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Sandra Cvikić

SYMBOLIC VIOLENCE, SITE OF MEMORY AND TRANSITIONAL JUSTICE RECONCILIATION FRAMEWORK IN VUKOVAR

The aim of this article is to critically examine the transitional justice process of reconciliation in post-war Vukovar, focusing on symbolic violence and sites of memory. Compared to the international publications, those published by the author of this paper are critically reviewed as an exercise in self-reflexivity and moral responsibility for the knowledge produced about the war victims of Vukovar in 1991. The concluding remarks, therefore, offer new insights into the relational dynamics of symbolic violence and newly created sites of memory in post-war Vukovar. Moreover, this modest attempt to decipher the tangible impacts of the reconciliation framework of transitional justice in Vukovar has confirmed the inability of socially constructed politics to manage symbolic violence and sites of memory after a bloody war.

Keywords: Vukovar; site of memory; symbolic violence; transitional justice reconciliation framework

1. INTRODUCTION

Decades of numerous international and national attempts to install transitional justice policies in the post-war societies of the Western Balkans have not brought about reconciliation and the projects¹ have not restored mutual trust between the estranged nations of former socialist Yugoslavia (Cvikić 2019; Subotić 2009). In her article on the

1 Most notably the RECOM – truth commission project initiative led by the Croatian NGO *Documenta*.

Serbian parliament's apologetic Srebrenica declaration in March 2010, Jasna Dragovic-Saso pointed out how such "executive apologies" represent external coercive strategies to socially construct the conformity of post-conflict elites and their sense of responsibility for politically negotiated interest-driven decisions (2012: 163). She claims that "this event was not a turning point in Serbia's process of confronting the past" and that "the declaration's principal aim was to satisfy the European Union's expectations and bolster Serbia's project of seeking EU membership" (Ibid.). However, "to adopt such a symbolic gesture of atonement" in the Serbian case meant creating "the poles of resistance that emerged along the way" not only among politicians but also within society (Dragovic-Saso 2012: 164). Almost fifteen years later, the country's deep ideological and political rifts remain and "a genuine desire to promote public debate about the 1990s" and the war crimes committed is, as Dragovic-Saso predicted, far from achieving a broader societal reckoning with the past (2012: 164). The recent adoption by the General Assembly of the UN resolution on the Srebrenica genocide, declaring July 11th as "International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica" and Serbia's vote against it, shows that Serbia's official narrative of the past and its political strategy have not changed.² Moreover, the UN adaption voting process itself is proof that transitional justice does not deliver what its proponents promise: reconciliation, mutual trust and understanding. Serbian President Vučić pointed out at the end of the session that this was indeed "the first time that a vote on a resolution about genocide was not adopted unanimously in the General Assembly"³, which clearly shows how the current geopolitical tensions and national interests of the member states shape their understanding of the violent and criminal past. The changing nature and dynamics of international relations provide ample evidence of the extreme contradictions that this globally led international humanitarian organization simultaneously produces: on the one hand, the UN negotiates the promotion of highly moral human rights and the recognition of people's suffering, while on the other, it reproduces and re-reifies "selective amnesia", double standards and highly politicized factual truths about the unfortunate victims of violence and misery.⁴ The persistent denial of the Bosnian genocide and triumphalism, therefore,

2 See official UN website: [https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20\(document%20A%2F78,and%20genocide%20by%20international%20courts](https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20(document%20A%2F78,and%20genocide%20by%20international%20courts). Accessed on June 5, 2024. For UN Resolution on Srebrenica Genocide (A/78/L.67/Rev.1) see: <https://documents.un.org/doc/undoc/ltid/n24/140/80/pdf/n2414080.pdf?token=VmRft0RG87GOimHSdN&fe=true>. Accessed on June 5, 2022.

3 See: [https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20\(document%20A%2F78,and%20genocide%20by%20international%20courts](https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20(document%20A%2F78,and%20genocide%20by%20international%20courts). Accessed on June 5, 2024.

4 See: [https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20\(document%20A%2F78,and%20genocide%20by%20international%20courts](https://press.un.org/en/2024/ga12601.doc.htm#:~:text=The%20resolution%20(document%20A%2F78,and%20genocide%20by%20international%20courts). Accessed on June 5, 2024.

constitute symbolic violence that propagates the dichotomous character of a dysfunctional understanding and recognition of contemporary human suffering (Cvikić 2022a, 2022b; Turčalo, Karčić 2022). Therefore, the memorial site and cemetery of Srebrenica-Potočari⁵ is a place of memory that deeply shakes the foundations of Western liberal notions of social solidarity (Cushman, Meštrović 1996) and thus witnesses what S. Meštrović (1996) calls the “post-emotionalism” of international political commitments and responsibilities. Moreover, suppose the genocide of Srebrenica today evokes incoherent and synthetic emotions that some call compassion fatigue on the part of international power politics. How can the case of Vukovar in 1991 match such a sophisticated barbaric temperament of the pragmatic political solutions of transitional justice (Cvikić 2012; Meštrović 1996)? Suppose the framework of transitional justice could not and cannot reconcile symbolic violence and sites of memory in this sense. What consequences does it have for the precursor of the Srebrenica genocide – the Vukovar carnage?⁶

Answering these questions means taking a stand on issues that are highly controversial and, at the same time, engaging with the subjective understanding of war trauma and violence that arises from the painful memories of mass killings and genocide. The aim of this article is to critically examine the transitional justice process of reconciliation in post-war Vukovar, focusing on symbolic violence and sites of memory. In comparison to the international publications, those published by the author⁷ of this paper are critically reviewed as an exercise in self-reflexivity and moral responsibility for the knowledge produced about the war victims of Vukovar in 1991. The concluding remarks, therefore, offer new insights into the relational dynamics of symbolic violence and newly created sites of memory in post-war Vukovar. Moreover, this modest attempt to decipher the tangible impacts of the reconciliation framework of transitional justice in Vukovar has confirmed the inability of socially constructed politics to manage symbolic violence and sites of memory after a bloody war.

5 See: <https://srebrenica.org.uk/lessons-from-srebrenica/srebrenica-potocari-memorial> . Accessed on June 7, 2024.

6 This paper builds on preliminary research findings presented at the *International Conference Genocide in Srebrenica. Towards Long-Lasting Memory* in Sarajevo, Bosnia and Herzegovina (May 12-13, 2015). Paper presented in the conferences under the title *In Between Transitional Justice and Genocide – Vukovar 1991 and Srebrenica 1995* was later published in the book *Remembering the Bosnian Genocide: Justice, Memory and Denial* (Cvikić and Živić 2016).

7 Publications published in the period 2012-2023 are incorporated in the reference list.

2. RESEARCH AND TRANSITIONAL JUSTICE RECONCILIATION FRAMEWORK

The transitional justice process in Croatia for the last thirty years has witnessed confluence of numerous international policy recommendations that have coerced national reconciliation policymaking towards political solutions with mainly negative effects on highly traumatized post-war populations (Cvikić, Živić, Maras Kraljević 2021). Research conducted in this context by international and national scholars agrees that the suffering and trauma of victims and their productive coping through post-conflict reconciliation, restoration and retribution are of central importance (Kapshuk, Jamal 2020).⁸ However, creating equality, respect and trust through normative solutions offered by the instruments of transitional justice in practice does not always lead to a positive reaction from the traumatized population like the one in Vukovar (Cvikić 2019). Namely, estranged Vukovar communities have maintained their course of peaceful reintegration since 1998, pursuing different paths of truth-finding and history-making, creating contradictory interpretations of the Homeland War within Croatian cultural memory (Cvikić, Živić, Žanić 2014; Čorkalo Biruški, Ajduković 2007, 2008, 2012). Divisions, raptures and confrontational interpretations of the recent violent past are therefore reflected in research that seeks to understand Croats and Serbs by assessing their perceptions, memories and actions through the lens of transitional justice (Cvikić 2019, 2021b). In addition, different academic disciplines have, to varying degrees, utilized theoretical and methodological frameworks that integrate the normative values of transitional justice based on the human rights approach⁹ to war victims' rights, restitution, and retribution (Cvikić 2016, 2019). However, as an academic discipline, transitional justice in Croatian research has not yet developed to the point of enabling a comprehensive study of the transformative effects of this process on the severely traumatised Croatian population, such as that of Vukovar. Like their international colleagues, Croatian social scientists in their research either agree with the proponents of transitional justice ideas when it comes to peacebuilding/peacekeeping and post-conflict reconciliation or with those who are more critical

8 Nowadays there are research manuals produced to help scholars in their transitional justice research of post-conflict communities such as *Transitional Justice Building Justice – Transitional Justice Grassroots Toolkit – User's Guide* by Eilish Rooney (2016).

9 Human rights approach in transitional justice politics are based on legal premises elaborated in one of foundational documents such as *The Chicago Principles on Post-Conflict Justice* by Mahmoud Bassiouni and Daniel Rothenberg (2007).

of its experimental, universalistic nature. Whatever one's position on this issue, the violent legacy of Vukovar 1991 represents a fiercely defended or intensely contested site of symbolic representation of the memory and survival of victims (Jakovina 2007; Skenderović, Jareb, Artuković 2008). If one considers Vukovar as a place of memory that brings together all the sites of the Homeland War in the city, the experience of symbolic violence since the peaceful reintegration is reflected on the emotional level of two estranged communities – Serbian and Croatian. The reconciliatory framework of transitional justice, therefore, creates space for symbolic violence inflicted on local communities by the normative regulation of post-war cultural memory. How this type of non-physical violence, manifested in the power imbalance between the Serbian and Croatian communities in Vukovar, contradicts the postmodern understanding of voluntary submission to the legitimate forces of socially conditioned norms of transitional justice will be interpreted in the following chapter (Jenkins 1992).

3. SYMBOLIC VIOLENCE IN VUKOVAR AS A SITE OF MEMORY

In this paper, the impact of non-physical – normative kind of sophisticated violence on post-conflict communities at the site of memory – Vukovar – is under review. It is assumed that readers are familiar with both conceptions – the symbolic violence and site of memory – so detailed elaboration on their theoretical and methodological background is not provided. However, the sociological understanding of symbolic violence rests upon the works of P. Bourdieu and J. Jenkins (1992), while cultural memory and sites of memory are referred to according to Jan and Aleide Assmann's notions of "communicative memory" (2008: 110). Transitional justice as an all-encompassing analytic framework provides a setting for evidence-based assessment of the symbolic violence inflicted on Vukovar's traumatized populations through reconciliation policy mismanagement. The aim is then to shift the focus on transitional justice itself as a source of normative power that creates relationships of subjugation, control, and management deemed indispensable in post-conflict society transformation (Foucault 2007). This postmodernist turn is made only to show how, despite recent critical research and efforts to clearly define what transitional justice is, implemented policies in post-conflict societies have already standardized and normalized its use (Cvikić 2021a: 125-126). However, building on the standardized UN¹⁰

10 See: Guidance Note of the Secretary-General. United Nations Approach to Transitional Justice <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-transitional-justice-strategic-tool>.

qualification of transitional justice, as a process, transitional justice in Croatia could be broadly defined in terms of political bargaining between different social actors that have over time developed ways in which policies and political solutions were implemented, having a detrimental impact on local communities in a post-war setting (Cvikić 2021a: 126). Genealogy of the transitional justice process in Croatia, according to Cvikić (Ibid.), includes four phases of development. The first phase, from 1991 to 1995, was marked by the most important events related to Serbian minority-led armed rebellion and fully-fledged Serbian military aggression on Croatia. In this period, transitional justice elements were incorporated predominantly into the UN Security Council's decisions that have regulated ceasefires and humanitarian aid and in the EU's political opinions. While struggling to resist and defend its own population and territory against internal and external enemies, Croatia was simultaneously forced, on one hand, to manage humanitarian crises, and on the other, to ensure minority and human rights to its citizens, including half a million refugees and internally displaced persons. Events and circumstances became further complicated in the second phase from 1996 to 1999 when military and police operations were conducted next to the peaceful reintegration project to integrate the Serb-occupied territories of Croatia. Transitional justice elements inserted into policies, political decisions and legal frameworks have become indispensable in the UN's peaceful reintegration project of Eastern Slavonia, as well as in the war crimes prosecution, amnesty, reparation and restitution, next to the projects of conflict-transformation, reconciliation and peacebuilding ensuring human and minority rights protection in the post-war Croatia. The implementation and progress were closely monitored and assessed by international organizations and EU institutions (Organization for Security and Co-operation in Europe). At the same time, confrontation with the difficult and violent past was profoundly institutionalized by the International Criminal Tribunal for the Former Yugoslavia. Therefore, the third phase, from 2000 to 2013, is marked by the confrontation with violent legacies of the past inside two mutually intertwined social processes – the EU integration process and the so-called process of Detudmanisation (Cvikić 2021c). Mutually inclusive, they were deemed to contribute to the socio-political transformation of the Croatian post-conflict society, respecting Western liberal democratic ideas and rights. Financially and politically supported by national and international organizations, institutions, and governments, Croatian civil society post-war non-governmental organisations have become increasingly empowered with their newfound role in society as proponents of transitional justice values and rights. The

Accessed on June 8, 2024.

fourth phase from 2014 until today, therefore, follows the path of post-war redemption, reconstruction, and EU integration. Since its full membership into the EU in 2013, Croatian society and highly traumatized post-conflict populations have persistently coerced into submission to transitional justice experimental nature through implemented policies that promote tolerance, reconciliation and peaceful coexistence. However, this socially engineered policy implementation has simultaneously provoked resistance in highly traumatized post-war populations and the symbolic violence on the part of the government institutions.

There are three events that are central to the dynamics and changing character of symbolic violence in Vukovar as a site of memory. In the context of transitional justice, these incidents are inextricably linked to the efforts to politically negotiate reconciliation between Croats and Serbs in Vukovar. In the first instance, this is the process of peaceful reintegration of Eastern Slavonija established by the so-called Erdut Agreement.¹¹ This document changed the lives of all Croatian citizens, those who wanted to return to their homes in Vukovar – predominantly non-Serbian population, and those who decided to stay in the Croatian Danube region – the Serbian minority (Cvikić 2022c). This agreement enabled the peaceful reintegration of the area and the return of the displaced population to Eastern Slavonia. Economic, political and social reintegration was achieved in a project-oriented manner typical of the UN, including proposals on transitional justice and international humanitarian law (Klein 2010). However, maintaining the multi-ethnic composition of the population in the region and restoring mutual trust through safe return, reconstruction, and free democratic elections has proved extremely difficult given the proposed transitional justice framework. Political negotiations under the auspices of international monitoring and supervision were, in fact, based on the Croatian normative framework, which, over time, has encouraged minority entrepreneurship and competition for legally established rights and concessions. Contested human rights of the displaced non-Serb population of Vukovar were overcome by the minority rights protection of those who took Croatian citizenship and decided to stay and live in Vukovar (Cvikić 2010). The implications arising from the symbolic violence of the Erdut Agreement provide evidence that contradicts expectations of this kind of transitional justice policy implementation. Contrary to what one might expect, the implementation of positive laws that affirm the rights of minorities in a post-war setting can simultaneously strengthen the Serb minority in Vukovar politically and socially, while symbolic vi-

11 See: Erdutski sporazum. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža, 2013 – 2024. Accessed on June 8, 2024. <https://enciklopedija.hr/clanak/erdutski-sporazum>.

olence is inflicted on the majority population – the Croatian community. Equal opportunities and access to health care, social assistance, housing, employment, education and political representation for Serbs and Croats were socialised through normative solutions that were incompatible in practice due to the different views on who is entitled to legal provisions as a war victim (Cvikić 2010). However, confronting the past, memorialization, commemorative practices and memory culture were nonetheless seen as an integral part of the reconciliation and confidence-building process in transitional justice. The city of Vukovar as a site of memory instead becomes a testing ground for transitional justice policies and projects that create the conditions for ethnicisation of community relations and deeper social polarization, in which Croats as a majority group and Serbs as a minority compete for material and political advantages guaranteed by the progressive liberal laws protecting human and minority rights. Building on the unsettling differences developed in this way, the city of Vukovar was manipulated into another attempt at reconciliation in the manner of transitional justice when symbolic violence was inflicted on its most vulnerable post-war population – Croatian war veterans and survivors.

The introduction of the Serbian Cyrillic alphabet and the Serbian language in public spaces in Vukovar in 2013, supported by the Constitutional Law on the Rights of National Minorities¹² and the subsequent decisions of the Vukovar City Council, is the second case in which the central government brutally enforced symbolic violence. It was also the first time that the implementation of transitional justice policies related to the protection of minority rights in Vukovar met with strong public resistance, thus spreading across the socio-political divisions and fractures in Croatian society (Cvikić 2021a). At dawn, when most citizens were still asleep, official bilingual signs were placed on all public buildings in Vukovar. This act of incognito and non-consensual introduction of bilingualism into the everyday life and spaces of the severely traumatised post-war citizens was a decision of the central government authorities based on political compromises with the representatives of the Serbian national minority at the national and local levels. Nationalism and violence resulting from such implementation were hotly debated by national and international media, politicians, intellectuals and experts. There was no questioning of how the provisions of the minority laws were implemented and why local communities were not involved in the negotiation process before the political decision was made to install this type of transitional justice. Instead, Croatian nationalism and the destruction of bilingual signs by war

12 Official Gazette 155/02, 47/10, 80/10, 93/11, 93/11 available at: <https://www.zakon.hr/z/295/Ustavni-zakon-o-pravima-nacionalnih-manjina>. Accessed on June 8, 2024.

veterans and survivors were understood as an irrational reaction to something as harmless as language, while the war traumas, memories and feelings of citizens were seen as an obstacle to reconciliation and peaceful coexistence in Vukovar. Since the nationalism and violence of the Serbian national minority was not even considered a form of resistance to transitional justice in Vukovar at the time, the symbolic violence exercised by the minority law had an impact not only on the war veterans and survivors in Vukovar but also on the already polarized Croatian society (Cvikić 2021a). In this case, however, the violence was not just symbolic, but real, and this kind of transitional justice cost a life – the life of war veteran Darko Pajčić (Cvikić 2021a). Darko Pajčić was knocked down by a policeman and died from excessive force due to the head injuries he sustained when he tried to take down the bilingual singe at the police station in Vukovar. This was a turning point for the implementation of this policy in Vukovar. The emotional changes triggered by the trauma and memory in the context of transitional justice were, therefore, unable to sustain the society of Vukovar, which was divided by victimhood and suffering. The only solution to the constant re-traumatization caused by poorly managed transitional justice policies was then found in another law negotiated by central and local authorities.

In the third instance, the process of memorialization of the entire city, prescribed by the law declaring Vukovar a place of special homeland piety, paradoxically created space for even more sophisticated symbolic violence.¹³ In this way, the institutionalization of cultural memory in the context of Vukovar 1991 attempts to define normatively how one should remember, feel and commemorate the victims of war. As an alternative to the politics of transitional justice, this kind of normative memorial framework develops a cultural memory that creates conditions susceptible to regulation, surveillance and control. What it means is that this Vukovar law, which regulates cultural memory and the way in which the Croatian nation should commemorate the victims of the 1991 war, may lead to more divisions, resistance and opportunities for symbolic violence. The most recent commemoration in Vukovar, on November 18, 2023, shows again and again how easily the firm normative grip of a law can be overcome by the unshakeable will to remember and commemorate according to one's own ideas.

13 See: *Zakon o proglašenju Vukovara mjestom posebnog domovinskog pijeteta*, Official Gazette 25/20 available at: <https://www.zakon.hr/z/2503/Zakon-o-progla%C5%A1enju-Vukovara-mjestom-posebno-domovinskog-pijeteta>. Accessed on June 8, 2024.

4. CONCLUDING REMARKS

This rather limited account of symbolic violence in Vukovar as a site of memory shows how one might understand the power dynamics of the implemented policies of transitional justice and the laws of reconciliation. The subtle and sophisticated nature of symbolic violence permeating the legal and normative framework of transitional justice in Vukovar has created conditions susceptible to violent shifts in community responses to institutionalized social norms and cultural practices. After the ethnic conflict and bloody war, Vukovar as a place of memory is a strong symbol of Croatian resistance and resilience during the imposed war of aggression. The social structures of transitional justice in this regard operate through symbolic violence based on political manipulations, trade-offs, and entrepreneurship of those who have internalized the values of liberal rights and justice for the benefit of all. However, as the Vukovar case shows, the internalization of reconciliation policies and transitional justice laws by Croatian and minority policymakers, politicians and entrepreneurs is met with resistance from severely traumatised post-war communities who refuse to accept what is supposedly good for them. Bonacker and Buckley-Zistel, among others, claim that the ethical and institutional frameworks of transitional justice implemented since the 1990s provide sufficient evidence from academic analysis about “their operation” and their “impact on societies, politics, and beyond” (2013: 5). “The high expectations placed upon them” have raised worrying questions among some scholars (Sriram and Pillay 2010; Van der Merwe, Baxter and Chapman 2009) and debates among academics are therefore replete with implicit assumptions about the effects and consequences of transitional justice instruments that merit closer scrutiny (Bonacker and Buckley-Zistel 2013: 6). This paper concludes, then, that beyond the initial attempts to assess the impact of transitional justice reconciliation in post-war situations, the Vukovar case shows that there is still much to explore and that the subtle impact of the symbolic violence that its laws and norms generate have violent effects on local communities of survivors.

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SIMBOLIČKO NASILJE, MJESTA SJEĆANJA I OKVIR ZA POMIRBU TRANZICIJSKE PRAVDE U VUKOVARU

Sažetak:

Cilj ovog rada je kritički ispitati proces pomirenja tranzicijske pravde u poslijeratnom Vukovaru, fokusirajući se na simboličko nasilje i mjesta sjećanja. Usporedo s međunarodnim izdanjima, publikacije koje je objavila autorica ovog rada kritički se preispituju kao vježba samorefleksije i moralne odgovornosti za proizvedeno znanje o žrtvama rata u Vukovaru 1991. U zaključnim se razmatranjima, prema tome, pružaju novi uvidi u dinamiku odnosa između simboličkog nasilja i novonastalih mjesta sjećanja u poslijeratnom Vukovaru. Povrh toga, ovaj je skromni pokušaj u odgonetanju opipljivog utjecaja okvira za pomirbu tranzicijske pravde u Vukovaru dokazao kako se socijalno konstruiranim politikama ne može upravljati simboličkim nasiljem i mjestima sjećanja nakon jednog krvavog rata.

Ključne riječi: Vukovar; mjesto sjećanja; simboličko nasilje; okvir za pomirbu tranzicijske pravde

Author's address

Adresa autorice

Sandra Cvikić

Institute of Social Sciences Ivo Pilar

Regional Center Vukovar

sandra.cvikic@pilar.hr