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How to Stop a Perpetuum Mobile?
Interdisciplinary Insights into the Ongoing Issue of the Slovene Ethnic Minority in Austria:
The Question of Bilingual Topography

I. Introduction

The tension between the German-speaking majority and the Slovenian-speaking minority in Carinthia is most impressively manifest in the dispute over bilingual place signs. This question has been an ongoing issue in Carinthia's recent history. During the first stormy period in the 1970s, Barker evaluated official policy on this question as "in short, yet another instance of reliance upon fool's luck, i.e., the nineteenth century policy of fortwursteln".1 Forty years later, nothing has changed and fortwursteln remains the official policy toward bilingual topographic signs.

The challenge now is to examine the driving forces behind this conflict, the factors that keep it alive at the beginning of the twenty-first century. This article attempts to explain those forces, using an interdisciplinary approach that combines law and history.2

The following four main topics will be discussed:

1) The first part compares developments in the 1970s with those of recent years, highlighting changes that have taken place in politics and society.

2) The second part analysis specific forms of nationalism and identity in Carinthia and their role in the minority–majority conflict. In particular, it examines the structures of conflict and the special importance played by identity resources such as topographical signs and minority legislation.

3) The third part gives an overview of relevant national and international legislation, interpretations of these norms, and outlines the mechanisms by which

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2 This approach follows a study published in February 2010. See Jürgen Pirker, Kärntner Ortstafelstreit – Der Rechtskonflikt als Identitätskonflikt [Carinthian Place-Name Sign Issue—The Law Conflict as Identity Conflict] (Nomos, Baden Baden, 2010).

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circumvention of the law and jurisprudence of the Constitutional Court, evident in the various metamorphoses of place signs during recent years, has been possible.

4) The fourth and last section deals with the different perspectives of minority and majority representative organizations, and analyses how identity, law and politics interact to become the main engines of the Carinthian conflict.

II. Historical Comparison – A Neverending Story?

As noted above, this section will briefly outline the debate over place signs since the Second World War. Beginning with negotiations over the Austrian State Treaty, the events of the 1970s will be compared to those of recent years, with a focus on the incidents surrounding the so-called ‘Ortstafelsturm’ and the jurisprudence of the Constitutional Court.

A. The Austrian State Treaty and the Minority Article

The negotiations over the Austrian State Treaty of Vienna 1955 are at the root of the Austrian minority conflict after 1945, especially the problems concerning interpretation and implementation of Article 7 of the treaty. This article resulted from Yugoslav claims to Austrian territory after the Second World War, which were gradually reduced and finally substituted by a request for minority rights for the Slovene and Croat population living in Austria. Nevertheless Yugoslav demands at the London Conference in 1947 were first phrased as “maximum claims”,3 for 2,740 square kilometers and 180,000 inhabitants.4 This was immediately rejected by the Austrian delegation, which referred to the Carinthian referendum of 1920. It determined that Southern Carinthia remained within the Republic of Austria, against the territorial claims of Yugoslavia. There was also no solution found for the question of the Austrian border.5 A reduction and substitution of these claims with a lesser request for minority rights for the Carinthian

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4 130 square kilometers including 10,000 inhabitants are claimed by Styria, while the Croats living in Burgenland demand a statute of minority rights or an exchange of people.