Confronting the Past:
European Experiences

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Introduction

This edited volume is based on the conference proceedings presented and discussed at the international conference *Confronting the Past*, held on 23 April 2009 at the European House in Zagreb. This academic conference, organized jointly by the Political Science Research Centre and the Scientific Forum, gathered researchers from Croatia, Bosnia and Herzegovina, Hungary, United Kingdom (Northern Ireland), Portugal, Latvia, Belarus, Macedonia, Austria, and Italy. The conference focused on the various experiences and practices of European states and societies in dealing with troubled pasts and often authoritarian legacies in the course of the 20th century. The idea behind the conference was to portray diverse European perspectives on processes of confrontation with recent history. The papers presented at the conference included a multitude of views and opinions, some of which may be in conflict with each other or provoke controversies in the field of memory studies. The Political Science Research Centre seeks to organize academic events with a strong multidisciplinary character, and this conference brought together political scientists, historians, ethnographers, lawyers, sociologists, and psychologists to discuss the challenges of confronting the past. It was divided in two panels which explored the various facets of collective remembrance and the politicization of historical narratives. The first panel, titled *Politics of the Past*, dealt with various political processes and practices of con-

frontation with the legacy of wars, war crimes, mass crimes and authoritarian and totalitarian regimes. The second panel, named *Culture of Memory*, focused on the modes and manners of remembrance and commemoration of victims of war crimes and crimes and injustices committed by authoritarian and totalitarian regimes.

Due to unforeseen circumstances caused by the global economic crisis which took its toll on the Croatian scientific community and the Political Science Research Centre, the preparation of this edited volume took somewhat longer than initially planned. The editing and reviewing of the papers submitted to this volume, which comprise expanded and revised versions of the papers originally presented at the conference in 2009, resulted in the final selection of those papers which conformed to standards of academic writing and methodology. Also, while trying to retain the diversity of views and topics, as well as country coverage, we selected those papers which could be grouped in a coherent list of research themes. Of the twenty-three papers presented at the conference, seventeen were included in this edited volume.

This book is organized into two sections, bearing the same titles as the two conference panels – *Politics of the Past* and *Culture of Memory*.

The first part opens with an introductory chapter by Anđelko Milardović, director of the Political Science Research Centre (Zagreb, Croatia) and scientific advisor at the Institute for Migration and Ethnic Studies (Zagreb, Croatia). Milardović gives a concise overview of the practice of dealing with the past in contemporary Europe from the perspective of political science. He puts specific emphasis on the German experience and the politics of the past (*Vergangenheitspolitik*) practiced in that country. Also, Milardović draws a clear distinction between an academic approach to dealing with the past (through the use of scientific methodology) and a political, or ideological, framework in which the past is constructed, contested, reinterpreted, and negotiated.

In the second chapter Maja Sahadžić from the Faculty of Law of the University of Zenica (Bosnia and Herzegovina) discusses interna-

tional institutional and legal mechanisms in dealing with the past. She analyzes the work of institutions such as the International Military Tribunal for the Far East, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Criminal Court, the Special Court for Sierra Leone, the Extraordinary Chambers of Cambodia, the East Timor Special Panels for Serious Crimes, the Special Tribunal for Lebanon, and the Iraqi High Tribunal. Sahadžić explores the challenges facing these institutions in their efforts to rebuild post-conflict societies.

Csilla Banga, Zsolt Péter Szabó and János László from the Department of Psychology at the Faculty of Humanities of the University of Pécs (Hungary) examine linguistic integroup bias, infrahumanization, and agency in the context of Central and Eastern European inter-ethnic historical conflicts in the third chapter. This empirical study included the following cases: Romania, Slovakia, Serbia, Russia, Croatia, Poland, and Lithuania.

The fourth chapter, written by Colm Campbell from the Transitional Justice Institute at the University of Ulster (Northern Ireland, United Kingdom), deals with truth commissions in Northern Ireland and their role in the efforts at achieving transitional justice in that part of Europe. In his analysis, Campbell considers the numerous political, social and legal issues involved with the work of truth commissions in Ulster.

Csilla Kiss from ISES at the University of Western Hungary in Szombathely addresses transitional justice in post-communist Central and Eastern Europe in chapter five, with a special emphasis on the concept of lustration. Kiss explores the differences between post-conflict justice in Hungary, Poland, Czech Republic and Slovakia after World War II (communist transitional justice) and after the fall of the Berlin Wall (democratic transitional justice). In her comparison of these two historic processes, Kiss concludes that they share many similarities.

The sixth chapter, authored by Albert Bing from the Croatian Institute for History in Zagreb, deals with the role history played in the political culture and governing style of the new post-communist po-

litical elite in Croatia, personified by first president Franjo Tuđman, a historian and ex-communist dissident. According to Bing, Tuđman's politics of the past included both a willingful break away from Tito's Yugoslavia as well as a continuance of Tito's politicization of history.

In the seventh chapter Ljiljana Radonić, from the Institute for Political Science at the University of Vienna (Austria) analyzes the changing nature of Croatia's post-communist presidents' and prime ministers' attitudes towards the past, especially in terms of remembrance of the Ustasha crimes and post-war crimes committed by Tito's Partisans. Radonić argues that in the last couple of years Croatia has moved closer to European standards of Holocaust remembrance and further discusses this aspect in light of the new exhibition at the Jasenovac Concentration Camp Memorial.

The following chapter, written by Davor Pauković (University of Dubrovnik, Political Science Research Centre), deals with the role contemporary history played in the transition period in Croatia. Pauković analyzes the election manifestos and programs of the emerging political parties which took part at the first multiparty elections in the spring of 1990 and portrays the key historic themes and topics which formed the integral part of self-legitimization discourses of major political parties in Croatia at the beginning of the democratic period.

The second part (*Culture of Memory*) opens with a chapter on the role of lawyers in remembering the Shoah in Hungary, written by Andrea Pető from the Central European University (Budapest). Pető examines the changes the social composition of the Hungarian Bar Association went through as a result of regime and discourse change after 1945 and 1989 and links transitional justice and legal practice with patterns and modes of remembrance.

In chapter ten, Šejla Haračić from the Faculty of Law at the University of Zenica (Bosnia and Herzegovina) deals with the concept of memoricide as a specific act of destruction of cultural, religious and ethnic artifacts and places of memory in order to eradicate remembrance of past events and identities. In her chapter, Haračić examines the possibilities of targeted legal punishment the acts of memoricide.

Thomas G. Fraser from the University of Ulster (Northern Ireland, United Kingdom), analyzes the peace process in Northern Ireland from the perspective of efforts at overcoming a legacy of divided (Protestant and Catholic) history in the eleventh chapter. Fraser focuses on the commemoration of victims and explores the relation between modes of remembrance and the perspectives and challenges of the peace process in the province.

Vanni D'Alessio's chapter discusses the ways Italians in Italy remember the former Italian eastern border (towards present-day Slovenia and Croatia). D'Alessio, from the Department of History at the University of Rijeka (Croatia), deals with dynamics of remembrance in Trieste and the role the memory of *foibe* (karst pits in which war crime victims were thrown) and the *esodo* (the exodus of ethnic Italians from Slovenia and Croatia after World War II) plays in contemporary Italy.

Chapter thirteen, written by Nevenka Škrbić-Alempijević from the Department of Ethnology and Cultural Anthropology at the University of Zagreb, deals with the memory of Kumrovec, the birthplace of Josip Broz Tito and the location of a once important communist political school. Škrbić-Alempijević discusses the various tactics of remembering and forgetting this village laden with political meaning and identity.

In chapter fourteen, Vjeran Pavlaković from the Department of Cultural Studies at the University of Rijeka (Croatia) deals with the Meštrović Pavilion in Zagreb's city center as a contested place of memory. Pavlaković portrays the different layers of political and historic identity and function which the Pavilion has gone through in the course of the twentieth century. The story of the Pavilion also serves as an example of challenges in confronting the past met by post-communist Croatia, especially in terms of the attitudes expressed towards World War II by the new political and social elite.

In the fifteenth chapter Višeslav Raos from the Political Science Research Centre (Zagreb) deals with modes of remembrance related to more recent history, namely the Croatian Homeland War. Raos

portrays the story of the Wall of Pain, an impromptu memorial built during the war by soldiers' mothers and wives and contrasts it with the new, official memorial built at Zagreb central cemetery after the relocation (destruction) of the original Wall.

Chapter sixteen, written by Patricia Chiantera-Stutte from the Faculty of Political Sciences at the University of Bari (Italy), discusses Italian historiography and the production and reproduction of official historic memory in Italy in relation to Italian Fascism. Chiantera-Stutte argues that historiography successfully fought against the public political notion of Fascism as a "lesser evil" than National Socialism.

In the final, seventeenth chapter, Aliaksei Lastouski from the Institute of Sociology at the National Academy of Sciences of Belarus (Minsk) examines the key historic events of the twentieth century in the Soviet Union and Belarus and shows how different interpretations of contemporary history have shaped discourses on Belarusian national identity after the collapse of the Soviet regime in 1991.

As already stated, this edited volume represents a collection of diverse texts and European experiences in confronting and overcoming the past. We must stress that some views, interpretations in particular chapters are provocative and address ongoing controversies in the field. Therefore we want to emphasize that all the views and interpretations laid out in the chapters were made exclusively by the respective authors themselves and may not necessarily represent the opinions of the editors. The sensitive nature of the topics covered in this volume will presumably open up debates and discussion which could, eventually, give a further contribution to the understanding of this research issue.

I.

Politics of the Past

Anđelko Milardović

Three Aspects of Dealing with the Past European experiences: A political science approach

This chapter addresses the phenomenon of dealing with the past in contemporary Europe from a political science perspective and the analytical approaches common in this discipline. It divides the process of dealing with the past into three general categories. The first category or aspect includes politics towards the past or politics of the past (*Vergangenheitspolitik*) with an emphasis on the German experience after the Second World War and National Socialism. The second category implies transitional justice, as derived from the example of East Germany (GDR) and the processes of lustration in countries such as Poland and Albania. The third aspect includes the politics of culture and the culture of remembrance. Finally, an analysis of the Croatian example is given, accompanied with cross-references to Germany and the "historians' quarrel" (*Historikerstreit*).

Key words: dealing with the past, politics of the past, *Historikerstreit*, transitional justice, lustration, culture of remembrance

1. Dealing with the past

1. 1. Concept

The twentieth century was marked by totalitarian forms of government with mass violations of human rights. These regimes - Fascist, National Socialist (NS), Stalinist, and their ideological brethren across Europe - persecuted, imprisoned, and killed their adversaries or political opponents and, through the system of death camps, carried out mass liquidations without court proceedings. These regimes caused massive suffering. The attitude towards such regimes was described with different concepts, one of which is "dealing with the past" (*Vergangenheitsbewältigung*).

In Germany, the term is used as a technical term for the legal, political and moral relation toward the NS and *Stasi* regime and for the divergence from the NS past. The term was renewed in 1989 after the collapse of the German Democratic Republic (GDR) and its left-wing totalitarian dictatorship. As a concept of demarcation, critique, and the legal-political purification from the crimes of the Fascist and Communist regimes, it started to be used during the 1990s in the countries of Central, Eastern, and South Eastern Europe, including Croatia.

The author of the concept is German historian Hermann Heimpel. "Overcoming of the past" and "the processing of history" (*Geschichtsaufarbeitung*) have been used as alternative terms. In 1958, Theodor Adorno used the term "processing the past" (*Aufarbeitung der Vergangenheit*). The English language also uses the term "processing of history." The aim here is to show the concrete meaning of dealing with the past.

1. 2. What does dealing with the past imply?

Dealing with the past implies:
- The scientific, as opposed to ideological, dealing with the brutal-

ity of fascist and communist regimes in twentieth century Europe;
- Denazification after 1945;
- "Decommunization" after 1990 and in the present;
- Measures of founding the scientific truth about the past of European societies;
- The establishment of transitional justice;
- The punishment of crimes without regard to their ideological mark;
- The prosecution and punishment of the guilty;
- The recognition of victims;
- The establishment of social peace.

1. 3. Three Aspects of Dealing with the Past

There are three relevant aspects of dealing with the past:

The first aspect of this concept is politics toward the past *(Vergangenheitspolitik)*.

If we take the example of the Federal Republic of Germany, this aspect includes:
- The set of measures related to the process of denazification and the application of legal proceedings against the former members of the Nazi totalitarian regime (i.e., the purification of elites);
- The constitutional and legal demarcation from the Nazi regime;
- The introduction of political pluralism and parliamentary democracy;
- The punishment of participants in the Nazi regime;
- The prohibition of neo-Nazi parties and "a shift away from the Nazi world view."

Since the 1990s the term has been used for international research of politics of processing the past of the states with dictatorial regimes and massive human rights violations. One of the representatives of this aspect is Norbert Frei.

The second aspect of dealing with the past is transitional justice.

Transitional justice involves legal, political, and moral questions of the past. Its important issue is the attitude toward the actors of totalitarian fascist and communist regimes, which have massively violated human rights by torturing, killing without trial, persecuting adversaries, and imprisoning opponents of the regime. This raises the question of responsibility, as well as of lustration, which was implemented in Germany through denazification as well as "decommunization" after 1989 in the GDR.

Lustration was implemented extensively in Poland, while in Albania and in some countries of the former Yugoslavia laws on lustration were adopted but not enforced. In Croatia there was an attempt to adopt a law on lustration, but the bill was rejected.

Transitional justice is a component of the theory of democratic transition. Transitologists have placed this issue as part of the democratic story. The question was whether to carry out lustration against the mass violators of human rights by the communist regimes' nomenclature. If implemented, in order to establish justice and to compensate damages to the victims of violence of totalitarian regimes, it must be enforced by law. If enforced outside the law, it would cause further injustice.

The third aspect of dealing with the past is the politics and culture of memory.

The politics of memory implies a distancing from the past and from the crimes of totalitarian regimes in Europe during the twentieth century. It contains the educational dimension of remembering the victims of these regimes. The culture of memory implies building museums and monuments and annotating days for remembering the victims of totalitarian regimes.

2. *Approaches to the research of the past in the context of the issue of dealing with the past*

2. 1. Scientific approach

The scientific approach involves the application of scientific methodology, the analysis of documents, the rational interpretation and objective portrayal of the past, and the avoidance of manipulation and bias.

2. 2. Ideological approach

The ideological approach implies particular non-scientific interpretations of history that serve the interests of certain social groups. It deepens the conflicts within societies. There is the notion in the literature of the "politics of history" (*Geschichtspolitik*). In Croatia there are polarized groups interpreting the past from various ideological positions. One seeks to rehabilitate Ante Pavelić, the Ustasha movement, and the Independent State of Croatia (NDH), while the other involves a "Yugonostalgic," or "Titostalgic," discourse. Here, we should specify the characteristics of the ideological discourse in dealing with the past. These characteristics include:

- The manipulation of history;
- Mythologization;
- The embellishment of the past;
- The embellishment of totalitarianism, or the attribution of better characteristics to the left compared to the right and vice versa;
- The apology of particular totalitarianism;
- The glorification of totalitarian regimes;
- Nostalgia;
- Left-wing revisionism;
- Right-wing revisionism.

3. Some European experiences in dealing with the past

3. 1. Germany

Germany has implemented the policy of denazification (1945) and "decommunization" (after 1989) and is considered to be a society where dealing with the past has taken its most complete and radical form. Important actors in dealing with the past were humanistic and social intellectuals like Karl Jaspers, Hannah Arendt, Thomas Mann, Günther Grass, Jürgen Habermas, and others. This issue has been especially important in philosophy, mainly because of Martin Heidegger's allegiance to the NS regime, which caused controversy that lasts to this day. An important critic and author who contributed to dealing with the past was Karl Jaspers, author of the book *The Question of German Guilt*. The book was published in 1946 and is considered to be a significant contribution to the issue of dealing with the past. In 1958, Theodor Adorno introduced the issue of dealing with the past into philosophy in the text "Was bedeutet die Aufbearbeitung der Vergangenheit?." Adorno speaks about the NS past, the collective guilt of Germans, and how the "attitude towards the past is full of neurosis, affects, and the complexes of past," as well as offering a critique of Heidegger.

In Germany, there is a record of discussion among intellectuals under the title "*Der Historikerstreit*" ("historians' quarrel"). The discussion was opened in 1986 and 1987, and indicates "a debate about the political and moral significance of mass killings in the NS regime," that is, about the Holocaust.

The fundamental issues of the *Historikerstreit* include:

- Nazi crimes in Germany;
- Stalin's crimes in Russia;
- The discussion of the "*Sonderweg*," which leads to Nazism;
- The discussion of the Holocaust, which, according to Nolte, was a

"defensive reaction to Soviet crimes," in other words, a "reaction to the Russian revolution;"

- Nazi reactions to the Stalinist regime.

Participants to the discussion were philosophers, historians, and sociologists, who can be broadly divided into two camps. The "leftist" camp consisted of Jürgen Habermas (the leader), Hans-Ulrich Wehler, Jürgen Kocka, Hans Mommsen, Martin Broszat, Heinrich August Winkler, Eberhard Jäckel, and Wolfgang J. Mommsen. In the camp of those from the "right" were Ernst Nolte (the leader), Joachim Fest, Andreas Hillgruber, Klaus Hildebrand, Rainer Zitelmann, Hagen Schulze, and Michael Stürmer. The debate about German society's dealing with its past is ongoing and is present at the philosophical, scientific, ideological, and even literary level (including authors such as Thomas Mann and Günther Grass).

3. 2. Experiences of other European countries

Countries in which fascism and Nazism left traces implemented denazification and defascisation, in fact, a lustration of the political elite and leaders of the quisling regimes. In some instances, it was conducted according to the law in terms of removal of the old elites from public service. In other instances, it was violent confrontation with the "class enemy." It seems that Germany, Austria, and France went through the first type of lustration – a purification of the elites. Communist and Stalinist regimes present in Eastern and South Eastern Europe and the USSR, including Tito's Yugoslavia (including Croatia), used violent methods of confrontation with the "class enemy." Torture, imprisonment, killing, imposed emigration, mass graves, and staged trials were part of the practice of such totalitarian regimes.

The question of lustration or transitional justice was opened in Eastern and South Eastern Europe after 1989. Poland had the firmest position on this issue, whereas Serbia and Albania adopted laws on

lustration, but failed to implement them. In Croatia, no such law was passed since the country's parliament rejected the draft law on lustration. Controversy about the past is present in all of the countries of the former Yugoslavia, and can be found in everyday politics as well as popular culture and Internet forums. Until today, Croatia has not seriously faced all aspects of the traumatic twentieth century, especially the period of the NDH and of Tito's Yugoslavia. It still has to tackle the difficult issues related to the dictatorial, totalitarian, and authoritarian regimes in the twentieth century. Furthermore, this process should be based on a scientific, and not ideological, approach.

4. Conclusion

The aim of this volume, based on the international scientific conference "Coming to Terms with the Past," is to strengthen the scientific approach towards dealing with the past of European societies. The ideological approach in dealing with the past causes further burdens for European societies and leads to the instrumentalization of the past for political purposes. In Croatia, this can be seen in segments of the academic community, politics, the media, the Catholic Church, and civil society.

The purpose of dealing with the past is to reinforce the scientific investigation of the past, the establishment of transitional justice, the punishment of crimes regardless of their ideological nature, the condemnation and prosecution of the guilty, and the recognition of victims. This is the minimum effort required to make the past history and to turn to the future.

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Maja Sahadžić

International legal and institutional mechanisms and instruments that influence the creation of the past

Over the past few decades, the international community witnessed unspeakable atrocities committed across the world. As a response, international legal and institutional mechanisms and instruments (International Military Tribunal for the Far East, ICTY, International Criminal Tribunal for Rwanda, International Criminal Court, Special Court for Sierra Leone, Extraordinary Chambers of Cambodia, East Timor Special Panels for Serious Crimes, Special Tribunal for Lebanon, Iraqi High Tribunal, and other hybrid courts and internationalized domestic courts and tribunals) were created. These mechanisms are substantially different from national mechanisms in a sense that international mechanisms are based on international law and possess no political constraining and are not based on specific ethnic, national, religious, or other prejudices concerning litigation parties. The question is how these mechanisms influence the processes of retribution and restoration of consent and accordance of past events in creating a pursuant sense of historical truth in post-conflict and transitional societies. International justice legal and institutional mechanisms can be represented as mediating and reconciliation instruments that are impar-

tial, just, and internationally recognized. But, to be able to create substantive conceptions of past, all "conflicted" sides need to monitor the processes of these mechanisms, examine their impact, and create space for the deduction of history. This chapter strives to emphasize the issue of the ability and likelihood of mechanisms and instruments founded and mentioned above to officiate for the purpose of creating and adopting conceptions of the past in post-conflict and transitional societies where the conscience of individuals and groups inclines toward vulnerability, frustration, inferiorness, and aggressiveness in accepting national history and national glory.

Key words: crime, past, history, post-conflict society, tribunal, court, international judicial proceedings

In matters of truth and justice,
There is no difference between large and small problems,
For issues concerning the treatment of people are all the same.
Albert Einstein

Introduction

How do societies emerging from war come to terms with their recent violent past? How can people and communities, deeply divided and traumatized, regain trust in fellow citizens and state institutions, achieve a sense of security and economic stability, and rebuild a moral system and a shared future? Apparently, this is a complex and long-term process, which ultimately has to involve all layers and structures of a society. Nevertheless, many experiences in the past decades suggest that truth-seeking mechanisms and public recognition of responsibility, as well as reestablishing justice through various means, are important elements of this process. They, amongst others, assist societies to constructively deal with their violent past, (re)establish accountable and democratic institutions, and achieve reconciliation (Zupan, 2004: 327).

It is true that thorough and utter truth and justice cannot exist in conflicted societies. But, what can be done is to foster convergence towards truth and justice approaches among all parties in the recent conflict. Raising issues of the past and addressing the past in post-conflict societies produces the most oppressing condition between former parties in the conflict. This dialogue becomes an uncommonly difficult mission when there is a lack of trust and confidence between different groups with different ethnic, religious, political, and other backgrounds, and is especially challenging when there is no functional or effective judicial system.

Mechanisms and instruments that can be used in dealing with the past include "the prosecution of war criminals before national and international courts, reform of state institutions, especially the security sector and the justice system, reparation for victims, lustration, proposals for truth commissions, fact-finding and documentation, education reform, and various healing processes, including trauma, work to strengthen individual capacities to cope with past violence" (Fischer, 2007: 22).

   Among scholars, there are distinctive opinions on the most ef-
ficient and productive means and resources to deal with the past in
a post-conflict society. "These approaches or mechanisms are: a)
prosecution of war criminals before both national and international
courts; b) reform of state institutions, especially reform of the secu-
rity sector and the justice system; c) victim's reparation; d) lustration;
e) truth commissions; f) fact-finding and documentation; g) formal
and non-formal education; and h) various healing processes, some-
times applying already existing, community-based reconciliation or
reintegration mechanisms" (Zupan, 2004: 327-328). Alberto Costi
enumerates four mechanisms used by states in facing the past. Ac-
cording to him, the first is criminal prosecutions (whether domestic,
international or mixed). The second mechanism is the truth seeking
mechanism (truth commissions), the third approach is reparation (of
past harms and restoring lost rights), and the fourth mechanism is the
reform of institutions which abetted the collapse of the rule of law
and the accompanying rise in human rights violations (judicial system,
the police force, military) (Costi, 2006: 217). Mechanisms for dealing
with the past can be divided into the legal/judicial approach and the
non-legal/non-judicial approach. But, since diverse concepts of atroci-
ties exist, it could be favorable to analyze those international tribunals
that are specifically related to dealing with the past in post-conflict
societies. Judicial approaches that deal with the past are applied in
different legal scenarios and with different features, but most of them
are characterized by being retributive and, in most of the cases, adver-
sarial (Vicente, 2003: 10-11). International justice mechanisms and
instruments usually refer to problems of justice but also truth, trust,
and the adoption of consensual historical facts that are the basis for a
mutual dealing with the past. Generally they can be classified as: (1)
military tribunals; (2) *ad hoc* tribunals; (3) special courts created on
the basis of agreement; (4) the International Criminal Court and the
International Court of Justice; and (5) national courts that maintain
procedure against perpetrators in their own national judicial system as
well as national courts that maintain procedure in compliance with the

principle of universal jurisdiction. For the purpose of this chapter the first three mechanisms will be discussed.

2. International legal and institutional mechanisms and instruments

After nearly fifty years after Nuremberg, international criminal tribunals have returned to the world stage with a vengeance. The Security Council created the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda (ICTR) in 1994. Hybrid domestic-international tribunals have been established in Sierra Leone (2000), East Timor (2000), Kosovo (2000), Cambodia (2003), Bosnia-Herzegovina (2005), and Lebanon (2007). Furthermore, the international community's goal of a permanent tribunal was finally realized in 2002, when the Rome Statute of the International Criminal Court (ICC) entered into force (Costi, 2005: 975).

At the end of the First World War, the Allied powers established a commission which concluded that defeated parties violated rules and laws of war and that high officials should be prosecuted for those violations on the basis of command responsibility. This commission also recommended the establishment of an Allied High Tribunal that was intended to try violations of the laws of war. Even earlier, suggestions and propositions for creating international criminal tribunals existed; the first that was established was the Nuremberg International Military Tribunal, followed by the Tokyo Tribunal. A very important document for the creation of the Nuremberg International Military Tribunal[1] is the 1943 Moscow Declaration, "that was brought during the Second World War after the Moscow Conference (19-30 October 1943), by

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[1] It should be noted that the *Nuremberg International Military Tribunal* was actually a set of different tribunals that were operating in different locations. The Nuremberg Trials in this manner were a number of different trials held in the Palace of Justice in Nuremberg, Germany. The first trial was the Trial of the major war criminals that started on 20 November 1945. This was also one of the earliest war crimes trials. The other war crimes trials referred to low-level officers and officials that were tried by different military courts in the US, British, Soviet, and French occupation zones.

which representatives of the states that were fighting against Nazi Germany agreed to try war criminals after the war. By the London Agreement of 8 August 1945, the four great allied powers determined to set up an International Military Tribunal for trial of war criminals, and as a part of this agreement, the statute of this tribunal was adopted" (Stojanović, 2008: 159). Each of the Allied Powers (the United States of America, the United Kingdom, the Soviet Union, and France) appointed a judge and a prosecution team.

> The Nuremberg International Military Tribunal "affirmed in ringing and lasting terms that 'international law imposes duties and liabilities upon individuals as well as upon states' as 'crimes against international law are committed by men, not by abstract entities, and only punishing individuals who commit such crimes can the provisions of international law be enforced.' Included in the relevant category for which individual responsibility was posited were crimes against peace, war crimes,[2] and crimes against humanity" (Shaw, 2008: 400).

The International Military Tribunal for the Far East was established by the Charter of the International Military Tribunal for the Far East, proclaimed by General Douglas McArthur on 19 January 1946 and was foreseen to deal with Japanese war crimes. "This Tribunal was composed of judges from eleven states[3] and it essentially reaffirmed the Nuremberg Tribunal's legal findings as to, for example, the criminality of aggressive war and the rejection of the absolute defense of superior orders" (Shaw, 2008: 400). There was no significant difference between those two tribunals. The most important issues were "that persons are individually responsible for international crimes;[4]

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2   The term "war crimes" is related to serious violations of the rules of international customary and treaty law concerning international humanitarian law.

3   The United States, the United Kingdom, the Soviet Union, Australia, Canada, China, France, India, the Netherlands, New Zealand, and the Philippines.

4   The term "international crime" relates to an internationally wrongful act which occurs when

aggressive war is a crime against peace; a head of state and other senior officials can be personally responsible for crimes even if they did not actually carry them out; and the plea of superior orders is not a defense. These principles are now part of customary international law even though their precise scope is still not clear" (Aust, 2005: 274).[5] Since the end of the 1990s, the international community has increasingly relied on hybrid or mixed tribunals to prosecute international crimes in the aftermath of armed conflict. Hybrid tribunals rely on national laws, judges and prosecutors, contributing to the capacity-building of the local judiciary and the legal system, while also including international standards, personnel, resources, experience and technical knowledge, conferring legitimacy upon them. At the same time, hybrid tribunals pose real problems in their attempt to incorporate different types of law, different levels of expertise, and different models of management and funding. The emergence of hybrid tribunals in East Timor, Kosovo, Sierra Leone, and Cambodia, in addition to recent moves in Bosnia-Herzegovina and Burundi, are indicative that hybrid tribunals will be central to the development of international criminal law in the coming decades (Costi, 2006: 213).

> The Yugoslav experience and the Rwanda massacres of 1994 led to the establishment of two specific war crimes tribunals by the use of authority of the UN Security Council to adopt decisions binding upon all member states of the organization under Chapter VII of the Charter, rather than by an international conference as was to be the case with the International Criminal Court. This method was used in order both to enable the tribunal in question to come into operation as quickly as possible and to ensure that the parties most closely associated with

a state breaches an international obligation that is vital for the protection of basic interests of the international community that its breach was recognized as a crime by that community as a whole constitutes an international crime. All other internationally wrongful acts relate to the term "international delicts."

5   See also Ball, 1999.

the subject of the alleged war crimes should be bound in a manner not dependent upon their consent (as would be necessary in the case of a court established by international agreement) (Shaw, 2008: 403).

The first international tribunal giving effect of the Article VI,[6] the ICTY, was established in May 1993, with a mandate that was severely restricted in both time and space. Following the genocide in Rwanda in 1994, a second, similar body was created (Schabas, 2000: 368). Acting under Chapter VII of the Charter of the United Nations, the Security Council established the ICTY[7] with Resolutions 808 (1993) and 827 (1993).[8]

6   Refers to Article IV of the UN Convention on the Prevention and Punishment of the Crime of Genocide, adopted 1948 and ratified 1951. "One of the first conventions drafted after the war to protect minority rights was the Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948. Of particular significance was article 2 of the convention, which extended protection to either a minority or majority national, ethnic, racial and religious group" (Ishay, 2004: 242). Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) stipulated that the enjoyment of rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, religion, political or other opinion, national or social origin, association with national minority, property, birth, or other status" (Ishay, 2004: 242). Similar wording can be found in the International Covenant on Civil and Political Rights (Article 27) and the Helsinki Accords (1975; § 4 of Principle 7) (Ishay, 1997: 432).

7   About this, see Moriss and Scharf, 1995; Schabas, 2005; Ball, 1999; Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia Since 1991, UN Doc. S/25704, Annex, reprinted in 32 I.L.M. 1159, 1192 (1993), adopted pursuant to S.C. Res. 827, U.N. SCOR, 48th Sess., 3217th mtg., at 1-2, UN Doc. S/RES/827 (1993), reprinted in 32 LL.M. 1203 (1993), the Statute has been subsequently amended, see Security Council resolutions 1166 (1998), 1329 (2000), 1411 (2002), 1431 (2002), 1481 (2003), 1597 (2005) and 1660 (2006), as well as the Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, (A/57/379-S/2002/985 2002).

8   Shaw states that in "Security Council resolutions 764 (1992), 771 (1992) and 820 (1993) grave concern was expressed with regard to breaches of international humanitarian law and the responsibilities of the parties were reaffirmed. In particular, individual responsibility for the commission of grave breaches of the 1949 Conventions was emphasized. Under resolution 780 (1992), the Security Council established an impartial Commission of Experts to examine and analyze information concerning evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed on the territory of the former Yugoslavia. The Commission produced a report in early 1993 in which it concluded that grave breaches and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia, including willful killing, 'ethnic

Located at The Hague, in the Netherlands, it has criminal jurisdiction over individuals accused of committing in the former Yugoslavia since 1 January 1991 grave breaches of the Geneva Conventions 1949, war crimes, genocide, or crimes against humanity, and has ruled that it has jurisdiction over crimes committed during an internal conflict and listed in common Article 3 of the Geneva Conventions (Aust, 2005: 274).

The ICTY aims towards the prosecution and trial of relevant (high-ranked) officials while those lower ranked are routed and concentrated to national courts. A similar court, the International Criminal Tribunal for Rwanda (ICTR),[9] was established in 1994.

Following events in Rwanda during 1994 and the mass slaughter that took place, the Security Council decided in resolution 955 (1994) to establish an ICTR, with the power to prosecute persons responsible for serious violations of international humanitarian law. The Statute of this Tribunal was annexed to the body of the Security Council resolution and bears many similarities to the Statute of the Yugoslav Tribunal (Shaw, 2008: 407).

Located in Arusha, Tanzania, and with premises in Kigali, Rwanda, it has criminal jurisdiction over geno-

cleansing', mass killings, torture, rape, pillage and destruction of civilian property, the destruction of cultural and religious property, and arbitrary arrests" (Shaw, 2008: 403).

9 See also Moriss and Scharf, 1998; Schabas, 2005; Ball, 1999; Statute of the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States between 1 January 1994 and 31 December 1994, adopted pursuant to SC Res. 955, UN SCOR., 49th Sess., 3453rd mtg., UN Doc. S/RES/955, Annex (1994), reprinted in 33 I.L.M. 1598, 1602 (1994); Seventh Annual Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States between 1 January and 31 December 1994 (A/57/163-S/2002/733, 2002).

cide, crimes against humanity, and serious violations of common Article 3 to the Geneva Conventions, and of Additional Protocol 1977 on non-international armed conflicts, committed in 1994 by individuals in Rwanda and by Rwandan citizens in neighboring states. Its powers, composition and procedure are otherwise closely modeled on those of the ICTY (Aust, 2005: 276).

As in the case with ICTY, the ICTR also has concurrent jurisdiction with national courts[10] and has adopted Rule 11 *bis* of the Rules of Procedure that permits admission and transfer of cases to national courts.[11]

The Special Court for Sierra Leone[12] "was established, following a particularly violent civil war, by virtue of an agreement between the UN and Sierra Leone dated 16 January, 2002, pursuant to Security Council resolution 1315 (2000), in order to prosecute persons bearing 'the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996' on the basis of individual criminal responsibility" (Shaw, 2008: 418). Even it was established by a treaty between Sierra Leone and the UN "although that does not make it a UN body. The Court, located in Freetown, Sierra Leone, began trials in 2004" (Aust, 2005: 276). It is also worth noting that the Special Court for Sierra Leone operated simultaneously alongside a truth and reconciliation commission. The Court has jurisdiction[13] over

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10 At any stage during procedure, both Tribunals can make a formal requirement toward national courts to adjourn their competences.

11 This has been introduced by Security Council resolutions 1503 (2003) and 1534 (2004).

12 Agreement contained in S/2002/246; the Statute of the Special Court contained in S/2002/246; see Security Council resolution 1436 (2002) affirming 'strong support' for the Court.

13 Shaw introduces Article 8 of the Statute which provides that the Special Court and the national courts of Sierra Leone have concurrent jurisdiction, but that the Special Court has primacy over the national courts and that at any stage of the procedure it may formally request a national court to defer to its competence (Shaw, 2008: 420). One notable innovation of the Court is its personal jurisdiction over juvenile offenders who, at the time of the alleged commission of the crime, were aged 15 to 18. See Article 7 of the Statute of the Special Court,

individuals bearing "the greatest responsibility" for crimes committed during that conflict, while the Commission investigates and establishes a historical record of the conflict and promotes reconciliation (Tolbert and Solomon, 2006: 38). This jurisdiction is related to "crimes against humanity; violations of Article 3 common to the Geneva Conventions and of Additional Protocol II; other serious violations of international law, international humanitarian law and certain crimes under Sierra Leonean law" (Shaw, 2008: 419-420). "The Special Court for Sierra Leone, for example, has jurisdiction over certain crimes recognized in the national criminal law of the country, such as sexual relations with a minor and arson" (Armstrong, 2009: 276).

The Extraordinary Chambers of Cambodia[14] arose after Khmer Rouge regime took over authority in Cambodia in 1975 and followed by civil war and large scale atrocities committed. In 1997 the Cambodian government inquired the UN to help in setting up a trial process against high-ranked leaders of the Khmer Rouge. "However, unlike the Special Court for Sierra Leone and the International Criminal Court, the Extraordinary Chambers are not established by the UN Agreement, but by domestic law. The Agreement only provides for the terms of the assistance and cooperation of the United Nations in the operation of the tribunal" (Williams, 2005: 457).

In 2001, the Cambodian National Assembly passed a law to create a court to try serious crimes committed dur-

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regarding "Jurisdiction over persons of 15 years of age." This point was highly controversial at the time of the negotiations and, due to the pressure from different human rights organizations, measures of rehabilitation and other judicial guarantees were contemplated (Vicente, 2003:11).

14 Agreement between the UN and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea (13 May, 2003), approved by UN General Assembly Resolution A/57/228B (2003). See also the Final Act of the Paris Conference on Cambodia; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; and the Declaration on the Rehabilitation and Reconstruction of Cambodia (collectively referred to as the Paris Agreements).

ing the Khmer Rouge regime. On 13 May 2003, after a
long period of negotiation, the UN General Assembly ap-
proved a Draft Agreement[15] between the UN and Cambo-
dia providing for Extraordinary Chambers in the courts
of Cambodia, with the aim of bringing to trial senior
leaders of Democratic Kampuchea and those who were
most responsible for the crimes and serious violations
of Cambodian penal law, international humanitarian law
and custom, and international conventions recognized by
Cambodia, that were committed during the period from
17 April 1975 to 6 January 1979. The Agreement was
ratified by Cambodia on 19 October 2004 (Shaw, 2008:
421).

The jurisdiction of the Extraordinary Chambers covers the crime of
genocide as defined in the Genocide Convention (1948) crimes against
humanity as defined in the Rome Statute of the International Criminal
Court (1998), and grave breaches of the Geneva Conventions (1949)
and such other crimes as are defined in Chapter II of the Cambodian
Law of 2001 (Shaw, 2008: 422).

The East Timor Special Panels for Serious Crimes[16] was created
when the UN Security Council established the United Nations Transi-
tional Administration in East Timor (UNTAET) after the long Indone-
sian occupation of East Timor territory. "By Regulation No. 1 adopted
on 27 November 1999, all legislative and executive authority with re-
spect to East Timor, including the administration of the judiciary, was

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15 However, Williams states that Extraordinary Chambers are not without legal precedent;
    their status in international law is distinct from other transitional justice models. While
    the General Assembly approved the UN Agreement prior to its signature, GA Resolution
    57/225B does not form the legal basis of the Extraordinary Chambers. This distinguishes the
    Extraordinary Chambers from the ad hoc international criminal tribunals, which are estab-
    lished as necessary measures for the restoration of international peace and security pursuant
    to Security Council resolutions under Chapter VII of the UN Charter (Williams, 2005: 457).

16 Established by the Security Council under Chapter VII of the UN Charter, UN Doc. S/
    Res/1272 (1999).

vested in UNTAET and exercised by the Transitional Administrator"[17] (Shaw, 2008: 425). The UNTAET established a new judicial system that included special panels to trial for serious crimes in the District Court of Dili and the Court of Appeal.[18] Shaw enumerates those crimes that were defined as "genocide, war crimes, crimes against humanity, murder, sexual offences and torture, for which there was individual criminal responsibility (Shaw, 2008: 425).

The question of establishing the Special Tribunal for Lebanon[19] arose after the assassination of the former Prime Minister of Lebanon Rafiq Hariri in February 2005 and is related to the latest international justice instrument to be adopted by the UN Security Council, the Statute of the Special Tribunal for Lebanon. The UN Security Council established the International Independent Investigation Commission to help the Lebanese government in fact finding and fact affirming. Acting under Chapter VII of the Charter, the Council established the Special Tribunal for Lebanon by virtue of an agreement with the government of Lebanon (Shaw, 2008: 427-428). The Special Tribunal for Lebanon does not have jurisdiction[20] over international crimes and its subject matter jurisdiction is entirely drawn from Lebanese international law and has no claim to encompass international crimes (Armstrong, 2009: 276).

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17   The administrator attained competences to appoint or estrange persons that execute functions in the civil administration so as to issue legal documents (e.g. regulations and directives).

18   See more in Taylor, 1999.

19   Acting in part under Chapter VII of the UN Charter, the Security Council established the Special Tribunal for Lebanon as of 10 June 2007 by Security Council Resolution 1757(2007), UN Doc. S/RES/1757 (2007). Annexed to the Resolution was the Statute of Special Tribunal for Lebanon. See also Security Council resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005, 1644 (2005) of 15 December 2005, 1664 (2006) of 29 March 2006 and 1748 (2007) of 27 March 2007.

20   The Special Tribunal for Lebanon has jurisdiction over those who are responsible for assassination of former Prime Minister Rafiq Hariri, but also over persons responsible for offenses that took place between 1 October 2004 and 12 December 2005 in Lebanon.

Kosovo Regulation 64 panels[21] emerged after the conflict between the former Federal Republic of Yugoslavia (today Serbia) and NATO in 1999. "The Security Council adopted resolution 1244, which *inter alia* called for the establishment of an 'international civil presence' in Kosovo' (…) Following a series of disturbances in 2000, UNMIK (United Nations Interim Administration Mission in Kosovo) Regulation 2000/6 was adopted, providing for the appointment of international judges and prosecutors, and UNMIK Regulation 2000/64 was adopted, providing for UNMIK to create panels (known as Regulation 64 panels) (Shaw, 2008: 423).

On 10 December 2003, the Coalition Provisional Authority gave permission to the Governing Council of Iraq to establish the Iraqi High Tribunal[22] to try crimes committed during Saddam Hussein's reign. Shaw states that the Iraqi High Tribunal has jurisdiction over genocide, crimes against humanity, and war crimes and that the Tribunal has concurrent jurisdiction with national courts but primacy over them (Shaw, 2008: 429).[23]

In July 1998, the Diplomatic Conference of the UN adopted a Statute[24] for the International Criminal Court. This was the final step toward creating a permanent international tribunal, the first one after the Second World War processes in Nuremberg and Tokyo, which would have jurisdiction over the most severe international crimes. The

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21 For example, see UNMIK/REG/2001/9 (On a Constitutional Framework for Provisional Self-Government in Kosovo), 15 May, 2001; UNMIK/REG/1999/24 (On the Law Applicable in Kosovo); 12 December 1999, amended by UNMIK/REG/2000/59, 27 October 2000; UNMIK/REG/1999/7 (On Appointment and Removal From Offices of Judges and Prosecutors), 7 September 1999, amended by UNMIK/REG/2000/57, 6 October 2000; UNMIK/REG/2001/8 (On the Establishment of the Kosovo Judicial and Prosecutorial Council), 6 April 2001.

22 The Statute that established Iraqi High Court was later confirmed by Article 48 of the Transitional Authority Law. After a series of parliamentary procedural problems, the new Statute was promulgated as law 10 of 2005 on 18 October 2005. The tribunal was renamed in Arabic al mahkama al jana'iyya al iraqiyya al 'uliya (The Supreme Iraqi Criminal Tribunal). In English the tribunal uses title the High Iraqi Tribunal.

23 See more in Bassiouni, 2005 and Newton, 2005.

24 Rome Statute of the International Criminal Court (17 July 1998) A/CONF.183/9 (corrected by procès-verbaux of 10 November 1998; 12 July 1999; 30 November 1999; 8 May 2000; 17 January 2001 and 16 January 2002). It entered into force on 1 July 2002.

Statute of the International Criminal Court came into force on 2 July 2002.

3. International vs. national legal and institutional mechanisms and instruments

International legal and institutional mechanisms and instruments are substantially diverse from national ones in the sense that international mechanisms are based on international law and posses no political constraints and are not based on specific ethnic, national, religious, or other prejudices concerning the litigious parties. Even international and domestic legal instruments and mechanisms differ; it seems they are now closer than ever, which is related to the adoption and transformation of the international court's statutes in domestic law, and the harmonization of legal norms of domestic law related to EU accession.

There are some situations when national legal instruments and mechanisms should have precedence over international ones. There can be several rationales for that policy:

> 1) it recognizes that national courts will often be the best place to deal with international crimes, taking into account the availability of evidence and witnesses, and cost factors; 2) it recognizes that the human and financial burdens of exercising criminal justice have to be spread around; 3) it creates an incentive for states, to encourage them to develop and then apply their national criminal justice systems as a way of avoiding the exercise of jurisdiction by the ICC (International Criminal Court); and 4) in the expectation that that will happen, it might allow more states to become parties to the ICC Statute, reassured in the knowledge that they have it within their own power to determine whether or not the ICC will exercise jurisdiction (Sands, 2005: 75-76).

There are a variety of reasons for this argument, but some are that national legal instruments and mechanisms are closer to the historical, ethnic, religious, and other contexts of the trials. Nevertheless, it can be provocative and challenging to prosecute individuals for atrocities committed at a national judicial level because of a lack of political will, necessary social infrastructure, functioning justice system, adequate number of personnel, and other components.

> But, if national justice is not possible, hybrid or international tribunals are necessary because 'exposing violations of human rights, holding their perpetrators accountable, obtaining justice for their victims, as well as preserving historical records of such violations, will guide future societies and are integral to the promotion and implementation of human rights and fundamental freedoms and to the prevention of future violations'… hybrid courts represent a sincere and laudable effort to improve on past transitional justice experiences and remedy many of the major shortcomings of purely international tribunals. Some of the potential advantages of hybrid courts include the ability to foster broader public acceptance, build local capacity and disseminate international human rights norms. Collaboration with national and international legal personnel helps bring international law and norms to bear in ways that can be internalized and institutionalized. More generally, hybrid tribunals may go a long way to eliminate definitely the perception that transitional justice mechanisms reflect victors' justice. Any temptation to standardize hybrid tribunals should be resisted. Their design must reflect the unique circumstances in which they have to operate, the important challenges they face, and the distinctive aims they pursue. The hybrid model is, at least for the foreseeable future, a panacea in addressing international crimes in

post-conflict situations" (Costi, 2006: 239).

However, the response of the national judicial system was a consequence of the new [Bosnian-Herzegovinian] government's will to prosecute the perpetrators of mass human rights violations as a precondition for reconciliation in the country. To that aim, two objectives were essential and consecutive: the reestablishment of the justice system, and the prosecution of genocidal crimes within that system. In spite of its achievements, some problems remain with the national justice system as well, such as the delay and quality of the proceedings (which do not always follow recognized international standards), the fact "that [national] the justice system is seen as the victor's justice system, and the lack of victim's participation in the process" (Vicente, 2003: 11). Other authors partially or profoundly agree.

> Many would argue that it would be much better if those indicted were put on domestic trial, with local prosecutors and judges, here in the region [the author is referring to the Balkans]. But from the few cases processed by local courts, and from the great political pressure under which the courts work, one can get the impression that they will never be able to prosecute anyone who held a high position in the atrocity hierarchy, but only the small pawns (Franović, 2008: 31).

Costi also argues that

> despite the potential benefits of domestic trials for the State concerned, they are not often pursued in practice. Apart from reasons such as lack of capacity and fear for repercussions on a fragile peace process, an important factor is that the State lacks an ingredient essential to justice: neutrality. Neutrality comprises judicial independence from the executive and public opinion, and impar-

tiality towards the parties, both real and perceived. This neutrality is not only important during the trial process, but also as regards the decision whether and how to prosecute. By contrast, international transitional justice may provide significant neutrality. The question whether and how justice is done remains a political one, but the international element ensures that decisions will not involve only the parties to the conflict (Costi, 2006: 224).

What needs to be done on domestic/national level to be able to deal with past[25] is to emphasize the domestic/national capacity building, establish criteria to evaluate the existing judicial system, survey and analyze the level of understanding of the judicial system among the population, create a basis for protecting the interests of all parties involved in past conflicts, and the (greater) involvement of domestic courts in past atrocities trial.

4. Contextual approach to international legal and institutional mechanisms and instruments

With respect to the short review of international legal instruments and mechanism above, the following conclusion can be made: there are many post-conflict societies that have to deal with the past, and since they are different from each other, they address past (atrocities) in diverse manners and with various methods.

Addressing the past is, initially, the most pressing issue in a post-conflict society. To do so in an effective manner require that individuals who have committed serious crimes during the conflict be held accountable through a mechanism that delivers justice to victims and punishment to perpetrators (Tolbert, 2006: 33).

25   Compare to Van Zyl, 2006: 24.

Confronting and dealing with the past can be quite difficult when there is lack of confidence, trust, and faith between different (ethnic, religious, national etc.) communities, societies, or groups. The UN mandate to promote international peace and security is an extremely important issue when it comes to establishing and setting up proper and suitable international legal instruments and mechanisms that deal with atrocities in the past or/and past atrocities in the manner of facing and confronting them. Looking to the past, we can see certain efforts at international and domestic trials were undertaken to address the atrocities committed even after the Second World War. In the post-war period international tribunals in Nuremberg and Tokyo brought up layers of directions for restoring the rule of law in societies that experienced mass atrocities and were addressing the past in different manners (e.g., through court decisions, opinions). The analysis of the post-conflict period in the former Yugoslavia and Rwanda shows the importance of the ICTY and the ICTR in identifying and deducing facts about the atrocities that were committed. Some argued that trials should have taken place within the national legal systems, but many social surveys emphasize that reconciliation would be endangered since those national legal systems still lacked political will to support those trials. It is broadly stated that trials versus alleged perpetrators before these international courts are fundamental for victims, but there are almost no opinions and sentiments of how these mechanisms and instruments promote dealing with the past. On one hand, these two international tribunals seem to be slow and expensive; on the other hand, it seems that justice brought by those two tribunals is not sufficient or adequate in creating background[26] for confronting the past. Justice, along with truth, is needed. Different approaches were made in the post-conflict societies in Sierra Leone, East Timor, and even Kosovo, with mixed/hybrid[27] courts established

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[26] For example, even today, each of three constituent peoples in Bosnia-Herzegovina are consumers of their own history, which is particularly notable in the educational sector, where students at every educational level are using different history books. The Others (other Bosnian-Herzegovinian ethnicities) do not even have the right to intervene in this silent "war." See more in: Baumann and Müler, 2006.

[27] Such tribunals are hybrid because "both the institutional apparatus and the applicable law

to bring justice and to address the past. These international legal instruments and mechanisms mostly rely on domestic legal systems and laws and interfere with international legal standards. This creates a myriad of issues in the application of the law. It seems that these kind of legal instruments and mechanisms are quicker and cheaper.

Tribunals that have been established after the Second World War were looked upon as institutions that would punish perpetrators and ensure justice to victims through fair trials based on rule of law. In a certain sense they were considered as institutions that would discontinue the series of culpable behaviors that had not been punished. Today, their role is seen as establishing victor's justice[28] and not as instruments for dealing with and confronting the past. The purpose of *ad hoc* tribunals established for the former Yugoslavia and Rwanda was to support peace in those societies.

> International tribunals provide a template approach to international criminal justice that reduces the capacity of the country or region affected to accomplish the long-term goal of transitional justice in order to ensure that these atrocities do not repeat themselves. Hybrid tribunals, on the other hand, provide a flexible mechanism for responding to the individual circumstances of a given case. These tribunals are one of the most recent frameworks used to seek justice for mass atrocities. Designed primarily in response to criticisms of ad hoc tribunals, these courts combine aspects of domestic legal systems with international oversight and resources (Lipscomb, 2006: 205).

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consist of a blend of the international and the domestic. Foreign judges sit alongside domestic counterparts to try cases prosecuted and defended by teams of local lawyers working with those from other countries. The judges apply domestic law that has been reformed to accord with international standards" (Costi, 2006: 214).

28   The term "victor's justice/court" has to be avoided, for it implies to one side, arbitrary, partial, and inequitable justice/court.

It seems that mixed/hybrid courts have more immediate and direct influence on capacity building, bringing up justice so as addressing the past in divided societies with an aim of facing and confronting past events. That could be the reason why the international community mostly prefers to use those mixed/hybrid tribunals in addressing past atrocities. Hereafter, the ICC could be the future effective and efficient mechanism for the prosecution of human rights violations.

> What remains unclear is how accountability mechanisms will evolve. Despite their achievements, it is unlikely that there will be new ad hoc tribunals in the near future. Instead, the ICC and hybrid courts will likely come to play the central role in international judicial mechanisms. Because of its limited resources, the ICC will only be able to try the most serious crimes and the leaders of the highest level. Thus, other mechanisms, particularly hybrid courts of various types, will need to be established (Tolbert, 2006: 40).

Can history show a better age than our own for mankind to lay down a series of much needed precedents? Few symbols of this new era which heralds the neighborly cooperation of civilized peoples in the vindication of law and justice would be more impressive than an ICC, in which the plaintiff would be the world community (Glueck, 1943: 1089).

5. *Justice or beyond justice?*

In general, violations of international criminal law, particularly war crimes, crimes against humanity, and genocide, do not occur in isolation. Rather, they occur as part of a plan or policy to commit such crimes, often on a widespread or systematic basis. As a result, when the time comes to address these crimes through legal means, i.e., by

criminal prosecutions, whether in an international or national jurisdiction, there will be a wide pool of potential defendants with varying degrees of responsibility as well as a wide number and variety of crimes that could be tried (Group of authors, 2005: 3).

In fact, justice is rarely the goal, and that needs to be understood very clearly. The goal of a criminal justice system is to control crime, and the goal of an international criminal court is to contribute to the creation of conditions, including reconciliation of the parties in conflict, which will lead to a greater control of international crime. Justice may or may not be a part of this goal and in cases where it is not, justice is not the task of the international court (Fatić and Bulatović, 2008: 40).

> Not controversially, the goals of punishment and criminal justice as a whole appear to be ultimately rooted in prevention. This applies to national, as well as international criminal justice, and in light of prevention, through its various mechanisms, it is possible to best evaluate particular criminal justice institutions and their social value (Fatić and Bulatović, 2008: 35).

These contemplations can be applied to international legal instruments and mechanisms.

> The immediate goals of the tribunals were to maintain peace and provide justice to victims. If these are goals of international justice, then they should be the basis upon which we judge the relative success and failure of these tribunals. The difficulty of judging the success of these tribunals involves the counterfactual example of what would be the current peace-building and justice efforts in the former Yugoslavia and Rwanda without the creation of the tribunals. In other words, while the tribunals have not completely fulfilled their mandates, the ICTY and

the ICTR have provided more security and justice than the national courts could or have provided (Barria and Roper, 2005: 357).

Author Nils Christie argues "for the restrictive use of punishment and an emphasis on the need of creating social systems in which ordinary people would be able to come together and jointly discuss the problems they have and the way of solving them. It is important to give an opportunity to victims to tell what have happened to them, what are their pains; but also to the offenders to express what and why they did what they had done. This is the only way of having an impact on the causes, i.e., to repair the disturbed social relations and reconciliation between parties in conflict (Christie, 2005: 32).

Doubly paradoxically, part of our intrinsic challenge will also be to delineate – as far as is possible – the degree to which we are dealing with an identifiably discrete phenomenon within a much broader and, indeed, unremittingly scarred landscape of mass exterminatory violence, a consideration which, instead of extracting it into an entirely separate category of its own, might demand some additional effort in framing its specific morphology, as well as in locating its more particular psycho-social and political, etiology. That said, the appearance of fuller data may, in time, change the specific contours of this investigation, just as rigorous counter-analysis may challenge or undermine its basic conception (Levene, 2005: 32).

A very good point has been made in the resource book *Facing History and Ourselves: Holocaust and Human Behavior* in rising questions:

1. Should those who participated in the atrocities committed during the war be punished? If so, who ought to be held accountable?

2. Should those individuals be tried before c court of law? What is the purpose of a trial? Is it to punish evil-doing? Or is it to set a precedent for the future?
3. Who should be tried? Are individuals responsible for their crimes if they have obeyed the laws of their nation? Or are there higher laws? If so, what are those laws?
4. How does one determine punishment? Is everyone equally guilty?[29] Or do some bear more responsibility then others? Can an entire nation to be guilty? (Stern Strom, 1994: 419).

Some justified question can be raised, including: Is it absolutely necessary to bring persons that are alleged to commit atrocities before international legal instruments and mechanisms? The general opinion is that the prosecution of persons who allegedly committed atrocities is necessary in order to eliminate obstacles for the compensation of victims of those atrocities. International legal mechanism and instruments are sometimes apprehended to be under different political influences and trials in those institutions are in that way ineffective from the victims' point of view. In that case, victims and perpetrators will always find reasons to doubt in fairness of the procedure. To be meaningful, international judicial bodies have to show that their legitimacy is justified, to not be compromised, and to ensure that the decisions are acceptable to all sides involved in the trial, as well as make sure that a majority of the population accepts those decisions. Nevertheless, to have an effective impact in assisting a society to come to terms with the past, international legal instruments and mechanisms need to integrate international elements into the local processes of confronting past traumas. The best examples of this are the hybrid, or mixed, courts and tribunals. The instruments and mechanisms of international transitional justice have to be used as catalysts in the process of reconciliation in divided societies and to assist, as mentioned above, in the

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29 The horrific, unprecedented nature of the Nazi war crimes demanded a firm response from the victorious Allies after the Second World War. That response, embodying the shock and outrage of mankind, was the Nuremberg Tribunals, in which the Nazi leadership was tried for its crimes (Stern Strom, 1994: 419).

democratic transition, peace building, and restoring a nation's trust in those international standards related to dealing with the past.

6. How international legal and institutional mechanisms and instruments influence the creation of the past: pro and contra

One of the goals of any enforcement mechanism in law, and particularly of judicial processes, is to stop current violations and to deter others from committing similar acts in the future. If the enforcement mechanisms are incapable of doing these things, their utility is questionable. In the case of genocide, recent history has shown that the threat of prosecution and even the establishment of a tribunal were not effective in either halting current atrocities or deterring future atrocities. Deterrence is especially needed in the case of genocide and similar gross human rights violations. Even a magnificently efficient court system will not bring back the millions who have suffered the ravages of genocide in the twentieth century, some of which occurred while international tribunals were actively operating. A notoriously non-efficient court system will be even less effective as a deterrent (Jensen, 2006: 129).[30] Furthermore, Martha Minow is not convinced that "it is wise to claim that international and domestic prosecutions[31] for war crimes and other horrors themselves create an international moral and legal order, prevent genocides, or forge the political transformation of previously oppressed regimes" (Minow, 1998: 49). Jensen observes that

> despite the inefficiencies of the international tribunal
> system, 'the symbolic effect of prosecuting even a lim-

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30   Jensen argues that "the reliance on courts and tribunals may have the inadvertent effect of acting as a deterrent not only to perpetrators but also on nations who might otherwise have sent forces to intervene, but won't for fear of opening themselves up to potential prosecution in an international tribunal based on their own misconduct" (Jensen, 2006: 132-133).

31   Carlos S. Nino argues that prosecutions should be taken into account on a basis of different situations with a full context and factual background which led to grave violations of human rights (Nino, 1991: 2619).

ited number of the perpetrators, especially the leaders who planned and instigated the genocide, would have a considerable impact on national reconciliation, as well as on deterrence of such crimes in the future.' While it is nearly impossible to prove how many people have been successfully deterred from committing such atrocities, there is striking evidence that in at least one case, the actual functioning of the court has not prevented the re-peat of genocide involving the very country where the Tribunal is in the process of prosecuting earlier crimes (Jensen, 2006: 130).

Some of the problems of the tribunals are due to the nature of inter-national humanitarian law and their broad mandate. Whether these tri-bunals could ever become instruments of peace and security is highly debatable. Moreover, it is difficult to imagine circumstances in which national reconciliation could be created by an international institution. Any institution, no matter how well designed, would have difficulty in providing peace and security as well as reconciliation in these cases (Barria and Roper, 2005: 364). Affiliates of the tribunals also repeat-edly assert their intention to provide restorative justice, claiming that prosecutions contribute to "the process of national reconciliation." They are less clear about *how* prosecution will unite splintered com-munities (Group of authors, 2001: 1943-1970). According to this ar-gument, prosecutions may act to move beyond atrocities of the past, but it is not clear how.

> While a court is not intended to give an account of the political, historic and economic causes of an offense, such accounts are the purpose of a truth commission. Many survivors argue that they need to know the truth as both part of a therapeutic process of dealing with the past, as well as to feel emotionally validated through a public ac-knowledgement of past events (Soloway, 2002: 32).

Soloway also states that

> the effectiveness of war crimes tribunals has several
> limitations. First, there is not an internationally accepted
> norm on the punishments to be imposed for war crimes.
> Second, tribunals lack enforcement mechanisms to ap-
> prehend individuals who have been indicted and thus
> rely on the cooperation of local governments and other
> international bodies. The reliance on other bodies may
> hinder a tribunal's effectiveness as local governments
> may themselves have an interest in protecting certain in-
> dividuals. Finally, many would argue that tribunals lack
> the ability to promote national reconciliation because
> they are not designed to address victims or communities
> but rather focus on a few high ranking officials from pre-
> vious political regimes (Soloway, 2002: 32).

In the end we can see that in the first place there is no direct and
clear relationship between crimes trials in international tribunals and
reconciliation. It is a personal step between individuals who belong to
different ethnic and religious communities. Secondly, the understand-
ing of justice for those who survived or have witnessed war crimes
cannot be equaled to procedures and trials that are being held at in-
ternational tribunals. For every individual in particular, this notion is
specific and, at the same time ambiguous. Thirdly, there is no clear
relationship between being exposed to traumatic events and the need
to try suspects of war crimes. In regards to the readiness for reconcili-
ation, the need for justice is related to numerous intervening factors
which moderate their relations to trauma. Fourthly, the reconstruction
of a post-war society is a complex and slow process that takes place
on many levels: between individuals, on a community level, and at
the national and state level (Stover and Weinstein, 2005: 1). Stover
and Weinstein tried to provide response on what is the role of interna-
tional tribunals of justice in the reconciliation process. As we can see,

the answer is not simple and single-valued. A large number of factors have been discussed, but what is emphasized is the importance of economical and social matters as well as demands related to reversing the negative consequences of past atrocities, namely reconstruction, providing opportunities for employment, education, mobility, etc. Also, there is something to be said about procedure. For example, seeking the truth is narrowed and restricted by procedural principles. The principle *in dubio pro reo* creates a certain bias in favor of defendants, although the presumption of innocence principle and the impartiality principle cannot be ignored in this case. Judges are also in an inactive position towards procedures as a result of fact that parties in procedure have to submit evidence.

Thus, there is another side. One of the ways in which international legal instruments and mechanisms serve their purpose in dealing with the past is through institutional record keeping. Those institutional records play a great role in retaining facts about past events that would be intentionally or unintentionally lost, displaced, and forgotten. In this way, institutional records contribute to historiographic accuracy.

> Facts and opinions irrelevant to a particular legal theory but necessary for historical completeness, such as the complicity of actors not subjects to prosecution, may be overlooked. Despite the tribunals' efforts to recount the historical context for the crimes they allege, emphasizing certain legal claims may still preserve only partial record of other aspects of the conflict (Group of authors, 2001: 1973).

Tribunals can influence the construction of past narratives through criminal proceedings and the punishment of those who committed atrocities. Thus, this is a method by which tribunals contribute to the establishment of sustainable peace in democratic societies and reinforce national unification, as well as assist in repressing animosity and hatred in environments that have a potential for new conflicts. Also,

through the collection of evidence in numerous cases tried at tribunals, a consensus about the chronology of events can be established. Furthermore, there is a possibility of settlement when the admission and acknowledgment of crimes before tribunals productively contribute to dealing with the past.

Although international tribunals serve as forums for some of the victims to tell their stories and cure their grievances before the court and the international community, they have often failed to implement any kind of compensation system or to serve as a comprehensive mechanism in which a larger number of victims could expose the atrocities they suffered to the rest of the world. Their testimonies would serve not only for their own relief but also for the international community to have full knowledge of what happened in the former Yugoslavia and prevent this for happening in the future. Thus, despite the tremendous contributions of the ICTY, there is substantial room for improvement in these and others areas (Vicente, 2003: 20). According to Kritz, to be able to deal with the past,

> even if only to pursue credible war crimes trials, each of the components of the criminal justice system needs attention. This includes such items as the recruitment, training and funding of court clerks and other non-judicial court personnel, in addition to judges, prosecutors, and investigators. The system of appointing and removing judges, as well as all other personnel of the criminal justice system, may require careful reexamination. Technical and financial assistance is generally required. Attention must also focus on the defense bar, or else an imbalance in capacity and aid can undermine the credibility of any war crimes prosecutions. Overhaul and professionalization of the police force is crucial, as is a properly functioning correctional system (Kritz, 2004: 31).

International legal instruments and mechanisms do not play active role in dealing with the past. They do not determine current situation in divided societies and communities as they determine facts of past events. But they do prosecute individuals for past atrocities committed and they assign criminal responsibility to a person rather than to entire society and community. It is true that if tribunals sentence individually, they analyze only individual cases. But, it is unacceptable and hence wrong to generalize and impose collective guilt. All individuals of certain collective have not committed atrocities, and even though crimes were committed in their name, they were not consulted about it. This is exactly the reason why the only correct way of attaining the truth from the past should be the individualization of guilt. The only places where accountability and responsibility for crimes can be confirmed are courts; courts that process individuals, not collectives, not states, and not peoples.

Also, as some tribunal affiliates emphasize, prosecutions may serve an expressive purpose, forming a more cohesive social community through the collective reprobation of wrongdoing. However, the tribunals' adversarial processes may also deepen local divides. Their client communities, ethnically splintered in the aftermath of atrocities, may see tribunal activities through the polarized lenses of their ethnic groups; rather than promoting reconciliation, the trials my actually confirm preexisting biases (Group of authors, 2001: 1971). Yet, in comparison to different hybrid/mixed tribunals, the ICTY and the ICTR are separated from the societies and communities for whose benefit they are suppose to exist. So it might be necessary for the ICTY and the ICTR to draw more attention to them so as to animate society and communities against them as a way to attain bringing them together in at least this issue.

> For such a system to be effective as a reconciliation instrument, it needs to satisfy certain more or less obvious criteria, such as *impartiality*, *explicit recognition of the goal of reconciliation*, *emphasis on perceptions,*

rather than a deontic and largely metaphysical nature of *justice* described briefly above under the retributive theoretical heading, and – in the case of international justice, an *explicit recognition of the political dimension of the judicial process* – specific for international criminal law (Fatić and Bulatović, 2008: 36-7).

If we look back in the history, especially after the Second World War, we can see that Nuremberg International Military Tribunal and International Military Tribunal for the Far East performed a great role when it comes to the individualization of guilt. Judicial proceedings indicated and pointed that individuals are those who are responsible for their behavior. This is why we cannot forget their impact on history, on addressing the past, on dealing with the past, on confronting the past, and ultimately, the way of creating the past. It is reasonable to ask ourselves what would happen if the tribunals in Nuremberg, Tokyo, The Hague, Arusha, etc., were not established. Could we have true cognition about the Holocaust or the genocide in Bosnia-Herzegovina and Rwanda? For example, since they began operating, the ICTY and the ICTR are involved in efforts to factually establish the sequence of events prior to and during the atrocities that were committed. So, the tribunals' task is not only to impose punishment, but also to identify and assess the truth as a postulate for constructing an objective narrative of the past.

The scope of dealing with the past in post-conflict societies is extremely important when it comes to creating conditions for peaceful reconciliation. The best way could be through revealing and determining individual truth and this is exactly how international legal instruments and mechanisms work. Besides the courts, we have to include other mechanisms and instruments that can help in revealing, determining and affirming the past truth. The truth has to be told in order to overcome the past through dealing with the horrific consequences that exist after past atrocities. The mutual agreement of truth has to be initiated in order for societies and communities to be able to over-

come the difficulties of the past. To reach this level, there has to be a willingness to undertake this process in a post-conflict society, as well as identifying those institutions which will have the respect of all the parties involved in the prior conflict. Those institutions will need to try and reach the truth about the past that will be resistant to manipulative revision, and will have the same value as the truth revealed and determined at international legal mechanisms and instruments. We have to recognize those mechanisms and instruments as forms and resources of creating the past; we have to recognize them as means of peace and security establishment. "The main goal of truth and reconciliation process is not to establish the 'truth' of each of once belligerent sides, but to truth to be accepted and acknowledged in all communities and by all clashed sides" (Kesić, 2002: 21). Lipscomb notes that

> the success of any effort to confront past atrocities, whether through criminal trials, truth commissions, compensation mechanisms, or some combination thereof, must be tailored to individual social, political, and economic contexts. The paramount lesson to be drawn from surveying the work of ad hoc tribunals and the recent investigations of the ICC is that the international community needs to be responsive to the idiosyncratic conditions that give rise to mass atrocities. International processes for criminal accountability need to encourage and adapt to local processes directed toward the same end; international judges may need to apply local law; and the domestic judiciary may need to be brought into compliance with international human rights standards (Lipscomb, 2006: 205).

Taking this into account

> it becomes clear that uncovering the truth is not so simple attempt, considering that the truth is, by rule,

given in a certain context. Even in relatively simple, non-conflict situations, different nation's interpretations differ. Consequently, it should be conceived that absolute truth cannot be attained and therefore expectations to attain truth have to be abstemious (Rombouts, 2002: 38).

The road towards reconciliation is neither fast nor easy. Perpetrators have to be punished wherever possible in fair and public trials. Moreover, it is necessary to enable victims, carefully and with great respect, to speak publicly about their pain and the tragedies they experienced (Armatta, 2002: 30). The goal is to establish a moral consensus: no one who has invoked orders or higher authority to trample on human rights should feel confident, now or in future, that they will go unscathed. Even if they cannot be legally punished for their deeds, society will still hold them personally responsible (Schneider, 1991).

7. Conclusion

Dealing with the past, creating the past, and confronting the past in post-conflict societies are commonly related to international legal and institutional mechanisms and instruments. In such a manner, transitional justice constitutes one of the most relevant offshoots of international law in the twentieth century. It follows along with the justice compliance principle, and both comprise restorative and retributive instruments and mechanisms indispensable to societies in post-conflict transitional periods. Along with this, there are pros and cons for national legal and institutional mechanisms and instruments to be granted priority over international ones. Moreover, when national justice is not adequate, then the international legal and institutional mechanisms and instruments are a necessity and a requirement to try the perpetrators, bring justice to victims and institute and maintain historical evidence, documents, and records. Thus, the efforts of the judicial system have to be aimed at not only prosecuting and punish-

ing perpetrators, but to leave a historical legacy of past events (tribunal records, databases, projects, stenographic entries, etc.). This will prevent the perception of international legal and institutional mechanisms and instruments as the imposition of victor's justice, but rather leave an impression of a professional and rational approach to the creation of the past. This will be a historical contribution to the rule of law principle where advanced and efficient tribunals can strengthen and empower the acceptance of the past (history) and create judicially verified justice based on truth. In the words of the Chief Prosecutor at Nuremberg, Robert H. Jackson, "we must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow" (Stern Strom, 1994: 426). [32]

This is a diligent and worthy endeavor on dealing with the past, creating the past, and confronting the past in conflicted societies. Hence, society has to deal with the past in this manner by reconstructing legal frameworks and legal institutions to bring those accountable for past atrocities to justice. Whether the institutions that are engaged in dealing with human rights violations are international or domestic, there is considerable mistrust and disbelief in the process of coming to terms with the past in many post-war societies. The role of tribunals remains significant but multi-faceted. Tribunals cannot settle post-conflict issues alone. Judicial decisions are important, but people as individuals have to face the past truth. This can be a very long and painful process. "One of the worst crimes of the Nazi regime was that it made us so hard for us to forgive. It led us into labyrinth of our souls" (Wiesenthal, 1976). At the moment when a society will be able to say "members of my people undertook those criminal actions, which have been done in my name but I did not approve of, there will no longer be an exceeding need, necessity, emergency, demand, or requirement to excessively deal with the past.

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32 Chief Prosecutor Robert H. Jackson, a justice of the US Supreme Court, opened the first trial of the Nuremberg International Military Tribunal with the abovementioned speech.

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Implicit measures of in-group favoritism

This paper examines linguistic integroup bias, infrahumanization, and agency in the context of Central and Eastern European inter-ethnic historical conflicts. We tested the hypothesis that people show more implicit language bias (e.g.: linguistic intergroup bias, infrahumanization, and agency) in relation to inter-ethnic, historical conflicts which are perceived as on-going (e.g.: Serbia vs. Croatia, Hungary vs. Slovakia) than in relation to inter-ethnic historical conflicts which are perceived terminated or non-existing (e.g.: Hungary vs. Lithuania). We also expected that national identification influences these linguistic biases. Our study provided support for the hypothesis that people show more implicit language bias in relation to conflicts, as well as to national identification.

Key words: national identification, inter-ethnic conflicts, linguistic intergroup biases

1. Theoretical background

One of the main and most current research areas in social psychology is the investigation of inter-group conflicts, which is closely related to the study of stereotypes and prejudice. In the last fifty years there has been a tendency of investigating stereotypes and prejudice based upon implicit measures which assess attitudes that respondents may not be willing to express directly (Wittenbrink and Schwartz, 2007).

In-group favoritism is another related theory which has been a central topic ever since Sherif and Sherif (1937) conducted their famous experiments about group processes. The phenomena of favoritism have been measured in these experiments (Sherif et al., 1961, 1988), just as in Tajfel's subsequent inter-group paradigm (Tajfel, 1981, 1982; Tajfel and Turner, 1979, 1986) that relied on behavioral measures, e.g. the allocation of rewards. Early social cognition research dealt with favoritism in an attributive framework as a type of attribution error (Pettigrew, 1979). Contemporary social cognition paradigms study cognitive and emotional processes that underlie favoritism. Haslam et al. (2005), Bain, Kashima, and Haslam (2006) have provided evidence that in-groups are conceived more human than out-groups. In-group members endow their own group with human essences (such as intelligence, sentiments, language, and positive and negative sociability) and values (Leyens et al. 2000), whereas they deprive out-groups from these qualities. Several studies presented examples how people discriminate on the basis of intelligence (Crocker et al., 1998), language (Giles and Coupland, 1991), sociability (Fiske et al. 2002), values (Bain et al., 2006) and sentiments (see the infrahumanization paradigm below). This is in accord with anthropologic observations. Erikson (1959) described the phenomenon of pseudospeciation, when a tribe uses its own name for denoting the concept of man. Social representation studies also showed that groups tended to think of themselves in cultural terms whereas they applied natural terms for out-groups (Perez et al., 2007).

2. Infrahumanization

Another major paradigm is infrahumanization. The infrahumanization hypothesis suggests a preferential attribution of human essences to the in-group. One of the human characteristics – according to Leyens and colleagues (2000) – is the ability to feel secondary emotion while primary emotions are considered to not be uniquely human emotions. In several studies Leyens and colleagues investigated the phenomenon of infrahumanization and they were led to the conclusion that people attribute more secondary emotion to the in-group than to the out-group (Leyens et al., 2000; Paladino et al., 2002).

For example, using the Implicit Association Test, Paladino et al. (2002) found Belgian students associated Belgian names with secondary emotions and North African names with primary emotions (compatible set) more quickly than Belgian names with primary emotions and North African names with secondary emotions (incompatible set). The type of emotion also has an effect on empathic behavior. In the study of Vaes, Paladino, Castelli, Leyens, and Giovanazzi (2003), individuals were more helpful with those in-group members who expressed positive or negative secondary emotion than those who expressed primary emotion.

3. Linguistic Intergroup Bias

Although it is not directly related to the issues of humanness, another leading paradigm of social cognition research has turned to language use and implicit semantics when searching for cognitive mediators of in-group favoritism: Linguistic Intergroup Bias (LIB, Maas, Salvi, Arcuri and Semin, 1989). LIB is based on the Linguistic Category Model (Semin and Fiedler, 1988; 1991). LCM offers a fourfold distinction among descriptive action verbs (DAVs), interpretative action verbs (IAVs), state verbs (SVs), and adjectives (ADJs). Four different levels of abstraction are represented by the four different lin-

guistic categories. At the most concrete level are DAVs, such as *kick, kiss,* and *telephone*, that refer to a single, objective, neutral description of observable action with a clear beginning and end. No interpretation of the action is involved. At the second level of abstraction are IAVs, such as *to help* or *to cheat*, which describes a general class of behaviors without identifying the specific behavior to which they refer in a given context (including various possible behavioral acts), but refers to a specific action with clear beginning and end. An interpretation beyond the mere description is provided. A psychological state (emotional, affective, mental, etc.) can be described by SVs (such as *like, hate,* and *admire*). A state verb goes beyond specific behaviors or situations and does not have a clear beginning and end. At the highest level of abstraction are ADJs, such as *aggressive* or *creative*. ADJs are highly abstract dispositions or characteristics of a person. They have a low contextual dependence as they provide generalizations across events, situations and objects. The same behavioral episode can be encoded at different levels of abstraction. To demonstrate the same event, one can say „Person A hits Person B", „Person A hurts Person B", „Person A hates Person B" or „Person A is aggressive". What is important is that the codification at a higher or lower level of abstraction has a number of implications for interpersonal and intergroup relations. Semin and Fiedler (1988) have demonstrated that the abstract statements imply greater temporal stability and provide more information about the person and less about the situation than are concrete statements.

With the application of the linguistic category model, Maass, Salvi, Arcuri, and Semin (1989) introduced the concept of the linguistic inter-group bias. They suggest that the same behavioral episodes are encoded at different levels of abstraction depending on whether such behaviors have positive or negative connotations and whether they are performed by in-group or out-group members. In particular, they argue that positive in-group and negative out-group behaviors are described with abstract predicates. In contrast, the same positive behavior displayed by an out-group member and negative behavior displayed by an in-group member is described with concrete predicates. Thus, an

in-group member's positive behavior and out-group member's negative behavior may be interpreted as temporarily stable and informative about the actor's characteristics, whereas the out-group member's positive behavior and in-group member's negative behavior may be interpreted as a specific instance that has high contextual dependence. These patterns of lexical choices are termed the linguistic inter-group bias. The linguistic intergroup bias has been demonstrated in various studies of a number of inter-group contexts (eg. Maass et al, 1989; Rubini et al., 2007; Anolli et al., 2006; Tanabe and Oka, 2001; Rubini and Menegatti, 2008).

4. Agency

Thinking about in-group favoritism, we think that agency is a potential candidate for both attributive and stereotype-forming reasons so as to positively discriminate one's own group from other groups and to implement this discrimination into communication (Semin, 2000). For attribution it is evident that we may expect more agencies for in-group good deeds and fewer agencies when the in-group has committed something wrong. Similarly, an out-groups' wrongdoings would be depicted and interpreted with higher level of agency, whereas agency in their positive actions would be decreased.

Agency – the ability of a person or group to act effectively (Hamilton, 2007) – is a major domain of social perception and identity studies. The extent of agency includes the responsibility for an act (Vallacher and Wegner, 1989), self-efficacy (Schwarzer and Jerusalem, 1995), the influence on others and the environment, and the ability of attaining goals (Spencer-Rodgers et al., 2007; Hamilton, 2007).

Whereas several studies presented evidence that linguistic patterns provide information about a speaker's representations of agency and of the depicted events (Semin and Fiedler, 1991; Maass et al., 1989; Pólya, László, and Forgas, 2005), linguistic mediators of agency have never been experimentally examined. In this study we set out to study

the role of agency in in-group favoritism through linguistic patterns; a person or a nation can describe its life story or history so that the actor is actively shaping the events, or, on the contrary, as being simply a passive recipient of the happenings . Similarly, the individual's or the group's capacity to cope actively with challenges reflects important aspects of individual and group (national) identity. Agency is represented in the texts by syntactic structures (active voice versus passive voice, which vary the role of the agent and the recipient in a sentence) and by the rate of active and passive expressions. Szalai and László (2006, 2007) developed a dictionary of verbs whose meta-semantic or connotative content is heavily loaded with either activity or passivity. Seven judges categorized 10,000 verbs according to activity or passivity. Eventually, a list of 1,200 verbs was categorized either into the active or passive category. The active verb category consisted of action verbs (e.g., fights, attacks, hits, moves), verbs changing the activation contour (speeds up, stands up), and verbs of starting or enhancing activity (e.g., begin, accelerate, strengthen, initiate). The passive verb category contains state verbs (e.g., exists, unfolds), verbs of happenings (e.g., happens, unfolds), verbs of changing the activation contour into passive direction (e.g., lies down, slows down) and verbs of stopping or decreasing activity (e.g., stops, ends, concludes). A large set of verbs, e.g., mental verbs or verbs describing changes in physiological states were not categorized. Using this dictionary, Szalai and László (2007) developed a computer program with the help of which they investigated the in-group and out-group asymmetry phenomena in Hungarian history textbooks and narratives of the Hungarian people. Results show there exists an agency bias; namely, the agency is higher for Hungarians in positive stories than in negative ones, and in contrast it is higher for out-groups in negative stories than in positive ones.

5. National identification

In the literature on national identity, there is no consensus on the definition and measurement of the concept. However, the majority of the studies mention two kinds of identification which have different labels but have a similar content. Several studies dealt with the homogeneity of identification with one's nation and found that it has at least two aspects. Kosterman and Feshbach (1989) used the terms patriotism and nationalism for the two modes of national identification, where patriotism refers to the positive attachment to one's nation, while nationalism includes the feeling of superiority of one's nation to other nations. Roccas and Klar (2006) used the terms attachment and glorification, which are similar to the previous categories; attachment corresponds to patriotism whereas glorification corresponds to nationalism. A new five-dimensional model of in-group identification has been introduced by Leach et al. (2008), which can also be useful in measuring national identification. The findings of Branscombe and her colleagues (2004) suggest that national identification has a mediating role in inter-group emotions such as collective guilt.

Viki and Calitri (2008) investigated the relation of national identification and infrahumanization in their study. The main issue of the study was whether the differential attribution of secondary emotions to the in-group refers to the infrahumanization of the out-group or to the suprahumaniztaion of the in-group. According to their argument, if the differential attribution of secondary emotions to the in-group is related to the nationalism factor of national identification, then it supports the infrahumanization hypothesis; however, if it is related to the patriotism factor, then it supports the suprahumanization hypothesis.

6. Historical context

Studies of in-group favoritism increasingly and more explicitly approach real life inter-ethnic relations. They attempt to explore cogni-

tive and emotional factors in terms by which the appraisal of inter-group relations occurs. They are also interested in factors which may moderate group perception, such as group entativity (other variables that appear to be related to entativity are interaction among members, importance of membership, shared tasks, and common social catego-ries) (Hamilton and Sherman, 1996). For instance, ongoing or termi-nated conflicts may substantially influence inter-group perception. In their study, Roccas, Klar, and Liviatan (2006) found that the percep-tion of one's own and of another group was a function of the intensity of the conflict.

7. Our study

Our aim in this study was to test if the above mentioned phenom-ena are observable in a special experimental setting which makes the historical context salient. Historical contexts are probably particular-ly sensitive to the effects of national identification. In our study we wanted to test whether their impact could be observed in all implicit measures of in-group favoritism, and if they did, whether the type of conflict (terminated versus ongoing) would moderate these effects.

8. Hypothesis

Based on the above considerations and previous research the fol-lowing hypotheses have been formulated:
1. Infrahumanization will be stronger among those who have a higher score on the national identification scale and also by those who perceive a conflict still ongoing with a particular nation.
2. Linguistic intergroup bias will be stronger among those who have a higher score on the national identification scale and also by those who perceive a conflict still ongoing with a particular nation. For conflicts or cooperation between out-groups, LIB would occur for

groups with which the subjects' group is still involved in an ongoing conflict.

3. Agency bias will be stronger among those who have higher score on the national identification scale and also by those who perceive a conflict still ongoing with a particular nation. For conflicts or cooperation between out-groups, the agency bias would occur for groups with which the subjects' group is still involved in an ongoing conflict.

9. Method

Participants

In this study, 248 university students (of which 71 were male) participated voluntarily. The participants' average age was 21,1 years old, with a standard deviation of 2,56. All of them were Hungarian citizens and they were from both the faculties of sciences and humanities.

Procedure

Each student received a small booklet with instructions, followed by eight photographs with two, three, or four titles - depending upon the investigated paradigm - and they were asked to choose the title they would give to the picture. They were told that there was no right or wrong answer. Afterwards they were asked to fill out a seven-point Likert-scale questionnaire about the national identification. Originally the questionnaire had six items, three about patriotism and three about nationalism. Finally, the participants answered two questions about the perceived termination of the historical conflict in question and about the possibility of a future conflict with all of the participating nations. The whole procedure of the experiment took 15 minutes for each participant; they filled out the booklets in groups but were seated separately.

Stimuli

Eight photographs were included in the study. Four pictures showed situations where characters experienced certain positive and negative emotions. Four pictures showed situations which could be interpreted in historical terms. These pictures depicted situations where members of a national group caused harm to another group (street massacres and deportations) or performed some socially positive deed (offering assistance with food or collecting aid during a revolution). The group identity of the participants in the events was not identifiable. We varied the nationality of the characters appearing on the photos. The following pairings were applied:

For massacres: Hungarian soldiers killed Romanians; Romanian soldiers killed Hungarians; Hungarian soldiers killed Serbians; Serbian soldiers killed Hungarians; and Russian soldiers killed Poles.

For deportations: Hungarians deported Germans; Slovaks deported Hungarians; Slovaks deported Germans; and Croatians deported Serbians.

For help with food: Hungarian helped Romanians; Romanians helped Hungarians; Russians helped Poles; and Poles helped Russians.

For collecting aid: Hungarians helped Romanians; Romanians helped Hungarians; Russians helped Poles; and Poles helped Russians.

In each case we varied either the linguistic abstraction or the agency appearing in the picture captions.

Examples of the different abstraction levels include the following:

1. After the Second World War, Hungarians deported ethnic Germans who lived in Hungary (interpretative verb, relatively low abstraction).

2. Hungarians were vengeful towards ethnic Germans after the Second World War (adjective, relatively high abstraction).

Examples of the different levels of agency include the following:

1. The Germans who lived in Hungary were deported after the Second World War (low Hungarian agency).

2. The Hungarians deported the Germans who lived in the country after the Second World War (high Hungarian agency).

In the case of the emotional pictures subjects had to choose between three captions. One was without emotion, one with a primary emotion and one with a secondary emotion. The four emotions we applied in the study were: happy, cheerful, sad, and disheartened. We applied the following nationalities for the characters in the pictures: Hungarian, Romanian, Slovak, Serbian, Polish, and Lithuanian. For example:

A Hungarian soldier stands at the grave of his comrades (no emotion).
A sad Hungarian soldier stands at the grave of his comrades (primary emotion).
A mourning Hungarian soldier stands at the grave of his comrades (secondary emotion).

10. Results

Preliminary Analysis

We conducted a factor analysis on the items measuring national identification. The analysis produced only one reliable factor which contained the three patriotic items with the following factor loadings: 0.81, 0.76, and 0.70. The reliability of this factor was acceptable (Cronbach alpha > 0.7). The items of this factor were: "I am glad to be born a Hungarian"; "I don't like to live in Hungary"; and "My heart beats faster when I hear Hungarian words in abroad."

We had two questions about the perceived conflicts with the participating nations. We conducted a correlation analysis which resulted in a significant correlation between the two questions (correlation coefficients ranged from 0.5 to 0.7). For the main analysis we added the scores of the two questions (minimum 2 – ongoing conflict, maximum 14 – terminated conflict). *Table 1* shows the results:

Perceived Conflict with the Participating Nations	
Romania	5.46
Slovakia	6.23
Serbia	7.87
Russia	9.75
Croatia	10.82
Poland	12.24
Lithuania	12.38

Table 1: Perceived Conflict with the Participating Nations

Main Analysis

We conducted a logistic regression analysis in order to reveal which variables have an effect on the different linguistic categories.

Related to the infrahumanization hypothesis, the results show that the predictor variables – the intensity of national identification and the perceived termination of the conflict – did not affect the selection of the titles. We also tested the phenomenon of infrahumanization itself, and we did not find a difference in the amount of titles with secondary emotions selected for the in-group compared with the out-group.

Related to the linguistic intergroup bias hypothesis, we found the following results applying the logistic regression analysis. In the case of the "massacre" picture, when the picture caption read that Hungar-

ians killed Romanians, we observed a significant relationship between national identification and linguistic abstraction level of the selected title, β= -0.232, S.E.= 0.115; $\chi^2(1)= 4.036$; p<0.05. For the same picture, in the Hungarian-Serbian version, the regression analysis also yielded a significant relationship between national identification and the linguistic abstraction level, β= -0.635, S.E.= 0,293; $\chi^2(1)= 4.692$; p< 0.05. These findings indicate that the higher a participant's score on national identification was, the more concrete title s/he choose for a negative act of the in-group, which implies that those participants attributed the cause of the negative action to the situation and not to the group itself.

Related to the agency hypothesis, the logistic regression analysis resulted in significant effects for the two pictures. In the case of the "massacre" photo, in the Hungarian-Romanian version we found a significant relationship between the national identification and the agency in the title, β= 3,223, S.E.= 1.500; $\chi^2(1)= 4.616$; p< 0.05. This indicates that the higher a participant's score on national identification, the more likely s/he selected the passive title for the wrongdoing of their own group.

In the case of the "deportation" picture, in the Slovakian-German version the logistic regression analysis revealed a significant relationship between national identification and the agency in the title, β= -0.621, S.E.= 0.288; $\chi^2(1)= 4.652$; p< 0.05. Those who had a higher score on national identification were more likely to choose the active title.

The logistic regression analysis yielded no significant effect for the perceived conflict as predictor variable.

11. Summary

In our study we applied implicit measures of in-group favoritism; we investigated the occurrence of the infrahumanization phenomenon, the Linguistic Intergroup Bias, and the agency bias in the historical

context and related to national identification. Another aim of our study was to test whether differences would occur in implicit measures of in-group favoritism based on the type of conflicts (terminated versus ongoing), and if they did, which measures were more sensitive to these distinctions.

We could not confirm the phenomenon of infrahumanization, which could be due to the applied paradigm or the small number of participants. The infrahumanization phenomenon is usually investigated by measuring reaction time or by direct attribution of the different emotions to the groups.

Nevertheless, we found interesting effects for linguistic intergroup bias and for agency, namely, both of them were related to the national identification. It means that the extent of the identification of one's nation influences the effects (both linguistic intergroup bias and agency bias) which lead to in-group favoritism. This result appeared only by those three nations with whom the participants perceived the conflict most ongoing (Romania, Slovakia, and Serbia). Moreover, the effect of national identification appeared only by the negative acts of one's own group; in other words, the national identification didn't influence the title selection in the cases of the out-group's wrongdoings. Therefore, the role of this effect could be to excuse one's own group rather than to accuse the out-group. It would be interesting in future research to also investigate the effects of the nationalist type in addition to the currently analyzed patriotic type of identification.

It is also remarkable that we did not find any effect in the case of the positive acts of the groups. That implies that in this case the national identification and the perceived solution of the conflict do not have an affect on the interpretation of the positive events. Further and more detailed analysis could reveal more subtle influences.

The logistic regression analysis yielded no significant effect for the perceived conflict as predictor variable, which can be attributed to the low level of the deviation of the conflict-scores. That means that there was a consensus between the participants in the evaluation of the perceived conflicts.

In conclusion, we can say that in line with the measures of attitudes becoming more and more indirect, we should also consider the factors which can influence the attitudes toward another group, and these factors could be the extent of the identification of one's nation and the perceived conflict between one's own and another group.

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Colm Campbell

A Future for Northern Ireland's Past?: the Paradoxes of Truth Recovery in a Conflicted Democracy[33]

Truth commissions have an intuitive appeal in squaring the circle of peace and accountability post-conflict, but some claims for their benefits risk utopianism. Law provides both opportunities and pitfalls for post-conflict justice initiatives, including the operation of truth commissions. This can cast law as a threat to Utopia, forbidding amnesties, demanding punishment, and undermining peace deals, but the contours of law may be less sharp than some have suggested. Utopias may have their uses as an "activating presence," but in a transitional society "peace" should be understood as the substitution of violent conflict for political conflict, in which law is a weapon for political contestation. Claims about which legal norms are applicable (international humanitarian law, international human rights law, international criminal law, etc.) frequently involve a meta-conflict – the conflict about what kind of conflict existed. In transitional societies therefore, particular caution is needed in relation to claims for law's "neutrality." This is particularly true of truth processes, where a heavily legalized proce-

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dure (such as the British "Public Inquiries" model), risks obscuring as much as it illuminates. Rather than adopting a heavily legalized approach, derived from Public Inquiries, a "holistic legal model," employing social science fact-finding methodologies to explore pattern of violations by states and by armed opposition groups, and drawing appropriately on legal standards, may provide a better option in many cases. This analysis is then applied to the *Report on the Consultative Group on the [Northern Ireland] Past*, published in February 2009, and which has recommended a "Legacy Commission."

Introduction

Northern Ireland presents a paradox: a region with a legacy of serious (though not catastrophic) rights-abuses by state and non-state entities (NSEs), within a state (the United Kingdom) that, overall, was a leading western liberal democracy. The need to deal with this legacy marks Northern Ireland out as a transitional justice site, yet the "transition" cannot be conceived simply in terms of a move from an absence to a presence of democracy. Rather, it can best be modeled as movement along two axes: firstly, peace-making; and secondly, enhanced democratization (Ní Aoláin and Campbell, 2005). Peace-making entailed a shift from the use of violence by NSEs towards support for peaceful political contestation. Eventually movement along this axis produced weapons decommissioning by the main NSE (Rolston, 2007), and a reduction of British Army strength to that of a garrison force.

As regards the democratization axis, Northern Ireland had historically failed to attain the consent of those within its borders who sought reunification with the rest of Ireland (currently about 42% of the electorate). The creation of new democratic consociational structures under the 1998 "Good Friday [peace] Agreement" (the "Agreement"),[34] coupled with an agreed formulation on the question of self-determination and the building of institutional links with the Republic of Ireland largely remedied this situation. This represented the deepening of a democracy that had previously appeared merely formal or procedural, and ultimately exclusionary.

The specificity of the Northern Ireland experience created some unique features when it came to dealing with the legacy of conflict. The first was that the nature and scale of violations were respectively less severe and lower than typically found in many contemporary conflicts. Secondly, and paradoxically, the liberal democratic nature of the overall state meant that it was difficult for it to "see" that there was a legacy of *any* serious *systematic* violations to be addressed, since

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34   Agreement reached in the Multi-Party Negotiation, 37 ILM 751 (1998).

the commission of such systematic violations should have been rendered impossible by the overall nature of the state. The third was that in Northern Ireland, there was no easy line to be drawn between the undemocratic "past" and the new democratic "present." Much of the pre-transition state machinery remained in place, with a capacity to exert significant inertial force.

The fourth was that a meta-conflict (a conflict about the conflict) continued: was it about self-determination, civil rights, or religious sectarianism? Should the violence be considered criminality, terrorism, or "armed conflict"? Such meta-conflicts are common (McGarry and O'Leary, 1995: 1), but in a liberal democratic state they have a distinctive edge. The various possible categorizations had important implications for judging the conflict's legacy in international law. If it was mere criminality, all that appeared relevant was international human rights law (which bound only the state); if it was terrorism, permissible derogations from international human rights law became an issue. But if it was an "armed conflict," international humanitarian law in relation to non-international armed conflicts also became applicable, providing a "laws of war" yardstick for judging the actions both of NSEs and the state. The difficulty here was that the liberal state found it particularly difficult to accept that what had taken place upon its territory was an "armed conflict," and that *it was a party to it*.

These considerations and the fact that many parties to the peace process had potentially something to lose from truth-recovery meant that the Agreement said little about the past, and contained no institutional blueprint for dealing with it. Rather the pattern has been that Northern Ireland's past has been dealt with in "piecemeal" fashion (Bell, 2003), with initiatives to deal with specific concerns. Typically the sites of inquiry have also been points at which maximum political pressure has been brought to bear: investigation of army killings at a protest march ("The Bloody Sunday Inquiry"); inquiries into particular allegations of security force collusion in paramilitary killings; initiatives to address the needs of victims; and efforts to locate the graves of those abducted and killed by NSEs.

For many reasons however, pressure for something more than the piecemeal approach grew. Paradoxically, the partial success of the piecemeal model created a dynamic whereby the uncovering of particular facts tended to generate demands for follow-on investigations in new areas, creating a cycle of positive reinforcement. Northern Ireland has a vibrant NGO sector, skilled in maximizing opportunities for human rights advocacy. The piecemeal approach has also proved itself a heavy consumer of resources and time: the Bloody Sunday Inquiry had still to produce a report after eleven years of work and the expenditure of more than £180 million.[35] The various inquiries also proved a significant drain on current police resources. Furthermore, the problem of "the past" proved an abrasive element when plans were afoot to make policing and justice powers exercisable by the new Northern Ireland administration. An additional complaint from some political quarters was that the piecemeal process focused on state abuses to the exclusion of paramilitary violations (although a discrete commission was tasked with identification of the burial places of victims of such violations).

But perhaps the key imperative driving the need for an examination of the past was the effect of litigation under the European Convention on Human Rights (ECHR), particularly with respect to the right to life (Article 2, ECHR). In this the state has been found to have breached the procedural requirements of Article 2 of the ECHR in investigations of security force killings, and of killings in which the security forces are alleged to have colluded with loyalist paramilitaries[36] (loyalists wish to retain the link with Britain). This resulted in monitoring of the state's handling of the consequences of the rulings, with pressure around "right to life" issues being so intense that the newly constituted Police Service of Northern Ireland established a Historical Enquiries Team to review all conflict-related deaths (Lundy, 2009). There was

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35 Hansard HC Col. 625W, 1 May, 2008.

36 See the cases discussed in Campbell, 2005; Brecknell vs. UK (2008) 46 E.H.R.R. 42; McCartney vs. UK (App. 34575/04, 3 June, 2007); McGrath vs. UK, (App. 34651/04, 3 June, 2007); O'Dowd vs. UK (App. 34622/04, 3 June 2007) and Reavey vs. UK, (App. 34640/04, 3 June, 2007).

further policing of the past by the new Police Ombudsman's office, which placed additional focus on the "collusion" issue (Police Ombudsman's Report, 2007).

Reflecting these imperatives, in 2007 the UK Secretary of State for Northern Ireland announced the formation of the "Consultative Group on the Past" with a mandate to "consult across the community on how Northern Ireland society can best approach the legacy of the events of the past 40 years; [and to] make recommendations…on any steps that might be taken to support Northern Ireland society in building a shared future that is not overshadowed by the events of the past" (Report of the Consultative Group, 2009: 22). The Group was jointly chaired by Robin Eames (who had served as a Protestant Archbishop) and Dennis Bradley (a former Catholic priest who had been heavily involved in policing changes). Following a series of public meetings, an overall report was published in January 2009.

The "memory boom" identifiable from the last decades of the twentieth century onwards, and the associated focus on transitional justice mechanisms provide the international backdrop to the Group's work (Teitel, 2000). One institutional design has emerged as specific to this trend: the "truth commission" (Freeman, 2006). For its champions the commission offers the prospect of uncovering truths about a conflicted past in a way that may promote reconciliation, without necessarily requiring divisive prosecutions (Hayner, 2002). For its critics, the efficacy of truth commissions has not been empirically demonstrated (Mendelhoff, 2004); claims for their contribution are overblown; and they risk subordinating truth to reconciliation in teleology of state-building.

In many respects the recommendations of the "Report of the Consultative Group on the Past" ("the Report"), fit this international truth commission template. There are however, key divergences – some apparently antithetical to the truth commission formula. The Report's institutional architecture is sketched in *Figure 1*. At its core is a "Legacy Commission" presided over by an "International Commissioner" and two other commissioners. The Commission's mandate, to be dis-

charged within five years, is described in terms of four strands, of which 2 – 4 appear focused on deaths arising from the conflict:

1. Commission to address such issues as tackling sectarianism to "help society towards a shared future," and with the Commission for Victims and Survivors for Northern Ireland to establish a **Reconciliation Forum**

2. **Review and Investigation Unit** to be established to conduct individual police investigation of "historical cases." If sufficient evidence obtained, case to go to Director of Public Prosecutions. If evidence insufficient, case to be referred either to 3 or 4

3. **Information Recovery Unit** to be established to provide individual victims "families with details of circumstances that resulted in victims" deaths

4. **Thematic Examination Unit** to examine "linked or thematic cases emerging from the conflict" rather than focus on individual cases as under 2 and 3
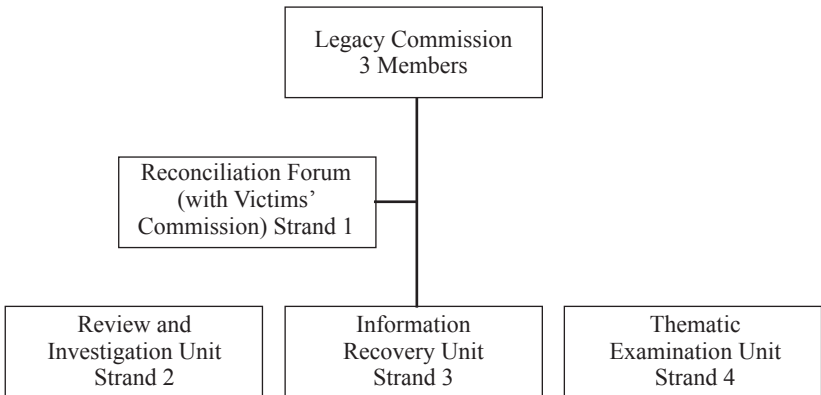

Figure 1: Structure of the Proposed Northern Ireland "Legacy Commission"

Juan Mendéz has suggested that before the acknowledgment [of wrong] comes recognition [of a problem] (Mendéz, 2000). The Report does not amount to acknowledgment, but it is a form of recognition that goes well beyond previous officially sponsored initiatives. This recognition is due at least in part to the extent to which the Report represents an attempt to reach for international models in an attempt to address an important segment of a conflicted past.

Northern Ireland NGOs generally tended to welcome the proposal as a significant move towards a truth commission along international lines. While their relative enthusiasm is understandable, it is also evident that the Report manifests some of the shortcomings of truth commissions in general. For instance, as has been the case with many such bodies (Ní Aoláin and Turner, 2007), the Report largely ignores the gendered and the socio-economic dimensions of transition. This chapter takes as its starting point that the Report's institutional blueprint provides a worthwhile template for development, a process that can be advanced by critique in a number of areas, with analysis here focusing on two: law, legalism, and amnesty; and victims, law, and meta-conflict.

2. Law, Legalism, and Amnesty

Among the most important existing initiatives on dealing with the past have been discrete Public Inquiries, established under statutory powers.[37] These Inquiries have been heavily legalistic. Presided over by a judge or former judge, they have entailed the examination and cross-examination of witness; drawn-out litigation in the superior courts on the question of anonymity of witnesses; and many of the other trappings of court procedure. This has given impetus to a critique of "legalism" (McEvoy, 2007; Campbell and Turner, 2008). The

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37   The Hamill and Wright Inquiries were held under the Inquiries Act 2005 (c.12); the Nelson Inquiry operates under the Police (Northern Ireland) Act 1998; and The Bloody Sunday Inquiry under the Tribunals of Inquiry (Evidence) Act 1921.

heavily legalized procedure risks turning the exploration of the past into a lawyers' game. Witnesses subject to hostile cross-examination may feel traumatized and doubly victimized. Processes may become interminable, and blind-spots of the law become blind-spots on the past.

While the Report's avoidance of some legalistic pitfalls is to be welcomed, a distinction should nevertheless be drawn between excessively legalized *procedure*, and the use of substantive legal *standards*. The latter can be employed without excessive procedure, and should be deployed if outcomes are to be in accordance with international standards. For instance, UN Special Rapporteurs frequently draw upon a variety of hard and soft law international standards in the discharge of their mandate.

For reasons that are unclear, the Report focuses mainly on the European Convention on Human Rights (ECHR). Much of the discussion in this area appears telescoped into a discussion of the UK's responsibility under Article 2 of the ECHR for conflict-related deaths. In relation to deaths such as these, a host of international legal standards, both hard and soft are applicable (some legally bind the state), while sole focus on Article 2 of the ECHR risks skewing the discussion. Hard law standards include the UN International Covenant on Civil and Political Rights and international humanitarian law (discussed below). Highly specific soft law standards in this area have been developed within the UN system, while jurisprudence under the American Convention on Human Rights is the world's most developed in the area. The focus on deaths could be taken as a prioritization of non-derogable rights violations. If so, there should as a minimum also be coverage of violations of the right to be free from torture and inhuman and degrading treatment. In this area too, a host of international legal standards are available beyond the ECHR.

The Report places a heavy emphasis on investigation with a view to criminal prosecution in the work of the Review and Investigation Unit. Presumably this is aimed at meeting the procedural requirements

of Article 2 of the ECHR, but is problematic in a number of respects. Firstly, the emphasis on the need to gather evidence to a criminal standard of proof (beyond reasonable doubt and more than 50% likelihood of successful prosecution) is out of line with practice internationally with truth commissions and truth recovery processes (which typically employ social science, "probable," or "likely" tests). Secondly, the number of prosecutions is likely to be very small, and the number of convictions even smaller. The system may therefore be set up to fail, with a large prosecution-oriented input, and a minimal output of trials. Thirdly, the emphasis on prosecution may work against truth-recovery, in that individuals implicated in unlawful activities during the conflict are unlikely to engage with the Legacy Commission if prosecutions from decades-old cases were being actively considered. There are precedents elsewhere for pursuing prosecution-oriented investigation in parallel with truth-finding (for instance in Sierra Leone) (Schabas, 2003), *but not within the same vehicle*. It is in this area therefore that the Legacy Commission departs most obviously from international practice.

The prosecution issue leads to the question of what values are to be prioritized in the process? International experience is that no truth processes have successfully attained complete truth-discovery, accountability, and reconciliation. Internationally, where accountability has been achieved by truth commissions, this has largely been institutional rather than individual. Institutional accountability involves a decision on whether a particular element in the state's security forces or a particular paramilitary group is responsible for a breach of international standards, particularly a systematic breach. Even if the epitome of personal accountability, the retributive trial, were not invoked in the Northern Ireland transition, some institutional accountability might yet be achievable.

This brings the question of whether it is possible or desirable to incentivize truth-telling by some form of mechanism that could "trade" truth telling for amnesty (as done with the South African Truth and Reconciliation Commission (SATRC)) (Van Zyl, 1999). The Report

shows a degree of ambivalence on amnesty: it rules one out now, but hints that one might be appropriate after five years.

There has been considerable flux over recent decades in attitudes towards amnesty among international lawyers. The only Convention directly referring to the issue is the 1977 Geneva Protocol II, Article 6, which provides that after relatively high intensity non-international armed conflicts, the parties in power shall "endeavor to grant the broadest possible amnesty to persons who have participated in the armed conflict." In South Africa, the Constitutional Court interpreted the Protocol as supportive of the SATRC mechanism whereby any crime sufficiently connected to the conflict could be amnestied in return for truth. By contrast, the International Committee of the Red Cross insists that the only crimes covered by Article 6 are those for which amnesty is *possible*, thereby excluding serious international crimes. In the 1990s, many lawyers and NGOs concerned with the evident impunity of rights abusers became increasingly insistent on states' obligation to punish (Orentlicher, 1991), with a corresponding hostility to amnesties. Where involved in supporting peace negotiations, UN organs also became more insistent on delimiting amnesty (Bell, 2008). This movement can be considered to have reached its apex with the adoption of the Rome Statute of the International Criminal Court.

State practice, however, continued to manifest a variety of amnesties (Mallinder, 2007), and the Rome Statute allowed some wiggle room on prosecution. Furthermore, in recent years, there has been an insistence that international legal norms are more flexible than some had claimed, and that a relatively broad amnesty may be permissible in certain circumstances (Hadden, 2004). There is some ECHR jurisprudence supporting post-conflict amnesty.[38] And while recent years have seen an increasing focus on the procedural requirements of such rights as Article 2 of the ECHR (life), it might be possible to meet the goals underlying these requirements by means other than prosecution.

While a definitive overall statement of the international law on am-

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38   *Dujardin vs. France* (1992), 72 DR 236.

nesty cannot be found, the following propositions can be set out with some degree of confidence with respect to Northern Ireland:

1. A blanket amnesty would be unlawful.

2. Northern Ireland was not classifiable as an international armed conflict so the issue of amnesty for "grave breaches" does not arise.

3. The conflict probably amounted, for at least part of its duration, to an "armed conflict not of an international character" under Article 3 common to all four 1949 Geneva Conventions ("Common Article 3" – see discussion in subsequent section).

    a. An act that was not a violation of Common Article 3, or that was a non-serious violation of it, may lawfully be amnestied without breaching international humanitarian law.

    b. While the trajectory of international law is towards the international criminalization of *serious breaches* committed in non-international armed conflicts, there is some doubt as to whether the prohibition on amnesty for such breaches is as binding as for *grave breaches* in international conflicts. Questions of whether an amnesty was conditional or blanket; whether a truth process existed, and the extent to which victims' needs were met, may be relevant in deciding if amnesty is permissible (Mallinder, 2007).

4. The prohibition on torture has the status of a peremptory norm of international law. The dominant view amongst lawyers is that it cannot be amnestied, but there is much flux in the law in this general area, and there is some doubt whether the customary law prohibition on torture's *use* equates to a prohibition on amnesty for the crime *in all circumstance*. The points at (3b) with respect to conditionality may also apply here.

5. An amnesty for Genocide and Crimes against Humanity would be unlawful, but Northern Ireland saw no Genocide. The category of activities penalized under the "Crimes against Humanity" rubric has expanded since Nuremberg, pointing to norm-shift. But it would be difficult to make a compelling case that when Northern Ireland's most egregious violence took place (1970s), such acts were at that time could be categorized as Crimes against Humanity.

6. The Rome Statute has no applicability to the offences committed in Northern Ireland prior to its coming into force. Most of the egregious prisoner abuse by the state occurred before it ratified the UN Convention against Torture 1984, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987.

It is therefore possible to argue that a conditional amnesty for many of the offences committed during the Northern Ireland conflict could be lawful if it met certain tests. The amnesty would need to be contextualized in terms of conflict-resolution and perhaps "reconciliation;" the crime would need to show a direct link to the conflict; and the amnesty would require democratic ratification. The amnesty would also need to be awarded on an individual basis, and if it were to require full disclosure, and if victims' needs were to be addressed, it might meet the needs of society for truths about the conflict, and achieve some measure of institutional accountability. Potentially, findings by a truth commission setting out the panoply of violations during conflict might have at least as great a deterrent effect on the emergence of future conflict as individual trials. Though whether "deterrence" has any real traction in transitional societies is debatable.

The brief exploration above of the international law applicable in Northern Ireland points to a division in crimes between (a) those involving torture and involving a serious breach of common article three; the latter includes arbitrary killings of civilians and hostage-taking; and (b) all other offences. There are good grounds for suggesting

that category (b) could lawfully be amnestied in a conditional process. As regards category (a) the position is less clear, but it is by no means certain that the kind of conditional amnesty discussed above would be unlawful if extended to category (a).

If it were decided not to include category (a), there remains the question of how to deal with crimes for which amnesty were thought impermissible. The early release provisions in the Agreement stipulate that in the case of paramilitaries/insurgents convicted for offences committed prior to 10 April 1998 (the date of the Agreement) and whose organizations are observing the ceasefire, the maximum period of imprisonment is to be two years. It might be possible to adapt these arrangements to include all conflict-related offences other than those for which amnesty is applicable, whether committed by paramilitaries or security force members. The UN Convention against Torture requires states to make torture offences "punishable by appropriate penalties which take into account their grave nature," but this could be interpreted in the context of truth telling and transition.

3. Victims, Law, and Meta-conflict

As noted above, the Eames-Bradley output is entitled the "Report of the Consultative Group on the Past." The omission of details of the geographic or communal location of this "past" is significant. Unionists refer to the region as "Northern Ireland," and to the conflict as internal; nationalists by contrast tend to refer to the "North of Ireland," and see the conflict as about removing obstacles to "the North's" relationship to the rest of Ireland. The very claim that there is a past that requires re-examination has very different communal resonances (Rolston, 2009; Simpson, 2009).

The report's title therefore reflects the persistence of the meta-conflict noted earlier. Indeed, the Report, beyond its title, has become a site for such contestation. Inevitably any Legacy Commission will become a site where that meta-conflict plays out, in social, political,

but crucially also in legal terms. As regards the latter, the conflict is evident in the Report's framing of the international law applicable in a backward view of the conflict. Under Strand four the Report proposes a thematic exploration of "certain paramilitary activities," but does not suggest any legal basis for this examination. This leaves open a variety of conflict narratives: crime, terrorism, or armed conflict.

Where extensive violence by armed non-state entities (NSEs) is in question, the applicable international standards are those found in international humanitarian law, and specifically, as stated above, in Common Article 3. In the words of the International Court of Justice (ICJ), the article provides a "minimum yardstick"[39] against which the behavior of NSEs can be measured. Understandably, states display marked sensitivity on the question of the applicability of humanitarian law during conflict on their territory. While Common Article 3 provides that its application "shall not affect the legal status of the Parties to the conflict," there is typically a concern that "recognition of belligerency" will give political if not legal status to insurgents, legitimating their activities, and that it will stimulate prisoner of war claims. These considerations were also evident in Northern Ireland: the UK never accepted that an "armed conflict" existed, and it refused, until the conflict was over, to ratify two additional Protocols to the Geneva Conventions that might have applied to varieties of guerrilla wars (Campbell, 2005).

While these sensitivities are typical during conflict, they lose much of their force at conflict's end. Recognition of the existence of an armed conflict provides a context in which a more meaningful examination of insurgent and state behavior can take place. Such recognition takes the justification typically advanced by NSEs for their actions ("we were fighting a war"), and turns this into a route to accountability of sorts (albeit largely institutional).

As noted above, there are good grounds for suggesting that, at least during its most intense period (the 1970s), the conflict in Northern Ireland amounted to a non-international armed conflict. At other times,

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39   Judgement of the ICJ in Nicaragua vs. US, 27 June 1986.

the conflict may have periodically fallen below the threshold, but by virtue of the ICJ ruling quoted above it is still legitimate to apply the "yardstick" provided by Common Article 3. Doing so would allow examination of patterns of activities such as "punishment beatings" and arbitrary killings by paramilitaries. This would allow the proposed Legacy Commission to form a view on the key questions as to whether there had been *systematic* violations of international humanitarian standards during the conflict. To exclude IHL from the ambit of a Legacy Commission is to deny it access to the legal tools it needs for such an examination. A Legacy Commission cannot exclude itself from the meta-conflict in areas such as international law, since by action or inaction it is compelled to make an explicit or implicit contribution.

That conflict is also evident in the definition of "victim" used in the Report, which is taken from the *Victims and Survivors (Northern Ireland) Order 2006*. That Order provided what can be considered a pragmatic, service-oriented definition, which included those injured in the conflict; those providing care for such people; and those left bereaved by the conflict. It did not however, include the most important category of the conflict's victims: the dead.

The reason for this exclusion appears to have been that to have included the deceased would have put dead soldiers, insurgents, and uninvolved civilians on the same plane. This was repugnant to those who asserted that there should be a hierarchy of victims with insurgents at the base, reflecting a narrative of "terrorist criminality." The definitional issue was therefore a site where the meta-conflict played out, and the Report's attempt to side-step the issue, by invoking the statutory definition is unsatisfactory. The issue is certain to return to haunt a Legacy Commission if established.

4. Conclusion

This brief analysis suggests that transitional justice mechanisms in general and truth commissions in particular can never fully be "outside" the conflict, the legacy of which they examine. Assertions that there is a "past" that requires attention; that particular international law framing is required; and decisions on what elements constitute the "past" may all contribute implicitly or explicitly to a broader meta-conflict. While post-conflict transitions involving authoritarian states can easily project a narrative of change with a high degree of logical consistency, those in the liberal state are unlikely to fit together quite so coherently, even if the violations at stake will almost certainly be of a lower order.

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Csilla Kiss

The War is Over? Postwar and Post-communist Transitional Justice in East-Central Europe

Although the revival of pragmatic, as well as scholarly, interest in transitional justice has been prompted by recent democratization procedures, this chapter argues that the general spirit of transitional justice in post-communist states in East-Central Europe is very similar to those purges which took place in Europe after the Second World War. Not only did the new elites in both cases aim to rewrite history by drawing a clear line between the guilty (collaborators, former elites, and secret service agents) and the innocent/victims (the rest of the population), but they also used transitional justice (trials, "national disgrace", screening, and lustration) to stabilize and legitimize their rule. This chapter analyzes these parallels between postwar and post-communist transitional justice, focusing on several Central-European countries (Czechoslovakia/Czech Republic, Hungary, and Poland). These countries offer good examples to prove the above-mentioned hypothesis, and they also provide good cases for comparative studies not only between countries, but also over time. At the same time, examples and arguments are also drawn from postwar France, the exemplary case of postwar transitional justice and the reconstruction of history.

Key words: transitional justice, memory, history, collaboration, resistance, regime change, scape-goating, communism, Second World War

Introduction: transitional justice and its functions

In his defense speech during his trial for complicity in the deaths of East German citizens who had been shot when trying to leave the German Democratic Republic (GDR), former East German head-of-state Eric Honecker claimed that what the trial achieved was exactly what the communists had been accused of doing: ridding themselves of their political foes by hiding behind the façade of the rule of law. He stated that the primary goal of the trial was to completely discredit the GDR and socialism in Germany (Wilke 2009). While the statement was doubtless self-serving and the accused had hardly any moral right to turn on his accusers, post-communist trials, and in general post-communist transitional justice, are indeed *political*, passing judgment not only on the particular persons they target, but on the former regime as a whole, calling into question its legitimacy, legal system, as well as its moral and historical claims for existence. This, of course, is not a new phenomenon.

Although the notion of transitional justice appeared in the focus of political action and theory following the fall of authoritarian regimes in East-Central Europe, Latin America, and the end of apartheid in South Africa, it is as old as history. The term refers to a significant aspect of democratic transition (or consolidation) and denotes those procedures, legal or otherwise, which occur after regime change, civil war or occupation, and address the question what to do with former elites, collaborators (e.g., agents of secret services), and perpetrators of human rights' violations. There are two basic methods employed when carrying out transitional justice in post-communist countries: retroactive criminal procedure, when members of former elites are prosecuted in court; and various forms of screening (lustration), when

the past of politicians and others is investigated to establish the facts of their contribution to the maintenance of the dictatorship and oppression. While the former aims at handing out sentences associated with criminal cases, the latter usually tries to prevent those found guilty from participating in politics, or filling important positions in public life. More serious forms of lustration ban such individuals from certain offices (usually for a settled period of time, although, as history has shown, this can be renewed at will), while more lenient modes only publicize the name of such individuals for "national disgrace," leaving it to the citizens whether or not they would welcome them in public life. Both methods try to respond to the demands of victims for justice. Transitional justice has become a hotly debated issue and an integral part of public discourse in new democracies, since a significant portion of the population and the new political elite felt that former elites should be held accountable for their contribution to the maintenance of communism, as well as for crimes committed during the various dictatorships. Others, however, had serious reservations about such procedures, cautioned against revenge, invoked the principles of democracy and of the rule of law, and emphasized the need for reconciliation rather than retribution. Nevertheless, almost all post-communist countries carried out some form of transitional justice, although they differed in kind and severity. In fact, this is still an ongoing process: the recent lustration controversy in Poland highlights the continuous importance of the issue; the Czech lustration law of 1991 had been periodically renewed; and from time to time the debate flares up in other countries as well.

While the professed goal of transitional justice is to bring justice to victims of oppression, as well as to punish those who introduced and upheld the repressive regime, and those who collaborated with them,[40] the process has three other important and interconnected goals. One is the purpose of legitimizing the new regime that follows liberation

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[40] Or, they collaborated with the occupying forces which imposed the system on the country in question. In the case of foreign occupation the native leaders of the country (puppet governments or willing cooperators) are also frequently referred to as collaborators.

or the collapse of the dictatorship. In many cases this new regime is simply the reestablishment of the former system which has been interrupted by defeat and occupation, at which point transitional justice is used to underline the illegality of the interim regime and return the interrupted legality and continuity. Most often, however, the successor regime is completely or almost entirely new, composed (at least partly) of fresh elites and often based on very different principles than the predecessor regime (as in the case of transition from communism). In such cases one goal of transitional justice is to emphasize discontinuity between successor and predecessor regimes, bring legitimacy to the new system and the new elites, and advance their socio-political goals by highlighting the unsuitability of former elites (or even ruling social classes) to govern the country or to fill responsible positions of power. The second significant goal is to pass judgment over the past and provide a new official interpretation of history, which places the former dictatorship or collaborationist system into national memory by offering the people a more or less acceptable way to think about it and their own acts during the "difficult times." This is especially significant if the dictatorship lasted for a long time, was particularly violent, and/or it met the widespread collaboration or at least quiet acquiescence of the population. In such cases as a third goal transitional justice tries to identify and penalize perpetrators and collaborators while, at the same time, absolve the rest of the population from any responsibility, thereby offer them a comfortable position of innocence (victims, or in some cases at least passive resisters), a view of the self which is more satisfactory to live with than examine one's own conduct during authoritarianism, and thereby strengthen the legitimacy of the system. Thus, while as regards the first goal transitional justice is (or can be) integral parts of political transition, the two other goals place it into the framework of the *politics of the past*. In this respect, while the notion of transitional justice became fashionable after the recent democratization procedures, East European transitional justice rather resembles the national endeavor undertaken by many European countries after the Second World War.

In this I primarily think of the postwar and post-communist transitional justice efforts in East-Central Europe, that is, countries that came under Soviet control after the Second World War, and exited from communism at the end of the 1980s. The severity and brutality of the war criminal trials and post-communist transitional justice efforts are obviously by no means comparable, and the situation itself was also different: in 1945 a bloody war which claimed an enormous amount of victims had just concluded, while most of the exits from communism took place without violence, ending in relatively peaceful civilian regimes. However, the underlying principles are similar: to usher in a completely new regime based on different foundations than its predecessor, and to strengthen this new order by pronouncing the criminality of the previous system and the elites which maintained it. Since these countries underwent fundamental changes in both transitional periods, the comparison appears obvious. However, similarities can also be discovered between transitional justice in post-communist countries and postwar Western Europe. While in Western Europe after liberation some version of the previous, pre-war system was re-established, with more or less fundamental changes (in the immediate postwar years the atmosphere in France appeared the most radical), the goals of reinterpreting history and dealing with the issue of collaboration in a way that would result in the least possible discomfort for the population were similar. Thus, in the following I will offer comparisons between postwar and post-communist transitional justice, primarily focusing on post-communist Hungary, Poland, and the Czech Republic, and postwar Hungary, Czechoslovakia, and France. This comparison is also interesting because it shows that although these countries finished the war on different sides, their transitional justice policies were rather similar. Finally, such an exercise could broaden our perspective regarding comparative studies, and suggests the possibilities of engaging in comparisons not merely across countries, but also across time, as far as the problem of dealing with the past is concerned.

2. Finding new legitimacy

One of the principal goals of transitional justice and of regime change in general is to erase the wartime or authoritarian years from history and to denounce collaborationist regimes. One of the obvious ways of doing this is through legal means, by questioning their legitimacy. General Charles de Gaulle and his supporters referred to the Vichy-regime as the "so-called French State," and declared Vichy illegal. Based on a somewhat obscure statute, they also deemed the attempt to seek for an Armistice illegal. On 13 October 1944, the *Journal official, lois et décrets* announced the banning of the programs of Vichy, which the legislators of the *Libération* declared, doubtless reflecting the popular will, "*importées dans le pays sur les tanks des envahisseurs*" (Paxton, 1997: 189). The trial of the ministers of the former Protectorate of Bohemia and Moravia in Czechoslovakia served a similar purpose: in light of Beneš' "theory of continuity" the trial intended to demonstrate the illegality of the occupation and thus show that the postwar regime was the legitimate successor of the First Republic (Frommer, 2005: 281). Even the Hungarian communists attempted to establish at least spiritual continuity between the Commune of 1919 and the emerging new postwar system, thereby attempting to present the interwar regime of Admiral Miklós Horthy as an aberration in the country's linear progression towards a socialist state.

Although most transitions from communism were based on (at least legal) continuity, resulting from some sort of negotiations between the incumbents and the opposition, efforts to deny this continuity and at least symbolically remove the communist times from history were significant. Hungary's unsuccessful attempt at retroactive criminal justice, the so-called Zétényi-Takács Law, wanted to lift the statute of limitation for crimes committed, but not prosecuted for political reasons, for the period between 21 December 1944 and 2 May 1990, arguing that during this time the Hungarian government did not enjoy full sovereignty, due to Soviet and disproportionately strong communist influ-

ence.[41] In Poland and the Czech Republic, the parliaments attempted to pass legislation on historical issues, essentially revising history and criminalizing communism through legislation. On 1 February 1992, the Polish *Sejm* proclaimed the introduction of Martial Law in 1981 illegal, and demanded that special committees investigate its consequences.[42] In July 1993 the Czech parliament accepted a law about the criminalization of the communist regime.[43] Its characterization of the predecessor regime as "criminal, illegitimate, and abhorrent" echoes the judgment of the Czechoslovak People's Court about the Protectorate, while opposition to the regime was described as "legitimate, morally justified, and honorable." *The Office for the Documentation and Investigation of Communist Crimes*, founded in 1995, also received a mandate to document the crimes of the communist period, as well as to file criminal charges in case of crimes committed, but never investigated or punished during communism. Slovakia followed suit in 1996, denouncing communism with the same words: "immoral and illegal," and in 1998 created the *Department for the Documentation of Communist Crimes* within the Ministry of Justice, with a similar mandate to its Czech counterpart. Hence the parliaments also embraced the idea that *politicians* have a mission to pass judgment on history and thereby legitimize the new state (Rupnik, 2005), while depriving the previous system of any possible legitimacy. This also attempted to present the majority of the population as from the start opposed to the communist system which was the product of illegal and criminal machinations, instead of accepting a more nuanced view, which would take into account the very real support the people, at least in the very beginning, accorded to the regime.[44]

41　21 December 1944 is the date when the first (provisional) National Assembly convened following the Second World War and the Horthy era, while 2 May 1990 is when the first freely elected parliament met after the transition. Passed in 1991, the law had been struck down by the Constitutional Court, as violating the rule of law and individual security.

42　"Sejm. Martial Law Was Illegal," in Polish News Bulletin, 3 February 1992.

43　Act on the Illegality of the Communist Regime and Resistance to it (Zákon o protiprávnosti komunistického režimu a o odporu proti němu, zákon č. 198/1993 Sb.), reprinted in Kritz, 1995: 367.

44　For example, while the communist takeover in 1948 could be regarded illegitimate and the

Elite change also features high among the goals of transitional justice: criminal or lustration procedures aim to remove previous elites from power (or sometimes even from the physical world itself). While such processes often mete out punishment for real crimes, or alternatively or simultaneously carry out some sort of political vengeance, they also have symbolic purposes: emphasis on discontinuity goes hand in hand with the de-legitimization of former elites, and thus lays the basis for social and political revolution. This was especially the case in the postwar trials in East-Central Europe, which, besides using legal means and in general justified procedures to punish war criminals, were also, even fundamentally, political affairs, and emphasized the "revolutionary legitimacy" of the processes. In East European countries the post-war prosecution of war criminals did not only serve the purpose of bringing individual collaborators to justice, as it was the case throughout Europe with more or less success, but also aimed at the reinterpretation of history and a thorough cleansing of former elites. The former did not take place in Western Europe, or rather, the reinterpretation of history was restricted to the war period only, casting the story of the occupation as the story of the resistance, with Vichy and collaborators constituting only what one could call the "bad apples" of society.[45] The cleansing of political elites was more limited in the West for a number of reasons, especially because the occupation did not cause such comprehensive and fundamental changes in society as in Eastern Europe, and also because the elites had not totally discredited themselves. In Eastern Europe the former elites, as well as the whole social structure of the early twentieth century had been swept away by the war, and while anti-war resistance was often rather weak, the handful of left-wingers who could claim some resistance credentials (and also those who could not, but were committed to fundamental social changes), were rather well positioned,

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result of use of force, the Communist Party won 40% of the popular votes in free elections held before the coup.

45 Its backlash was what Henry Rousso (1994) termed the "Vichy-syndrome", which showed that such a reconstruction will only work for a limited period of time.

thanks to the presence of the Red Army. This approach of holding the elite collectively responsible and thereby exonerating the "common people" (the population in general), was actually taken to the extreme in the newly founded German Democratic Republic (GDR), which claimed that contrary to the (ex-)Nazi Federal Republic, the GDR was the state of workers and democratic forces, free of the Nazi past and Nazi crimes. Although Hungary – unlike Czechoslovakia or France – as a defeated country was obligated by the Armistice to try war criminals, the new Hungarian political elite (not yet communist, but disproportionally leaning to the left) also used the war criminal trials to legitimize its own rule. This resembled the purpose of the purges in Czechoslovakia, even though the latter country finished the war on the victorious side, but was also about to lay the foundations of an entirely novel socio-political order. In Hungary, these procedures also served the purpose to single out those responsible for Hungary's miserable war record and thereby, if not acquit the rest of the population entirely (the communist leader Mátyás Rákosi frequently referred to the country under his rule as "Hitler's last ally"), at least alleviate guilt by naming the guilty and hopefully turning anger against them by suggesting that the "Hungarian working people" were innocent and unanimously rejected and condemned the former ruling elite. Thus the primary goal of postwar purges and trials was not simply to punish the principal war criminals, but to retaliate against former leading politicians for those political mistakes that "ruined the nation."[46] In this respect there was little difference between the tone of the trials of the former Hungarian political elite (held responsible for taking the country to war against the Soviet Union), the leaders of the Protectorate of Bohemia and Moravia (the best examples of collaboration), or that of Jozef Tiso (head of the erstwhile Slovak puppet-state): they all went beyond indicting former collaborators and politicians as war criminals, and intended to charge the entirety of the former elite, as well as the bourgeois class they belonged to, of crimes committed against the nation, and present them to the people as responsible for their plight.

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46   István Ries, Hungarian (Social Democratic) Minister of Justice quoted by Karsai, 2000: 235.

It is therefore not surprising that the most high profile and politically charged trials were not those of the most obvious, or "mere" war criminals, but former prime ministers and other high ranking politicians who were indeed good representatives of their social class.[47] This, of course, is not exclusive to transitional justice trials: the defendants of great political trials usually stood in for someone or something else: Dreyfus, Bukharin, László Rajk for the Jews, Trotsky, or Tito.

The representatives of the Beneš government-in-exile and the communists in Moscow created the National Court to try the leaders of fascist organizations, journalists, members of the Protectorate government, and "traitors from the ranks of banking, industrial, and agrarian magnates" (Frommer, 2005: 267). Klement Gottwald spelled it out, linking the trials with the communists' fight for leadership against the compromised Czech bourgeoisie, hoping to strike the enemy "directly, physically". Although, according to Benjamin Frommer (2005: 268), this plan was not entirely successful, the intent was unmistakable. Similarly, Viliam Široký, one of the leaders of the Slovak Communist Party, claimed that Tiso's prosecution would help to "liquidate the whole reactionary Slovak past and the betrayal of the Slovak bourgeoisie and Slovak reaction" (Abrams, 2000: 252). Given the political situation in Slovakia, the strong Catholic support for Tiso, the popular legitimacy of the independent Slovak state (even though the majority disagreed with its pro-German orientation), and the rather moderate showing of the communists at the 1946 elections (they obtained half the mandates of the Catholic Democratic Party), the political significance of this trial appeared even greater for the communists.

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47 In Hungary, for example, the trial of former Prime Minister László Bárdossy was regarded as the most politically significant by the Communist Party, rather than that of Ferenc Szálasi, the leader of the puppet government at the end of the war. Szálasi, the leader of the fascist Arrow Cross Party, heading a murderous regime during the total collapse of the Axis Powers, was despised by almost everyone in the country, as someone who could only become what he did with the help of the Germans. Bárdossy, on the other hand, was the legally appointed prime minister, intelligent, cultured, and regarded as a perfect gentleman by both the grand and the petite bourgeoisie, who largely considered him innocent (Karsai, 2000: 239).

While post-communist countries could not hold particular social classes responsible for the ills of communism, they could still point at certain groups of people, especially party-leaders, high ranking party members and secret service informers, who could be held collectively guilty. The 1993 Czech law about the criminalization of communism held the leadership and membership of the Czechoslovak Communist Party responsible for the destruction of traditional values, the economy, and the country's ties with European civilization, as well as for the violation of human rights, civil liberties, and the terror against those holding different opinions. Lustration or screening laws targeting specific groups of people are in this respect to a large extent a symbolic exercise (although with serious consequences for those involved), as it does not simply aim at punishing actual and individual wrongdoing, but singles out certain *categories* of people to be held responsible for the dictatorship, while declaring the rest of society as victims of communism without qualification. The punishment attached was often similar in kind, although not in degree to postwar "national disgrace" in France or Czechoslovakia, or to the various lists established in Hungary to disqualify collaborators: those lustrated positively were banned from certain political, administrative, or leading positions, even though in the postwar cases those found guilty were also deprived, for a given period, of their voting rights. This, besides the questionable issues of collective guilt, defeats another declared purpose of transitional justice: rather than seriously facing the past and understanding how the dictatorship worked (how collaboration was extracted, what were the possibilities of refusal, and how informers caused harm or could mitigate it), the blanket condemnation of informers without investigating individual cases and activities reinforces stereotypes instead of obtaining knowledge.[48]

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48 The situation actually worsened, because lustration procedures relied on the files and other documents inherited from the secret services. Many claimed that in this way these instruments of the dictatorship had the last laugh and won a final victory. Similarly, after the war the communist authorities, especially in East Germany, but also elsewhere, got their hands on the Gestapo files and used them for their own purposes.

3. Rewriting history

The most obvious way of dealing with the authoritarian past and collaborationist regimes is by holding certain individuals, usually government officials, accountable. Although, apart from some high profile examples (like General Wojciech Jaruzelski, Erich Honecker, or Egon Krenz), and contrary to the postwar experience, post-communist countries did not vigorously pursue criminal cases against former leaders, the way these communist leaders were portrayed was similar to the much more severe postwar trials. While collaborationist politicians who served the Nazis in various ways, or those former communist leaders who maintained the communist dictatorships, could be found guilty of grave crimes, their trials or the campaigns against them also served other purposes. Besides, as discussed above, treating them as representatives of their social class, passing judgment over previous leaders also offered an opportunity to provide an interpretation of history that fit the views and purposes of the new elites. As a reaction, in both cases these former leaders attempted to present their own versions of history: they usually invoked in their defense the force of circumstances, and argued that they chose the lesser evil, played some sort of a double game in order to shield the population from a greater tragedy, or even claimed they were undermining the regime they were sustaining. The classic formulation of this argument is the "sword and shield" defense of Vichy France and its leaders, Marshal Philippe Pétain and, to a lesser extent, Pierre Laval: according to this line of reasoning while General de Gaulle represented the "sword", Vichy's leaders acted as the "shield" for France, both trying to protect France's national interests (that is, the survival of the state), and working towards securing France's place in Europe, however the fortunes of war would turn. In this context important similarities can be discovered between the arguments against the Vichy government in France and the Protectorate of Bohemia and Moravia on the one hand, and those against Wojciech Jaruzelski in Poland on the other hand, as well as in the defenses of the accused.

The most enthusiastically advanced post-authoritarian interpretation of history claimed that the collaborationist regime or the communist dictatorship was the making of a foreign power (Germany or the Soviet Union), aided by a handful of local collaborators and imposed upon an unwilling majority of the people, who in general resisted, but at least quietly opposed this system. The problem with this version and the procedures of transitional justice that follow from it is, of course, that this is an explanation or justification after the fact, and how we respond to them already depends on our judgment about the previous regime and its leaders. In other words, judgment is made from the perspective of the winner, which, as Raymond Aron said, might lead to injustice. With respect to Vichy, the victory of the Allies retroactively transforms mistakes into treason, even though this is false: an act's moral or legal character is not necessarily changed by subsequent events. Those who decided about France's surrender should be judged in the light of their motives. Thus the advantages, disadvantages, and consequences of the surrender should be examined as they had been seen by the decision-makers in 1940. Those who thought that surrender was France's only chance to avoid "Polonization," a threatening enough fate, while at the same time not hurting the Allied cause, were most likely mistaken.[49] But the victory of the Allies cannot retroactively turn these mistakes into treason. Those who surrendered in order to spare France further losses and prepare her for future resistance, were not traitors then and did not become traitors later. But those who surrendered so that France could join the other camp, and used the Germans to maintain control over the state in order to secure the victory of their own side in the "continuing French civil war," exploit the situation for their own ideological purposes, and accomplish the goals of their "national revolution" and, therefore, granted Germany larger than necessary concessions, were traitors already in 1939 and remained traitors in 1945 as well (Aron, 2006: 136-

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49   In reality the true frame of reference for France was the other West European countries occupied by Germany, and in that comparison France did not fare better due to its collaboration (Hoffman 1997: 44), but at the time of the Armistice the only example before them was indeed the fate of Poland.

37, Gordon, 1995: 500). What distorts the judgment over the Vichy regime is that the choices made and the acts committed in 1940 were observed and judged through the prism of the war crimes committed by Germany and its allies later in the war and the Liberation, as well as through that of the postwar trials and memories, and they impose a view distorted by things unknown at the time when the choices were made (Paxton, 1997: 89).

The ministers of the Czech Protectorate used a similar argument that their collaboration prevented a greater evil: non-compliance would have resulted in retribution against the civilian population, as well as in the replacement of ministers by outright fascists (Frommer, 2005: 310). As opposed to Pétain, who, while trying to save the state, lost both the nation and the state (Hoffman, 1997: 44), Emil Hácha defended his compromises during his term as the State President of the Protectorate of Bohemia and Moravia by claiming that "[i]f I could no longer save the state, then at least I saved the nation" (Frommer, 2005: 25). In his report to the American State Department George F. Kennan also argued that Hácha was neither a Nazi, nor a traitor: his unenviable position actually helped to protect Czech citizens from the horrors of direct Nazi rule. Although he and his assistants paid lip service to a German victory in Europe, "[t]hey were not seeking self-advancement […] Their main motive, however misguided, was loyalty to their people; and their purpose in doing what they did was clearly to preserve some elements of cohesion and of national recognition" (Frommer, 2005: 277-78).[50] It was not only Kennan's opinion: at first the government-in-exile in London was also sympathetic to Hácha's compromises. After the invasion, Beneš asked the Protectorate ministers to remain in position "for the good of the Czech people," and in 1941 the London government's message to the Czech underground called Hácha an "honorable person." The final break between them was brought about only by Reinhard Heydrich's assassination and the massacre in Lidice, when the government-in-exile denounced the Pro-

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50 Regarding the division in public opinion concerning Hácha's role, it was to everyone's relief when he conveniently died in 1945 before any trial could have been held.

tectorate ministers as traitors (Frommer, 2005: 27).

Leaders of communist regimes claimed to have found themselves facing similar dilemmas during their rule, and often used the imminent threat of foreign occupation and/or the memory of such an event to legitimize their continuing rule. The Hungarian communist leadership repeatedly hinted at the raw memory of the 1956 uprising in order to justify its own soft dictatorship and subservience to the Soviet Union. This was a double-edged sword to be sure: the Kádár regime came to power over the ruins of the uprising it betrayed and denounced as a "counter-revolution." and as its power, at least in the beginning, was guaranteed by the Soviet troops, it is ironic to think that presenting itself as a lesser evil became its main source of legitimacy. The picture was clearer in Poland, where General Jaruzelski could and did indeed portray himself and martial law as the lesser evil compared to the possibility of a Russian invasion, for which eventuality both the Hungarian (1956) and the Czech (1968) interventions provided ample evidence. Polish communist elites started putting forward this rationalization and justification for martial law even during their time in power. Their propaganda implied that a potential invasion (which they claimed the USSR had threatened) would have spelled the ultimate disaster for Poland. Solidarity leaders would have been executed or deported to Siberia, military terror would have been imposed upon the population and those who engaged in resistance would have been slaughtered. These apologists also implied that invasion would have been tantamount to a repetition of wartime "Polonization": a new partition of Poland, with the GDR and Czechoslovakia grabbing different parts. In this sense imposing martial law was a patriotic duty, or at the least the avoidance of some terrible evil at the price of a lesser one. Although this latter assertion sounds somewhat hysterical, it is not alien from the point of view of Polish national consciousness. In fact, based on historical experience both in Poland's bloody history and the evidence that the USSR had already carried out several invasions in unruly states, a similar move looked plausible indeed, and other East European communist states also threatened Poland with invasion or

demanded the imposition of some forceful measures of its own. This imagery was also congruent with the way Polish nationalists pictured Russia, and the justification found support in the West as well, especially in the United States (Zubek, 1994: 810).[51] Despite its 1992 condemnation as illegal, the period of martial law raised many questions besides the moral, political, and historical debates (was martial law a "higher necessity," a "lesser evil," or the betrayal of Polish independence?). The two questions asked about the introduction of martial law, as well as the intentions of those who introduced it, were the following: was it to protect international and Polish communism (in which case it could qualify as a self-serving act against popular will), or to protect Poland and Polish national sovereignty from a Soviet invasion scenario that befell Hungary and Czechoslovakia (Walicki, 2001: 209), and from all the potential disaster it might have unleashed? This formulation of the dilemma offers an eerie resemblance to the French debate, and it is not surprising that parallels were often drawn between Jaruzelski and Pétain. Of course, just as involuntary and voluntary collaborations have not been easily distinguishable in the French case, the question could also be raised with respect to Poland: was not Jaruzelski a little bit too eager in anticipating the Soviet intervention and accepting the Soviet demands, and a little too hasty with his preemptive moves? Even though recently opened archives, as well as assertions from Gorbachov, Andropov, and Ustinov suggest that the Soviet Union had no intention to invade Poland, it is also clear that they were worried about the rise and legality of Solidarity, and put substantial pressure on Jaruzelski to crack down on the opposition (Nagorski, 1993: 51). Thus one has to consider not only whether the Russians did in reality contemplate or even plan an invasion, but also whether they threatened to carry one out, and how reasonable it was on Jaruzelski's part to take this threat at face value, rather than call the bluff. The Hungarian and Czechoslovak examples certainly lent cred-

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51 Considering that even as an EU member Poland envisioned a repetition of the Molotov-Ribbentrop Pact prompted by news regarding a Russian-German gas pipeline which would bypass Poland, it is not unreasonable to believe that such thoughts did indeed occur to Polish communist leaders.

ibility to such an alternative, but the final judgment about Jaruzelski also depends on how one judges communism and the leader himself, and the willingness to lend credence to his bona fides. It is not surprising that while in 1996 the left-wing majority *Sejm* cleared Jaruzelski of any charges of treason, in 2007 under the ultra-right government of Jaroslaw Kaczynski he was once again indicted and put on trial.

As even some postwar ministers realized in Czechoslovakia, their position to judge how the Czechs should have conducted themselves during the occupation was not particularly strong, as most of them weathered the war in exile, not necessarily knowing "what was possible here during the war and what was not." The defendants on trial actually took swipes at the exiles: one of the accused, former Minister of the Interior, Richard Bienert testified that "[i]f I had been clever, I would have left the country too." *Lidová democracie*, the official organ of the People's Party, also argued that the entire nation was given the possibility to refuse collaboration, but instead it chose the wait-and-see path. Therefore, the reasons for this should be sought not in intentional treachery, but in the general apathy and the post-Munich geographical and physical isolation (Frommer, 2005: 282-83). Yet the singling out of leaders and condemning them for acts whose evaluation is not always unequivocal, does not only claim that those passing judgments are in the position to determine how the people should have conducted themselves under occupation or during communism, but also *asserts that the people did exactly that*: they behaved in the only possible and acceptable way. This, however, offers a distorted picture. In the case of Vichy, what Rousso calls "the trap of '*resistencialism*'" tries to cover up the very real division of wartime France. Even though today for the majority of the French population legitimacy rests with de Gaulle and the *Résistance*, this was not necessarily so obvious during the war when a certain legitimacy of Vichy could not be denied (Rousso, 1998: 71). Similarly, members of the Protectorate government, belonging to the Czech elite, enjoyed the support of a large portion of the population (Frommer, 2000: 177), which did not simply make their trial problematic, but also undermined the argu-

ment for drawing a clear line between the elite and the "people." In the communist states such divisions were not even very deep. While there was always a more or less significant opposition movement in these societies, even in Poland where Solidarity was indeed a strong organization with widespread popular support, Jaruzelski was not without sympathy: even in Poland not everyone rebelled. In Czechoslovakia, where Charter 77 had only very few signatories, popular collaboration was hard to deny: this was formulated by Vaclav Havel in his 1990 New Year's speech, when he claimed that to varying extents everyone contributed to the maintenance of the totalitarian machinery.[52] In Hungary, despite a handful of active opposition figures who published and distributed *samizdat* journals and books, and some 1956 veterans, who kept the memory of the uprising alive, János Kádár and the regime named after him enjoyed a strong legitimacy, much to the chagrin of post-communist elites.

4. Conclusion

This paper argued that transitional justice in postwar and post-communist Europe tried to fulfill three interconnected goals. Firstly, while carrying out elite change, it was used to establish the legitimacy of the new systems by delegitimizing the previous regimes, which were depicted as illegal, criminal, and foreign creations, and at the same time, denounce its leadership, political elite, as well as its dominant social groups and classes, beneficiaries, and supporters (or what were regarded as such). They could therefore be considered as guilty and thus appropriately punished through legal means, by exclusion from political and economic life – or both. Secondly, transitional justice also aimed at reinterpreting national history, from the perspective of the present. Finally, by naming and identifying the guilty (people or groups), and the re-conceptualization of history, transitional justice could also serve as a means to absolve the bulk of the population of

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52 http://old.hrad.cz/president/Havel/speeches/1990/0101_uk.html (2 February 2009).

any wrongdoing or collaboration, and was even able to portray them as either silent resisters, victims, or in the worst case, as expressing reluctant acquiescence. This, in turn, also contributed to the presentation of national history in a way which made it more comfortable to live with a dark past.

The treatment of the past outlined above, however, is unable to obtain a clear and truthful picture of a country's history, and sooner or later will become the cause of political and social problems. As demonstrated by the case of France, the so-called "Vichy-syndrome" led to serious national schizophrenia, and was, at least in part, the source of the serious mistakes in the way France handled the Algerian war. In East Germany, the people never seriously confronted their Nazi past – although it is true that this omission inspired a better strategy after the fall of communism and German reunification, even though the West German interference in dealing with the communist past was the source of serious resentment on the part of former East Germans. Furthermore, the parallels described and illustrated in this paper are not hidden from the population of the countries in question. While a large portion of the population doubtlessly accepts, even welcomes transitional justice, there is also a significant segment for which these parallels discredit the process itself, since they remember well the postwar procedures and the way they were manipulated by a new elite which turned out rather undemocratic.[53] In this respect it is important to realize that while in the current context transitional justice is associated with democratization, the methods described above were also employed by political elites whose ultimate goals were not to establish democracy, but rather the opposite, and this is not lost on the societies in question. In fact, emerging dictatorships, like the Vichy regime, or Franco's order, also used the cloak of "justice" for retribution and to do away mercilessly with representatives of previous, *democratic* systems in order to strengthen their own rule. Such observations do

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53 Parallels not explored in this paper can also be drawn with certain methods employed by the communist dictatorships, especially in the 1950s, which also leave a bitter taste and undermine the originally declared goals of transitional justice.

not enhance confidence or deepen democracy in new democracies; neither do they strengthen national cohesion and the development of a realistic national consciousness.

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The Past in the Present: Post-communist Croatia "After Tito … Tito"

Social change in Croatia during the 1990s proceeded under exceptionally complex historical circumstances in which the impact of the recent past was particularly significant. The process of overcoming the communist legacy was intertwined with national emancipation, the establishment of an independent state and international recognition, ethnic conflict in Croatia and the neighboring region with international involvement, war and the struggle for territorial integrity, as well as the problems associated with the creation of civil society. The most important positions in the new political elite were assumed by former communists and political dissidents backed by political émigrés. Historian Franjo Tuđman, the head of the victorious political party, the Croatian Democratic Union, and the first president of independent Croatia, became the central personality of Croatian politics. Although he was a former communist and one of Tito's generals, he later became a political dissident. Tuđman's political activities were conditioned by his unambiguous historicism, above all pertaining to matters of interethnic relations and the Croatian state-building tradition, and by the constraints of dogmatic communist orthodoxy. His

style of rule and overall political demeanor were greatly drawn from the political heritage of Josip Broz Tito. Individual aspects of the complex and, in many ways, controversial relationship between Tuđman and Tito, which were reflected in the contemporary attitude toward the recent past, are covered in this work.

Key words: Croatian contemporary history**,** Franjo Tuđman, Josip Broz Tito, Croatia, Yugoslavia, post-communism, Croatian Homeland War, transition, Croatian political elite, reconciliation, war crimes

1. The communist heritage and dealing with the past: *"Even after Tito, Tito"*

In concluding his criticism of the "incursion of nationalism into the Communist Party of Croatia (KPH) and the Alliance of Communists of Croatia (SKH)" in 1978, one of the most influential politicians of the last two decades of socialism in Croatia and Yugoslavia, Stipe Šuvar, emphasized the following: "The new society, according to Marx, is long borne by the youth of the old, and the inertia of old forms of awareness, the power of old ideas, is still immense" (Šuvar, 1978: 9). The problem of the past's influence ("old ideas") on the present of which Marx spoke is one of the most complex issues of history.[54] Which ideas are "old" and which are "new," which are "progressive" and which are "retrograde," which survive the "test" of history and which vanish from the theater of history are just some of the questions which may be posed in this context. The recent history of Croatia, the period covering the past two decades, disproved Šuvar and his conviction on the untouchability and resistance of the political concept of "the revolutionary struggle to vanquish the old class-based

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[54] To be sure, the opposite is also true, so that the influence of the present on the past (historical reconstruction) and the interaction of both viewpoints must also be examined.

society and to construct a new society grounded in classless social re-lations" (Šuvar, 1978: 3). The road to a classless society, a consensual economy and worker self-management, Yugoslavism, and fraternity and unity became "historical relics," while democratization, national emancipation, nation-building, and a liberation war came to the fore-front of political interest and became the new historical realities of Croatia. However, historical change did not quite disprove Marx's idea on the "power of old ideas" and their reflection in the present (which Šuvar also cited).

After the introduction of political pluralism and the defeat of com-munism in free elections in Croatia in 1990, the new political elite proclaimed the victory of democracy and the struggle for a new sys-tem of values. Stipe Šuvar and the "Marxist view of the world" were relegated to the margins of the political scene, and their place was as-sumed by former communist dissidents and members of the so-called Croatian Diaspora, in which the most important role was played by individuals who declared themselves political émigrés. In this histori-cal context, the complex matter of the impact of the past on the present emerged as one of the problematic transition aspects of overcoming the past. The most outstanding factor of a fifty-year historical legacy (a human lifetime) which marked the recent history of Croatia and Yu-goslavia to the greatest degree was the "life and times" of Josip Broz Tito. As a wartime victor, the central figure of Yugoslav communism, and the lifetime president of Yugoslavia, Tito reigned for 35 years, employing his personal charisma and iron hand, directly overseeing the most important levers of authority. Tito's departure from the his-torical stage in 1980 signified the simultaneous disappearance of the most vital integrative factor holding together multiethnic Yugoslavia and its peculiar road to communism. The attitude toward his legacy and heritage is therefore one of the central issues in how Croatia and the other former Yugoslav states deal with the past. To be sure, this is an exceptionally complex and, in some ways, controversial political and social heritage. This paper is a contribution to breaking down and, within this context, a modest illustration of this complex phenomenon.

2. *The relationship with the past in the wake of political changes in Croatia at the beginning of the 1990s*

The relationship to the past and the problem of confronting the transition to democratization and the development of civil society in Croatia was intimately linked to the escalation of national tensions in Yugoslavia and to the profile of the new political elites. All of the weaknesses of Tito's regime became apparent immediately after his death. With the disappearance of a central authority, all of the institutional shortcomings of Yugoslavia's social organization came to the fore. Social, in particular, national tensions escalated, even as pro-democratic political currents burgeoned at the same time. In the course of these processes, the pretenders to Tito's heritage simultaneously swore allegiance to Titoism even as they attempted to reformulate and adapt it to suit their specific political interests. Gradually a critical detachment from Tito's heritage emerged, in which, at the end of the 1980s, the national-communist populism of Slobodan Milošević imposed itself as the principal driver of Yugoslav nationalisms and the "trigger" for Yugoslavia's collapse. In the spring of 1990, the first democratic elections since the Second World War were held in Croatia. The promotion of political pluralism resulted in the removal of the previous communist authorities and opened the way for radical social change and the creation of a new political elite. The electoral victor, a party called the Croatian Democratic Union (better known the HDZ), and its leader, Franjo Tuđman—a former general in Tito's army, a historian, communist dissident, and future president of the independent Croatian state—constituted the basic (operative) factors in the creation of the new political elite which would greatly influence the development of Croatian society to this day.

At the transition from the 1980s into the 1990s, Tuđman's personal worldviews played a major role in his political activities; these worldviews were characterized by exceptional historicism (in the Popperian sense) in which the central role was played by the Croatian nation and its national emancipation. According to Dušan Bilandžić, who

was well-versed in the activities of the first Croatian president and his associates at the beginning of the 1990s, Tuđman was "burdened by nationalism and historicism, and practically without any insight into contemporary social processes in the West"; as such he was "destined to do everything based on inspirations derived from the past. Due to this intellectual and moral atmosphere, Tuđman could not build a modern society. To be sure, the war did not allow this either" (Bilandžić, 2007: 58-59).[55]

As political analyst V.P. Gagnon noted, the structure of the HDZ showed from the very beginning that it was more "a political movement than a political party, or in the words of Franjo Tuđman, a grouping of 'all legitimate Croat political forces'"; at the time of the 1990 election, the HDZ covered "a wide spectrum, ranging from moderate reformists who had been purged from the SKH in 1972 for nationalism but were staunch advocates of democracy and economic reforms; to technocrats and managers of socially owned firms who were interested in maintaining their autonomy and control of their firms, and whose priority was an efficient economy; to ideological hard-liners and nationalist fundamentalists who were very authoritarian and espoused the most ethnically chauvinistic and xenophobic views, and who would come to have enormous influence in HDZ-controlled media and newspapers; to those with links to the Ustasha emigration, many of whom were from western Herzegovina and who sought to consolidate the HDZ's control over structures of power, who advocated authoritarianism, and who ended up having enormous influence

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[55] Branko Tuđen, one of Tuđman's "trusted" journalists, also testified to Tuđman's historicism and the results of such reasoning: "Tuđman was an old-style person, burdened by historicism. He thought that if he was on the victor's side, and at Dayton the Americans convinced him of this, trials for war crimes would only be organized for the defeated (the Serbs)." (…) "Tuđman also mistakenly assessed his own participation in the antifascist struggle. The 1990s were no longer the post-Second World War period. He did not count on the fact that the US and the European Union, regardless of the fact that he did their dirty work for them (as claimed in Holbrooke's book), would equally punish all sides in a war which the West did not want. It was my impression that he thought there was no one who would correctly explain his intentions to the world. He once told me, 'Unfortunately, I don't have my own Dedijer.' Wrong. The time of Dedijer, who would present an embellished portrait of an authoritarian ruler, had long since passed." (Tuđen, 2007: 58-59).

in Croatian policies, despite their small numbers and the lack of popular support for them in their policies. In addition, just before and after the elections a number of conservative SKH officials, especially at the low levels of the party, joined the HDZ as a way to stay within the local structure of power; so they too were committed to resisting fundamental political and economic reforms" (Gagnon, 2004: 140-141).

Despite the exceptional diversity of political options gathered under the "umbrella" of the HDZ, the party's most important structural feature was the controversial alliance between former communists and political émigrés, mainly the descendents of the defeated nationalist formations of the Second World War. The U.S. diplomatic brochures entitled "Wire Service Stories" in 1997 characterized the Croatian Democratic Union as a party in which the "reins were held by former communists on the one hand, and 'diehard nationalists' on the other" (*Nedjeljna Dalmacija*, 14 February 1997). Besides the strong influence on Croatian politics in the 1990s by the historian-politician Tuđman, who personally advocated a concept of national reconciliation between the "left" and "right" (known in Croatia as *pomirba*), such a constellation of political relations resulted in the paradoxical imposement of unresolved issues from the past as ever present controversies of contemporary Croatian political discourse. It was in this context that an ambivalent attitude toward Tito and his heritage appeared.

3. *"Franjo" & "Josip"*

Contemporary Croatian political culture has largely been shaped by the populist models and convictions of politicians such as Ante Starčević, Stjepan Radić, Ante Pavelić, and Josip Broz Tito, who dominated Croatian politics in the late nineteenth and twentieth centuries. With the exception of the fascist Pavelić, Franjo Tuđman explicitly referred to each of these politicians, stressing that his political doctrine rests on a synthesis of their teaching and works (*Danas* [Zagreb], 26

February 1993). Nonetheless, based on numerous indicators, it would seem that the most obvious influence on his personal political culture was Josip Broz Tito, of whom sociologist Bogdan Denić said that "he was really the last Habsburg, ruling a doomed multinational state" and that he went "into history as a perverse coda on the dead Habsburg era" (Denitch, 1994: 58). To be sure, Tuđman changed, or rather adjusted, his attitude toward Tito. During his long-term political "fermentation," Tuđman underwent a metamorphosis from Tito's loyal follower and zealous party *apparatchik* during the Second World War to an unwavering fighter for the national emancipation of the Croats, which brought into question some of the postulates of Titoism. Individual documents testify to Tuđman's activities as a political commissar attached to the headquarters of the Committee of the 32nd Division during the Second World War. Thus, at the beginning of 1944, Tuđman complained of insufficient party work: "the political commissars are (…) inadequate, and they have not absorbed the party line …"; however, in the report on "political work, conditions and the political consciousness and education of the soldiers…" which was compiled by the secretary of the Divisional Committee (Tuđman's superior), the observation is made of the "excessive rigidity and inaccessibility (…) of the political commissar, Comrade Tuđman" whose strict approach "has already led to resentment in brigade headquarters" (Bulat, 1985: 318, 331).[56]

The influence of the ideological discourse of his youth followed Tuđman throughout his life, manifesting itself as a tendency to adapt reality to his own ideas. In contrast to many leftist intellectuals who radicalized the drift from communist dogma in the 1970s and, especially, in the 1980s, during his dissident phase, Tuđman, despite his declarative advocacy of democratic freedoms, remained essentially faithful to the hard-core communist legacy in which he was formed. Tuđman's fundamental political ideas of the 1990s bore the recognizable features of unbending ideological constructions inspired by

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56 About this, see documents IHRP, Zagreb, KP-56/86 and IHRP Zagreb, KP – 56/105. Based on Bulat, 1985: 318, 331.

historicist tenets, in which it was not difficult to discern the dogmatic methodology characteristic of communist orthodoxy (the unity between the sovereign, his party – as the "political vanguard" – and the people, the contrived concept of reconciliation, Bosnia-Herzegovina as a contrived artifice, the societal stratification of social classes/"castes", and so forth).

At the symbolic level, and to a great degree on matters of practical policy, Tuđman, despite his dissident status, remained under the permanent influence of Tito, like many other members of the higher communist class. In Tuđman's earlier historiographic works, Tito is certainly the central figure of Croatian and Yugoslav history, whose appearance affirmed the awareness of "the necessity of fusing the class and national struggle in a consolidated revolutionary-democratic process": "…the arrival of Tito at the head of the Communist Party of Yugoslavia in 1937 (…) marked the beginning, not only in theory but also in reality, of the manifestation of the correct national policy of the KPJ [Communist Party of Yugoslavia]." ("The communist revolutionary-democratic movement unified the most progressive political forces of all nations – the Serbian, Croatian, Slovenian, Macedonian and Montenegrin – in the struggle for the proper solution to the national question.") (Tuđman, 1969: 173). Even though much later, as the president of the Republic of Croatia, he would write about the "deficiencies and subjectiveness of Tito's policies," the "limitations of one-party totalitarianism," and Tito himself as the "absolute chief of the Alliance of Communists and the State," Tuđman did not forget his "reputation and authority at home and abroad" who "became a first-class factor in domestic and international events" (Tuđman, 1996: 152).

Tito's many years of rule and his cult of personality, which was thoroughly implanted in all pores of Yugoslav society as the living symbol of the unique Yugoslav identity, generally exerted a great influence on the wartime (and postwar) revolutionary generation, which, besides Tuđman, encompassed some of the more important members of the new political elite, such as Josip Manolić, Stjepan Mesić, Josip

Boljkovac, Slavko Degoricija, and others. Although largely political dissidents with an exceptionally pro-Croatian bent, these politicians never renounced Tito nor, particularly, the achievements of the anti-fascist struggle which were ultimately underscored as one of the foundations for the creation of the independent Croatian state and incorporated into the modern Croatian constitution. After coming to power, Tuđman – "who always spoke of the Socialist Federal Republic of Yugoslavia negatively" ("the dungeon of the Croatian people") – kept a bust of Tito in the Presidential Palace, and "when it suited him he stressed Tito's role in the Second World War," as well as emphasized Tito's Croatian roots (Nemet, 2006: 13).

When, in the late 1980s and early 1990s, the Serbs began to berate Josip Broz Tito for the anti-Serb "confederal" features of the Yugoslav Constitution of 1974, Tuđman accorded himself the role of guardian of Tito's heritage (Stojanović, 1988: 213; Ramet, 1992: 22). As the newly-elected president of the Socialist Republic of Croatia, in June 1990 Tuđman responded to a question posed by a reporter from the Hamburg weekly *Der Spiegel* on what policies he intended to employ to oppose the centralist concept coming from Belgrade by saying: "Tito established Yugoslavia on the principle of self-determination of all peoples. Even today this is accorded first place in our federal Constitution. And this right is granted not to the federation but to the nations. (...) There is a fundamental contradiction between the opinion of Serbia and the understanding of the majority in the remaining republics. Because of this, today Serbia sees nothing good in Tito, so that the deceased Tito has once more been posthumously slain by Serbian fanatics, precisely because he set forth the self-determination of peoples" (*Der Spiegel*, 18 June 1991).[57] This argument was certainly not without importance to the popular image of Tito among the international public; as observed by the author of one of the popularly written biographies of Tito, Neil Barnett, during the establishment of the foundations of postwar Yugoslavia in Jajce in 1943 (at the Anti-fascist Council of the People's Liberation of Yugoslavia), thanks to Tito "the

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57 Cited in: *Kronologija rata Hrvatska & Bosna i Hercegovina 1989. – 1998.*, 1998.

people of Yugoslavia would have the right to self-determination and ultimately secession from the federal state" which "laid the foundations for the 1946 constitutions" (and all others which followed – *author's note*) (Barnett, 2006: 69).

Besides his break with the Soviet bloc, one of the major motifs in the popular presentation of Tito in the West was his history as a guerilla. Even though Tito was sometimes characterized as a "communist dictator" in some foreign media after the outbreak of the Yugoslav crisis, (*The Age*, 29 April 1991) a positive perception of his historical role nonetheless prevailed. As emphasized by a respected American journalist, Anthony Lewis (*The New York Times*), the historical contribution of the Yugoslav sovereign was reflected, above all, by the fact that "Tito and his Partisans fought courageously against the occupying Nazi armies" ("while Croatian Fascists set up a pro-Nazi puppet state") and, certainly, in the firm opposition to Stalin, wherein he "won Yugoslavia much admiration and support in the West" (*The New York Times*, 4 November 1991).[58] When U.S. Ambassador Warren Zimmermann asked Tuđman in astonishment how he thought he could win an open war against Serbia, he responded: "Like Tito, like the Vietnamese, with the help of three million Croats around the world, with whom you will also encounter problems as well, and with the support of democratic countries" (Nobilo, 2000: 188). Although he spoke critically of the communism and Yugoslavism embodied by Josip Broz, Tuđman took many opportunities to publicly declare his affinity for Tito, who, he said, allegedly took an interest in his fate even when he was a dissident and political prisoner.

When the Yugoslav crisis became internationalized in 1990 and 1991, evoking Tito was certain a politically reasonable act, given that in the international community, unhappy with Yugoslavia's collapse, such statements reflected on judgments of the legality and legitimacy

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58 Like Anthony Lewis, Neil Barnett employed similar images when describing the Yugoslav leader: "Josip Broz Tito (1892-1980) was many things: a charismatic, near mythological figure, he was an inspirational leader and scourge of the Nazi occupation of Yugoslavia; a doctrinaire communist and yet a thorn in Moscow's side; an oppressor, a reformer, a playboy" (Barnett, 2006: book cover).

of the participants in this process. Given the very real threat of an outbreak of ethnic conflict in Yugoslavia, (*The Age*, 25 March 1991)[59] in the international media Tito was often distinguished as "the only man who managed to find a vaccine against the devastating Balkan nationalisms": "There are many people who are deemed great men in the Balkans. But this man, until his death a decade ago, was greater than all of them together. His name was Marshal Tito. Tito, a Croat, created Yugoslavia and dominated it with the force of his personality. After he departed, and went to that place communist leaders go when Marx summons them for consultations, a vast political vacuum was created" (*The Age*, 25 March 1991).

Titoism undoubtedly meant at the same time the communism and Yugoslavism which the HDZ and its head Franjo Tuđman explicitly rejected in their platform documents, which were aimed at securing the state independence of Croatia. It is not unrealistic to conclude that the historical role of Josip Broz Tito, as Tuđman himself stressed, was exceptionally valuable and merited preservation, even after Yugoslavia's collapse and Croatia's independence, despite his undeniable Yugoslavism (otherwise one of Croatia's political traditions as well) and unwavering commitment to the communist ideology, for Tito was without doubt one of the personalities most deserving of credit for the creation of the modern Croatian state. This is demonstrated by placing Croatia on the victorious – antifascist – side in the Second World War, thereby preventing the stigmatization of the Croatian people by identifying them with the defeated pro-fascist authorities of the Independent State of Croatia. As a part of Tito's antifascist movement, which opposed the extremist nationalism of the Croatian Ustasha and Serbian Chetniks with a policy of national equality, Croatian antifascists contributed the attributions of Croatian independence and statehood and

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59 Quite often, pejorative historical images were used to describe Yugoslavia, which became among the dominant stereotypes in interpretations of the Yugoslav conflict: "Here, in the land of warring South Slavs, where the trigger of the First World War was pulled in the Bosnian capital of Sarajevo, one Viennese correspondent took the opportunity to formulate an ingenious description of the troubles he saw before him. The land which was to become Yugoslavia, he concluded, can best be described as the research laboratory for the destruction of the world." (Barrett, *The Age*, 25 March 1991).

formed sovereign bodies of Croatian national authority (obviously in compliance with the communist understanding of equality and sovereignty). At the war's end, Tito ejected the king, established a republic, and carried forward the federal reorganization of the Yugoslav state, in the process creating a link with the long-past aspirations of Croatian politicians such as Frano Supilo and the Radić brothers, who sought a solution to the Croatian national question in republicanism and federalism. The federal status of Croatia in Yugoslavia was accompanied by the incorporation of the right to self-determination of nations in every Yugoslav constitution, wherein the Constitution of 1974 became the legal source for the affirmation and international recognition of the contemporary Croatian state. Finally, it should be stressed that the antifascist movement led by Tito not only liberated and returned Croatia's occupied territories, but in diplomatic contests with the West it also managed to incorporate Istria into Yugoslavia, the larger part of which became a part of the Republic of Croatia (Tuđman, 1969: 72-73).

4. The controversies of Tito's legacy in Croatia in the 1990s

However, the positive attitude and affinity for Tito demonstrated to a certain degree by Tuđman and a portion of the Croatian political elite sharply collided with the positions of the anti-Yugoslav and anti-communist political émigrés, who, as noted, became an important component of the new Croatian politics thanks to Tuđman's concept of an all-Croatian reconciliation. The first active official of the Croatian Democratic Union, Ante Beljo, a Croatian emigrant from Canada, was the author of the book *Yu-genocide*, in which he directly accused Tito's communist regime of crimes committed against Croats during and after the Second World War. His acquaintance, another political emigrant named Gojko Šušak, who as defense minister became the most powerful individual in Croatia after Tuđman, did not conceal his affinity for the Independent State of Croatia and his radical hostility

for Titoism. Šušak became notorious in émigré communities due to an incident in which he scrawled the word "Tito" on a small pig during a demonstration staged by Croatian emigrants during Tito's official visit to Canada.

The aggression launched by Serbia and the Yugoslav People's Army against Croatia in 1991 accelerated the redefinition of Croatia's identity and pushed the divergence from the heritage of Tito's antifascism to radical extremes. As a result of these tendencies, there followed an uncritical and ahistorical identification of Greater Serbianism and the Chetnik movement with Yugoslavism, communism and Tito's antifascism. At the same time, there was also a tendency to link Croatia's Homeland War – whose central personality was Franjo Tuđman (like Tito in the People's Liberation Struggle) – with the Ustasha movement and the Independent State of Croatia. However, the opposite tendency also appeared, so in the antifascist camp Tuđman found himself playing the role of Tito's defender. Thus, historian Petar Strčić compared Tito's explicit orders issued in May 1945, "that the killing of prisoners and detainees be prevented at all costs," with Tuđman's proclamation of August 1995, in which, "with similar words at the end of the Homeland War," he guaranteed the safety of the Krajina Serbs and called upon them to remain in Croatia, after which "tragedy and crimes ensued, this time leveled against the Serbs, mostly from Croatia" (Strčić, 2007: 21, 25). While distancing himself from relativization of any crimes, Strčić nonetheless rather benignly characterized the misdeeds perpetrated after wartime operations in 1945 and 1995 as "disrespect for Tito's (1945) and Tuđman's orders (1995)" and concluded that such incidents "are not uncommon cases for leaders of states and armies in both the deep past and more recent history, just like the occurrence of tragedies despite the existence of orders"(Strčić, 2007: 25).

Despite Tuđman's political philosophy of reconciliation (as the most prominent symbol of the past influencing the present) which should have overcome the political and historical controversies of the Croatian past on a "pan-Croatian" foundation, the emphasis of themes

from "concealed history" resulted in divisions within the Croatian body politic. Instead of a catharsis and an overcoming of frustrations from the past, "reconciliation" actually sparked endless ideological debates and conflicts which, instead of consolidating the nation, led to sharp polarization. Similar to the manner in which Josip Broz Tito's charisma maintained the concept of "brotherhood and unity," so too did the authority of the first Croatian President Franjo Tuđman keep shut the "Pandora's box" of surviving ideologies which became an insurmountable component of daily politics.

Instead of turning to the democratic and cultural values of the West – which were already adopted by the "young blue-jeans generation" under socialism – the politics of reconciliation of surviving ideologies was a historical step backward; instead of the struggle for democratic development and effective resistance to the anti-democratic Greater Serbian aggression, many of the leading politicians focused on a settling of accounts. The ideological conflict between the "Ustasha" and the "Partisans" smoldered in the background of outcries against (Greater) Serbs and Yugoslavs. Even though the genuine conflict would truly break out only after the dismissal of some leading members of the HDZ, such as Stjepan Mesić and Josip Manolić, in 1994, the latent conflict, with occasional "eruptions" of suppressed political passions, have been present since the very beginnings of the multiparty system and persist to this day (*Croatian Television, channel 2*, 7 April 2005).[60]

This is demonstrated even today – by the now already traditional – April and May ("Jasenovac" and "Bleiburg") verbal confrontations associated with the public ceremonies to honor the victims of the Second World War, which are less and less about commemoration and more and more about politicization. In June 2008, one of the highest circulation Croatian newspapers carried the front-page headline "No Reconciliation"; the accompanying photograph showed the Croatian

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60 The parliamentary debate on the proposed "antifascist declaration" of the Croatian Parliament and Croatia's participation in the celebration of the sixtieth anniversary of the antifascist coalition in the Second World War was conducted in an exceptionally bilious atmosphere, (*HTV2*, 7 April, 2005).

president in the Brezovica Forest near Sisak (the site of celebrations for Antifascist Day) with the caption: "All Against the Ustasha!" as well as a photograph of a person wearing Ustasha insignia, at the Jazovka site, where the Partisans conducted summary executions, and the accompanying message: "Communism and fascism are the same" (*Večernji list*, 23 June 2008).

Similar problems of dealing with the past occurred in 2009 as well. When, at the beginning of 2009, the public was informed of the discovery of the latest mass grave of prisoners of war executed at the end of the Second World War, bitter debates on Josip Broz Tito and antifascism once more erupted. The brunt of criticism of communist crimes was provided by some of the most prominent human rights activists. Philosopher Žarko Puhovski compared Tito's regime in the period immediately following the close of the war with that of the Independent State of Croatia, while the most distinguished members of the Croatian Helsinki Committee, Ivo Banac and Ivan Zvonimir Čičak, announced the launching of investigations into the crimes committed by antifascists in 1945 and accused President Stjepan Mesić of "relativizing the crimes of the Yugoslav communist regime for over three years and attempting to provide convincing alibis for Tito's dictatorship" (*Slobodna Dalmacija*, 28 April 2009). Some of Tuđman's closest associates in the creation of the Croatian state, such as Josip Manolić and Josip Boljkovac, were called out for their own culpability, while a witness came forward who said he even recognized Tuđman himself as one of those who ordered the perpetration of these crimes (*Jutarnji list*, 8 April, 2009; *Otvorena televizija*, 8 April, 2009).[61]

Critics of Tito's regime continue to demand the removal of Tito's name from one of the main squares in downtown Zagreb. However, renaming Marshal Tito Square would certainly inspire new controversies. After the democratic changes in Croatia in 1990, one of the streets leading to this square was named after Andrija Hebrang, a vic-

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[61] A former member of an NDH military unit, Mirko Krpan, claimed that he recognized Partisan officer Franjo Tuđman as one of those who directly issued orders for the execution of apprehended enemies and civilians during the liberation of Zagreb *(Otvorena televizija,* 8 April 2009). Recording in author's possession.

tim of internal communist purges during the rift with Stalin. However, at the time of the mass executions of prisoners in 1945, Hebrang was one of the most influential Croatian communists and a politician in the top echelons of Tito's government. Just as Tito, he had to be aware and thereby (also) culpable for these crimes. Following this logic, the question of culpability could be extended to the first Croatian president, Franjo Tuđman, who was a political commissar with the rank of major at the end of the war. An unambiguous condemnation of Titoism, communism, and Yugoslavism would certainly bring into question many other aspects of Croatian history from the communist period. Thus, the works of writers such as Vladimir Nazor, Miroslav Krleža, or Jure Kaštelan and many other individuals may become a questionable heritage of Croatian collective memory. The syndrome of collective guilt which was foisted upon the entire Croatian nation due to the crimes of the Ustasha authorities committed during Second World War would thus be augmented with the crimes of the communists.

The struggle for the legitimate demands to research the concealed history of the communist period may lead to a sublimation and concealment of a new "undesirable" historical legacy. The current ahistorical and uncritical (petty political) relationship with the recent past, as demonstrated by the ambivalent nature of the attitude toward Josip Broz Tito, instead of a catharsis, is thus imposing the past as an eternal present. Bridging the chasms of the past therefore remains as one of the major challenges to the democratic development of modern Croatian society.

5. *Tuđmanism, the last stage of Titoism*

After Tito's death in Ljubljana on 4 May 4 1980, the Zagreb-based daily newspaper *Vjesnik* ran a story which lucidly describes the "columns of those" who wished "to pay their respects, and express their affection and sorrow" due to "the loss of the greatest man," "the beloved Tito." The article also mentioned the "pledge" to Tito, accom-

panied by promises from the residents of Croatia and Yugoslavia "that they will forever follow his path and work" (*Vjesnik*, 10 May 1980). A decade later, Tito's life's work – the Yugoslav state socialist community – disappeared in a series of brutal wars which annihilated the most important legacies of Titoism. "Brotherhood and unity" was wiped away in the wake of furious national homogenization. Furthermore, the affirmations of political pluralism dethroned Yugoslavia's single-party communist government, while the Yugoslav People's Army, the most important mainstay of Tito's authority, became a lever of Greater Serbian politics. Despite the disappearance of these most significant integrative attributes of Titoism, Tito's influence remained present in a series of manifestations and forms which, in differing ways, marked the period of transition in the 1990s in Croatia and throughout the territory of the former Yugoslavia.

Paradoxically, the most important role in tearing down Tito's Yugoslavia was played by some of the most loyal followers and previous apologists for Tito's life and work. While in Serbia this role was assumed by the progenitor of the "national emancipation" of Serbia, the "father of the nation" Dobrica Ćosić, and, in the latter half of the 1980s, by the leading Serbian communist Slobodan Milošević, in Croatia the most important personality of political change was Franjo Tuđman. However, the controversies surrounding the destruction of Titoism by "enthusiasts" of Tito's life and works, such as Ćosić and Tuđman, were only a superficial paradox. The causes for the collapse of Tito's legacy can be broken down and analyzed within the context of the weaknesses and shortcomings of his governing methods and the structural problems of the political system which he created, of which he was the most important integrative factor. The actual paradox of political and social change in Croatia in the 1990s manifested itself in the devastation of individual aspects of Titoism (e.g., the concepts of "brotherhood and unity," self-managing socialism, etc.) accompanied by the simultaneous transfer and implementation of its individual features into the new system of governance. In this context, one may posit that the peculiarity of Croatia's transition – in which the most

important role was played by the first president of the independent
Croatian state, Tuđman – was that it simultaneously constituted a radi-
cal break with Titoism while reaffirming it. In this sense, the phrase
"After Tito – Tito" is not just an ironic reference to the fate of Tito's
cult of personality but also a declaration of the historical continuity
of Croatian politics in the 1990s as represented by independent Croa-
tia's first president. As a literal historical link – the transition period –
Tuđmanism can be deemed not only a state-building movement which
resulted in the achievement of national independence, but also as
something of a bridge between communism and democracy. The indi-
cators of this phenomenon which demonstrate that features and extent
of social change may be classified into two groups of historically rel-
evant information on the character of the "transformation" of Titoism
into Tuđmanism: the first group pertains to external manifestations of
social perceptions of (expected) change, while the second pertains to
the essential features of the peculiarity of Croatia's transition.

During the 1990s, comparisons between Tito and Tuđman appeared
in various forms and circumstances, while Tuđmanism, as an emer-
gent phenomenon, was often characterized as a continuation of Tito-
ism. In this vein, particularly interesting are the many details which
demonstrated the multi-layered political culture of the Croatian public
(above all its attitude toward its leaders), its hopes and fears, and the
habits carried over from previous times and the expectations of change
in the 1990s. A significant form of popular perception is the tradition
of behind-the-scenes political satire which pushed the boundaries of
public political discourse after the introduction of political pluralism.
Immediately after Tuđman's ascension to power in the spring of 1990,
graffiti could be seen on the wall of a building in downtown Zagreb
which had the following content: the old communist slogan "Marx,
Engels, Lenin, Tito" had the name "Tuđman" added to it by an un-
identified individual. The last name in this series was quickly blotted
out (like some other graffiti) by a striking coat of white paint. Several
days later, another unidentified individual wrote the following over
the new coat of white paint: "This government fears graffiti, too!"

This amusing demonstration of urban (counter) culture soon grew into numerous observations of Tuđman as Tito's "*Doppelgänger*"; they showed the sentiment of the critical public which pointed out that a change in regime does not simultaneously mean a change of political customs and that the "permanent revolution" lived on disguised in the "new clothes" of transition. During the 1990s, the comparisons between Tito and Tuđman became a frequent motif featured in the satirical political newsweekly *Feral Tribune*, which regularly carried very critical pieces on Tuđman, to the great irritation of the Croatian president (Jergović, 2004: 67).[62] Another pictorial piece featured "three books you need to take with you to Goli Otok ("Naked Island" – a former prison camp under communist rule): the first book was Fitzroy Maclean's *Tito*, the second was Tuđman's *Wastelands of Historical Reality* (considered his *magnum opus* – translated in English as *The Horrors of War*), while the third was *Monsters We've Loved* by Rajko Munitić!"[63]

The megalomania in which a sovereign disposes of the national wealth on behalf of the people (while remaining unaccountable to anyone) was unambiguously detected by critically inclined Croats living abroad.[64] Thus, for example, after purchasing an airplane with money donated by émigrés, as well as nurturing a cult of personality based on Tito's model, Tuđman found himself the target of criticism by Croatian Americans: "Does Croatia need another Tito?" (*Danas*, 2 June 1992).

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62 The authorities persistently attempted to place media criticism of the Croatian government, particularly which leveled at President Tuđman, "under control," using methods only slightly more sophisticated than outright censorship as practiced in the era of "vanquished" conformity. An example was the "pornography tax" which the authorities tried to impose on the satirical weekly *Feral Tribune*. A court ruling of 23 September 1994 imposed this tax of DM 400,000 on the paper (from the date of its release) after it printed a cover featuring a photo-montage of Presidents Tuđman and Milošević in a lover's embrace. The tax was imposed as "a response to *Feral*'s constant attacks on authority" (as confirmed in an interview in the news magazine *Nedjeljna Dalmacija* by the relevant minister at the time, Vesna Girardi Jurkić). The Constitutional Court ruled to void the "pornography tax" in 1995. See Jergović, 2004: 67.

63 An undated photocopy is in the author's possession.

64 The Slovenian philosopher Slavoj Žižek humorously commented on the unbreakable unity between Josip Broz and the working people: When Tito rides in his limousine; the entire working class is doing so because Tito is its representative (paraphrased).

The celebration of Statehood Day with a military parade at Zagreb's Jarun Lake in late May 1995, and the responses of the Croatian public (as an expression of political culture) was described in an article with the indicative headline "Franjo Tuđman, or Josip Broz Once More Among the Croats" by the president's former advisor Slaven Letica: "To some native of Paris, London, or even Ljubljana, that celebration may have appeared to be an outmoded and kitschy reincarnation ritual of the deceased Yugo-communist epoch in which only the main protagonist has changed. Instead of Josip Broz, the series of starring roles – the president of the Republic, marshal and command-in-chief, academician, *philosophiae doctor*, historian, war leader, as well as just a common man – were now assigned to himself by yet another fellow from Croatia's Zagorje region, Dr. Franjo Tuđman. To conceited and egotistical Europeans (who perceive and despise any hint of 'nationalism' in our eyes, while extolling their own 'patriotism'), the Croatian scenario for the celebration of Statehood Day may resemble an obsolete Balkan tribal ritual to initiate a new Golden Calf (the nation and statehood) and a new cult of personality (Franjo Tuđman), but the majority of the Croatian populace genuinely enjoyed the renewal of the culture of anniversaries and adulation: military parades, marches, exultation of the state and public order and the genius of the commander-in-chief (marshal) and president. All that was missing was the famous relay baton…" (Letica, 1995: 36).

In addition to many external vestiges of Titoism, the more significant aspect of this legacy conveyed by Tuđman pertained to phenomena which greatly impacted the development of political life. In this context, one area of comparison between Tito and Tuđman may be their similar understanding of the social role of ideology as an instrument of integration and governance (wherein Tuđman's former function as communist political commissar is certainly not negligible). As previously indicated, Tuđman's rise to power was tied to the validation of the idea of national reconciliation between the Ustasha and the Partisans (Bing, 2008: 327-341). Reconciliation appeared as an all-encompassing concept of Croatian national unification led by Tuđman

and his political party, the Croatian Democratic Union (Tuđman himself liked to present himself as the president of all Croats) (Degan, 2002: 266). "National unity" based on reconciliation unified Tuđman's theoretical historiographic/experiential "scientific approach" (as in Marxism) and the practical political response to the expansionist state policies of Serbia which, under the guise of Yugoslavism, was aimed at imposing some form of "Serboslavia" on the remaining denizens of Yugoslavia.

However, the concept of reconciliation was an ad hoc construction of identity: an ideological projection which did not rest on the authentic resolution of the ideological contradictions of the past; reconciliation in many ways recalled Tito's attempt to overcome the national antagonisms of the Kingdom of Yugoslavia even during the Second World War by imposing the "brotherhood and unity" ideology (which Tuđman himself fervently implemented at one time). Like "brotherhood and unity," "reconciliation" also emerged as a response to an exceptionally historic moment in which a war was raging and radical social changes were occurring (the generator of change is "revolution," and not "evolution" – the gradual overcoming of social antagonisms). Both integrative political concepts, Tito's and Tuđman's, were sustained thanks to the impact of these leaders' charisma and unquestioned personal authority, and they persisted as long as their creators were physically present. After Tito's departure, "brotherhood and unity" vanished from the political stage; after Tuđman's death, "reconciliation" degenerated into bitter confrontations between the "reconciled."

The causes underlying this phenomenon should be seen as a consequence of the democratic deficit of both Tito and Tuđman, as each in his own time and in his own way was extremely dubious of a greater validation of democratic civil society and qualified debate on essential social matters. Although he was declaratively a democratically-oriented politician, Tuđman had not essentially moved away from Tito's populist concept in which the undisputed sovereign dominates all crucial matters and decides personally as needed, while calling on

the necessity of unity as personified in the leader. As Claude Lefort observed, the demands for unity conceal within themselves the tendency of the alleged merger of the state and civil society: "The logic of identification begins to function, and it is managed by presenting power as a physical embodiment. The proletariat and the people are one; the party and proletariat are one; the politburo and, finally, the *egocrat* and party are one. What is encouraged is political theater on the homogeneity and transparency of society, on the People as One, while social divisions in any form are denied, and any sign of differences of opinion, belief, and custom are simultaneously condemned" (Lefort, 1988: 13).[65]

The signs of democratic deficiencies were observed very early on by those involved (later the chroniclers of Yugoslavia's collapse and the emergence of the Croatian state). When describing the political climate surrounding the Croatian president in this period, U.S. Ambassador Warren Zimmermann spoke of "Tuđman's court clique of enthusiastic sycophants" (Zimmermann, 2000: 151). Such a stance can be partially ascribed to the inexperience in statesmanship, as well as transitional oversights of an "ideological" nature. The structure of the state apparatus rested on personnel appointments in which a vital role from the very beginning was accorded to membership in the Croatian Democratic Union with an explicit tendency toward the development of a pyramidal hierarchy of authority. This configuration resembled the pseudo-democratic institutions of socialism more so than democracy (critics of such tendencies referred to this as "democrature," the "prepolitical period" of a young democracy, etc.). As a result of Tuđman's "reconciliatory" ideological foundation, the political substratum of the new political elite consisted of a symbiosis between politically active Croatian émigrés abroad (wherein a significant role was played by a small faction of Canadian and American political émigrés) and, mostly, communist dissidents in Croatia. The structure of the leading political parties after the introduction of political pluralism basically had a communist pedigree: "After the collapse of the one-party mo-

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65 Cited in Malešević, 2004: 237.

nopoly in Croatia, the establishment of many new parties began in early 1989. Taking into account their platforms, their mutual differences were slight, scarcely discernible, and their leading figures were largely former members of the Communist Party of Croatia. One could even say that in its broad contours, the first free elections in Croatia after the Second World War were a contest between three factions which emerged from the former Communist Party." The victorious HDZ drew its basic structure "from Communist Party cadres from the 1950s and 1960s. It was headed by Franjo Tuđman, a Partisan major who was promoted to general in 1961, and Josip Manolić, who was the chief of all prisons in the mid-1960s. Tuđman was expelled from the Party in 1967, while Manolić parted ways with the Party in the early 1970s" (Kalinić, 2000: 51). This political foundation – which generally had no experience with democracy – attracted the members of diverse political groupings from abroad, including those from fiercely anti-Yugoslav political émigré communities (Hockenos, 2003: 51).

These aspects were clearly perceived by the foreign public (media, politicians, and scholars), including one portion of the Croatian émigré community which, after its initial enthusiasm and unconditional support for Croatia, began to question of how authority was exercised in "the fledgling Croatian democracy." Thus, for example, the extremely sensitive issue of oversight of the financial transactions tied to the (secret) arming of Croatia using money donated by émigrés was linked to the observation that "in Tuđman's mind complaints (of possible misappropriation – *author's note*) had no grounds because he did not distinguish between the nation, the state, and the governing party" (Hockenos, 2003: 88). This exceptionally important aspect of Croatian politics (particularly in the perceptions of Western politicians) resulted from a genesis which clearly indicated an authoritarian rather than democratic development.

The president's advisor, and later diplomat, Mario Nobilo, recorded that in 1990 and 1991, during the "pioneering, romantic time when the Croatian government and state were being created, Tuđman (...) was apt to seek the opinions of narrower and broader intellectual circles

and gauge public opinion" (Nobilo, 2000: 135). Nobilo adds that "in this phase, the president was more accessible and simple in his mien than later, in his much more rigid style as a statesman. His office was not yet the Court. At that time he probably enjoyed the most sympathy as a statesman. Tuđman attempted to give his interlocutors the impression of a learned individual, aware of his historical mission, but also a man who does not want war, who is trying to compromise and who is prepared to heed and respond to international initiatives. At the time, his ambition was to impose himself as the leader of small emerging states, to be, like Tito, the trailblazer among a large number of small countries. Unfortunately, he left the impression of a provincial politician, hopelessly steeped in historicism, obdurate in the defense of his views, entirely lacking a sense of humor and authoritarian in style. Even so, he was never perceived as weak, but rather as a personality out of touch with the postmodern times in which we live" (Nobilo, 2000: 109). The trend of establishing authority along autocratic (Titoist) lines in contrast to the democratic alternative particularly drew the criticism of liberal Croatian intellectuals from abroad (Ivo Banac, Krsto Cviić, Tihomil Radja, Jakša Kušan, Mate Meštrović, and many others). In response to a question concerning his "assessment of the degree of democracy in Croatia" in an interview conducted in 1996, Ivo Banac asserted that "now there is less democracy than in 1991. During the war and during the time of the coalition government there were fewer anti-democratic excesses than later" (*Globus*, 8 November 1996).

A portion of the Croatian public, accustomed to one-party rule and under the influence of exceptional wartime circumstances, did not find such aspects unnatural. However, the international democratic public did not share this view. The tendency of amalgamation of the party, nation, state, and faultless leader developed in line with the controversial reconciliatory synthesis wherein the most powerful personalities in the country were a former communist and Yugoslav Army general-cum-"born again" nationalist (Franjo Tuđman) and a political émigré who exalted the political traditions of the defeated Croatian state dur-

ing the Second World War (Gojko Šušak). A suitable illustration of the character of authority and how it functioned, in which President Tuđman and Defense Minister Šušak became "untouchable" leaders already in late 1991, is contained in the notes of Prime Minister Franjo Gregurić from a session of the government of "Democratic Unity" on the day prior to the fall of Vukovar, on 17 November 1991. Despite the exceptionally dramatic military situation, none of those present, including the prime minister, knew where the president (and commander-in-chief of the Croatian armed forces) and defense minister were; according to the president's wife, with whom the prime minister had spoken the day before, "they were somewhere out in the field" (Gregurić, 1998: 278).[66]

The disproportionate lag in the formation of civil society in Croatia in comparison to state-building ambitions (the creation of a nation state) during the 1990s was certainly fomented by the imposed war. However, the fateful unity between the leader, the (sole) party, and the people to which Tuđman aspired unmistakably recalled Tito's concept of national unity which can be seen as an essential component of Tuđman's political culture, cultivated in the earlier periods of postwar Titoism. Both sovereigns deemed their political concept the only correct one (for Tito, the liberation of the nations of Yugoslavia from occupation followed by socialist revolution; for Tuđman, the creation of a nation state and democratization). Like Tito, Tuđman saw himself as the supreme authority and mainstay not only of the political order but also the overall system of social values. Whenever a collision between the sovereign and ideological opponents (the opposition) arose which jeopardized the authority and/or status of the leader, both

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66 At this session of the government held on 17 November 1991, Minister without Portfolio Dražen Budiša posed the following questions which illustrated the tendency of derogating the government's authority on the most important matters: "...Not only am I dissatisfied, for I daresay I am even slightly bitter that we as the government have been brought to a situation that the most trying political decision (concerning the fate of Vukovar – *author's note*) in these past for months is now being made by us. And I ask this question: Why was this government not in a situation over the past four months to make all key decisions? And I pose another question: where is the president right now? Why? Why are we making this decision now, while previously we were not able to make the most important decisions?" (Gregurić, 1998: 276)

Tito and Tuđman forgot about democratic form (democratic central-
ism and parliamentarism); like Tito, Tuđman had little capacity for
distinguishing individuals who thought differently from enemies. In
Tuđman's case, the notorious events surrounding the dissolution of the
Government of Democratic Unity in 1992, his controversial policies
vis-à-vis Bosnia-Herzegovina, the obstruction of election results in Is-
tria and the introduction of the so-called Council for Istria, constant
attempts to institute comprehensive control over the media, and the
prevention of the election of a mayor in Zagreb from among the ranks
of opposition parties are only some of the examples which lucidly
demonstrate the first Croatian president's chronic lack of tolerance for
democratic processes. To be sure, Tuđman did not imprison his politi-
cal adversaries like Tito, but he charged the intelligence agencies with
the preservation of his authority, and he even appointed his son to a
top posts in the intelligence community (to the best of this author's
knowledge, at the close of the twentieth century a similar situation
could only be found in North Korea).

The "great leader" and "father and savior of the nation" syndromes
are certainly not exclusive to Croatia. The humorous observation by
Bertrand Russell about Karl Marx as the "patriarch-messiah" (Moses)
who leads his "chosen people" (the proletariat) to the "promised land"
(communism) can be applied equally to both Tito and Tuđman. The
syndrome of "communist" loyalty to the supreme "party" authority
fused with the "patriarchal" mentality is clearly indicated in a series of
documents in which the "subjects" and "elated citizens" express their
loyalty to their charismatic leader.[67] Thus, in an Easter "epistle" sent
by Mate Boban, the leader of the Croats in Bosnia-Herzegovina, to
"the president of all Croats" Franjo Tuđman, Tuđman is described as
the "Croatian Moses" who freed his people from the "Egyptian Cap-
tivity" (Yugoslavia) and led them to the Promised Land (an indepen-

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67   The motif of a "dedicated mission" can easily be compared to the revolutionary character
     of individual social turning points, whether class-based or national. Under special historical
     circumstances, such as the wars and radical social changes of the 1930s and 1940s, similar
     forms of political exclusivism emerged, above all in the populist "blood and soil" ideology
     in conjunction with concepts of social change ("dual revolution").

dent Croatian state).[68] Among some in the Croatian intellectual and political body of the 1990s, the metaphor of national liberation was linked to the undifferentiated metaphor of the chosen people who, "in alliance with God" and led by a "messiah," implement "God's will" as embodied in the fulfillment of the millennial dream of a nation state. The Croatian political elite did not accord much concern to the unpleasant question of the fate of the "residents of the Balkan Jericho" who clashed with the "chosen people." As observed by Vladimir Đuro Degan, "although he saw himself as the president of 'all Croats' and above all of those in Bosnia-Herzegovina," Tuđman "never considered himself responsible for their fate, particularly where they lived before or even today live as a numerical minority. He was preoccupied with territory and the desire to create Croatia within the borders of the Banovina of Croatia of 1939. He offered 'humane resettlement' to those Croats from the territories he had written off, which verged on an international crime" (Degan, 2002: 266).

In this context, the problem for Croatia emerged in the perception of the foreign public, which was vital to Croatia's international recognition and to the later establishment of accountability for Yugoslavia's collapse (which was directly reflected in the pace of Croatia's integration into Euro-Atlantic associations). Even though the international community demonstrated a great deal of inconsistency and hypocrisy even before the outbreak of war in Slovenia and Croatia, compromising the principles which it otherwise extolled, the justified bitterness of Croatia's citizens, particularly among the political elite led by Tuđman, was frequently expressed as a combination of lamentations on the ungrateful West which ignores its "bulwark" and the hackneyed communist claim of international conspiracies which constantly vie against the "people's" government in collusion with domestic adversaries. While the former was a favorite theme in Tuđman's attempts to impose "Huntington's civilizational postulates" as a criteria for resolving the status of Bosnia-Herzegovina (but not, naturally, of Croatia),[69]

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68 Photocopy of document in author's possession.

69 There are numerous sources covering this aspect of Croatian foreign policy. One of the

the latter was obviously similar to the paranoid reasoning of the communist political elite; Titoism was certainly not the same as Stalinism, but the doctrine of "Stalinist" vigilance toward "domestic and external enemies who never sleep" never diminished in the course of Tito's reforms, particularly in the minds of Tito's soldiers and ideologues. In contrast to the last defense minister of Socialist Yugoslavia, General Veljko Kadijević, or General Blagoje Adžić, who was chairman of the armed forces chiefs of staff in 1991, Tuđman was both at one time, i.e., a dedicated ideologue and general. The "national enlightenment" which Tuđman, unlike the "Yugoslavs" Kadijević and Adžić, experienced, certainly did not also entail democratic catharsis.

Tuđman's sincere desire to join the developed Western democracies was confounded by his intrinsic failure to understand contemporary democratic processes.[70] This is certainly demonstrated by a comparison of individual aspects of Tuđman's political thought with the reasoning of his former colleagues, the generals of the Yugoslav People's Army. The factually inaccurate and essentially preposterous laments of General Kadijević concerning the collapse of the Yugoslav state, in which the tandem of external and domestic enemies is precisely delineated as an alliance (conspiracy) between the United States, the Vatican, and Germany together with Slovenia and Croatia (as domestic agents), are comparable to the rhetoric and political positions of the reformed (former) general, Tuđman (Kadijević, 1993: 6-7 and passim; Letica and Nobilo, 1991: 58-59). The latter hypothesis was confirmed by sociologist and military analyst Ozren Žunec, who compared statements made by General Adžić and President Tuđman:

> "In the special war against our country (…) imperial-

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many conversations which show the fundamental positions of the Croatian president and his approach to Bosnia-Herzegovina is thoroughly described by the last U.S. ambassador to Yugoslavia, Warren Zimmerman (which was confirmed by Mario Nobilo, who also participated in this discussion). See Zimmermann, 1997: 92, 212-215; Nobilo, 2000: 541-542.

70 As already indicated, an additional influence on Tuđman's political reasoning was his obsessive preoccupation with historical context (themes from the past), wherein the personal legacy of Titoism exerted a great impact.

ist hegemonic forces from abroad are operating in close collusion with and utilizing the hostile Yugoslav emigrants and domestic adversaries. (…) The ultimate and direct agents in this work are as a rule generously assisted both politically and materially from abroad. (…) The domestic malcontent seeks allies abroad and is prepared to make common cause with even the blackest forces, provided solely that such forces oppose Yugoslavia" (Blagoje Adžić, 1986 and 1991, when he became the chief of the Yugoslav People's Army chiefs of staff).

"Under such general circumstances, already at the very beginning (…) collaboration was established between the internal and external opponents of the HDZ and an independent Croatia" (speech by President Tuđman, 7 December). "The unification of ideologically, politically, and operatively entirely different parties and currents, in collusion with external provocateurs…" (Report on Tuđman's speech on 22 January). "Not only do they offer themselves up, they sell themselves for Judas' pieces of sliver – just as they boast of receiving contributions from all global centers" (Tuđman's speech of 23 November). "They not only fall under the political influence of foreign factors, for they also form alliances with them to secure powerful sponsors and allies, and even direct political and financial support" (7 December). "They even consort with the black devil himself against Croatian freedom and independence. Not only with the black devil, but green and yellow devils as well…" (23 November) (Žunec, 1998: 163-164).

Žunec also cites examples of the president's rhetoric which rested on "the assumption that organized hostile infiltration is massive and that it is expressed in intellectual and cultural activities" (…) "In re-

cent years, the methods of special war have been applied with increasing aggressiveness to create opposition at home and to find 'leaders' who will use various contacts to attempt to make inroads into various centers, such as universities, publishing companies, and the press, and among writers, cultural activists, and labor unions, and even in the armed forces" (Radojević and Keber, 1985.:45). (...) "Their objective is to wield the most influence in the fields of media and culture. Using financial resources, they have entangled or enrolled all generations and classes into their web, from secondary schools and university students to journalists, university professors and scholars, from all fields of culture, the economy, scholarship, health-care, law, and the media and popular journalism" (speech by the president, 7 December) (Žunec, 1998: 163-164).

Tuđman's rhetoric and the ideas he professed, especially concerning Bosnia-Herzegovina, bore the obvious ideological stamp of the heritage of communist orthodoxy; "Tuđman's interlocutors were horrified by his stance that the principles of the Arbitration Commission, whereby Croatia managed to preserve its own territorial integrity, simply did not apply to Bosnia-Herzegovina, because it was not the state of a 'core nation,' rather simply an artificial creation. He tried to convince them that Bosnia-Herzegovina was a colonial construct of Turkey, which was renewed by the communists. This was why they could not see a historian in Tuđman, rather only a former Yugoslav Army general who had been transformed into a dogged nationalist" (Degan, 2002: 267-268).

The problems between Tuđman and the international community can be viewed as the relationship between a politician who employed the obsolete notions of a "communist" nature to approach the new phenomena of democracy which he advocated but did not comprehend. When he spoke of the rights of nations to self-determination, Tuđman did not bear in mind, as noted by Pascal Bruckner, that above these rights stand the "rights of man" (Bruckner, 2005: 49). In the course of the geopolitical fragmentation of the Balkans and the creation of new nation states (with a marked tendency for ethnic homogenization) the

processes of European integration and globalization proceeded simultaneously. The interaction of these processes in the last decade of the twentieth century constituted the reality – and failure to understand this precluded the conduct of a successful foreign policy. The concentration of all-inclusive power in the hands of a single individual, the likes of which the West respected in Tito, was not desirable for his successors. In summing up the first decade of the Croatian state and its independent foreign policy, Radovan Vukadinović stressed the following: "Croatia's foreign policy was not only entirely the policy of the leading party, it bore the almost exclusive insignia of a single man: the Croatian President. All other protagonists who participate in the creation of foreign policy in normal democratic states, were transformed into mere instruments to execute the decisions made by the prime mover in the Presidential Palace" (Vukadinović, 2000: 3).

The direct consequence of this concentration of Croatia's new authority in the hands of one man, following Tito's example, was reflected in the absence of public debate on the crucial matters of Croatia's national interests. The justified demands for national emancipation did not necessarily have to signify a continuity of dogma which exchanged communist exclusivity with its nationalist counterpart, where the nation state gained precedence over the civil state. According to Bruckner, "the multitudes of people living amidst each other prohibit us from living in our home country as though in the promised land"; the idea of a "chosen people" which rejects "other societies as barbaric or animal" today constitutes a "conceit which is no longer possible" (Bruckner, 2005: 46). In Croatian history, the first president, Tuđman, will be assessed as the individual who deserves the most credit for creating the independent state under the dramatic circumstances of an imposed war. Even so, any objective analysis will also associate him with a considerable democratic deficit and doubtful moral standards.[71] Like Tito, un-

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71 For example, in the presence of International Conference of Former Yugoslavia Steering Committee, David Owen and Cyrus Vance, the presidents of the Republic of Croatia and SR Yugoslavia, Tuđman and Ćosić, signed a solemn declaration, on 30 September 1992 in Geneva, in which they accepted the concept of "voluntary and humane resettlement of those persons wishing to do so between the two states" (Ramacharan, 1997: 457).

der whom he was politically formed, Tuđman was an autocrat. But in contrast to Tito, Tuđman formed a bridge between monolithic single-party Titoism and the pluralist Western democracy to which he aspired but could not embrace. Despite this, Tuđman was not Tito, neither in terms of his international stature nor his pragmatic brutality. When he died in 1999, one of his critics, journalist Tanja Torbarina, wrote that "he was a dictator feared by nobody."

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Ljiljana Radonić

Croatia's Transformation from Historical Revisionism to European Standards

After the disintegration of Yugoslavia each nation developed its own victim narration according to its national myths. In Croatia, the number of the victims of the Jasenovac concentration camp was minimized while Bleiburg was called site of the "Croatian Holocaust". President Franjo Tuđman suggested bringing the bones of the Ustaša and other Croats killed near Bleiburg and on the "Way of the Cross" to Jasenovac in order to reconcile all Croats. The (revisionist) primate of the reconciliation of Ustaša and Partisans was superseded in 2000, but one consequence of the Tuđman era was that the Ustaša state was still broadly seen as an important step to Croatia's independence. The orientation towards European standards of remembrance was continued after the reformed HDZ won the elections in 2003, but the Croatian case shows how the "Europeanization of the Holocaust" also can promote national victim narratives. The debate about the new exhibition in Jasenovac shows that Croatia has acquired the European trend to focus on the Shoah and individual victim stories, while it seems much more difficult to deal with the Serbian victims and the perpetrators. Prime Minister Sanader furthermore identified Croats with Jews in Yad Vashem in 2005, pointing out that in

the war in the 1990s, the Croats were also victims of the same kind of evil as Nazism and Fascism, and that no one knows better than the Croats what it means to be a victim of aggression.

Key words: national reconciliation, Jasenovac, Bleiburg, Europeanization of the Holocaust

Introduction

Croatia is a post-socialist country that not only went through an economic and political transformation, but also through a nation-building process. In this process the search for national identity played a greater role for the literal and symbolic separation from the old federal state of Yugoslavia, than it did in newly formed, post-socialist countries which did not secede. The subject of this chapter is the politics of the past in Croatia, including not only the judicial and executive measures, but also the public discourse (Sandner, 2001: 7). Unlike other post-socialist countries, in the new states of former Yugoslavia the focus of the politics of the past has been on the Second World War rather than on the socialist regime per se. Following an overview of the ways in which the Yugoslav state sought to deal with the past of the Second World War, this paper will examine the shifting policies of approaching the past during three historical stages: following the collapse of Yugoslavia in 1990–1991 and President Franjo Tuđman's rise to power; secondly, after Tuđman's death and the regime change in 2000; and thirdly, after Tuđman's Croatian Democratic Union (HDZ) regained power in 2003 under its new leader, Ivo Sanader. Finally, I will raise the question of how the Croatian case and its victim narrative fits into the theses of the globalization (Levy and Sznaider, 2007) or the Europeanization of the Holocaust (Judt, 2005) as a shared negative European founding myth, and how Croatia adopted to this European standard of dealing with the Second World War that emerged from the

Stockholm Holocaust conference in Stockholm held on the anniversary of the liberation of Auschwitz in 2000 (Eckel and Moisel, 2008).

An analysis of the politics of the past must also take into account that Croatia was a "deficient democracy" (Merkel, 2003) between 1991 and 1999, as democratic rules were violated in numerous sectors including the overwhelming authority of President Tuđman; the non-acceptance of electoral results such as the ruling party's defeat in the Zagreb city council-election of 1995; and the repression of oppositional groups and the free media, which are of great importance for the discourse on the Second World War (Kasapović, 2001; Ramet and Matić, 2006; Jergović, 2004). Ethno-nationalist enthusiasm following the acquisition of an independent state went hand-in-hand with the marginalization and criminalization of differing views – especially when it came to the struggle over the truth about the Second World War. Once all the daily newspapers except *Novi List* from Rijeka[72] had been taken over by entrepreneurs close to the HDZ (Ivančić, 2003: 118), the remaining free papers were subjected to repression and court trials, as was the case for the weekly *Feral Tribune* after it criticized President Tuđman's plan to rededicate the Jasenovac concentration camp to "all Croat victims" in 1996 (Pusić, 1998: 194). This context is crucial for understanding the way in which the official politics of the past was asserted by Tuđman and his party.

2. Confronting the Second World War in Yugoslavia

As in other socialist states, the rule of the Communist Party in Yugoslavia was legitimized by the Partisan struggle against the Nazis during the Second World War. But unlike Poland, Hungary, or Romania, Yugoslavia actually liberated its territory with almost no foreign support. On the other hand, it was a country that first had to legitimize

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[72] In Rijeka, whose citizens were mostly critical of Tuđman, the members of the editorial staff affiliated with the HDZ didn't manage to assert themselves, so Novi list was the only newspaper that was privatized by being bought by its own editorial board according to a privatization law from the end of the 1980s (Jergović, 2004).

the existence of a Yugoslav state, following a civil war between the Croatian fascist Ustaša, Serbian royalist Četniks, and communist-led Partisans. During the first decades after 1945, no specific nation like "the Croats" was considered guilty or responsible for collaboration or mass murder; the crimes were externalized to the marginalized non-communist powers "of all nations." Thus, the antifascist struggle played a key role in the resurrection of the Yugoslav state. The memory of the common struggle against fascism grew into the state's most significant founding myth, and its defamation became a punishable offense (Höpken, 1999; Höpken 1996; Sundhaussen, 2004; Richter and Beyer, 2006). For example, the Communist Party forbade debates about the civil war, so only one particular fragment of the past was remembered, while parts of society found their memories marginalized. The Holocaust was treated as a minor matter, while it was important to stress that victims from every nation were killed in Jasenovac: "Serbs, Croats, Jews, Roma, Slovenes, Montenegrins, Muslims, and other patriotic communists, no matter from which Yugoslav people they came" (*Vjesnik*, 22 April, 1985). During the 1960s, controversies between Serbian and Croatian historians about each nation's "share" in the war, the victory, and in collaboration concluded the regulated post-war consent on the "supra-national" Yugoslav partisans (Hudelist, 2004: 259). Many on the Serbian side were frustrated because its victims were not adequately commemorated or appreciated, while Croats resented the latent accusation of collective guilt. Therefore, the specific and different ways of remembering the war became an element of political mobilization in the late 1980s (Höpken, 1999: 224). The question of the numbers of Jasenovac victims became a core issue. While the Serbian statistician Bogoljub Kočović (Kočović, 1985) and the Croatian Vladimir Žerjavić (Žerjavić, 1989) came to a quite similar result of about 70,000 to 90,000 victims, Serbian nationalists exaggerated the numbers to over a million. Meanwhile, on the Croatian side it was the historian Tuđman, years before he became president, who reduced the number to 30,000 to 40,000 victims (Tuđman, 1989: 316).

3. "National reconciliation" during the Tuđman era

The break-up of Yugoslavia coincided with a break with both the anti-fascist narrative and its narrow dogma concerning the Second World War. Instead of a democratic framework for historiography, each nation developed its own victim-narration according to its national myths.

At this time, Croatia found itself in a different position than other post-socialist countries both because it was the only state that had committed mass murder in concentration camps not led by the Germans in the Second World War, and because the new Croatian president fashioned himself a historian of the Second World War and made the politics of the past one of the most important issues on his agenda. Although antifascism was formally anchored in the new constitution, it seemed that the idea of a Croatian state was only conceivable in combination with historical revisionism concerning the character of the Independent State of Croatia (NDH – *Nezavisna Država Hrvatska*). The Ustaša regime, whose anti-Semitism was a replica of Nazi anti-Semitism, and whose brutal mass-murder of Serbs even led to formal protests by the Germans, was depicted as one of the most important phases in Croatia's struggle for national identity. President Franjo Tuđman's anti-Semitic book *Wastelands of Historical Reality*[73] (Tuđman, 1989; Milentijević, 1994) equated crimes committed by the Ustaša and Partisans by minimizing the number killed in the Ustaša concentration camp Jasenovac (Mataušić, 2003),[74] thus taking the first step in establishing a historical narrative for the new state. The second

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[73] For Tuđman, who stated in 1990 that he was lucky because his wife was neither Jewish nor Serbian, anti-Semitism is a historical constant (Tuđman, 1989: 368). He argues that Jewish "anationality" (Tuđman, 1989: 195) is the reason for their tragic fate, and equates them with their persecutors, saying that the Jews were responsible for the administration of the Jasenovac camp and that Jewish prisoners took part in the executions (Tuđman, 1989: 316-320). Furthermore, he draws a line from Nazi-Fascism to "Judeo-Fascism," which is an anti-Semitic thesis well-known in the West, according to which the Jews are the new Nazis.

[74] Serbs, Roma, Jews, and Croat fighters against the Ustaša regime were killed in and around the five camps that constituted the Jasenovac concentration camp system. As of November 2008, 75,159 victims have been identified by name. URL=http:andandwww.jusp-jasenovac.hrandDefault.aspx?sid=6284 (9 June, 2009)

step was Tuđman's idea to reconcile the Ustaša and Partisans, who had, in his mind, both fought for the same goal – the Croatian cause – during the Second World War, albeit in different ways (*Vjesnik*, 16 January 1996; Čulić 1999:105). In connection with this idea, the Jasenovac memorial area played a great symbolic role (although the site itself remained devastated after the war in the 1990s until Tuđman's death in 1999): following the Spanish General Francisco Franco's example, Tuđman suggested bringing the bones of the Ustaša and other soldiers of the NDH (*Domobrani*) killed near Bleiburg[75] in May 1945 to a "national memorial" Jasenovac (*Vjesnik*, 23 April 1996; Čulić, 1999: 107; Ivančić, 2000: 132). Nevertheless, he had to change these plans[76] – along with the anti-Semitic parts in the English version of his book – following international criticism (*Novi list*, 31 March 1996).

The tension between the two *lieux de mémoire*,[77] Jasenovac and Bleiburg, which were equalized by calling Bleiburg the site of the "Croatian Holocaust" (Prcela and Živić, 2001), as the president of the parliament did in 1995 (*Vjesnik*, 15 May 1995), gives an accurate picture of the national victimhood narrative and the denial of responsibility for the Ustaša crimes during the Tuđman era. The Bleiburg commemorations, organized under the patronage of the Croatian parliament, always had many more visitors and were broadcast live on tele-

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75 In May 1945, soldiers of the Wehrmacht, Croatian Ustaša, Domobrani, and civilians, Serbian Četniks, Slovenian "White Guards," and others fled in front of the Yugoslav Partisans and wanted to surrender to the British Army in Austria, which the British refused, so most people from Yugoslav areas were extradited to the Partisans. Although the number of the victims is still uncertain, one can say that on their way back into the country tens of thousands of Croatian Ustaša, Domobrani, as well as civilians were killed after 15 May, most of them in Kočevski rog and Tezno in Slovenia, but also on the so-called "Way of the Cross" or "death marches," as the marches hundreds of kilometers long were called. Žerjavić presumes that during the fights with the Partisans before the capitulation, as well as on the way back into the country and on the marches 45,000-55,000 Ustaša and Domobrani weer killed (Žerjavić 1997: 94).

76 A common burial place for ten Ustaša, one hundred Domobrani, and two alleged Partisans was created on a smaller scale in 1996 in Omiš, under the patronage of the (parliamentary) "Commission for the Detection of War and Post-war Victims" – presenting the worst example of institutional revisionism (Feral Tribune, 4 January 1996; and 10 March 1997).

77 In contrast to Nora (1990) and François and Schulze (2001), in this chapter the national lieux de mémoire are not described in an affirmative manner that contributes to the canonization of national memory, but are analyzed as mythical sites of "imagined communities."

vision – despite the Ustaša insignia present throughout the site (*Novi list*, 12 March 2003) – while the Jasenovac commemorations have only been broadcast since 2003 (*Novi list*, 15 May 2006). The Catholic Church regularly dispatched priests to the much better attended commemorations in Bleiburg, while only once a local Catholic priest attended a commemoration in Jasenovac during the 1990s (*Novi list*, 19 April 2002). The only Croatian politicians Tuđman sent to attend the commemorations in Jasenovac had been Partisans in their youth, although this was unnoticeable in their speeches at the site, since they instrumentalized the commemorations to underscore the narrative of Croatian victimhood (*Novi list*, 29 April 2002). For example, in 1999 General Janko Bobetko spoke about the crimes in Kosovo without even mentioning Jasenovac, followed by the second representative of the President, Slobodan Lang, who spoke about Kosovo and the Homeland War, while the representative of the Parliament, Milivoj Kujundžić, spoke about "the black and red totalitarianism." Additionally, the Minister of Justice, Zvonimir Šeparović, mentioned "the victims of all crimes, no matter who had committed them" (*Novi list*, 26 April 1999). No one mentioned the perpetrators in Jasenovac, while most of the speeches focused on Serbian crimes.

Contrary to the prior lip service paid to antifascism, most street names, which formerly commemorated the victories of the Partisan struggle and the victims of the Second World War, were renamed. The best-known and most disputed example was the renaming of the "Square of the Victims of Fascism," the square where the Ustaša police had its headquarters in Zagreb, to the "Square of the Croatian Heroes" in 1990. Seventeen streets throughout Croatia were named after Mile Budak, a "poet" and Ustaša Minister of Education who was responsible for the NDH's racial laws. "Only" cafés and kindergartens were named after the leader of the Ustaša – Ante Pavelić. According to the Association of Antifascist Fighters (SAB), from the time Croatia became independent in 1991 until 1998, 2,966 memorials commemorating "victims of fascism" or the antifascist struggle were removed or destroyed, without anyone being punished for it (Hrženjak, 2002;

Ivančić, 2000: 67). In 1993, a memorial plaque commemorating the "Ustaša fallen for the NDH" was placed on the building housing the Croatian army in Sinj (*Slobodna Dalmacija*, 16 September 2004). In 1999, a memorial for the Ustaša criminal Jure Francetić, the founder of the "Black Legion," was erected in Slunj (Čulić, 1999: 106).

History school books also reflected the revisionist approach typical of the 1990s. In Yugoslavia, school books for the eighth grade of junior high school discussed the Second World War in almost half of the text, but this history only encompassed the Partisan struggle for liberation. After Croatia became independent, the Second World War was covered in only one fifth of the new schoolbooks for the eighth grade, and the NDH became the center of attention. The NDH was treated as a key moment of Croatian history: the Croatian wish for an independent state was described, as was the structure of the regime, but its atrocities were hardly mentioned. Jasenovac was mentioned in only two lines and the term Holocaust was not mentioned at all, while Bleiburg and the crimes of the Četniks were described extensively and illustrated with gruesome pictures. Thus, the schoolbooks in Croatia presented an equally one-sided picture as those in former Yugoslavia (Perić, 1992; Matković, 1998).

The intensity of the discussions about the character of the Ustaša regime and Jasenovac peaked during the 1998 and 1999 investigation and trial against Dinko Šakić, a former commander of the concentration camp Jasenovac (*Vjesnik*, 17 December 1998). In the Croatian media, the Simon Wiesenthal Center in Jerusalem was harshly criticized for "organizing" international pressure against Croatia. In the public discourse, Šakić's extradition was mostly seen as necessary not because he had committed crimes, but rather to prevent harm to Croatia's international image (*Vjesnik*, 3 February 1999; and 4 February 1999). The few independent newspapers condemned the decision not to try Šakić for genocide, but for atrocities against civilians, thereby not allowing the fundamental character of the Ustaša regime to be part of the prosecutor's agenda (*Feral Tribune*, 15 March 1999; and 10 April 1999). Also, most of the witnesses during the investigation were

Croats, which suggested that the victims were Croatian enemies of the regime, not Serbs, Jews, and Roma murdered for racist reasons (*Feral Tribune*, 6 July 1998; and 17 July 1999). The media allowed Šakić plenty of room to prove that he was still devoted to Ustaša ideals and to anti-Semitism, while there were many media reports that expressed concern about the condition of his health and the quality of the prison food (*Jutarnji list*, 6 June 1998; and *Vjesnik*, 5 March 1999). Despite political and media support, in October 1999 Šakić was sentenced to twenty years in prison, which was the maximum possible sentence for the crimes he was tried for (*Vjesnik*, 5 October 1999).

To sum it up, what happened after Croatia gained its independence was not a "pluralization" of memory, but a total change of contents from the "memory" of the Partisans to a "memory" dominated by returning Ustaša, while the narrative of the past remained Manichean and full of hatred towards "Serbs," "Croatian traitors" and the "anti-Croatian foreign circles." Furthermore, the commitment to antifascism in the constitution remained mere lip service (Hockenos, 2003), and the violation of democratic standards corresponded with the domination of a revisionist historical narrative.

4. After the Tuđman era: Shift in the politics of the past

With Tuđman's death in 1999, a decade of HDZ administration ended and a coalition under the leadership of the Social Democratic Prime Minister Ivica Račan, a reformed communist, won the elections, while Stipe Mesić, also a former communist official who first joined the HDZ, but then left it in 1994, was elected president. The authority of the presidential office was diminished soon thereafter. During the process of democratization, the manner in which the past was dealt with in Croatia also changed.

In 2000, a new school book already appeared in which the Holocaust was mentioned, and the number of the victims at the Jasenovac concentration camp was given. The book claimed that 80,000 people

had perished there, which is probably quite an accurate, or slightly low, figure. Furthermore, Jasenovac was truthfully described as an extermination camp. However, since the author of this book was Hrvoje Matković, who also wrote the prior school book in 1998, the tone did not change in general (Matković, 2000). In 2003, a much more accurate school book that discussed the Holocaust and the Nazi death camps was published, but it was not widely accepted and only a few schools used it (Kolar Dimitrijević, 2003).

In December 2000, the "Square of the Victims of Fascism" in Zagreb received its old name back after ten years of protests and Tuđman's reburial plans for a "national memorial" Jasenovac were finally shelved. In 2002, Račan became the first acting Prime Minister to speak at a commemoration in Jasenovac (*Vjesnik*, 22 April 2002). However, he balked from clearly stating who had committed the crimes during the Ustaša regime. Instead he spoke generally about the "evil" that happened in Jasenovac, without naming those responsible for the atrocities. Thus, a change of the hegemonic narrative could be observed, but it seems that the new government was unwilling, or afraid, to come fully to terms with the revisionist Tuđman era, which became particularly clear at Bleiburg. In 2001, the representative of the Parliament, Ante Simonić from the Croatian Peasant Party (HSS) and the Vice Prime Minister of the Račan government, went to the commemoration in Bleiburg and called it "the national Holocaust," saying that in the second half of the 1940s "hundreds of thousands of Croats were massacred and killed" (*Novi list*, 14 May 2001). In 2002, Zdravko Tomac, the Social Democratic Vice President of parliament and a former Communist official, went to the commemoration in Bleiburg (despite the Ustaša iconography which dominated the commemoration year after year) and tried to apologize for the killings committed by the Partisans in 1945, but was not able to deliver his speech because of catcalls from the audience. Despite (or because of?) this intolerant, hateful reaction to Tomac, two days later Prime Minister Račan bowed and apologized in front of the memorial in Bleiburg, which neither Tuđman nor Ivo Sanader (Tuđman's successor as presi-

dent of the HDZ and prime minister from 2003 – 2009),[78] had ever visited. Equating the memory sites of Jasenovac and Bleiburg, Račan stressed how important it was for him to visit both places in the same year.

President Mesić, on the other hand, delivered a decisive speech at the commemoration in Jasenovac in 2003, where he rejected Tuđman's interpretation that the Ustaša state has been an important milestone to Croatia's independence, denounced the idea of the "reconciliation of all Croats" (*Novi list*, 12 May 2003) as a falsification of history, and condemned the crimes committed in the name of the Croatian state during the Second World War (implicitly including those from the Yugoslav wars in the 1990s), just as he supported the conviction of the war criminals from both war periods. Furthermore, when asked whether he planned to visit Bleiburg, Mesić responded:

> We are not comparing Bleiburg and Jasenovac. None of the victims from Jasenovac are guilty for the people killed in the trenches and at Bleiburg, but a lot of people at Bleiburg were responsible for someone's death. They are victims, but we cannot say they are innocent. They should not have been killed and tortured, but they should have been put on trial (*Vjesnik*, 23 April 2005).

Mesić also cooperated with the Wiesenthal Center in connection with the extradition of the Ustaša officials Milivoj Ašner, chief of the Ustaša police in Požega, and Ivo Rojnica, the Ustaša governor of Dubrovnik, whom Tuđman had wanted to appoint as Croatia's ambassador to Argentina. This led to threats against Mesić and the "Civil committee for Human Rights," which supported the Wiesenthal Center in Zagreb (*Novi list*, 18 July 2004). To sum up, after Tuđman's death democratization went hand in hand with the end of the Manichean distinction between the anti-Croatian evil on the one hand and

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78 At time of publication of this chapter, Ivo Sanader had resigned from his post and was succeeded by Jadranka Kosor.

the sacred nation on the other. President Mesić managed to establish a democratic, antifascist narrative, while Prime Minister Račan tried to maintain a balance between the nationalist heritage of the Tuđman era and his leftist supporters.

5. *Towards European Standards: A New HDZ?*

In 2003, the reformed HDZ won the elections again. Prime Minister Ivo Sanader was generally known as a pro-European statesman who broke with the revisionist ideas of his predecessor. The Sanader administration removed the memorials for the Ustaša authorities Mile Budak in Sveti Rok and Jure Francetić in Slunj, and started an initiative to rename the aforementioned seventeen streets throughout Croatia that carried Budak's name. Croatia joined the "Task Force for International Cooperation on Holocaust Education, Remembrance, and Research" in 2005. During the Jasenovac commemoration in 2004, Sanader demanded: "We must not allow for the atrocities that occurred in Jasenovac and elsewhere during the Ustaša regime in the NDH to be forgotten" (Vjesnik, 17 March 2004). He was the first HDZ politician in Jasenovac who broke with the tradition of mentioning the Bleiburg victims next to those killed in Jasenovac, and explicitly called the Ustaša regime responsible for Jasenovac – while Tuđman and his followers (as well as Račan) had spoken of some kind of ontological evil that led to the atrocities. However, the critical media expressed their skepticism, as HDZ politicians like Andrija Hebrang and Vladimir Šeks, in diametric opposition to their prior appearances, began delivering antifascist speeches (Novi list, 23 June 2005; and Feral Tribune, 29 April 2004). They did not equate Bleiburg and Jasenovac any longer, but Sanader and his colleagues never spoke only about the crimes of the Ustaša, but always used the opportunity to condemn "both totalitarianisms" and thus included the condemnation of the communist regime in every speech at Jasenovac (Vjesnik, 17 March 2004; 26 April 2004; 28 November 2006; and 21 April 2008).

They made a distinction between antifascism and communism without taking into account that in Yugoslavia it had been the Communist-led Partisans who liberated Jasenovac.

"The Serbs" played, and continue to play, an enormous role in the narrative of the Croatian "imagined community," (Anderson, 1991) and today's political conflicts almost always refer to conflicting "memories." In 2005, before the commemoration in Jasenovac, there was also a commemoration at the memorial site in Donja Gradina (Republika Srpska, Bosnia-Herzegovina), which used to be part of the Jasenovac memorial area. On this occasion, the President of Republika Srpska, Dragan Čavić, stated that there is still no justice for the 700,000 victims of Jasenovac. Afterwards, at the round table about "Tendencies of Historiography and Research on the Jasenovac Concentration Camp" in Banja Luka, the London-based anthropologist Srboljub Živanović made the dubious statement that Croatia still has not overcome its "genocidality," although Croatian politicians, who "reduce" the figures to 70,000, claim the opposite (Novi list, 18 April 2005).

Sanader, the former Croatian Prime Minister, responded to the "provocation" from the commemoration at the other bank of the Sava River. He condemned "the positions of Greater Serbia in imposing the theory of the alleged genocidal tendencies of the Croatian people" and the exaggeration of the number of victims up to over a million, but also the reduction. The Prime Minister emphasized contemporary Croatia's "commitment to antifascist values" (Vjesnik, 25 April 2005), but added that the "Homeland War" (1991–1995) also was fought against a type of fascism. During a 2005 visit to the Israeli Holocaust Museum, Yad Vashem, he similarly argued that during the 1990s the Croats were also victims of the same kind of evil as Nazism and fascism, and that no one knew better than the Croats what it meant to be a victim of aggression and crime (Vjesnik, 29 June 2005). The Holocaust Museum further inspired Sanader to think about a Museum of the Homeland War, as he told journalists after his visit.

This shift away from historical revisionism, which minimizes the

victims of the Ustaša state in the Tuđman era, to a new view that recognizes the Holocaust but presents Croats as victims of fascism, this time of "Serbian fascism," seems not to conflict with international standards of remembrance, thus pointing up the problematic nature of the "globalization of the Holocaust" (Levy and Sznaider, 2007). The Croatian case illustrates that the Holocaust is increasingly becoming a "container" for the memory of different victims, a development which obviously cannot be diagnosed as neutrally as Levy and Sznaider do because identifying with the Jews is not the same as dealing critically with one's own past.

Furthermore, at the end of 2005 a conflict over the purpose and conceptualization of the new exhibition in Jasenovac reached the Croatian public. This new memorialization concept focused on individual victims, without providing information on their age or nationality or even indicating by what especially brutal means they had been killed (*Vjesnik*, 7 March 2004).

A further aspect of the new exhibition was its emphasis on the Holocaust at the expense, critics argued, of the genocide against Serbs and Roma. Patterned after the Holocaust Memorial Museum in Washington, D.C., and the Anne Frank House in Amsterdam, this new plan did not take into account the special role of a museum situated on the historical KZ[79] site. The director, Nataša Jovičić, an art historian, defended the exhibition by saying that it had been approved by international experts. Yet these experts only came from institutions concerned with the Holocaust, and were perhaps not aware of the particularities of Jasenovac, where mostly Serbs, but also Roma, had been killed in addition to the Jewish victims. Critics also faulted the new exhibition concept for not showing who the perpetrators were, which nation had the biggest losses, and how people were killed in Jasenovac (*Novi list*, 24 January 2006; and 29 January 2006). This criticism delayed the exhibition opening until November 2006. After the main problems were solved, as a consequence of the changes most of the former critics of the exhibition considered it a first step in the right direction and a work

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79   KZ – concentration camp.

in progress. A museum on a concentration camp site in the country that organized the mass murder cannot only commemorate the victims; according to Reinhart Koselleck, who has written on memorialization in Germany, museums must also, or perhaps even first and foremost, remember the perpetrators (Koselleck, 2002: 27). In the Croatian case, it is not enough for an exhibition (supported by international experts and meeting international aesthetic standards) to concentrate on the victims in a country and a region where the engagement with one's own crimes, the so-called "negative memory" (Knigge and Frei, 2002), has not yet come very far.

6. Conclusion

Just as the end of Yugoslavia did not lead to a quick consolidation of democracy, the manner in which the newly independent Croatian state confronted the heritage of the Second World War and the Yugoslav state itself was characterized by a total shift from a Partisan narrative to a nationalist one. Moreover, enemies were still demonized as evil, dark, and barbaric, while critics were considered traitors to the Croatian cause. The antifascism anchored in the constitution remained dead on paper, while the hegemony of Franjo Tuđman's revisionist narrative was enforced through the repression of opposition media. Tuđman's death and the new coalition government led to greater democratization and ended a discourse abounding with "evils" and "anti-Croatian" conspiracies. Ivica Račan's government took some steps towards breaking with the revisionism of the Tuđman era, but also seemed to fear being delegitimized if it did not accept the importance of Bleiburg for the formation of Croatian national identity. However, President Stipe Mesić was the main proponent of the shift in the official approach to the past, although his antifascist reputation was shaken when it became clear that he too had promoted revisionist views during his career in the HDZ in the early 1990s (*Novi list*, 15 December 2006).

The new HDZ, under the leadership of Ivo Sanader, established an official narrative in line with European standards, though this also had the effect of exaggerating some of its problematic aspects. Learning from the Holocaust in order to avoid similar atrocities in the future ironically gave Croatian leaders the opportunity to use the Holocaust to establish their own, victim-based national narrative. In other words, once official Croatia had acknowledged the common European negative heritage of the Holocaust, Sanader felt free to argue that Croats were victims of new Serbian fascism. On the public level, the widespread belittlement of the NDH and the enthusiasm for Ustaša symbols among young people, e.g., at the concerts of the right-wing singer Marko Perković Thompson (Babić, 2007: 3) show the deep influence of the first revisionist years following Croatian independence.

Of course, Croatia is not the only former Yugoslav successor-state that still has not faced its "negative heritage" in an appropriate way; in Serbia and the Serbian part of Bosnia, the Holocaust means only the historical events in the Ustaša state. While Jasenovac has officially become the site of a Jewish AND Serbian Holocaust, the collaboration of the Nedić government with the Nazis in Serbia has still not been reappraised (Sundhaussen, 2007:421; Byford, 2007; Byford, 2005; MacDonald, 2002). Bosnian Muslims likewise consider themselves to be victims of Serbian and Croatian Nazis and fascists in the war of 1992-1995, while their collaboration with real Nazis and fascists, for example in the "Handžar" Division of the SS, is downplayed (Imamović, 1997: 529-543; Miller, 2009). In Slovenia, the myth of "functional collaboration" with the Nazis in order to escape from "godless communism" is widespread, while the Holocaust of the Slovenian Jews deported from the Hungarian occupation zone is not accepted as part of their own history (Luthar, 2005; Luthar and Šumi, 2004). Because of the interlinking between the victim narratives of the successor states of former Yugoslavia, a comparative analysis of conflicting memories is indispensable, but still does not seem feasible in Zagreb, Belgrade, or Sarajevo.

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The Role of History in Legitimizing Politics in the Transition Period in Croatia

The liberalization of the political system in Yugoslavia during 1980s reopened the country's "national question". In such a context, questions concerning the recent past become an essential part of the discourse of political actors. The effects of this liberalization, which eventually led to the downfall of the communist regime, were felt in Croatia only at the end of the decade. The repressive response of the regime to the Croatian Spring in the early 1970s affected Croatian politics in such a way that the liberalization of 1980s was not felt on such a scale as in Slovenia and Serbia. At the same time, this meant that there was no serious questioning of the official communist interpretation of history. Only in late 1980s, under the effects the Yugoslav crisis and the downfall of communism in Europe did substantial liberalization in Croatia take place. Due to the Yugoslav context, the opening of the political system soon placed the national and statehood questions at the top of the agenda, along with other issues related to events from the recent past. In this regard, the interpretation of history played a major legitimizing role for the political actors during the transitional period.

Introduction

In the former Yugoslavia, history has always enjoyed great importance. Winston Churchill's statement that "the Balkans produce more history than they can consume" proved right in Yugoslavia during the 1980s and 1990s (MacMillan, 2010: 88). Even at the beginning of the 21st century, the burden of history lays heavier on some ex-Yugoslav republics than in most other European states. In communist Yugoslavia, history played a significant role in the legitimization of the regime. One of the key claims of the communist regime was that they had resolved the "national question" in Yugoslavia. As in other communist regimes, it was also claimed that socialism was more advanced and progressive than capitalist, bourgeois societies. The revolutionary tradition of the Second World War was systematically employed in order to legitimize the totalitarian/post-totalitarian communist regime (see also Dimitrijević, 1989: 66). This tradition was increasingly emphasized in times of crisis, when other sources of legitimization were depleted or gone (such as the economic effects of the industrialization or Tito's cult of personality). However, the depletion of the communist ideology and the worsening interethnic relations gradually opened a Pandora's Box of historical reevaluations and myths that were ultimately misappropriated by political actors, with tragic consequences. The questioning of the official interpretation of history had been strictly prohibited in Yugoslavia. The death of Josip Broz Tito, an undisputed and supreme authority, coincided with the economic crisis that would soon turn into a general crisis and seriously brought into question the legitimacy of the regime. The loss of legitimacy under the influence of the crisis led to a new wave of liberalization in the 1980s. In addition to this, primarily in Serbia, a gradual abandonment of the interpretation of history in line with communist ideology occurred.

In such circumstances, aspiring political elites drew upon new or, in many cases, old, nationalist myths, which replaced the previous communist ones.

The Kosovo crisis in the early 1980s was soon defined as an ethnic issue, which included the reestablishment of the Kosovo mythology that symbolically linked the contemporary emigration of Serbs from Kosovo with the Kosovo myth of 1389 (Blagojević, 2002: 265-285). During the 1980s, the discourse of Serbs as historic and contemporary victims of Yugoslavia, i.e. victims of coexistence with other Yugoslav peoples, was propagated by some members of the intellectual elite in Serbia (Dragović-Soso, 2002: 368-369). In order to substantiate such an interpretation, history was used in order to "prove that Serbs were endangered". After Slobodan Milošević assumed power in Serbia in 1987, the political elite adopted a nationalist discourse, which included employing historic "facts" in order to legitimize their political goals.

While Serbia and Slovenia had in various ways embarked upon a path of liberalization during the 1980s, Croatia had, due to the experience of the Croatian Spring of 1971, followed the path of political correctness and ideological dogmatism.

Dogmatism and certain aspects of ideological fundamentalism manifested themselves through a strong reaction by the regime to any public expression of attitudes that were contrary to the ideological orthodoxy of the Communist Party, including the interpretation of history. However, the increased liberalization in early 1989 led to the establishment of the first opposition associations and alliances, the majority of which would later transform into new political parties.

This chapter examines the role history has played in the context of liberalization and political transition. Along with a short overview of the role history played in the general media and political discourse, the analysis will focus on the main political actors, especially during the first multiparty election campaign in spring 1990. The aim of this chapter is to show how political actors interpreted history and used it to justify their policies during Yugoslavia's dissolution.

2. Liberalization and political transition in Croatia

In the beginning of 1989, the "anti-bureaucratic revolution"[80] in Serbia was at its peak. Milošević established control over the autonomous provinces of Kosovo and Vojvodina as well as the republic of Montenegro, while Slovenia and Croatia were next in line according to the strategy of transformation of Yugoslavia. The pressure on Croatia manifested itself through the opening of the question of the status of Serbs in Croatia, as well as general accusations of support for Albanian separatists in Kosovo. The Serbian press increasingly published articles claiming that the Serbs in Croatia were in danger and that there was a deliberate policy of their assimilation and national subordination. In the context of the collapse of communist regimes in Europe, the crisis of the Yugoslav system, economic crisis and pressure coming from Serbia, the political regime in Croatia was confronted with an ever growing issue of failing legitimacy. The main characteristics of Croatian politics after the suppression of the Croatian Spring beginning of the 1970s were brought into question. These characteristics included a policy of ideological orthodoxy and insufficient participation in the debates about the reform of Yugoslavia, known as the "Croatian silence". Responding to the loss of legitimacy, the regime allowed certain elements of liberalization, which was not only the result of government decisions, but also reflected the fact that the communist system was collapsing. In such circumstances, opposition groups began to emerge which ever more openly questioned the politics of the Croatian Communists, as well as the ideological foundations of the regime, including the interpretation of contemporary history.

The loss of regime legitimacy and the ever more prominent conflicts between the Communist Parties of each of the six republics enabled a process of liberalization which opened up a broad debate about the reform of the social and political system. As the crisis deepened, the scope

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80   Mass rallies, directed from institutional centers of power, were meant to give an impression of spontaneity. They actually meant the transfer of Serbian nationalism to the streets where certain political actions were demanded. See Milosavljević, 2004: 319-336.

of reform proposals presented in the public increased. From the second half of 1988 until mid-1989, a concept of reform inside the existing system dominated. In other words, the socialist regime and the single-party system were not questioned. According to this viewpoint, a concept of "non-partisan pluralism" was promoted (*Polet*, 7 April 1989: 10-11). This was yet another concept through which the Yugoslav Communist Party wished to express its vanguard position and difference compared to other countries of the communist bloc. This concept was built upon pluralism inside the existing Socialist Alliance of the Working Peoples of Yugoslavia, which was meant to be reformed and liberated from total communist control (*Komunist*, 12 May 1989: 16).

In the second half of 1989 the concept of non-partisan pluralism was slowly abandoned, while the introduction of a multiparty system was promoted ever more openly. These demands were mostly voiced by the opposition, intellectuals, and journalists in public appearances. The Party leadership did not reduce democratization only to non-partisan pluralism, yet it did not have a clear vision of the scope of reform. In fact, the communist regime in Croatia was still not prepared to give up its monopoly on power. Or, more precisely, the pressure by the factions which supported democratization was still not strong enough for the reform wing to impose their views.

Inside the Party we can differentiate two main factions: reformists (*soft-liners*) and dogmatics (*hard-liners*). This general division should be further elaborated in the Croatian case. First of all, there was no clear line between the two factions and there were many subgroups within the Croatian Communist Party.[81] Among the Party's top officials, a small group was formed which promoted a more radical reform of the political system. One should bear in mind that, due to the swift development of events, ideas which seemed reformist at the beginning of 1989 sounded dogmatic or conservative by the end of the same year.

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81 For example, Darko Hudelist wrote in the weekly *Start* about a radical reformist faction, "yes but" reformists, nineties leftists, restrictive pluralists, Titoists, normative optimists, mainliners, orthodox Communists – revolutionaries, anti-bureaucrats, etc. Darko Hudelist, "Svi cvjetovi hrvatske kompartije," *Start*, 23 December 1989, 33-35.

One of the key events of the political transition was the consent of the non-democratic regime to hold a free and democratic election. We can broadly divide the factors which led to the adoption of true democratization in Croatia into four groups: *intra-partisan* (the conflict between reformists and conservatives/dogmatics); *internal* (the deepening of the general crisis and an ever growing pressure of the opposition and the liberalized media); *internal-external* (the "rally of truth" in Ljubljana and the pressure of the "anti-bureaucratic revolution" from Serbia) and *international* (the increasing collapse of communism in Europe). The joint influence of all of these factors enabled the reformist faction to push its demands through in December 1989 and open up the way towards true democratization. This decision, which surprised many, did not mean a final defeat of the dogmatists. A testimony to this is the new electoral law, adopted at the end of December, which provided only minor changes and were by all means inappropriate for true democratization. Although the ruling cadres tried to justify this by claiming that the legislative procedure for the adoption of this law began before the decision on free elections was made, such a debate itself showed that the strength of the conservative faction was still quite substantial. It was not clear which faction would emerge victorious in the struggle between the reformists and dogmatists until the adoption of the new electoral legislature in February 1990. In this struggle, the reformists were greatly aided by strong pressure from the opposition and part of the media, as well as the collapse of the 14th Congress of the League of Communists of Yugoslavia.

At the end of December 1989, the government and the opposition began negotiations about the conditions of the first multiparty election. The reformed Communists tried to use this to take the initiative for democratization from the hands of the opposition. In other words, the Croatian Party leadership tried to portray the democratization as an exclusive choice and strategy of the Communist Party, and not as a result of the abovementioned factors which had in fact forced them to agree to changes. Such a strategy was also used by communists in some other countries, such as in Bulgaria (Brown, 2009: 541-542;

Linz and Stepan 1998: 406-419).

The election campaign was conducted in the context of an ever growing crisis, uncertainty, increased interethnic conflicts, and national homogenization. In such circumstances, the national question and the issue of Croatian statehood became dominant. This was best employed by the Croatian Democratic Union (HDZ) which assumed some characteristics of a national movement. The HDZ insisted on state and national issues most often and most directly, which gave it an advantage over other parties. The main issue confronted by the reformed Communists was to simultaneously keep a moderate policy (and thus keep the Serbs in Croatia on their side) while addressing sensitive questions in the context of national homogenization and win the election.

The handicap of the League of Communists of Croatia – Party of Democratic Change (SKH-SDP), as was the case with all reformed communists in Europe, was the heritage of the past. In other words, Croatian citizens expressed considerable anticommunist sentiment, which was characteristic for the transition period. The third force in the election campaign was the Coalition of People's Accord (KNS). The Coalition tried to assume a centralist position between the HDZ and the SKH-SDP by moderately stressing Croatian national interests, but also by promoting liberal civic values. However, the Coalition did not succeed in building a clear identity and a uniform program platform, while the lack of aggression in the wake of national homogenization ended in poor electoral results. In the given context, the HDZ, thanks to its national and statehood program, its similarity to a national movement, and its organizational structure (and financial foundation), won a relative majority of votes in the two-round elections in spring 1990. On account of this, thanks to the electoral system, the HDZ won an absolute majority in the tricameral Croatian Parliament (*Sabor*). It should be noted that a fully democratic election was held only for the Socio-Political Council of the Parliament (*Sabor*) of the Socialist Republic of Croatia, while the elections for the Council of Municipalities and the Council of Associated Labor had serious shortcomings.

Compared to other communist countries, the establishment of the new government in Croatia was conducted under specific conditions. Democracy as a way of governing a sovereign state is not possible without a state (Linz and Stepan, 1998: 32; Maldini, 2008: 41). Therefore, this means that the existence of a sovereign state was a prerequisite for democracy. Specific issues arise in a situation of a simultaneous establishment of a state (especially a nation state) and a process of democratization. In countries where democracy has yet to be stabilized, the politics of a nation state often go against the logic of democracy. In the process of building a nation state, consciously or unconsciously, the dominant ethnic group is favored in many ways (language, religion, identity, symbols, preferential hiring, etc.).

The main goal of the new government was to establish Croatian sovereignty and statehood and to resolve relations with the other Yugoslav republics – either by establishing a confederation or by dissolving the country. Such goals were at odds with the wishes of Belgrade to centralize Yugoslavia under Serbia's leadership. Already in the first half of 1990, i.e., after the failure of the 14th Congress of the League of Communists of Yugoslavia, the Serbian leadership became aware that changes in federal relations could not be achieved through formal procedures, but had to include the establishment of borders of an expanded Serbia, which meant changing the internal republican borders. In accordance to such viewpoints, in Serbia it was always stressed that, in the event of a breakup of Yugoslavia, republican borders are to be treated as administrative borders (see also Banac, 1992: 55-58). This was connected with Serbia's stance that the right to self-determination was reserved for peoples and not for republics, as claimed by Slovenia and Croatia. The Serbs of Croatia were intended to be used in order to fulfill these ideas. The danger posed to Serbs in Croatia by the "new Ustasha state" was supposed to legitimize the Serbs' rejection of decisions passed by the democratically elected Croatian government and to justify their usage of extra-institutional methods of rebellion.

The threat to territorial integrity of the republic and the reluctance of rebel Serbs to recognize the decisions made by the new government

enabled the ruling party (HDZ) to retain certain elements of a national movement even after the election, coupled with the continued process of national homogenization. Such circumstances affected the behavior of the opposition, which was for the better part already marginalized by election results due to election system. The threat to Croatian sovereignty, as well as the results of democratic processes, led the opposition to support the new Croatian government in its defense of national and state interests, which substantially reduced opposition criticism. On the other hand, the new authorities often perceived criticism to be in conflict with national and state interests (*Vjesnik*, 16 May 1990: 3).

The adoption of a new constitution in December 1990 represented a final step in the institutional building of a new regime. The constitution formally confirmed the basic goal of the new government – to establish a sovereign Croatian state. The choice of a semi-presidential system contributed in an institutional sense to the authoritarian tendencies of the new regime.

The whole process of political transition occurred in an increasingly tense inter-republican and interethnic atmosphere as the Yugoslav crisis evolved in the direction of an armed conflict to determine state borders. In this regard, using history to legitimize political actions became a key strategy by the new political elites during the transition period in Croatia.

3. History in the context of liberalization of media

Even before the appearance of opposition groups in Croatia, the liberalization of the political system introduced viewpoints on history which differed from the ones propagated by the communist regime.

As mentioned previously, a hard communist dogmatist discourse prevailed in Croatia for a much longer time than in Slovenia and Serbia. Only in the late 1980s did this discourse begin to undergo major changes with the increased liberalization. At that time, the media began to cautiously criticize the regime, as well as to question commu-

nist myths, including the interpretation of the Second World War.

In late 1988, as part of the propagandist nationalist discourse in Serbia, the negative role of the Catholic Church in the Second World War was especially emphasized. The Church was accused of "clerical nationalism" and for being part of a "conspiracy of the Comintern and the Vatican" against Yugoslavia. However, the liberalization enabled the Church to respond to these attacks more freely. On 15 December 1988, the archbishop of Zagreb, Cardinal Franjo Kuharić, issued a protest in response to a wave of accusations against the Church and the Croatian people. He characterized the alleged genocidal nature of the Croatian people and the Catholic Church as a "grave injustice" and "dark slander" which could lead to new violence and tragic consequences (Blažević, 2009: 55-57). In mid-January 1989, *Glas Koncila*, an ecclesiastical weekly, began publishing a series of eight articles aimed at shedding a different light on the role of Catholic bishops in the Second World War. In June 1989 the Zagreb weekly *Danas* published an interview with Cardinal Kuharić. Among other things, he said that the Catholic Church was being demonized for forty years for its role in the war, without a chance for it to reply to these accusations. He also commented on the fate of Alojzije Stepinac, Archbishop of Zagreb during the Second World War, noting that a fair court process would have proved his innocence (*Danas*, 13 June 1989: 10-13). The main publication defending and promoting Church opinions was *Glas Koncila*, which increasingly published articles on topics which were previously forbidden. Although the leadership of the Catholic Church did not even once show open support for the HDZ, or for any other political party, it did tacitly support the party which defended the Catholic Church and promised to restitute its rights that were stripped away during the communist regime.[82] The reinterpretation of the role of the Catholic Church in the Second World War and the emphasis on

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[82] In contrast to the Catholic Church in Croatia, Slovenian bishops openly called upon the faithful not to vote for the reformed communists: "In this election, we are not only deciding on our future, but also showing our view of the past. If we choose the current political elite, many will understand this as our acceptance of the previous regime…To cast a vote in the elections is a moral obligation." (Glas Koncila, 8 April 1990: 1).

its mistreatment by the communist regime were intended to reaffirm the Church's presence in public life. Due to the considerable support the Church enjoyed among Croatian citizens, the newly established political parties used this reaffirmation in order to increase support for their own policies.

The number of victims of the Second World War was another taboo issue that emerged during this period. This question held a great importance not only for the discourse of the Yugoslav crisis and the awakened nationalism, but also for the legitimization of the role of Yugoslavia in the victory of the antifascist coalition. In order to achieve the latter, an official figure of 1.7 million victims on the territory of Yugoslavia was promoted. In the first half of 1989, Vladimir Žerjavić published the results of his research, titled *Population Losses of Yugoslavia in World War II*, which reduced this figure to 1,027,000 victims. Bogoljub Kočović, a Serbian researcher, reached similar results and published them abroad as early as 1986. These results did not support the thesis that the Ustasha regime had killed hundreds of thousands of Serbs in the Jasenovac concentration camp. In late 1988 and early 1989, Serbian newspapers began to increasingly write about Serbs in Croatia being endangered. In line with this, the print media increasingly began to evoke Serb victims during the NDH[83] regime. For example, the status of Serbs in the NDH was mentioned in the context of their status in Croatia in late 1980s. In order to prove and emphasize Serb victims and thus impose collective guilt upon Croats (who, according to the Serbian discourse, diminished and kept quiet about the crimes against Serbs in NDH), the suffering of Serbs in the NDH was exaggerated, especially the number of victims of Jasenovac. The emphasis on and exaggeration of Serbian victims in the past was meant to serve as a vehicle for contemporary political demands which would allegedly alleviate the injustices of the past. Serbian historian Vasilije Krestić claimed that the high death toll of Serbs in the NDH could be explained by the centuries-old continuity of genocidal agendas of the

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83   The Independent State of Croatia (Nezavisna država Hrvatska), a puppet state of Nazi Germany.

Croatian political elite towards Serbs in Croatia (*Književne novine*, 15 September 1986). The previously mentioned new research that negated the exaggerated numbers were employed by the Croatian print media in order to respond to the texts in the Serbian press, as well as the writings of some Serbian authors who published texts supporting the claim of hundreds of thousands of murdered Serbs in Jasenovac (*Danas*, 25 July 1989: 25-26). In the political sense this was a defense against the pressure from Milošević's "anti-bureaucratic revolution," which made use of the victimization of Serbs in the NDH in order to achieve his goals of strengthening Belgrade's control in the context of the Yugoslav crisis.

After the HDZ won the election and the new government was established, some other topics regarding the Second World War were opened. First of all, historians and journalists began writing about communist crimes that took place in the final phases of the war and during the post-war period. There are three reasons for the emergence of such a discourse. Firstly, there was an objective need to revise the official communist history which had been completely silent, or had justified, all acts committed by the winning side during or immediately after the war. Secondly, Tuđman developed a concept of all-Croatian reconciliation, wherein the remembrance and commemoration of fascist and communist crimes would equate all the "sins" of totalitarian ideologies. The third reason stems from the anticommunist character of the new regime, a trait typical for all transition countries in Europe. The May commemoration of Bleiburg[84] victims was given space in Croatian print media for the first time in 1990. Suddenly, the public attention was directed towards Partisan crimes and the crimes of the entire communist regime. At the same time, this served to reinterpret the communist version of the events that had taken place at the end of the war. The discovery of Jazovka, a mass grave of victims liquidated by the Partisans received great attention in the Croatian public and media.

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84 The Bleiburg massacre occurred in mid-May 1945 when various collaborationists from all parts of Yugoslavia, among them many civilians, were killed or forced to march across the country by Partisan troops.

This set in motion an avalanche of texts and public appearances which called for the investigation of all war and post-war victims, no matter on which side they fought during the war. The numerous texts on Partisan crimes served another function as well. This function was a response to the claims made by the Serbian discourse on the genocidal nature of the Croatian people. Therefore, for example, a session of the Presidency of the Socialist Republic of Croatia included a statement that one should condemn all war and post-war crimes, not matter who committed them. It was necessary to establish the number of all victims in order to "prevent bidding with numbers and accusations of the supposed genocidal nature of the Croatian people" (Pauković, 2010: 364-365).

The process of liberalization enabled a return to public life of many individuals who had been active during the Croatian Spring. A number of them became leaders of the newly established opposition associations and alliances. Their growing presence in public life gradually painted a different picture about the events of the Croatian Spring than the one promoted by the official Party version, which had constructed a narrative of the Croatian Spring as an organized attempt of a nationalist counter-revolution. During the better part of 1989 prominent participants in the events of the Croatian Spring were labeled as dangerous nationalists, yet mostly no repressive methods were used against them, at least until such measures were taken against similar individuals in other Yugoslav republics (*Polet*, 25 March 1989: 14-15). Print media interviews with actors of the 1971 events presented a different version of the Croatian Spring period. Above all, the dominantly reformist character of the Croatian Spring was stressed. The goal of the activists in 1971 was to increase the efficiency of the socialist system and to open up the path towards pluralization and democratization of the same system, with a subsequent increase in powers of the republics. Among other things, almost all of the actors pointed out that this was not a homogenous movement, but rather a blend of various demands, ranging from moderate changes of the socialist system to radical nationalist and anticommunist ideas (*Danas*, 12 December

1989: 26-27; 9 January 1990: 27-29; 16 January 1990: 14-15). After the public reappearance of MASPOK[85] actors, the interpretation of these events ranged from the partial reproduction of the official stance on the nationalist character of the 1971 events, expressed in early 1989, to markedly positive viewpoints of these events expressed during 1990. It is important to point out that in the first half of 1989 the nationalist component of the reactivated MASPOK members was underlined, not the counter-revolutionary one. This was connected with the strategic decision by the communists (which remained in use in the electoral campaign as well) to portray the emergence of the opposition as an awakening of nationalists who would led the country into civil war. This was at the same time used as an argument against the introduction of the multiparty system in 1989.

4. Political actors and the use of history

4. 1. SKH (SKH-SDP)

The political crisis in the 1980s gradually depleted the Yugoslav communist regime's sources of legitimacy. In such circumstances, the regime increasingly drew upon the revolutionary tradition and the period of the People's Liberation Army (Blažević, 1989: 71-74). This period continued to be portrayed as ideal and impeccable, with a central role reserved for the leadership and charisma of Tito. Referring to the AVNOJ[86] principles during 1989 served two purposes. First, it was used as a defense against Milošević's attempts at taking control over party leaderships in other republics, which was the strategy of the anti-bureaucratic revolution. The use of this tradition was an invocation of equality of the peoples and republics of Yugoslavia. Second, the

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85 MASPOK (short for mass movement) was the usual official Party term denoting the events in Croatia in late 1960s and early 1970s.

86 AVNOJ stands for the Anti-Fascist Council of the People's Liberation of Yugoslavia, the umbrella organization uniting national liberation councils in Yugoslavia during the Second World War.

heroic AVNOJ period was used as an attempt to reestablish and retain the legitimacy which was increasingly fading away due to the crisis.

During 1989, the pressure to introduce a multiparty system increased as a result of the situation in Yugoslavia. Democratization was seen as a possible answer to, and defense against, the spread of the anti-bureaucratic revolution emerging out of Serbia. The pressure was also felt because of the events in other European socialist countries as well as the ever louder opposition. The regime sought to replace the calls for democratization by upgrading the existing system of socialist self-management. In this context, the already mentioned concept of non-partisan pluralism was promoted. An "excellent" argument used in favor of this concept and against the introduction of the multiparty system was the "historic truth" that the multiparty system of the Interwar period had led to civil war, nationalism, and genocide (*Danas*, 8 August 1989: 17). It was argued that the formation of political parties would be primarily along ethnic lines which would be fatal for Yugoslavia. Such a line of argumentation was a continuation of the permanent effort by the communist regime to strip civic political parties of any legitimacy. The second argument was based on the ideological claim that the multiparty system had become obsolete, so that its reintroduction would result in a civilizational setback. In this regard the originality of the Yugoslav socialist path was emphasized. Namely, the Party leadership promoted the values of self-management as a modern achievement which could, coupled with necessary adjustments and reform, function better than the superseded multiparty system.

A representative example of the SKH's stance towards history is the topic of the return of the statue of Ban (viceroy) Josip Jelačić to Zagreb's main square. The communist regime removed his statute in 1947 as part of its policy of negating national myths, but also due to a viewpoint that he was an "enemy of the working class" (Radelić, 2006: 165). The HSLS[87] organized a petition for the return of Ban Jelačić's

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[87] The Croatian Social Liberal Union (HSLS) is generally considered to be the first opposition party in Croatia. The founding assembly was held on 20 May 1989 in Zagreb. During 1989, the party had a significant public rating and represented a liberal political option. The increasing national homogenization in the pre-election period and its inclusion in the Coalition of

statue and collected signatures on 8 October 1989 on Zagreb's main square. This action was extraordinarily successful, as the organizers collected some 70 000 signatures in one day, including those of numerous prominent public personas. The city committee of the SKH did not look benevolently on the HSLS's action, noting that "certain militant groups and individuals misused the action." The regime claimed that the HSLS did not engage in the activities it had stated when the party had applied for permission from the authorities. They resented that the HSLS was selling its program with prior notice (the HSLS was not selling, but rather disseminating, its program), publicly agitated with the help of loudspeakers, and engaged in fundraising. The authorities also noted the HDZ's activities, which included the dissemination of pamphlets which spoke negatively of the SKH and the Socialist Republic of Croatia (SRH) (*Vjesnik*, 10 October 1989: 6). Therefore, the continuance of the petition, which was scheduled for the coming days, was forbidden under the pretext that "it could be rightfully expected that there would be a disturbance of public law and order at this public assembly." It is clear that the fear from increasing support for one opposition group forced the communists to resort to bans, i.e., the use of force in order to prevent the continuance of this action. Interestingly, the president of the Zagreb communists, Luka Miletić, stated that the idea to return the Ban's statue had already been made three years earlier, but it had not been made public (*Danas*, 17 October 1989: 22-24). If the idea really had existed, there was obviously no decision whether and how to realize it. The issue of the statue was incredibly symbolic, because the same request had emerged at the time of the Croatian Spring in 1971. The opening of this topic meant not only a change of attitude towards national symbols and history, but indirectly also towards the 1971 events, as previously mentioned. We can draw several conclusions from this example. First, due to the loss of legitimacy and the subsequent political liberalization, the regime was ready to revise certain acts from its past. However, there was no clear strategy "how

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People's Accord (KNS) had a negative impact on the party's visibility and name recognition, resulting in a poor showing at the first elections.

far" this revision was supposed to go. The authorities did not know what was the right approach to gain support, and they feared overly highlighting the mistakes of the communist regime or conceding to nationalism. Second, there was a pronounced political pragmatism. The authorities wished to stop the growing strength of the opposition by any means, either by taking credit for the opposition's actions or by banning its activities. This example shows us that the communists tried to portray the return of the statue as their idea, yet when the opposition gained too much momentum during the petition for the return of the statue, the communists responded with a ban.[88]

After allowing opposition parties to compete for political office and the beginning of the election campaign, the reformed communists used history to try and affirm their position as well as to criticize the opposition.

In their campaign, the reformed communists tried to make use of the positive aspects of the Party's legacy, while simultaneously emphasizing that they were distancing themselves from all of the negative aspects of the communist past. In their election program, some of the historical aspects they mentioned included: the shaping of a new identity and the reshaping of the Party's political legacy; the continuity of the liberal and democratic tradition of the Croatian and Yugoslav people's liberation and worker movement; the inherited political traditions of antifascism, anti-Stalinism, federalism, Tito, national equality, and democratic and liberal elements which differentiated Yugoslavia from other socialist regimes; and a distancing from state socialism. They said they were against a single truth and that science should evaluate history (Đurić, Munjin and Španović, 1990: 273-274). The biggest problem for the reformed communists was to establish a balance between highlighting the positive achievements of the regime and eliminating the negative legacy of the authoritarian regime. In particular they tried to distance themselves from this negative legacy by stressing that the Party had made the decision to leave office and

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88 The statue was eventually restored to the main square by the new HDZ government in October 1990.

call for multiparty elections on its own accord and not because of pressure from the opposition. This move was presented as a continuation of positive decisions made by the communists in the past. Ivica Račan, the new leader of the Croatian communists, spoke about multiparty elections in his campaign speeches in the following way: "We did so in order to be on the level of those bright chapters of our history when from amid this party there came a decisive 'NO' to single-mindedness, this was done in 1941, in 1948, and for the same reasons we did this a few months ago" (Đurić, Munjin, and Španović, 1990: 297). On the other hand, when pointing out to negative aspects of their legacy, they used broad terms, rarely stating concrete examples. In this regard they stressed the distancing from state socialism, ideological single-mindedness, and dogmatism.

While the opposition drew attention to the negative aspects of the communist past, the communists used nationalism and the possibility of new conflicts in their propaganda. After the 1st General Assembly of the HDZ in February 1990, Račan, among other things, referred to the specter of the NDH, the messages of hatred and new divisions, and the elimination of basic human rights. He also stated that neo-Ustasha ideas cannot be justified by the appearance of neo-Chetnik ideas. Moreover, he called the HDZ a party of dangerous intentions (*Večernji list*, 27. 2. 1990: 5). The reformed communists sought to portray the nationalist excesses of some HDZ members as signs of a possible return to the past, namely the resurgence of conflicts from the Second World War.

After leaving office, the former Communist Party continued its transformation towards a social democratic option modeled after similar parties in Western democracies. In the beginning of August 1990, the former communists finished drafting their new political program which marked a more pronounced break and distancing from the past. They differentiated their stance towards both the positive and negative legacies. Among other things, they condemned the confrontation with the Croatian Spring, which would in early 1989 still be considered an ideological heresy (*Večernji list*. 7 August 1990: 4; 8 August

1990: 2). At the 12th Congress of the SKH in February 1990, a *Political Declaration* was adopted which, among other things, spoke about historic legacy. In relation to history, the positive achievements of the Party were stressed (the people's liberation struggle, the resistance to Stalin, the resistance to centralist forces in the 1960s and 1970s, the resistance to the "anti-bureaucratic revolution", and efforts at democratization), while in its assessment of the negative aspects, the party publicly apologized to all those who had suffered for political reasons (*Vjesnik*, 5 November 1990: 6).

4. 2. Croatian Democratic Union (HDZ)

From the very first public presentation of the initiative to establish the Croatian Democratic Union in late February 1989, history had played a central role in that party's image and political platform. On the one hand, the HDZ utilized various historic segments in order to legitimize its activities, while on the other hand history was used to a greater extent by the party's enemies in order to strip it of legitimacy and challenge the credibility of its leader, Franjo Tuđman. At the first public presentation of the founding initiative, a fourteen point Preliminary Draft on Programmatic Foundations was issued. After concluding that socialism was in a state of crisis and stating the necessity of democratization, the Preliminary Draft immediately stressed the historic necessity for the "original and credible voice of that Croatian public opinion which is based upon the genuine historic legacy of the Croatian people to be heard […]". Furthermore, the HDZ argued that the Croatian national consciousness was and should from that moment on be built on the traditions of "Starčević's Croatian historic state right, Radić's universal humanist democratic republicanism, and the visions and experiences of the Croatian Left." The linking of all these elements served Tuđman's concept of national reconciliation which was, according to him, necessary for the establishment of a Croatian state. The events in Serbia were labeled as the "reestablishment of expan-

sionist and unitary ideas," while in the relation to the Croatian people these developments manifested themselves in "non-scientific reevaluations of historic events, which went so far as to propose theories on the genocidal nature of any Croatianess" (*HDZ Party Bulletin*, No. 1, June 1989: 1-7). The speeches given at this presentation included a lot of very harsh critiques of the communist regime, which would remain a characteristic of the HDZ throughout the whole transition period (*HDZ Party Bulletin*, No. 1, June 1989: 11-27). Tuđman also called for the break with the "Croatian silence," which meant the inclusion of Croatia's elite in the debates on the future of Yugoslavia. According to Tuđman, the reasons for the "Croatian silence" lay for the better part in the "non-democratic suppression of the socialist reformist and national democratic movement" in Croatia in the late 1960s and early 1970s (*HDZ Party Bulletin*, No. 1, June 1989: 7-11).

The criticism of the regime, the reinterpretation of official viewpoints of history, and the national characteristics of the Preliminary Draft along with the speeches held at the presentation of the initiative caused harsh reactions and critiques. The Croatian press characterized the initiative as a reawakening of the nationalists from the MASPOK period, while their statements were labeled as nationalistic and chauvinistic (*Vjesnik*, 1 March 1989; 2 March 1989). A much harsher discourse was to be found in the Serbian press where the HDZ's initiative was not only labeled as a national reawakening of MASPOK members, but also as a reestablishment of the Ustasha movement (*Borba*, 6 March 1989; *NIN*, 12 March 1989). Such an extremely negative discourse on the HDZ and Tuđman in the Serbian press played a major role in the preparation of the war and the creation of an atmosphere of absolute unacceptability of the "Ustasha" HDZ for the Serbs in Croatia. The political authorities in Croatia strongly reacted to the emergence of the HDZ. The sessions of the Presidency of the Central Committee of the SKH (CK SKH) in March and April clearly expressed the unacceptability of the HDZ.[89] These initial reactions to the HDZ and

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[89] "The Presidency firmly opposes the initiatives to found such political associations and parties which find their inspirations in superseded nationalistic programs, while among their

especially the comparisons drawn to the Ustasha were for the better part exaggerated and false.[90]

Due to a ban on public gatherings, the founding assembly of the party was held in secret on 17 June 1989. At this assembly, Franjo Tuđman was elected party president, while the *Program Declaration of the Founding Assembly of the HDZ* was adopted. This document for the most part demanded democratization and gave an insight into the program points of the party. In its approach to history, the document merely stresses a critique of communist ideology as a source of all the problems in Yugoslavia, and calls upon the decisions of ZAVNOH[91] and AVNOJ[92] which guaranteed the right of every nation to self-determination and ultimately secession (Đurić, Munjin and Španović, 1990: 63-69).

One of the historic topics deemed most important by Tuđman was the debunking of the Jasenovac myth which was often employed to impose a collective guilt on Croats and prove the "genocidal nature of the Croatian people." The official estimates of the number of victims of the Jasenovac concentration camp ranged from 600,000 to 700,000. In the late 1980s some Serbian historians, publicists, and finally journalists further increased these figures, so that some claimed that the number of victims surpassed 1 million (Goldstein, 2003: 364-366). Tuđman questioned these claims in his book *Horrors of War*, published

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initiators there are well-known nationalists. At the core of such programs is an anti-democratic and regressive platform, while every form of nationalism is counterrevolutionary and anti-socialist. Therefore we vehemently reject and condemn the initiatives to establish the Croatian Democratic Union and the Croatian Democratic Assembly whose programs include classical nationalism, national exclusiveness, intolerance, and anticommunism." Croatian State Archive (HDA), CK SKH, D-Pov. 1220, 146th session of the Presidency of CK SKH, CK SKH No. 4646. This is almost identical with the Proposals of Standpoints on Political Pluralism at the 149th session on 10 April 189, HAD, CK SKH, D-Pov 1220, No. 4649, 466.

90　See the HDZ's answer to these reactions in HDZ Party Bulletin, No 1, June 1989: 71-81.

91　ZAVNOH stands for Zemaljsko antifašističko vijeće narodnog oslobođenja Hrvatske (National Anti-Fascist Council of the People's Liberation of Croatia), the highest governing body of the antifascist movement in Croatia during the Second World War.

92　AVNOJ stands for Antifašističko vijeće narodnog oslobođenja Jugoslavije (Anti-Fascist Council of the People's Liberation of Yugoslavia), the political umbrella organization of national antifascist councils in Yugoslavia the Second World War.

in 1989. The manifold exaggeration of Serb victims of the Jasenovac concentration camp was, according to Tuđman, used to prove the genocidal nature of the Croatian people and thus enable an easier imposition of Milošević's demands for a reconstruction of Yugoslavia. Tuđman's own estimate ranged from 30,000 to 40,000 (Tuđman, 1996: 266-267). It should be noted that Tuđman's estimates were lower than the once arrived at in the two independent studies published in 1985 (Kočović, 1985) and 1989 (Žerjavić, 1989). They are also lower than today's official estimates, yet they are surely more objective than the abovementioned exaggerations.[93] Tuđman's revisionism was heavily criticized in Serbia, accompanied with accusations of the rehabilitation of the NDH, as well as attempts at its reestablishment. This topic also held a prominent place in the actions and discourse of the SKH. For example, at the session of the Central Committee on 30 September 1989, among other things, a *Statement Regarding the Thesis on the Genocidal Nature of Croats* was issued (Sinković, 1990: 31). At the same session, a demand was made to the City Council of Zagreb to return the statue of Ban Jelačić on the Republic Square. However, this initiative gained publicity only after the aforementioned action by the HSLS on 8 October. The same day, the HDZ decided to issue its demand to return the statue. Some 20,000 leaflets were disseminated, stating the following: "The fate of the statue of the unfortunate Ban has in socialist Croatia become a symbol of suppression of Croatian national emotions, a symbol of a policy of soulless hatred towards own people and its history, culture and heritage." On the other hand, the statement on the HSLS's petition stated "We, the undersigned citizens, hold it necessary to place Josip Jelačić's statue on the Republic Square, in the place where it used to stand" (Goldstein, 2008: 635). HDZ's statement evoked national emotions, historic symbolic and the importance of Jelačić, coupled with a critique of the regime, while the HSLS's petition had the characteristics of a civic action.

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93   According to Žerjavić's estimates there were a total of 83,000 victims in the concentration camp. The list of identified victims in the Jasenovac concentration camp includes 80,914 individuals (http://www.jusp-jasenovac.hr/Default.aspx?sid=6284, accessed 17 December 2011).

The aggravation of the situation in Yugoslavia in the fall of 1989, incited by the breakup of relations of Serbia and Slovenia and the announcement of a "rally of truth" in Ljubljana on 1 December 1989, provoked reactions of political actors in Croatia, including the opposition forces.[94]

As a reaction to this, on 29 November, the HDZ issued a *Proclamation to the Citizens and Parliament of the Socialist Republic of Croatia and All of the Croatian People*. This document called for quick democratization, and labeled Milošević's politics as "Great Serbian neo-expansionism." Most attention was drawn to the part of the document which concerned the borders: "Contrary to the publicized plans of the establishment of a Greater Serbia, either inside or outside of SFR Yugoslavia, at the expense of the Croatian people and other non-Serb peoples, we demand territorial integrity of the Croatian people in its historic and natural borders." Numerous reactions which followed condemned the HDZ's call for a redrawing of the borders (*Vjesnik*, 5 December 1989: 5). Tuđman and the party commented several times on the question of their viewpoint of the borders issue. Already a month before the mentioned *Proclamation*, Tuđman gave a lengthy interview to the Zagreb magazine *Polet*. In this interview he said that when the communists had determined the Croatian borders, neither historic borders, nor natural arguments (the ethnic composition of the population) were taken into account, while in the case of Serbia both factors had been factored into the decision making process: the historic dimension for Kosovo, and the natural dimension for the greater part of Syrmia and Vojvodina. He also added that the borders of Bosnia and Herzegovina were shaped after the frontiers of Turkish conquests, which represented one of the biggest lacks of principles and a historic paradox (*Polet*, 27 October 1989: 23). In an interview given to the Sarajevo newspaper *Naši dani* in early January 1990, Tuđman said his party did not demand changes to republican borders in its

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94   The announcement of the arrival of protesters from Serbia to Ljubljana, as well as their detention in Zagreb was understood in Slovenia and Croatia as an attempt to spread Milošević's "anti-bureaucratic revolution" to western republics.

Proclamation, but that they pointed out, in reaction to the program of creation of a Greater Serbia, "the historic truth that historic borders of the Croatian people were not congruent with the republican borders of SR Croatia" (*HDZ Herald*, January 1990: 29-30). The same question was answered by the HDZ's vice-president, Dalibor Brozović, in the Zagreb weekly *Danas*. He stressed that in the HDZ there were absolutely no demands to amendments of republican borders, as long as the AVNOJ concept of interethnic relations were still valid, which the HDZ supported and demanded (*Danas*, 16 January 1990: 9). Tuđman gave a broader explanation of the border issue, as well as of certain historic interpretations of that issue, at the 1st General Assembly of the HDZ on 24-25 February 1990 in Zagreb. He again stressed the fact that this demand was made after the plans of Greater Serbia were presented and added that Bosnia and Herzegovina was by its constitution also a national state of the Croatian people. According to Tuđman, this demand was only a continuation of the viewpoints of Croatian nineteenth and twentieth century politicians such as Ante Starčević (the "Father of the Homeland"), Mihovil Pavlinović, Ante Trumbić, and Stjepan Radić. He emphasized their views of a geopolitical unity of Bosnia and Herzegovina with Croatia and the West and expressed no doubt about the decision the people would make in case of a referendum (Đurić, Munjin and Španović, 1990: 75-76). Tuđman's views on the border issue in the event of a possible breakup of AVNOJ Yugoslavia were linked to his emphasis on the historic state right of the Croatian people. Even in his speech at the 1st General Assembly of the HDZ he stressed that the Croats were one of the oldest European peoples, adding an example how during the First World War Slovenes in the Viennese parliament invoked the Croatian historic state right, while nowadays "Greater Serbian expansionism" allowed Slovenia's secession in order to make it easier to include three quarters of Croatian territory into the envisioned Greater Serbia (Đurić, Munjin and Španović, 1990: 76).

The emphasis on Croatian state and historic right should be also assessed in the context of international circumstances which Tuđman of-

ten mentioned. Specifically, at the moment of a "breakup of the Yalta order and the shaping of a new European order," as Tuđman said, the emphasis on historic state right should give additional legitimacy to the right to self-determination. The high point of these endeavors were the *Historic Foundations* of the first Constitution (December 1990) after the first multiparty elections which listed historic examples ranging from the Middle Ages to the first multiparty elections which proved the historic state right of the Croatian people.

However, the most attention was drawn to Tuđman's statements about the NDH given at the 1st General Assembly of the party.[95] Although he gave a fair assessment, it was understood as a revisionist act and Tuđman's call for the reestablishment of the NDH. In numerous reactions in Croatia and especially in Serbia, Tuđman was often denounced for propagating Ustasha ideology, new calls for genocide, and comparisons to the collaborationist NDH leader Ante Pavelić (Pauković, 2008: 118). The analysis of Tuđman's interviews and the party's program documents during 1989 and 1990, and finally the text of the first Constitution, very clearly reflect continuity with ZAVNOH and AVNOJ, in other words, the Croatian Left during the Second World War and not the fascist NDH. As a Partisan general and historian, Tuđman stressed the creation of the Federal State of Croatia, because it enabled the Croatian people to find itself among the victorious democratic powers after the Second World War. However, for Tuđman the most important thing was the AVNOJ principle of equality of the peoples and the right to self-determination including secession, which was a starting point in legitimizing the demands for a Croatian state. In a formal sense, this meant the existence of SR Croatia as a national state of the Croatian people inside a federal Yugoslavia. However, be-

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95 "The supporters of hegemonic-unitary or Yugoslav statist views see the HDZ program goals as nothing more than a demand to reestablish the Ustasha NDH. By doing so, they are forgetting that the NDH was not only a mere "Quisling" entity and a "fascist crime," but also an expression of the historic aspirations of the Croatian people to establish their own state. It was also an expression of understanding of international factors, in this case the government of Hitler's Germany, which was, on the ruins of the Versailles order, building a New European Order...Therefore, the NDH did not represent a mere whimsy of the Axis Powers, but also a consequence of distinctive historic factors" (HDZ Herald, March 1990: 18).

ginning of 1990, i.e. in the pre-election period, HDZ adopted some
elements of a national movement. Such characteristics of this party
remained after the elections, as well as during the war period. This
included national homogenization and Tuđman's concept of national
reconciliation, i.e. overcoming of ideological divisions of the Second
World War.[96] In line with this, especially at some meetings during the
election campaign, there was some flirting with the Ustasha, as well
as some chauvinist statements directed against Serbs. Tuđman and his
party distanced themselves on several occasions from such extreme
excesses and did not want any connection with the Ustasha and with
chauvinism (*Danas*, 1 May 1990: 13). We can conclude that these ex-
cesses were not part of the official party program or discourse, yet we
could speculate that they were tacitly tolerated in line with the policies
of national homogenization and reconciliation, especially in relations
to returnees from emigration who had a considerably more positive
view of the NDH.

Besides the mentioned positive historic elements of Croatian com-
munism, the HDZ utilized the negative aspects of the communist pe-
riod in its discourse more often. Anticommunism, the fierce critique
of the whole communist period, was an important component of the
party's electoral campaign. In his speech at the aforementioned 1st
General Assembly of the HDZ, Tuđman called AVNOJ federalism
"almost the only positive historic fact of Titoism," while at the same
time condemning his cult of personality and authoritarian way of gov-
erning. "Single-party state authoritarianism" resulted in a devastated
economy, as well a ruined spiritual life (Đurić, Munjin, and Španović,
1990: 78-79).

A special place in the discourse of the party was reserved for the
relationship towards the Croatian Spring and the Catholic Church. The
party condemned the suppression of the Croatian Spring by commu-
nist authorities and had a positive assessment of the demands by the

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96 Tuđman also mentioned national reconciliation as part of the indirect assignments of the
new government during his inaugural speech at the constitutive session of the multiparty
Sabor on 30 March 1990 (Večernji list, 31 March 1990: 5).

Croatian Spring activists. In this regard they made a demand for the reestablishment of *Matica hrvatska*,[97] which had been banned after the suppression of the Croatian Spring movement. From its very beginnings, the HDZ had a positive stance towards the Catholic Church. On the occasion of the publishing of his book *Horrors of War* in August 1989, a two-part interview with Tuđman was published in *Glas Koncila*. In this interview, Tuđman defended the role of the Catholic Church and Cardinal Stepinac in the Second World War, stressing that the attacks on the Church were part of the plan of portraying the Croatian people as genocidal by nature (*Glas Koncila*, 6 August 1989: 5). The HDZ and the Catholic Church became from the very start targets of Serbian propaganda, which made them natural allies in the defense against denunciations coming from Belgrade. According to certain claims, low-ranking priests offered open support to the HDZ. The convergence of the HDZ and the Catholic Church continued after the elections and the further escalation of the crisis in Yugoslavia. Immediately after the HDZ won the elections, negotiations about the return of nationalized Church property and the introduction of religious education in public schools began (Bellamy, 2007: 404). At that time, there was a marked sharpening of inter-confessional relations in Yugoslavia, while the Catholic faith became a trademark of Croatian national identity (Ramet, 2005: 286). One of the main characteristics of the new the HDZ administration, which remained a national movement even after the elections, was retraditionalization, which had its greatest success in de-secularization, i.e., the return of religion into public and political life. There was a major increase in the number of those who declared themselves Catholics or believers. The media visibility of the clergy became very noticeable, Church officials became an integral part of certain secular events at the national level, and politicians frequented religious gatherings (Županov, 2001: 24-26).

The main aim of the party after it won the first multiparty elections was to establish full statehood of the republic in the context of

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97   Matica hrvatska (Lat. Matrix Croatica) is one of the oldest and most important cultural institutions in Croatia.

the conclusion of the Yugoslav crisis. With that goal in mind, history was used in order to prove "the thousand-year-old national identity and state continuity of the Croatian people," i.e., to legitimize the demands for the establishment of full sovereignty of the republic. In this context, the HDZ leadership emphasized Croatia's belonging to Europe and not the Balkans and the Yugoslav community. Tuđman often highlighted that Croatia was part of Europe in a cultural and spiritual sense, while Balkanism was imposed on Croatia during the two Yugoslav states in the twentieth century (*HDZ Herald*, 28 June 1990: 10).

4. 3. Serb Democratic Party (SDS)

The third political actor of relevance was the Serb Democratic Party (SDS), which became the major representative of the Serb national movement in Croatia by 1990. This party was founded as late as February 1990 when it was obvious that the reform faction would finally prevail in Croatia and that a multiparty election would be held. Namely, the national movement of Serbs in Croatia was, according to all its characteristics, an integral part of the national movement in Serbia. This meant supporting Yugoslav and Party unity, as well as the same values (Yugoslavism, Serbism, historicism, traditionalism, collectivism, anti-liberalism, anti-democratism, and socialism) and methods ("anti-bureaucratic revolution") as in Milošević's Serbia (Kasapović, 1993: 66). Therefore, democratization and a multiparty system were at odds with the goals of the Serbian national movement in Croatia. Thus, only shortly before the elections did the Serbs in Croatia organize political parties. The resistance to democratization and multiparty elections was justified by the formation of political parties on an exclusive ethnic basis. In fact, the democratic institutionalization of political activities, i.e., the gaining of legitimacy through elections, was contrary to extra-institutional methods ("anti-bureaucratic revolution") of the Serb national movement. Furthermore, the party programs of the opposition staunchly opposed Milošević's policies (a

strong federation, the unity of the League of Communists of Yugoslavia, and the domination by Serbs/Serbia in Yugoslavia). In line with this, Serb representatives in Croatia increased their criticism of the League of Communists of Croatia, not only because of its policies which "endangered Serbs in Croatia," but also for allowing the emergence of political parties with an ethnic prefix (Pauković, 2009: 136).

The context of the establishment of the SDS and its partaking in the Serb national movement had a crucial impact on the party's discourse and its interpretation of history. The basic elements of this discourse were fashioned during the 1980s, while the main line of argumentation was based on the claim that Serbs were the biggest victims of Yugoslavia. Thus, they were also presented as victims in Croatia. In the so-called 1986 Memorandum of the Serbian Academy of Sciences and Arts (*Memorandum SANU*) it was claimed that the only time the Serbs of Croatia were more endangered than in the late 1980s was during the NDH. Serbs were portrayed as victims of discrimination and a "sophisticated and effective assimilation policy" which aimed at weakening their links with Serbia. The revision of history especially focused on the topic of the genocide committed during the Second World War. Extensive depictions of the extermination of Serbs in the NDH became the main symbol of victimization of Serbs in the second half of the 1980s (Dragović-Soso, 2004: 160-162, 264). According to this dominant discourse, Serbs were endangered in Croatia, while all their ethnic institutions were abolished and assimilation was taking place. In mid-1988, when the "anti-bureaucratic revolution" began, the issue of Serbs in Croatia became prominent. In the public Serb discourse, the Serbs of Croatia were declared victims of a planned policy which deprived them of their institutions, language, and script and thus left them no options but assimilation or emigration. The explanation for anti-Serb politics in Croatia was found in the continuity of Croatian nationalism, which stripped away all their rights attained during the Second World War and immediately after. According to this discourse, in recent times (the late 1980s) Croatian nationalism grew stronger, which could be seen through the rehabilitation of MASPOK

members and the emergence of the HDZ (Pauković, 2009: 134-135). All these elements were already visible in the discourse of the SDS, as well as the future leaders of that party in 1989, yet they became even more ardent during 1990.[98]

An emphasis was placed on the suffering of Serbs in the NDH, whereby it was pointed out that in Croatia those crimes were deliberately minimized and silenced.[99] This topic is in general connected with the argument in Serb national discourse about the Serbs as the biggest victims in Yugoslavia. In a series of public debates which were part of the election campaign in Croatia, SDS president Jovan Rašković spoke of a "historic sacrifice" of the Serb Diaspora in Croatia, stating that it was older than "the pressures of Starčević's Party of Rights and the Frankist genocide" (Đurić, Munjin and Španović, 1990: 341). [100] The emphasis on the victim status was meant to amplify the legitimacy of political demands of the Serb national movement in Yugoslavia. The second component of this topic concerned the linking of recent events in Croatia, foremost the emergence of the HDZ, with the rees-

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98 At the foundation of the Serb cultural society Zora in July 1989 the future SDS member of the Croatian Parliament Jovan Opačić spoke in his address about strong trends of "political and cultural denationalization and assimilation of the Serb people in this area" (Večernji list, 15 July 1989: 9).

99 In his comment on the trial against Jovan Opačić, accused of disturbing the peace and giving a controversial speech at the celebration of the 600th anniversary of the Battle of Kosovo in Croatia, Jovan Rašković said: "This is a political trial with all the bad influx of politics and its inclination to reduce, rotate, or directly invert consciousness. In this case this manipulative core of politics expresses itself at times of the inexorable opening of the question of the status of Serbs in Croatia and thus only adds to the dynamic and possible grave consequences of the Šibenik court case. (…) This is partially also a trial against a Serb. (…) Therefore, when Serbs in Croatia demand their own institutions, those are minimal civilized demands which cannot be ignored without possible grave consequences. I allow that we as well, we Serbs in Croatia, can have our own 'paranoia,' just as there are possibly equivalents on the Croatian side. Yet, this should be understood, because it has a historic foundation, foremost in the genocide the Serb people experienced, furthermore given the fact that on the Croatian side, here I mean the intellectual circles, there has still been no real assessment of this genocide. (…) This outbreak of talks about the past is also not a coincidence. It is a spontaneous resistance towards the minimization of war victims and the Serb people nowadays have a feeling that its victims are being minimized" (Danas, 26. 9. 1989: 21-23).

100 The Party of Rights, a republican, anti-clerical and nationalist Croatian political party, was active from 1861 to 1929. After a schism in the party, Josip Frank founded the Pure Party of Rights. Frank's followers, called Frankists (frankovci) later helped found the Ustasha movement in 1930.

tablishment of the Ustasha movement and everything else associated with the fascist NDH state. Rašković sent a letter to Tuđman, rejecting his invitation to attend the 1st General Assembly of the HDZ in February 1990. Among other things, Rašković warned in this letter that at some founding assemblies of HDZ branches one could hear "genocidal and belligerent calls" and see "aggressiveness boil, resembling the atmosphere of Munich beer halls" (*Politika*, 23 February 1990). Such comparisons increased after the HDZ won the elections, which in fact sent a message that the new government (i.e., the political goals of HDZ) was unacceptable for the Serbs in Croatia who were influenced by the Serb national movement. The best example of such a comparison is the staged assault on the president of the Benkovac branch of the Serb Democratic Party Miroslav Mlinar, which occurred shortly after the HDZ won the elections. It was later revealed that this incident was staged in order to show what kind of destiny awaited Serbs in Croatia under HDZ rule (*Vjesnik*, 1 June 1991: 5).[101] The day after the "assault", the local SDS committee in Benkovac issued a press release, which, among other things, stated: "The political inciting of ethnic intolerance which has been going on for years and has recently escalated is now reaping its results. We reject the democracy of knives which is being offered to the Serb people, we reject the democracy of Serbophobia and Serbophagia and state that we are ready to all measures in order to protect every Serb life which is under threat only because it is Serbian." Already the following day the central committee of the party issued a press release which, among other things stated: "Criminal assaults on our party comrade (…) represent an association with that period fifty years ago, when Serbs in Croatia, both younger and older than our Miroslav – became victims of a mass crime. Such associations lead us to Ustasha ideology. We cannot be certain, because we still have no proof that this the work of the Ustasha (…) It is known that in HDZ there is a certain Ustashoid core which does not

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101 In the aftermath, the Serb side also affirmed that this was a staged assault (http://forum.bu-rek.com/zaboravljeni-testament-jovana-raskovica-t323320.all.html, accessed 12 December 2011).

want more reasonable politics" (*Večernji list*, 23 May 1990: 5). This case was at that time used in order to suspend the relations of the SDS and the newly constituted *Sabor* (*Vjesnik*, 23 May 1990: 5).

The second topic which was emphasized was related to the critique of Croatian politics during the communist period. This was based on the claim that in Croatia there had been, and still was, a planned policy of denigration of Serb national identity, the dissolution of Serb institutions, the economic neglect of areas were Serbs lived, pressures of assimilation, and similar actions. This claim overlooked the fact that the same policy was applied to Croat national identity as well in the context of an ideological strategy of denigrating all national identities, especially after the suppression of the Croatian Spring. In other words, this was not a Croatian (national) policy, but a communist attempt at washing away national peculiarities.

The third topic concerned the question of borders and with it the understanding of the character of the Yugoslav community, namely the status of the republics. To be precise, according to the Serb national discourse the republican borders only had an administrative and not a state character. According to this, the right of self-determination and secession was vested in the peoples, not the republics. This meant that a breakup of Yugoslavia was impossible without redrawing the borders. The SDS also advocated such a viewpoint. In an interview given to Zagreb daily *Vjesnik*, Opačić said the following about the borders: "When somebody could show me the border between Croatia and Serbia I would support the confederation, yet I hold that such borders exist only in the heads of paranoid people – we could not arrive at such borders without a civil war" (*Vjesnik*, 23 May 1990: 3). Parallel to the decisions of the HDZ government which strengthened the sovereignty of the republic in relation to the federation, the SDS organized the passing of decisions which insisted on the right of secession for the people. The SDS also organized a "Serb Assembly" in the town of Srb on 25 July 1990 where the delegates adopted a *Declaration on the Sovereignty and Autonomy of the Serb People*. This declaration highlighted the sovereignty of the Serb people in Croatia, i.e., their right

to autonomously decide under which authority they would live and how they would connect with other peoples of Yugoslavia (Pauković, 2005: 70-71). Such decisions were an introduction to the Serb rebellion in Croatia and the war over borders as Yugoslavia collapsed.

5. Conclusion

The processes of political liberalization and beginning of post-communist transition in Croatia were connected with the disintegration of the Yugoslav state and eventually war. Although the communist regime claimed that Yugoslavia had solved the national question, the crisis and liberalization of the 1980s proved it wrong. It was precisely the liberalization process which brought the national and statehood questions into the spotlight. National homogenization in Serbia in late 1980s and the opening of the statehood question incited similar processes in other parts of Yugoslavia. Traditionalism and the opening of the question of statehood along ethnic lines pushed historical contested interpretations of the past to the forefront during the period of transition. The reopening historical controversies, the (sometime necessary) revising of historical narratives, and the usage of history for political purposes constituted some of the key differences of the transition period in Croatia as compared to other ex-communist countries in Europe. In this sense, the emerging political actors used all historic eras, although a special emphasis was placed on the twentieth century, especially the Second World War. Depending on which political actors were using which historic events, certain aspects were accentuated (sometimes even falsified) in order to correspond to set political goals. Besides this, it often occurred that the highlighting of one piece of history by one political actor was countered by another historic event stressed by another political actor. Thus, the constant evoking and exaggeration of Serb victims during the NDH period in the Serbian discourse provoked a counter-discourse in Croatian after the election which emphasized crimes committed against Croats at the

end of the Second World War and in its immediate aftermath.

Unfortunately, the use of history for political purposes is still very much present in the former Yugoslavia and in Croatia. Besides various interpretations of certain aspects of the Second World War and communist Yugoslavia, the polemical topic of the wars in the 1990s added to the spectrum of historic events employed for political gains. The lack of a minimal consensus on events of the recent past leaves considerable space for further manipulation, but also mobilization in a suitable political moment, which could once again have tragic consequences for the Balkans.

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II.

Culture of Memory

Andrea Pető

"I switched sides"[102] - Lawyers Creating the Memory of the Shoah in Budapest

The paper examines the social composition of lawyers who took up working for the people's court defending war criminals based on the documents of the Archive of the Budapest Bar Association. The three major changes influencing the composition of the lawyers – anti-Jewish legislation (*numerus nullus*), postwar lustration, and lustrations by the communists in 1948 and after the 1956 revolution – changed the composition of the lawyers fundamentally.

Key words: transitional justice, lawyers, Shoah

Introduction

Lawyers make an important professional group as far as construction of remembering the Shoah is concerned (Joerges and Ghaleigh, 2003). Firstly, as we know it from the path-breaking research by Maria Kovács, who covered the history of these professionals until the Shoah, that as a liberal profession it resisted Aryanization in comparison to other liberal professions during the Second World War (Kovacs, 1994). In this chapter I analyze the lawyers who were practicing in Hungary's

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102 Interview with Dr. B. Gy., a lawyer who specialized in criminal law after 1945.

capital, Budapest, after 1945. This social group had a very specific characteristic: there were several lawyers of Jewish origin among the lawyers, and the Jews in Budapest had relatively better chances to survive than elsewhere in Hungary. Secondly, legal professionals mediate between the state and individuals; they serve as a transmission belt of norms and values as well as disciplining power. This was especially timely after 1945, when the discourse of normalization was a legal discourse, since the people's tribunals were expected to mark the end of an era and to start a new one. The lawyers had a multifaceted influence on the post-war lustration, as they themselves were victims of the Shoah, members of the legal profession, and involved with the defendants during the trials. This case demonstrates a good example of conflicting identities: professional ethics vs. collective solidarity as far as constructing the memory of the Shoah is concerned.

Between 1938 and 1948, three important events changed the social composition of lawyers in Hungary. Firstly, the anti-Jewish legislation that was implemented in three phases: the *numerus nullus*, the deportations, and finally the murders. Secondly, the controversial post-1945 lustration process that I will discuss in greater detail in this chapter. The third event was the communist takeover, which screened the profession for "class enemies," so those lawyers who were intellectuals and of middle class origin were prohibited from practicing.

In this chapter I will analyze how the lawyers who worked in the lustration processes, and who were targets of lustration themselves, contributed to the construction of the memory of the Second World War.

2. People's tribunals

The memory and the narrative of the Holocaust were constructed through the people's tribunal cases, in Budapest, where I am researching the case of 70,000 individuals (Pető, 2007: 335-349).

The people's tribunals were expected to begin to "normalize" and

construct social cohesion by determining the meanings of social interactions during the Second World War and the Shoah. Language, or more precisely the legal language of the court, was the tool of mediation and expression of emotions. The court was a highly structured space for communication about the crimes and facilitated interaction between the criminals, victims, and witnesses. The people's tribunal was also a space in which different social conflicts appeared: various parties struggled to define the meaning of the Holocaust and its consequences, based on class (the victorious Communist party used these trials to label the previous ruling elite as responsible for class bias) and gender (10% of the perpetrators were women, a comparatively high percentage). The manifestations of these conflicts in the courtroom determined the interpretations of post-war social life and, I will argue, continue to influence our understanding of the events even today (Pető, 2008: 237-253).

The fabric of Hungarian society had been torn apart by the Second World War; there was no functioning social solidarity. Nor was there a domestic armed resistance or partisan movement in Hungary. Individual cases (the rescuers that have received wide publicity in recent years) do not obscure the fact that the Hungarian administrative state system and bureaucracy was morally discredited and collapsed. The contradictory operations of the Jewish Council and an analysis of its lack of choices have been examined and illuminated (Schmidt, 1990). There was, indeed, no institution or organization that was ethically beyond reproach, which could therefore have operated as a cohesive force in the aftermath of the Second World War. That was the institutional vacuum which was expected to be filled by the people's tribunals.

3. Methodology

For my present book project I am examining the people's tribunal files of female perpetrators and analyzing who were the legal professionals who took part in these processes. I am interested in the lawyers

who were defending these female war criminals. I looked up the files of these sixty-two lawyers at the Budapest Bar Association of Lawyers in order to see the impact of these two processes, lustration and the people's tribunals, on their careers and how they wrote and testified about their pasts. I also examined newspapers and interviewed one prominent criminal lawyer who is still active. The lustration files are a rich source for understanding the important waves of registrations. As I have argued, the lawyers were key figures in post-Holocaust Hungary. Based on the analyses of the trials, we see that if the defendant was able to come up with a paid lawyer it was highly possible that they were able to emerge with only a minor sentence. Thus the lawyers were those individuals who played a crucial role in the legal system by negotiating the definition of what was considered a criminal act.

4. Social composition of lawyers: the old and new generation before 1945

Hungarian lawyers were divided during the liberation of Hungary. Being a lawyer before 1914 was not only a respectable and well-paying profession for the middle class, but it was also a means of social mobility for men. Women were not allowed into law school only during the Karolyi government (1918-1919) for half a year. Those who were admitted with a special permit could finish their legal education. Women who managed to graduate either worked as individual lawyers benefitting from the flexibility of working hours, such as Margit Ungar, who was the first female lawyer in Budapest admitted in the Bar Association in 1928 (followed by Lilly Gaspar in 1931), or worked in the field of social affairs, such as Erzsébet Koncz in Kecskemet. After 1945 Erzsébet Koncz served as a people's attorney since she had a meticulous past as a lawyer.

After 1918, when Hungary lost two-thirds of its territory and its population as result of the collapse of the Habsburg Empire, they formed the National Association of Hungarian Lawyers (MÜNE) on

1 June 1927. The MÜNE consisted of 3,000 members in 1939, with the aim to create a counterweight against "Jewish lawyers" (Zinner et al., 2005).

Although 2% of the judges, attorneys, and members of legal institutions were of Jewish origin, half of the lawyers were Jewish, and were mostly assimilated middle or upper middle class. From 1938 onwards, the anti-Jewish legislation aimed to change this. MÜNE however, unlike the similar organization of doctors, the National Association of Hungarian Doctors (MONE), was not so influential.

MÜNE fought for the *numerus nullus* in order to exclude Jewish lawyers from the profession and to compile a list of names, former colleagues with whom they were working on a daily basis at the court, to be called into forced labor service. As a result, 700 Jewish lawyers were deported after 19 March 1944 when Hungary was occupied by the Germans (Kovács, 2001: 163).

5. People's tribunals: who were the lawyers?

The autobiographies submitted to the Budapest Bar Association and the files of the people's tribunals help us to recover the networks that determined who played prominent roles in the people's tribunals.

As far as age is concerned, the majority of the lawyers, 50% belonged to the middle generation born between 1896 and 1913. 31% of the lawyers who were active in the people's tribunals were older, born between 1871 and 1895. This division reflected upon the social composition of the lawyers: this was an aged and highly selective profession, since it took a long time to have the professional right to belong there. 19% were young and survived the war because of their generational luck. These young men were able to show up before the lustration committee with a *tabula rasa* of their life since they were not yet admitted into the profession. They had only been studying law and therefore were not tempted to benefit from the anti-Semitic legislation. Some of them were at the front as soldiers far away from what

happening in the Bar Association. This was the generation of new legal professionals who filled in those places which were emptied by the lustration process.

In the sample I analyzed, 21% of the lawyers who took up cases at the people's court were of Jewish origin. A general observation in reading the submitted life-stories is that mention of the war is missing as if there had never been a war (Archive of the Budapest Bar Association [further BBA] 8660). The narrative frame which favors professional achievement was not opening up space for the individual level of remembrance.

The social background of the lawyers examined was balanced, but the division lines showed clearly that 48% were from lower class intellectual families, while 52% were from the middle class. Lawyers belong to an elite profession, so the high percentage of first generation lawyers reflects those who were more likely to accept cases at the people's tribunal.

Of the lawyers who were active in people's tribunals, 21% came from Hungary outside of the Trianon borders. They were the ones who were the most vulnerable, and therefore they participated both in MÜNE and also in the people's tribunals. For a good career as a lawyer, a stable family background, lucrative marriage, or MÜNE membership was needed. After 1945, active participation in the people's tribunals was likewise believed to promote legal careers.

When we analyze the networks in which lawyers were active, three of them emerge as the most prominent. The first network, the lobby of Debrecen (a city in the eastern part of Hungary that also had a law school), constituted about 5% of the lawyers, since those who graduated from there remained in contact with one another. The second one was the lobby of those who served in the state postal service, which comprised about 8% of the lawyers. The third network, including 3% of the lawyers, was composed of those who belonged to other professional organizations. Thus, 83% of the lawyers who accepted female war criminals were not members of any professional organization. As far as politics is concerned, 53% of them did not have any party af-

filiation. Of the others, 18% were leftists (social democrats who were active during the Republic of Councils in 1919 and protected social democrats and other leftists), 5% were active in religious bodies, 12% published in professional journal, and 10% had links to agrarian parties. One of the lawyers of representing female war criminals was a deputy in the Hungarian parliament (BBA 4701).

The picture that emerges of the lawyers who worked on the people's tribunals is one of a group that was a part of a technocratic network consisting of mostly middle aged or older legal professionals, who were not visible in public life but cultivated professional networks and avoided extremes.

But looking behind the professional cover a surprising fact is visible: only 5% of these lawyers had any previous practice in criminal law. It was only in the post-war boom that they began to work in the field of criminal law. The previous generation of lawyers who were active in the field of criminal law were discredited either because of their strong ties with the Horthy regime, or because of their participation in MÜNE.

In the people's court cases a minimum fee was guaranteed for the lawyer by law, which meant a small but secure income. The people's tribunal cases were considered to be lucrative. On 26 April 1946, a report on one lawyer noted that "he is gaining his clientele with methods well-known from the old times. In prison he had more clients than all the other lawyers together. Only those who are based upon the democratic system of today should work on people's tribunal's cases" (BBA 4770).

As the lustration process started the fight for the massive number of new clients also began. This was a new, expanding but risky market for the legal profession. *Szabad Nép*, the daily of the Hungarian Communist Party, did not leave uncommented the flourishing business of defending the war criminals. On 21 April 1946, the newspaper declared under the heading "Greedy lawyers in the labyrinth of law," that there were three categories of lawyers: those who win all possible cases independently of the crime for a high fee, those who are hunt-

ing to get new clients, and those who are misusing their legal practice to fight against democracy, or, in other words, they were successfully saving war criminals from the legal procedures. I compared the list published in the journal with the list of lawyers I compiled from the lawyers of female war criminals. It is not an accident that one of those "infamous" lawyers mentioned by *Szabad Nép* was also on my list as a notorious protector of war criminal, along with two others who were labeled by the communist journal as "the enemies of democracy."

The ethnic Germans living in Hungary, who were among the first targets of the people's tribunals, quickly disappeared, due to the state orchestrated forced expulsion. This experience shaped the public wisdom of the lawyers to have clients whenever possible, and it also proved that the legal processes became unpredictable in Soviet-occupied Hungary. The secure, foreseeable legal environment in Hungary disappeared forever with the anti-Jewish legislation and later by the Soviet intervention into the legal processes.

6. Lustration process

After the liberation of the country, lawyers were obliged to apply for a new membership card for the Bar. They had to submit a report about their activity during the war to the Bar where they were previously registered. The lustration process of the lawyers had begun, and the crimes some of them had committed were undeniable.

Membership in the MÜNE should have been considered as war crime based on paragraph 17.2 of the law on people's tribunals in 1945. But in practice, the people's tribunals considered membership as a war crime only in those cases when a person was a member of the elected leadership and was active as a member (Zinner et al, 2005: 46). The profession interpreted the law creatively to minimize the personal losses, and they could do so because of the primacy of professional solidarity over the "justice of war" (Michael Walzer).

The recruitment base of MÜNE was not big: in the whole country

there were 3,200 lawyers, and in Budapest only 1,300. This extremist organization was unable to attract big support. In 1939, 2,040 out of 3,386 registered lawyers in Budapest were of Jewish origin, and most of them had converted to Christianity. The elite lawyers joined in a very few numbers to MÜNE, and they left the organization when it was clear the situation was changing (Kovács, 2004). This self-protecting skill, "switching sides when possible" and at the right moment, remained a common practice and contributed to the smooth functioning of the lustration process that resulted in hardly any major changes within the legal profession. Only those prominent lawyers who had played really important and visible roles in the MÜNE were banned from the profession, and only those who had taken property or offices of Jewish lawyers after the *numerus nullus* was implemented were reprimanded.

During the lustration processes, the members of MÜNE who had demanded the *numerus nullus* in the legal profession often defended themselves with the argument that they had forgotten that they had joined the organization, since it was so unimportant they had not even paid the membership fees. The membership in MÜNE did not only mean membership in an influential or an organization aspiring to be influential, but it also meant that the number of Jewish clients immediately increased among the clients of the MÜNE members. Jews asked for help from lawyers who were the members of MÜNE because they were believed to have good ties to the new elite (Kovács, 1994). Those lawyers who were specialized in migration issues were those who had good relations with the authorities, so they set up a flourishing business after 1944 (BBA 4210). Several Jewish lawyers gave their wealth to a fellow gentile lawyer to preserve it.

After 1945 just the opposite happened: war criminals (and former MÜNE members) were queuing in front of the office of Jewish lawyers, because they hoped that in the new regime the leftist ties and the memory of previous persecution would grant them minor sentences. In the case of the female perpetrators, one third of the lawyers were Jewish and responsible for the most important cases.

In my sample, 39% of the lawyers were members of MÜNE, but only one risked leaving the organization or making negative comments about the Arrow Cross (the Hungarian Nazi Party) or the German Nazis (BBA 4770). All of the others considered it too "risky" to leave the organization, and instead they tried to not show up for the meetings (BBA 7573). The technique of cowardice in a case of a profession which is expected to represent "the law" turned to be very harmful in the long run as far as the rule of law is concerned.

During the post-war lustration process of the lawyers I examined, 71% successfully passed the lustration, 21% were reprimanded, 3% were excluded, and 5% had their membership in the Bar Association suspended. The lawyers who were reprimanded were the members of the lawyers' office which had the most cases before the people's tribunals. It is clear that MÜNE membership did not automatically result in punishment, since 9% of MÜNE members were not punished. In the text of one lustration verdict, the phrase "he as a lawyer should have known" indicates the trust in law (BBA 5645).

The lustration process did not always go smoothly, as it also marked by *Schlamperei* (Pető, 2008: 24-35). The smart ones immediately asked for lustration in March 1945, but could work until 1947 when they complained that they had still not received the new identification cards (BBA 8407). The later the person got in front of the lustration committee, it was more likely the person could get away with whatever he did (BBA 8804). On 30 November 1946, the last lustration committee of lawyers finished its activity.

7. Aftermath

A characteristic of lawyers' work is that they attempt to mediate the state legislation favoring individuals. The challenge for Hungarian lawyers was the criminalization of the state during the Holocaust. The prestige of practicing criminal law was very low, and decreased even lower after 1948. This was not only because of the characteristics of

lawyers, but because of the professional solidarity that was stronger than solidarity with values. Additionally, Jewish lawyers themselves did not want to be identified as Jewish any more. After the communist takeover the war crimes discourse was formulated within a Marxist-antifascist framework. The Extraordinary Disciplinary Committee of lawyers "declared the critical opinion of survivors of the Second World War. The draconian law was declared on 21 June 1948" (Zinner et al, 2005: 49). The survivors of the Second World War were no longer Jewish, but instead became antifascists.

The general political passivity remained characteristic of this profession. Even though some of the lawyers were excluded from the profession during the lustration process, they were readmitted in the period 1955-56. Out of the sixty-two lawyers I examined, only three were active in 1956. It is a paradox that not only these three were excluded from the Bar Association in 1958 when a new wave of lustration took place, but so were those who remained passive in 1956 but had a previous record of being labeled as class enemy in the earlier post-war lustration process. In this context, not only neutrality and non-participation are notable, but also the lack of collective solidarity and the uncritical reflection on the meaning of law.

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Šejla Haračić

Memoricide: A Punishable Behavior?

To hate someone *different* is a mighty postulate and the best way to wipe out any trace of the *others* is to commit a memoricide. To examine this phenomenon as a juristic one, we need to identify its concept, historical background, forms and legal regulation. Methods to commit memoricide are infinite. Some of these methods are sophisticated, disguised, and as such, less detectable and punishable. It seems that memoricide, as a term, has been used by historians, librarians or in political studies, more than by lawyers. That is where law has to answer to the question – is it a crime at all, and, if it is, what are the ways to punish it? Can it be done by prosecution for war crimes, crimes against humanity or even for genocide or could it be recognized as a crime itself? Surely, committing memoricide is a way to contribute to *ethnic cleansing*. International judicial bodies do punish for crimes committed against cultural and historical monuments. However, there were situations, when these bodies did not recognize the perpetrators´ memoricidal intent. Thus, there is an obligation left for lawyers to give arguments for legal recognition of this crime, either as a crime itself or as a *base crime* of one of war crimes mentioned before, for "damage to cultural property belonging to any

people whatsoever means damage to the cultural heritage of all humans, since each people makes its contribution to the culture of the world".

Key words: memoricide, collective memory, cultural heritage, books burning, denial, imposing of history, cultural purification, cultural extermination, war crimes, crimes against humanity, cultural genocide

Introduction

How it is possible that a culture created through centuries can be erased in a flash? How it is possible that a human being enjoys infernal scenes of destruction as much as it enjoys divine feeling of creation? The answer to this could be that, to hate the *different* is a mighty postulate and the best way to wipe out any trace of them is to murder their past and their memories – to commit a memoricide.

It is a notorious fact that different peoples have tried to impose their history to others (Alcalay, 1999) for centuries. We also know that the means to do so have become more and more sophisticated over time – from burning everything down to quietly writing a false history. What can be done to prohibit these, obviously wrongful, acts?

Memoricide could be studied from a broadly humanistic standpoint, including a wide range of disciplines. Still, this term is a rather hazy and unrecognized one. However, to examine this phenomenon as a juristic one, we need to identify its concept, historical background, forms and (suggested) legal regulation. Only by doing so can we determine the real state of social recognition of this problem and suggest measures to be taken in order to make it more imperative to react, and to – remember.

2. Definition

Memoricide is a term coined by Grmek in 1992 (Blažina, 1996: 169), that would be added to the catalogue of crimes of war (Hamblin, 1999: 40). It squarely means "killing of memory", and it should be analysed as such. By "memory", one should understand social, cultural, historical or national memory, in one word – collective memory (Yanay, 2008: 137). To be more precise, we should note that memoricide is used to describe deliberate and "systematic eradication of cultural monuments associated with a particular ethnic or religious group" (Hamblin, 1999: 40), in order to expunge human memory (Porteous and Smith, 2001: ix) about group belonging, or even the very existence of a group. It is also applied to other situations that not necessarily include destruction of cultural monuments (physical prop of memory), but present acts and means of wiping out the memory of a specific group. Having defined it this way, one can conclude that memoricide actually represents cultural purification (Blažina, 1996), cultural extermination (Shavit, 1997: 94), or even cultural genocide (Kaseze, 2005: 111; Riedlmayer, 2007: 128-129; Alcalay, 1994: 313; Schabas, 2000: 179 and Schabas, 2007: 94). Thus, it is absolutely predictable and foreseeable that there are numerous forms to commit memoricide, which consequently results with problems of qualifying every concrete case of memoricidal behaviour.

3. Historical-Empirical Overview: Committing Forms Catalogue

Historical-empirical overview will be given to show that memoricide is something that exists. Going back to the times of ancient civilizations, one can observe that wars were regularly resulting in destruction of the enemy's property to the ground, with the intent of erasing every trace of previous presence of "different". Nowadays, rules of civilised peoples demand more "humane" behavior. Still, they do not preserve winners' hijacking of history, their attempts to anni-

hilate the right to, at least cultural, existence of those being defeated. However, those attempts are more sophisticated, disguised, and as such, less detectable and punishable. Actually, methods and forms to commit memoricide cannot be counted, and they are regularly carried out through a number of hardly detachable acts, thus, the following classification will be given only to make an overview easier. We will here observe destruction of cultural heritage, book burning and history denial or imposing, presuming that these methods are not exclusive in this regard.

3.1. Destruction of cultural and historical heritage

Destruction of cultural heritage has been for centuries the oldest and most common way to commit memoricide. What can be a monument of cultural heritage depends on the concrete culture and national, ethnic or religious values. But, one could agree that it mostly refers to cultural institutions, monuments, houses of worship, cemeteries or historic sites. Thus, memoricide will be committed if a museum, library, archaeological warehouse, architectural or historical monument, cemeteries or any other institution or moveable object of historical or cultural value is destroyed[103]. It is especially forbidden to destroy objects of cultural heritage protected by international law.

One can trace the destruction of cultural heritage back to ancient times, even to the ancient civilisations in the third millennium BCE.[104] Everyone is familiar with the story of Romans and Carthage[105], the

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103 See Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May, 1954; Doc. No. 249 UNTS 240) and Article 53 of Protocol Additional to the Geneva Conventions of 12 August 1949, Relating to the Protection of Victims of International Armed Conflicts (Protocol I, 8 June, 1977, 1125 UNTS 3).

104 Porteous and Smith (2001: 65) considered destruction of temples to be memoricide.

105 Romans allegedly sowed the city with salt at the end of the Third Punic War (149-146 BCE), although there are doubts about what actually happened (see more in: Ridley, 1986). Anyhow, true or not, the story about salt could have been used to stress out the egregiousness of Roman acts.

Great Library of Alexandria[106] or Jerusalem at the time of Titus, around 70 BCE.

There are probably many examples of memoricide during the Middle Ages, but the most well-known was that of the expulsion of Moors and Jews from Spain, especially because it was denied for centuries.[107] Houses of worship were destroyed or converted to churches, like city mosques of Granada. The Cathedral, *Chancillería* (Chancellery) and Royal Court of Appeals were built to transform the previous Moorish urban landscape and in 1492, Granada's Jewish neighbourhood was demolished to make way for new Christian and Castilian institutions. Over the course of the 16th century, Granada took on an ever more Christian and Castilian character.[108]

The destruction of the famous archaic Catholic University Library in Louvain, Belgium by German troops in 1914 made Germans be compared to Saracens and Barbarians (Hamblin, 1999: 26-27) and was actually the first act of memoricide to be condemned: after the War, Germany had to make reparations from its own libraries, according to Article 247 of Treaty of Versailles (Hamblin, 1999: 29-30). Germany was still sending books when World War II broke out and the Library in Louvain was burned down again, in 1940: investigation showed that it was caused by shelling ordered by a German officer (Hamblin, 1999: 30).

Crimes of Second World War showed more then ever that memoricide is actually an element of ethnic cleansing and genocide. In or-

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106 It was consumed by fire possibly in 295 CE, when Diocletian ordered the destruction of the city, but there are also some other versions of what happened (Hamblin, 1999: 14-15).

107 Spain denied the expulsion of Moors and Jews, as well as their contributions to Spanish culture, until the end of Franco regime, and there were even proposals to sanctify Queen Isabella and the inquisitors carrying out her policies. Muslims and Jews were expulsed and concerted in several occasions: in 13th century (Ferdinand II of Castile), 15th century (reign of Isabella and inquisition enforced by Cisneros, expulsion executed by Torquemada) and 16th century (an edict made by Philip II, final expulsion during 1609-1610). The methods were various - from killing, converting to Christianity, burning buildings and books, converting mosques to churches, to educating children for priests, or making them slaves or adoptees, so not to remember they were Moors or Jews (Boase, 2002: 26).

108 From: http://www.nationmaster.com/encyclopedia/Granada#Granada_after_1492 (31 January, 2009).

der to make Germany *judenfrei*, Nazis took an action of widespread destroying of everything that could witness the previous existence of Jews in the areas to be occupied: starting with the destruction of the Great Synagogue in Munich in July 1938, they finished with the destruction of all synagogues in the *Reich* at the Night of Pogrom (Strom, 1994: 296).[109]

Some authors consider the later destruction of monasteries and Tibetan buildings in Lhasa by the Chinese after 1959 to be used to erase memory and alter cultures (Porteous and Smith, 2001: 198).[110] Others found that memoricide had been perpetrated during the time of Gulf War in 1991: targets of the bombing campaign were also colleges, universities, and research institutes, libraries (National Library and Archives, Al-Awqaf Ministry of Religion Library and the Bayt al-Hikma Humanities Research Library, the central libraries of the University of Baghdad and the University of Mosul), cultural sites, including the 5500 year-old city of Ur (O´Shea, 2003: 200). According to Bahrani (2003: 13), cultural sites destroyed in Iraq helped people to identify with their land, as aspects of Iraq's cultural patrimony.[111]

Still, the war in Bosnia and Herzegovina and Croatia, as well as in the Middle East, showed what memoricide actually is and why and how it can be committed.

It seems that the conflict parties in former Yugoslavia took cultural monuments for their first targets. Many authors agree that destruction constituted, among other, a crime of memoricide too and that perpetrators accomplished the purpose of destruction of cultural heritage as a visible link to multicultural past and multicultural and multiethnic

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109 Strom makes a comparison between Nazi laws against Jews and the previous Church law. Here, it was observed that similar had been done by prohibition of construction of new synagogues, issued by the Council of Oxford in 1922.

110 Heberer, for example, stressed: "The Cultural Revolution was not only directed at psychological and physical annihilation and suppression, but comprised the element of memoricide, that is the extermination of historical documents, accompanied by rituals of intimidation, in order to demonstrate who has the monopoly of interpretation of Chinese history (http://www.casaasia.es/pdf/21904105720AM1077184640713.pdf)."

111 The ancient city of Uruk and Baghdad of Abbasid period.

identity of Bosnia and Herzegovina.[112] The attacks against cultural heritage were widespread and systematic and constitute a major cultural catastrophe.[113] A comprehensive overview of destruction of cultural heritage in Bosnia and Herzegovina was given by Riedlmayer.[114] None of the 277 mosques his report surveyed, sixty percent of them dating from Ottoman and Austro-Hungarian era and many listed protected cultural heritage, were found undamaged (Riedlmayer, 2002: 99).[115] The same happened to other types of Islamic religious monuments of cultural or historical importance, like *turbes*, dervish lodges, etc. Also, none of the 57 Catholic churches surveyed had stayed intact. The way all these objects were targeted implies that the purpose of these actions was to erase traces of other religious groups in the area - for example, Roman Catholic parish church in Bosanska Krupa, across the Serbian Orthodox church, was ruined, while the other remained intact (Riedlmayer, 2002: 14). Memoricidal intent of perpetrators can also be seen observed in the fact that in some places even the foundations of mosques were dug up and then removed - as in the cases of the Hadži Paša Mosque and the Sava Mosque, both in Brčko, or in Divič, where a new Serbian Orthodox church was built on the site of the destroyed Divič Mosque (Riedlmayer, 2002: 14). A number of important religious libraries and collections of ancient manuscripts held by the local Islamic Communities were also burned: in Doboj, Nevesinje,

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112 For example, Grmek, Porteous and Smith (2001:97), Hamblin (1999: 49), Manguel (Hamblin, 1999: 50), Riedlmayer (1995: 84), Malcolm (Hamblin, 1999: 46) and Donia (2006: 314).

113 The Council of Europe, Information report: The destruction by war of the cultural heritage in Croatia and Bosnia-Herzegovina, presented by the Committee on Culture and Education, Doc. 6756, 2 February, 1993: add I, app C, § 112. See also: Council of Europe, Parliamentary Assembly, Second Information Report: War damage to the cultural heritage in Croatia and Bosnia-Herzegovina, presented by the Committee on Culture and Education, Doc. 6869, 17 July, 1993.

114 Dr. András Riedlmayer, directing Islamic Architecture at Harvard University, is one of the establisher of the Bosnian Manuscript Ingathering Project. He testified on cultural destruction as expert witness at a Congressional hearing on genocide in Bosnia in 1995 and in cases before International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), as well as in the case Bosnia and Herzegovina vs. Serbia and Montenegro, before the International Court of Justice (ICJ).

115 At: http://archnet.org/library/documents/one-document.jsp?document_id=9281.

Janja, Foča, Ključ, Prijedor, Sanski Most, as well as religious archives and libraries of the Roman Catholic Church, like those of Provincial House and Convent of the Order of the Handmaids of the Child Jesus in Sarajevo, parish house in Brčko, or over 50 000 books from the library of Mostar's Roman Catholic archbishopric (Riedlmayer, 1995: 84).

Destruction of several cultural monuments of Bosnia and Herze-govina resulted in world's most decisive disapproval: destruction of the Oriental Institute, the National Library (*Vijećnica*) in Sarajevo and the Old Bridge in Mostar. The Oriental Institute, holding the largest collection of Islamic and Jewish manuscripts and Ottoman documents in South-eastern Europe, was an early target in 1992: losses included manuscripts in Arabic, Persian, Hebrew and *Aljamiado*, and Ottoman and 19th century documents, as primary source material for Bosnian history (Riedlmayer, Porteous and Smith, Hamblin). It was obvious that building had been singled out for attack, as surrounding objects were not hit (Riedlmayer, 1995: 18). *Vijećnica* was also a single target (Riedlmayer, 2002: 19) and its destruction has become a "global em-blem" (Blouin and Rosenberg, 2007: 396) of memoricide.[116] Destruc-tion of Old Bridge in Mostar[117] was also recognized by some authors as memoricide, for example, by Coward (2008: 6) - he observed that it was an "exemplary (…) for the clarity in with which it displays such destruction of the collective memory of the co-existence".[118]

Cultural heritage in Croatia was not saved either. The attack on Du-brovnik in 1991 shocked the world. Just in one day, 800 projectiles hit

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116 For further reading, see: Riedlmayer (2002). There is a rather interesting founding in the ICTY Decision on the Admission into Evidence of Written Statement by a Deceased Witness, Hamdija Čavčić, and Related Report Pursuant to Rule 92bis (C), of 2 August, 2002, in the case against Stanislav Galić, denying admission into evidence section of the statement related to the burning of the National Library. At the other hand, ICJ observed that there was "evidence that both the Institute for Oriental Studies in Sarajevo and the National Library were bombarded from Serb positions" (judgment, § 342).

117 See: ICTY, Prosecutor v. Jadranko Prlić, Bruno Stojić Slobodan Praljak, Milivoj Petković Valentin Ćorić, and Berislav Pušić, Initial Indictment, on 2 March 2004, § 116.

118 One of Boban's [Mate Boban] militiamen explained to a foreign journalist that summer why he was trying to destroy the old Ottoman bridge that gave Mostar its name: "It is not enough to cleanse Mostar of the Muslims", he said, "the relics must also be destroyed."

the city protected by UNESCO. About 60 percent of buildings were destroyed. According to the UN Commission of Experts, the destruction of heritage was deliberate.[119] The Library of the Inter-University Centre of Dubrovnik and its entire collection of 20 000 volumes were destroyed (Blažina, 1996: 157), as well as Scientific Library of Dubrovnik, housed in the palace patrician Skočibuha dating from 1588, Library of the Franciscan monastery in Dubrovnik, founded in the 13th century, Library of the Dominican monastery founded in the 13th century, and Historical Archives of Dubrovnik, representing a crucial source for the history of Croatia and all the peoples of South-East Europe (Blažina, 1996: 157).

Other cities suffered the same destruction: the municipal library of Vinkovci, founded in 1875, that was destroyed in September in 1991, as well as the Public library in Pakrac, founded in 1919 (Blažina, 1996: 152). The library of the City Museum of Vukovar, national monument, containing volumes from 16th to 19th century (Blažina, 1996: 152), Historical Museum, the Art Gallery at the Bauer collection of works of art, the museum commemorating Lavoslav Ružička, as well as libraries in the surrounding Vukovar, had same fate (Blažina, 1996: 153). The Library of the Franciscan monastery of Vukovar, which contained incunabula and volumes from period between the 15th and 19th century suffered serious damage, as well as St. John of Capistrano Church, dating from 1439 (Blažina, 1996: 153). The Scientific library of Zadar, founded in 1850, containing significant number of volumes, titles, incunabula, manuscripts, rare books etc. was attacked in October 1991 (Blažina, 1996: 153), as well as the Municipal library of Zadar – Serb officers in the barracks of Zadar burned all books in Latin characters (Blažina, 1996: 155).

The Israeli-Palestinian conflict, starting 1948, included destruction of cultural heritage as well, but the specific fact about it is that the destruction has often been followed by "covering rebuilding", that is actually a state policy method. According to Amit (2008: 8), the Israeli

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119 Final Report, Annex XI.A (The Battle of Dubrovnik and the Law of Armed Conflict), Doc. S/1994/674/Add.2 (Vol. V), at: http://www.ess.uwe.ac.uk/comexpert/ANX/XI-A.htm.

Antiquities Authority (IAA) approved the construction of a Museum of Tolerance on the site of an ancient Muslim cemetery in Jerusalem's Mamilla, although its mandate is to preserve cultural heritage. Yahya (2008: 41) observed that the construction of the *Wall* endangers the area west and north of Aboud, with its large assemblage of Roman temples, tombs, olive presses and caves, concluding: "The Wall is damaging archaeological sites and alienating the Palestinian people from their cultural heritage (Yahya, 2008: 154)."

Pappé gives many examples of memoricidal destruction committed by the Israeli government, followed by later selling, rebuilding, renovating, or denying access to. He asserted that some of the most impressive works of architecture in Palestine vanished forever, like Al-Khayriyya Masjid, now underneath the city of Givatayim, or church in Birwa, underneath the cultivated ground in Jewish village named Ahihud. Similarly, true gem of architecture - the mosque in Sarafand, near Haifa, a hundred years old at the time when the Israeli government gave the approval for destruction (Pappé, 2008: 274). In 2003, bulldozers swept away remains of al-Salam Mosque in Zarughara, just a half year after it had been rebuilt. The other mosques were made into Jewish sacred places, indicating to iconoclastic medieval times. Mosques Unayn and Yazur are synagogues nowadays, as well as mosque in Maqam Samakiyya in Tiberias and in two more villages – Kfar Inan and Daliyya. The mosque in Lifta became a *mikweh*[120] (Pappé, 2008: 276). Some of the cultural or religious objects were bizarrely made into restaurants, markets, pubs: mosques of Majdal and Qisayra, the mosque of Beersheba, The Ayn Hawd mosque (Pappé, 2008: 276). Ruins of the mosque in Ayn al-Zaytun were made into milk farm in 2004 - the Jewish owner removed stone with the date of construction engraved and drew Jewish graffiti all over the walls. Other sacred places were made into private properties, or got surrounded by them, as Church and Mosque in Suhmata, Mosque in Balad al-Shaykh near Haifa, Mosque Khalsa in the New Town, called Qiryat Shemona today.

After all, Israeli government politics includes something authors

120 Jewish ritual bath for women.

call *salvage* or *militant archaeology*, meaning that archaeological institutions neglect Palestinian heritage, leaving them behind, to be looted and then *legally* sold at antiquities markets.[121]

3.2. Burning the books

We have already observed certain situations when libraries, as monument of cultural heritage, were targets. However, there are also cases of destroying books as such – because of the fact that their topics, or authors, make contribution to group's collective memory and identity. A term "book" will be used for all moveable property in libraries and archives – books, collections, archive materials, manuscripts, pictures, phonographic collections etc. Destruction of books can be considered suitable way to commit memoricide, because they are always chosen as targets for specific reason of hatred. As same as other cultural property, books have been burned through centuries as well.[122]

Prior to 20th century, the most known case of books burning is that of the expulsion of Moors and Jews from Spain, that was undertaken with a final purpose to erase every trace of non-Catholic cultures: in 1499, archbishop of Toledo Cisneros managed to get the *alfaquíes* (Muslim judges) to bring out in the street their copies of the Qu'ran and other works written in Arabic and set up a bonfire that destroyed more than five thousand volumes (Harcey, according to Tofiño-Quesada[123]). The fact that he refused to give some of those books to Christian scholars who asked for them, and only allowed some works of medicine to be saved from the fire, reveals memoricidal nature of its orders and actions. Further, looting books of Library in Heidelberg, the capital of then-German state of Palatine has also been well known. It was ordered by Pope Gregory XV (1554-1623). Books were transferred

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121 See more in: Yahya (2008); Kersel, Luke and Roosevelt (2008) and Alcalay (1999). Compare with notes on Turkish archaeology ignorance of the Armenian heritage, in: Porteous and Smith (2001:198).

122 More on book destruction throughout centuries, see in: Civallero, 2007.

123 At: http://www.lehman.edu/ciberletras/v06/tofino.html. For further reading, see: Pym, 2003, as well as: Boase, 2002 and Goytisolo, 2000.

to Vatican, where the collection was renamed to *Bibliotheca Palatina* (Hamblin, 1999: 19-22). Although this action actually saved books from fire that would occur later, it was actually memoricidal one – it meant control over the interpretation of theological texts.[124]

During World War II, Nazis had undertaken a widespread action of destroying Jewish books, which resulted in loss of eight million volumes in Germany, 100 million volumes from Soviet libraries and total devastation of libraries in Poland.[125] The first book burning took place on 6 May, 1933. Four days later, the Nazi German Students' Association set up more bonfires, this time to burn books written by Jews and other "undesirables" (Strom, 1994: 179). Other famous cases are those of burning books of the Talmudic Academy in Poland, when the fire, set on the market-place, lasted twenty hours; or the Jewish libraries of Vilna (Lithuania) - the city's notable Jewish libraries included the Strashun library, with rich holdings in Hebraica and Judaica, and the Vilna's Yiddish Scientific Institute (YIVO) library. Some authors indeed observed that World War II had been a "war to destroy cultures (Shaffer, 1946: 82)".[126]

Practice of "books burning" still continues: in Cambodia, during the period of *Khmer Rouge* ascendancy (1975-1979), in Nigeria during the civil war of the late 1960s, in China during Great Proletarian Cultural Revolution in 1966, and during Iraq's occupation of Kuwait in 1990 (Shaffer, 1946).

Concerning conflicts at Balkans, we should mention Riedlmayer's observations on destroying the libraries in Kosovo, especially those on destruction of Library of Hadum Suleiman Aga in Gjakovë/Đakovica,

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124 "(…) capture on behalf of the Pope represented much more than the seizure of a great book-treasure. In his ´thank-you´ letter to Maximilian, Pope Gregory XV wrote that the collection's ´many opulent volumes´ had been wrested from the hands of the sacrilegious heretics. (…) Possession of this collection entailed control over the theological texts that it contained. Protestant scholars had formerly prepared new editions of the writings of early Church fathers based on texts found in Heidelberg. Now, these same writings could be interpreted and edited from the Roman Catholic point of view (Hamblin, 1999:48)."

125 See more in Hamblin, 1999: 8.

126 Nazi ideologists used materials as documentation for anti-Semitic "research" as well, hoping to control and redefine Jewish culture from the Nazi perspective (for further reading, see: Hamblin, 1999: 34-49). "Palatina" happened again.

founded in 1595 and Central Historical Archive of the Islamic Community of Kosovo, in Prishtina/Priština, with community records going hack more than five hundred years (Riedlmayer, 2000: 124).

"Croatian books" and libraries were destroyed during 1990s in Croatia, but same happened with "Serbian books": according to the so called *Obligatory Instructions on Use of Library Found of School Libraries* of 1992, which meant removal of all literature printed in Serbia, or in Serbian language and Cyrillic script. There are newspapers' notes on same practice in 1997 or even 2004.[127]

In a testimony given before ICTY, in the case of *Prosecutor vs. Blagoje Simić, Milan Simić, Miroslav Tadić and Simo Žarić* (IT-95-9-T), witness M testified on the task that was given to army by a "teacher called Perko", who made selection of books written by non-Serbs to be burned; those written by Serbs were kept for the future library in Odžak.[128] This part of his testimony was not evaluated in judgment.[129]

Israeli-Palestinian conflict also included acts against books, as method of ethnic cleansing.[130] Here, the way of committing memoricide was not in destroying books, but in "occupying cultural space" (Amit, 2008: 8), by which author considers silent looting of books left after Palestinian people who had been living in occupied territories in 1948. Some of the books were resold to Arab schools, some handed to National Library's Eastern Studies Department, but for nearly 26 000 books it was decided, in 1957, that they were "unsuitable for use in Arab schools in Israel, [because] some of them contained inciting materials against the State, and therefore their distribution or selling might cause damage to the State". These texts were sold as paper waste

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127 See more in: Feral Tribune, 2 December, 2004.

128 The transcript of hearing 4 December, 2001, available at: www.un.org/icty/cases-e/index-t.htm.

129 Witness M's testimony was mentioned over 80 times in the Trial Chamber judgment, but no case of burning books in Odžak at all, although saving books written by Serbs for future library reveals intent of ethnic cleansing.

130 "New Historians", like Benny Morris, Ilan Pappé, Avi Shlaim, Tom Segev, Hillel Cohen and Simha Flapan, consider Israeli acts against Palestinian people "ethnic cleansing".

(Amit, 2008: 7). Amit observes how books, left behind Palestinians, are kept in National Library, and its contribution in erasing Palestinian culture.*3.3. Denial and imposing history from outside*

The most controversial way to commit memoricide is a quiet denial joined to history imposing. It seems it is rather a modern memoricidal method, but, there were traceable cases of denial before 20th century.

For example, Catholic Spain did not only expulse Moors and Jews, but it strove to erase every trace of previous, non-Catholic elements. Some of methods were mentioned before, but the most common was forced choice between baptism and exile[131]: Moors and Jews were not allowed to manifest their religious beliefs, customs or culture in any way. Some authors have also written on memoricide in Balkans that was not connected to latest conflicts. Panayote (2000) wrote about "balkanization of memory": some Balkan nations denied the right to a distinct existence to other nations, especially those which 'awoke' in the second half of the 19th or the first half of the 20th century.[132]

Still, the ultimate example of memoricide committed through denial and history imposing would be the one of Israeli government politics. "New Historians" claim Israeli government has been working on denying *Nakba*, as well as previous Arab presence in the places occupied and inhabited by Jews today. In his book *The Ethnic Cleansing of Palestine*, Pappé gives an exhaustive overview of memoricidal actions undertaken by Israeli government, naming that policy "dearabization" (2008: 23). His research shows wide range of methods used by Israeli government – from planting flora that is not specific for the terrain, to imposing biblical stories about places previously inhabited by Arabs - the actor in chief of enforcing this policy is Jewish National Fund (JNF). Planting conifers or pine trees has been not only mean to destroy autochthon species, like olive groves[133], but to cover destroyed

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131 See more in: Boase, 2002: 22.

132 See more at pages 52 et seq.

133 Kifah Shah, an ASUC (Associated Student of University of California) senator and organizing member of the Students for Justice in Palestine (SJP), compared the destruction of the oak grove at the Memorial Stadium with the uprooting of the Palestinians' olive, saying that

villages as well. In the new town of Migdal Ha-Emek, for example, JNF gave its bests to hide ruins of Palestinian village named Mujaydil by planting alleys of pine trees. Same happened in Israeli developing cities built on sites of destroyed Palestinian villages: Tirat Hacramel over Tirat Haifa, Qiryat Shemona over Khalsa, Ashkelon over Majdal, etc. (Pappé, 2008: 285), or to villages under new national parks, like Christian village Kafr Bir'im (Porteous and Smith, 2001: 197).

Pappé gives a concrete example of memoricidal policy created by JNF through a certain "national meta-narration" (2008: 286) – destiny of Palestinian village Ayn al-Zaytun, "where Jewish people were living from medieval times to 18th century" (2008: 288). JNF goes even further in *talmudization*, mentioning *Ein Zeitun* as an ancient Talmudic city in the 3rd century, neglecting an entire millennium of existence of Palestinians villages and communities (Pappé, 2008: 289). JNF erases any connection to recent Palestinian past – giving an attribute "ancient" and "Talmudic" to every corner of today's Israel, imposing biblically given right to land for Jews. It uses also linguistic tricks, which Pappé named "metaphorical palimpsest – erasing history of one people to write other's over", when giving a strange name for places that are underneath parks today - *kibbutz*[134]. There are many examples of "hebraicizing" (Pappé, 2008), (or) "judaizing" (Said, 1994: 189) - actually, Israeli policy of denying Arabian elements in occupied areas is a sort of mix between destruction, denial and history imposing. Denying and imposing history, as an act of memoricide, has here most to do with a question of collective memory – here the valorisation of collective memory, of one's, contribute in neglecting other's. As Lentin (2008: 6) observes, that is an ongoing process in Israel - for instance - the juxtaposition of *Yad Vashem* – The Holocaust Martyrs' and Heroes' Remembrance Memorial annihilates *Deir Yassin* – the neglected

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"the oak grove was a sacred burial ground for the Ohlones (Indian people previously inhabiting Northern California)." See more in The Berkeley Daily Planet, 25 September, 2008.

134 Neglecting previous existence of Palestinian villages (kfar), JNF imposes that there were (only) Jewish villages before, using this strange word construction, since there is no Hebrew word for village, but only for settlements, as yishuvim, kibbutzim, moshavim etc. (Pappé, 2008: 289).

and deliberately forgotten site of the 1948 massacre only 1400 metres away, but world apart in the psyche of Jews and Palestinians (Bar-On and Sarsar, 2004). That is, clearly, an example of misuse of *lieux de mémoire* (Nora, 2006).

4. Qualification: Elements of Crime and Prosecution

It seems that memoricide has been more analyzed by historians or political scientists than by jurists. The reasons for this could be found, most probably, in the fact that it is not a crime in positive legal provisions - national or international. Consequently, there is a discrepancy between long and manifold memoricidal practice and non-recognition by judicial bodies whatsoever. But, the question arising is, if this discrepancy is justified (memoricide is an intrusive way of past confronting, but its incrimination would surely lead to sustainable co-existence of collective memories) and the law has to answer to it. According to previously given historical-empirical overview, it is acceptable that committing memoricide is a way to contribute in "ethnic cleansing". Thus, we could say it is an antisocial behaviour, it is a crime. The question left is – could it be a crime itself, or could it be a *base crime*[135] for one of the "international crimes"? Obviously, it is important to incriminate given behaviours at international level, due to their resemblance to the international crimes we are about to mention.

4.1. War crimes

The most similar to the above described acts constituting memoricide, could be a war crime of destruction of cultural property or cul-

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135 Base crime is actually a crime that, as an act of perpetration, constitutes a new crime together with so called *chapeau* elements, for example, murder as one of base crimes for crimes against humanity. *Chapeau* elements are necessary elements of a crime.

tural heritage[136]. We could say that a term "heritage" is more suitable, because it is broader in scope, including all that preserves memory.[137]

Destruction of cultural objects/heritage, in any case, is a war crime, qualified as other serious violation of the laws and customs applicable in international or non-international armed conflict.[138]

This concept has been accepted by the *ad hoc* tribunals, although their judgments do not refer to memoricide expressly. Here we could mention judgments issued before ICTY[139], concerning destruction of cultural heritage: in cases *Prosecutor vs. Pavle Strugar* (IT-01-42), *Prosecutor vs. Miodrag Jokić* (IT-01-42/1), *Prosecutor vs. Vladimir Kovačević* (IT-01-42/2)[140], and *Prosecutor vs. Dario Kordić and Mario Čerkez* (IT-95-14/2).

It seems that ICTY convicted the perpetrators for "crimes against property, including cultural property", under Article 3 (d) of the ICTY

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136 It seems there are some differences between cultural property and cultural heritage; see more in: Frigo, 2004.

137 This concept was also accepted by international bodies. For example, "property" is mentioned in the *Hague Convention respecting the Laws and Customs of War on Land* (adopted and revised in 1899 and 1907), *Hague Convention concerning Bombardment by Naval Forces in Time of War* (1907), *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954), *United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970), *Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict* (1999). *Unidroit Convention on Stolen or Illegally Exported Cultural Objects* (1995) mentions "cultural objects". Other legal instruments refer to the concept of heritage, e.g. *European Convention on the Protection of the Archaeological Heritage* (1969) and the *Convention for the Protection of the Architectural Heritage of Europe* (1985), *UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage* (1972), *UNESCO Convention for the Protection of Underwater Cultural Heritage* (2001), *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage* and *UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage* (both of 2003).

138 For example, in Article 8.2. B and 8.2. E of the *Rome Statute* (*Statute of the International Criminal Court,* signed in 1998, entered into force in 2002).

139 ICTY prosecuted according the Article 3 of the Statute (violations of the laws or customs of war), recalling Article 151 of the SFRY Criminal Code.

140 The Initial Indictment, "Dubrovnik Indictment", was issued on 27 February, 2001, but it was kept confidential until it's unsealing on 2 October, 2001. The accused were Strugar, Jokić, Kovačević and Milan Zec. Indictment was withdrawn in behalf of Zec, on 26 July, 2002.

Statute (e.g. *Prosecutor vs. Pavle Strugar*). In the case against *Dario Kordić and Mario Čerkez*, Trial Chamber enumerated provisions on protecting cultural heritage (Article 27 of Hague Regulations of 1907, Article 53 of Additional Protocol I to the Geneva Conventions and Article 1 of Hague Convention of 1954), concluding:

> "This offence overlaps to a certain extent with the offence of unlawful attacks on civilian objects except that the object of this offence is more specific: the cultural heritage of a certain population. (…) The offence this section is concerned with is the *lex specialis* as far as acts against cultural heritage are concerned."[141]

Although the protection of cultural heritage is an old rule of customary international law,[142] prosecution for the violation of it does not cover the memoricidal behaviour in any case. We have already observed situations where perpetrators tried to, or did destroy the memorial connections of hated group in some other ways, that did not include destruction of visible objects. Although "heritage" does include, *inter alia*, the non-material cultural elements, like practices, expressions, knowledge, skills, as well as the instruments, objects, artefacts and cultural spaces associated therewith, that communities, groups and in some cases individuals recognize as part of their cultural heritage ("intangible cultural heritage", according to Article 2 of the mentioned *Convention for the Safeguarding*...), it still does not include every memoricidal act.

4.2. Crimes against humanity

The closest link between memoricide and crimes against humanity could be found in *base crime* of persecution (here, basically, on eth-

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141 Paragraph 361 of Trial Chamber judgment, No. IT-95-14/2, 26 February, 2001.

142 See more in: Toman, 1996.

nic, cultural and religious grounds). Riedlmayer (2002:9-11) stressed, there was an increasing awareness of that link, citing Simo Drljača (accused in 1997, case against *Simo Drljača and Milan Kovačević,* IT-97-24) interviewed by Chuck Sudetic: "With their mosques, you must not just break the minarets. You've got to shake up the foundations because that means they cannot build another. Do that, and they´ll want to go. They´ll just leave by themselves" (*New York Times*, 21 August, 1992).

The ICTY did convict some of the accused for persecution as crime against humanity, in cases where they had been charged for destruction of cultural heritage. It seems that Chambers before ICTY recognized special gravity of those acts. For example, in paragraph 766 of judgment in case *Prosecutor v. Milomir Stakić* (IT-97-24), Trial Chamber found the accused responsible for crimes against humanity, recalling the practice of trials of war criminals after Second World War, finding that "the International Military Tribunal, and the 1991 ILC [International Law Commission] Report, *inter alia*, have singled out the destruction of religious buildings as a clear case of persecution as a crime against humanity". Same concluded the Trial Chamber in case of *Prosecutor v. Mladen Naletilić, aka "Tuta" and Vinko Martinović, aka "Štela"* (IT-98-34-T), in Paragraph 240 of the Judgment:

> "Architecture evocative of an oriental influence, as, for instance, the Old Bridge in Mostar, was destroyed. The street names of West Mostar were changed after the expulsion of the BH Muslim population. The evidence thus establishes that there was a widespread and systematic attack against the Muslim part of the civilian population in the area relevant to the Indictment. It further establishes that this campaign had a specific aim: to transform the formerly ethnically mixed area in and around Mostar into BH Croat territory, to be populated by an ethnically pure BH Croat population."

There were also certain requests by the scientific community in Bosnia and Herzegovina to qualify the destruction of "cultural memory" as a crime against humanity.[143]

4.3. Cultural genocide

Memoricide, by its definition and immanent hatred against concrete group in acts of perpetrating is closest to cultural genocide, a discussable form of "crime of crimes".

Tinker (1993: 6) defines cultural genocide as "the destruction of culture's integrity and as well as the values that define people (…) destroying a sense of holistic and communal integrity (…) limiting a people's freedom to practice their culture and to live out their lives in culturally appropriate patterns (…) eroding both their self-esteem and interrelationships that bind them together as a community (…) by attacking or belittling every aspect of [their] culture."

However, one has to emphasize that the category of "cultural genocide" itself has not been legally recognized. During the debates on adoption of *Convention on the Prevention and Punishment of the Crime of Genocide,* there were plans to group the categories of destruction to physical, biological and cultural, and cultural genocide was defined in Article III of the Draft Convention (E/794)[144], as "prohibition of use of group's language in schools and publications, destroying and preventing the use of libraries, museums, schools, historical monuments and places of worship and other cultural institutions and objects of the group". Still, cultural genocide was considered as a rather broad and undefined category, just as political or economical genocide (Kaseze, 2005: 111), as it could be interpreted even as destruction of language, folklore and similar (Schabas, 2007: 94).[145] Therefore, it was

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143 See more at the website of the Helsinki Committee for Human Rights in Bosnia and Herzegovina, http://www.bh-hchr.org/Saopstenja/24-04-04.htm.

144 On the debates back in 1948 on cultural genocide, see more in: Schabas, 2000: 51-102.

145 Lemkin (1944: 91), for example, documented examples of "cultural techniques of genoci-

left to human rights law, especially law on minorities' rights, to deal with it, although it is obvious that this is not sufficient in every case. The strict approach has been subsequently confirmed, for example, by the International Law Commission[146]. Still, it seems that Lemkin's broader definition of genocide, as "coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves [even if all individuals within the dissolved group physically survive]" (1944: 79) could be accepted today. As Schabas argues, contemporary interpreter of the Convention should not be bound by the intents of drafters back in 1948, and could easily consider cultural genocide as serious as physical or biological genocide. Schabas recalls judgments before ICTY, as in case *Prosecutor vs. Radislav Krstić* (IT-98-33-T) and jurisprudence of German courts, for example in the case before Federal Constitutional Court of Justice (*Bundesverfassungsgericht-shof*), against Nikolai Jorgic (BvR 1290/99). As he concluded (2007: 94), referring to indictments in cases against Karadžić and Mladić, "in any event, evidence of 'cultural genocide' has already proven to be an important indicator of the intent to perpetrate physical genocide." Elsewhere (2000: 189), Schabas notices that the term *ethnocide* substitutes cultural genocide in literature, documents of human rights bodies and in international instruments, such as the *UNESCO Declaration of San Jose* (UNESCO, 1982), where drafters explicitly equalized ethnocide to cultural genocide. The International Court of Justice (Schabas, 2007: 124), although stressing that destruction of cultural heritage "does not fall within with the categories of acts of genocide", emphasized that it „may be highly significant inasmuch it is directed to elimination of all cultural or religious presence of a group."

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de", which included rigid control of all cultural activities, and proposed legislation of the new international crime of vandalism, to be defined as "the malicious destruction of works of art and culture because they represent the specific creations of the genius of [national, religious, or racial] groups".

146 See in: International Law Commission, 1996.

In any case, the need for legal recognition of cultural genocide has opened many questions so far and one could say that legal theory and, in a certain way, legal practice, do show the willingness to formally incriminate it in the future.

Legally unrecognized, but still considerable, crimes of cultural genocide and memoricide are linked through the category of "collective identity". As Totten (2008) stressed, destruction of archives, libraries, art galleries can seriously undermine a sense of a group's past: US policy towards Native Americans during the 19th century, Nazi book burning and destruction of synagogues, Stalin's forbidding of Ukrainian and Yiddish languages, *Khmer Rouge* practice of destruction of all things deemed colonial and religious, destruction of the historic library in Sarajevo and of the Old Bridge in Mostar (Totten, 2008: 91-92). Some authors, like Meharg (2006: 8-9)[147], consider memoricide to be a type of genocide. Cigar numbered concrete cases of what he called "destruction of will and identity of community" (Meharg, 1998: 73), emphasizing that it was done to erase every memory on the connection to the country (Meharg, 1998: 75).

4.4. Human rights violations

Memoricidal acts can sometimes constitute violation of certain human rights. Due to its character, those rights are most likely to be cultural, and rather rights of peoples than rights of an individual. There are, though, cases when other rights can be violated too. Let us mention those most likely to be violated by memoricide: cultural rights, right to religion, right to identity, right to existence, right to public space, right to heritage, right to language, right to education etc. As we can see, these rights have most to do with collective/cultural identity and memory - they all embody "the right to have the authentic testimony of cultural heritage, respected as an expression of one's cultural

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identity within the human family" (ICOMOS, 1998).[148] Besides them, there are other rights that are violated through memoricidal politics, such as right to return and right to home (being, for example, violated in case of Israeli-Palestinian conflict). International organisations, in any case, consider the cultural destruction as violation of the right to access to authentic cultural heritage, as basic human right (International Committee of the Blue Shield, 2003).

4.5. An individual crime? The cases of legal ignorance

As it was noticed above, there are situations when memoricidal behavior could be subsumed in one of the "core crimes" against international law. However, some acts, which are actually the most likely to be memoricidal ones, because of their specific elements, can not be considered as one of crimes previously mentioned. Here one talks primarily about the acts of denial and history imposing, but further, about other acts of memoricide that have not been recognized as punishable in any way. Those are for example acts of books burning. The problem about these concrete ways to commit memoricide is in the question of their seriousness. For example, how could something, that has been called "balkanization" or "hebraicizing", be a crime, unless it was committed in an intrusive and obviously wrongful way?

There are many examples of memoricide where judicial bodies could not punish for. We have already mentioned the case of books burning in Odžak, although the act of burning (destruction) itself was wrongful and perpetrators acted with an intention to destroy traces of Muslims through destroying what they considered to be "their literature". Another historical example of legal neglecting is mentioned by Porteous and Smith (2001: 97) – the burning down of a black neighborhood of Greenwood (Tulsa, Oklahoma) in 1921, by racists: "Not until sixty-one years later did the State of Florida compensate Rosewood's [small township, AN] survivors, while the fight for compen-

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sation in the Oklahoma was still going on in 2000. Domicide is not difficult; memoricide proves a much more arduous task."

The authors mention another example of US memoricidal policy – the *Trail of Tears*, recalling the words of John Burnett, a soldier involved in this forced removal: "School children of today do not know that we are living on lands that were taken from a helpless race." Authors concluded it was memoricide (Porteous and Smith 2001: 78).

Systematic ignorance of need to punish memoricidal acts that many authors warn about is the one of the Israeli-Palestinian conflict. As we could see before, it included physical destruction of cultural heritage, looting of books and acts of history imposing/denial. The latest ones are those which are the most discussable to charge for, although there is an obvious intent to annihilate the (right to) presence and existence of a concrete group.

If memoricide is to be an individual crime, it has to have certain elements. Besides an act of perpetration, that should include a kind of *intrusive behavior* – destruction (of cultural heritage, library materials, etc.), coercion (persecution from homeland, denial of certain rights, coercive cultural reconstructions, coercive memory-creating politics etc.), violation of rights - the perpetrator must have an *intention to "kill memory"*, that is – to destroy the memory on group's existence or belonging to group, and the act of perpetration must be committed *against concrete distinguished group*. This act by its nature is always a result of an intrusive system/politics, more concretely – a systematic attack against (collective memory of) a distinct group. Thus, the committing as *a part of an intrusive system* should be required as well.

Although it seems very difficult for jurists to incriminate memoricidal behaviour, because it subsumed many different types of actions, it is appropriate and justified to do so, when it does not suffice elements of crimes already legally recognized. This comes to obvious if we consider that memoricidal behaviour is a result of intrusive politics, intrusive systems. Memoricidal behaviour always includes a certain operational chain, collective action taken against collective memory as an element of group's identity. It is the state, government,

political or other organization that stands behind the individual perpe-
trations. If memoricide is committed to annihilate collective memory
of/on certain group, then the need of individual incrimination can be
confirmed by the fact that many authors suggest collective memory
to be an element of group's identity, and besides "histories, heritages,
libraries, monuments, art, music, gender, language, religion, rituals,
economies, politics, and cultural landscapes, amongst others", it is po-
tent representational symbol of a people, as much as existence itself
(Osborne, 2002; Kaiser, 2002; Shirinian, 2000; Meharg, 2006: 5).

5. Conclusion

As set above, memoricide is a bivalent act: it is not recognized as
a crime, and yet it could constitute many of *core crimes* in interna-
tional law. It seems that acts being committed with intent of destroy-
ing memories and vital links to beginnings, existence and presence of
hatred group have quite a variable "destiny" – either their perpetrators
are charged for serious crimes, either they stay excused. It is impos-
sible to consider every memoricidal act as a crime for itself. As we
said before, besides the needed elements, it has to have a certain level
of seriousness and coercion of any kind. Subsuming memoricide in
one of core crimes does not suffice the need to accent the memori-
cidal intent of destroying a group's identity/existence – the intent is
lost among elements needed for those crimes. To avoid this specific
discrimination, judicial bodies have to make a multifarious approach.
Thus, there have to be other ways to consider "memoricidal intent" as
an important one. As first, common rules on determining the criminal
sanction predict motive of perpetration of crime as the factor courts
have to take into account. In this particular case, memoricidal intent/
motive should be taken as *aggravating circumstance*. The second way
is to take certain acts that constitute both memoricide and another vio-
lent act, for *qualified form* of that violent act. For example, looting or
burning the books is a crime itself, most simply a crime against prop-

erty, but if there is a specific memoricidal element in perpetration of a crime, it could be elevated in its qualified form.

However, there is a certain legal pitfall. In this way, the inner hatred in committing memoricide would not be accentuated, because it would still be "just an ordinary" crime against property. The third way, discussable indeed, could be prosecution for *crime concealment*, only for certain acts, like those of denial. Still, criminal law/prosecution demands seriousness of an act to be considered a crime. The only way to condemn many cases of denial is ethical disapproval.

Taking all said into account, criminal law, especially international, has to consider the need of incrimination of crimes of memoricide, for it is not only directed against community directly concerned, but of humanity as a whole (International Committee of the Blue Shield, 2003).

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Riya

Thomas G. Fraser

Historical Legacies and the Northern Ireland Peace Process

This chapter analyzes a vital aspect of the Northern Ireland peace process, in particular how society has to try to come to terms with the legacy of a divided history. It focuses on the issues of victims and commemoration, which are highly emotive in a society which has experienced decades of violence. These issues were brought into sharp focus in 2009 with the publication of the Report of the Consultative Group on the Past, which further stimulated public debate, and contained recommendations for future action. The chapter identifies key elements of this debate and how they relate to the political settlement.

Key words: commemoration, conflict, legacy, memorials, past, survivors, victims

"The past should be dealt with in a manner which enables society to become more defined by its desire for true and lasting reconciliation, rather than by division and mistrust, seeking to promote a shared and reconciled future for all" (Report of the Consultative Group on the Past, 23 January 2009).

Introduction

A shared and reconciled future has been at the heart of the Northern Ireland peace process, which has, by any standard, been one of the most remarkable on record. While violence subsists, and few would claim that the two communities are even approaching reconciliation, society is very far from the situation it faced in 1993, when each day seemed marked by atrocity and counter-atrocity, and descent into civil war was feared by many to be a possibility. The Belfast Agreement of 1998, negotiated by the British and Irish governments and most of the political parties in Northern Ireland, set a template for political advance, which, though admittedly experiencing varying fortunes has now been followed for over a decade. The St Andrews Agreement of 2006 ushered in a new executive the following May, which enabled two long-standing political foes, the Democratic Unionist Party, pledged to defending the union with Great Britain, and Sinn Fein, equally dedicated to the pursuit of a united Irish republic, to share power, something which for years had seemed scarcely imaginable. The contrasting political aims of these two parties, though, emphasises the continuing divided nature of Northern Ireland society, and it is important to be reminded from the start of the nature and extent of that divide, however familiar it might seem.

2. The Northern Ireland conflict

Northern Ireland was established by the British government in 1921 through the Government of Ireland Act to acknowledge the desire of its Protestant population to remain part of the United Kingdom, while in 1922 the rest of Ireland was allowed, as a result of the Anglo-Irish Treaty, to go its own way as an independent state. This new polity was known as the Irish Free State, and in 1949 it become the Republic of Ireland, free of all ties to the United Kingdom or its Commonwealth. These events were preceded by a bitter armed conflict between 1919

and 1921 too extensive to be described here, but with its own legacies for later generations. Northern Ireland was, and is, composed of six counties of the historic province of Ulster, Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, as well as the two main cities of Belfast and Londonderry. The term "Ulster" was increasingly appropriated by the Protestant community, as evidenced by the title of the then dominant Ulster Unionist Party, even though this usage was inexact as three of the province's counties, Donegal, Cavan and Monaghan, were assigned to the Free State, since they had large Catholic majorities. But in addition to its Protestant population, Northern Ireland had a Catholic minority of some 33%, most of whom would have preferred to have belonged to the newly-created independent Ireland, and who were to experience various forms of discrimination in the years that followed. The somewhat crude division in Northern Ireland between a Protestant and unionist majority, intensely attached to the British link, and a Catholic and nationalist minority, looking to a day when Ireland might be united, has remained, even though the terms 'majority' and 'minority" have rather lost their meaning since the Catholic proportion of the population has steadily increased.[149] In political terms, the reality is that each community has the strength to thwart the other, if it so desires.

In 1970, in the wake of serious rioting in Derry and Belfast the previous August, the Provisional Irish Republican Army (IRA), which had recently emerged out of a republican split, began an armed campaign, which continued until it declared a ceasefire in August 1994. This was mirrored in the loyalist community by the Ulster Volunteer Force (UVF) and Ulster Freedom Fighters (UFF) until them, too, announced a ceasefire that October. The forces of the state were the army, largely drawn from regular British units, but with the assistance of a locally-recruited regiment formed in 1970, the Ulster Defence Regiment (UDR), which was later, re-named the Royal Irish Regiment (RIR). From 1969 until 1976 the army was given the primary respon-

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149 See University of Ulster, CAIN Web Service, Population and Vital Statistics, http://cain. ulster.ac.uk/ni/pop.htm#3 (11 June 2009).

sibility for security, but in the latter year that was transferred to the police, the Royal Ulster Constabulary (RUC), the soldiers remaining in a support role until 2007. For a variety of reasons, the UDR, RIR and RUC were overwhelmingly drawn from the Protestant community, the RUC in 1998 being some 8% Catholic. For years violence was unrelenting. Between 1968 and 2001, 3,523 people were killed and some 47,000 injured. Those imprisoned for what were termed scheduled offences numbered some 19,600.[150]

Less easy to quantify is the fact that many people had to live with various forms of threat, or had homes or businesses destroyed. Nor should it be overlooked that as a result of the conflict thousands of people moved their homes, and Northern Ireland became increasingly segregated in terms of housing. Northern Ireland experienced one of the largest population movements in Europe since the Second World War. It is important to emphasize that this was a conflict which lasted for over three decades, with all that this implies for the duration and extent of suffering, and that the year before the ceasefires it was as intense as ever. While not all parts of Northern Ireland were equally affected, in an area with such a relatively small and close-knit population, estimated in 2007 at 1,759.148, it was hard to find someone who had not been touched by, or had experience of, violence in some way (Fraser, 2000a: 58-59).[151] It was also inevitable that many of the victims were young people, some with young families. The emotional and physical needs of victims and survivors will have to be met for decades to come. Society in Northern Ireland will remain confronted with the legacies of this conflict, and with how it should address the needs of victims and survivors in ways which are acceptable to those

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150 A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing in Northern Ireland, Crown Copyright, 1999: 82, http://www.nio.gov.uk/a_new_beginning_in_policing_in_northern_ireland.pdf (16 June 2009).
Report of the Consultative Group on the Past (2009): 60-62, http://cain.ulst.ac.uk/victims/docs/consultative_group_/cgp_230109_report.pdf (25 June 2009).

151 For population statistics, see: Northern Ireland Statistics and Research Agency, Publications: Population and Migration, Population Statistics, Estimated Population by Sex and Age, 30 June 2007, http://www.nisra.gov.uk/archive/demography/publications/annual_reports/2007/Table2.1.xls (9 July 2009), with permission.

affected. It is not a comfortable issue, as we will see, but it cannot be avoided.

3. The historical legacy

There is, too, the broader legacy of a divided history. Every year, on the 12 July, the streets of Northern Ireland echo to the sounds of flutes and drums as the lodges of the Loyal Orange Order, an exclusively Protestant fraternity, march to commemorate the Battle of the Boyne in 1690, when the army of the Protestant King William III, Prince of Orange, defeated that of his Catholic father-in-law, King James II. Over a century of what was called the Protestant Ascendancy in Ireland was the result. Since 1926, King William's victory has been marked in Northern Ireland as a public holiday, but Catholics see no cause for celebration on that anniversary. In the 1990s, divisive confrontations took place in many parts of Northern Ireland, notably in Portadown and parts of Belfast. In 1995 and again the following year, Northern Ireland was reduced to gridlock as the result of a seemingly intractable dispute over an Orange Order church parade in Portadown, which was scheduled to pass through a largely Catholic part of the town, the residents of which mobilized to oppose it (Bryan, 2000). Republicans commemorate very different events: notably, the proclamation of the Republic by Padraig Pearse in Dublin at Easter 1916, the events of 'Bloody Sunday' in Derry in 1972, and the Hunger Strikes of 1981. Here, too, parades are held, in which the Protestant community takes no part.

In August each year the clubs of the Apprentice Boys of Derry, another Protestant association, led by over a hundred bands, parade to celebrate the relief of the city in 1689 at the end of a siege when its Protestant inhabitants defied the army of King James. They see this is as the commemoration of one of the defining moments in their history. But this is now a city which has long had a Catholic majority of some 80%, for whom the outcome of the siege is seen not a cause for cel-

ebration but rather as an expression of triumphalism by the other community. Those who might argue that these events happened over three centuries ago should consider the fact that the annual August parade to commemorate the city's relief takes some two and a half hours to pass a given point. The period from 1995 saw bitter disputes over the nature of these parades, which sparked extensive communal tension and threatened to polarize the city even further. In recent years, these tensions have eased, however (Fraser, 2000b).

It is, moreover, a city where the two communities have come to differ on its name, Catholics using Derry, derived from the Irish "Doire" or "Oak Grove", while Protestants mostly prefer Londonderry, recognizing the role of the City of London in settling a new city in the early 17th century. The future of its official name remains under review, contentiously so. Many organizations prefer to use the term "Foyle", the name of the river which runs through it, which avoids offence. This is an issue not unfamiliar in other parts of Europe, as witnessed, for example, by the use of the terms Bratislava, Pressburg and Poszony over the years for the same city, depending on whether one was Slovak, Austrian or Hungarian.[152] The city of Derry, or Londonderry, is not just physically divided by the river Foyle, since Catholics are massively in the majority on the west bank, or city side, which contains the historic walled city where the siege took place, while Protestants retain a precarious majority on the growing suburbs of the east bank. The city side takes in most of the main buildings Protestants hold dear. These include the Anglican St Columb's Cathedral, the first Protestant cathedral built after the Reformation; the city walls which were defended in the siege; the Apprentice Boys Memorial Hall; and First Derry Presbyterian Church. But the city side's Protestant population is now reduced to one small, and rather embattled, estate.

In addition to the places just outlined, the city side takes in sites identified with "Free Derry", the civil rights movement which galvanized the Catholic community from the late 1960s, including those

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152 The city's official name is Londonderry, but in 1984 the local authority changed its name to Derry City Council.

streets associated with the events of 30 January 1972, "Bloody Sunday", when British army paratroopers killed fourteen unarmed marchers. The evocative memorials to these events serve as a counterpoint to the symbols of the city's Protestant heritage which are close by, but are within the walls. These sites are much visited and photographed by tourists, though not by members of the city's "other" community. "Neutral space" is largely confined to the main shopping centers where people go about their daily concerns much as they do elsewhere in Europe. A similar picture could be drawn of Belfast, Northern Ireland's capital city, as of smaller communities. Large areas of north and west Belfast remain rigidly separated by a substantial barrier known somewhat euphemistically as the "peace line". Derry, or Londonderry, has been given a focus here because of its particularly strong historical associations, which are still resonating for both Catholics and Protestants, albeit for very different reasons.

4. The victims issue and the political process

As the people of Northern Ireland work to make their peace process a continuing reality, it is in the context of a divisive historical legacy which has shaped the nature of its society. At the heart of the political process, however, is what the 1998 Agreement called "partnership, equality and mutual respect", in other words that the political aspirations, institutions and traditions of each community are treated the same, and are entitled to be expressed in a democratic manner.[153] This agenda rests upon the belief that as a result Northern Ireland will increasingly become an inclusive society, which for the first fifty years of its existence it was not. The unionist desire to remain British and the nationalist aspiration to a united Ireland are held to be equally valid, both politically and culturally. The political process, then, rests upon the apparent paradox of recognizing, and some would say insti-

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153 The Agreement, Declaration of Support, Crown Copyright 1998: 1, http:www.nio.gov.uk/
    agreement.pdf (19 June 2009)

tutionalizing, division while at the same time demanding equal respect to the two legs upon which it stands.

In attempting to reconcile this dilemma few issues are more seemingly intractable than those surrounding victims and survivors*, as well as how the conflict is commemorated. The two main agreements which have driven the political process had little to say on the issue. In its initial Declaration of Support, the Belfast Agreement of 1998 acknowledged the legacy of suffering left by the past and that those who had "died, or been injured, and their families" should not be forgotten. Nevertheless, it went on to argue that they could best be honored through a "fresh start", which would lead to "reconciliation, tolerance and mutual trust, and to the protection and vindication of the human rights of all". In fleshing this out, the same theme was repeated. While it was deemed "essential to acknowledge and address the suffering of the victims of violence", their true memorial was held to be the "achievement of a peaceful and just society".[154] The 2006 St Andrews Agreement merely referred to the establishment of a Victims' Commission. This led, in May 2008, to the creation of the Commission for Victims and Survivors, followed by the appointment of four Commissioners, Patricia MacBride, Brendan McAllister, Bertha McDougall and Michael Nesbitt, on 2 June. They were charged with six statutory duties with respect to victims and survivors; namely to promote awareness of their interests; to review the adequacy and effectiveness of the law affecting them; to review the adequacy and effectiveness of services provided for them; to provide advice to government on matters affecting them; to ensure that their views were sought by the Commission; and to make arrangements for a forum for consultation.[155]

But while the two key political documents did not greatly expand on the issue of victims and survivors, it would not be true to say that it

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154 Agreement at St Andrews, Crown Copyright, 13 October 2006, Annex B, *Human Equality, Victims and other Issues*, http://www.gov/st_andrews_agreement.pdf (19 June 2009); The Commission for Victims and Survivors, http://www.cvsni.org/Default.aspx (29 June 2009)

155 *We Will Remember Them*, Report of the Northern Ireland Victims Commissioner, Sir Kenneth Bloomfield KCB, April 1998, The Stationery Office, Northern Ireland, Crown Copyright, http://www.nio.gov.uk/bloomfield.report.pdf (19 June 2009).

was ignored or brushed aside. In fact, soon after the coming into office of the Labour government in Britain in 1997, the Secretary of State for Northern Ireland, Dr Marjorie Mowlam, announced the establishment of a Commission to be led by a former head of the Northern Ireland Civil Service, Sir Kenneth Bloomfield, himself the survivor of an attack on his home in 1988. Bloomfield's brief was to "examine the feasibility of providing greater recognition for those who have become victims in the last thirty years as a consequence of events in Northern Ireland, recognizing that these events have also had appalling consequences for many people not living in Northern Ireland". This last proviso was important given the fact that so many British soldiers from regular regiments, most of whose families did not live in Northern Ireland, had been killed or injured, and that there had been attacks in Britain, in, for example, London, Birmingham, Warrington and Manchester. In the Republic of Ireland, bomb explosions in Dublin and Monaghan in 1974 between them had cost the lives of 33 people. His Report, "We Will Remember Them", published on 29 April 1998, was a pioneering analysis of the question. Bloomfield set out a wide range of recommendations, including the need for a commission to look after the needs of victims. Of particular interest was his suggestion that the churches should consider a "Memorial and Reconciliation Day", and that at an appropriate time there could be a "Northern Ireland Memorial" in the form of a building set within a garden. Neither has yet to be realized, although a first step has been in the direction of the former.[156]

5. The Consultative Group on the Past

On 22 June 2007, the Secretary of State for Northern Ireland, Peter Hain, set up a new body, the Consultative Group on the Past, co-chaired by Lord Eames and Denis Bradley, each of whom had wide experience of the conflict and the attempts to resolve it. Having consulted ex-

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156 Report of the Consultative Group on the Past, 2009: 90-94.

tensively across Northern Ireland, the Group published its Report on 23 January 2009. It was a wide-ranging document which ran to 190 pages, but its appearance provoked controversy, most publicly at its launch in Belfast's Europa Hotel. What attracted the headlines was the recommendation that a one-off payment of £12,000 should be made to the nearest relative of someone who had died in the conflict. This would include anyone who had died directly or accidentally as a result of paramilitary or security force action. Underlying this proposal was the belief that society had to recognize the suffering of families, and that the issue of compensation had to be confronted.[157] Their recommendation inevitably opened up the Pandora's Box of who was to be considered a victim and whether there was, or should be, a hierarchy of victims, matters which stirred strong, indeed passionate, emotions. But before exploring this issue, we need to consider the other aspects of the Consultative Group's Report, lest its overall message be lost.

Echoing Bloomfield's earlier Report, the Consultative Group supported the idea of a Day of Reflection and Reconciliation, building on an initiative of the organization Healing Through Remembering in 2007. Memorials were recognized to be contentious, not to say divisive, and it was felt that the time was not ripe for a shared memorial. A principal recommendation was for the creation of a Legacy Commission with a four-fold brief: namely, to "help society towards a shared and reconciled future"; to "review and investigate historical cases"; to "conduct a process of information recovery"; and 'to examine linked or thematic cases emerging from the conflict'.[158] The Chair of this Commission would have a particular brief with respect to the tackling of sectarianism, and would also play a prominent part in the work of another proposed body, the Reconciliation Forum.[159] Despite

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157 Report of the Consultative Group on the Past, 2009: 134-158.

158 Report of the Consultative Group on the Past, 2009: 139-140.

159 Northern Ireland Office, Media Centre, "Woodward rules out £12,000 recognition payment", 25 February 2009, http://www.nio.org.gov.uk/woodward-rules-out-12-000-recognition-payment/media-detail.htm (27 May 2009); Northern Ireland Affairs Committee Press Notice, 12 March 2009, "Call for Evidence – Inquiry into the Consultative Group on the Past"; www.parliament.uk/parliamentary-committees/northern-ireland-affairs/niac-0809pn.11.cfm (27 May 2009).

these far-reaching proposals, it was the matter of the £12,000 recognition payment which stirred emotions, especially on the part of those who had lost relatives as a result of paramilitary violence, and they were strongly supported by unionist politicians. On 25 February 2009, Secretary of State for Northern Ireland Shaun Woodward, noting the strength of the reaction against the idea, made it clear that the government would not be accepting it. That did not shut out action on other aspects of the Report, however, and on 12 March 2009 the Northern Ireland Affairs Committee launched an investigation into the feasibility of implementing proposals.[160]

6. The victims

The sulphurous reception accorded the Consultative Group's £12,000 payment proposal brought into sharp focus yet again the whole issue of victimhood. The Group had been well aware of the nature and depth of this debate, concluding that to rehearse it would be 'both fruitless and self-defeating'. Instead, it was decided to use the definition used in the Victims and Survivors (Northern Ireland) Order of 2006, which had set up the Commission for Victims and Survivors for Northern Ireland.[161] Since that has become a benchmark definition, it should be quoted *verbatim*. Victims and survivors were to be those who appeared to the Commissioner to be one of the following:

(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident;

(b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or

(c) someone who has been bereaved as a result of or in consequence of a conflict-related incident.[162]

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160 Report of the Consultative Group on the Past,2009: 68.

161 Statutory Instrument 2006 No. 2953 (N.I.17), The Victims and Survivors (Northern Ireland) Order 2006, Article 3, Paragraph 1, Crown Copyright 2006, http://www.opsi.gov.uk/si/si2006/20062953.htm (9 June 2009).

162 Report of the Consultative Group on the Past, 2009: 66-70.

The definition set out in the 2006 Order, and its endorsement by the Consultative Group, was rejected by many unionists. At the heart of their objection was their conviction that there could be no moral equivalence between innocent victims of violence and those who had carried out acts of violence and had suffered as a result. For many on the republican side, on the other hand, many of the actions of the security forces were highly questionable, and this, too, fed the debate. The question of whether there was, or should be, a "hierarchy of victims" was never long in surfacing in any discussion of the issue, and was, as the Consultative Group on the Past noted, conducted with passion on both sides.[163] It was, nevertheless, a definition which seemingly ignored, except through the association of bereavement, those who had been killed in the conflict, which were, it might be argued, its ultimate victims. Whilst no one should seek to diminish the physical and psychological needs of those defined in the 2006 Order, equally no examination of the historical legacy of the conflict can shut out those who had died in the course of it.

7. Memorials to the dead of the conflict

The memorials to the dead of the conflict are spread widely, if not evenly, across Northern Ireland. It was an uneven conflict in which certain areas and social groups suffered disproportionately, whilst others remained relatively untouched. The conflict was at its most intense in north and west Belfast, Derry city, south Armagh, south Down, mid Ulster, and the border areas of counties Fermanagh and Tyrone. Although violent incidents could happen anywhere, there were large areas of high population density, especially in the east of Northern Ireland, where they were comparatively rare. It is broadly true to say that working class and certain rural areas were most affected. The impli-

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163 Statutory Instrument 2006 No. 2953 (N.I.17), The Victims and Survivors (Northern Ireland) Order 2006, Article 3, Paragraph 1, Crown Copyright 2006, http://www.opsi.gov.uk/si/ si2006/20062953.htm (9 June 2009).

cation of this is that the conflict is remembered, and commemorated, somewhat differently depending upon the locality.

It is inevitable that the majority of the memorials are located in the areas where violence was at its most intense, but that apparently straightforward observation conceals a paradox. Members of the security forces who were killed in, say, strongly republican areas of Belfast or south Armagh are not commemorated there. Memorials to members of the security forces were often located in police stations or army barracks, but the army's active role in Northern Ireland ended in 2007 and as a result many bases have closed. Nevertheless, when the Independent Commission on Policing in Northern Ireland chaired by Chris Patten reported in 1999, it specifically recommended that existing memorials in police stations should remain.[164]

As might be expected, those victims from the security forces have impressive memorials. The Royal Ulster Constabulary George Cross Foundation has a Memorial Garden in Belfast, which commemorates officers, as well as members of the Police Authority and the support services, who were killed or died in service from the time of the RUC's formation on 1 June 1922 until 3 November 2001 when the Police Service of Northern Ireland came into being as a result of the Patten proposals.[165] But the concept of memorial gardens is not restricted to the security forces. There are memorial gardens to IRA members in, for example, west Belfast and Cullyhanna in south Armagh, whilst the loyalist Ulster Defence Association also has a memorial garden in east Belfast. There is one in the Shankill Road to those killed in the 1993 IRA bomb attack. On the republican side, there are Republican Plots in certain cemeteries where their members are interred and which often form the focus for commemorations, especially around the anniversary of the 1916 Easter Rising. Certain events have memorials, for example the 1976 Kingsmills Massacre or the 1981 Hunger Strikes.

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164 A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing in Northern Ireland, Crown Copyright 1999: 100, http://www.nio.gov.uk/a_new_beginning-in_policing_in-northern_ireland.pdf (16 June 2009).

165 Royal Ulster Constabulary George Cross Association, Royal Ulster Constabulary Garden, http//www.rucgcfoundation.org/memorial.asp (17 June 2009), with permission.

As we have seen, society has not been considered ready for an overall memorial which would embrace all the victims of the conflict, whatever their background or how they were killed. In short, there is no common vocabulary to describe those who died in the conflict. Several things are clear. What the memorials confirm is the "division and mistrust" identified in the Consultative Group Report, and the continuing fault lines across the community. Moreover, with over six hundred memorials in public spaces across Northern Ireland, clearly these are issues which are deeply felt. After over thirty years of conflict, could it be otherwise?[166]

8. The way forward?

Northern Ireland is a society in transition, and no one can with confidence predict the future, since a peace process demands a continuing commitment at many levels to sustain it. If there is some way to go before each community can be fully confident in the *bona fides* of the other, society is far removed from the violence it experienced in the years before the ceasefires of 1994. This paper has looked in particular at the issues of victimhood, survivors and commemoration in the knowledge that there are other legacies of the conflict which are deeply felt in sections of society. If there is to be a shared and reconciled future, recognizing different political traditions and aspirations, then there are aspects of the past, however tragic and painful, which all sections of society need to recognize and confront. The memorials to those killed are testimony to what has been endured, whilst the physical, psychological and emotional needs of the survivors will be with society for years to come.

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166 The issue of memorials, their location, and the message they convey, may be studied *in extenso* on the University of Ulster's CAIN website, http:cain.ulster.ac.uk/victims/indec.html.

9. Acknowledgments

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Vanni D'Alessio

Dynamics of Identity and Remembrance in Trieste
Esodo, *Foibe* and the Complex Memory of Italy's Oriental Border

This chapter discusses the displacements and the violence against civilians during and after the Second World War in the Upper Adriatic area and their consequences in the political and cultural dynamics of Trieste form the Cold War to the process of European integration. The author analyzes how these topics interacted with personal and collective memory, with historiography and with debates shaped by the political competitions, by the ideological divisions of the Cold War and by the expectations and preoccupations connected to the process of European integration. Transnational cooperation and conflict among the population of the Northern Adriatic were, and still are, influenced by how the public opinions of each nation have perceived and presented the events and memory of interethnic and ideological violence. This article will analyze, in particular, the new interest of Triestine and Italy public opinion for the commemoration of Italians as victims of mass killings (the *foibe*) and population transfer (the *esodo*), and will try to contextualize it in the framework

of the politicization of historical discourses and public memories.

Key words: Trieste, Upper Adriatic, memory, commemoration, *esodo*, *foibe*, *Giorno del ricordo*, reconciliation

Introduction

Individual, collective, and public memories and their links with historical, often conflicting, narratives taking place in the arena of public discourse and interaction are strongly debated topics in human and social sciences (Nora, 1989; Vidal, 1996; Todorov, 1996; Winter, 2000; Võsu, 2008). In the last twenty years of the twentieth century a new political and intellectual framework has contributed to a shift in historical studies about the nature and relevance of memory, and on its social and political implications (Winter, 2000; Nora, 2002; Kuljić, 2006). The politicization of historical discourse and of public memory is an aspect of the re-evaluation of the past in various European regions after the Cold War, especially in those places where the demographic changes and the legacy of the twentieth century's tragic events hinder the creation of shared historical views.

Strong population movements are a characteristic of many Central and Eastern European lands in the central part of the twentieth century. These lands share other common traits in modern history: a multilingual and a continental imperial legacy until the beginning of the twentieth century; political tensions in the creation of the post-First World War national states; interwar nationalistic regimes and the recrudescence of nationalistic rhetoric; the brutal occupations by Nazi, fascist, and Soviet or pro-Soviet armies during and immediately after the Second World War; and the consequences of the Cold War ideological and national divisions. The reoccurring violence around the border areas in the twentieth century, in addition to the cultural and demographic changes during and after the First World War and especially the Sec-

ond World War, created contested views and unclear segments in the historical narratives of these European "Lands Between," including the whole Upper Adriatic region.

2. The role of Trieste

Trieste was the biggest port of the Habsburg Empire and during the nineteenth century the city grew demographically and economically, becoming a site of intense political confrontations along social and national differentiations. In the period after the two World Wars the main city of the Upper Adriatic became a site of ethnic and political violence. The ethnic clashes started to prevail already after the First World War, under the military and civil Italian administration. Trieste and Istria, as in many parts of the Italian peninsula, became a site of conflict between fascist and socialist-communist oriented activists, but even this confrontation was "ethnicized" by nationalist intellectuals as well as by the military and civil authorities. The epithet "Slavic-communist" (*slavo-comunista*) began to spread in the local public opinion (Sluga, 2003). The violence after the Second World War and the ethnic and political confrontations, along with the divisions over the "Question of Trieste" and with the role of Trieste in the ideological, more than strategic, frame of the Cold War, resulted in the creation of fractured memories and contested historical narratives which still today impede the achievement of plans and efforts of reconciliation and of interethnic and trans-border cooperation.

The Second World War and postwar European misfortunes and their legacy in present day political developments have particularly triggered the attention of historians, historic anthropologists, and social analysts dealing with the shift and changes of public and private memories (Young, 1993; Suleiman, 2006). The Upper Adriatic area is among those places where the movement of borders, the population displacements, the concentration camps, and the mass killings during the Second World War intensely influenced Cold War and post-

Cold War local political and ideological confrontations (Pupo, 1999 and 2006; Sluga, 2001; Ballinger, 2003; Volk, 2003; Kerševan, 2003 and 2008; Wörsdörfer, 2004; Cattaruzza, 2007; Conti, 2008). The uncertain border settlement in the Julian March (Venezia Giulia/Julijska Krajina) was a matter of strong diplomatic dispute at the end of the Second World War, and already in 1945 Western military circles presented the Question of Trieste as a potential detonator for the beginning of a Third World War (Judt, 2007: 179; Ballinger, 1999: 64; Bowman, 1982: 7). Until the 1954 London Memorandum, which assigned the so-called Zone A of the Free Territory of Trieste (the town itself and a strip of villages of the karstic surrounding territory, the Kras plateau) to Italy and the Northwestern part of Istria (Zone B) to Yugoslavia, the local and national Italian and Yugoslav public opinions had been actively mobilized. After the Memorandum, the national media and politicians of both countries lost interest for the Question of Trieste. The Italian-Yugoslav 1975 treaty of Osimo, which settled the diplomatic dispute, was not perceived with much concern by the respective national public opinions. However, the attention had not decreased in the Upper Adriatic, especially in Trieste.

In postwar Rijeka (Fiume) and Istria, the memories of twenty years of anti-Slavic fascist dictatorship and the brutal wartime occupation, including the ruthless repression by fascist and Nazi squads, were canalized in discourses and rituals of commemorations and celebrations that substantially pacified the (Yugoslav) public opinion. Occasionally the public opinion was mobilized, as was the case in 1974, before Italy and Yugoslavia signed the Osimo treaty (Dota, 2003). The wounds of family losses had kept the tension alive on both sides of the border, but in Trieste it was embittered by the resentment of the post 1945 refugees (named *optants* in Yugoslavian discourse and historiography, and in the last twenty years predominantly *exiles* in Italy).[167] The aban-

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167 The expressions *esuli* (exiles) and *esodo* (exodus), with their religious-national implications, were largely used in Trieste, but commonly the Italian public opinion used the word *profughi* (refugees), which fell into disuse as the housing problems of the refugees began to be resolved, the provisionary camps were closed, and the arrivals came to an end. The "Istrian refugees" arrived in Italy in the 1960s. The words *esodo* and *esuli* became widespread in

donment of their homelands in Istria, Rijeka, and Dalmatia, and their requests for moral and economic compensations, played a key role in maintaining the issue at the center of the public discourse all along the Cold War period. After Osimo, the Italian government was fiercely criticized by the Italian right-wing political party MSI (*Movimento sociale italiano*, heir to Mussolini's 1943-45 Quisling northern Italian fascist state, *Repubblica sociale italiana*) and by the associations of the refugees from the parts of the Julian March eventually handed to Yugoslavia. Wounds, traces, and corollaries of the Question of Trieste are still present in the local everyday political interaction. The border issue and its implications, including the problem of both the Istrian refugees and of the status and rights of the local Slovenian minority, have never ceased to be the top issue in Trieste's public debate.

From the early 1960s until the end of the 1990s, Trieste was a preferred shopping destination for Yugoslavs, but this did not ease political and inter-ethnic relations, and actually fostered prejudices and stereotypes from both sides of the border. In Trieste, Italian nationalists and exiles organizations were constantly involved in disputes with the local section of the Italian communist party, the Slovene minority organizations, and the radical left-wing activists, all of which were enforcing the memory and the values of the antifascist struggle and supporting a bilingual policy in the whole area. The Italian context of right-wing/left-wing ideological and political confrontation, which was exacerbated with the 1970s student movements and the dramatic, and often violent, conflict between polarized organizations and activists, in Trieste was spiraling around local issues related to the different memories of the Second World War.

The local sections of Italian socialist and communist parties and the local socialist organizations openly promoted bilingualism and

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Italy after the end of the Cold War, when the Italian Eastern border again became a debated issue. *Optanti* ("optants") was the term adopted and used in Yugoslavia following the norms and choices which regulated the migrations in the postwar period. This term is still normally in use in Croatia and Slovenia. The term *esodo* and *esuli* has been used sporadically in some recent debates in these two countries, as an answer to the Italian rhetoric displayed in the public opinion or in historiography.

their posters usually appeared in both Italian and Slovenian languages. Other associations promoted bilingualism and interethnic cooperation, but negative reactions to the application and use of bilingualism were constant. The combination of traditional Triestine ethnocentrism and anti-Slavic feelings with Italian patriotic and anticommunist ideological orientations, in the framework of the Cold War ideological antagonism, has fostered disinterest and even hostility for the promotion of Slovenian language and of Italian-Slovenian bilingualism in the urban area of Trieste. The Italian Triestine anti-Slavic stance was not a twentieth century novelty. It was a surviving component of the old nationalist irredentism. Like in other parts of Central and Eastern Europe, it was also a legacy of the social interactions between dominant and non-dominant linguistic groups in the nineteenth and twentieth centuries, which have long influenced representations, values, interactions, and ethno-national orientations. Nevertheless, nationalism and the prejudices against the Slavs have always coexisted with a challenging cosmopolitan attitude, which is also an important and traditional factor of Triestine culture from the days of the establishment of the Free Port of Trieste in the eighteenth century (Waley, 2009: 248; Ballinger, 2003b: 93; Ballinger, 2003; Ara and Magris, 1982). The Italian Trieste had replaced the Habsburg "city of groups," but the variety of Triestine political, ideological, and cultural positions and orientations lived on, as did its contradictions, and the peculiar Triestine ambivalence between openness and aloofness towards Slavic culture.

The reality and the myth of the cosmopolitan and multicultural Trieste have been challenged by its twentieth century role of Italian border sentinel. During the Cold War, the legitimization and institutionalization of the memory of Yugoslav and communist violence towards Italians, and the stereotypes of the ethnic war in Croatia and Bosnia-Herzegovina in the 1990s, have reinforced the distance and detachment between Italian and Slavic cultures in the city. Despite the many Slovenian and Croatian students and Serbian workers, the established presence of the Serbian Orthodox Church and of other Slavic cultural institutions, and the good tradition of Slavic studies at the University

of Trieste, the knowledge of Slovenian, Serbian, or Croatian languages and cultures among Italians has always been poor in Trieste, even among scholars and experts of the Upper Adriatic. There are many schools for the Slovenian minority in the city, but for generations the native Italian speakers in Trieste did not consider the knowledge of Slovenian as a gain. In the middle of the 1980s, the left-oriented grammar school "Petrarca", when deciding to adopt a fourth foreign language for its linguistic curriculum (along with English, German, and French), after a long debate among its teachers chose Spanish instead of Slovenian. In the same period the students of the right-wing oriented gymnasium "Dante" blockaded the school, protesting against any possible adoption of Italian-Slovenian bilingualism in the city, which in those days was not on the agenda. Trieste was an integral Italian city and it had to remain as such. In fact, long before the 1980s, many local nationalist activists have interpreted the fight against bilingualism as a way to defend the Italian identity of Trieste. In the 2000, geographers Milan Bufon and Julian Minghi wrote that "considering that contemporary processes of integration follow the principle of 'unity in diversity', it is likely that Trieste can assume again its regional function in this area, on the condition that at the same time its multicultural tradition is revived" (Bufon and Minghi, 2000: 124). Nevertheless, in the same article, they stated that "particularly the knowledge of both languages and national or ethnic intertwining of the border population provide for more sophisticated and intense forms of social and cultural cooperation and integration" (Bufon and Minghi, 2000: 126). Whereas border intertwining might have improved in the recent years, the reality is that the knowledge of both languages has remained a feature of Slovenes in Italy and in Slovenia, but not of Triestine Italians.

However, there are some signs of the modification of the long lived sense of superiority and aloofness towards Slovene culture and language among Triestine Italians. Twenty years after the end of the Cold War, along with the process of European enlargement and the hopes of revitalizing the economic and cultural role of the nineteenth century Trieste in Central and East Europe, the issue of bilingualism still

causes friction but is no longer a taboo. Bilingualism has been implemented in Trieste, but only to a limited extent and in certain areas, while is more widely applied in the suburbs and in the mixed villages of the Kras plateau.[168] In the meantime, schooling in Slovenian has become something more fashionable, and the number of Italian parents sending their kids to the schools of the Slovenian minority has increased over the years. This is a new trend in the central urban area, while in the mixed or predominantly Slovenian villages of the surroundings it is not as easy for Italian children to integrate into Slovenian schools. In these places the linguistic barriers seem to be stronger and less mediated by the extensive usage of the Triestine dialect.

The political efforts displayed by the center-left administration of Riccardo Illy, the former mayor of Trieste (1993-2001) and the former President of Friuli-Venezia Giulia (2003-2008), to renew the cultural and economic role of Trieste in the transborder Adriatic area have not been followed by many initiatives from below or by concrete signs of new attitudes towards Slovenian culture. Compared to the other border towns such as Gorizia, which hosts a much larger number of projects and moments of Italian-Slovenian interaction, Trieste is still trapped in its role of Italian outpost.[169] On 1 May 2004, when Slovenia joined the European Union, a huge concert of the "Yugoslav" celebrity Goran Bregović celebrated the event symbolically and physically unifying the two sides of the Transalpina square, around the old central station between Gorizia and Nova Gorica and the old site of the Iron Curtain border.[170] On the same day Italian flags were covering all of

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168 *Gazzetta Ufficiale*, 8 March 2001, 27 November 2007.

169 Besides the greater engagement of local authorities, Gorizia hosts initiatives such as the civic movement "Pax et Concordia" aimed at trans-border and trans-ethnic cooperation, or the scientific institution Istituto culturale Mitteleuropeo, which promotes the role of this area for scientific and cultural Central European integration and collaboration. Trieste hosts the club "Istria" which aims at building bridges between cultures, but the number of its members and its capacity to attract people and to occupy spaces in the public opinion are very limited if confronted with the other clubs and associations promoted by refugees or their descendants in Trieste.

170 The concert was organized by the three main Italian trade unions, who symbolically decided to celebrate the annual national May Day festival in Gorizia/Nova Gorica on the day Slovenia entered the EU, http://archivio.rassegna.it/2004/speciali/primomaggio/1maggio. htm, last visited 2009-08-20.

the main streets in Trieste, as a sign of welcome for the annual meeting of the *Alpini*, a traditional patriotic Italian military corps, which was to be held two weeks later in the city.

On the day of the Slovenian entrance into the EU, the President of the European Commission Romano Prodi visited both Trieste and Gorizia. In Trieste, Prodi held a memorable speech at the prestigious Verdi theatre, saying that "everything conspires for Trieste to become the center of gravity…Here you have a great opportunity to move out of the margins and become the center" (Waley, 2009: 251). The speech was addressed to local dignitaries, but outside the theatre people were not cheering like in many small locations of the border area. No special outdoor and open event was organized in Trieste to welcome Slovenia in the European Union or to celebrate the end of the old stiff Italian-Yugoslav border, even by the local Slovenes. Hopes were confronted by cynicism, disbelief and, mostly, by the peculiar local skepticism also among local Slovenes, whose complaining and recriminating attitudes have often had the effect to legitimize more than to abrade the Italian image of the city.

During the 1990s many wished that the city would benefit from the conjuncture of European enlargement and economic expansionism towards the east. However, the weight of the past political legacies has been an obstacle to the desired role of Trieste as a key center and open city oriented towards the new Eastern markets and possibilities. The very poor investments for the improvement of the rail and road communications east of Venice are one of the signs of the minimal engagement by the Italian state. Still, the problems lay also in Triestines' (real or supposed) attitudes. Local politicians have been very cautious in encouraging open cooperation with Slovenian and Croatian counterparts. The openings by the former mayor Illy were not always welcome by the politicians from his side, and fiercely criticized by skeptical political opponents. More limited efforts by the new center-right mayor Roberto Dipiazza to promote economic and cultural trans-border cooperation have not been encouraged by his allies, whose stances and attitudes usually reveal a coldness rather than openness.

The idea of Trieste as Italian outpost has a long tradition that goes back to the nineteenth century (and before, according to the nationalist narrative)[171], but it had thrived with the ethno-national and ideological drives during and after the two world wars, and it had been implemented by the population exchanges and its inclusion in the Italian state. If we look at the demographic composition of Trieste in 1910 and in 1991, we see that "the percentage of people that immigrated to Trieste from Italy increased remarkably (from 11% to 17%)" while "the number of immigrants from western Slovenia decreased (from 12% to only 1%), as did the number of the immigrants from the rest of Yugoslavia (from 10% to less than 1%), and also from Austria (from 5% to 0%)" (Bufon and Minghi, 2000:122-123). Bufon and Minghi see the increase of the number of immigrants from Istria (from 8% to 14%) as a tool for better trans-border communication. In contrast, the role of the Istrians in Trieste was to augment the sense of Italianness of Trieste. The high number of abandonments from the Yugoslav controlled area after the Second World War had a strong impact on the demographic and political equilibrium in Trieste and in the surrounding karstic area, inhabited traditionally by strong and compact Slovene populations (Volk, 2003). The cultural and psychological consequences were possibly stronger, as Trieste acquired from Rijeka the role of the Italian sentinel towards the "Slav-communist East."

After the Second World War, the refugees had already their natural passage in Trieste, which in the first postwar years was in many ways a "displaced persons camp" (Ballinger, 2008). Many Triestines and Istrians left the European continent but many others came back to Trieste from their provisional destination in the Italian peninsula. Trieste became a privileged destination for many refugees who were unsatisfied with their accommodation in other Italian places and felt Trieste much closer to their places of origins. In sum, about 60,000 residents emigrated from Trieste, being replaced by about the same number of refugees from former Italian lands ceded to Yugoslavia

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171 On this issue, a still very useful publication is the 1912 book by Angelo Vivante, republished various times in Italy and recently in Croatia in 2002.

(Ballinger 2006: 155). In 1948, there were 279,000 residents in Trieste, out of which 12,800 came from Istria. The following year the Istrians' number rose up to 15,000-20,000 and in 1950 to about 30,000 (Purini, 2005: 258). According to the 1961 census the whole province of Trieste had around 300,000 inhabitants, of which 71,000 were born in the old parts of the Julian March then belonging to Yugoslavia (Purini, 2005: 267).

The overall number of *esuli* is a matter of dispute. Estimates by scholars vary from 220,000 to 270,000 people (Columni, 1980; Žerjavić, 1997; Cattaruzza, Dogo and Pupo, 2000; Wörsdörfer, 2004; Mileta Mattiuz, 2005; Pupo, 2006). National public opinion has somehow accepted the more striking and powerful number of "350,000 Italians," which has been long promoted by unreliable nationalist studies (above all by Luigi Papo and Flaminio Rocchi) and superficial journalist narrations (above all by Arrigo Petacco), and has been legitimized by monuments, celebrations, newspapers, and many politicians[172].

The big number of Triestine inhabitants born in Istria has been seen as a resource for the strengthening of Triestine-Istrian communication and common regional identification (Bufon and Minghi, 2000: 124). However, besides the problem of the old and persisting strong stereotypes against Istrians, it must be emphasized that the Istrians who arrived in Trieste as refugees have strongly contributed to the broadening of the barrier between Italy and Yugoslavia. They have often rejected their eventual links with the Slavic culture and have generally identified with a nationalist version of Italian identity. Large numbers of Istrians have therefore deeply affected the political and electoral confrontation in Trieste and also influenced the way the "Istrian exodus" (the *esodo*) was portrayed by the media and generally perceived by the local public opinion. According to this rhetoric, the *esodo* reflected a choice for freedom and for preserving Italian national identity, albeit the complaints about Yugoslav communist brutality against Italians and for the violent measures taken to ensure their flight

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172 Papo de Montona, 1997; Rocchi, 1984; Petacco, 2003.

have been always included in the justification of this forced exodus. The idea of the *esodo* as an "Italian plebiscite" circulated from the very beginning and presently prevails in the Italian public opinion.[173] Due to the publications and social activities of the exiles' associations, individual memories slowly adapted to a canon and to a rhetoric that basically excluded any other non-political choice of the migration (Nemec, 1998; Smith, 2008; Dota, 2009).

It is problematic to consider all the exiled individuals as "ethnic Italians." Ethnic and national identities and belongings, ethnic origins, languages of use, and mother tongue languages often did not necessarily correspond in Istria. Istrian refugees opted for Italian citizenship and identified with Italian identity. Their identity choice was not always a product of old family traditions, but was often historically and socially determined by their individual or contemporary family option, or by relatively recent processes of Italianization, in the nineteenth or twentieth centuries. Some of the refugees were Croats and Slovenes who knew little Italian, but in general most of the refugees from Istria and Rijeka could easily interact in a romance vernacular and present themselves as Italians, regardless of their origins, mother tongue, and family linguistic patterns. Twenty years of imposed, though not always completely enforced, Italian mono-linguistic public interaction had strengthened the Italian character of the whole area, although in many parts Slovenian and Croatian identities persisted.[174] The Italian identification of many inhabitants of Istria and Rijeka did grow, especially among the young people who had moved to the towns in the interwar years, weakening their bonds with the villages and families of origins. Still, these freshly urbanized families, as many inhabitants of Istrian rural mixed areas, were living on the edge of multilingual-

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173 The words of most of the Italian newspapers and politicians during the 2009 commemorations of the victims of the *foibe* and of the *esodo* offer a striking example of this. The author thanks Franko Dota for the ANSA (Italian press agency) reports of the 2009 Italian commemoration of the *Giorno del ricordo* (Day of Remembrance). Other sources used by the author were the articles on this topic by the Triestine newspaper *Il Piccolo* in 2009.

174 On this topic see the results of the secret census conducted by Italian administration in 1939 in: Mattossi and Krasna, 1998.

ism and stabilized into Italian, Croatian, or Slovenian identity after the Second World War, due to family circumstances, political-ideological preferences, job opportunities, social constraints, or personal choices. Many Croatian and Slovenian Istrians, including (and maybe especially) those leaving Yugoslavia from the countryside, integrated into a stable Italian national pattern only after immigrating to Italy. Some others went through a process of Italianization as members of the Italian minority in postwar Yugoslavia. Many other people did not "stabilize" into any identity, and their capacity to use both Romance and Slavic dialects as a mother tongue (mostly Istro-Venetian and Chakavian) allowed them to adapt to different social circumstances and to maintain a distanced attitude towards strong national or ethnic identifications. Istrian regionalism became an identity answer to this attitude but only from the 1990s, and in some moments Yugoslavism was also perceived as a bigger umbrella for Istrian-Italian communists. Illusion and disillusion with the Yugoslav regime were a factor for choices regarding where to live and which identity to lean towards, especially when individuals and families went through difficult life experiences. Violence and threats had a big influence on life choices when war came to the region. As was the case during fascism, postwar detention in camps or prisons and persecutions by police, by individuals, groups, or the entire neighborhood/community, but also relationships with the party organizations (as affiliated, constrained collaborator, or maltreated) and the 1948 Tito-Stalin break, influenced both ideological and also national orientations. Therefore, it is not rare to find families whose members were partly living in Trieste before the war and with the years acquired a stronger and conscious or even radical Italian identity, while their siblings remaining in Istria and Rijeka had different choices: fervid or moderate Croatian or Italian identity, or fervid Istrian support closer to Croatian, Italian, or Yugoslav identity.

It is an illusion to screen the ethnic identities of those who left Istria and Rijeka, and to consider them first and foremost Italians, even if many of them became the most radical Italians. Likewise, it is hard to find a single explanation for their abandonment. A mixture of political,

ideological, and national reasons played a significant role in the decisions to leave. Many left for fear of reprisals, for their political views, or because they held a social-economic position or a state job (especially in some sectors like local administration, police, or tax collection) which exposed them to the label of "enemy of the people." Some were deprived of their homes. Many factors should be recognized, starting from the linguistic, psychological, and economic insecurities of the radically modified social and political environment. High social status and economic position became a disadvantage on the new upside-down reality, but the community component was also particularly relevant: even the people that at first did not intend to leave their homes, shops, fields, their beloved places of birth and everyday existence, were somehow forced to move when the towns and villages literally emptied. This is true even for the last waves of migration in the 1960s. At this point, it was easier to obtain a passport and the choice to flee was less a matter of constraint, so many migrated because of a desire for social and economic improvement. This is not to say that political, cultural, and linguistic factors did not matter anymore. Political justifications were crucial for the integration in many communities in exile, but even migrants who did not strongly socialize with the exiles' associations gradually developed a political consciousness of their migration.

Some of the new exiles did not completely leave Istria and maintained strong social relationships with the places of origins. Some of them even resettled back, or built houses for holidays and for their retirement. Since the middle of the 1960s, all exiles enjoyed the softening of the border, and some of the people who had cut their ties with the members of those who "remained" (*rimasti*) visited their old birthplaces. For many others the trauma of the exile proved to be too strong for a return. In many cases the memory of violence, suffered personally or by family members, was crucial in the refusal to visit their birthplaces. In general, it seems that the changes brought by the political and economic liberalization in Yugoslavia from the 1960s to the 1980s did not have a great effect in the way the *other*

was perceived across the borders. Indeed, since the border logic was reproduced also inside the families, a soft curtain of prejudices and silences was running across families dividing brothers and sisters who had chosen different states to live in (even if the choice to stay or to flee had been a matter of pressure). The wars in the 1990 would have a much greater emotional effect in revitalizing old stereotypes of violent and uncivilized Slavic attitudes.

The 1990s Yugoslav wars caused the wide circulation of words and categories like genocide and ethnic cleansing, which started to be used for the Upper Adriatic case. The exile organizations used their impressive publishing capacities, in terms of periodicals and monographs, and their influence on the local Triestine and Italian public opinion, to bring this issue to the local and national agenda. Politicization of the refugee communities has been crucial in the development of the inter-mixture of individual, collective, and public memory and discourses of the *esodo*. An important factor of the politicization of the migration to Italy was the socialization into the exiles organization, where many people found their new community, while a factor of de-politicization was the close contact with the people and places of origin. In Italy, but also in Australia and in the Americas, the refugees tried to reinforce kinship and community ties: they established new Istrian communities in exile and strengthened their networks and associations. The politi-cization of these communities in exile was a peculiar element of the refugees in Italy, who had been scattered all along the Italian penin-sula, often suffering the same or similar derogatory labels they had faced in Yugoslavia, above all their presumed association to fascism. This label pushed the exiles towards a right-wing and patriotic orienta-tion in the years of the cultural and intellectual hegemony of the left in Italy. Italian identity became a shelter for the refugees and also their main explanation for the flight. The strong Italian left-right political confrontation also favored the right-wing positioning of the refugees, who found political support in the Catholic Church, in Trieste's Chris-tian Democratic Party, and in right-wing parties and organizations. Right-wing parties and organizations have been constantly close to the

refugees at both the local and the national level, and right-wing ori-
entation has been connoting to the present time most of the organized
associations of the exiles.

As mentioned above, fear was also an important reason to leave,
albeit not the main one. In the development of the collective memory
of the exiles, fear became a recurring motive (along with the wish to
preserve Italian identity) in the explanation of the abandonment. As
shown by the recent research of Alessandro Cattunar, the memories
of the elders developed and consolidated in a framework of public
management of history relying upon strong national divisions and per-
sonal traumatic experiences (Cattunar, 2008: 28). The past provides
a symbolic framework for the individuals and groups by which they
conceptualize their existence and, in the case of the exiles, reaffirm
the reasons for their choices in the public arena of socialization inter-
action. Many memories and events of the exiles' past acquired with
years a canonic configuration, especially when dealing with memories
of violence.

3. The foibe narrative

The violence, and in particular the mass killings, during and im-
mediately after the Second World War, are commonly called "*foibe*."
This is the Italian word for karstic pits common in the Upper Adriatic
littoral. During the war, these pits were used not only as occasional
disposals, places where to bury carcasses of animals or hide things,
but also as the nameless tombs of many human beings. Soldiers, ir-
regular combatants, and civilian suspects and enemies of different
nationalities found their tombs in the *foibe*. In September 1943, af-
ter Italy surrendered, about three hundred civilians, mainly Italians or
Croatian collaborators, were thrown in the *foibe* by the Yugoslav par-
tisans and pro-Yugoslav local inhabitants. The exact number of people
killed in that period is not certain. It has estimated to be from three
to five hundred people, even if this number is based primarily on the

amount of disappeared people, regardless the circumstances of their death (Dukovski, 2001; Pupo and Spazzali, 2003; Scotti 2008). In the following period the German and Italian armies killed about thirteen thousand partisans and civilian suspects of collaborating with the partisans. These people were usually buried by their relatives and as a rule did not end in the *foibe*. Still, the plaques in every single village of the Istrian peninsula testify the extensiveness of the repression between 1943 and 1945. At the end of the war, in the last military operations during the German retreat, local inhabitants threw the corpses of dead German soldiers along with military material into the karstic pits. About ten thousand civilians were arrested by the Yugoslav authorities or kidnapped by pro-Yugoslav civilians in Trieste, Gorizia, Rijeka, and Istria. Some returned, but many were sentenced to death far from Trieste and Gorizia. Many civilians disappeared and were killed, but they were usually not thrown into the *foibe*. The uncertainty of the destiny of these people and of their corpses fostered the myth of the *foibe*, which materially and symbolically are obscure and impervious places where to throw or hide things. The act of hiding corpses has been considered as a specificity of the *foibe* (Pupo, 2007). The word *foiba* as such became a metaphor for the violence against, and the killings of, Italians, perpetrated in particular by Yugoslavs and pro-Yugoslav forces against ethnic Italians. As a result, the assassination of Italians and Croats or Slovenes carried out by German and Italian military forces in 1941-45 and the assassination of Italian citizens of Slovenian and Croatian ethnic background by Yugoslav oriented communist partisans in 1943-45 are both excluded from the definition of *foibe*, even if and when they took place in karstic pits (Franzinetti, 2006). The wide use of the term *foibe* in the public discourse contributed to its acceptance among Italian publicists and historians. At first the term was a feature of Italian right-wing rhetoric, but it slowly penetrated the Italian public discourse. Italian historians openly adopted this term also because of its widespread usage in the local public opinion (Pupo and Spazzali, 2003).[175] Historians and journalists such as Sandi Volk,

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175 In a more recent work, Raul Pupo has partly modified the position expressed in the book

Alessandra Kerševan, Claudia Cernigoi, and Giacomo Scotti (often labeled as "negationists") confute the use of this term, particularly in historiography. One reason is that there is uncertainty over the number and nationality of the people who were actually thrown into the *foibe*. Moreover, they fear that obsessing over the memory of the *foibe* and the partisan crimes will cause the de-criminalization of fascist crimes and suggest the equivalence between fascists and the fighters against German and Italian occupation.

It is still a matter of dispute to what extent the victims were part of a plan to kill Italians and to push them to leave the area, or if they were more victims of rough justice and non-planned reprisals, whether they were chosen because of their political responsibilities or because of their administrative function or political roles, or because of their possessions. The reasons for the killings include all these and other variables as well, including personal reprisals and private reasons. In any case, although the use of the term *foibe* is ambiguous, it is true that many people disappeared and were killed, even if they were not thrown into the *foibe*. The number of civilian casualties in the northern Adriatic was lower than in other areas where the Yugoslav partisans fought, but even if it is not proven that there ever existed a plan against them, in practice Italians were targeted by Tito's forces. Some of the problems lay in the difficulties to establish who was an Italian, as the word "ethnic Italian" is of little use in an area of social, spontaneous, and forced Italianization. Because of their actions and choices, people could be easily fit into different categories or fields (ethnic, social, political, or military), according to different contingencies and moments in time. The different readings and interpretations of the *foibe* are often based on assumptions of the presumed identity of the disappeared people. It is not so relevant, therefore, to establish the reasons and motives of the actions, but the historic responsibilities in order to prove accountability that can be used in the present day political arena.

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with Roberto Spazzali, criticizing the uncritical adoption of the word *foibe* as a historiographic category to express all the killings and violence by Croatian and Slovenian communist partisans against Italians in Trieste and Istria (Pupo, 2007).

This happens normally with the political use of the commemorations of the victims. Because of the difficult and unsuccessful exhumations after 1945, any *foiba* of the Kras plateau (as a real or presumed site of violence or mass grave), can become a place for contemporary mourning, for the commemoration of the Unknown Soldier, and as a means for calling the attention of the public opinion on this issue.

The commemorations of the victims of the *foibe* and of the *esodo* currently catalyze the attention of public opinion (not only in Trieste), historians and survivors, as well as politicians. In the last twenty years, intellectuals and politicians from the moderate left or with communist backgrounds have raised this issue, blaming their own side for the "silence." This "silence" did not take place in Trieste, but among the national public memory and historical discourse. Until twenty years ago, the Italian historical narrative did not mention the *foibe*, but occasionally debated the issue of the partisan reprisals on the fascist combatants. Fascist veterans were free to narrate their war experiences in the postwar Italian democratic republic, but they were marginalized by the prevailing anti-fascist rhetoric of public discourse on the Second World War. Similarly, the *esodo* and the *foibe* were omitted from the prevailing national narrative.

The narratives and testimonies of the RSI veterans had not been silenced or censored but had been extremely marginalized by the prevailing antifascist rhetoric of the Italian Republic, founded in 1946 and legitimized by a political settlement among the Italian antifascist bloc of Catholic, Liberal, Socialist and Communist parties. A similar mechanism had kept the memory and the experiences of the Istrian refugees at the margin of national public opinion. Raising such issues would probably have had the effect to reconsider the Italian responsibilities in the Second World War, the question of Italian aggression on Yugoslavia, and the case of unprosecuted Italian war criminals. It has been observed, also, that the ruling Christian Democrats did not raise the issues of the mistreatments and violence on the Italian ethnic population of the Julian March in order to not jeopardize the friendship with (the anti/non-Soviet) Yugoslavia, while the main opposition

party (the Communist Party) did not intend to open a discussion on the Italian partisans' rough justice nor cast blame on the Italian and European communist partisan movements.

Antifascism was a founding element of the 1948 Republican constitution and during the Cold War period, an antifascist historical narrative prevailed in Italian historiography. Fascism was openly condemned, but some of its implications were not widely discussed or recognized in the public arena. The mistreatment of national minorities was never strongly debated outside the areas of their settlement. The scarce attention paid to the memory of the Istrian exiles and of the "Yugoslav massacres" avoided uneasy confrontations with the consequences of twenty years of the anti-Slavic fascist regime in the Julian March, or with the legacy of colonialism. Fascism was recognized as responsible for the alliance with Nazism and for the war, but Italy had also paid the consequences of involvement in the war. The idea of the war as a logical outcome of the fascist policy was widespread, but the condemnation and criminalization of the overall fascist experience left out of the debate some particularly sensitive issues. For instance, Italian colonization in Africa was condemned but the myth of the "good Italian soldier" persisted.[176] The activity of the fascist tribunals and the fascist repression acts were part of the collective memory in many areas of northern Italy, but Italian public opinion was scarcely aware of the existence of the concentration camps against Slavs in Italy and of the implications and nature of the brutal Italian occupation of Yugoslavia from 1941 to 1943 (Gobetti, 2007; Conti, 2008).

In the transition of the Italian political parties from the Cold War to the post-Cold War era, *foibe* and *esodo* have been freely discussed without a strong confrontation with Italian responsibilities, invoked only by the left-wing and Slovenian intellectuals, and used as an instrument of political legitimization. For the right-wing party MSI, insisting on these Second World War issues has helped to keep it in touch with its old anti-communist electorate during its transformation

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[176] Angelo Del Boca wrote many books concerning this subject. See, for instance, Del Boca, 2005.

into a non-fascist party representing both patriotic and victims' issues (Franzinetti, 2006: 88). For the former Italian Communist Party (transformed into the Left Democrats and eventually into the Democratic Party with the left-wing faction of the Christian Democrats), promoting the idea of moral justice for the victims of the *esodo* and the *foibe* has helped legitimize its new non-communist stance. The party transition was accompanied by the evolution of many former communist-oriented historians, who became much more sensitive to these issues, after having marginalized them for years. This produced the strengthening of a local binary historiographic confrontation along national-ideological lines, with recurring debates in the press, journals, books, and public events around the issues of the *foibe* and the *esodo*: an Italian-oriented narrative portrayed by academic and non-academic historians, intellectuals, and common readers, and countered by a radical left and Slovenian group of readers, intellectuals, and historians.

The contextualization invoked by left-wing and Slovenian intellectuals has found space in historical publications and the press. Continuous commemorations of fascist and of partisan victims or personalities constantly reopen public debates in Trieste, reinserting the memory of the Second World War into everyday discourse. Every year at the beginning of May, celebrations of the "Liberation from Fascism and Nazism" are organized in many villages of the Kras plateau around Trieste. In the same month, the refugees and their organizations commemorate all the victims of the *foibe* at the National Monument of Basovizza, at the margins of a mine pit where in May 1945 an unknown number of people were killed and supposedly thrown in. In the same village, Slovenian and partisan organizations commemorate every year the "Four Martyrs of Basovizza," executed in 1930 because of their antifascist terrorist activity. Inaugurations commemorating streets, plaques, and monuments take place also in the city: on 21 February 2010, the President of the Italian Deputy chamber Gianfranco Fini inaugurated a monument to the martyr of the Istrian *foibe* Norma Cossetto in the already inaugurated Via Cossetto; on 13 May a street (*scalinata* Granbassi) was inaugurated to remember a local radio an-

chorman and editor in chief of *Il Piccolo* during fascism**,** Mario Gran-
bassi, who died as a fascist volunteer in the Spanish Civil War. Many
intellectuals, as well as communist and Slovene political activists op-
posed the naming of a street after Granbassi, denouncing the lack of
public memory of the fascist dictatorship in the area and of the repres-
sion against the antifascist activists or "alien enemies" (local Croats-
Slovenes) during the Second World War, which caused the death of
thousands. These events were part of the local public memories and
debates throughout the Cold War in Trieste, especially regarding the
fascist dictatorship, but are left out of the post-Cold War commemo-
rative trend. In the last twenty years, both the local and the national
Italian media and the public opinion have predominantly focused their
attention on the Partisans' "guilt," related to the expulsions and assas-
sinations during the 1943 Istrian Partisan uprising and during the forty
days of the Yugoslav "occupation" of Trieste in May 1945.

The only "place" of antifascist memory actively promoted by Tri-
estine authorities is the Nazi concentration and extermination camp of
Risiera di San Sabba (in Trieste). After the end of the Second World
War, Italian institutions incorporated the memory of the antifascist
struggle and officially held manifestations at monuments such as the
Risiera di San Sabba, but were reluctant to revive the memory of the
fascist and Italian responsibilities in Yugoslavia and of the mistreat-
ment and detainment of civilians from the Upper Adriatic in Italian
concentration camps (such as Porzus and Arbe/Rab). The occupation/
liberation of Trieste, the Italo-Yugoslav diplomatic confrontation, and
the issues of the *foibe* and *esodo* are all elements of a divided memory
which has animated the ideological and political confrontation in a
frame of contested views and memories, that in the last six years was
strongly reinforced by the state-promoted celebration of the "Day of
Remembrance" (*Giorno del ricordo*).

At the national level, the role of the long-marginalized fighters of
Mussolini's Italian Social Republic has been reconsidered in the rein-
terpretation of the last two years of war in Italy as a civil war between
antifascist communist and pro-Allied partisans, on one side, and fas-

cist pro-Nazi armies on the other (Pavone, 1991). The post-Cold War reconfiguration of the Italian political balance and discourses opened the possibilities for a reconsideration of the divisions of the Second World War and also for a renewed presence in the national agenda and public opinion for Trieste, Istria, and their past.

The new interest in the Italian "Eastern border" has developed at a historical and political level. Books on regional history have always sold well in Trieste, but not so in the rest of Italy. In recent years Istria and its dramatic Second World War legacy have enjoyed a renewed interest among Italian professional and non-professional historians and readers. Political leaders have also been pushing the agenda. Leaders of the former Communist parties, in Trieste and in Rome, started to confront the issues of the exodus and of the *foibe*, which had been always neglected by the local and national left and provoked debates and confrontations with post-fascist leaders. In 1998, the President of the Italian Deputy Chamber and prominent figure of the former PCI, Luciano Violante, met in Trieste with the Italian post-fascist leader Gianfranco Fini, who is currently holding this position. The meeting was instrumental for the legitimization of both former communists and former fascists in the new post-Cold War political order, in a strategy of reconciliation at the national and local level.

4. Conclusion

The Istrian Exile, the *foibe*, and the Risiera di San Sabba are the main "places of memory" through which individual memories have been channeled into collective and political narratives of the Second World War. In some official commemorations and appraisals of local tragedies of the Second World War, the fascist legacy and the policy against Slovenian minorities between the two World Wars have been mentioned, but Italian responsibilities have hardly been brought to the public's attention. As the Triestine journalist Paolo Rumiz has recently observed, by focusing the memory debates on the Nazi-led Risiera

concentration and extermination camp on one side, and the Exile and partisan massacres on the other, the result has had the indirect effect of containing Italian responsibilities in the Julian March (*Il Piccolo*, 10 February 2009).

In 2004, the Italian Parliament established the *Giorno del Ricordo* (The Day of Remembrance) with a sponsorship of all right, center and moderate left deputies. The *Giorno del ricordo* is organized by Italian authorities on 10 February of every year "to preserve and to renew the memory" of the people that lost their lives in the Northern Adriatic with the seizure of power by Yugoslav partisans and Yugoslav authorities, and of those who fled from Istria, Rijeka, and Dalmatia during or after the Second World War. The law officially commemorates "Italians and all the victims of the *foibe*" and also "the sensitive, complex matter of Italy's eastern border," but as of this writing the celebrations have not remembered other victims and dramatic events in the area such as the post-First and Second World War violence against Croats and Slovenes, and the annihilation of their languages and cultural identities during the fascist dictatorship. The law does not refer to any historical processes and events when it mentions the "sensitive, complex matter of Italy's eastern border." Is the issue of *fascismo di confine* (the interwar fascist movement at the Eastern Italian borders) a part of it? Is the Italian occupation of Yugoslavia? Are the concentration camps for communists, Croats, and Slovenes? Or is it only the Risiera that should be commemorated? An analysis of the events taking place on the occasion of the 2009 commemorations of the *Giorno del Ricordo* shows that among these "places of memory" only the Risiera is commemorated by Triestine and National authorities. Hundreds of events take place in Italy in the week between 7 February and 14 February, but the official speeches only rarely mention the Risiera and never mention fascism. Only a few intellectuals and historians try to place *foibe* and *esodo* in a historical framework. All sides speak of reconciliation, but official speeches mostly indulge on placing Italy and the Italians exclusively on the victim's side.

The Day of Remembrance has become a day when people related

personally to the Italian refugees, and ideologically linked to their organizations or to those nationalist parties and associations who have always pushed this issue into the Triestine and Italian public opinion, meet. Nevertheless, leaders of these parties and of the refugee organizations in Italy, as well as the Italian minority leaders in Croatia and Slovenia, publicly promote this day as an occasion to remember not only the tragedies but all the Italians originally from Istria, Rijeka and Dalmatia, including those still living there (those who "remained," often publicly accused by some "exiles" of being "traitors"). Unfortunately, the Italian exclusive identity of the celebration limits any concrete possibility of common interaction in the celebration with Croatian and Slovene authorities and population.

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Conflict, Commemorations, and Changing Meanings: The Meštrović Pavilion as a Contested Site of Memory

The collapse of communism, the resurgence of multi-party politics (including extreme nationalism), and subsequently the brutal war accompanying Yugoslavia's disintegration all reawakened the ghosts of past conflicts in Croatia, specifically those tied to World War Two. Rather than "coming to terms with the past," the political elites in post-communist Croatia and the other Yugoslav successor states manipulated, distorted, and actively tapped into traumatic collective memories and contested histories for assuming power, which tragically contributed to a new cycle of war and ethnic cleansing in the Balkans. This chapter examines the polemics over the revision of the historical narrative during Croatia's transition from a single-party communist state to a multiparty democracy through the lens of the demonstrations organized to protest the removal of the Victims of Fascism Square from the capital's physical landscape and collective consciousness. The significance of the actual square and the building (the pavilion designed by Ivan Meštrović) at the center of the controversy, the cooption of a former com-

munist holiday (Victory over Fascism Day) to organize the protests against the Tuđman government, and the public debates over the (re)construction of Croatia's culture of memory all shed light on the broader issue of the challenges facing the countries of the former Yugoslavia in dealing with the past.

Key words: Croatia, sites of memory, commemorations, Tuđman

Introduction

On 10 December 1990, during a period of increasing ethnic tensions and internal political crises in the Socialist Federal Republic of Yugoslavia, Zagreb's city council changed the name of the Victims of Fascism Square (*Trg žrtava fašizma*) into the Square of Croatian Great Men (*Trg hrvatskih velikana*). This name change was merely one of numerous efforts by Franjo Tuđman's Croatian Democratic Union (HDZ – *Hrvatska demokratska zajednica*) government to revise the communist monopoly over the recent past and restore the marginalized symbols of Croatian political and cultural identity. Yet this particular name change prompted an immediate reaction, which one journalist noted was the "first open and public demonstration by the opposition since the elections [in the spring of 1990]."[177] The initial public outcry developed into an escalating series of demonstrations and counterdemonstrations over the course of the next decade whose significance extended beyond a debate over the words on street signs. The symbolic struggles over the Victims of Fascism Square and the annual commemorations held at this "site of memory" vividly illustrate the interaction between diametrically opposed narratives of the past and Croatian politics in the 1990s.

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177 *Danas*, 18 December 1990, p. 67.

The collapse of communism, the resurgence of multiparty politics (including extreme nationalism), and subsequently the brutal war accompanying Yugoslavia's disintegration all reawakened the ghosts of past conflicts in Croatia, specifically those tied to World War Two. Rather than "coming to terms with the past," the political elites in post-communist Croatia and the other Yugoslav successor states manipulated, distorted, and actively tapped into traumatic collective memories and contested histories for assuming power, which tragically contributed to a new cycle of war and ethnic cleansing in the Balkans. In Croatia, the debunking of myths related to the communist-led Partisan movement in effect rehabilitated, and to an extent legitimated, the fascist Ustaša regime, which had carried out genocidal policies against Serbs, Jews, Roma, and antifascist Croats during the short existence of the Independent State of Croatia (NDH – *Nezavisna Država Hrvatska*, 1941–1945). This was problematic not because the state was drawn into a debate between historians about World War Two, but because the newly elected Croatian government's position on the NDH legacy directly affected interethnic relations (i.e., Serb-Croat relations), the ability to integrate into the European Union, and attitudes towards creating a tolerant, modern, liberal democratic state.

This chapter examines the polemics over the revision of the historical narrative during Croatia's transition from a single-party communist state to a multiparty democracy through the lens of the demonstrations organized to protest the removal of the Victims of Fascism Square from the capital's physical landscape and collective consciousness. The significance of the actual square and the building (a pavilion designed by renowned sculptor Ivan Meštrović) at the center of the controversy, the cooption of a former communist holiday (Victory over Fascism Day) to organize the protests against the Tuđman government, and the public debates over the (re)construction of Croatia's culture of memory all shed light on the broader issue of the challenges facing the countries of the former Yugoslavia in dealing with the past. In other texts I have examined the role of World War Two symbols in Croatian politics (Pavlaković, 2008a) and the commemorative cul-

ture of World War Two since 1990 (Pavlaković, 2008b), but for the purposes of this work I am focusing on the shifting meanings of both place and time in constructing a completely new commemoration that functioned as a form of protest during a period of political flux.

2. Ex-Yugoslavia's culture of memory

Croatian ethnologist Dunja Rihtman-Auguštin (1926–2002) was a pioneer in examining the construction of Croatia's culture of memory during the period of transition from communism to democracy, and her work serves as the starting point for analyzing the events at the Victims of Fascism Square. As she notes in *Ulice moga grada*, a collection of essays about monuments, holidays, and symbols in Croatia since 1990, research on "invented traditions" or the regime's commemorative culture in communist Yugoslavia was limited because any questioning of official historical narratives was considered to be subversive (Rihtman-Auguštin, 2000: 12). Thus, many of the trends in Western history, anthropology, sociology and other fields on memory studies could not be applied in the former Yugoslavia and other East European countries until after the fall of communism. However, the turbulent events of the 1990s provided scholars in the region the opportunity to witness first-hand many of the processes that specialists in Western Europe, notably in France and Germany, had been writing about for decades. "Living in a time of transition," Rihtman-Auguštin observed, "we could sense that what we had previously identified as historical traditions were actually always selective traditions and that those chosen traditions were regularly idealized" (Rihtman-Auguštin, 2000: 11).

Her texts, many of them published in the early 1990s, record how the Tuđman government systematically created new symbols, holidays, and traditions, in addition to implementing the revised historical narratives through the transformation of public spaces. According to her, "national symbols played a key role in Croatian political iden-

tity since the spring of 1990 because they were limited or banned for nearly half a century" (Rihtman-Auguštin, 1992: 35), creating a rare opportunity to observe how the new Croatian state chose which symbols and which interpretations of history would become official. The demonstrations at the Victims of Fascism Square, described in detail below, illustrate the moment when the agenda of the new political elite crossed the boundary of what civil society, cautiously emerging in the period following the collapse of the communist authoritarian state, would accept as revisions to the collective, or social, memory of World War Two. Ultimately, as Rihtman-Auguštin concludes, the polemics over history are about political power: "power relations, and the struggle for power, whether we like it or not, continue to influence our opinions about the past and historical traditions just as much as our perceptions of contemporary events, including political rituals" (Rihtman-Auguštin, 2000: 9). It is not surprising that a number of the protestors involved in the demonstrations, such as former President Stjepan Mesić, went on to build political careers based on their opposition to Tuđman's policies, including the HDZ government's ambiguous position on Croatia's antifascist heritage.

Whereas as Rihtman-Auguštin's work sets the political and social context of the symbolic transition in Croatia, I will draw on the work of two other scholars to examine in more detail why and how the Victims of Fascism Square was chosen as the place from which to challenge the construction of a new culture of memory. French historian Pierre Nora's work on sites (or places) of memory (*lieux de mémoire*) provides a framework for understanding why a location such as the Victims of Fascism Square provoked the kind of reaction that it did, and why it was chosen to mobilize oppositional political rituals. Sites of memory are "various symbolic 'places' or cultural expressions of collective memory such as geographical regions, monuments, commemorative ceremonies, well-known personalities, political movements, professional institutions or social habits…[that] are the focal points of our national heritage" (Carrier, 2000: 39). Nora oversaw the publication of an influential seven-volume series on France's sites of

memory (re-published in three volumes in an English translation), which has subsequently inspired similar investigations in other countries and provides a methodological model for examining Croatian sites of memory such as Jasenovac, the fortress in Knin, the Croatian national hymn, and numerous other "sites" imbued with Croatian national identity (Nora, 1996–1998). Moreover, Nora remains critical of the role and use of history by nation-states, insisting that "history's goal and ambition is not to exalt but to annihilate what has in reality taken place" (Nora, 1989: 9).

Complementing Nora is Serbian sociologist Todor Kuljić's work on the culture of memory, which highlights the role of calendric rituals and public holidays in the construction of social memory. Kuljić argues that

> the calendar, as a collection of national holidays, represents a selective national collective past...holidays, as institutionalized dates of memory, draw attention to not only what we need to remember, but when and how to remember. New holidays symbolized a radical break with the past (Kuljić, 2006: 173–174).

In communist Yugoslavia, the regime's monopoly over historical narratives meant that the holidays which were celebrated were connected to key moments from the National Liberation War[178] or international worker holidays (such as May Day), while religious holidays were ignored and had to be celebrated in private (Hoepken, 1999: 196; Rihtman-Auguštin, 2000: 116). Tuđman's government, in addition to overseeing the ideological transformation of Croatia's streets and monuments, reshuffled the calendar and collection of national holidays; commemorations of Partisan and Ustaša victims were held side by side with Catholic holy days and red-letter days celebrating Croatian independence. This seemingly schizophrenic approach to the

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[178] The National Liberation War or National Liberation Struggle was how Yugoslav communists referred to World War Two and the subsequent communist revolution.

World War Two past was due to Tuđman's policy of "national recon-
ciliation," the idea that Croats should move past the Partisan-Ustaša
divisions and unite against the common enemy, i.e. Serbs (Pavlaković
2008a).

Whereas the Croatian government simply erased some World
War Two commemorations (11 November, Day of the Republic), it
transformed others to become more Croatian, such as the decision
to change Uprising Day (27 July) into Antifascist Struggle Day (22
June) in 1991 (Roksandić, 1995). Regarding the events at the Victims
of Fascism Square, the organizers of the demonstrations consciously
chose a communist-era holiday but imbued it with new meanings and
relevance for a democratic Croatia seeking EU integration. A society's
culture of memory is of great importance, since "memory more or
less consciously designates a unique group or collective relationship
towards events in the past, which individuals or groups use in order to
distinguish themselves from the Other and to build their own identity"
(Kuljić, 2006: 11). Moreover, as historian John R. Gillis adds, "just
as memory and identity support one another, they also sustain certain
subjective positions, social boundaries, and, of course, power" (Gillis,
1994: p. 4).

3. The Meštrović Pavilion as a site of memory

The Victims of Fascism Square and the circular art pavilion of
white stone that dominates its center is one of the most fascinating
sites of memory in Zagreb, as every regime and accompanying ideol-
ogy has sought to manipulate this physical space to legitimate itself.[179]
From its very conception, the pavilion and the square housing it had
"material, symbolic, and functional" characteristics "created by a play
of memory and history" that served an explicit political purpose, as
described below (Nora, 1989: 19). The presence of so many layers of

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179 For images of Meštrović's pavilion and the changes it has undergone, see the website of
HDLU at www.hdlu.hr/eng/mestrovic-pavilion/building-history/.

history and memory invested in this particular space is one reason why it was such a powerful symbol in the 1990s, when it was again placed at the service of a new political system.

In the 1930s, Croatia (divided between the Savska and Primorska *banovinas*) was part of royal Yugoslavia, a state in which parliamentary democracy had been replaced by the personal dictatorship of King Aleksandar Karađorđević. Although the liberalization of the political system was ultimately a goal of the banned parties in both Serbia and Croatia, the so-called "Croatian" or "national" question dominated domestic politics throughout the interwar period. Serbian hegemony and the centralizing politics of Belgrade's ruling elite, under the guise of Yugoslavism, threatened Croatian identity and suppressed attempts at granting Croatian lands autonomy or restructuring Yugoslavia into some kind of federal state. Yugoslav ideology was imposed not only politically, but culturally and, as Aleksandar Ignjatović has shown in his study of the construction of interwar Orthodox churches, architecturally: "one of the cultural practices from 1918 until 1941 which dominated the process of building Serbian national identity was the construction of Serbian Orthodox Church buildings throughout all of Yugoslavia, especially in those districts that after 'liberation and unification' were annexed to the former borders of the Kingdom of Serbia" (Ignjatović, 2007: 173). Statues of Serbian monarchs, such as the politicized raising of a statue of King Aleksandar on the main square in Udbina in 1937, likewise played an important role in demarcating political and ideological territory.

In 1932, the Zagreb city council approved a petition, which a number of influential citizens had initially proposed in 1927, to raise a statue in honor of King Peter I Karađorđević (1844–1921, known as the Liberator), the father of King Aleksandar and the Serbian monarch who oversaw the unification of Yugoslavia (Hruškovec, 1991: 12). The city chose Square N, on the edge of the urbanized center of Zagreb, as the site of the monument. They also picked Croatian sculptor Ivan Meštrović, already responsible for several famous Yugoslav monuments, to design it. However, the following year the committee

for the construction of the monument signed an agreement with the Croatian Society for Visual Arts to honor King Peter I with a building that would simultaneously serve as an exhibition space as well as a monument to the first king of Yugoslavia. Architects Harold Bilinić and Lavoslav Horvat designed the actual construction plans based on Meštrović's artistic vision. The document establishing the foundation overseeing the construction of Meštrović's house of visual arts, published on 15 December 1933, emphasized that the main purpose of the building was to serve as a memorial to King Peter I and to display "the work of Yugoslav artists" (reprinted in Hruškovec, 1991: 18). According to a 1934 issue of the journal *Svijet*, the building was supposed to feature "a carved relief – designed by Ivan Meštrović, the founder of this monumental building – depicting various events from King Peter's life prominently displayed as an external sign and worthy expression honoring the memory of the former king,"[180] although the final version of the building lacks any images or references to the Serbian king.

Thus the building and the square, which also bore the name King Peter I the Liberator, was intended from the very beginning to reinforce and symbolize the political system at the time, i.e., royal Yugoslavia ruled by the Karađorđević dynasty. Although the completion of the house of visual arts was delayed because of economic difficulties, the opening ceremony fell on a historically significant day: 1 December 1938, the twentieth anniversary of Yugoslavia's unification. The opening of the House of Visual Arts of King Peter I the Liberator was thus incorporated into the commemorations celebrating royal Yugoslavia's two decades of existence, although it was clear to most observers that the pomp of public rituals could hardly obscure the fact that the country faced serious internal political problems and crises. Archbishop of Zagreb Alojzije Stepinac, whose initial support of the fascist and pro-Nazi NDH regime continues to provoke polemics to this day, blessed the building and gave the first speech in front of

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180 *Svijet*, 12 May 1934, p. 1

numerous state and city officials.[181] Even though he did not mention the political purpose of the building – unlike all of the other speakers who emphasized its completion was "a symbol of Yugoslavism and a worthy monument to King Peter I" – Stepinac received a threatening letter signed by "Croatian nationalists" for his presence at the opening ceremony (Hasanbegović, 2007: 268). The Croatian Peasant Party (HSS – *Hrvatska seljačka stranka*), which had mobilized the Croatian people in opposition to the Belgrade regime, did not even mention the twentieth anniversary of unification or the opening of the house of visual arts in its mouthpiece *Hrvatski dnevnik*, a clear indication that it refused to recognize any symbols of the imposed Yugoslav identity which consequently erased the Croatian one. The HSS leadership's decision to ignore the structure dedicated to a Serbian monarch is not surprising, since "monuments and memorial plaques in the urban landscape contribute to the semiotic presence of the ruling ideology" (Rihtman-Auguštin, 2004: 180).

Despite the building's dual function as a monument to Yugoslav unity and an exhibition space for Yugoslav culture, the first art exhibition was "Half a Century of Croatian Art," which immediately undermined its intended purpose. Even Vladko Maček, president of the HSS, attended the exhibition opening on 18 December 1938, which historian Zlatko Hasanbegović notes was the building's "rehabilitation" in the eyes of the Yugoslav regime's critics (Hasanbegović, 2007: 268). But even that degree of symbolic resistance was not enough for more extreme nationalists such as Mile Budak, a leading Ustaša intellectual and subsequently the NDH Minister of Religion, Culture and Education. For him, "they" (the Serbian ruling class) had built the house of visual arts against the will of the Croatian people, "raising a defiant temple to their king in the heart of Croatia with our money" (Hasanbegović, 2007: 269). The Ustaša movement's rise to power and the creation of the NDH on 10 April 1941 portended radical changes for Meštrović's already controversial monument.

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181 *Jutarnji list*, 2 December 1938, p. 6.

Shortly after the destruction of royal Yugoslavia by Axis forces and the installation of the Ustaše in Zagreb, all references to King Peter I were dropped and the building became the Croatian House of Visual Arts, showcasing exclusively Croatian art, while the square was temporarily renamed Square III (*Trg III*). Yet this phase lasted only briefly, as the Ustaša leader, or *Poglavnik*, Ante Pavelić decided to hand over the structure to Zagreb's Islamic community for use as a mosque. Meštrović protested unsuccessfully, and the symbol of Yugoslavism was targeted to serve the interests of the new dominant ideology. In August 1941, the Croatian Society of Visual Artists was given three days to evacuate the building, and construction began soon afterwards to transform the interior into a fully functioning mosque and to erect three minarets (45 meters in height and made from white stone from the island of Brač) around the outside. The new Ustaša state had absorbed all of modern-day Bosnia-Herzegovina within its borders, and while the NDH's racial policies towards Serbs, Jews, and Roma resulted in the deaths of several hundreds of thousands of lives, the Muslim population was co-opted by the Ustaše; Bosnia's Muslims became Croats of Islamic faith considered to be the "flower of the Croatian nation."

Pavelić and the Ustaše had no qualms about using Meštrović's pavilion, located a short distance from Zagreb's main cathedral and seat of the Croatian Catholic Church, for their own narrow political interests, in other words justifying the annexation of Bosnia-Herzegovina and its population, of which only a minority had a developed sense of Croatian identity. Meanwhile, the regime carried out a brutal campaign of terror against its perceived ethnic and ideological opponents. A notorious Ustaša prison was established near Meštrović's building, where numerous communists and other enemies of the NDH were tortured and murdered, while the Gestapo occupied another building facing the square. In 1942, the Ustaša authorities changed the name of the square to Ban Kulin's Square (*Trg Kulina bana*) in honor of the late twelfth century Bosnian ruler, again symbolically tying this physical space to the regime's territorial pretensions. The NDH's perpetual

financial crises and inability to suppress a steadily growing resistance movement by the communist-led Partisans, especially in the difficult terrain of Bosnia, delayed the opening of the mosque, known as the Poglavnik's Mosque (*Poglavnikova džamija*), until 18 August 1944.[182]

By the time the mosque was opened, the future of the NDH was already in question and the ability of the Partisans to attack transportation routes prevented many invited guests from Sarajevo and other Bosnian cities to attend the ceremony in Zagreb. Tying the NDH's fate unconditionally to that of its Axis allies had disastrous consequences for the Croatian people and those who had supported the Ustaše, as the victorious communist forces exacted a bloody revenge against actual or suspected collaborators. Partisan troops marched into Zagreb on 8 May 1945, while battles with retreating NDH forces lasted until 15 May, when the main body of NDH soldiers and officers (along with Serbian and Montenegrin Četniks, Germans, Slovenian White Guards, and other Axis collaborationist forces) tried to unsuccessfully surrender to the British in the Austrian town of Bleiburg. Instead, the British insisted they surrender to the Partisans, as per agreements among the Allied leadership, and sent NDH soldiers who had previously surrendered back into Yugoslavia. This marked the beginning of the Way of the Cross (*Križni put*), the death marches into camps across Yugoslavia and mass liquidations without proper trials of tens of thousands of prisoners (Grahek Ravančić, 2009).

The victorious communist administration in Zagreb immediately embarked on a campaign to change the names of streets and squares deemed to be ideologically questionable. In 1946, Ban Kulin Square was changed to Victims of Fascism Square (*Trg žrtava fašizma*), in honor of those killed in the nearby Ustaša prison and more broadly all of the victims of the Ustaša regime. Debates over the fate of the mosque, however, lasted several years. Initially, the building continued to be used as a mosque by Muslim Partisan soldiers, but members

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182 This was the first mosque established in Zagreb, and after its closure Zagreb was without another Islamic place of worship until the opening of a mosque in 1987, which remains the only mosque in Croatia to this day.

of the Islamic community in Sarajevo and later in Zagreb began calling for the destruction of "Pavelić's minarets." On 16 March 1948, the organization "Muslims of the City of Zagreb" delivered a resolution to the city council, which demanded that "the three minarets around the art pavilion on Zagreb's Victims of Fascism Square be toppled, because they are a symbol of the bloody tyranny of the Ustaša regime, a mockery and a shame for us Muslims, and that a statue should be raised to commemorate the victims of fascism" (Hasanbegović, 2007: 431). Less than a month later, city authorities destroyed the minarets and began transforming the interior for the buildings new, yet equally ideological, role.

Following the decision to close Zagreb's mosque, the communist regime transformed Meštrović's pavilion into a museum of the communist revolution. The Peoples' Revolution Museum (after 1960 called the Revolution of the Peoples of Croatia Museum – *Muzej Revolucije naroda Hrvatske*) held its first exhibition in 1955, and in addition to the permanent collection on the history of the Yugoslav Communist Party and Partisans, there were thematic exhibitions and an archive of materials related to World War Two. In this sense the museum functioned as an archetypal *lieux de memoire*, since it was "concerned less with establishing the veracity of historical facts than with the ways in which the past is understood and appropriated within contemporary consciousness" (Carrier, 2000: 43). An institution such as a museum was an ideal vessel by which to construct the communist narrative of the past, along with public rituals, holidays, school curriculum, monuments, and all of the other components of the culture of memory discussed earlier. The brochure from the 1961 exhibit "Croatia in 1941" states in the introduction that

> this exhibit – lively, picturesque, and easily accessible – will enable our youth to become familiar with the most important events from the beginning of the National Liberation Struggle. By bringing these events to life, it will also be considerably easier for our educators in interpret-

> ing our revolution (*Hrvatska 1941. godine*, 1961: inside
> front cover).

Children, and the public at large, could be indoctrinated about the communist version of the past through the museum exhibits, as ultimately the regime's culture of memory about World War Two served to legitimate and perpetuate their monopoly on political power. Examples of other exhibits include "Forty Years of the Communist Party of Yugoslavia" (April–July 1959), "Testimonies about the Uprising in Croatia in 1941" (July 1981), and the "Fortieth Anniversary of the National Front" (July–August 1984), which filled Meštrović's gallery spaces with materials and images buttressing the one-sided view of the past.

The victory of Franjo Tuđman's HDZ in multiparty elections permitted by the regime in the spring of 1990 meant that Meštrović's pavilion would once again be targeted for an ideological face lift. The new HDZ administration in Zagreb quickly shut down the museum and its communist version of the past, and the pavilion was renamed the Pantheon of Croatian Great Men (*Panteon hrvatskih velikana*). There were rumors that the building would be used to house a Croatian history museum or even that Tuđman had considered making it his mausoleum, but the war conditions and lack of funding meant that those plans were shelved. In the meantime, the Croatian Society of Visual Artists had petitioned to return to Meštrović's pavilion, especially since they had been physically removed from their erstwhile home in Starčević's House by the Croatian Party of Rights (HSP – *Hrvatska stranka prava*). In 1993, they moved back into the pavilion and the name was restored to the Home of the Croatian Society of Visual Artists. Restoration work on the building did not begin until 2001, but by 2003 the building once again functioned as an exhibition space, finally stripped of all ideological connotations. Interestingly, Zagreb residents still refer to the building as *džamija*, or mosque, a testament to the persistence of social memory despite all of the other transformations the building has undergone.

The debate over the name of the square, however, was not resolved so easily. As mentioned in the introduction, the Victims of Fascism Square was one of the toponyms in Zagreb the new HDZ authorities decided to replace in 1990. According to a poll conducted by the weekly *Danas* in October 1990, Zagreb's citizens supported many of the name changes. For example, 90 percent supported changing Socialist Revolution Street into King Zvonimir Street, 88 percent supported changing Brotherhood and Unity Square into Preradović Square, 85 percent supported renaming Lenin Square into Peter Krešimir Square, and 74 percent wanted Zagreb's main square to be Ban Jelačić Square and not the communist-era Square of the Republic.[183] Of the thirteen street and square name changes listed in the poll, only the renaming of Victims of Fascism Square to Square of Croatian Great Men resulted in more negative than positive responses (57 percent opposed the name change, while 43 percent supported it). The symbolism of this square was more powerful than many of the others, and changing its name was not simply the removal of communist ideology from public spaces, but a warning sign of radical historical revisionism and resurgent nationalism that contributed to the brutal ethnic conflict about to engulf Croatia. Thus, the elements of Croatian society who were against an intolerant and authoritarian state chose to make their stand in front of the Meštrović pavilion, a turbulent site of memory which could be used not only by the authorities, but by the opposition.

4. Constructing the commemorative calendar: Victory over Fascism Day

In addition to removing the communist legacy from the physical landscape in the 1990s, the HDZ government revised the collection of holidays and public commemorations. The revised calendar was a schizophrenic mix of old Partisan holidays, formerly taboo dates asso-

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183 *Danas*, 9 October 1990, p. 68. These names were the old ones that the communist regime changed after 1945.

ciated with the Ustaša movement, revitalized religious red-letter days, and new commemorations associated with the Homeland War. Some commemorations were given new meanings, while others completely disappeared. By the 1980s, Victory over Fascism Day (9 May – *Dan pobjede*) was one of those holidays which had become an empty ritualized performance whose only function was to prop up the stagnant communist system. Yet the growing number of citizens who gathered in front of Meštrović's pavilion breathed new life and meaning into this commemoration.

Whereas Western Europe celebrated Victory Day on 8 May (that is, the date Nazi Germany surrendered), the Soviet Union and other former communist countries in Europe commemorated it one day later (it was 9 May in Moscow when Germany capitulated). After 1965, this was also the case in communist Yugoslavia and in the Yugoslav successor states. From 1952 until 1965, Yugoslavia celebrated 15 May as Victory Day, rather than 9 May, because of the split with Stalin and the Soviet Union (Milošević, 1987: 111). The later date was chosen because the battles with the retreating NDH forces lasted until the final surrender at Bleiburg, but improved relations with the Soviet Union led to the restoration of 9 May as the official holiday (Bondžić, 2006: 203–219). The Yugoslav authorities' constant adjustment to the dates of holidays depending on the current political situation, and consequently the ideologized interpretation of the past, corroborates with Kuljić's conclusion that "the calendar, therefore, is a symbolic expression of invented history" (Kuljić, 2006: 172).

Like the other holidays commemorating World War Two, 9 May served primarily to give legitimacy to the Yugoslav leadership and communist party, reinforce Tito's cult of personality, and confirm the role of the Yugoslav People's Army as the guardian of Yugoslav unity. Massive military parades characterized Victory Day in the 1950s, but by the 1960s the parades were held only every ten years – in 1965, 1975, and 1985. The main military parades were held in Belgrade, under the watchful eyes of Marshal Tito and the Party leadership, while political speeches and manifestations evoking the heroic victory of the

Partisans were organized across Yugoslavia.

In 1975, newspapers reported on an impressive column of military vehicles, World War Two veterans, and members of the armed forces ten kilometers long parading past the parliament (*Skupština*) in Belgrade. *Vjesnik* mentioned "several hundred thousand citizens from all over the country came to see our young men and women, who certainly guarantee a bright future for Yugoslavia, to see battle-hardened veterans as they march one more time in formation in front of their supreme commander, to see the new developments and new weapons of our army, and the endless number of soldiers, territorial defense forces, and wartime flags of the proletarian units from the National Liberation War."[184] *Novi list* featured an enormous photograph of Tito under the headline "The Victory for Peace and Progress."[185] An article about Zagreb, "the city of heroes," emphasized that "by following Tito's path, Zagreb became a strong fortress of the communist movement and source of revolutionary cadres and soldiers,"[186] where the Ustaše met a determined resistance from the very moment the NDH was declared.

In contrast to the victorious tone of the 1975 celebrations, ten years later it was possible to sense that the regime's legitimacy was increasingly tenuous, and that the military parade was not so much a celebration as it was a warning to those who dared to challenge the stagnant political system. After the death of Tito in 1980 and the subsequent socio-economic crisis that increasingly destabilized Yugoslavia, the once epic commemorations of World War Two and the heroes of the National Liberation Struggle lost their significance, and not only because there were fewer veterans still alive each year; the ideology of the regime was clearly unraveling and being replaced by resurgent nationalisms.[187] Noted publicist Slavko Goldstein recalled that eventually

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184 *Vjesnik*, 12 May 1975, p. 1.

185 *Novi list*, 9 May 1975, p. 1.

186 *Novi list*, 9 May 1975, p. 7.

187 Jure Galić, president of the Association of Antifascists of Bosnia-Herzegovina, admitted that attendance at World War Two commemorations rapidly decreased after Tito no longer attended them. Interview by author with Galić in Sarajevo, 2 August 2007.

> [t]he commemorations of heroes turned into routine,
> everyday events, boring and tiresome just like any other
> imposed routine, while children had to repeat pathetic,
> formulaic stories about these heroes for their homework
> assignments. And just as every inflation leads to devalu-
> ation, the inflation of these heroes ultimately led to their
> devaluation (Goldstein, 2007: 278).

Although the commemorations were equally as politicized as be-
fore, by the mid-1980s they exclusively served Tito's successors as
a desperate attempt to preserve the status quo; gone was the genu-
ine revolutionary zeal and belief in the Yugoslav socialist experiment
in the face of the complete socio-economic and political implosion
of the system. Furthermore, the regime's monopoly over the media
meant that representations of the commemorations and holidays were
tightly controlled and intended to deliver a unified message. The lead-
ers of the Yugoslav successor states, notably Tuđman and Slobodan
Milošević, had likewise attempted to exert control over the media, but
they were never able to completely suppress dissenting voices that
challenged the political rituals of the ruling class.

For the fortieth anniversary of Victory Day in 1985, the front page
of *Novi list* carried an article that admitted the economic situation had
affected the planning of the parade, but nevertheless "the Yugoslav
public could see that the parade was well organized, that it had main-
tained the unity of the Yugoslav armed forces, that it had reaffirmed
the harmony of the people and the armed forces, and that it showed
not only the Yugoslav public but the entire world that the Yugoslav
military was ready at any moment to defend the borders of the coun-
try with technology made for the most part by our workers in our
worker collectives."[188] The parade of tanks, referred to as the "column
of peace," was definitely more menacing, and directed at internal and
external enemies, than ever before. A speech given on Victory Day by
the commander of the garrison in Rijeka made clear that the "Yugo-

188 *Novi list,* 10 May 1985, p. 1.

slav People's Army is still the army of the working class, the army of brotherhood and unity, and the creator of stability in our society."[189] Reporting on the commemoration in Zagreb, *Vjesnik* announced in large headlines that the country remained "Faithful to Tito's Deeds" and that the "victory was eternal."[190] Regardless of the glory of the commemorations or assured tones of the political speeches, Yugoslavia was rapidly unraveling, and six years later the army of brotherhood and unity would be instrumentalized by Serbian nationalists to wage brutal wars against Slovenia, Croatia, and Bosnia-Herzegovina.

By the 1990s, Victory Day had thus come to represent merely one more date on the calendar that had been used to promote militarism and glorify one of the pillars of Yugoslav communism. Not surprisingly, neither the Tuđman administration nor average citizens had much sympathy or understanding for a commemoration that in reality had great significance for the modern political order in postwar Europe, founded upon the Allied victory in World War Two. In fact, while 8 May was Victory Day, 9 May in Western Europe was celebrated as Europe Day in order to commemorate the initial moves at creating what is now the European Union.[191] It was precisely the overlap of these two commemorations in Croatia, Victory Day and Europe Day, which convinced the citizens protesting the HDZ's attack on the antifascist legacy to choose 9 May as the date to demonstrate at one of Zagreb's key sites of memory.[192]

5. Civil society resists!: The Committee for the Square

As mentioned earlier, no other changes to street names or the commemorative calendar in the 1990s provoked such a vigorous re-

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189 *Novi list*, 10 May 1985, p. 2.

190 *Vjesnik*, 9 May 1985, p. 1.

191 At the Milan Summit in 1985, EU leaders decided to celebrate 9 May as Europe Day to commemorate French Foreign Minister Robert Schuman's call for creating a European federation on 9 May 1950.

192 Interview by author with Zoran Pusić, Zagreb, 21 April 2009.

action as the decision to rename the Victims of Fascism Square into the Square of Croatian Great Men.[193] Ethnologist Rihtman-Auguštin observed that this decision "not only symbolized the return of Croatian historical symbols, but the giving up of reverence for the victims of the antifascist struggle" (Rihtman-Auguštin, 1992: 38). For Slavko Goldstein this event was even more foreboding, as it, in his opinion, "symbolically marked the beginning of the neo-Ustaša offensive."[194] Politician Vesna Pusić argued in an article in *Vjesnik* that the name change "was a political decision to renounce the antifascist identity of Croats…which is absurd, because the only identity with which Croats need to exist is based on antifascism."[195]

The changing of the Victims of Fascism Square's name in December 1990 prompted an immediate response from Croatian intellectuals, over one hundred of whom signed an open letter of protest the same day the decision was announced. Many journalists sharply criticized the decision, calling the new name "a mockery and a monument to the cynicism, tactlessness, and lack of culture of the new government."[196] An apparently disgruntled individual even hung a sign with the name "Square of the Croatian Dwarves" under the newly minted and controversial plaques. A few weeks after the Zagreb city council announced its decision, human rights activist Zoran Pusić founded the Committee for Returning the Name to Victims of Fascism Square. For him, "the name is a symbol…we were determinedly against the ideology that led to fascist victims, and at that time certain politicians holding key positions in the government issued statements which did not differ much from Ustaša ideology."[197] It was this Committee, an example of one of the earliest organizations to emerge from Croatia's post-com-

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193 An early proposal for the name of the square was the Square of Croatian Rulers (*Trg hrvatskih vladara*), since many of the streets branching out from the square carried the names of Croatian kings after 1990.

194 *Feral Tribune*, 17 May 1999, online version at www.feral.hr/arhiva/tmp/1999/713/fas1.html.

195 *Vjesnik*, 23 February 2000, p. 3.

196 *Danas*, 18 December 1990, p. 67.

197 Interview by author with Zoran Pusić, Zagreb, 21 April 2009.

munist nascent civil society sector, that became the hub coordinating the annual demonstrations in front of Meštrović's pavilion. Tuđman called the protesters "dilettantes and exhibitionists," and added that "in addition to that square [of Croatian Great Men], it is necessary to establish an even bigger square – Victims of Communism Square,"[198] stoking the public debate over which regime, fascist or communist, generated more victims.

Yet every year, in growing numbers, individuals protesting the degradation of Croatia's antifascist movement gathered in the square, demanding the return of its former name and demonstrating against ethnic intolerance, hatred, and Tuđman's increasing authoritarianism. When asked why he founded the Committee for the Square, Pusić emphasized

> we didn't organize because of some nostalgia for the past, but because of fear for the future!! It was a public call for a Croatia which needed to be an open democratic society, where people would be citizens and not just the masses and subjects…we were against the idea of a Croatia from the nineteenth century, a closed, chauvinistic and xenophobic state owned by two hundred families.[199]

A commemoration which had become routine in the 1980s once again had meaning and sparked a new generation to become politically engaged. The renewed commemorations of Victory Day were regularly attended by opposition politicians, representatives of antifascist organizations, human rights groups, and prominent Croatian intellectuals.

The protests held at the symbolic square on the significant date of 9 May had three main functions: firstly, to criticize and challenge HDZ rule in the 1990s; secondly, to present a pro-European (EU) political platform; and finally, to condemn the rehabilitation of the Ustaše and

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198 *Vjesnik*, 23 February 2000, p. 3.

199 Interview by author with Zoran Pusić, Zagreb, 21 April 2009.

use of Ustaša symbols, i.e., the revisionism of Croatia's World War Two culture of memory. The collapse of the communist monopoly over the past had created opportunities for a plurality of group collective memories to challenge the (new) official narratives. While supporters of the pro-Ustaša HSP commemorated 10 April by calling for the restoration of the NDH, antifascists rejuvenated 9 May as a legitimate memorial day. In a rally at the pavilion in 1993, veteran Croatian politician Miko Tripalo told the crowd of approximately two thousand that "it is not possible to join Europe with Pavelić and the Ustaše, but only with the Partisans and antifascism."[200]

Even though Tuđman had embedded Croatia's antifascist tradition into the constitution, his goal of "national reconciliation" in effect meant that antifascist commemorations were ignored and Ustaša ones tacitly tolerated (Pavlaković, 2008a: 179–186). As an actual head of state who had fought on the side of antifascist forces in World War Two, it was an embarrassment for Croatia that the internationally celebrated Victory Day was not officially commemorated in the mid-1990s. In 1994, the League of Antifascist Fighters of Croatia (SABH – *Savez antifašističkih boraca Hrvatske*) and the Association of Croatian War Veterans organized the laying of wreaths at Zagreb's main cemetery due to the lack of any official events.[201] The following day at the Square of Croatian Great Men, the president of the Croatian Helsinki Committee, Ivan Zvonimir Čičak, "warned the citizens of Zagreb about the intensifying fascist and racist tendencies in the country and called on all Croatian citizens to resist this trend."[202] The erstwhile leader of Zagreb's Jewish community, Ognjen Kraus, added that "Croatia existed as a sovereign state thanks to antifascism," while opposition politician Silvije Degen sharply criticized Tuđman's decision to adopt the *kuna*, the monetary unit used during the NDH, as the official Croatian currency.[203]

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200 *Vjesnik*, 10 May 1993, p. 20; *Novi list*, 10 May 1993, p. 28.

201 *Večernji list*, 9 May 1994, p. 4.

202 *Novi list*, 10 May 1994, p. 32.

203 *Vjesnik*, 10 May 1994, p. 2.

The relentless criticism from the domestic opposition, which included the annual commemorations in support of the Victims of Fascism Square, and pressure from the international community forced Tuđman to finally address the issue of the Ustaša rehabilitation in 1997. A scandal broke out when the HSP used the fifty-seventh anniversary of the founding of the NDH on 10 April 1997 to campaign for local elections, prompting the *New York Times* to chastise Croatia for its "dangerous extremism."[204] The newspaper's correspondent noted the HSP openly used Ustaša iconography during its rally in Split, and interviewed the editor of the independent weekly *Feral Tribune*, who revealed that "these neo-fascist groups, protected by the state, are ready to use violence against their critics."[205] HSP leaders issued a statement that the *New York Times* article "had nothing to do with the truth," yet bizarrely admitted that if "fighting for a Croatian state and opposing the return of Serbian butchers who voluntarily left Croatia means being an Ustaša, then we are Ustaše."[206] The article incident was followed by a report that the Jewish graveyard in Karlovac was defaced with swastikas and Nazi slogans, seemingly confirming the trend of right-wing extremism.[207]

These events prompted the leadership of the HDZ to issue a statement denying the rehabilitation of fascism in Croatia, as well as distancing the party from the HSP, with which they had formed coalitions on the local level.[208] The Croatian ambassador to the United States at that time, Miomir Žužul, issued a sharp letter of protest to the editors of the *New York Times*, insisting that "neither the Croatian government, nor the ruling party, nor President Franjo Tuđman support the symbols or ideology of the Croatian state from the World War Two

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204 *New York Times*, 28 April 1997, p. 14.

205 *New York Times*, 12 April 1997, p. 3.

206 *Novi list*, 6 May 1997, p. 4.

207 *Novi list*, 2 May 1997, p. 4.

208 *Novi list*, 2 May 1997, p. 5. Dobroslav Paraga, himself a former president of the HSP, accused Tuđman of "directly sponsoring neo-fascism in Croatia," and also alleged, as did many others in the opposition, that the "ties between the HSP and the HDZ are obvious." *Novi list*, 3 May 1997, p. 4.

era."[209] Tuđman also sent Hrvoje Šarinić, one of his closest associates, to lay a wreath at the Altar of the Homeland on Victory Day, officially commemorating this date after ignoring it for years. Yet the organizers of the demonstrations at the Meštrović pavilion remained adamant in their continued criticism of the hypocritical attitude towards antifascism in Tuđman's Croatia. On the one hand, the HDZ continuously insisted that it respected the antifascist legacy, conscious of international scrutiny. On the other hand, the government's actions rarely lived up to its words. At a press conference before the Victory Day demonstration in 1997, Ivan Fumić of SABH told reporters that in addition to demanding the return of the square's old name, the protesters wanted to "draw attention to the glorification of fascism in Croatia, in particular among the right-wing of the ruling party."[210] In front of the pavilion's white columns, Zoran Pusić reiterated the importance of standing up against the rehabilitation of the Ustaše, insisting that "it is important to choose the right path – and that is one that leads to a modern liberal democracy."[211]

International and domestic pressure continued to positively influence the government's willingness to come to terms with Croatia's past, albeit slowly. In August 1997, Croatia officially apologized to the Jewish people for the crimes committed by the NDH, which opened the path for full diplomatic relations between Croatia and Israel.[212] Šarinić, who had led the secret talks with Israeli representatives in Budapest, issued the apology personally, although he also insisted that "from the beginning the Croatian government did not flirt with the idea of an Ustaša state or the Ustaše as a movement."[213] A prominent political analyst commended the move as "the first time official Croatia abolished the NDH and Ustaša ideas as a part of the *acceptable* history of the Croatian people," while historian Ivo Goldstein noted that Croa-

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209 *Novi list*, 12 May 1997, p. 2.

210 *Novi list*, 8 May 1997, p. 12.

211 *Novi list*, 11 May 1997, p. 3.

212 *New York Times*, 23 August 1997, p. 14.

213 *Globus*, 29 August 1997, p. 6.

tia still needed considerably more "de-Ustašization" in order to join the civilized European world.[214] The arrival of Israel's first ambassador to Croatia in April 1998 prompted Tuđman to once again publicly speak out against the NDH. He insisted that "the Croatian public, both during World War Two and today, as well as the government and me personally, condemn the crimes committed by the Ustaša government not only against Jews, but against democratic Croats and members of other nationalities in the NDH."[215] Shortly afterwards, Dinko Šakić, a former commander of the notorious Jasenovac death camp, was extradited to Croatia from Argentina, put on trial, and sentenced to twenty years in prison in October 1999 (Ivančić, 2000). Ephraim Zuroff, director of the Israeli branch of the Simon Wiesenthal Center, stated that Šakić's trial "remains the most successful trial of its kind and the trial which has had the greatest impact on Holocaust consciousness in the post-Communist world."[216]

Despite the cosmetic changes undertaken by Tuđman, he refused to return the old name of Victims of Fascism Square. The annual demonstration became the leading forum for Croatian intellectuals and opposition politicians to denounce Tuđman's hypocrisy. Moreover, it began to attract rival protesters from the extreme right, who many believed were tacitly encouraged by the government. In May 1997, approximately fifty individuals shouted fascist slogans during the speeches in front of the pavilion.[217] While similar disruptions were attempted the following year (one pro-fascist demonstrator climbed onto the stage and ripped down the EU flag), in May 1999 violence actually erupted at the Victory Day commemoration, vividly illustrating how deeply

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214 *Globus*, 29 August 1997, pp. 8, 10. A poll conducted by *Globus* found that 68.4 percent of respondents supported the official Croatian apology for crimes against Jews during the NDH, while 15.2 percent were opposed.

215 *Novi list*, 23 April 1998, p. 4.

216 Simon Wiesenthal Center press release, 23 July 2008, online at http://www.wiesenthal. com/site/apps/s/content.asp?c=lsKWLbPJLnF&b=4442915&ct=5849001, accessed 10 August 2009. While Tuđman had been willing to push for the extradition and trial of Šakić, he had also named a former Ustaša the ambassador to Argentina, revealing his ambiguous stance towards the NDH.

217 *Novi list*, 11 May 1997, p. 3.

divided Croatia was over its World War Two past.

In the weeks leading up to Victory Day, tensions were high as the openly fascist New Croatian Right (*Nova Hrvatska Desnica*) of Mladen Schwartz called on "all right-wingers, conservatives, rightists [*pravaši*], state-forming nationalists, and Croatian patriots to not forget their duty to the Homeland" and come disrupt the commemoration.[218] Pusić issued a plea for calm and peace, once again arguing that "the fundamental message of the gathering is not reminiscence for past events, but rather to send a signal to young people that there exist ideas which lead towards crimes."[219] By 1999, Tuđman's autocratic tendencies were at their peak; he fervently denounced civil society organizations, human rights groups, and the independent media as Western agents and domestic traitors. However, rather than overtly quashing the demonstration at the pavilion, Tuđman tolerated the behavior of the radical right, including its use of hate speech and physical force.

On 9 May 1999, even before the commemoration began, a group of youths attacked Zoran Pusić (knocking out one of his teeth) and Srđan Dvornik, a member of the Croatian Helsinki Committee.[220] One eyewitness recalled the frightening appearance of the neo-Ustaša group that gathered across from the antifascist demonstrators:

> It was as if they had emerged from some lair, I had not really seen them in Zagreb before. Skinheads, fascists, Ustaše – they were yelling Ustaša slogans and raising their arms in the fascist salute.[221]

As the organizers once again issued their call for the return of the Victims of Fascism Square, the mass of rightists dressed in black threw stones, flares, eggs, and tear gas at the peaceful commemora-

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218 *Novi list*, 7 May 1999, p. 6. Schwartz issued his call against "the red bandits" in the print media and on his regular television program on the OTV channel.

219 *Novi list*, 7 May 1999, p. 6.

220 *Novi list*, 10 May 1999, p. 2.

221 Interview by author with Jasmin Hutinović, 10 August 2009, Zagreb, Croatia.

tion, bloodying activist Zoran Oštrić and an elderly woman. The vice president of the oppositional Croatian Peoples Party, Vesna Pusić, was punched in the face, and Stjepan Mesić, who subsequently became Croatia's president, was attacked with a flag pole.[222] Ognjen Kraus, representing Zagreb's Jewish community which had nearly been exterminated during the NDH, emphasized that the violence was "a warning and a call that we must resist this behavior, not only because of the horrific past experience with Nazism, fascism, and the Ustaše, but primarily because of our future."[223]

In the days after the bloodshed at the square, the organizers blamed not only the extremists who physically carried out the attack, but the inaction of the police in stopping the violence, and by extension Tuđman's government, which had created the atmosphere permitting this kind of outcome. Vesna Pusić told reporters that any "normal police" would have immediately stopped the openly fascist behavior and use of fascist symbols of the counter-demonstrators, but "our police did not do that – not because they are incompetent, but rather because those were their orders. That is the only possible explanation."[224] Mesić was even more direct, insisting that "the police defended the agitators who were brought there for a trial run, to see if there would be civilian casualties…this tragically organized provocation was directed from the top of the HDZ."[225] The organizers had arranged for plenty of police to secure the square during the commemoration because of the previously mentioned threats and increasing tension of the past two years, but all media reports and eyewitness accounts seem to confirm

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222 *Novi list*, 10 May 1999, p. 2. Newspapers reported that Mesić, who had angered Croatian nationalists for his testimony in The Hague in 1998, had been hit in what was characterized as an assassination attempt, whereas one eyewitness recounted that Mesić had actually managed to grapple the flag pole away from his attacker and subsequently fell during the ensuing scuffle. Interview by author with Jasmin Hutinović, 10 August 2009, Zagreb, Croatia.

223 *Novi list*, 12 May 1999, p. 4.

224 *Novi list*, 11 May 1999, p. 3.

225 *Novi list*, 12 May 1999, p. 3. Mesić was also critical of the Catholic Church in Croatia, which did not issue a statement even though the right-wing demonstrators carried images of controversial Archbishop Alojzije Stepinac, and were joined by Vjekoslav Lasić, a priest known for holding Mass in honor of Ante Pavelić.

that the police officers did not immediately react to the attacks against the peaceful demonstrators.[226]

The international community likewise reacted to the violence. Mary Robinson, the United Nations High Commissioner for Human Rights, criticized Croatia for "not having the political will to build a culture of human rights, reconciliation, a high level of tolerance and respect for democratic standards," and added that "the police failed in their duty to care for the security of the demonstrators."[227] The Simon Wiesenthal Center in Jerusalem issued a statement that the clash over the square "was a product of the Croatian government's tolerance of right-wing extremists, who glorify the country's Ustaša past and dream of a fascist future."[228] Ambassadors from Western governments criticized the government's handling of the event and the lack of coverage on state television.

The HDZ, and the groups involved in the clashes that identified themselves as "anticommunists," tried to play down the significance of the events in front of Meštrović's pavilion. The president of Zagreb's city council, Zlatko Canjuga, blamed Mesić and other opposition politicians for "amassing a crowd, provoking the events, and then fleeing from the scene."[229] At a press conference, the HDZ's spokesperson condemned the extremism of Schwartz's followers, but characterized the events "as a clash between two ideologically opposed and insignificant political groups."[230] He also vehemently denied that the HDZ was behind the provocation or that the government did not support antifascism. Zvonimir Trusić, the president of a veterans' organization in Zagreb, told the press that he believed "nothing of any significance happened at the Square of Croatian Great Men," adding that the veterans were angry at the perceived tarnishing of the dignity of the Homeland War: "the blood that was spilled for this country is sacred

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226 *Vjesnik*, 11 May 1999, p. 3.

227 *Novi list*, 12 May 1999, p. 2.

228 *Novi list*, 12 May 1999, p. 4.

229 *Novi list*, 11 May 1999, p. 3.

230 *Novi list*, 15 May 1999, p.4.

and cannot be trampled by anybody, which is why we come every year to these gatherings."[231] For the right-wing, therefore, the struggle over the past had considerable significance for the contemporary political situation. The HSP's president, Anto Đapić, also dismissed the violent clashes as "a minor incident," and lashed out at foreign diplomats who criticized the violence at the square yet did not speak out against the celebration of Tito in Kumrovec.[232]

The media's coverage of the demonstration also revealed how Tuđman intended to sweep it under the carpet. State television, HTV, initially did not even report on the disturbances. In fact, for years the print and electronic media had generally ignored the annual commemoration, seeing as it directed criticism at the government and served as a gathering place for opposition politicians.[233] When HTV and other media close to the government did finally report on the events, they repeated the allegation that the attack by neo-Ustaše against a peaceful antifascist commemoration was "a fight between two groups of marginal extremists."[234] *Novi list* was one of the rare newspapers to regularly carry articles about the demonstrations, and although it was close to the left-wing opposition (and should thus be viewed critically in regards to its political opinions), it always maintained a high level of journalism, was respected internationally, and exemplified independent media in Tuđman's Croatia. Polemics about the role of the media in Croatian society paralleled those about democratic values; as Zrinjka Peruško has argued, "the state-building paradigm expected the media to contribute to order, unity, and national cohesion, while the pluralist paradigm expected them to enable freedom, plurality of ideas, political options, and tolerance" (Peruško, 2007: 232).

Despite the pressure against the opposition and media critical of the government, the escalating tensions at events such as the Victims of Fascism Square demonstrations merely gave Croatia's nascent civil

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231 *Vjesnik*, 11 May 1999, p. 3.

232 *Novi list*, 15 May 1999, p. 5.

233 Interview by author with Zoran Pusić, 21 April 2009, Zagreb, Croatia.

234 *Novi list*, 15 May 1999, p. 5.

society more reasons to demand a change. By the end of the 1990s Croatian society, no longer facing an external "enemy" but confronted with difficult socio-economic problems, remained extremely polarized, which historian Ivo Goldstein characterized as a "confrontation between a nationalist, conservative, and religious bloc on one side, and a cosmopolitan, modern, and secular bloc on the other" (Goldstein, 2008: 816). The victory of a leftist coalition in parliamentary elections in early 2000 confirmed that the majority of Croats also wanted a change. Tuđman's death in December 1999 removed the figure who had tolerated the rehabilitation of the Ustaše in the name of national reconciliation. Many of the politicians who had participated in the demonstrations, such as Vesna Pusić, Ivan Jakovčić, Milan Bandić, and Stjepan Mesić (who won in the presidential elections also held in early 2000) continue to play active roles in politics to this day, many of them still emphasizing the antifascist platform expressed during those years as "marginal extremists."

Although many in Zagreb hoped the victory of the Social Democratic Party and its coalition partners meant the Victims of Fascism Square would be immediately restored, by May 2000 the HDZ-era name remained and the Committee for the Square once again organized a demonstration. Nevertheless, the political atmosphere had changed considerably since the previous year, as the new president made commemorating and honoring Croatia's contribution to the antifascist struggle one of the key elements of his mandate. Mesić became the first Croatian president to attend the official Victory Day commemoration, held in Zagreb's Lisinski Hall, where he received a standing ovation and more applause then at the mention of Tito's name.[235] He did not show up the following day at the pavilion as announced, but a raucous group of right-wing counter demonstrators tried to once again disrupt the commemoration, hurling eggs and insults at the antifascists, flashing fascist salutes, and carrying pictures of Ante Pavelić.[236]

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235 *Novi list*, 9 May 2000, p. 3.

236 *Novi list*, 10 May 2000, p. 3; and *Vjesnik*, 10 May 2000, online at www.vjesnik.hr/html/2000/05/10/Clanak.asp?r=unu&c=1, accessed 22 April 2009.

This time the police reacted quickly, arresting twenty-two people and preventing the bloodshed of the previous year. Unfortunately, the police was indiscriminate in who they arrested; one eyewitness, who was among those rounded up at the commemoration, observed police officers beating peaceful protesters who had been grabbed off the streets by police in civilian clothes.[237] Clearly the institutions which had upheld Tuđman's vision of Croatia remained in place after his death. The organizers, as it turns out for the last time, used the commemoration to call for a Croatia oriented towards the values of the EU in addition to demanding the old name of the square, and the events once again demonstrated that Croatia's civil society still faced many challenges.

In the fall of 2000, the news that the Zagreb city council would vote on restoring the name to this symbolic place provoked a final round of polemics. A small group of protesters arguing that the Square of Croatian Great Men represented the sacrifice of all Croatian soldiers during the Homeland War gathered in front of the city council when the issue was placed on the agenda, but had little chance of influencing the decision by the new leftist coalition in power.[238] On 21 December 2000, almost exactly ten years after the name was changed, Zagreb once again had a Victims of Fascism Square. Angry HDZ council members called the move "cultural genocide carried out in the name of ideology."[239] But it was merely one of many important decisions taken to restore the antifascist legacy in Croatia after the turbulent 1990s, and coincided with the shift towards greater Euro-Atlantic integration of the post-Tuđman era. Sensitive that the Square of Croatian Great Men had achieved its own symbolic status, the city council did not simply erase this name, but as a compromise shifted it to another (also historic) square several hundred meters away from Meštrović's pavilion.[240]

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237 Interview by author with Saša Šimpraga, 20 August 2009, Zagreb, Croatia.

238 *Vjesnik*, 24 October 2000, p. 9.

239 *Novi list*, 21 December 2000, p. 15.

240 Stock Market Square (*Trg burze*) became the Square of Croatian Great Men in 2000.

6. Conclusion

The restoration of the Victims of Fascism Square and the use of Meštrović's pavilion as an exhibition space seem to have brought an end to its active use as a site of memory, certainly compared to the previous fifty years. The name, of course, is a lasting memorial to those who suffered under the hands of the Ustaša regime, but after 2000 there was no longer a need to hold separate commemorative events on 9 May. The Croatian government actively began to celebrate Victory over Fascism Day, and to reinforce the Croatian aspect of the antifascist struggle, commemorated it (and Europe Day) along with the anniversary of the third ZAVNOH (State Antifascist Council of the National Liberation of Croatia) session held in Topusko. As the highest governing organ of Croatia's antifascist movement, ZAVNOH established the basis of the Croatian federal unit in communist Yugoslavia and laid the groundwork for Croatian independence in the 1990s. At the commemoration in Topusko in 2009, Luka Bebić (the Speaker of the Parliament and a HDZ deputy), emphasized that Croatian state continuity was derived from the antifascist struggle, and not the NDH:

> The NDH, with its undemocratic methods and reliance on terror, created a discontinuity and left a dark stain on the centuries-old democratic history of Croatian statehood. Because of their spirit of freedom, the Croatian people resisted terror and occupation, and gathered around the antifascist movement to begin their struggle for liberation.[241]

Both the coalition government and the HDZ government after 2003 realized that nurturing the antifascist tradition was a key component of EU integration, and thus incorporated commemorating antifascist holidays, restoring damaged monuments, and banning the open use of fascist symbols into the Declaration on Antifascism, passed in 2005.

241 *Vjesnik*, 11 May 2009, p. 2.

President Mesić has also used both of his mandates to strongly promote Croatia's antifascist traditions and personally attend the most important commemorations.

Nevertheless, the polemics over World War Two in Croatia are far from over. Annual commemorations at Bleiburg and Jasenovac serve as rival stages from which politicians debate the World War Two past and how it affects contemporary political decisions. In 2009 Andrija Hebrang's (HDZ) speech at Bleiburg and several of President Mesić's speeches at antifascist commemorations have heightened tensions, drawing in the Catholic Church, which actually only serve as a distraction from the very serious and relevant socio-economic problems facing Croatia. Since February 2008, there have been several demonstrations at another square, Marshal Tito's Square (*Trg maršala Tita*), organized by the group Circle for the Square (*Krug za trg*), which is supported by right-wing political parties. The demonstrators have demanded that the name be changed to Theater Square (*Kazališni trg*), arguing that Tito (and by association the entire antifascist movement) was responsible for genocide against the Croatian people because of the events associated with Bleiburg and other post-war repression. Confrontations between pro-Ustaša and antifascist groups have not escalated beyond verbal exchanges, yet the polemics are reminiscent of the events in the 1990s.[242]

Although the rehabilitation of the Ustaše and the use of fascist symbols is no longer part of the mainstream political scene as it was in the 1990s, it remains entrenched among certain subcultures, some popular culture (namely, the fans of singer Marko Perković Thompson), and radical right (and currently marginal) political parties. Croatian society's ability to come to terms with the past, and how that affects the development of liberal democracy in the twenty-first century, remains problematic, as the ideological, as well as ethnic, battles from World War Two continue to be fought in the political and cultural spheres. It remains to be seen whether EU integration will positively influence

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[242] Demonstrations were held on 9 February 2008, 9 December 2008, 14 March 2009, and 6 June 2009.

the nurturing of the antifascist tradition or, as some analysts have predicted, will inspire a radical right backlash that will continue to divide Croatia in the near future.

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VIŠESLAV RAOS

The Wall of Pain: A Contested Site of Memory in Contemporary Croatia

This chapter sheds light on an important, yet nowadays largely forgotten, site of memory from the Croatian Homeland War. The chapter deals with the Zagreb Wall of Pain, a unique and specific site of memory among the numerous key places that define collective war memory in contemporary, post-war Croatia. The chapter analyzes the building of the original Wall of Pain, its significant place in the politics of public space, and the modes of remembrance of the Croatian Homeland War. It also deals with issues arising from the removal of the Wall of Pain and the building of a new memorial site in Zagreb's central cemetery, Mirogoj. The article uses Pierre Nora's concepts of memory and history in order to examine the different nature of the new and old memorial site.

Key words: Wall of Pain, Croatian Homeland war, war memory, culture of remembrance, site of memory, public space

Introduction

Every war represents a major shift and turning point in the history of a country and society. In the first half of the 1990s, Croatia was confronted with a triple shift. The country transformed from a federal republic inside Yugoslavia to a sovereign state. Secondly, the social and economical system changed from a specific Yugoslav form of socialism (workers' self-management) to market capitalism. Finally, it faced an exhausting and devastating war for independence whose impact can nowadays still be felt in many social spheres.

The Croatian Homeland War (1991-1995) was not just an armed conflict. It became a definitive source for national collective history and identity-building. Post-war memory and remembrance of war veterans and war victims became one of the key elements for strengthening the newly established sovereignty.[243] The coming to terms with the war legacy and post-war collective memory impacted not only the internal affairs of the Croatian state and society, but have also influenced the country's relations toward European Union institutions (in the process of EU accession), as well as its cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY) (see also Horelt and Renner, 2008). Material manifestations of war memory are the most visible and often the most important segment of such collective memory. As Mayo puts it, "the strengths and weaknesses of a society are demonstrated in war, and these qualities are often mirrored in the memorials to its wars" (Mayo, 1988: 62). The image most often used by the official Croatian narrative, both on a domestic and international level, to portray the war is the still heavily destroyed city of Vukovar. There we can experience two major sites of memory: the Vukovar hospital and the monument at a large cattle farm just outside of the city, the Ovčara Monument established at the place of the Vukovar massacre in November 1991 (see also Žanić, 2008 and Kardov,

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243 After 2000, the war ceased to be a definitive part of Croatian national self-identification, yet nevertheless, society has still not come to terms with its past and the ways of dealing with it, as we shall see further on as we examine the removal of the original Wall of Pain and the erecting of the new monument.

2002). To these two sites, we can add a third one, the Vukovar water tower, which, after extensive shelling, became a symbol of that city's suffering during the war.[244] Besides Vukovar, which on a certain level functions as if the whole city were a war memorial, numerous monuments and memorials have been erected throughout Croatia, from memorials marking sites of war crimes and massacres to veterans' monuments in every town, city, and municipality. Most of these were built after the end of armed conflict in August 1995 (Operation Storm) and the reintegration of occupied territories of Eastern Croatia 1996-1998 (UNTAES).[245] However, the Wall of Pain in Zagreb was built in 1993, becoming a site of memory synchronous to the time being remembered and memorized by it. Moreover, the wall is one of the few examples of a large-scale monument built spontaneously by mostly anonymous individuals (as well as non-governmental groups and organizations).

2. State of research

Although the Wall of Pain represents a rather unique and specific site of war memory, not only in Croatia, but also in a broader European context, there has been surprisingly little academic research about it.[246] Of the few papers that did pay attention to this topic, none have placed in the context of dealing with the past in general and research on the culture of remembrance in particular. Also, no political scientists, neither Croatian, nor international, have so far noticed the importance of the Wall of Pain for Croatian war memory and coming to terms with war legacy. However, one exception is the text by art historian Sandra Križić Roban, published in 2004 and titled *Pred zidom: strah od praznine: Teorijski prilog suvremenoj raspravi o problematici javne plastike* (*In front of the Wall: The Horror of the Vacuum: Theoretical Contribu-*

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244 On the Battle for Vukovar and its meaning for Croatian war memory, see also Rogić, 1993.

245 United Nations Transitional Authority for Eastern Slavonia, Baranja, and Western Syrmium

246 For an overview of the most important scholarly research (mostly by ethnographers), dealing with the Croatian Homeland War and its legacy, see also Povrzanović Frykman, 2003.

tion to the Contemporary Debate on the Problem of Public Sculpture).
In this article, she deals with the role of walls and wall-like structures in
the shaping and transformation of public space. The author draws a com-
parison between Richard Serra's *Tilted Arc* in New York; the Vietnam
Veterans Memorial in Washington, D.C.; the *Sinkende Mauer* (Sinking
Wall) in Berlin; and the Wall of Pain in Zagreb. In this analysis, the Wall
of Pain is seen as work of spontaneous, anonymous authors, yet there is
no mention of its role in collective memory (Križić Boban, 2004). Ivan
Rogić, a Croatian sociologist, mentions the Wall of Pain in his 2009
paper titled *Pet tvrdnja o dvoziđu: kratak osvrt na hrvatske prilike 20
godina nakon rušenja Berlinskog zida* (*Five Theories of Dual-Walls: A
Brief Reflection on Croatian Circumstances Twenty Years After the Fall
of the Berlin Wall*). In this article, the author uses the Wall of Pain as
a metaphor for war suffering rather than as a material site of memory.
However, he compares the Wall of Pain with the Wailing Wall in Jerusa-
lem (Rogić, 2009: 707), trying to place Croatian war legacy and culture
of remembrance into a broader, global context. The other "wall" that
features in his paper is the Schengen border, meant to exemplify the
perceived harsh conditionality associated with Croatia's EU accession
process. Thus, we can identify a clear need for an analysis of the Wall
of Pain, its juxtaposition to the new monument built after its removal,
and the place these two sites have in Croatia's collective war memory.

3. Research framework

The study of culture of remembrance (memory culture) is a field
of research often characterized by a multidisciplinary approach. Deal-
ing with collective memory, national narratives of war and peace, and
heroes and victims, encompasses contemporary history, political sci-
ence, cultural, social and urban anthropology, sociology, psychology,
geography, architecture, and literary criticism. As a political scientist,
I shall make use of the fruitful research results of these related aca-
demic disciplines, yet try to maintain my focus on the political di-

mension of the topic. In other words, in this article, I will deal with war memorials as parts of public space with political significance for national identity.[247]

Public space, as a material manifestation of the public sphere, has an intrinsic political nature, as all that is public has or can be given political meaning and value. In public space, the state meets civil society and the market (Smith and Low, 2006: 4). The role of public space as a shared space between civil society and the formal state will show its importance once we deal with the implications of the removal of the original Wall of Pain in 2005 and the opening of the new memorial in 2006. Although Smith and Low use the term of public space primarily in the context of contemporary American urban anthropology, here we utilize it from the standpoint of political science and the notion of political value and the meaning of public space. Public space serves as a platform for political participation and the voicing of interests of different social groups (see also Harvey, 2006: 17). Thus, it can become a place of conflicting notions of collective identity through opposing view of the usage of public space for the symbolic construction of a national past. Public space which has been inscribed with memory and transformed through its physical manifestations such as monuments, memorials, cenotaphs, and mausoleums takes on the role of a symbol-laden geographic area, or as some authors call it, "a symbolic land-scape," "a deathscape in geography," "a geography of memory," "a commemorative landscape," or "a geography of remembrance" (see also Kong, 1999; Johnson, 2003; Doss, 2008).

The collective memory which forms the basis for the construction and reproduction of collective identity,[248] although manifesting itself through the formation of social groups and their collective actions, is built from individual memories and individual approaches to past events (see also Halbwachs, 1992: 48). This distinction becomes im-

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247 On the resurgence of politics of memory and past events and their commemoration as political practice, see also Huyssen, 2003. For an account of the role of memory in contemporary historiography, see Klein, 2000.

248 On the role collective memory plays in shaping cultural identity, see also Assmann and Czaplicka, 1995; Wang, 2008.

portant when we try to differentiate between collective identity and the meaning of the Wall of Pain on three levels: the level of Croatian the national narrative on war, the level of collective notions and commemorative practices of non-governmental organizations and informal groups directly involved with the building of the original Wall of Pain, and the individual memory of family members, relatives, and friends of the deceased and missing persons whose names were inscribed on the Wall. Also, due to the fact that it is built on personal memory, collective memory is always particularistic (see also Erll, 2005: 16-17). Hockerts differentiates a "primary memory," which he sees as an individual, personal experience of the past and the "culture of remembrance," understood as "an umbrella term for non-academic public usage of history" (Hockerts, 2001: 16). He further draws a distinction between two forms of collective memory:[249] "communicative memory" as a private exchange of experience on a daily basis, and "the public culture of remembrance" as "an institutionalized confrontation with experience, lacking group memory" (Hockerts, 2001: 17-18). The study of (collective) memory should always bear in mind the dynamic, transformative character of modes and practices of commemoration and remembrance and the ways in which they reflect the social (and political) change in the present by dealing with the past (see also Kansteiner, 2002; and Marshall, 2004).

Finally, we should look at the distinction between "history" and "memory," as envisaged by French historian Pierre Nora. This distinction shall be used as a basis for the analysis of the differences between the original Wall of Pain built in 1993 and the new monument erected in 2006. Nora pointed out that "sites of memory" (*lieux de mémoire*) served as a substitute for the once existent "environments of memory" (*milieux de mémoire*) (Nora, 1989: 7). Thus, they constitute public space that has been imbued with meaning emanating from memory of past people and events. This materialization (incorporation) of meaning keeps memory of past events alive, although the context (environment) of the past is no longer accessible. Considering that the original

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249 On further differences between constitutions of collective memory, see also Olick, 1999.

Wall of Pain was built during the Croatian Homeland War and not as a later commemorative structure, we need to examine whether, when, and how the "environment of memory" has ceased to exist in this case.

Nora points out that rapid social change (in his words "acceleration of history") widens the gap between official, mandated history as "an organized past" consisting of "sifted and sorted historical traces" and "social, spontaneous and real" memory (Nora, 1989: 8). In the case of Croatia, we shall see how patterns of remembrance shifted from open memory to closed history in a nation's attempt to finalize its political and societal twenty year-long period of transition. When elaborating the differences of history and memory, Nora stresses that "memory is a perpetually actual phenomenon, a bond tying us to the eternal present; history is a representation of the past" (Nora, 1989: 8). In analyzing the original Wall of Pain and the new memorial site at the Zagreb city cemetery, I will explore the differences between memorials and monuments in relation to Nora's opposing concepts of "memory as concrete present" and "bound history as relative reflection of the past."

As stated at the beginning of this chapter, prior research on the Zagreb Wall of Pain is scarce or rather non-existent. In order to gain better insight in the subtleties of the phenomenon I am trying to research, I decided to conduct an interview with an informant, someone who had direct knowledge about and contact with this memory site. The term "informant" is historically stigmatized in ethnography, so Fetterman suggests the term "key actor" (Fetterman, 1998: 48). As key actors are rarely perfect representatives of the target group we wish to gain knowledge from, we might settle for a neutral, albeit vague term "interviewee." Furthermore, life histories and oral histories, i.e., autobiographical elements of the interviewees' answers, may not completely be representative of the target group, yet they are valuable pieces of that person's perception of the topics discussed in the interview. I led a semi-structured interview with one interviewee.[250]

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250 The fact that I only interviewed one person might seem insufficient from the point of view of classic ethnography and qualitative methodology in social sciences. However, given the circumstances and nature of this primary research and bearing in mind the rich amount of detailed information I received through this interview, I feel that I can justify this, nominally

The interview was to a large extent retrospective as it involved the interviewee's personal account of past events and their significance for the broader Croatian Homeland War narrative. I had the opportunity to pose specific questions, as my interviewee was already familiar with my research interests and her role in my information gathering at time I conducted the interview. I posed open-ended, broad questions, so that my interviewee would have the opportunity to personally interpret the questions being asked of her. The interview was conducted in a coffee house in downtown Zagreb. The interview was also attended by the interviewee's husband. Although one might consider this a group interview, the couple complemented each other's answers and helped each other recall the past, so that this can still be considered a one-person interview. My interviewee, Mrs. J. Vojković, has a dual role regarding the original Wall of Pain. She belonged to a group of people that actively participated in the building of the original memory site. Later, she was among those citizens that opposed its removal and destruction. Secondly, as a photographer, she documented both the building and the tearing down of the Wall of Pain.

In the next section, in which I will give a description of the origins, backgrounds, and specific traits of the building of the Wall of Pain in 1993, I will incorporate the information and personal experiences I learned about during the interview. Subsequently, I will provide an overview of the Wall's removal in 2005 by examining Croatian daily and weekly printed media from that period. The newspaper articles analyzed include statements by key members of non-governmental organizations involved with the building and preservation of the original Wall and city and government officials that made plans for the removal of the original site, as well as the building of the monument at the city cemetery. This media analysis will also include statements and opinions voiced by art historians and museum curators concerning the removal of the Wall, as well as reactions by representatives of the Catholic Church, war veterans, and war widow associations.

speaking, weak point of my methodological framework.

4. The building of the Wall

Given the fact that the building of the Wall of Pain in 1993 represented a rare example of erecting a war memorial while the fighting was still going on, one of the main open questions that I tried to find answers to in my interview was the background story and context of the building of the Wall. My interviewee emphasized the significant role of the non-governmental organization "Croatian Woman" (*Hrvatska žena*).[251] This organization was originally founded in 1921 in Zagreb by Marija Kumičić, spouse of Croatian writer and Croatian Party of Rights politician Eugen Kumičić. The aim of the association was to gather Croatian women with the purpose of humanitarian and community work, as well as the preservation of Croatian culture. Only a year later, the organization was banned by the Kingdom of Yugoslavia's government for alleged "nationalistic and separatist tendencies." In the second half of the 1920s, the organization regrouped and moved its offices to the United States, with its head office (branch no. 1) in Chicago. In 1990, the organization returned to Croatia and become involved in the process of lobbying for Croatian independence. As my interviewee recalled, after the occupation of the town of Petrinja in November 1991, "Croatian Woman" became involved in the search for the numerous civilians that went missing during the armed conflict and the expulsion of non-Serbs from occupied parts of Croatia (see also Živić, 2004). This initiative finding missing persons gave rise to another non-governmental organization that quickly rose to prominence during the Croatian Homeland War. This organization was "Mothers for Peace" (in Croatian *Bedem ljubavi*, literary Bulwark of Love).[252] "Mothers for Peace" were originally involved in protesting against the conscription of young men from Croatia (as well as from other ex-Yugoslav republics) in the Yugoslav People's Army (JNA).

My interviewee pointed out that, among these groups, an idea to build a monument that would later become known as the Wall of Pain

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251 See more on the official website of the organization, www.hrvatskazena.org.

252 See more on the official website of the organization, http://www.sssbjt.hr/bedem/.

arose already in late 1991. As she recalled, the key event that moved the members of "Croatian Woman" and "Mothers for Peace" to build this monument was the Dalj massacre of 1 August 1991, when a group of Serb paramilitaries under the leadership of war criminal Željko Ražnatović Arkan killed police officers and civilians in the East Slavonian town of Dalj (see also Radelić et al., 2006; Barić, 2005). My interviewee explained to me that, as of late 1991, groups of wives and mothers of Croatian soldiers, as well as war victims and missing persons started to meet in front of the building at the intersection of Selska Road and Ilica in the Western borough of Zagreb called Črnomerec, where the headquarters[253] of the UNPROFOR[254] mission to Croatia was situated. These meetings were intended as a protest action against the perceived ignorance international peacekeeping forces showed towards the fate of killed and missing civilians in Croatia. The gatherings consisted of actions such as the holding of vigils, the lighting of candles, and rosary prayer processions around the UNPROFOR headquarters. In 1993, an initiative committee was formed, led by Zdenka Farkaš, who later became president of the NGO "Apel" (Appeal).[255] The crucial moment which led to the formation of this committee and the building of the Wall was, as Farkaš later pointed out in her statements to the press, the statement made by Tadeusz Mazowiecki,[256] a special United Nations rapporteur for human rights in ex-Yugoslavia. In his statement, he claimed that "one cannot really know the actual truth about concentration camps, prisons, and murders because Croats

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253 This building was later used by the Croatian Ministry of Defense as a military barracks, named "Vukovarski branitelji" (Defenders of Vukovar). In 2003, the Ministry of Defense transferred the usage rights for these premises to the Ministry of Justice, so that it now hosts the Zagreb Municipal Criminal Court. However, my interviewee, when referring to this building, continuously used the term "Peta vojna oblast" (Fifth Military Region). This is reminiscent of the fact that the building once housed the central command of the JNA's Fifth Army.

254 UNPROFOR stands for the United Nations Protection Force, a UN peacekeeping force in Croatia and Bosnia-Herzegovina (1992-1995). On international peacekeeping missions to Croatia and neighboring countries, see also Degan, 2008.

255 The full name of this association is "Center for the Protection of Human Rights of Missing and Imprisoned Croatian Citizens – Appeal."

256 Tadeusz Mazowiecki is a Polish author, journalist, and politician, as well as one of the key figures of the Solidarity trade union (*Solidarność*) during the 1980s.

say the one thing, while Serbs say another" (*Vjesnik*, 10 May 2005). The voicing of such an opinion further strengthened the viewpoint of Croatian widows and mothers of soldiers that the international community neglected the violence and crimes of the Croatian Homeland War.

On 26 September 1993, members of the initiative committee, led by Farkaš, started bringing bricks in front and around the UNPROFOR headquarters from the nearby brick plant, also located in Črnomerec. When recalling these events, my interviewee stressed the (often forgotten) fact that each brick that would form the Wall was bought by the widows and mothers involved in the building of the monument. The bricks were inscribed with white paint or white correction fluid, bearing the names, dates of birth, and suspected time of death or disappearance, as well as the places of origin of the war victims. Black bricks represented deceased individuals, while the red bricks stood for missing ones. The Wall consisted of 13,650 bricks, including 1,168 red bricks representing those still missing. As this was largely a spontaneous action, the bricks, although stemming from the same brick plant, featured different individual traits. Some of them bore the names of villages and towns where killings and war crimes took place, while others were adorned with flowers, rosaries, tricolored ribbons, and candles. As the bricks were laid without mortar, the structure of the Wall was compact, yet fragile and prone to damage. The Wall was frequented by government officials mostly on public holidays, especially 5 August,[257] Easter, and All Saints Day. On ordinary days, not only representatives of veteran and widow NGOs, but also passers-by lit candles and brought flowers to the monument.

The representatives of groups and NGOs that took part in the building of the Wall, especially Farkaš, often stressed that the purpose of the Wall was not to commemorate, but to appeal to the international community (especially United Nations officials) to take action to uncover the fates of the persons that went missing during the war in Croatia. The Wall was and is seen by its builders as a civic protest

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257 Victory and Homeland Thanksgiving Day and the Day of Croatian Defenders.

manifested through a brick structure. Therefore, since it is not (only) a place of commemoration, it is somewhat wrong to call it a memorial. In the German tradition of the culture of remembrance, which possesses the greatest number of terms and concepts due to Germany's intensive dealing and confronting with the (National Socialist) past, one distinguishes two sorts of monuments. One is a *Denkmal* (memorial, derived from the German verb *gedenken* – to commemorate) and the other one is *Mahnmal* (admonishment, or admonishing monument, derived from the German verb *mahnen* – to admonish). For the sake of advancing the academic field of dealing with memory culture and confrontation with the past in Croatia and its neighboring countries, I suggest a similar distinction of two terms. The existing term *spomenik* (memorial, derived from the Croatian verb *spomen* - remembrance) should be complemented with the new coinage *opomenik* (admonishing monument, derived from the Croatian verb *opominjati* – to admonish). In my opinion, the distinctiveness of the Wall of Pain and its origins and purposes necessitate such a terminological innovation.

Prior to looking to the events that have led to the removal and destruction of the original Wall, I want to emphasize a specific dimension of the monument, i.e., the role of women in war memory and culture of remembrance. The gender dimension of collective memory in general and war memory in particular is a vast and still only partially explored field of research, so that I will only briefly mention a few points important for the topic. As noted above, the Wall of Pain represents one of the few major war monuments built before the war ended. It was constructed by mothers, sisters, and spouses of dead and missing soldiers and civilians. These women gathered in non-governmental organizations and worked toward a common civic goal of protesting against violence, demanding information about their missing ones, and appealing to international actors to stop the armed conflict. Such direct action and female civic actions represent a stark contrast to the stereotyped roles and ideals of women which were utilized by the government and mainstream media during the war in Croatia. As Croatian ethnologist Reana Senjković noticed, the posters used for

the 1992 and 1995 parliamentary elections in Croatia, both by ruling Croatian Democratic Union (HDZ) and opposition Social Democratic Party (SDP), depicted women as passive entities, preconditioned to be mere supporters of their husbands and brothers (warriors)[258] and not to take independent actions (see Senjković, 2002: 136-137). Besides organizations such as "Mothers for Peace"[259] and "Vukovar Mothers," the female builders of the Wall of Pain went a step further by materializing their civic activities in a, albeit crude, yet solid brickwork structure. History in general and war history in particular was, and still is, to a greater part written by men. The female perspective and female narrative are often not heard or become silenced.[260] In the case of the Wall of Pain, it was female activists who created a materialized anti-war plea and a piece of collective (national, war) memory. This paints a much different and a more nuanced picture about the national past and gender roles in times of war.

5. The removal

During our talks about the removal of the original Wall of Pain, my interviewee pointed out that already in 1997, four years after the monument was built and two years after the war ended, there were attempts to remove the Wall, yet NGOs involved with the Wall pre-empted this. A year after that, in 1998, the NGO "Apel," together with representatives of the Croatian government and the Catholic Church, marked the fifth anniversary of the building of the Wall of Pain. On this occasion, current Prime Minister Jadranka Kosor (at that time Vice-speaker of the Croatian Parliament), stated that the Croatian government will, following the mission and message of the monument, continue its search after missing and detained persons. She told

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258 On narratives on war masculinity and the construction of war stereotypes, see also Senjković, 2001.

259 Some Croatian and international authors see organizations such as "Mothers for Peace" as an example of "feminist nationalism". More on this see in Pavlović, 1999.

260 On female war narratives, see also Jambrešić Kirin, 1996.

Croatian Television (HRT) that "the Wall of Pain will be preserved and relocated to a different site, in accordance with the interests of NGOs involved with it" (*HRT,* 26 September 1998). This statement showcased a clear intention of the Croatian government to preserve the monument from decay and damage and to cooperate with the target groups in this undertaking. Following this, numerous talks and meetings between the representatives of war veterans and officials of the Ministry for War Veterans were held, discussing the future of the monument. These talks resulted in a general agreement that the Wall of Pain should be relocated in order to save it from deterioration and decay. However, there was no clear vision what to do with it, so that numerous solutions sprang up, such as the building in of the Wall in the Holy Mother of Freedom Church (*Sveta mati slobode*) in the southwestern Zagreb borough of Jarun or the relocation of the monument to Vukovar (*HRT*, 17 February 1999). Representatives of the Catholic Church strongly advocated the building in of the Wall in the crypt of the new Jarun church (*HRT*, 4 April 1999). In 2001, on the occasion of the eighth anniversary of the building of the Wall, Neda Balog, the president of the Widow Association, stated that "the only wish" the families of the victims have is to "find a permanent place for the fragile bricks" (*HRT*, 26 September 2001). Later that year, a meeting was held between several NGOs involved with the Wall, including "Apel," widow associations, civilian victim associations, and veteran associations. At this meeting, a univocal decision was passed to relocate the greater part of the Wall to the Altar of the Homeland at Medvedgrad,[261] while a smaller part would be preserved at the original site (*HRT*, 11 December 2001). When I asked my interviewee about the causes for the eventual removal of the Wall, she voiced an opinion that "the main reason for the relocation was the wish to stir disunity and dispute among veteran and widow NGOs."

In the winter of 2002, an incident occurred that galvanized the pub-

261 The Altar of the Homeland (*Oltar domovine*) is a monument dedicated to all fallen Croatian soldiers, situated at Medvedgrad, a medieval fortress overlooking Zagreb. First Croatian President Franjo Tuđman was the initiator of this monument, while its appearance and location provoked numerous public critiques.

lic concerning the Wall of Pain. Four drunken off-duty members of SFOR[262] damaged the Wall of Pain by knocking out forty-one and destroying eight bricks (*Nacional*, 10 December 2002). Representatives of the Croatian government, opposition parties, as well as war veteran and war widow associations harshly protested against such behavior of international peace troops (*Index*, 10 December 2002; *Index*, 11 December 2002). Zdenka Farkaš of "Apel" demanded that "SFOR publicly declare the names of soldiers responsible for the incident," and also asked for a meeting with UN Secretary-general Kofi Annan in order to discuss the fate of persons still missing. Farkaš accused SFOR for "not knowing what the Wall of Pain means to the Croatian people and what it is supposed to mean to the international community." Furthermore, she demanded that SFOR "pay compensation for the incident and thus contribute to the preservation of the Wall of Pain, originally named Voice of the Croatian Victim" (*Vjesnik*, 12 December 2002). The names of the SFOR soldiers responsible for the damage were never found out, as international peace forces enjoyed diplomatic immunity (*Vjesnik*, 4 January 2003). The 2002 damage done to the Wall by the drunken SFOR soldiers provoked an avalanche of negative sentiments of a part of Croatian war veterans, war widows, as well as other citizens deeply concerned with the legacy of the Croatian Homeland War. Namely, such events gave rise to a specific discourse which claimed that "members of the international community" sought to "play-down the sufferings of the Croatian people, equally blame all sides for the start of the war, and deprive Croatian war veterans and victims of their pride and dignity." Discussions about the legacy and memory of the war in Croatia always strongly evolved around the question of "dignity" of both victims and survivors. This discourse closely overlapped with the negative discourse about the ICTY[263] and the Croatian government's cooperation with that international body,

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262 SFOR (Stabilization Force) was a NATO-led international peacekeeping force tasked with the protection of the Dayton Peace Agreement in Bosnia-Herzegovina. Its Zagreb headquarters were located in barracks in the vicinity of the Wall of Pain.

263 International Criminal Tribunal for the former Yugoslavia, established on 25 May 1993.

i.e., the refusal of some Croats to accept the ICTY's jurisdiction over war crimes committed by Croatian forces during the Homeland War. On 12 December 2002, the deputy mayor of Zagreb, Milan Bandić (current mayor) met with representatives of veteran associations and agreed to the relocation of the Wall to the Mirogoj city cemetery no later than 29 October 2003, the tenth anniversary of the building of the Wall (*HRT*, 12 December 2002). A few days after the incident, art historian Ivo Maroević objected to the "relocation to the city cemetery as an act of retreat in front of violence (of SFOR soldiers)." He claimed that the Wall "represents a rare example of an authentic Croatian Homeland War monument." Maroević added that the Wall "should be protected as cultural heritage serving as an admonishment to the ignorance of the United Nations towards the fates of missing persons" (*Vjesnik*, 18 December 2002). Finally, he said the relocation of the monument from its original site in front of the UNPROFOR headquarters would "erase its symbolism and meaning" (*Vjesnik*, 18 December 2002). Maroević drew a parallel between protected archeological excavation sites *in situ* in numerous cities and suggest the same practice of architectural and cultural preservation for the Wall of Pain. One week after the first incident with the SFOR soldiers, on 22 December 2002, the Wall was damaged again, resulting in thirty-five bricks being torn down and eight of them breaking (*Index*, 22 December 2002). The spokesperson of the Zagreb police department said the Wall "suffered from poor structural integrity, which made it prone to damage, including damage from heavy traffic on Selska Road" (*Index*, 22 December 2002). From this statement, one could conclude the police did not wish to stir more public uproar due to damage to the Wall and thus resorted to such explanations. Nonetheless, the police implemented twenty-four-hour surveillance of the Wall.

On 23 September 2003, Farkaš of "Apel" appealed to the Croatian government to take more serious action in resolving the fates of missing persons. She also asked government officials to "push for changes of the Statute of the ICTY because it did not have mandate to condemn responsibility for the war and was thus contrary to the UN Charter"

(*HRT*, 26 September 2003). Contrary to the agreement reached on 12 December 2002 by veteran associations and Zagreb's deputy mayor, Farkaš expressed the opinion that "the Wall should not be relocated, but renovated" (*Novi list*, 27 September 2003). She said it should "remain at its historic site" and that a replica of it should be made and placed in front of the UN building in New York (*HRT*, 26 September 2003). We can see how the builders of the Wall sought to give it international and universal meaning, transcending the Croatian context.

In October 2003, the building of a new monument was announced for spring 2004. The memorial park called "Voice of the Croatian Victim – Wall of Pain" at the Zagreb city cemetery was described as a "semantic extension of the original Wall of Pain in Selska Road, while the commission for the preservation of the monument would find a mode of preservation of the brick wall" (*Vjesnik*, 14 October 2003). Although one spoke of both a "new monument dedicated to all soldier and civilian victims of the Croatian Homeland War" and "the relocation of the Wall of Pain to a new site", it was not clear whether and to what extent the original structure would remain in front of the barracks in Selska Road. A few days after it was made public that a new monument would be built in Mirogoj cemetery, Josip Jugec, president of the Association of families of detained and missing Croatian soldiers, stressed that "representatives of six NGOs, including 'Apel' and Zdenka Farkaš, agreed to the relocation of the Wall to Mirogoj" (*Index*, 17 October 2003). Jugec thus accused Farkaš of reluctance to "accept the relocation and the decisions of the committee for the preservation of the Wall, although she herself was a member of the committee" (*Index*, 17 October 2003). However, Jugec also emphasized that the committee agreed that the original Wall should be an integral part of the monument. Art historian Maroević objected that the new monument would "erase the authenticity of the original structure" and claimed that "authentic monuments often lack visual appeal, yet possess greater meaning" (*Vjesnik*, 17 October 2003). Such a viewpoint goes hand in hand with the stand pushed by my interviewee who told me that "the dignity and moral value of memory should be more im-

portant than aesthetics." The discussions about the Wall of Pain and the new monument in the Zagreb city cemetery can also be seen as part of a larger public debate about the scope, location, and substance of national sites of memory of the Homeland War. Parallel to the discussions about the Wall, the authorities pushed for the construction of a Homeland Memorial.[264] As different sites, both in Zagreb and Vukovar, were proposed for this monument, talks about "competing memorials and competing memory sites" emerged (*Vjesnik*, 19 November 2003).

The fact that it was unclear in what way the original Wall would be "preserved," "moved," or "supplanted" is best exemplified by the statement of Jadranka Kosor, then Minister of the Family, Veterans' Affairs, and Intergenerational Solidarity, who stressed that "the Wall of Pain is a unique monument" and that "at least a portion of it should be retained" (*HRT*, 3 August 2004). In 2005, the Wall again suffered damage, as a young BMW driver lost control of his vehicle and hit the monument, smashing dozens of bricks (*Vjesnik*, 26 February 2005). On 9 May 2005, the construction of the new monument started, as well as preparations for the removal of the bricks of the original Wall. This provoked heavy protests from "Apel" as well as HVIDRA,[265] headed by Josip Đakić and Ivan Pandža. Đakić and Farkaš claimed that "as long as there are still missing and displaced persons, the Wall should not be removed" (*HRT*, 10 May 2005). As noted earlier, the question of collective war memory in Croatia was (and still is) often characterized by rivaling notions of authenticity, credibility, and legitimacy, as various individuals and groups competed for primacy over "truth and dignity" of the Homeland War. Even after the project of the new monument in the city cemetery started, new ideas about the preservation of the Wall were discussed. For example, Vesna Škare-Ožbolt, then Minister of Justice, proposed the preservation of the Wall as part of the new Justice Square[266] at the same location (*HRT*, 31 May

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264 So far, the idea of such a monument has not been realized.

265 Association of Croatian Disabled War Veterans.

266 This square was never built.

2005). On 4 June 2005, the removal of the bricks from Selska Road began, yet this action was temporarily terminated as NGOs managed to partially prevent it, so that construction workers called the police to intervene (*HRT*, 4 June 2005). As my interviewee claimed, the removal of the Wall was "deliberately organized on Saturday in early morning in order to prevent protesters to take action." She also said that "the removal coincided with a field trip the City of Zagreb organized for veteran families," while "the construction workers hired to remove the bricks came from Karlovac and not Zagreb, in order to conceal the destruction of the Wall." City authorities, as well some veteran associations, such as the Association of Families of Detained and Missing Croatian Soldiers under the leadership of Ivan Pšenica, claimed that the relocation and removal of the Wall was "well-documented and agreed upon and signed by all stakeholders" (*HRT*, 6 June 2005). The supporters of the removal accused Farkaš of "the monopolization and privatization of the monument and collective memory emanating from it" (*HRT*, 6 June 2005). Eventually, the bricks were removed, packed, and relocated to the city cemetery. Many individuals took the bricks bearing names of their family and relatives back home, preventing their destruction (*Slobodna Dalmacija*, 24 June 2005). My interviewee pointed out that these bricks had a special, "emotional and moral value and meaning" for the people involved with the building of the Wall who therefore "could not accept their destruction." As a sign of opposition to the removal of the bricks and the building of the new memorial, several war veteran organizations started building new brick walls resembling and emulating the appearance and legacy of the Wall of Pain. For example, a new wall was built in the Vrapče neighborhood, west of the original Wall in Črnomerec, as well as in Koprivnica, erected by war veteran association of employees of the food company "Podravka" (*Vjesnik*, 6 July 2005; *Index*, 26 June 2005).

6. The new monument

The new monument at the Zagreb city cemetery was opened a year after the removal of the original Wall, on 14 October 2006. At the opening ceremony, Prime Minister Ivo Sanader stressed out that this site "should be a place of unity and not a place of discord," while President Stjepan Mesić said it was important to "preserve the names of victims by inscribing them into the new monument" (*Dnevnik,* 14 October 2006). This new monument, which, as my interviewee claimed, "was unrecognizable and looked nothing like the original brick Wall," was the work of sculptor Dušan Džamonja.[267] This renowned artist constructed, as he explained in one of his last interviews, "an open air temple for contemplation about victims and memories" (*Nacional*, 7 June 2005). Džamonja himself asserted that "his work should not be called the Wall of Pain as this name is reserved for the brickwork" but rather "a memorial to victims and detained and missing veterans" (*Nacional*, 7 June 2005). The simple, yet aesthetically refined new monument, which consisted of black granite surfaces inscribed with the names of victims was an extension of Džamonja's proposal which originally competed for the 9/11 memorial in New York (*Vijenac*, 22 July 2004). The bricks from the dismantled Wall of Pain, which many people expected to be somehow incorporated into the new memorial, were covered with concrete in order to build a pedestal for Džamonja's work. This fact led many opponents of the new memorial to speak of "burying of bricks into a concrete grave" and the destruction of the bricks as "killing of memory" (*Glas Koncila*, 3 July 2005). The buried bricks are only partially visible through glass panels at the foot of the

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267 Some extreme opponents of the new monument pointed out that the new memorial "cannot be a work of a Serb," mockingly calling the sculptor "Dule Ekser" (Dule being a nickname for Dušan and *ekser* meaning "nail" in Serbian) due to his often usage of metal constructions in stone and granite sculptures. Džamonja was a Croatian artist of Macedonian descent with an internationally recognized career. He can partially be seen as a "regime artist" because of his good connections not only to the new Croatian elite, but also the Communist Party during Yugoslav times. He authored the Revolution Memorial in Podgarić, in central Croatia, which was one of the most massive and impressive monuments dedicated to the Yugoslav socialist revolution and the struggle against fascism.

monument. When I asked my interviewee about the new monument at Mirogoj, she said that "that thing over there is not the Wall; I cannot connect with that site." Regarding the removal of the bricks, some commentators pointed out to the "spontaneity" that has been lost and linked it to the transformation of "collective memory" into "collective forgetting" (*Večernji list*, 21 January 2009). Representatives of the Catholic Church also negatively responded to the new monument, claiming it had no sign of the cross, although this assumption was later proven wrong (*Jutarnji list*, 14 October 2006; and 15 October 2006). This assertion was rather indicative of the then ongoing dispute between President Mesić and Bishop Jezerinac, head of the Military Ordinariate of Croatia. Further controversy was raised by news of alleged corruption and embezzlement surrounding the construction of the new monument. The final costs of the monument surpassed the proposed budget by several times, as the sandblasting of the victims' names was paid for twice, although several thousand names were omitted (*Jutarnji list*, 16 October 2006).

7. Memory and history

Reflecting on the removal and destruction of the Wall of Pain and the building of its "successor" or "replacement" monument, I will now go back to Pierre Nora's conceptualization and differentiation of "memory" and "history" and relate these notions to the two monuments. Nora pointed out that "sites of memory" substituted the "environments of memory" which are gone and therefore constitute the past and the lived present. However, the builders and supporters of the 1993 Wall of Pain continuously stressed the fact that "as long as there are still missing or detained persons whose individual fates have not been uncovered and settled, the Wall served its purpose." In 2003, on the tenth anniversary of the building of the monument, the NGOs reported that "1,247 soldiers and civilians were still missing" (*HRT*, 26 September 2003). We can see how the builders sought to keep the

memory alive by defining the Wall as a constant reminder of the victims' fates, a live and dynamic entity reproducing itself through the rebuilding and preserving of the bricks by the founders and keepers of the monument. The opponents of the relocation of the bricks from Selska Road have shown themselves well aware of the fact that "without commemorative vigilance, history would soon sweep them away" (Nora, 1989: 12). As long as the brick wall was not removed and was left at its original location, the dynamic perpetuation and reproduction of past events, and thus memory, was possible, because "memory attaches itself to sites" (Nora, 1989: 22). The new monument, however, represents an attempt to canonize the past, to honor the victims and create a sacred national monument or, as its author, sculptor Dušan Džamonja called it "a temple for contemplation" (*Vijenac*, 22 July 2004). This new monument was built as part of a larger memory park in the Zagreb city cemetery. This distinction marks an attempt to create a materialized expression of national history, placing a monument "succeeding and reminiscing of the Wall of Pain" into the context of other statues, monuments, cenotaphs, and memorials which represent and mark key events in modern Croatian history. The 2006 monument sculpted by Džamonja thus took its place among a succession of Mirogoj monuments such as the July Victims Memorial,[268] the Monument to Fallen Croatian Soldiers in World War I, the Monument to the Yugoslav People's Hero, and the grave of Croatia's First President Franjo Tuđman. The destruction of the old and the building of the new monument moved the remembrance from the public space of urban everyday life in Selska Road (west of the city center) and moved it to the national public space of the Mirogoj cemetery (north of the city center), closing "memory" and cementing "history." Architect Ive Šimat Banov, a critic of the relocation of the bricks, stressed that there were differences of the two monuments expressed in their "content, concept, mode of communication, structure, authorship, psychology, and aesthetics" (*Jutarnji list*, 10 December 2006). When comparing

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268 This is a monument honoring civilian protesters killed by the Austrian Imperial Army on 29 July 1845 in Zagreb.

the two monuments, Šimat Banov wrote that "the strength of the Wall of Pain" lay in "the relations it creates and not its expression" (*Jutarnji list*, 10 December 2006). Such an argument goes hand in hand with the opinion of interviewee, who said that "meaning and emotions should have precedence over aesthetics and visual appeal."

Thus we can see that the 1993 Wall of Pain, built by Zdenka Farkaš and non-governmental activists, and the 2006 monument named "Voice of the Croatian Victim – Wall of Pain," authored by sculptor Dušan Džamonja, represent two distinct trends in contemporary Croatian politics and society. The former was a place laden with active, live memory, while the latter one is a historic monument.

Wall of Pain (1993)	Voice of the Croatian Victim – Wall of Pain (2006)
Bottom-up action	Top-down action
Spontaneous	Planned
Primary actors	Secondary actors
Crude form	Refined design
Open	Closed
Amateur	Professional
Collective authorship	Individual authorship
Memory	**History**

Table 1: The two monuments

Table 1 is systematizes the characteristics that differentiate the two monuments. As emphasized before, the building of a brick wall in Selska Road in September 1993 was a spontaneous, bottom-up action. The later commemorations, prayers, and gatherings at the Wall of Pain were supported by the authorities, yet the Croatian government took no part in the original setting up of the Wall, which clearly marks it as direct civic action. Meanwhile, the monument at the Mirogoj cemetery was officially planned by state and city officials. Its building was

preceded by a public tender and artist competition for an architectural design of the proposed monument. The original Wall was built by primary actors, i.e., wives, mothers, and sisters of fallen soldiers who were the object, or theme of the monument. The 2006 monument was envisaged by a professional sculptor and built by construction workers. The names of the victims, sandblasted into the black granite by professional stonemasons, became a representation of the national suffering of Croatia during the war and not actual family members being commemorated by their relatives. The Wall of Pain was built by simply laying bricks one on top of the other, encompassing the UNPROFOR headquarters. Its structure was unfinished, crude, and simple. Džamonja's work, on the other hand, corresponds with similar international monuments such as the Vietnam Memorial, relying on sleek, massive stone surfaces and extensive, uniform lists of the names of victims. The builders and supporters of the 1993 monument thought of it as an open structure, a place of memory of the victims, but also of protest and admonishment to the ones held responsible for the fates of the victims. The 2006 monument is an attempt at closure of the collective national narrative about the Croatian Homeland War. It is a closed national war monument, honoring both the individuals but also serving as a place of self-confirmation of national identity and grand narrative.

8. Conclusion

This chapter showcased an attempt to confront the very recent past in Croatia, as well as the narrative and memory of the Croatian Homeland War. It also served as documentation of a specific memory culture that sprang up during the war, blending civic activism and protest with rites and modes of commemoration. Due to the fact that the original Wall of Pain no longer exists and that there has been no extensive academic discussion of this cultural and political phenomenon, this chapter opened as many questions as it succeeded in answering.

Finally, at this point, we should revert to the issue mentioned at the beginning of our "journey into the land of memories." This issue was the role of the Homeland War and the modes of its remembrance for contemporary Croatian national identity. Džamonja created the new monument, replacing or succeeding the Wall of Pain eleven years after the fighting ended and eight years after the final restoration of Croatian authority over the entire territory of the state. Croatian collective national self-identification is deeply connected with the Croatian Homeland War and the creation of an independent, sovereign state. As mentioned earlier, the 2006 national monument honoring the victims of the Homeland War represented an attempt at closure, at turning a painful, vivid memory into national, self-confirming and self-identifying official history. While the primary actors, the members of the NGOs who created the original Wall of Pain, perpetuated their individual memories of family members and relatives, the national commemoration of victims transcended the individual fates of soldiers and civilians and took its form in a historic national war monument which serves as a national landmark, a site to lay wreaths on national holidays and a historic representation of the national past. Although one can hardly justify the physical destruction of individual bricks bearing names of victims, bearing in mind the significance they had and still have for their owners and creators, we cannot escape the conclusion that the relocation of commemoration from the original Wall to a new monument at Mirogoj marked a shift in collective representation and identification with the legacy of the Croatian Homeland War. This shift marked a collective step away from war memory towards national history about the war and its consequences. While a neutral observer might see it as an altogether positive development and change, suggesting a nation and society which has found peace and moved on after its war experience, it can also be interpreted that such a shift in commemorative practice represents an act of forgetting, a voluntary erasing of memory. The question that remains unanswered is whether or not the process of dealing with the past and the active confrontation with history can be achieved through mandated and forceful acts of forgetting.

9. Acknowledgements

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Consensus, Leadership and totalitarianism: open questions concerning the historiographical debate on Italian Fascism

The article reconstructs the historiographical debate before and after the Second World War on some specific aspects of Fascism and suggests a possible interaction between some historiographical interpretations, which had a strong impact on the Italian historiographical discussion and the Italian political situation. One specific theme that was developed by Italian historiography during the formation and the beginning of Italian democracy dealt with in this chapter is the status of Italian Fascism with respect to other forms of totalitarianism, i.e., the interpretation of Fascism as an "exceptional" form of totalitarianism. In other words, Fascism as an authoritarian regime that was different from National Socialism, yet still closely allied. The debate on this issue had a relevant political impact after the Second World War: asserting that Fascism was different from National Socialism implied a quick reintegration of Italy in the international political panorama as a nation that was "not as guilty as the other one." Moreover, it created the conditions of social and political peace between old political and social adversaries, i.e., between the masses and the ruling classes. This chapter shows the way in which the historiography

supported, reinforced, or fought against the view of Fascists as a "minor evil," thus creating historical memory.

Key words: historiography, totalitarianism, Italian anti-Semitism

Introduction

Dealing with the past was a difficult task for Italian historiography after the Second World War. The intellectual work of understanding what had happened and the best ways to interpret such a shocking experience like the Second World War was a challenge for researchers. The events in question were not so far removed in time as to allow reaching a general and objective historical perspective. Moreover, researchers had to deal with methodological problems, as well as with moral and political issues. Was Italy politically and morally responsible for the Second World War and the Holocaust? Were the Italian people, and not only Italian elites, involved? Was this moral and historical catastrophe an "episode" in the Italian political history, or rather the result of long-lasting political and social development? Was the Italian participation in the war and in the racist campaigns just the result of Mussolini's support for National Socialism, or was it actively supported by the Fascist regime, Italian culture, and the population?

The task of reconstructing this recent and tragic history was both a moral and a political one. Asking these questions meant for most historians to make clear that they should be aware of the moral dimension of their work. They were faced with the task of choosing between trying to assume a very difficult "objective" approach – allowing the description of "things as they really happened" in a historic perspective – or giving up altogether any attempt to reach an "impartial" view of the events and openly consider the moral and political dimension of the recent facts in an "engaged" and subjective way. Dealing with the past was also a "political" act: the historical judgement on the

responsibilities of political elites and on the active collaboration with the anti-Semitic campaign had a direct impact on the difficult process of Italian democratization after the Second World War. Even if they came from opposite political camps, every political group – communists, Christian Democrats, socialists – wished to create a "better" image of the Italian people and elites and to separate the Italian responsibility from the German *Schuld* (Pombeni, 2007; Focardi, 2007). This would avoid internal political conflicts and improve the Italian political position in the international arena. This is also shown by the strategy used by the new elites: they pursued the integration of segments of the previous political elites in the administration and in the new political and cultural power distribution, rather than expelling the Fascist collaborators (Melis, 1995). This strategy, as well as the idea that Italy – like Austria, for other reasons – was less responsible for the war, found no particular opposition from the victors of the Second World War: Italy – like Austria – was not seen as a "dangerous" state, whereas Germany, which had been a great power, had to be controlled and "tamed" (Focardi, 2007).

This array of facts makes it difficult even today to look at the descriptions and judgments that were developed in the historiography after the Second World War. A complete reconstruction of the first steps of Italian historiography at this time would need to take into consideration the national and international political context as well as the "interpretations" of the different political forces inside and outside Italy. This chapter cannot deal with all these themes. It will try to reconstruct the historiographical debate only on some specific aspects of Fascism, and suggest a possible interaction between some historiographical interpretations and the Italian political situation.

One specific theme that was developed by Italian historiography during the formation and the beginning of Italian democracy dealt with in this chapter is the status of Italian Fascism with respect to other forms of totalitarianism, i.e., the interpretation of Fascism as an "exceptional" form of totalitarianism. In other words, Fascism as an authoritarian regime that was different from National Socialism, yet

still closely allied. The debate on this issue had a relevant political impact after the Second World War: asserting that Fascism was different from National Socialism implied a quick reintegration of Italy in the international political arena as a nation that was "not as guilty as the other one." Moreover, it created the conditions of social and political peace between old political and social adversaries, i.e., between the masses and the ruling classes. This article shows the way in which the historiography supported, reinforced, or fought against the view of Fascist as a "minor evil," creating historical memory. I will try to sketch some relevant historical interpretations before and after the war in the antifascist camp. Therefore this contribution will not present all interpretations about Fascist totalitarianism, but only some of them, which had a strong impact on the Italian historiographical discussion.

2. *Fascism as the Italian autobiography or Fascism as an "episode"*

Benedetto Croce's definition of Italian Fascism as an "episode" – in Italian he spoke about a "parenthesis" in the Italian history – is well known (Croce, 1944). Croce was probably the most famous of the Italian antifascist historians. He belonged to the generation that experienced Fascism in their adulthood – he was born in 1866. His political position was one of a conservative liberal, i.e., he despised democracy and the masses' participation in politics, as well as the parliamentary system, and, at the same time, he strongly believed in the necessity of defending cultural, political, and economic freedoms.

What did Croce mean when he referred to Fascism as an "episode"? Why did he use this definition in spite of the fact that this political regime lasted twenty years? Croce emphasized the exceptional character of Italian Fascism, which had no relation to Italian traditions, history, and culture, or even to positive qualities or vices of Italians. Fascism was therefore an "exception" that could not be integrated into Italian history. In contrast to the Italian experience, German National Socialism was the expression and the result of a long historical pro-

cess, i.e., of Prussian imperialism and its lack of appreciation for individual freedom (Croce, 1944). National Socialism was therefore an *Offenbarung*, the revelation of the deep nature of German culture. It is interesting to observe that this interpretation was successful even in opposite political camps. For example the communist leader Palmiro Togliatti's opinion was similar to that one elaborated by Croce: Fascism was different from National Socialism because of the nature and traditions of the Italian people, who could never completely believe in Mussolini (Togliatti, 1979: 378-379).

It is noteworthy to compare this judgment given by Benedetto Croce in 1944 with his position in 1924, when he was not yet a declared opponent of the Fascist regime. In that year he voted in the Italian Senate to support Fascism even after Giacomo Matteotti's murder by Fascists.[269] This is because he still considered that Fascism would preserve Italy from social chaos, specifically from the social and political upheaval that could be caused by the communists. In 1924, according to Croce, Fascism was not only a "minor evil," a price that had to be paid for the collective security, but also a political movement that could be re-absorbed by the conservative and the liberal parties. The same fatal mistake was made by many famous liberals and conservatives: one of them was Giovanni Giolitti, who was Prime Minister for a long time just before the Fascist seizure of power. Fascism was seen in both cases as a marginal phenomenon in Italian history, bound to be re-absorbed by the liberal institutions. In Croce's interpretation dated to 1944, Fascism becomes an "episode." In both cases it is alien from the specific Italian culture and politics.

On the opposite side, the line of thought that saw Fascism as a product of the specific Italian history, the "autobiography" of Italy was represented by some intellectuals who were politically close to communism, or that, like Pietro Gobetti and Carlo and Nello Rosselli, gave a new interpretation of liberalism, the so-called "*socialismo liberale*"

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269 The murder of Giacomo Matteotti, a socialist political leader assassinated by the Fascists, provoked a demonstration by many opposition leaders in the Parliament. Nevertheless, Croce and many members of the Senate, who were not Fascist supporters, voted for Mussolini just after Matteotti's assassination.

that melted socialist and liberal values and ideas in one political vision. These intellectuals were younger than Croce when Fascism came to power and had direct experience of the so-called red strikes[270] and revolts as well as of the riots and fights between young socialists and nationalists. In other words, they participated in the youth rebellion against the old political system and society together with nationalists and communists, veterans, and futurists.

According to the liberal Gobetti (Gobetti, 1960: 493) and also to the founder of the communist party, Antonio Gramsci, Fascism belonged to Italian history and signaled the need to overcome the conservative political regime: it had been prepared by the exploitation of the social masses by the capitalists, by the irresponsibility of the political and social elites, and by the gap between the rich and the poor. The lack of a solid middle bourgeoisie that could promote liberal economic politics and mass political participation were bound to provoke a reactionary movement that was fomented by the agrarians' fear of a "communist revolution" and by the social crisis after the First World War (Gramsci, 1975: 1228).

In that sense, Fascism for Gobetti was the autobiography of Italy and it was altogether a form of "revolution" and of reaction. It originated in the particular structure of the Italian society, i.e., the weak middle-bourgeois class, which was bound to struggle for its existence against the rich industrial and agrarian strata, as well as the proletarians. It was a revolution, because the middle class tried to revolt against big capital and against the old establishment, and a reaction because this revolt did not aim at creating the conditions for a wide participation of the masses in politics. It is necessary to observe that this historical assessment concerning the revolutionary character of Fascism is similar to the one elaborated by some well-known Fascist historians, like Gioacchino Volpe, who stressed the revolutionary and

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270 Between 1919 and 1920, the working classes in Northern Italy and the peasants in Southern Italy organized an impressive number of strikes and demonstrations. The reasons of these strikes were not only the economic crisis but also the diffusion of the communist ideas and the victory of Bolshevism in Russia, that offered new perspectives for the success and the development of the communist party.

altogether traditional character of Fascism. It is obvious that the difference lays in the negative judgment of Fascism for the social and cultural developments given by Gobetti, Rosselli, and Gramsci, and in the positive one offered by Volpe (1939). This approach represents a long-lasting interpretation in Italian historiography. It had gained a certain relevance already in the writings of the historian Gaetano Salvemini, a socialist historian who belonged to Croce's generation (Salvemini, 1961), and was further developed after the war by scholars such as Angelo Tasca (1965).

The communist intellectual Antonio Gramsci stressed a similar aspect and added an observation on the difference between Northern and Southern Italy in his investigation on the anomalies of the Italian political and social system, which supported the success of Fascism. This movement was supported by the alliance between the Northern Italian industrial bourgeoisie and the Southern and Central Italian rich agrarians against the emerging workers' organizations. Many historians of the post-war generation, like Quazza (1973) developed this theory further. Moreover, Gramsci found the roots of Fascism already in the development of the Italian *Risorgimento*, which he called a "passive revolution" (Gramsci, 1975: 1227). The *Risorgimento*, which unified Italy and had to create a homogeneous nation whose social classes participated in the political life, had miserably failed and did not provoke anybody's involvement in the social and political life of Italy. Therefore it contributed in creating the conditions for the development of Fascism.

3. After the war: the uncanny issue of racism

The last years of the war were characterized by a deep fracture in the Italian politics between partisans and Fascists, that were mirrored by a geographical division between the Salò Republic, ruled by Mussolini, and the rest of Italy, freed by the Allies and without any effective political leadership. The conflict between the political par-

ties and the social forces did not stop at the end of the war. Some political movements that had been marginalized by the conservative political rulers before the war began to play a meaningful role. A sign of this new atmosphere was the great success of the communist movement, and more broadly the so-called secular parties, communists and socialists, which was really something new in a nation traditionally influenced by the Church and the monarchy. However, the period of transition between the conclusion of the war and 1948 ended with an agreement among all different political antifascist forces in order to guarantee peaceful conditions for the Italian democratization. At the international level, Italy and the Italian elites enjoyed a much better political and moral judgment than Germany. The latter continued to be seen as a possible danger for the European and the international balance of power. Germany was seen as having the main moral and political responsibility for the war. Moreover, Italy was considered to enjoy a strategic role in the western bloc and therefore the communist movement had to be integrated and kept under control. The antifascist political alignment that would dominate the Italian Republic from 1948 onwards was not going to be led by communists. The alliance with the old political elites, even when they had a "dark past," i.e., were involved with Fascism, seemed to be one possible way for the allies to get the control on the Italian political situation.

All these facts together had an impact on the popular image of Italians. They also created a particular cultural context for the remembrance of historical events and for the construction of the country's collective memory (Focardi, 2007). Italians were seen as a people who never actively participated in the atrocities of Nazism, such as the anti-Semitic persecutions (Focardi, 1999). In this regard, Italy's post-war image was also a product of the reconstruction of their responsibility – or lack of responsibility – in the Second World War. As Focardi noted, stereotypes like the one according to which Italians were "good people" (*brava gente*) who would never be fanatic and would never truly follow a "*Führer*," as the Germans had done, were reinforced. Moreover, the emphasis on the antifascist resistance that symbolized

the people's revolt against the dictatorship (Lupo, 2004) and, at the same time, the lack of an authentic investigation on the collaboration of the administrative and cultural elites of the new democracy, were signs of a collective amnesia of the twenty years in which the regime ruled.

The historiographical debates seem to sometimes mirror this atmosphere and at other times to offer new hints in order to deepen and reorient the process of memory recovery. In particular some of the first studies that opened new perspectives for research focused on people's consensus regarding the Fascist regime and criticized the view according to which Fascism was an expression of class hegemony in the society. The liberal historian Federico Chabod, who gave a series of lectures on this issue at the Sorbonne held in 1950 (published in Italy only in 1961), clearly stressed these themes and articulated that Fascism could be divided into different periods, in particular regarding the creation of mass consensus and its loss by the end of the 1930s. The collaboration with Hitler, the introduction of the racist legislation in Italy, and the start of the Second World War coincided with the decline of this consensus.

 According to this view, the Fascist regime represented a political form completely different from German totalitarianism from an organizational and institutional perspective, as Hannah Arendt had already asserted (1951). Furthermore, it was also based on different ideological principles and political strategies, led by a different leader and was not keen on anti-Semitism. "The racial issue originates only in 1938 in Italy, i.e., in a country that previously had never experienced racial persecutions" (Chabod, 2002: 96). Following this approach, it can be said that Mussolini was not interested in racist politics nor did most Italians actively support the Fascist anti-Semitic campaigns, which were only a price to be paid for the collaboration with Hitler.

Chabod's interpretation, stressing the developments that led to Fascism and emphasizing that it was a part of Italy's specific history, offers two far-reaching observations on the Fascist regime: firstly, its success was based on the consensus of the masses, and, secondly, the

fact that it was characterized by the lack of any deep racist principles. These key interpretations were later used by some of Italy's most influential historians. Investigations on the methods and strategies to create mass consensus were pursued by scholars such as Alberto Acquarone (1965), Michael Leeden (1972), and by the sociologist Gino Germani (1975). Already in the 1970s, Germani introduced a comparison between Fascism and other forms of totalitarianism. Many interpretations were openly or silently based on Arendt's axiom, according to which Fascism could not be compared with other forms of totalitarianism, because it was another kind of political regime – authoritarian or populist (Arendt, 1951).

In 1965, Delio Cantimori, a well known historian who supported communism, wrote an introduction for the most discussed and well-known work on Fascism, that is to say De Felice's biography of Benito Mussolini (1979). In his masterpiece De Felice considered and used the main interpretative models that have been discussed so far: the interpretation that stressed the consensus of the masses during Fascism (based on the chronological division of Fascism following the rise and decline of that consensus) and the idea that Fascist ideology lacked any significant racist element. De Felice belonged to the third generation of historians, the ones who were small children during the Mussolini era and therefore did not spend most of their youth under the regime, in contrast to Chabod and Cantimori. For this reason it is interesting to look at the introduction written by Cantimori for De Felice's work. Here Cantimori did not deal with the ideological unity or even the coherence of the book's main subject, Mussolini – some characters that are more likely to be found in De Felice's work. He stressed the heterogeneous and often contradictory nature of Fascist ideology and of the people's consensus much more than De Felice did. Mussolini is according to Cantimori "a man who seeks ...walks following a star … a star leads him, he does not know where. Actus, non agens" (Cantimori, 1965: xii). Moreover, the great majority of Italians did not know what they were doing under the Fascism: only a few "could understand and seriously judge history" (Cantimori, 1965:

x). Those few individuals capable of seeing what was really happening were able to do so because they used the theoretical categories of Marxism and interpreted historical developments through the lens of the class struggle doctrine.

The emphasis on the indeterminacy of the Fascist ideology and on the confusion that characterized the opinions of most Fascist followers was also strong in Cantimori's autobiographical writings. In his interpretation, the people's consensus towards Fascism seemed to be the product of confusion between different political ideologies, rather than a real option for one political idea. This is clear when Cantimori referred to his own experiences, noting that during his adolescence both Fascists and antifascists seemed to be heroes because both were antibourgeois, rebellious, and active against the old political and social institutions. The issue of racism was not really dealt with by Cantimori (1965). Even in his introduction to De Felice's book on Italian Jews during Fascism (1961), Cantimori affirmed that anti-Semitism was a product of confusion and ignorance, rather than the sign of a coherent ideology. For De Felice, however, Italian anti-Semitism was relevant, but it was also episodic and linked to Mussolini's strategic alliance with Hitler. In this approach the lack of a deep and ideologically based anti-Semitism revealed the difference between Fascism and National Socialism (1961).

Cantimori's observations on the consensus of the masses regarding Fascism represent a line of interpretation according to which Fascism had no ideology. Another representative theory in this regard can be found in Roberto Vivarelli (1981). Vivarelli developed Chabod's analysis further and investigated Fascism in the international European political and economic context. Vivarelli innovated the historical studies on Fascism by taking into consideration the *longue durée* in the European context from 1871, when the European balance of states power ended, and suggested like Chabod and De Felice the deep difference between Italy and Germany with regards to the opportunistic nature of Italian anti-Semitism (Vivarelli, 2008: 25).

4. The Italian exceptionalism today

In the literature that has been briefly sketched, the thesis of the "Italian exceptionalism," i.e., the specific nature and role of the Italian regime that was not properly totalitarianism but was linked to it, was supported by three assumptions. Firstly, following Arendt, the Fascist regime was not organized internally, could not eliminate the powers of the Church and of the Monarchy, and de facto tolerated some forms of dissent. Secondly, according to Cantimori and De Felice, Mussolini's leadership was ideologically weaker than Hitler's. Finally, following Chabod and De Felice, Italian racism was "imported" from Germany and not actively supported by the Italian people.

Often these assumptions went with some particular images of the Italian people juxtaposed with the Germans. Italians allegedly could not believe completely in any ideology or in a political leader, were always skeptical, and were ultimately the "*brava gente*" (Bidussa, 1996), whereas the Germans were depicted as representatives of the "Prussian" mentality, i.e., obedient and respectful of authority. According to some interpretations, the difference between the two national "mentalities" derived from a long lasting tradition. Moreover, the question as to whether Italian racism was "imported" or not implied a consideration of the degree of consensus regarding the Fascist regime and its change over time. In other words, the assertion that the Fascist regime had imposed racist legislation that had no roots in Italian history was sometimes linked to the observation that the people's consensus had decreased after the 1938 introduction of the racist legislation.

These assumptions, which have dominated Italian historiography, were strictly connected to the political and historical post-war conditions: Italy's minor responsibility and the qualities of Italians as "*brava gente*" could match the political strategies of keeping the social peace between Italians of different political backgrounds. However, historical studies in the post-war era did not assert the episodic nature of Fascism and therefore invalidated Croce's idea of Fascism as a short period in Italian history. They focused on the consensus reached

by Mussolini and on the widespread success of the Fascist movement, which had to be seen as integrated into the pre-war social and political developments. Indeed, the consensus was a very important aspect revealed by the historiographical research, however strangely enough, it did not affect the evaluation of the lack of racism in Italy and of the non-totalitarian nature of Fascism.

In recent years the historical view on these problems has gradually changed: the research focus is always consensus, but this issue has gradually led to a reevaluation of Italian racism and on Fascism as a totalitarian movement. This was clear with Emilio Gentile's interpretation of Fascism as a particular form of totalitarianism (1995) already in the 1970s, along with research on Italian imperialism (Collotti, 2000) as well as on Italian racial politics in the colonies, well before the alliance with Hitler (Sarfatti, 2000; Burgio, 2000). From 2005 to 2007, for instance, the main focus has been on the history of anti-Semitism in Italy, on the comparison between Fascism and other contemporary regimes, and on the totalitarian nature of Fascism (Cordova, 2005). From a brief consideration of the historiography in this time span, it becomes clear that, in the contemporary debate, it is taken for granted that Fascist racial legislation was already developed by the Fascist colonialist authorities and supported by the Italian people before the racial laws of 1938; the studies by Carocci (2005), Fabre (2005), Bagnato (2006), and Bugiardini (2006) give a relevant contribution to this theme. The comparative studies between the totalitarianism in Italy, Spain, Germany, and even Russia, have been largely developed – Carotenuto (2005), Klinkhammer, Natoli, Rapone (2005), Mazzacane, and Somma Stollheis (2005) are some examples of this literature.

On the other hand, the myth of antifascist resistance, i.e., its role in Mussolini's fall, has declined in the last years. Some events, which had been removed from the collective memory, have been investigated. One example of this is the discussion on the so-called "*foibe*," or the execution of Fascists by antifascists during the final period of the war and disposing their bodies into karst pits. It is necessary to ob-

serve that these studies on antifascism and on the role of violence in resistance have been sometimes used for political reasons. Moreover, the so-called *revisionismo*, i.e., an interpretation that tries to turn upside down the moral and political judgment on Fascism, represents a development that can be observed especially in recent years (Collotti, 2000). Today the historical investigations that focus on the responsibilities of Italians in the racist politics and in the totalitarian phenomena can be seen as opposite to another more journalistic interpretation of Fascism, that compares the antifascist murders during the civil war after 1943 and the Fascist crimes and therefore leads to moral and scientific relativism.

Focardi (2007) relates this turn in the creation of the memory of Fascism and antifascism to the internal political conditions, i.e., to the victory in the political Italian elections of the last decade of a coalition in which the right-wing parties play a role. Revisionism, which was spread especially by journalistic works and by other mass-media, has to be related to an attempt to re-construct the image of Fascism and antifascism in order to emphasize their differences and to state the equivalence between the crimes committed by both of them. Another striking development is the investigation of well-known intellectuals and historians in the post-war period in order to discover or reconstruct their past participation in the Fascist regime (one example is Serra, 2005). The case of Delio Cantimori, a communist historian in the post-war period, whose involvement with Fascism became the object of a lively and aggressive debate, is an example of this literature. The reasons why and the ways how the biography and the past experiences of some leading intellectuals are investigated could be an interesting subject to deal with, also with regards to the changed international and national political events. It could be therefore also useful to keep in mind the conditions in which historiography develops, which recalls a well-known statement by Benedetto Croce: "every history is contemporary history because it refers to present needs and to the present situation" (Croce, 1966:11).

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Aliaksei Lastouski

Historical Memory as a Factor of Strengthening Belarusian National Identity

The aim of the paper is to identify the key topoi in the perceptions of the past among the residents of Belarus, i.e., perceptions of some defined sets of events that are granted a certain scale of values. The most obvious way to define certain themes among answers to the open questions is to use the grouping by historical periods, depending on how frequently they have been mentioned. The following historical periods can be singled out: 1) modern history (the chronological framework from the achievement of independence by the Republic of Belarus up to the current moment); 2) history of the Soviet period; and 3) history prior to the beginning of the twentieth century (i.e., before the October Revolution of 1917). However, these periodizations have to be adjusted by the addition of a separate topos of the Great Patriotic War, as the perception of this event is extremely important for the consciousness of the people of Belarus. Furthermore, these topoi will be considered with regards to their degree of coherence/conflict. The hypothesis is forwarded that the consensus about certain historical periods and events contributes to the consolidation of national iden-

tity, while conflicting interpretations of history lead to the weakening of Belarusian identity.

Key words: historical memory, national identity, interpretations of the past, Belarus

Introduction

The end of the twentieth century is marked by the emergence of a particular discourse of historical memory in the context of national identity. Bo Stråth identifies two main reasons for the formation of this discourse:

1. the end of the Cold War led to social and cultural fragmentation, which in turn led to an erosion of interpretative schemes (for example, representations of the Soviet Union as the "evil empire" had lost its relevance and value) and raised the issue of collective memory;
2. the appearance of a new epistemology, which was indicated by such concepts as "construction" and "postmodernism," and relativization of concepts such as "truth" and "reality" (Stråth, 2000: 17-46).

Based on this epistemological framework, we will try to approach the comprehension of the role of historical memory in the formation and strengthening of national identity.

According to Maurice Halbwachs, creator of the concept of collective memory, the primary function of collective memory was to maintain harmony (and, consequently, group identity) between social groups. The French sociologist argued collective memory is formed and operates within a social framework which is defined by the identity of social groups. An important characteristic for collective memory is identification specificity; it has always been focused on social interests of the relevant social groups. Accordingly, identity precedes memory

and creates the possibility for its implementation (Halbwachs, 2007). According to the English scholar David Lowenthal, different groups mobilize collective memories in order to maintain corporate identity (Lowenthal, 1999: 133). Despite the fact that many of the ideas introduced to the concept of collective memory by Halbwachs have been repeatedly rehearsed and significantly less frequently used in practice in the course of further development of social and human knowledge, this idea (identity as a condition for memory) was short-lived. It is rather possible to talk about the popularity of the opposite viewpoint – memory as a condition for identity. According to E. Melnikova, "conceptualizations of the unity of origin (ethno-genetic and socio-genetic legends) and commonness of the past of all members of a given society determine its integrity and vitality" (Melnikova, 2003: 3).

The two abovementioned intentions can be combined in a more sophisticated and complicated scheme. In this case historical memory and collective identity appear in a bidirectional relationship: on the one hand, the contents of historical memory determine the possibilities and limitations for the work with collective identity; on the other hand, precisely identity is the determining factor for rethinking the past and incorporating it in an evaluation of the present.

Additionally, the analytical division of collective memory by Jan Assman into communicative and cultural ones (Assman, 2004: 60) refers to the dual nature of national identity that is also implemented at two levels, a common level of daily life and solemn articulations of a ritual nature. Historical memory created institutionally is a conjunction of these two levels in the process of communicative interactions, but a certain socio-political context sets its own specificity of discursive frameworks, translation channels, and consumption practices of historical memory.

Thus, for a description of national identity as a certain consistency of perceptions about what the nation is and who belongs to it, the integration of social representations of the past is likewise needed. A particular exigency of rethinking history and finding common perspectives arises in states that are undergoing radical transformations in

their socio-cultural development. This was the case in the new states in Eastern Europe (including Belarus), where the collapse of the Soviet historical model demanded a review and redefinition of national historical narratives, as well as finding ways to unite the conceptualization of their histories.

One of the most important tools for the formation of historical memory used by the state is control over the educational system. Teaching history is traditionally considered to be extremely important for the formation of national consciousness, instilling a sense of patriotism, and propagating various ideological positions.

However, it must be considered that nowadays no state has a complete monopoly over political and cultural space. In any modern national state there are different projects of national identity which also mobilize historical memory for their own purposes. These attempts may lead to divisions in society, and subsequently the history of a nation can act as an arena of struggle for various political powers.

The struggle for political leadership is often seen as a competition of different versions of

historical memory (or resistance to its official version) and different symbols of its greatness, like a dispute about what historical events the nation should be proud of, and which

should better be forgotten. That being said, not only official authorities, but also oppositional powers and various social movements are busy with the construction of historical memory versions suitable for them ("memory" and "counter-memory") (Repina, 2006: 39). Thus, national memory, mostly articulated in the state discourse, is not homogeneous and is characterized rather by the plurality and diversity of the competing versions. Therefore, historical memory may well take the form of "counter-memory," which often challenges and contributes to the destabilization of the official versions of national identity. Consequently, the linear relation "memory strengthens identity" reduces the image of social reality, which is intensified with confrontations and the competition of various projects of national identity that create heterogeneous versions of collective memory. It should be kept

in mind that "different, conflicting memories, in fact lead to the disintegration of society, and in a sense contribute to the creation of parallel societies in one country, or even lead to the ghettoization of ethnic minorities. Striving to get rid of this unnecessary public confrontation, each society is faced with the difficult task of creating of a harmonious cultural memory for the country" (Nikžentaitis, 2008: 369).

Accordingly, historical memory can serve as a factor contributing to the strengthening of national identity if social perceptions of the past are coordinated, but can also give rise to certain conflicts in the national consciousness.

Let us turn to the peculiarities of historical memory of the people in Belarus, using the theoretical framework outlined above. The analysis will be based on the results of sociological research conducted by the Institute of Sociology[271] in June 2008. The answers to the following two open questions will be mainly considered: "What are the events in the history of Belarus, in your opinion, that one can be proud of?"; and, "What events in the history of Belarus bring you grief and shame?" Additionally, some other issues aimed at studying historical memory of the people of Belarus will be considered during the analysis.

The aim of the research will be to identify the key topoi in the perceptions of the past among the residents of Belarus, i.e., perceptions of some defined sets of events that are granted a certain scale of values. Furthermore, these topoi will be considered with regards to their degree of coherence/conflict.

The hypothesis is forwarded that the consensus about certain historical periods and events contributes to the consolidation of national identity, while conflicting interpretations of history lead to the weakening of Belarusian identity.

The most obvious way to define certain themes among answers to the open questions is to use the grouping by historical periods, depending on how frequently they have been mentioned. The following historical periods can be singled out: 1) modern history (the chronological framework from the achievement of independence by

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the Republic of Belarus up to the current moment); 2) history of the Soviet period; and 3) history prior to the beginning of the twentieth century (i.e., before the October Revolution of 1917). However, these periodizations have to be adjusted by the addition of a separate topos of the Great Patriotic War, as the perception of this event is extremely important for the consciousness of the people of Belarus.

2. The Great Patriotic War

Many researchers noted that a set of ideas about the Great Patriotic War is the most significant for the development of Belarusian national identity (Rudling, 2008; Marplz and Padgol, 2008). The centrality of this event for historical memory is inherent in many European countries. "Today, the revaluation of the past – the Second World War, occupation, collaboration, and resistance – is one of the main themes of public discourse in all European societies" (Vel'cer and Lenc, 2008: 12). For Americans, the most important event in the sphere of international relationships is also the Second World War (Savel'eva and Poletaev, 2007: 309). However, the war is comprehended differently in different countries (Trebst, 2008).

But even considering such a common European "obsession with war," the Belarusian case is still very special. The closest analogue in terms of memory of the Great Patriotic War is modern Russian society; for our countries this war is still "a patriotic war" rather than "a world war," it started in 1941, rather than in 1939, and we celebrate the victory on 9 May, not on 8 May, as the rest of the world (Dubin, 2004).

A significant proportion of continuity is easily seen between the way the war is articulated in the public discourse of modern Belarus, and the way the Great Patriotic War was used to legitimize communist rule:

> [t]he war, with its numerous real and mythical mani-
> festations of heroism and sacrifice, was excellent mate-

rial for the creation of patriotic symbols and patterns of collective memory. Moreover, the common struggle of the Soviet peoples gave an opportunity to create a model of common patriotism – a common Soviet identity not ignoring, but rather on the contrary, focusing on local specificity. Thus, the myth of the Great Patriotic War, the basis of which constituted ideologems of the moral and political unity of the Soviet society, of the leading role of the Communist Party, of the unity of the Party and the People, the front lines and the home front, of the flaming Soviet patriotism and mass heroism, of the friendship of peoples and so on, was created to play a special role in the unification of the Soviet society (Grinevich, 2005).

The memory of the war continues to be actively reproduced in modern Belarusian society, through virtually all possible channels of cultural policy. Particular attention is paid to the formation of patriotic upbringing through heroic examples of the Great Patriotic War in the educational system (Smaljanchuk, 2008). Accordingly, a special course, "The History of the Great Patriotic War," has been widely introduced in the university educational system. Media culture is also full of materials referring to this event. It is especially worth mentioning the ongoing broadcasting of films about the war, some of which continue to enjoy a mass popularity. Even during the Soviet period the film-studio "Belarusfilm" was given the informal title of "Partizanfilm," and the theme of war continues to dominate the Belarusian film industry. Furthermore, the most important national holidays in the Republic of Belarus (Independence Day and Victory Day) are directly related to the triumphant moments of the Great Patriotic War period.

It is therefore absolutely not surprising that according to the results of the survey, the most significant event in the history of Belarus that one can be proud of is the victory in the Great Patriotic War.

However, one can say that the Belarusian image of the war differs from the Soviet one, and has its own specificity, which started to form

during the Soviet era. First of all, the narrative of the Second World War emphasizes the huge number of Belarusian casualties, which accorded Belarus the status not only of a hero nation, but also of a martyr nation, whose victory in the war was paid by a tragic price. This is reinforced by the continuous use of the rhetorical figure that every fourth Belarusian died during the war. Secondly, the exclusive role of the Belarusian people in the victory over fascism is highlighted, where a special part is given to the so-called "Partisan myth." Consequently, the idea that "the Soviet people were the victors over fascism" gradually fell into the shadows and was replaced by the notion that the Belarusian people were the exclusive victors.

Thus, the Great Patriotic War appears in the consciousness of the Belarusians as an event that is simultaneously tragic ("Belarus took the first most terrible blow in the Great Patriotic War") and heroic. At times the war is portrayed as a terrible test, a struggle for the right of people not only to exist, but also for universal respect. However, in the open responses to the questionnaire the prevalent themes are of heroism ("heroism during the Second World War," "the heroic deeds of the Great Patriotic War," and "the deeds of the people in the Great Patriotic War"), struggle ("the struggle of the people during the war" and "the struggle for liberation"), liberation ("liberation from fascists" and "the liberation of Belarus"), and victory (the category of "Victory in the Great Patriotic War" is mentioned 381 times, and this is in response to an open question). This being said, of all the categories the leading ones are references to the partisan movement (fifteen categories), which proves the actualization of the myth about Belarus as a partisan country.

On the other hand, the Great Patriotic War has its negative sides – huge losses, failure at the beginning of the war, the occupation period, and the related problem of collaborationism. Furthermore, the partisan movement itself looks quite controversial in the unofficial memory transmitted primarily by family channels in Belarusian villages (Shatalava, 2008). These negative moments were widely debated in the media in the late 1980s and early 1990s, but in recent years they

have virtually disappeared from public discourse, both in Belarus and Russia. However, even now one may notice some attempts to use the "counter-memory" about the war to challenge the official image of this event.

In the mass consciousness of the Belarusian people the negative aspects of the Great Patriotic War are virtually non-existent, which can be traced through the responses to the question "What events in the history of Belarus bring you grief and shame?" Even if the war is sometimes present in these responses, it is mostly associated with the bitterness of loss in the war ("bitterness, but not shame," "death of every third person in the Great Patriotic War," or "losses in the Great Patriotic War"). But all of the other controversial topics listed above receive only occasional mentioning ("the large number of traitors in the Great Patriotic War," "the beginning of the War," "the retreat in 1941," "police revenge squads," "the defeat of 1941," "treason during the war," or "execution of the Jews"), and are obviously marginal in the formation of memory about the war.

Thus, memory of the victory in the Great Patriotic War among the residents of Belarus is fairly coherent and does not evoke conflicting interpretations. In the mass consciousness it seems a difficult test for the Belarusian people, in which they displayed extraordinary heroism that can be considered as an invaluable contribution to the victory over fascism. These social perceptions of the past are in full conformance with the image of the war operating in the state discourse, as illustrated in the speech by the Belarusian president:

> Tell me, what is the greatest achievement of our people for which we must bow down to them? It is the victory over fascism...We have given millions of people to the altar of victory in that war. And the most freedom loving and honest people have always been the Belarusian people. Yes, we had some incidents of treachery. But those were singular incidents. Our people fought with honor and pride (Lukashenko, 2003: 35-36).

It is noteworthy that this situation actualizes the connection between the past and the present, and emphasizes that the victory in the war is the heritage of the people for which one can, and should be, proud of these days. This contributes to the establishment of a sustainable positive emotional link with the national community whose contribution to history is so heroic. The simplicity and non-contradictive nature of this image only contributes to its more successful consolidation in the mass consciousness. Thus, it is possible to agree with other researchers that the historical memory of the Great Patriotic War is the key to the formation of Belarusian national identity, the most sustained and articulated set of representations of the past among the residents of Belarus. This being said, some authors' focus on the continuity with the Soviet myth of the war does not allow the observation that in contemporary Belarus the memory of the war is filled with different content, where the strengthening of national identity is facilitated by the concentration of rhetoric on the role of Belarusian people in the victory over fascism.

3. Modern History

The topos formed by the events of the recent history contributes to the most diverse and rich representations of the past for the inhabitants of Belarus. It contains several important themes that contribute to Belarusian pride (see *Table 1*):

Themes in the historical memory of the residents of Belarus	Number of categories	Number of answers1
Gaining independence	70	200
Construction of new buildings	34	76
Sports achievements	49	70
Victories in "Eurovision Song Contest"	20	56
Festivals	12	52
Economic wellbeing	50	51
Presidential rule of Aleksandar Lukashenko	23	34
Independence day	4	32
Cultural achievements	18	19
Celebrations	13	18
Scientific and technical achievements	10	10

Table 1: Themes of the modern history of Belarus that evoke pride among the country's residents

Some of them received significant positive interpretations:

1. According to the opinions of the residents of Belarus, the only event in the history of the country more significant than achieving independence was victory in the Second World War. Achieving independence was mentioned in seventy categories, where different procedural terms were used, leading to the status of "independence": "recovery," "announcement," "formation of an independent state," "acquisition," "recognition," "acceptance," "proclamation," "establishment of an independent state," "preservation," "becoming," and "establishment";

2. The respondents mentioned the construction of new buildings, including the construction of the National Library and ice hockey arenas. There were also negative reactions to large-scale construction projects ("building arenas and sports facilities while the population lives in poverty," or "pomposity in construction"), but they were less common (only four responses);

3. Among sport achievements, ice hockey victories were especially highlighted ("a victory of the Belarusians over the Swedes in ice hockey," "fourth place at the Ice Hockey World Championship"), as was Yuliya Nesterenko's victory at the Olympic Games ("Belarusian runner who won at the Olympics," and "Nesterenko's victory over the American hegemony"). The most popular sport, football, is mentioned only once among events that evoke pride, since it appears to be negatively perceived much more often ("games of the national football team," "lost at football," and "losing to the Andorran team with the score of 2:0"). However, it should be noted that the research was conducted prior to the successful performance of the BATE Borisov Football Club in the Champions League, which according to the visitors of the most popular Belarusian website www.tut.by, was a major event in Belarus in 2008. Sporting achievements have become a symbol of national pride in

the modern world, promoting social cohesion and strengthening national identity;

4. Respondents were positive about the victories of Belarusian artists at the international musical contest "Eurovision Song Contest," firstly the victory of Ksenia Sitnik ("victory in the Junior Eurovision Song Contest Song Contest," and "Ksenia Sitnik victory") and the successful performance of Dmitry Koldun ("Koldun's sixth place," and "Koldun's performance on Eurovision Song Contest"). It should be pointed out that in this case the recognition of Belarusian culture on the international level is important, which again contributes to a positive emotional connection with the national community. On the other hand, poor performances of our artists cause bitterness and shame ("for Ruslan Alekhno, who did not enter the semifinal on the Eurovision Song Contest," "Eurovision Song Contest in 2008 (did not make it to the finals)," and "failure in the Eurovision Song Contest");

5. Various festivals, among which the festival "Slavonic Bazaar" in Vitebsk stands out.

However, not all the themes from modern history received a positive evaluation (see Table 2):

Themes in historical memory of the residents of Belarus	Number of categories	Number of answers 2
Contemporary politics (actions of the government)	63	95
Socio-economic situation	44	46
Contemporary politics (actions of the opposition)	20	28
The Nemiga tragedy	7	25
Foreign policy	23	24
Abolition of benefits	11	18
Decline of ethics and moral	16	17
"Perestroika" and beginning of the 1990s	11	15
Mass media	12	13
Sports failures	10	13
Situation with the Belarusian language and culture	12	12
Eurovision Song Contest	8	10

*Table 2: Themes in the modern history of Belarus that cause bit-
terness and shame among the residents of the country*

Some spheres of life in Belarus raised in the questionnaire caused contradictory reactions from the residents of the country, such as the following:

1. The socio-economic life of modern Belarus. People noted the growth of production ("economic recovery," "manufacturing of new products," "growth of industry in the country," and "improvement of the socio-economic situation of the Republic of Belarus") and connected it directly with their well-being ("a decent living"). It should be noted that sometimes the living standards of Belarusians were described as very modest ("more or less you can live," "pensions are paid on time," and "there is a good choice in the shops"). But among the responses there are also a lot of negative ratings ("an underdeveloped economy," "negative growth in the market economy compared to the socialist system of development," "instability in the economy," and "eternal poverty"), indications of a low level of salaries and pensions ("small wages," "workers are low-paid," "a low material standard of living of the average population," and "the situation of pensioners, particularly rural"), and, conversely, a high level of prices ("high prices," "price increase," "rise of fuel prices," and "ongoing price increases"). It should be borne in mind that the poll was conducted before Belarus felt the impact of the global financial crisis;

2. Political life, which also causes many contradictory interpretations. The results of presidential and parliamentary elections makes part of the population proud ("the election of our President," "the election of the President," and "Lukashenko's victory in all elections"), but the other part of the population considers these results to be events that cause bitterness and shame ("violation of the Constitution during the election of the President," "Lukashenko coming to power," "presidential elections of the last ten years," and "establishment of the 'superpresidential' Republic"). There are many references and disagreement with the policy towards the opposition ("the brutal

chasing of demonstrations and meetings," "when OMON [*special police forces*] use batons," and "persecution of dissidents").

Some themes are only present among the events that cause negative feelings. First of all, it is the perception of foreign policy. Among the answers there are indications of complexity towards relationships both with the West ("non-recognition by the western countries," "Belarus is considered to be a non-democratic state," "conflicts with the United States," "we keep failing to join the EU," and "the absence of Belarus in the European Union") and Russia ("non-fulfillment of the idea of Union of Russia and Belarus," "turmoil with Russia on the gas issue," and "oil conflicts with Russia"). Also, one of the clearly negative events in contemporary history for the residents of Belarus was the abolition of benefits.

Therefore, if a set of ideas about the Great Patriotic War in the consciousness of the people of Belarus is homogeneous and stable, characterized by a set of sustainable metaphors and expressions, modern history brings forth a great variety of interpretations. Some themes of actual history (gaining independence, sports achievements, the construction of new facilities, and victories on "Eurovision Song Contest") are the least controversial in the public consciousness and can be considered as contributing to the consolidation and cohesion of the Belarusian nation. At the same time, assessments of the socio-economic and political development of the Republic of Belarus are controversial and are unlikely to provide any unifying base.

4. History of the Soviet period

These studies indicate that in terms of the development of a positive image of the past, the Soviet epoch is marked by hegemony of accented and pronounced memory of the victory in the Great Patriotic War, in the shadow of which other events of that period become insignificant.

The October Revolution was mentioned only once, and this is despite the fact that the revolutionary myth in the Soviet Union was one of the most important bases of common Soviet identity. Although 7 November is still a state holiday in the present Republic of Belarus, its meaning and origin is considerably obscured. Noteworthy is the fact that this process develops much more intensively than in Russia. In 1989, 62% of Russians considered the October Revolution to be the main event of the century (in second place after the victory in the Second World War), while in 2003 only 40% of Russians gave it this status (in fourth place) (Dubin, 2008).

Besides the Great Patriotic War, only a few historical events from the Soviet past were cited by respondents as causing a sense of pride (see *Table 3*):

Themes in historical memory of the residents of Belarus	Number of categories	Number of answers
Victory in the Great Patriotic War	89	567
Reconstruction after the war	10	12
Participation in the exploration of space	10	11
Participation in the creation of the UN	6	6
Life in the USSR	5	5
Unification of Western Belarus with the BSSR	5	5
Formation of the BSSR	2	4

Table 3: Themes from the modern history of Belarus that evoke pride among the country's residents

It is interesting that all these events are related directly to the place of Belarus in Soviet history. Even the mentioning of space exploration focused not on the pioneering flight of Gagarin, but on the participation of Belarus in space programs ("Belarusian cosmonauts," "astronauts Klimuk and Kovalyonok," and "the space flight of the Belarusians"). The overall category of "life in the USSR" is mentioned only five times (some respondents refer exactly to the period, "when Masherov was the head," which again displays precisely the Belarusian context). This proves that the history of 1917–1991 in the mass consciousness of the Belarusians is perceived not as the past of the Soviet peoples, but rather as the past of the people of Belarus in the Soviet Union.

At the same time, the collapse of the Soviet Union is still perceived painfully by a part of the Belarusian population, especially by the older generations who gave the most sharply negative assessment of the activities of Mikhail Gorbachev and Stanislav Shushkevich (37.3% and 39.4% respectively). Other negative events in the history of Belarus are "the disintegration of the USSR," "the signing the Belovezhsky agreement," and "the agreement in Viskuli" (although it would be fair to mention that the same events are also mentioned among the events that evoke pride among the people of Belarus).

The assessment of the role of important historical figures of the Soviet period by the residents of Belarus is also mixed (see *Figure 1)*.
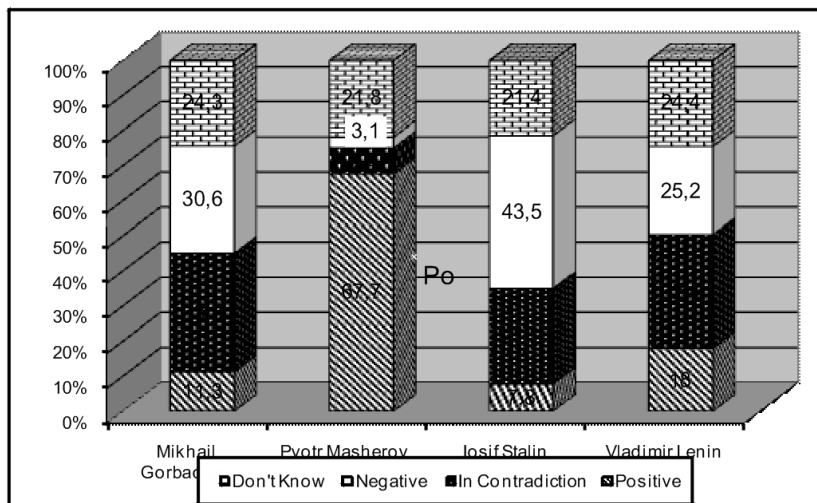
Figure 1: Assessment of the role of different political figures of the Soviet period in the history of Belarus

As we can see, only the assessment of the role of Pyotr Masherov (leader of Belarusian Communist Party in the 1970s and 1980s) is certainly positive. But the most positive assessment of his role came from the people of Belarus over the age of forty who lived during the period when Masherov headed the Belarusian government (see *Table 4*). For them, the positive evaluation of this historic figure reaches 80%, but for the younger generation (under twenty years old), this figure is no longer of such significance, and the level of positive assessment drops to roughly one half (to 38.5%), while more than one third of the representatives of this generation (36.3%) were not prepared to assess the role of this historic figure.

Assessment of the role of Pyotr Masherov in the history of Belarus	Age groups						Total
	Up to 20	20-29	30-39	40-49	50-59	over 60	
Positive	38.5	56.2	64.0	80.0	79.7	73.9	67.7
Inconsistent	17.6	11.9	7.4	4.2	3.8	4.7	7.4
Negative	7.7	4.6	1.9	1.6	2.7	2.8	3.1
Don't know	36.3	27.3	26.7	14.2	13.7	18.5	21.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Table 4: Assessment of the role of Pyotr Masherov in the history of Belarus by different age groups of the residents of Belarus (in %)

Thus, even the positive evaluation of Pyotr Masherov is not a unifying factor for social perceptions of the past among the residents of Belarus, since it is relevant primarily for the older generation and leads to a generation gap in the historical memory.

Meanwhile, for the Soviet period there are several sore points for social perceptions of the past among the residents of Belarus (see *Table 5*):

1. The Chernobyl nuclear power plant disaster in 1986. This event tops the "black list" of events that cause feelings of sadness and shame ("the accident at the Chernobyl NPP," "the explosion at the Chernobyl NPP," "bitterness: Chernobyl," "little information about the nuclear fallout," "migration of people from contaminated zones," and "the Chernobyl catastrophe");
2. The war in Afghanistan ("the Afghan war," "war in Afghanistan," and "Belarusian participation in the war in Afghanistan");
3. Stalin's repressions ("the repressions of 1917-1953," "repressions of Stalin's times," and "repressions, murders");
4. Collectivization ("the years of collectivization," "collectivization of the 1930s," and "collectivization and its consequences").

Themes in historical memory of the residents of Belarus	Number of categories	Number of answers
Chernobyl catastrophe	17	184
Disintegration of the USSR	17	93
Great Patriotic War	17	50
Stalin's repressions	19	34
Collectivization	5	16
The USSR period	10	11
Afghan war	5	9

Table 5: Themes in the modern history of Belarus that cause bit-
terness and shame among the residents of the country

Thus, the Soviet period in Belarusian historical memory is not perceived univocally. As we have noted, the positive image of the Soviet past is formed mainly due to the domination of the memory about the victory in the Great Patriotic War, while the other events of the Soviet period are perceived contradictorily. It should be also noted that even the leadership of the country by Stalin during the war did not save him from a pronounced negative assessment of his role in the history of Belarus by the respondents. The older generation of Belarusian residents retain nostalgic memories of Masherov's government, but for younger generations the same period of the past loses its significance. Therefore, the memory of the Soviet past (with the exception of memory about the victory in the Great Patriotic War) can hardly be a consolidating factor for strengthening Belarusian national identity, since it generates conflicting interpretations and serious disagreements in the views of the people of Belarus.

5. *Pre-Soviet History*

The most underrepresented period in the mass consciousness of the people of Belarus is the history of the country in the pre-Soviet era.

However, the distant past of the Belarusian people did not cause any adverse reactions. From this period, only four events were mentioned among the events in the history of Belarus that cause bitterness and shame: the Union of Lublin, divisions of the Polish-Lithuanian Commonwealth, the suppression of the rebellion under the leadership of Kastus Kalinowski, and a single mention of the Livonian War (1558-1583).

Far more frequently mentioned were events from the history of Belarus which evoke pride (see *Table 5*), such as the categories related to the activities of educators ("the creation of the first books by Francysk Skaryna," "the publishing of the first book in Eastern Europe," and "the Enlighteners Efrosinya of Polotsk and K. Turawski," which number a total of twenty-six categories) and the period of the Grand Duchy of Lithuania (GDL) ("the creation of the GDL," "being part of the GDL," and "the flourishing of culture during the time of the GDL," which number thirteen categories). Additionally, the period of the Polotsk principality, the battle on Nemiga, the Battle of Grunwald, the Battle of Orsha, the constitution of 1791, the war of 1812, the Kosciuszko and Kalinowski uprisings, the issue of "Nasza Niwa," and the First World War were mentioned.

Themes in the historical memory of the residents of Belarus	Number of categories	Number of answers
Activities of Enlighteners	27	32
The GDL period	13	23
The Battle of Grunwald in 1410	10	17
Rebellion under the leadership of K. Kalinovsky	5	12
Creation of the Belarusian People's Republic	4	8
The Battle of Orsha in 1514	4	5

Table 6: Themes of the pre-Soviet history of Belarus that evoke pride among the country's residents

It should be mentioned that some events, particularly the war of 1812 and the First World War, can hardly relate to the achievements of Belarusian national history from a historical point of view. References to these events show that representations of inclusion of the history of Belarus into the broader historical and cultural area with Russia are still present in the historical memory of Belarusians (the origins of these representations can be located in the remnants of Soviet education, but may also be formed through the current strong information impact on Belarus from the Russian cultural field).

Despite the weak actualization of representations about the pre-Soviet past of Belarus, this historical period has the greatest potential for strengthening national identity. For the representation of historical events, the remoteness in the past has its undeniable advantages: the possible contradiction between cultural and communicative memory (or, in other words, between the official and unofficial memory) is removed, which allows greater freedom for the creation of a positive image of past events. The poor knowledge of the history of the country before the beginning of the twentieth century by the inhabitants of Belarus can be interpreted as a "clean plate," which can be filled with a constructed memory. This is where it has benefits over the period

of modern history, which inevitably causes conflicting interpretations. This potential source has already begun to be used in education as well as in the media (such as historical publications in the newspaper *Belarus Today* and the cycles of historical shows broadcast on public television), but as evidenced by the survey data, the possibilities of historical memory in this case are not yet fully utilized.

In this regard it is noteworthy that among all of the historical figures that have influenced the course of Belarusian history, the educators of the Middle Ages, such as Francysk Skaryna and Efrosinya of Polotsk, received unambiguously positive assessments (respectively, 83.4% and 82.6% of respondents evaluated their contribution to history as "positive"); in this positive perception, representatives of all socio-demographic groups are unified. Hence, the emphasis on the educational activities of the most important cultural figures can serve as a unifying factor contributing to the coherence of historical memory of Belarusians.

The perceptions of key Belarusian historical figures, such as Kastus Kalinowski, Vitawt, and Wsiaslaw the Magician, are listed below (see *Figure 2*):
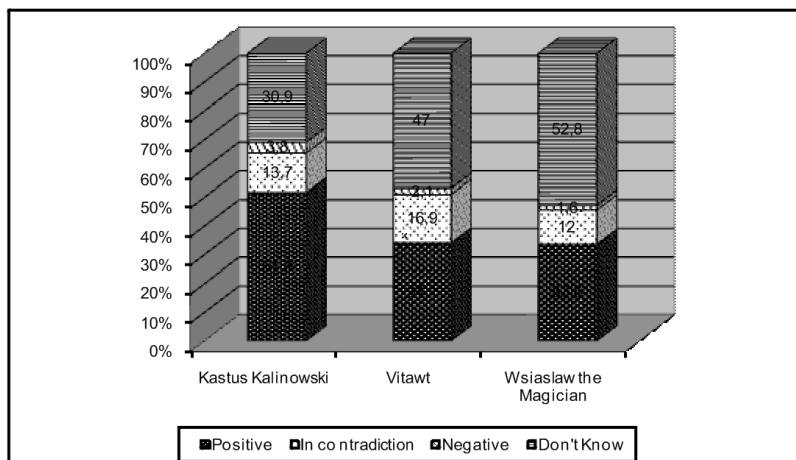
Figure 2 : Assessment of the role of different historical figures of the pre-Soviet period in the history of Belarus

As we can see, the residents of Belarus are unfamiliar with these historical figures, since about half of the respondents found it difficult to assess the roles of Vitawt and Wsiaslaw the Magician. But in this case, more important is the almost complete absence of negative ratings, which suggests that with the proper promotion the inhabitants of Belarus are quite willing to accept these historical figures as national symbols, since at least they do not cause any negative emotional reactions. The absence of any significant generation gaps in the assessment of the role of these historical figures is remarkable, although the number of those who could not answer naturally increased among the older generations (yet it did not lead to an increase of negative assessments).

6. Conclusion

Thus, the analysis of the degree of conflict/coherence of the main topoi in the historical memory of the people of Belarus leads to the following conclusions:

1. The most important historical myth contributing to the construction of modern Belarusian national identity is the memory of the victory in the Great Patriotic War; the consistency and simplicity of this memory only contributes to a coherence of representations of the past.

2. The most saturated and diverse aspect of Belarusian historical memory is the topos of modern history, which includes numerous contradictory assessments and interpretations. Some themes of modern history (the establishment of independence, sports achievements, the construction of new facilities, and the victories in the musical contest "Eurovision Song Contest") can be regarded as contributing to the consolidation of mass consciousness, whereas the interpretations of the socio-economic and political development of the Republic of Belarus is not as homogeneous.

3. The memory of the Soviet period in the history of Belarus is noted by a hegemony of the memory of the war which overshadows all other events. However, negative (or controversial) assessments of political leaders of this period by the residents of Belarus (with the exception of Pyotr Masherov) show that Soviet history can not serve as a unifying factor for the integrity of historical memory.

4. The biggest potential for strengthening Belarusian national identity belongs to the topos of social representations of the history of Belarus before the beginning of the twentieth century. This topos has two important characteristics: 1) blankness (the content can be modified without any problem); and 2) positive-to-neutral percep-

tions in the mass consciousness. The consolidating role of assessments of the educators Francysk Skaryna and Efrosinya of Polotsk indicates that the pre-Soviet Belarusian history can be quite effectively used to form the commonness of representations of the past and present of the Belarusian nation.

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