its 1991 or 2001 censuses, though the huge number of declarations of Moravian nationality could not have been to the political elite's liking. The Czech authorities accepted the existence of the Moravian and Silesian national/ethnic minorities in the Czech Republic by registering their parties and organizations. Thus far, however, except for the first half of the 1990s, leaders of the minorities have failed to translate their recognition into a viable political presence in the Czech Republic.

4.3 *The Silesians after the 2002 census*

The denial of the existence of the Silesians strengthened the resolve of their leaders to prove Warsaw wrong. Importantly, in the census, 57,000 people declared Silesian to be their home language. Not surprisingly, Warsaw did not espouse the result; the official results retroactively redefined the declarations of speaking the Silesian language as ‘declarations of speaking Silesian, a dialect of the Polish language’ (c.f. ECRML, 2011: 107-108; Rząd, 2011; Semik, 2011).

Beginning in 2007, popular disagreement with this negative approach of the Polish authorities toward Upper Silesia and the Silesians has been expressed in the annual March for Autonomy (*Marsz Autonomii*), which gathers several thousand participants every year in Katowice (Historia, 2012). Around that time, the Silesians also began more clearly manifesting their presence among other minorities living in Upper Silesia with hundreds participating in the special annual holy mass celebrated in autumn at the most important pilgrimage site in Upper Silesia, the shrine of *Góra św. Anny/Sankt Annaberg*, also known as the “Holy Mount of the Silesians”. The tradition of this mass goes back to 1997 and, in the recent years, some parts of the mass are spoken in the Silesian language (Członkowie, 2012).

The debacle of the ZLNŚ case in the European Court of Human Rights and the falsification of the census results in relation to the Silesians and their language led to a change in the leadership of RAŚ and the ZLNŚ, as well as in the organizations’ programmes. RAŚ temporarily distanced itself from the ethnonational and ethnolinguistic dimension of Silesianness. Its leaders focused on advocating for autonomy for Upper Silesia that would benefit all the region’s inhabitants, irrespective of their nationality or language. The new approach, coupled with the mainstream Polish parties’ continued disregard for the region’s needs, led to the success of RAŚ in the 2010 local elections. The organization gained over 8% of the votes in the Katowice (Silesian) region (with a population of 4.64 million), entered the regional assembly (*Sejmik*), and joined the ruling coalition in the region (Jerzy, 2010; Obwieszczenie, 2010).

The ZLNŚ, faced with Warsaw’s staunch opposition to the recognition of the Silesians as a national minority, focused on the development of the Silesian language. The organization supported the founding of the *Narodowa Oficyna Śląska* (NOŚ, Silesian National Publishing House, also referred to as the *Ślōnsko Nacyjno Oficyno*

in Silesian) in 2003. NOS publishes books on Silesian matters in Polish, German, and Silesian. In 2006, it began publishing the first-ever bilingual Silesian-Polish periodical. A year later, the ZLNŚ applied for and successfully secured the ISO 693-3 code *szl* for Silesian, which amounts to the international recognition of Silesian as a language (Request, 2007).

Meanwhile, a grassroots movement had developed to write, publish and broadcast in Silesian on the internet. The tangible result of the movement is the Silesian Wikipedia (that is, the most extensive book available in the Silesian language) that was initiated in 2006 and officially established in 2008 (Powstała, 2011). In the same year, two organizations for the cultivation of the Silesian language were founded, namely, *Pro Loquela Silesiana* (in Latin, For the Sake of the Silesian Language) and the *Tôwarzistwo Piastowaniô Ślónskij Mowy „Danga”* (in Silesian, “Rainbow” Society for the Cultivation of the Silesian Language).

To put the achievements in perspective, out of the world’s estimated 7000 extant languages (Statistical, 2012), only 500 to 600 are used regularly in writing and have written materials produced in them on paper and/or on the web (*c.f.* MARC, 2007). However, viable literate communities coalesced around only 200 to 300 of the languages. For instance, the Universal Declaration of Human Rights is available in 388 languages (Universal, 2012), while Wikipedia is available in 285 languages. The Silesian Wikipedia with 2080 articles is small but respectable, scoring the 188th place in the ranking (List of Wikipedias, 2012).

Politicians in the Katowice (Silesian) region could not fail to notice the rise in support for the Silesian language. In order to capitalize on it, the Katowice (Silesian) Regional Assembly supported the organization of a conference in 2008 on the standardization of the Silesian language (Roczniok, 2009). Besides these groups mentioned above, linguists from the University of Silesia in Katowice joined the effort. As a result, in 2009 a standard orthography was adopted for writing Silesian, (Kanōna, 2009) and in 2010 two Silesian primers were published for elementary schools (Adamus *et al.*, 2010; Roczniok and Grynicz, 2010). Around 15 Silesian-language books in standard orthography had appeared by mid-2012, mostly published by NOS (*c.f.* List, 2012).

5. A possible rapprochement between Warsaw and the Silesians?

Poland signed and ratified both the FCNM and the ECRML, which came into force in the country in 2001 and 2009, respectively. Norm adoption was completed, in line with the political criterion of the 1993 Copenhagen criteria (*c.f.* Accession Criteria, 2012), which set out the conditions that candidate states had to meet before becoming eligible for EU membership. However, the norms have an arbitrary loophole to allow states to decide which minorities and which minority or regional languages to protect, even if this does not take account of realities on the ground. The condoning of an *à la carte* approach to the FCNM and to the ECRML, allowing states to choose which minorities and languages are to be protected, gives rise to paradoxes.

Poland's 2005 Act on National and Ethnic Minorities and on the Regional Language aspires to protect Karaims (45 persons, according to the 2002 census), as well as Tatar and Armenian languages, which are (wrongly) believed to be traditional languages of Poland's Tatars and Armenians. The Tatars lost their ethnic Tatar language already in the fourteenth century, while the Armenians never spoke Armenian in Poland, but rather spoke the Turkic language of Kipchak⁹ (Ustawa, 2005; Wicherkiewicz, 2010). In addition, the employment of the singular form of the noun "language" in the Act has a specific ramification. Poland recognizes and protects only a single regional language, namely, Kashubian. Outside Poland this Slavic language had been recognized since the early twentieth century, but in Poland the dogma had prevailed that it was a dialect of Polish until Warsaw officially recognized Kashubian as a language in its own right in the aforementioned 2005 Act.

Why such a change of heart? In the 2002 census 5,000 persons declared their nationality to be Kashubian, but 53,000 declared Kashubian as their home language. Hence, most of the Kashubs consider themselves to be Poles who happen to speak Kashubian. Kashubs then differ from Silesians who instead declare that they are un-Polish, that is, of Silesian nationality and speak Silesian (or merely happen to speak Polish or German, which has no bearing on their Silesian identity). Thus, it was possible to define the Kashubs as a regional group of the Polish nation without stretching the reality on the ground too much. Most consented, and in return Warsaw recognized Kashubian as a regional language (*c.f.* Obracht-Prondzyński and Wicherkiewicz, 2011). The developments may have been helped by Donald Tusk, a

Kashub himself, who was deputy speaker of the Polish *Sejm* (lower chamber) between 2001 and 2005, and who became Polish Prime Minister in 2007 (*Tylko u nas*, 2011).

5.1 A new opening for the Silesian language?

Although the leadership of the ZLNŚ persist in their efforts to register their organization, they have ceased to insist on defining the Silesians as a national minority. These tactics had proved futile in the face of Warsaw's staunch opposition. The Polish political elite, in breach of the Constitution's civic definition of the Polish nation, insist on the maintenance and continuous fortification of the ethnolinguistic and ethnonational homogeneity of Poland. This ethnicizing dimension of Polish nationalism was reintroduced into Polish politics in the wake of the 2005 parliamentary elections. In a move unprecedented since 1945, the *Liga Polskich Rodzin* (LPR, League of Polish Families), founded in 2001, adopted an openly ethnonational and xenophobic program and gained 8% of votes in the parliamentary elections in 2005. Other parties, having observed the electoral efficacy of such a program, also began espousing its elements, most notably the *Prawo i Sprawiedliwość* party (PiS, Law and Justice), which won the parliamentary elections in 2005. PiS formed a coalition government with the LPR and a populist party (Wybory, 2012).

A growing reaction against such an ethnonational program combined with religiously-based Catholic conservatism wiped out the LPR from the political scene in the 2007 parliamentary elections and forced PiS into opposition. Even so, a degree of acceptance of the ethnonational program (unthinkable before 2001) has remained.

This does not bode too well for the ZLNŚ's efforts to find a new opening with the Polish authorities. The legal definitions of national and ethnic minorities given in the 2005 Act make it impossible for any stateless group to claim the status of nation or national minority in Poland. The ZLNŚ does not intend to argue against it and would like Warsaw to recognize the Silesians as an ethnic minority. The ZLNŚ realizes that the Polish political elite most probably will not concede this, either. Thus, in practice, since 2005 the organization has concentrated on the issue of the Silesian language, seeking the status of regional language for it, in emulation of the Kashubian example.

In 2007, a group of members of parliament from the Katowice (Silesian) region submitted a parliamentary bill to this effect, but the parliament rejected it.

Another bill that intended to add Silesian as another regional language to the 2005 Act on the National and Ethnic Minorities and on Regional Language was submitted in late 2010. In 2011 Parliament decided to not consider it (*Projekt*, 2010; W Sejmie, 2011).

5.2 The Polish census of 2011

Many believed that the results of the 2011 census would be the tipping point, either confirming the will of the Silesians to be recognized as a minority, complete with its Silesian language, or proving that the results of the 2002 census were a transitory fluke in regards to the declarations of Silesian nationality and language. In 2011, in anticipation of the former scenario, a group of RAŚ activists in the Opole region applied for the registration of a new organization, *Stowarzyszenie Osób Narodowości Śląskiej* (SONŚ, Association of People of the Silesian Nationality). To everybody's surprise, the law court in Opole registered this organization, despite the inclusion in its name of the collocation "Silesian nationality" (*narodowość śląska*), which in Polish can be variously interpreted as a "Silesian national group" or "Silesian national minority". This very collocation has prevented the registration of the ZLNŚ since 1997. However, the founders of SONŚ, taking into account the decision of the European Court of Human Rights on ZLNŚ, clearly stated in the organization's statute that SONŚ would not take part in parliamentary elections in which recognized minorities are exempted from meeting the 5% threshold (Pszon, 2012; SONŚ statute, 2011). Nonetheless, in 2012 the Office of State Prosecutor in Opole appealed the legality of the registration of SONŚ, quite paradoxically arguing that the Silesian nationality or nation and the Silesian language do not and cannot exist in Poland's "legal reality" (*obowiązujący system prawa*), because they are not enumerated in the 2005 Act on National and Ethnic Minorities and on the Regional Language (Ostrowski, 2012: 1).

Obviously, the principle that any legal system should reflect and serve the needs of the social reality on the ground is not addressed. This justifies proposing that the state administration abuses the rule of law in order to deny the existence of the Silesians and their language by administrative fiat. The main accusation levelled earlier against the ZLNŚ and now against SONŚ is that the organizations' aims are to separate Upper Silesia from Poland, as a step to founding an independent Upper

Silesian nation-state. However, not a shred of such an intention may be detected from organizations' statutes, programs, or publications.

On the other hand, neither the state administration nor a representative of the Polish juridical system voiced any opposition to the 2007 registration of the *Śląski Ruch Separatystyczny* (ŚRS, Silesian Separatist Movement), though it has the goal of separating Upper Silesia from Poland included both in its name and statute. Very few joined the ŚRS, and its subsequent inactivity led to its *de facto* demise. At present, the ŚRS is in liquidation, but its already half-a-decade-long existence speaks volumes on the state's double standards when dealing with Silesian issues¹⁰ (*Śląski Ruch*, 2012).

The confirmed results of the 2011 census, announced in July 2012, took civil servants and politicians by surprise: 817,000 (2.1%) people declared that they belong to the Silesian nation,¹¹ and 509,000 (1.3%) declared that they speak Silesian at home and with neighbours and friends. The number of people that declared their belonging to a nationality other than Polish or speaking of a language other than Polish amount to 1,404,000 (3.6%) and 729,000 (1.9%), respectively. The Silesians account for 58% of the former group and Silesian-speakers for 70% of the latter (*Raport*, 2012: 106, 108).

Thus, Silesians, constituting well over half of the members of Poland's minorities and two thirds of the speakers of languages other than Polish in the country, are the dominant national and linguistic minority in today's Poland. The results pose Warsaw with a serious dilemma about what to do. Should the trick of the previous census be repeated, when the Silesians and Silesian-speakers were excluded from the numbers, then the demographic size of persons of non-Polish nationalities would shrink substantially to 587,000 (1.5%), and that of speaking languages other than Polish to 220,000 (0.6%). This would constitute even a bigger statistical manipulation than that of a decade ago. Does the democratic and successful Poland of today really need to risk breaching the rule of law and its international obligations for the sake of the elusive quest for absolute ethnolinguistic "purity"?

From the global vantage point, Poland is unusual in its extraordinary homogeneity, which at 3.6% (or 1.5% with the Silesians excluded) is nearly in the range of statistical error, almost on a par with the total number of persons (951,000 or 2.5%) whose nationality was *not* established in the census (*Raport*, 2012: 106). The state administration's perceivable drive at pushing the share of minorities in Poland's population below the threshold of 1% seems to be a throwback from the communist

past, when Warsaw customarily claimed that virtually no minorities lived in the country, despite hundreds of thousands Germans and Silesians leaving (with official approval or not) for West Germany in the 1970s and 1980s.

This tendency is in direct contradiction with the EU's foundational four freedoms: free movement of people, services, goods, and capital. The freedoms underpinned by the Schengen Agreement allow for EU citizens to search for jobs and settle wherever they may want in the EU. As a result, after the 2004 accession of Poland into the EU, over two million Polish citizens left Poland for other EU member states (*GUS policzył*, 2007), equivalent to about a million more than there are members of the minorities in Poland, according to the 2011 census. By marrying EU citizens from other countries and moving back and forth between Poland, the states of their settlement in the EU, and the countries of origin of their spouses, the dynamic diaspora are gradually making Poland more ethnolinguistically heterogeneous than all the country's minorities could on their own. On top of that, being a relatively successful EU member state, Poland is gradually turning into an immigrant country, which is bound to make it even less homogenous. It is a credible possibility that unless the economic or political situation changes dramatically for worse, in 15-20 years a tenth of Poland's population will be composed from minorities and immigrants, as in the case of neighbouring Germany.

5.3 Waiting for Warsaw's move

Bearing the realities in mind, in May 2012 Silesian organizations appealed to Prime Minister Tusk for commencing of dialogue on the legal regulation of the status of the Silesians and their language in Poland, as recommended by the Council of Europe and the European Court of Human Rights (*Wspólny*, 2012). As always, contrary to the accusations of irredentism (or rather "anti-state-ism") typically levelled against the Silesians in the press and on internet forums (*c.f.* Czego, 2012), as well as by some scholars (*c.f.* Nijakowski, 2005), the Silesian organizations emphasized that they had always operated and would continue operating within the confines of Polish and EU law (*O nas*, 2012).

Two months later, in July 2012, representatives of the Silesian organizations handed the parliament another bill with an eye to the recognition of Silesian as a regional language (*Gibas*, 2012). Prior to that, in April 2012, without any

announcement, the term “Silesian language” was mentioned for the first time ever in official legislation not connected to censuses, through the ministerial act on the state’s official register of geographical and place names. This register is to include alternative forms of the names in minority and regional languages recognized in Poland. In addition, the administration accepted the ISO 693-3 code *szl* for Silesian as binding in the document (*Rozporządzenia*, 2012: 6, 52).

Perhaps this is the sign that at present the state administration is mulling over the question of what to do about the Silesians and their language. Such suspicion is supported by the fact that Poland is late with its third state report on the implementation and observance of the FCNM in the country, which was due in April 2012 (Poland, 2012).

Conclusion: A way forward?

Officially, in Poland as in the EU as a whole, multiculturalism and multilingualism are hailed as values to be cherished and cultivated. The FCNM and the ECRML were intended as instruments to facilitate this process, but more than just a pinch of hypocrisy may be detected in all the steps. For instance, the ECRML began its life as the European Charter for Minority Languages, and the concept of “regional language” was introduced into it at France’s insistence, which nevertheless did not lead to Paris’s ratification of the charter, despite its signature in 1999. Adhering to the equation of citizenship with nationality, Paris maintains that in France there are no national minorities. By the same token, there are no minority languages in France; linguistic difference can be recognized only in non-nationally defined regional terms, if at all.

In this fixation on national unity (or ethnolinguistic homogeneity), Poland is no different to France. The vagaries of history and international politics made Poland recognize some national and ethnic minorities, alongside their languages. Warsaw’s reluctance to do this of its own accord has been palpable. The first tentative step to moderate this historical reluctance was already taken in 2005 in the case of the Kashubian language. Maybe it will be repeated in the case of the Silesian language if the rather unjustified fear that recognizing a language spoken by just 509,000 citizens could break up the country can finally be overcome. The Silesians, although they are statistically the largest national minority in Poland, are a tiny group *vis-à-vis* the

country's population of 38 million. Why disregard the Silesians' wish to enjoy their culture and language freely? The results of the two aforementioned censuses, the proliferating and developing organizations of the Silesians, and the lively burgeoning internet discourse on Silesian matters (also in Silesian) prove that the Silesians are not a mere invention of a handful of "ethnic entrepreneurs" (*c.f.* Kodyfikacja, 2012; Naród, 2012; Poseł, 2012). Importantly, the Silesians do not seem to harbour any evil or anti-state intentions, and they strive to adhere to the law and to the usual principles of democracy (*c.f.* *O nas*, 2012). Maybe Warsaw could reciprocate? And in such an eventuality, the Silesian language and culture would add a bit of spice to the saddening monotony of Poland's through and through ethnolinguistic homogeneity.

The surest path to a compromise would be dialogue and cooperation between the state administration and Silesian organizations, as repeatedly recommended by the Council of Europe. In order to create a neutral and objective framework for such a dialogue, it would be advisable if the Council of Europe could send a fact-finding mission to study the situation of the Silesians and their language in their home region of Upper Silesia, especially in relation to the provisions of the FCNM and the ECRML. A report on Poland's observance (or non-observance) of the provisions *vis-à-vis* the Silesians could become a cornerstone of further discussion on the recognition of the Silesian language and of the Silesians as a minority.

The institutional dialogue should involve representatives of Silesian organizations and the state administration as sources of information. The former should be treated in a preferential manner, due to the unrecognized or challenged status of Silesian organizations. This means that Silesian representatives should be furnished with the necessary paperwork and its translations, and their expenses should be reimbursed promptly either by the Council of Europe or the Polish administration.

The proposed institutional dialogue, if undertaken, would in reality be conducted by nation-states and their representatives, as only states are members of the Council of Europe. In order to add a further, grassroots dimension to the dialogue, it is necessary to have a parallel study on the Silesians and the Silesian language prepared by an independent international non-government organization, for instance, the European Centre for Minority Issues (ECMI) in Flensburg, Germany and/or Minority Rights Group International (MRG) in London, UK.

A level playing field would thus be prepared for a dialogue between Silesian organizations and the state; subsequently, it would facilitate negotiating a legal status

for the Silesians and the Silesian language that would be satisfactory both to Silesian organizations and the state administration. The discussion and negotiations should be monitored by representatives of the Council of Europe, ECMI, and MRG, who could act as facilitators or moderators in moments of difficulty. It is a considerable effort, but worth attempting if it could ensure improved participation of the Silesians in the political and social life of Poland and the EU. With a population of 817,000, the Silesians are roughly twice as numerous as the Luxembourgers, and they almost exactly equal to the population of the southern half of Cyprus that is *de facto* contained within the EU.

Notes

1. I thank Michael O. Gorman for his corrections and invaluable advice the two anonymous reviewers and Federica Prina for their useful suggestions for improvement, and Kelley Thompson for her meticulous editing. The article began as a paper delivered at the conference 'From Norm Adoption to Norm Implementation: Minority and Human Rights Revisited', held at the European Centre for Minority Issues in Flensburg, Germany on March 12, 2011.
2. The first-ever questionnaire-based research on the Silesians and their attitudes and opinions was conducted by Dolińska (2009), but the sample of 130 persons does not seem fully representative. The support of the state institutions for comprehensive sociological research on Poland's minorities is next to nil. The first-ever study of this kind focussed on Poland's German minority (concentrated in Upper Silesia) and was carried out in 2009-2010 by scholars from the University of Osaka in Japan (28 kwietnia 2012; Perspektywy, 2012).
3. I prefer to use the neologism "to ennationalize" over "to nationalize" to mean: *making an ethnically or otherwise different group of people part of a target nation by making members of the aforesaid group adopt the nation's salient ethnic and other identity markers*. The coinage "to ennationalize" allows for the rescuing of this meaning from obscurity, as the term "to nationalize" is usually used to denote the state's seizure of private assets and private means of production.
4. Before 1922, only the German versions of place-names were employed in Upper Silesia, which was at that time part of Germany. Between 1922 and 1939, the Polish counterparts of the place-names made an appearance in Poland's share of Upper Silesia, but were replaced by German place-names during World War II. After 1945, all the place-names in Upper Silesia (and also elsewhere in the German territories incorporated into post-war Poland) were Polonized. In line with minority rights provisions, beginning in the late 2000s, some bilingual place-names were allowed in Upper Silesia, pairing Polish and German versions of these names (Dwujęzyczne, 2012).
5. The Polish counterpart of the German term *Zwischensicht* is *indyferentny narodowo* ("nationally indifferent") or *z niewykrystalizowaną tożsamością narodową* ("with her or his national identity not yet crystallized").
6. The German term *Oberschlesier* literally means "Upper Silesian" and may denote any inhabitant of the region of Upper Silesia, irrespective of her or his language, religion or national identification. *Slonzak* is a German phonetic rendering of the Silesian-language self-ethnonym of Silesian, or *Ślōnzok*, as it is spelt in standard Silesian orthography.
7. Ironically, this measure did not prevent the feared demographic collapse for long, which became obvious in the Opole region five years after Poland's accession to the EU (Kuglarz, 2009).

8. Interestingly, in its 2004 judgement in the case of *Gorzelik and others v Poland*, the Grand Chamber of the European Court of Human Rights assumed that Poland recognized or behaved as if recognizing the Silesians as an ethnic minority: ‘in all their decisions, the [Polish] authorities consistently recognized the existence of a Silesian ethnic minority and their right to associate with one another to pursue common objectives. All the various cultural and other activities that the association and its members wished to undertake could have been carried out had the association been willing to abandon its insistence on retaining the name [of a national minority] set out in paragraph 30 of its memorandum of association’ (Grand Chamber, 2004). As explained in the article, today (2011-2012) the Silesians continue to have problems with Warsaw, which persists in refusing to recognize their language of Silesian, let alone them as an ethnic minority.
9. Obviously, Armenians and Tatars who arrived as immigrants to Poland from post-Soviet states after 1991 do speak their ethnic languages. However, from the legal perspective, as the vast majority of them are not Polish citizens, they do not constitute recognized part of Poland’s Armenian and Tatar minorities (*c.f.* Marciniak, 2012: 4).
10. Among Silesian activists the opinion prevails that ŚRS encountered no problems in the registration process because it was established by the Polish security forces. The organization’s function was to assess the popularity of a separatist programme among the Silesians. Next to nobody was interested in it, which confirms the Silesians’ respect for the rule of law. They wish to win Warsaw’s recognition for themselves as a minority and for Silesian as a language *in* Poland, with full respect for Polish law, including appropriate international treaties to which Poland is a part.
11. In the 2011 census the possibility of declaring two nationalities was introduced for the first time. It may be seen as a concession to the reality of multidimensional (multi-constituent, multiple) identities people have, or as another instrument of furthering “Polonization”, if the state administration decides to classify those who declared both Polish and minority nationalities as ethnic Poles. Among the 817,000 Silesians, 362,000 declared the Silesian nationality as their only one, and 455,000 added another nationality to it, in the vast majority of cases, the Polish one. Out of the 455,000 Silesians with dual nationality, 399,000 declared the Polish nationality as the first one and the Silesian nationality as second, and 56,000 reversed this order of declarations giving the first place to the Silesian nationality (*c.f.* *Raport*, 2012: 106).

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