

## IN BETWEEN FACTUAL TRUTH AND SOCIAL CONSTRUCTION – DR. FRANJO TUĐMAN IN INTERNATIONAL SCHOLARLY DISCOURSE\*

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The aim of this paper is to provide an insight into how knowledge about dr. Franjo Tuđman was internationally created, namely the international context in which scientists and experts have produced factual truths about Croatia's First President's leadership, his role and accountability in the events that have marked the violent disintegration of former Yugoslavia, Croatia's war of defense, and democratic transition. Developed discourse of the international scholarship about Yugoslav wars of disintegration and Croatia's painful democratic transition is analyzed to determine how and in what way Dr. Franjo Tuđman is represented in selected publications available to the author of this paper. International scholarly production under the review is rather multidisciplinary with a variety of approaches, methodologies and theories providing rich data which in this case is studied juxtaposed to dominant transitional justice discourse framework. Such qualitative sociological research tries to deconstruct international scholarly context in which factual truths about dr. Franjo Tuđman were socially constructed by scholars and experts. Even though not always framed under the umbrella of transitional justice scholarship, developed discourse is nonetheless analyzed through critical lenses of social constructivism<sup>1</sup> and approached in post-modernist sociological manner.

**Keywords:** dr. Franjo Tuđman, international knowledge production, scholarly discourse, factual truths, social constructivism.

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<sup>1</sup> Peter Berger, Thomas Luckmann, *Socijalna konstrukcija zbilje* (Zagreb: Naprijed, 1992).

## Introduction

From the first liberal democratic elections in 1990 until his death in 1999 dr. Franjo Tuđman was not only a proponent of Croatian social and political change in former Yugoslavia, but more importantly, he was a state leader whose actions and decisions were under constant scrutiny of international politics, legislation, and scholarship. Dr. Franjo Tuđman's leadership, and his political and military decisions were thus constantly challenged by emerging predicaments of imposed aggressive war, and by international judgments of Croatia's democratic transition. Also, subsequent European integration/accession process has furthermore stipulated implementation of transitional justice provisions thereby scrutinizing the role and accountability of Croatia's First President.

Namely, protection of human and minority rights of refugees, internally displaced persons, and citizens in Croatia account for transitional justice provisions implemented during the war and later in the United Nations's (UN) project of peaceful reintegration of Eastern Slavonia.<sup>2</sup> However, in the aftermath of the official application for the European Union (EU) membership in 2003<sup>3</sup> and before accession negotiations when the screening stage has commenced in 2005, retributive mechanism of the transitional justice process was introduced in Croatia.<sup>4</sup> As conditionality requirement, cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) was stipulated as retributive mechanism of transitional justice by the EU. Thereby, the extensive case load and factual truths determined by the ICTY have not only had detrimental effects on how Croatia's war of defense and subsequent democratic transition were interpreted by both experts and scholars; but more importantly, how the role and accountability of dr. Franjo Tuđman was judged inside newly acquired knowledge produced by international scholarship.

Therefore, the first section in this paper outlines sociological research frame of reference and conceptual clarifications. The second section gives an overview of the context of international scholarship and transitional justice discourse development about the wars of Yugoslav disintegration and Croatia's war of defense. The third section discusses the findings on how the knowledge about dr. Franjo Tuđman was internationally produced and was

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<sup>2</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 697-717.

<sup>3</sup> The first official step was made by the Croatian Government in 2001 when the Stabilisation and Association Agreement (SAA) was signed.

<sup>4</sup> *Croatian Accession to the European Union: The challenges of participation*, 4 vols, Katarina Ott, ed. (Zagreb: Institute of Public Finance Friedrich Ebert Stiftung).

subsequently shaped by the transitional justice discourse. The fourth section presents some overall reflections on the relevance of this research for some key questions opened by critical examination of the post-modernist scholarly/expert knowledge production.

### **Social constructivist research frame of reference**

The aim of this paper is to provide an insight into how knowledge about dr. Franjo Tuđman was internationally created, namely the international context in which scientists and experts have produced factual truths about Croatia's First President's leadership, his role and accountability in the events that have marked the violent disintegration of former Yugoslavia, Croatia's war of defense, and democratic transition. Developed discourse of the international scholarship about Yugoslav wars of disintegration and Croatia's painful democratic transition is analyzed to determine how and in what way Dr. Franjo Tuđman is represented in selected publications available to the author of this paper. International scholarly production under the review is rather multidisciplinary with a variety of approaches, methodologies and theories providing rich data which in this case is studied juxtaposed to dominant transitional justice discourse framework. Such qualitative sociological research tries to deconstruct international scholarly context in which factual truths about dr. Franjo Tuđman were socially constructed by scholars and experts. Even though not always framed under the umbrella of transitional justice scholarship, developed discourse is nonetheless analyzed through critical lenses of social constructivism and approached in post-modernist sociological manner.

The post-modernist sociological approach in this paper entails a standpoint that there is no objective social science that is value neutral<sup>5</sup> and interest free.<sup>6</sup> Therefore, to ensure self-reflexivity on the part of a researcher, the author of this paper embraces her subjectivity as an integral part of her qualitative sociological research on internationally produced knowledge about dr. Franjo Tuđman.<sup>7</sup> She also contends, much like Michel Foucault has suggested, that one's research findings and produced knowledge should not give

<sup>5</sup> Norman K. Denzin, Yvonna Lincoln, *Strategies of Qualitative Inquiry* (University of California: SAGE Publications, 1998).

<sup>6</sup> Kathy Charmaz, "Constructionism and the Grounded Theory", in: *Handbook of Constructionist Research*, ed. James A. Holstein and Jaber F. Gubrium (New York: The Guilford Press, 2008).

<sup>7</sup> She belongs to Croatian ethnic community, living in Vukovar. Also, she is a war survivor of the three-month siege of the city of Vukovar in 1991 and was an international refugee living outside Croatia until 2001.

voice to populations repressed by the social system that renders their existence and issues marginal; but instead empower them enough to mobilize their efforts and bring about change and overcome modernist scientifically induced subjugation, control, and management of their lives.<sup>8</sup> Therefore, in this paper, findings of the qualitative sociological research try to challenge contemporary mainstream neoliberal evidence-based international scholarly knowledge production<sup>9</sup> and empower Croatian scholarly community in need of self-representation.

Namely, the post-structuralist/post-modernist scholarly attempts to interpret Croatia's post-communist/post-war social realities of the last twenty years have made "pragmatic compromises",<sup>10</sup> both methodologically and theoretically, thus producing and reproducing factual truths that can be studied "as a powerful rhetorical practice".<sup>11</sup> As such, truths have properties that "can accommodate the complexity, uncertainty and doubt" posed by transitional societies in constant change, so post-structuralist have focused more on conceptual clarity and meaning beyond interpretation "arguing that scientific claims to truth and objectivity are illusory",<sup>12</sup> thus "a misguided undertaking".<sup>13</sup> Therefore, this paper deliberately avoids substitution of already established factual truths by international scholars with those of their Croatian counterparts.<sup>14</sup> However, international scholarly and expert claims made

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<sup>8</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 697-717.

<sup>9</sup> For more information on neoliberal production of knowledge see: Mark Olssen, Michael A. Peters, "Neoliberalism, higher education and the knowledge economy: from the free market to knowledge capitalism," *Journal of Education Policy* 2 (2005): 313-345; Bronwyn Davies, "The (im)possibility of intellectual work in neoliberal regimes," *Discourse: Studies in the Cultural Politics of Education* 26 (2005), Issue 1: 1-14; Kelly Moore, Daniel Lee Kleinman, David Hess, and Scott Frickel, "Science and Neoliberal Globalization: A Political Sociological Approach," *Theory and Society*, 40 (September 2011), Issue 5: 505-532.

<sup>10</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 707.

<sup>11</sup> Richard Edwards and Katherine Nicoll, "Researching the rhetoric of lifelong learning," *Journal of Education Policy* 16 (2001), Issue 2: 105.

<sup>12</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 707.

<sup>13</sup> Walter M. Humes and Tom Bryce, "Post-structuralism and Policy Research in Education," *Journal of Education Policy* 18 (2003), Issue 2: 180.

<sup>14</sup> However, readers are advised if they can overcome language barrier to consult Croatia's leading scientists of social sciences and humanities who have studied so far various subjects related to Yugoslavia's communism and its violent disintegration, Croatia's war of defense and democratic transition. Just to name few: Davor Marijan, Mario Jareb, Nikica Barić, Ivica Lučić, Jakša Raguž, Sanja Špoljar Vržina, Ivan Rogić, Mario Bara, Mato Artuković, Robert

about dr. Franjo Tuđman are treated as factual truths produced by international scholarship since those are based on the transitional justice framework<sup>15</sup> and utilized to ensure the validity of research findings, methodologies, and theories.<sup>16</sup> Transitional justice according to the UN is defined as an approach that “entails full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation, while at the same time it represents the UN’s framework for strengthening the rule of law”.<sup>17</sup> Thus, in this paper extensive transitional justice scholarship developed by international scholars will be employed in more detail in the overall discussion on the research findings and analysis of dr. Franjo Tuđman’s leadership and legacy.<sup>18</sup> With this in mind, application of social constructivist frame of reference is therefore used to question how created factual truths established by internationally produced knowledge about dr. Franjo Tuđman, and particularly in transitional justice discourse of Yugoslav wars of disintegration and Croatia’s democratic transition. Since it is assumed that most of the contemporary scholars are familiar with works of Peter L. Berger and Thomas Luckmann this paper will not provide an overview of extensive schol-

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Skenderović, Ozren Žunec, Vlado Šakić, and others. An excellent source of information related to the Yugoslav wars of disintegration is Croatia’s national *Memorial Documentation Centre of the Homeland War* in Zagreb led by historian Ante Nazor, which hold an extensive collection of archival materials and publications.

<sup>15</sup> See *The Chicago Principles on Post-Conflict Justice* – a document that provides comprehensive guidelines for transitional justice policy implementation in post-conflict societies created by Mahmoud C. Bassiouni and Daniel Rothenberg (2007) and published by the International Human Rights Law Institute in USA.

<sup>16</sup> This paper will not provide a comprehensive overview of emerging critical strand of the transitional justice scholarship. However, readers are advised to consult work of following international scholars of critical and more reflexive approach: Briony Jones, Bronwyn Ann Leebaw, Hannah Franzki, Maria Carolina Olarte, Dustin N. Sharp, Sandra Rubli, Chandra Lekhra Sriram, Rosemary Nagy, Christine Bell, Zinaida Miller, Julie Bernath, to name few.

<sup>17</sup> This definition is available on the UN ICTJ official web site: <https://www.ictj.org/about>. It is assumed that most of the contemporary scholars are familiar with this concept and scholarly field, so an extensive historical review of transitional justice methodology and theory will not be provided in this paper.

<sup>18</sup> For more information on transitional justice scholarship (methodology and theory) readers are advised to consult seminal works of following scholars: Neil J. Kritz’s edited volumes on how the scholarly field of transitionals justices was developed *Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Volume I: General Considerations; Transitional Justice; Volume II: Country Studies; and Transitional Justice; and Volume III: Laws, Rulings, and Reports*, all published in 1995. For more information on transitional justice scholarship history see: Ruti G. Teitle, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* 16 (2003): 69-94.

arship<sup>19</sup> related to various approaches and application of social constructivism developed over the time by numerous social scientists. Nonetheless, as indicated by W. Detel<sup>20</sup> the incentive to use such conceptual frame is closely related to social constructivist claim, as it is also case here, that a sociological analysis of science and scientific knowledge can provide evidence to its social nature. In this paper the social constructivism (or the sociology of knowledge) treats knowledge as the sets of beliefs or mental models people use to interpret actions and events in the world.<sup>21</sup> Thereby, internationally created knowledge by scholars and experts is here analyzed to detect ways of understanding the post-war Croatian democratic transition, namely, the subset of ways how dr. Franjo Tuđman's leadership and legacy could be understood. Those scientifically produced factual truths have "established itself as universal truths with absolute ethical positions and belief in social engineering of change deemed detached, objective and a-historical",<sup>22</sup> so social constructivism is used to problematize them. This is done to avoid "the temptation of relativism introduced by multiplicity of perspectives" and to "question truth as a contingent subject under constant scrutiny of social sciences".<sup>23</sup> Much like in Foucauldian manner,<sup>24</sup> the truth is treated as a construction that is in constant change and it allows detection of power/knowledge relations and/or reinforcement of the existing one produced by international scholarship. Namely, contingency appropriations and misappropriations of constructed factual truths are thereby analyzed in established transitional justice discourse about Croatia's First President's leadership, his role and accountability in the events that have marked the violent disintegration of former Yugoslavia, Croatia's war of defense, and democratic transition. Those contingencies are furthermore treated as a "profoundly ethical standpoint" which then according to Graham enables

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<sup>19</sup> For comprehensive overview of social constructivism theory and its application in various social sciences fields of scholarship see chapters on social constructivism in *International Encyclopedia of the Social & Behavioral Sciences*, Smelser, Neil J. and Paul B. Baltes, ed. (Elsevier Ltd., 2001), also available on: <https://www.sciencedirect.com/topics/psychology/social-constructivism>.

<sup>20</sup> Wolfgang Detel, "Social Constructivism", in: *International Encyclopaedia of the Social & Behavioral Sciences*, Neil J. Smelser and Paul B. Baltes, ed. (Elsevier Ltd, 2001), pp. 14264-14267.

<sup>21</sup> Paul Jackson, *Web 2.0 Knowledge Technologies and the Enterprise* (Chandos Publishing, 2010), p. 155-196.

<sup>22</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 707.

<sup>23</sup> Ibid.

<sup>24</sup> Robert Young, "Introduction to Foucault, M. The order of discourse," in: *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (Chicago: Routledge & Kegan Paul, 1981), pp. 48-51.

one not to adhere to already prescribed method of investigation meaning not that anything goes but indicating authors' "characteristic reticence"<sup>25</sup> towards claims made by the international scholars and experts studied in this paper – that they have an upper hand on the knowledge they produce. Social constructivist frame of reference used in this paper therefore is not a prescribed scientific method. It is "a developed methodological guideline that is clear about its objectives, its limits" and what is studied inside critical discourse analysis of internationally produced knowledge about Croatia's First President's leadership and legacy.<sup>26</sup>

Therefore, discourse is considered in this paper to be a social action or something that influences and legitimizes it,<sup>27</sup> whereas factual truths about dr. Franjo Tuđman's leadership and legacy are treated as social representations created by international scholarship inside transitional justice framework thus, producing performative effects – they socially construct reality of Croatia's democratic transition. As indicated by Austin, discourse is more than social practice, thus understood as a whole containing both language and non-language practices which in this study of internationally produced scholarly knowledge about Croatia's First President's leadership and legacy means to search for the rules that constitute discursive practices of factual truths developed by transitional justice scholars and experts.

Leaving out of the scope different theoretical schools and authors that investigate discourse and discursive practices in this paper the focus is what above mentioned type of knowledge does,<sup>28</sup> rather than what constitutes the submerged text inside knowledge discourse production, namely "why is it that certain" factual truths "emerge to the exclusion of all others and what function they serve".<sup>29</sup> This in return enables, based on the sociological analysis, to determine how established power/knowledge relations inside internationally produced scholarly knowledge about Croatia's First President's leadership and legacy has prepared the ground for the transitional justice practice that

<sup>25</sup> Linda J. Graham, "The Product of Text and 'Other' Statements: Discourse analysis and the critical use of Foucault," *Educational Philosophy and Theory* 43 (2011), Issue 6: 663-674.

<sup>26</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 707.

<sup>27</sup> John Austin, *How to do things with words: The William James Lectures delivered at Harvard University in 1955*. (Oxford: The Clarendon Press).

<sup>28</sup> Robert Young, "Introduction to Foucault, M: The order of discourse," in: *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (Chicago: Routledge & Kegan Paul, 1981), pp. 48-51.

<sup>29</sup> Linda J. Graham, "The Product of Text and 'Other' Statements: Discourse analysis and the critical use of Foucault," *Educational Philosophy and Theory* 43 (2011), Issue 6: 667.

derive from them.<sup>30</sup> Since discourse and knowledge are both very complex phenomena extensively researched by various scholarly disciplines and numerous scientists, this paper uses knowledge as a concept according to van Dijk's definition. Knowledge according to van Dijk are the consensual beliefs of an epistemic community where the concept of truth is a property of assertion.<sup>31</sup> He contends that beliefs themselves may, or may not, correspond to reality, but have no truth values unless discursively asserted.<sup>32</sup> In the context of internationally produced scholarly knowledge about Yugoslav wars of disintegration and Croatia's democratic transition expert and scholarly discourse is studied through situated texts that may be true or false "pending how Western notions of liberal democracy and human rights as beliefs are expressed and asserted to correspond to the established facts" about dr. Franjo Tuđman's leadership and legacy.<sup>33</sup> Therefore, to assert itself discursively international scholars and experts resort to such knowledge to install transitional justice beliefs as truth values.<sup>34</sup> Constrained by the limits of this paper, the social constructivist research frame implicates a narrow work with the text, whereas extensive scholarly debate on the relationship between what van Dijk calls epistemic analysis and critical discourse analysis is left out of the scope. As previously mentioned, this paper is concerned with an applied ethics which regulates the acquisition, uses and application of knowledge in various forms of international scholarly and expert discourses related to dr. Franjo Tuđman's legacy and leadership in the process of violent democratic transition.<sup>35</sup> Thereby, to conduct sociological qualitative analysis of the international scholarship the author of this paper has used articles and expert/policy/research papers available to her.

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<sup>30</sup> Robert Young, "Introduction to Foucault, M: The order of discourse," in: *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (Chicago: Routledge & Kegan Paul, 1981), pp. 48-51.

<sup>31</sup> Tauen Van Dijk, "Knowledge in parliamentary debates," *Journal of Language and Politics* 2 (2003), Issue 1: 96-98.

<sup>32</sup> Ibid.

<sup>33</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 708.

<sup>34</sup> Such truth values are not going to be challenged in this paper juxtaposed to produced scholarly knowledge in Croatia.

<sup>35</sup> Tauen Van Dijk, "Knowledge in parliamentary debates," *Journal of Language and Politics* 2 (2003), Issue 1: 98-99.

## Transitional justice context of internationally produced knowledge

As Anna De Fina and Alexandra Georgakopoulou indicate “narrative is related to ideology and power through the construction of narrative frames and motifs as semiotic structures capable on the one hand of organizing experience in a unified way, and on the other, effectively preventing different voices to emerge or to be heard”.<sup>36</sup> Therefore, “hegemonic discourses are based on the ability to impose *meta* – or *master narratives*” – and in Croatia’s case this is hegemony of the transitional justice meta narratives inside internationally produced scholarly knowledge about the Yugoslav wars of disintegration.<sup>37</sup> The interplay of narrative and power produced by the interactional domination of international scholarly knowledge and institutional practice of transitional justice provisions have socially constructed in Croatia factual truths about both, Croatia’s First President, and national symbolic universes<sup>38</sup> imposing “powerful interpretative conditions of believability”.<sup>39</sup> An excellent example of how such interpretative conditions of believability is created inside institutional practice of transitional justice is Carla Del Ponte’s address in Bern on September 1, 2005,<sup>40</sup> when she was the Prosecutor of the ICTY. Close inspection of her exposition indicates how internationally produced scholarly knowledge is legally and politically reappropriated to justify moral economy<sup>41</sup> of transitional justice discourse developed to promote rights, factual truths, justice, trust, and equality. Namely, premised on the international legal framework<sup>42</sup> that incorporates moral and ethical values of the Western civilized liberal democracy and universal human rights, transitional justice justifications

<sup>36</sup> Anna De Fina and Alexandra Georgakopoulou, *Analyzing Narratives* (Cambridge: Cambridge University Press, 2012), p. 142.

<sup>37</sup> Ibid.

<sup>38</sup> Symbolic universes of beliefs, mores, mythology, religion, ideology, culture, tradition, and value systems.

<sup>39</sup> Mike Baynham and Anna De Fina, *Dislocations/Relocations: Narratives of Displacement* (Manchester: St Jerome Publishers, 2005), p. 245.

<sup>40</sup> Press Release, The Hague, 2 September 2005 (CVO/MO/1001e): Address by Carla Del Ponte in Bern on 1 September 2005 – Keynote Speech by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Annual Conference of Political Affairs Division IV, “Civilian Peace Building and Human Rights in South-East Europe”. The document is available on : <https://www.icty.org/en/press/address-carla-del-ponte-bern-1-september-2005> .

<sup>41</sup> See: Zinaida Miller, “Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice,” *International Journal of Transitional Justice*, 2 (December 2008), Issue 3: 266-291.

<sup>42</sup> For more information on legal basis of transitional justice normative framework see M Cherif Bassiouni and Daniel Rothenberg, *The Chicago Principles on Post-Conflict Justice* ([Chicago]: International Human Rights Law Institute, 2007.).

were developed to complement the ICTY rulings.<sup>43</sup> This in return, according to Del Ponte, has enabled the ICTY to deter Yugoslav nations from their “natural path”<sup>44</sup> of self-destruction. Thus, what transitional justice framework provides is a human right’s type of norm-recognition and norm-protection, becoming an evolutionary step towards a higher moral grounding for the international normative post-conflict justice with an alternative source of law found in the Chicago principles.<sup>45</sup>

As guidelines for promotion of post-conflict justice, Chicago principles have developed a marketplace of perceptions constitutive of not only international humanitarian law scholarship, but more importantly, of post-conflict and peacebuilding scholarly research and practice. Its taxonomy of prescribed normative categories related to post-conflict justice have streamlined scientific and professional expert knowledge<sup>46</sup> into the system of compartmentalized factual truths about the wars in former Yugoslavia that were paradoxically accepted as peremptory principles/norms.<sup>47</sup> The power of such discourses thus introduce a potential dilemma as to what outcome is to be expected from obvious spill-over effect that international humanitarian law (complemented by the transitional justice justification *modus operandi*) has on contemporary understanding of the Yugoslav wars and their respective societies. Nonetheless, Carla Del Ponte, in that respect as the ICTY Prosecutor, could then ascribe, judge, and recommend compartmentalized justice onto

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<sup>43</sup> See: Laura Davis ‘s paper produced as a background document for the CSDN Policy Meeting entitled Towards and EU Policy on Transitional Justice, that took place on April 3, 2014 in Brussels, Belgium: *The European Union and Transitional Justice*. The paper is available at [http://eplo.org/wp-content/uploads/2017/02/EPLO\\_CSDN\\_Background-Paper\\_EU-and-Transitional-Justice.pdf](http://eplo.org/wp-content/uploads/2017/02/EPLO_CSDN_Background-Paper_EU-and-Transitional-Justice.pdf).

<sup>44</sup> Press Release, The Hague, 2 September 2005 (CVO/MO/1001e): Address by Carla Del Ponte in Bern on 1 September 2005 – Keynote Speech by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Annual Conference of Political Affairs Division IV, “Civilian Peace Building and Human Rights in South-East Europe”. The document is available on : <https://www.icty.org/en/press/address-carla-del-ponte-bern-1-september-2005>.

<sup>45</sup> Anja Matwijkiw, “The reverse revenge norm in international law. The Chicago Principles in Post-Conflict Justice,” *International Review of Penal Law* 78 (2007): 565-599.

<sup>46</sup> Expert’s country/regional reports, policy papers, and studies are found on the official web sites of following organizations/institutions: UN International Centre for Transitional Justice, The Research Unit of International Security and Cooperation, Wilson Centre Independent Research Open Dialogue and Actionable Ideas, Balkan Transitional Justice, United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), and Helsinki Committee for Human Rights.

<sup>47</sup> In legal terminology defined as *jus cogens*. See: *West’s Encyclopedia of American Law*, Second edition (West Pub Co., 1997), available at <http://legal-dictionary.thefreedictionary.com/Jus+Cogens>, accessed on September 6, 2017.

Yugoslav nations pending her given professional freedom to enforce the law. However, her position to enforce the law has also empowered her to extend her legal expertise beyond her professional credentials and become an opinion maker who actively creates public discourse on Yugoslav war conflict, its nations, history, and memory. From her standpoint<sup>48</sup> being empowered by the language of law and reasoning behind it, Del Ponte deems she is intitled to insert her judgments into political discourse.<sup>49</sup> Nonetheless, such power also bares implications for scientific discourse which is evident from the analyzed international scholarship<sup>50</sup> in following ways:

- how knowledge behind the scientific discourse is created based on the factual truths established by the ICTY Court and its respective case-loads,
- how knowledge about the post-conflict justice (transitional justice politics and policies) is incorporated both, into the international humanitarian law discourse and scientific discourse,
- how the international expert opinion makers socially reconstruct post-war societies in line with the pre-established notions of Western liberal democratic values of justice and human rights and establish strong relationship with the political discourse they help to create,

<sup>48</sup> Having an upper hand on the factual truths about Yugoslav wars established by the ICTY Court.

<sup>49</sup> Press Release, The Hague, 2 September 2005 (CVO/MO/1001e): Address by Carla Del Ponte in Bern on 1 September 2005 – Keynote Speech by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Annual Conference of Political Affairs Division IV, “Civilian Peace Building and Human Rights in South-East Europe”. The document is available on: <https://www.icty.org/en/press/address-carla-del-ponte-bern-1-september-2005>.

<sup>50</sup> Analyzed international scholarship includes following: Henri Bohnet, Anja Czymmeck, Michael A. Lange, Sabrina Wölkner, “Research Report: International Criminal Tribunal for the Former Yugoslavia and Coming to Terms with the Past in the Affected Countries,” in: *KAS International Reports Processing the Past*, Gerhard Wahlers, ed. (Bonn: Konrad Adenauer Stiftung, 2013), pp. 7-59; *Democratic Transition in Croatia: Value Transformation, Education & Media*, Sabrina P. Ramet, Davorka Matić, eds. (Texas A&M University Press, College Station, 2007); *Transitional Justice and Civil Society in the Balkans*, Olivera Simić, Zala Vočić, eds. (New York; Heidelberg; Dordrecht; London: Springer, 2013); Thierry Cruvellier, Marta Vallinas, *ICTJ – Croatia: Selected Developments in Transitional Justice* (Briefing Paper, 2006) available at [https://www.ictj.org/sites/default/files/ICTJ-FormerYugoslavia-Croatia-Developments-2006-English\\_0.pdf](https://www.ictj.org/sites/default/files/ICTJ-FormerYugoslavia-Croatia-Developments-2006-English_0.pdf); *Dealing with the Past in the Western Balkans: Initiatives for Peacebuilding and Transitional Justice in Bosnia-Herzegovina, Croatia and Serbia (Report No. 18)*, Martina Fisher, Ljubinka Petrović-Ziemer, eds. (Berghof Foundation, 2013); *Transitional Justice and Reconciliation: Lessons from the Balkans*, Martina Fisher, Olivera Simic, eds. (Routledge, 2017); Ioannis Armakolas, Eleni Vossou, “Transitional Justice in Practice: The International Criminal Tribunal for the Former Yugoslavia and Beyond, *UNISCI Discussion Papers* 18 (2008): 21-58. Transitional justice scholarly articles will be employed in the remaining part of the paper.

- how the war victims are treated and perceived inside neo-liberal paradigm of global security and peace, and finally
- how accountability is ascribed to the proponents of the nation-state building process, political leaders, and military officials, for committed war crimes and crimes against humanity during Yugoslav wars of disintegration.<sup>51</sup>

As indicated by Žunec,<sup>52</sup> proponents (such as Del Ponte) of the idea that history and collective memory of the Yugoslav nations after the bloody war are to be based on factual truths established by the ICTY, should be aware of serious obstacles they help to create for respective historical and social research. Namely, it is not the question of the evidence's credibility used in criminal cases that quite often needed revision due to misguided information;<sup>53</sup> as much as it is the question of how and in what way the law and criminal proceedings operate inside the legal system.<sup>54</sup> Žunec argues that history written by the ICTY Court does not go beyond the level of legal qualifications of certain punishable actions by the law for individual perpetrators, since judiciary's primarily concern is to establish individual culpability of offenders.<sup>55</sup> Furthermore, there is a real danger, he argues, that the entire war conflict could be treated as number of successive criminal actions, or as criminal action itself, while at the same time, its social nature could remain hidden.<sup>56</sup>

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<sup>51</sup> This analysis builds upon the one conducted in previous research on similar subject, thus reaching almost similar conclusion. See: Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 712.

<sup>52</sup> Ozren Žunec, *Goli život: socijetalne dimenzije pobune Srba u Hrvatskoj I. i II.* (Zagreb: Demetra, 2007), I, p. 28.

<sup>53</sup> Even though, quite often various events, individual actions and group relations had strong impact on how and why certain crimes were committed, since they could not be categorized under the normative taxonomy of punishable crimes by the law. The Croatian General's case (Gotovina and Markač) is a prime example in this case.

<sup>54</sup> It is questionable how equipped are the law and criminal proceeding to interpret social conflicts in categories of criminal law and individual relations. See: Žunec, *Goli život*, I, pp. 28-29.

<sup>55</sup> Ozren Žunec, *Goli život*, I, pp. 29-31.

<sup>56</sup> See Jelena Subotic's articles: "Europe is a State of Mind: Identity and Europeanization in Balkans," *International Studies Quarterly* 55 (2011): 309-330; "Expanding the scope of post-conflict justice: Individual, state and societal responsibility for mass atrocity," *Journal of Peace Research* 48 (2011), No. 2: 157-169; "Remembrance, Public Narratives, and Obstacles to Justice in the Western Balkans," *Studies in Social Justice* 7 (2013), No. 2: 265-283; and "Stories States Tell: Identity, Narrative and Human Rights in Balkans," *Slavic Review* 72 (2013), No. 2: 306-326.

However, Carla Del Ponte argues, that “the perception of a given fact (...) is always relative, depending on the position of the observer”.<sup>57</sup> Since the “nations, both inside and outside of the Balkans, tend to build their national identity on the basis of history filled with myths, legends and heroes”, they also continue to manipulate factual events to justify war crimes through a just war paradigm.<sup>58</sup> Therefore, she treats former Yugoslav nations and their governments as unfit to deal with the recent past and committed war crimes. So, to maintain the peace and secure democratic transition in the Western Balkans, Del Ponte contends that the ICTY instruments of justice are to be extended horizontally through transitional justice policies. The imperative to imprint the newly acquired truths “on the minds and hearts of all citizens” of former Yugoslavia has to do more with how the global peace and security is going to be maintained rather than how the reconciliation will deliver those societies from “their nightmares” on their own terms.<sup>59</sup> Since the “truth is at the core of justice” she argues, accumulated documentary evidence by the ICTY “must serve” as generated accurate factual truth about Yugoslav war events, therefore no other truth can be “accepted if imposed from outside”.<sup>60</sup> Even though, Del Ponte admits, the popular image about the war in respective Yugoslav societies should be corrected through “scientific research or new facts” regardless of what effects those truths may have on people’s trauma and memories; “the process of creating collective memories” however, “must not be left to those forces that deny the truth and create myths and heroes” (2005). Therefore, she affirms her strong belief that the international community should closely monitor<sup>61</sup> the change in political will to cooperate in establishing an official historical truth for all the “locals” in former Yugoslav succeeding states.<sup>62</sup>

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<sup>57</sup> Press Release, The Hague, 2 September 2005 (CVO/MO/1001e): Address by Carla Del Ponte in Bern on 1 September 2005 – Keynote Speech by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Annual Conference of Political Affairs Division IV, “Civilian Peace Building and Human Rights in South-East Europe”. The document is available on <https://www.icty.org/en/press/address-carla-del-ponte-bern-1-september-2005> .

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Therefore, the Organization for Security and Co-operation in Europe (OSCE) offices have been established in Croatia to monitor Croatia’s post-war democratic transition. For more information on its aims, history of work, activities and produced progress reports see: <https://www.osce.org/croatia-closed> .

<sup>62</sup> Press Release, The Hague, 2 September 2005 (CVO/MO/1001e): Address by Carla Del Ponte in Bern on 1 September 2005 – Keynote Speech by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the former Yugoslavia, Annual Conference of Political Affairs Division IV, “Civilian Peace Building and Human Rights in South-East Europe”. The

Deeply developed distrust towards war generations of former Yugoslav societies in this way, however, breeds bias perceptions about their inability to cope with the recent violent past. More importantly, as it will be later evident, this deep distrust will be extended horizontally to nationally produced scientific knowledge.<sup>63</sup> Therefore, priority is often given to internationally produced knowledge that is now entitled with more objectivity and credibility becoming superior in its fact findings search for the truth than their counterparts in post-conflict Yugoslav states. However, the evidence collected to prove or disprove detrimental historical memory, namely the official truth about war crimes committed in former Yugoslavia, through “didactic use of law”<sup>64</sup> provided by the international scholarship has created in Croatian society a dichotomy in history making process.<sup>65</sup> To make matters even more complicated, due to the time constraints of the criminal prosecutions in front of the ICTY Court and its judicial proceedings, this type of history making has become selective<sup>66</sup> and restrictive, therefore ill equipped to judge the over-

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document is available on : <https://www.icty.org/en/press/address-carla-del-ponte-bern-1-september-2005> .

<sup>63</sup> See: Renata Schellenberg, “Politics and Remembrance in Post-War Vukovar,” *Journal of Balkan and Near Eastern Studies*, 17 (2015), Issue 1: 15-28.

<sup>64</sup> Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven and London: Yale University Press, 2001), p. 5.

<sup>65</sup> The history making process internationally sponsored by transitional justice proponents of post-modernist theories and methods has become controversial public subject of discussion when a scholarly debate was initiated by Croatian historian Tvrtko Jakovina in 2007 and was subsequently confronted by different approach proposed by historians Robert Skenderović, Mario Jareb, and Mato Artuković in 2008. There was also an international initiative led by Charles Ingrao and Thomas A. Emmert who have invited historians from former Yugoslavia to write history in a joint effort to confront the controversies of the recent violent past (2010). For more information on Croatian historian’s debate see: Jakovina Tvrtko, *Jedna povijest, više historija: Dodatak udžbenicima s kronikom objavljivanja* (Zagreb: Documenta – Centar za suočavanje s prošlošću, 2007); Robert Skenderović, Mario Jareb, Mato Artuković, *Multiperspektivnost ili relativiziranje?: dodatak udžbenicima za najnoviju povijest i istina o Domovinskom ratu* (Slavonski Brod: Hrvatski institut za povijest, Podružnica za povijest Slavonije, Srijema i Baranje, 2008). For international scholarly debate with Croatian participation see: Charles Ingrao and Thomas A. Emmert, *Suočavanje s jugoslavenskim kontroverzama: Inicijativa naučnika* (Sarajevo: Biblioteka Memorija, 2010). It is also important to note that this debate was later transposed to Croatian civil society led by the national (and later regional) non-government organization *Documenta – Centre for dealing with the past* and was financed through this organization not only by Croatian, but by international foundations and EU programmes. For more information on Documenta’s activities and publications related to history making process, truth finding missions, and various transitional justice actions see: <https://documenta.hr/en/> .

<sup>66</sup> Case selectivity. See: Žunec, *Goli život*, I, pp. 38-41.

all circumstances and events through legal means of inquiry.<sup>67</sup> More so, the *ad hoc* tribunal in its didactic use of the international humanitarian law is limited to performative appropriations of historical events when prosecuting individual responsibility for committed war crimes and crimes against humanity.<sup>68</sup> Therefore, to internalize *ad hoc* administered justice translated through ICTY's performative appropriations as factual truths means to adhere to internationally produced knowledge that is used to construct new conscientious history<sup>69</sup> for all post-Yugoslav nations in the framework of transitional justice. However, such Tribunal's performative appropriations are methodologically inadequate to determine the truth about dr. Franjo Tuđman's projection of crimes presumably implemented through comprehensive politics and decisions during Croatia's struggle for independence, its war of defense and democratic transition.<sup>70</sup> Still, Tribunal's performative appropriations are thus to the same effect incorporated into the knowledge production of internationally assisted value neutral truths and memorialization as functional exit strategy for politically negotiated transitional justice process in Croatia.<sup>71</sup>

It could be inferred that in this way scholarly and expert knowledge production often reflects to same degree ICTY's internationally assisted justice

<sup>67</sup> See: US Institute of Peace Special Report: Croatia After Tudjman (1998) available at: <https://www.usip.org/publications/1998/08/croatia-after-tudjman>; or articles: Wiktor Hebda, "Croatian and Serbian War Crimes, the International Criminal Tribunal for the Former Yugoslavia, and the Judicial Systems of Serbia and Croatia," *Institute of Slavic Studies: Polish Academy of Sciences* 52 (2020): 1-15; and Maple Razsa, Nicole Lindstrom, "Balkan Is Beautiful: Balkanism in the Political Discourse of Tuđman's Croatia," *Journal of East European Politics and Societies* 18 (2004), Issue 4: 628-650.

<sup>68</sup> Such as command responsibility, joined criminal enterprise and common plan. See: Žunec, *Goli život*, I, pp. 44-51.

<sup>69</sup> A very good example are internationally sponsored ideas of how memorialization as integral part of the transitional justice process in Croatia where one is related to how sites of memory are no reconstructed into "sites of conscience where the power of international democracy is enforced upon a traumatized population in order for them to engage in tolerant dialogue with each other and accept the truths and dignity of the victims of the enemy" (Cvikić and Živić, 2016: 341). See: Sandra Cvikić, Dražen Živić, "In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995," in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), pp. 313-346.

<sup>70</sup> This was not only confirmed by Ozren Žunec's sociological research referenced in this paper, but as well by Croatian historian Robert Skenderović. For more information see: Robert Skenderović, "Great Scholarly Authorities and Small Nations – the Formation of Historical Narratives on Franjo Tuđman and the Homeland War," *Review of Croatian History* XI (2015), No. 1: 121-137.

<sup>71</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 697-717.

efforts to implicate rather than name and/or hold responsible the principal instigator of Yugoslav wars. Assumed civilizing effect internationally created scholarly knowledge was to produce however is lost in fragmented meaning of unsuccessfully delivered impartial justice by the ICTY to every individual that was affected by the war.<sup>72</sup> Through consolidation of the asymmetry<sup>73</sup> between indictments and prosecuted war crimes committed in Yugoslav wars of disintegration, the ICTY has paradoxically entrenched societal responses<sup>74</sup> in diverse notions of victimhood, contested responsibility, and selective memory thus rendering Croatian citizens impotent to react to the empowering effects transitional justice efforts would have on their post-conflict lives.<sup>75</sup> Enforced fact-finding and truth-telling missions therefore fall empty of assumed positive societal response to transitional justice instant solutions in Croatia, since socially constructed scientific oversimplifications were justified by politically assisted economy of justice. Arbitrary delineation of responsibility for committed crimes by the ICTY however reflects the economy behind internationally established justice and power politics;<sup>76</sup> namely, this is an economy that rationalizes costs of the criminal proceedings before the Court in line with the efforts to reconstruct social and historical processes and contexts in which crimes have been committed as it sees fit. Debilitating reasoning behind the international humanitarian law “that is used to justify the superiority of the empirical ethics of contemporary morality” has extended its power of judgement through transitional justice scholarship, thus dangerously infringing Croatian post-conflict scientific ability to independently shape its own his-

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<sup>72</sup> Sandra Cvikić, Dražen Živić, “In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995,” in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), p. 333.

<sup>73</sup> See: Janine Natalya Clark, “Peace, Justice and the International Criminal Court. Limitations and Possibilities,” *Journal of International Criminal Justice* 9 (2011): 521-545.

<sup>74</sup> See: Jelena Subotic, “Hijacked Justice: Domestic Appropriation of International Norms”, *Human Rights & Human Welfare Working Papers*, No. 28 (2005).

<sup>75</sup> For more information on how transitional justice knowledge incorporated into respective policies and politics in Croatia have affected Croatian citizens, especially traumatized populations of Vukovar and Knin, see: Sandra Cvikić, “Deconstruction of ‘Scientifically Based Injustices’: About Post-War Traumatized Populations of ‘Spoilers’ in Croatia,” *Sociologija* LXI (2019): 697-717. and Sandra Cvikić, Dražen Živić, “In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995,” in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), pp. 313-346.

<sup>76</sup> For more information on this issue see: Kyle Rex Jacobson, “Doing Business with The Devil: The Challenges of Prosecuting Corporate Officials whose Business Transactions Facilitate War Crimes and Crimes against Humanity”, *Air Force Law Review* 56 (Winter 2005): 167-231; and Michael J. Kelly, “Prosecuting Corporations for Genocide Under International Law”, *Harvard Law & Policy Review*, Vol. 6 (2012), Issue 2: 339-367.

tory, national identity, and collective memory.<sup>77</sup> So far, internationally produced knowledge was unsuccessful in providing workable solutions to post-war trauma, memorialization, reconciliation, and peacebuilding in Croatia.<sup>78</sup>

Regardless to what stand one takes in this matter, it is nevertheless evident that the international community's efforts to untangle the threads of complex relationships and meanings related to the Yugoslav wars have often failed to acknowledge the fact that not every armed conflict is possible to categorize in standardized taxonomies of international humanitarian law.<sup>79</sup> The nature of a war however, due to its complexity, represents a nexus of histories, identities, emotions, understandings, narratives, politics, actions, events and relations, which is often deconstructed in post-modernist sense, providing fragmented comprehension of the factual true makeup of an event.<sup>80</sup> In Croatian case, quite often, the true nature of an event is hidden behind conflicting and partial perceptions preconceived and formulated in a way that they mutually exclude each other.<sup>81</sup> More so, the same is detected in internationally produced knowledge of transitional justice when factual truths often reflect

<sup>77</sup> Sandra Cvikić, Dražen Živić, "In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995," in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), p. 333.

<sup>78</sup> Namely, an international transitional justice scholar, Martina Fisher states in her article that what the research is suggesting, based on what impact transitional justice policies have on post-conflict traumatized populations, is that even though there is insufficient evidence to support the claims that transitional justice contributes to reconciliation or psychological healing, as well as to fostering of respect for human rights and the rule of law thereby helping to establish conditions for a peaceful and democratically governed country; the very same research, paradoxically also affirms that there is no evidence that transitional justice undermines progress towards such goals. This begs the question why transitional justice provisions are still applied in post-conflict societies such as Croatia's, and more importantly, why international scholarship persists in knowledge production that bares no significance for the researched populations. For more information see: Martina Fisher, "Transitional Justice and Reconciliation: Theory and Practice," in: *Advanced Conflict Transformation: The Berghof Handbook II*, Beatrix Austin, Martina Fisher, Hans J. Giessmann, eds. (Opladen: Barbara Budrich, 2011), pp. 405-430. Readers are also advised to consult a critical review of the transitional justice policy impact on local communities by Anna Macdonald, *Local Understandings and Experiences of Transitional Justice: a review of the evidence* published by the Justice and Security Research Programme – JSRP Paper 6 (2013), available at <http://eprints.lse.ac.uk/56354/>.

<sup>79</sup> Žunec indicates that war in Croatia (same as the one in Bosnia and Herzegovina) is characterized with the situation in which certain number of actors involved in it have multiple statuses and roles that enable more than just one categorization of the conflict. See: Žunec, *Goli život*, I, p. 145.

<sup>80</sup> Žunec, *Goli život*, I, p. 145.

<sup>81</sup> See: Sabrina Ramet, *Frontmatter: In Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo* (Cambridge: Cambridge University Press, 2005).

views of former warring parties pending scholars' own cultural connections or political interests/affiliations related either to Serbs or Croats.<sup>82</sup> Therefore, if one is committed to assess Dr. Franjo Tuđman's leadership, his role and accountability in the process of violent and challenging democratic transition and national independence, then she/he must take into consideration transitional justice's post-modernist context in which international power politics and scholarship play important part.<sup>83</sup> So far, dr. Franjo Tuđman as subject of scholarly interest could not exist outside and beyond the scope of socially (re)constructed reality developed by international scientists and experts who mean well but produce knowledge of subjugation and control actively supporting global promotion of human rights and justice. What could be inferred from analyzed internationally produced knowledge and transitional justice discourse of Yugoslav wars and Croatia's war of defense, is that Dr. Franjo Tuđman is frequently used in negotiated scholarly debates about:

- Western Balkan's violent history,
- ascribed accountability, and
- prosecuted justice.<sup>84</sup>

Scholarly discourse developed by internationally negotiated debates have predominantly ascribed negative traits to dr. Franjo Tuđman's leadership and legacy that fall under two major categories:

- nationalism,<sup>85</sup> and

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<sup>82</sup> There are number of scholars who's seemingly unbiased research indicate how knowledge is created from a vantage point of an objective outsider, see: Bette Denich, "Unmaking multi-ethnicity in Yugoslavia: metamorphosis observed," *Anthropology of East Europe Review* 11 (1993), No. 1-2: 43-53; Bette Denich, "Dismembering Yugoslavia: Nationalist Ideologies and the Symbolic Revival of Genocide," *American Ethnologist* 21 (1994), No. 2: 367-390; Robert M. Hayden, "Imagined Communities and Real Victims: Self-determination and Ethnic Cleansing in Yugoslavia," *American Ethnologist* 23 (1996), Issue 4: 783-801.

<sup>83</sup> See: Rosemary Nagy, "Transitional Justice as Global Project: critical reflections," *Third World Quarterly* 29 (2008), No. 2: 275-289.

<sup>84</sup> Categorization could be inferred from already analyzed international scholarship resulting in following three publications: Sandra Cvikić, "The Vukovar Battle in the Context of Public and Scholarly Discourse about Yugoslavia's Dissolution and Homeland War in Croatia," *Croatian Studies Review* 8 (2012), No. 1: 11-62; Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 697-717; Sandra Cvikić, Dražen Živić, "In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995," in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), pp. 313-346. However, additional publications related to transitional justice scholarship are in addition analyzed and used throughout this paper.

<sup>85</sup> Categorization could be inferred from following analyzed international scholarship: David Binder, *Fare Well, Illyria* (Central European University Press, 2013), pp. 69-74; Ivan T.

- authoritarianism.<sup>86</sup>

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Berend, *A Century of Populist Demagogues: Eighteen European Portraits, 1918-2018* (Central European University Press, 2020), pp. 187-224; Torsten Kolind, *Post-War Identification: Everyday Muslim Counterdiscourse in Bosnia Herzegovina* (Aarhus University Press, 2008), pp. 17-28; Michaela Schäuble, *Narrating Victimhood: Gender, Religion and the Making of Place in Post-War Croatia* (New York, Oxford: Berghahn Books, 2014), pp. 133-179; Ivana Maček, "Perpetrators among Ourselves," in: *Researching Perpetrators of Genocide*, Kjell Anderson, Erin Jessee, eds. (University of Wisconsin Press, Critical Human Rights Series, 2020), pp. 91-114; Dejan Djokić, "The Past as Future: Post-Yugoslav Space in the Early Twenty-First Century," in: *After Yugoslavia: The Cultural Spaces of a Vanished Land*, Radmila Gorup, ed. (Stanford University Press, 2013), pp. 55-74; Lajos Bokros, *Accidental occidental: Economics and Culture of Transition in Mitteleuropa, the Baltic and the Balkan Area* (Central European University Press, 2013), pp. 167-176; Shiping Tang, "The Onset of Ethnic War: A General Theory," *Sociological Theory* 33 (2015), No. 3: 256-279; Tea Sindbæk, *Usable History?: Representations of Yugoslavia's Difficult Past from 1945 to 2002* (Aarhus University Press, 2012), pp. 189-218; Nina Caspersen, *Contested Nationalis: Serb Elite Rivalry in Croatia and Bosnia in the 1990s* (New York, Oxford: Berghahn Books Ethnopolitics Series, 2009), pp. 45-70; Dejan Jović, "The Slovenian-Croatian Confederation Proposal: A Tactical Move or an Ultimate Solution?" in: *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration*, Lenard Cohen, Jasna Dragovic-Soso, eds. (Central European Studies: Purdue University Press, 2007), pp. 249-280; Swanee Hunt, *Worlds Apart: Bosnian Lessons for Global Security* (Duke University Press, 2011), pp. 37-54; Jens Becker, "The European Union and the western Balkans," *SEER: Journal for Labour and Social Affairs in Eastern Europe* 11 (2008), No. 1: 7-27; Warren Bass, "The Triage of Dayton," *Foreign Affairs* 77 (1998), No. 5: 95-108; Payam Akhavan, "Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?," *The American Journal of International Law* 95 (2001), No. 1: 7-31.

<sup>86</sup> Categorization could be inferred from following analyzed international scholarship: Fruzsina Sigé, "Europeanization with a Detour: The Case of Croatia," in: *Deficit and Debt in Transition: The Political Economy of Public Finances in Central and Eastern Europe*, István Benczes, ed. (Central European University Press, 2014), pp. 197-218; Dejan Jović, Christopher K. Lamont, "Introduction: Croatia after Tudman: Encounters with the Consequences of Conflict and Authoritarianism," *Europe-Asia Studies* 62 (2010), No. 10: 1609-1620; Mojmir Križan, "Kroatien unter Tudman: Die mißverstandene Europäisierung," *Osteuropa* 47 (1997), No. 10/11: 959-974; Christine Koschmieder, "A concrete utopia? Civil society as a replacement for the paralysed utopia of realized socialism: An essay from Croatia," *SEER: Journal for Labour and Social Affairs in Eastern Europe* 4 (2001), No. 3: 141-152; András Bozóki, "The Illusion of Inclusion: Configurations of Populism In Hungary," in: *Thinking Through Transition: Liberal Democracy, Authoritarian Pasts, and Intellectual History in East Central Europe After 1989*, Michal Kopeček, Piotr Wciślik, eds. (Central European University Press, 2015), pp. 275-312; Arnold Suppan, "Austria and Eastern Europe in the Post-Cold War Context: Between the Opening of the Iron Curtain and a New Nation-Building Process in Eastern Europe," in: *Austria's International Position after the End of the Cold War*, Gunter Bischof, Ferdinand Karhofer, ed. (University of New Orleans Press, Contemporary Austrian Studies Series, 2013), pp. 143-166; Dorothee Bohle, Béla Greskovits, *Capitalist Diversity on Europe's Periphery* (Cornell University Press Cornell Studies in Political Economy Series, 2012), pp. 182-222; Frane Adam, Matej Makarovič, Borut Rončević, Matevž Tomašič, *The Challenges of Sustained Development: The Role of Socio-Cultural Factors in East-Central Europe* (Central European University

## **Researching International Scholarly Production – Transitional Justice’s Factual Truths and Social Constructions about Dr. Franjo Tuđman**

Therefore, embedded in the international scholarly discourse about Yugoslav wars of disintegration and Croatia’s democratic transition, Dr. Franjo Tuđman is judged, studied, evaluated, and analyzed from the comfortable scientific vantage point of an international outsider who is often well funded and in pursuit of knowledge which is suited for not only academic, but more importantly political, technocratic and media consumption. Protected by objectivity and equipped with superiority of their unchallenged methodologies and theories of excellence and rigor,<sup>87</sup> international scholars and experts are conjured<sup>88</sup> to produce knowledge conducive to the funding they receive for the research that develops and improves overall understanding of the human condition and society of individuals in the post-modern Europe.<sup>89</sup> Developed financial dependency thereby produce allegiance to infallibility of the Western knowledge superiority and supremacy. Under the authority of such “academic entrepreneurs”<sup>90</sup> Dr. Franjo Tuđman’s leadership and legacy was recycled and occasionally supplemented with anecdotal and provisional visits into the communist past. This however has served more to reinstate what has already been established by the international scholarship before dr. Tuđman’s death, than to challenge the image of the authoritarian Croatian First President that was afterwards socially constructed.

What is evident from the studied international transitional justice scholarship is how post-modernist scientists tend to fit subjects of their scholarly scrutiny, in this case Dr. Franjo Tuđman, into pre-existing methodological

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Press, 2005), pp. 85-106; Christophe Solioz, “Justice in between resistance and co-operation,” *SEER: Journal for Labour and Social Affairs in Eastern Europe* 11 (2008), No. 2: 277-280.

<sup>87</sup> Transitional justice scholars have now on their disposal already made methods manuals how to conduct sensitive research in highly traumatized post-conflict populations such as this one: *Transitional Justice Methods Manual. An Exchange on Researching and Assessing Transitional Justice*, prepared by the Swiss Peace (University of Oxford, and King’s College London, 2013), available at [https://www.swisspeace.ch/fileadmin/user\\_upload/Media/Publications/TJ\\_Methods\\_Manual\\_homepage.pdf](https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/TJ_Methods_Manual_homepage.pdf).

<sup>88</sup> See: Lisa Smirl, “The state we are(n’t) in: Liminal subjectivity in aid worker autobiographies”, in: *Statebuilding and State-Formation: The political sociology of intervention*, Berit Bliesemann de Guevara, ed. (London: Routledge, 2012), pp. 230-245.

<sup>89</sup> Sheldon S. Wolin, *Democracy Incorporated: Managed Democracy and the Spectre of Inverted Totalitarianism* (Princeton, Oxford: Princeton University Press, 2008).

<sup>90</sup> Chiara Franzoni, Francesco Lissoni, “Academic entrepreneurs. Critical Issues and Lessons from Europe,” in: *Transfer and Regional Development Geography, Entrepreneurship and Policy*, Attila Varga, ed. (Chetnam, Northampton: Edward Elgar, 2009), pp. 163-190.

and theoretical frameworks. They are less inclined to readjust their preconceived notions and interpretations in the light of new evidence or according to tailor-made research projects provided by their Croatian counterparts. Apart from being grounded in evidence from the ICTY's case load which has become a welcoming addition to individually conducted research projects, the research findings of Croatian scientists who have managed to overcome the language/publishing barrier are still underrepresented in the international scholarship and discourse.<sup>91</sup> How internationally produced scholarly discourse treats Dr. Franjo Tuđman inside post-communist/post-war social framework reveals the way in which epistemology behind such efforts "suffers from the perennial identity crisis of social science as a science, given the limitations on its ability to demonstrate causality with anything like the certainty of natural sciences".<sup>92</sup> Detected limitations of internationally produced knowledge presented beforehand, have posed serious obstacles to researcher's ability to manage difficult ethical issues, in ensuring scientific rigor, reflexivity,<sup>93</sup> and objectivity while interpreting Dr. Franjo Tuđman's leadership and legacy. Therefore, seemingly unbiased, just, and true knowledge developed in international scholarly discourse about Croatia's First President neglects to account quite often for unmanageable inconsistencies, uncertainties, and contradictions of a social world in constant change.<sup>94</sup>

From the initial reports in 1992<sup>95</sup> and onwards<sup>96</sup> the international power politics and experts on conflict resolution and peacebuilding have "purposely

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<sup>91</sup> Even joint research projects which have resulted in internationally edited publications follow present methodological and theoretical frameworks leaving almost no room for alternative interpretations or innovative approaches that can substantially diverge or challenge already established "scientifically based injustices". Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia," *Sociologija* LXI (2019): 697.

<sup>92</sup> Sarah M. H. Nouwen, "As You Set out for Ithaka: Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict," *Leiden Journal of International Law* 27 (2014), No. 1: 227-260.

<sup>93</sup> For critical assessment on scientific reflexivity in research see: Sarah M. H. Nouwen, "As You Set out for Ithaka: Practical, Epistemological, Ethical, and Existential Questions about Socio-Legal Empirical Research in Conflict," *Leiden Journal of International Law* 27 (2014), No. 1: 227-260.

<sup>94</sup> *Ibid.*

<sup>95</sup> Such as UN Yearbook for the Year 1991 Report (1992).

<sup>96</sup> Official reports related to Croatia were made by following international organisations and institutions: UN International Centre for Transitional Justice, The Research Unit of International Security and Cooperation, Wilson Centre Independent Research Open Dialogue and Actionable Ideas, Balkan Transitional Justice, and UNTAES (UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium). Those with open access were used to conduct critical discourse analysis published in the period 1992 – 2012.

built a vocabulary of terms that enabled generalized, ambiguous, and, to a great extent, neutral language in order to socially construct a war reality that would” actively help to offload their responsibility for poorly managed political choices and “impotent military actions”.<sup>97</sup> Subsequent international reports and scholarly publications would then assess Dr. Franjo Tuđman’s role and accountability for decisions made in the Croatian war of defense according to transitional justice’s fundamental purpose which is to balance peace with needs for justice. Its expert and scholarly findings were afterwards embedded in international scholarly discourse and interpreted in the framework of liberal democratic notions of truth and justice deemed universally valid for all societies. Namely, transitional justice’s coercive nature was expected to ensure convergence based on the international humanitarian law and human rights policy implementation even though in Croatian case, such normativism with a human face has repeatedly failed to restore confidence and trust in rebuilding mechanisms of transitional justice process.<sup>98</sup>

From being openly accused of the nationalistic instigation of violent inter-ethnic conflicts in the former Yugoslavia, to his detrimental role in the nation-state building process of the early 1990s, Dr. Franjo Tuđman’s political and military decisions and his actions of democratic transition were judged by numerous international scholars as borderline criminal and authoritarian in nature. Namely, Dr. Franjo Tuđman and for that matter the entire Croatian nation have both been paradoxically treated as individuals whose freedom of choice is under constant scrutiny of international scholarship and power politics. Internationally produced knowledge about Dr. Franjo Tuđman and especially transitional justice discourse have created conducive conditions for the violent infringement of the fundamental right of every individual to freely chose as a part of the post-communist/post-conflict Croatian democracy their unique mode of being. Namely, not only dr. Franjo Tuđman’s attitudes, behavior, emotions, memories, and actions were judged how well do they fit into Western liberal democratic notions of justice and rights, but every individual’s or community’s resistance to transitional justice process in Croatia was treated as nationalistic and violent infringement of human and minority rights.

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<sup>97</sup> Sandra Cvikić, Dražen Živić, “In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995,” in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), p. 316.

<sup>98</sup> Sandra Cvikić, Dražen Živić, “In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995,” in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), pp. 313-346; Sandra Cvikić, “Deconstruction of ‘Scientifically Based Injustices’: About Post-War Traumatized Populations of ‘Spoilers’ in Croatia,” *Sociologija* LXI (2019): 697-717.

Aside from notable exceptions,<sup>99</sup> a more complex historical setting supported with comprehensive analysis of socio-political and economic processes and challenges is rarely found in international scholarly evaluation of Dr. Franjo Tuđman's authoritarian rule and nationalistic nation-state building process. Utilized methodologies and theoretical approaches in numerous internationally sponsored research have produced factual truths about Yugoslav wars that converge in their conclusion that Dr. Franjo Tuđman's principal accountability is to the same degree equal to ascribed culpability of the Serbian President Slobodan Milošević. More so, in the international epistemic community of transitional justice research the knowledge about Dr. Franjo Tuđman was re-appropriated in line with politically negotiated politics of democratic transition shifting between policy and practice worlds thereby influencing as indicated by Jones, the material and discursive practices of transitional justice interventions in Croatia.<sup>100</sup>

Therefore, it could be concluded that peaceful reintegration process and democratic post-war transition until his death in 1999 mark the crucial period in which internationally produced knowledge about Dr. Franjo Tuđman has framed institutionalized interpretations of historical factual truths that have over time become extremely resilient and difficult to challenge. More so, Tuđman's legacy, his role and accountability for the way independence was gained and how the war was waged in Croatia and Bosnia and Herzegovina were after his death debated inside transitional justice discourse closely related to Croatia's traumatized populations of war survivors, victims, and veterans. It has become increasingly convenient to study authoritarian nationalistic leaders of the Western Balkans and their manipulated post-communist nations when now on their disposal international scholars have numerous transitional justice toolkits and manuals how to properly conduct a research in post-conflict fragile democratic states. Human rights incorporated into the foundations of the transitional justice politics and policies have therefore empowered international experts and scholars with a higher moral

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<sup>99</sup> Such as: Thomas Cushman, "Anthropology and genocide in the Balkans: An analysis of conceptual practices of power," *Anthropological Theory* 4 (2004), No. 1: 5- 28; *This Time We Know: Western Responses to Genocide in Bosnia*, Thomas Cushman, Stjepan G. Meštrović, eds. (New York & London, 1996); Alain Finkielkraut, *Kako se to može biti Hrvat?* (Zagreb, 1992), originally published as *Comment peut-on tre croate?* (Paris, 1992); Carole Hodge, *Velika Britanija i Balkan* (Zagreb, 2007), originally published as: *Britain and the Balkans* (London & New York, 2006); Stjepan G. Meštrović, *The Balkanization of the West: The Confluence of Postmodernism and Postcommunism* (London & New York, 1994); Sabrina P. Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević* (Cambridge, 2002).

<sup>100</sup> Briony Jones, "Analysing resistance to transitional justice: what can we learn from hybridity?," *Conflict and Society* 2 (2016), No. 1: 74-86.

grounding<sup>101</sup> in judging those problematic populations and their leaders in terms of how well they respond and comply to self-styled European values<sup>102</sup> deemed universal for everyone. Those values were transposed into international scholars'/experts' knowledge production, socially constructing categories of criminalization.<sup>103</sup> National identity, patriotism, and pride as categories of criminalization were created to assess attitudes, behavior, statements, actions, decisions, emotions, memories, and history of Dr. Franjo Tuđman, and they were later extended to studies about Croatia's traumatized populations of war survivors, victims, and veterans.

Regardless of whether they belonged to epistemic community of transitional justice scholarship who either advocate transitional justice or oppose those who resist it,<sup>104</sup> the international scholars and experts of Yugoslav wars of disintegration have managed to produce knowledge invested with enormous power. Since the knowledge their scholarly discourse propagates is detrimental in establishing factual truth for those who are presumably unable (the traumatized populations of war survivors, victims, and veterans) or unwilling to do so (dr. Franjo Tuđman) by themselves, its purpose to preserve and protect "the equal moral worth of all individuals"<sup>105</sup> has however instigated a new logic behind minimal justice for all human beings.<sup>106</sup> Namely, transitional justice international knowledge production about dr. Franjo Tuđman presents itself as humanitarian imperialist mode of moral, historical, and identity (re)

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<sup>101</sup> A very good example of scholarly spill-over effect into policy reports is following document: *A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe's Security Capabilities*, Presented to EU High Representative for Common Foreign and Security Policy Javier Solana, Barcelona, 15 September 2004, available on: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/solana/040915CapBar.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/solana/040915CapBar.pdf).

<sup>102</sup> As indicated by De Genova and associates the self-styled European values are: dignity, liberty, democracy, equality, the rule of law, human rights, justice, solidarity and peace. See: Nicholas De Genova et al. "New Keywords Collective 'Europe/Crisis: New Keywords of 'the Crisis' in and of 'Europe'" (March 2016) available at: [http://nearfuturesonline.org/wp-content/uploads/2016/01/New-Keywords-Collective\\_12.pdf](http://nearfuturesonline.org/wp-content/uploads/2016/01/New-Keywords-Collective_12.pdf).

<sup>103</sup> Sandra Cvičić, Dražen Živić, Mateo Žanić, "Vukovar 1991 Battle and Cultural Memory," *Kultura/Culture* 5 (2014): 71-80.

<sup>104</sup> Julie Bernath, Sandra Rubli, "Adopting a Resistance Lens: An Exploration of Power and Legitimacy in Transitional Justice," *Conflict and Society: Advances in Research* 2 (2016): 87-103.

<sup>105</sup> Catherine Dauvergne, "Amorality and Humanitarianism in Immigration Law," *Osgoode Hall Law Journal* 37 (1999), No. 3: 597-623.

<sup>106</sup> Georg Lohmann, "Demokracija i ljudska prava," *Politička misao: časopis za politologiju* 41 (2004), No. 1: 115-125; Georg Lohmann, "Globalna pravednost, ljudska prava i uloga globalnog prava," *Politička misao: časopis za politologiju* 41 (2004): 94-102.

construction.<sup>107</sup> The way this mode of moral, historical and identity (re)construction is utilized by scholars and experts include production of socially engineered factual truths framed as universalist notions suited for mass consumption like any other product produced by the neoliberal West. This is not to say that there is no validity in the knowledge produced so far by the international scholars and experts. Rather, it has more to do with the way factual truths produced by scholars have helped over the time to legitimize Western universalist notions of peace, justice, and truth through economy of behavior: double standards, political correctness, condescendence, and tolerance.

The international knowledge produced about Dr. Franjo Tuđman's leadership and his legacy therefore has socially constructed discourse establishing dichotomy of choices while fixing itself in a position to judge and bestow accountability pending how successful he could be studied in line with the ideals of Western justice, peace, and morality. Judging from the international scholar's perspective, to enter the world of sovereign nations of global peace, liberal democracy, and rule of law the First Croatian President and Croatia's traumatized populations of war survivors, victims, and veterans must be understood in terms of either compliance or coercion. Such traits are therefore socially constructed to self-discipline and control transitional post-communist/post-conflict societies and install uncontested trust in internationally assisted politics of justice, peace, and morality regardless how those politics are politically negotiated or in what circumstances will they leave traumatized Croatian populations. When transposed through social learning and normative diffusion process the scholarly interpretations about dr. Franjo Tuđman therefore become a broader shared knowledge about the role he played and his accountability in the Yugoslav wars of disintegration. It could be inferred from the analyzed international scholarly and expert publications that socially engineered oversimplifications produced by transitional justice discourse about Croatia's First President were distributed through a strategy of re-humanization of the untamed Balkan *Other*. To ensure superiority of the Western moral obligation to the *Other*,<sup>108</sup> this *Other* is not only depicted as authoritarian Croatian leader but the entire nation is defined as "spoilers"<sup>109</sup> who both constitute "a risk to people everywhere",<sup>110</sup> namely to the stable global world order.

<sup>107</sup> On contemporary use of neo-imperialist human rights law see: Samuel Moyn, "A Powerless Companion: Human Rights in the Age of Neoliberalism," *Law and Contemporary Problems* 77 (2014), No. 4: 147-169.

<sup>108</sup> Corey Robin, *Fear: The History of a Political Idea* (Oxford, UK: Oxford University Press, 2004).

<sup>109</sup> Sandra Cvikić, "Deconstruction of 'Scientifically Based Injustices': About Post-War Traumatized Populations of 'Spoilers' in Croatia" *Sociologija* LXI (2019): 697-717.

<sup>110</sup> See document published by the International Development Research Centre – *The Responsibility to Protect: Report of the International Commission on Intervention and State*

Thereby, the hegemony of transitional justice discourse<sup>111</sup> has also ensured a conceptual shift from rights to duties to: predict, protect, prevent, contain, control, manage and secure those weak transitional democracies, such as Croatia. Political economy penetrates this complex power/knowledge discourse of transitional justice which then develops an unhealthy dependency on the reality of human insecurity – insecurity that requires constant diligence, surveillance and policing, and above all a need to discipline and control domestic behavior of spoiler’ and their authoritative leaders perceived potentially dangerous. Labeled as people “without trust, with intergenerational transmission of trauma and grievances, and negative interdependence and polarization” Croats and their First President have been actively forced into transitional justice process of international subjugation.<sup>112</sup> Therefore, the ICTY as an international Court of Justice has ventured outside its jurisdiction and rule of law into the realm of transitional justice discourse seeking legitimacy based on moral rather than legal grounds. The way their rulings and verdicts have influenced and created Croatian post-war social and political realities, thus have helped to promulgate a transitional character of justice dislocating factual truth into an arbitrary political space of fragile peace that is constantly in need of monitoring and supervision.

## Conclusion – Factual Truth and Social Construction Juxtaposed

Therefore, the objective rationality of empirical research into how post-war societies are to be socially reconstructed, how the peace-building process is to be managed and truth-finding established to confront the violent past in Croatia is still developed predominantly through internationally sponsored and owned knowledge discourse. The post-war conflict transformation in Croatia is a process of social reconstruction shaped by the knowledge acquired through internationally sponsored projects and social scientists work. Namely,

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*Sovereignty*, in 2001, page 5. Document is available on: <https://www.idrc.ca/en/book/responsibility-protect-report-international-commission-intervention-and-state-sovereignty>. Also see: Gareth Evans and Mohamed Sahnoun, “The Responsibility to protect,” *Foreign Affairs* 81 (2002), No. 6: 99-110.

<sup>111</sup> On transitional justice discourse hegemony see: Surer Q. Mohamed, “Doing Justice to Justice? Entanglements with Hegemony and Transitional Justice,” (2016). Electronic Thesis and Dissertation Repository. 3944. <https://ir.lib.uwo.ca/etd/3944>; and Sandra Cvikić, “Deconstruction of ‘Scientifically Based Injustices’: About Post-War Traumatized Populations of ‘Spoilers’ in Croatia,” *Sociologija* LXI (2019): 697-717.

<sup>112</sup> Sandra Cvikić, Dražen Živić, “In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995,” in: *Remembering the Bosnian Genocide: Justice, Memory and Denial*, Hikmet Karčić, ed. (Sarajevo: Institut za islamsku tradiciju Bošnjaka, 2016), p. 332.

the international knowledge discourse on dr. Franjo Tuđman's role and legacy is persistent in its determination to stay within the boundaries of transitional justice Chicago Principles unaware of its superficial judgmental approach used to understand the nationalistic authoritarian Croatian leader – his political attitudes, behavior, decisions, and military actions. All Croatian governments so far have uncritically accepted, despite the occasional disputes with the ICTY's authorities, the supremacy and infallibility of internationally judged and established factual truths about how Croatia is to reconstruct its own identity, history, memory, and emotions. Leebaw indicates that in this way the "historical lessons are framed in relation to the needs of the present: to legitimate transitional justice institutions and transitional regimes".<sup>113</sup> Since the ICTY's strategic decision was made "to convey the message that all parties to the conflict are culpable",<sup>114</sup> it is then no surprise that local traumatized communities in Croatia refuse to accept internationally assisted politics of equal distribution of justice and guilt, especially when it comes to presumed accountability of dr. Franjo Tuđman and Croatian generals Ante Gotovina and Janko Bobetko. While it has assumed authority over the entire judicial process in front of the international Court, the ICTY's strategic decision to prosecute individual guilt for the crimes committed by all parties engaged in war has implicated this institution in controversial negotiations (lenient sentences, plea bargaining, and the refusal or inability to attain custody of key suspects) of the core transitional justice principles (Chicago Principles) as well as pragmatic (compromised) judgments.<sup>115</sup> So far, transitional justice international scholarship has helped to conflate political compromises and political stability in Croatia rather than empower political consensus and political community.<sup>116</sup>

Therefore, whether legitimate or illegitimate, scholarly claims made by international scholars about dr. Franjo Tuđman's leadership and legacy, have created discourse of hegemony whose conceptual framework of transitional justice could not deliver comprehensive understanding of implemented set of practices that conceptually underpin unique situational structural analysis related to the communist legacy inside Croatia's post-conflict war experience nexus. Intersubjective normative turn made by the transitional justice knowledge discourse thus have helped to create a liberal democratic context in which concepts of *democracy, dictatorship, rational, tolerant, equality, rights, rule of law, human rights, authoritarian, true* pose evaluative functions therefore pro-

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<sup>113</sup> Bronwyn Ann Leebaw, "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* 30 (2008): 95-118, 109.

<sup>114</sup> *Ibid.*, p. 110.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*, p. 117.

viding particular normative judgments.<sup>117</sup> As Paige Arthur indicates “calling another country ‘democratic’ or another person ‘tolerant’ is, in this context, a description that expresses approval – which, in turn, helps to legitimize the actions of those who invoke them”.<sup>118</sup> Therefore, internationally produced knowledge about dr. Franjo Tuđman’s leadership and post-war legacy has invasively fragmented publicly owned political space, and misbalanced competing moral imperatives in Croatian society. Also, its transitional justice discourse was unable to reconcile legitimate claims for justice with equally legitimate claims for social peace and rule of law in increasingly managed Croatian democracy that does not tolerate well social emancipation from previous communist ties. Democratic transition in the post-conflict Croatian society therefore is not only confronted with the concepts that cannot capture citizen’s real-world complexities. It is also confronted with a debate that is led on citizens behalf by international scholars and experts of the transitional justice leaving majority of Croatian scholars out of the scope and on the discussion margins.

Deeply rooted in the normative taxonomies and categories of international humanitarian law, the extensive transitional justice knowledge discourse about dr. Franjo Tuđman has developed over time conceptual framework containing “a language-meditated gestures”<sup>119</sup> that sustain unsaturated criticism in lenient psychologically understood scholarship rather than sociological. Unaware of the impact this type of scholarship has on post-conflict societies, internationally produced knowledge about First Croatian President has become part of transitional justice discourse that contributes to globally reliable “data-driven economy”.<sup>120</sup> Resituating facts in chronologies without historical weight, those scholarly poststructuralist appropriations avoid acknowledging cause and effect in a history of war conflict. Finally, what could be concluded from the analysis of internationally produced knowledge is that international transitional justice poststructuralist knowledge discourse lacks sympathetic imagination in its post-conflict scholarship producing scientifically based injustices about dr. Franjo Tuđman and the entire Croatian nation. Its profound superiority is therefore very difficult to challenge since internationally pro-

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<sup>117</sup> Paige Arthur, “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly* 31 (2009), No. 2: 328.

<sup>118</sup> Ibid.

<sup>119</sup> Camille Paglia, “Erich Neumann: Theorist of the Great Mother,” *Arion* 13 (2006), No. 3: 1-14, 7.

<sup>120</sup> Hannah Franzki, Maria Carolina Olarte, “Understanding the political economy of transitional justice. A critical theory perspective,” in: *Transitional Justice Theories*, Sussane Buckley-Zistel, Theresa Koloman Back, Christian and Mieth Braun, Frederike Mieth, eds. (London: Routledge, 2013), pp. 201-221.

duced knowledge has gained great power over how contemporary post-conflict/post-communist societies are researched and interpreted today.<sup>121</sup>

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<sup>121</sup> Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31 (2009), No. 2: 333.

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