

HAUNTED LEGAL MEMORY: IBSEN, INTERNATIONAL LAW, AND THE GHOSTS OF YUGOSLAVIA

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This paper explores the intersection of law, theatre and collective memory through Ibsen's "Ghosts", framed within the post-Yugoslav memorial lawscape. By reading Mrs. Alving, Oswald and Pastor Manders as allegories of the State, civil society and the international community, it examines how law becomes haunted by history. Through memory laws, mnemonic agents, and ghost narratives, it argues that legal systems both preserve and suppress the past. The Yugoslav case, marked by Srebrenica and its fragmented remembrances, reveals a haunted jurisprudence where justice and denial share the same stage.

L'articolo analizza l'intersezione tra diritto, teatro e memoria collettiva attraverso "Spettri" di Ibsen, nel contesto giuridico e memoriale post-jugoslavo. Interpretando Mrs. Alving, Oswald e il Pastore Manders come allegorie dello Stato, della società civile e della comunità internazionale, si mostra come il diritto sia perseguitato dai fantasmi della storia. Attraverso leggi della memoria, agenti mnemonici e narrazioni spettrali, si evidenzia come il diritto conservi e insieme sopprima il passato. Il caso jugoslavo rivela una giurisprudenza "infestata", dove giustizia e negazione condividono la stessa scena.

SUMMARY: 1. Stage directions. – 1.1 Introduction. – 1.2. Historical setting. – 2. Mnemonic narratives. – 2.1. Mnemonic Narratives from the Above: Memory Laws. – 2.2. Mnemonic Narratives from the Below: Ghost Narratives. – 3. Character studies: Mrs Alving, Oswald and Pastor Manders as the post-Yugoslav states, non-state entities, and international organizations. – 3.1. The State as Mrs. Alving: fabricating and suppressing the past. – 3.1.1. Bosnia And Herzegovina: Mrs Alving's Motherhood. – 3.1.2. Croatia: Mrs. Alving's Legacy. – 3.1.3. Serbia: Mrs. Alving's Denial. – 3.2. Non-State entities as Oswald. – 3.2.1. Oswald. – 3.2.2. Non-State mnemonic agents. – 3.3.1. Pastor Manders. – 3.3.2. Pastor Manders as the epitome of the international community. – 4. Curtain call: the stage emptied, the ghosts remain.

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1. *Stage directions.*

1.1. *Introduction.* – «Ghosts! ...it was just like seeing ghosts»¹, exclaims Mrs. Alving, still tormented by her past. As the present inexorably paces toward becoming the past, she uncovers subtle – sometimes not so subtle – traces of what she strives desperately to avoid, to conceal from others and even from herself. The past, as both an individual and collective experience, creeps upon us all: it defines who we are and what we represent, as individuals, as legal subjects, as nations and as States.

The past creates our collective imagination. What is a nation, if not a constellation of individual memories woven into collective experiences? What is a State without its history – or rather, without its *historiography*? What is the international community without the accumulated pasts of its members, marked by both cooperation and conflict? The past shapes us into breathing legal subjects, active participants in the international order; it manipulates theories of the State, even as it is itself manipulated by State narratives. Time in its past form – or rather, memory – constitutes an essential element of every legal system; it represents, in a different sense, a peculiar source of law that shapes legal cultures. Memory is the connective link of the legal *continuum*, binding together our common legal past, present, and future. Historical narratives can generate normative tendencies for future law-making². Thus, while in the “law in the books” States are defined by territorial borders, in the “law in action” the unifying thread of the population – of legal subjects – is their shared legal memory.

How does one remember law? In what manner does law itself reminisce about its past? Do legal systems encourage the preservation of a juridical memory, sustaining continuity through the recollection of precedent and tradition? If the doctrine of an objective and neutral legal truth exists – as the *positivists* maintain – does an objectively proven legal past exist as such, or only in the fragments recalled by legal subjects? Do States exercise jurisdiction over the definition of the past? May it be constructed, altered, or confirmed by international fora? Can a State acknowledge the existence of competing legal pasts? And, ultimately, who possesses the authority to act as a mnemonic agent? Is law capable of or willing to respond to these questions, or is it a quest that lies upon us, the legal subjects, to discover, decrypt through law’s interdisciplinarity, as a means to fight against

¹ H. IBSEN, *Βρυκόλακες (Ghosts)*, Atene, 2022, p. 65.

² As R.E. FIFE, *Creative Forces and Institution Building in International Law*, in *History and International Law*, edited by A. Ciampi, Cheltenham, 2019, pp. 18–20 has observed, international law is structurally dependent on history while simultaneously seeking to discipline it. Unlike historians, international lawyers are required to produce authoritative and final determinations – through doctrines such as *pacta sunt servanda* and *res judicata* – in order to ensure stability, predictability, and institutional continuity. This functional need for closure means that international law inevitably privileges certain historical narratives while marginalizing others, particularly in post-conflict contexts where memory remains fragmented and contested. The resulting tension between legal determinacy and historical pluralism renders international law especially susceptible to what may be described as a “haunting” by unresolved pasts.

“legicidio”, meaning the annihilation of actual legality behind formal law’s façade?³

In that sense, one can also find *mnemonic agents* in theatre. The stage becomes a laboratory of remembrance, where character interplay dramatizes how collective memory is refracted into private lives⁴. Theatrical memory is never neutral: it is carried by the actors’ bodies, the characters’ voices, and the spectators’ own pasts. Each performance thus becomes an *autoethnographic ritual of memory*, where individual recollections converge into a shared narrative that decrypts the present and gestures toward a common future. In this sense, theatre not only represents memory, but enacts it, re-staging inherited traumas and aspirations in ways that law itself often attempts.

Through such an autoethnographic acting of history, one can *cartographier* a culture, a society, even a legal order. It is a process that Annie Ernaux has described as an “autoethnography of the self”⁵ – or, as the one who now unravels the thread of this juridicotheatrical mnemonic narrative has coined, an “autonomography” of a legal culture⁶. The intersection of law and theatre has gradually emerged as a field attentive to performance as a mode of legal reasoning⁷. Theatre – and other performative arts, like cinema⁸ – and trial alike share dramaturgical structures: actors and witnesses, scripts and statutes, stages and courtrooms. Both construct meaning through repetition, ritual, and the embodiment of narrative. When viewed through the lens of memory, theatre becomes a privileged site for exploring how societies remember, repress, and reenact their past. Just as legal systems institutionalize memory through judgments, memorial laws, and truth commissions, theatre dramatizes collective remembrance by staging inherited conflicts and traumas.

Memory thus becomes a definitive legal *formant* both in the context of internal law as well as in that of international law, as encompassed by various examples of State – driven law, notably so – called «memory laws». At the same time, memory can also emerge as a *legal cryptotype*, the arch-nemesis of official legal memory – such as State commemorations – yet also its subaltern alternative

³ L. DANIELE, *Da Gaza all’Italia: genocidio, “legicidio” e derive anticostituzionali*, in *Costituzionalismo.it*, 2025, 3, <https://www.costituzionalismo.it/wp-content/uploads/3-2025-1.-Daniele.pdf>, last access on 19 December 2025.

⁴ L. KAPUSHEVSKA DRAKULEVSKA, *Theatre as a Figure and a Place of Cultural Memory*, in *Culture*, 2013, 4, pp. 31–39.

⁵ I. CHARPENTIER, *Les ‘ethnotextes’ d’Annie Ernaux ou les ambivalences de la réflexivité littéraire*, in *Annie Ernaux: se perdre dans l’écriture de soi*, edited by B. Danielle, D. Juliette, Paris, 2011, pp. 77–101.

⁶ G. ASKITAS, *Droit international et autonomographie: Analyse critique des subjectivités de la communauté internationale*, PhD thesis, École Doctorale Erasme, Université Sorbonne Paris Nord, <https://erasme.univ-spn.fr/giorgos-askitas/>, last access on 6 October 2025.

⁷ B. HUGHES MOORE, *Law and Theatre*, in *Law and Humanities*, edited by D. Newman, R. Sandberg, Cambridge, 2024, pp. 187–192.

⁸ C. VITUCCI, *Cinema e diritto internazionale*, in www.sidi-isil.org, <https://www.sidi-isil.org/gruppi-di-interesse-tematici/cinema-e-diritto-internazionale/>, last access on 9 September 2025.

through various non-State mnemonic agents⁹. In order to understand this collision of law and *memories*, this paper proposes to approach the subject of mnemonic *nomography* through Ibsen's body of theatrical work, and in particular *Ghosts*, while situating the inquiry within the post-Yugoslav context, where the interplay of law and memory is evidenced through a constellation of State and non-State mnemonic agents and fragmented autobiographical memories. Quoting from Annie Ernaux in *La vie extérieure*, we, writer and readers alike as participants in this thread, wish to take part in «*écrire cela, et tout ce que j'ai écrit ici, comme preuve*»¹⁰ (to write this, and all that I have written here, as evidence), or – transplanted into legal discourse – in a juridical evidentiary process that far exceeds the limitations of legal doctrine and its language. This article adopts an interdisciplinary, interpretive methodology that combines legal analysis with literary allegory and memory studies. Law is approached not as a closed normative system but as a cultural practice through which collective memory is performed, institutionalized, and contested. Ibsen's "Ghosts" is used as an analytical lens to examine States, non-State actors, and international institutions as mnemonic agents, while the post-Yugoslav context provides a comparative legal setting in which official memory laws are read alongside vernacular "ghost narratives". This approach foregrounds the tension between state-sanctioned remembrance and counter-memory, conceptualized here as a form of "haunted jurisprudence".

Before one embarks on this exploration, a few remarks on the former-Yugoslav context, on Ibsen, and on memory laws are necessary. Were it possible to set the tone with a didascalia (stage direction), it would suggest that the reader approach what follows as a law enthusiast's process of comparative legal exploration for its own sake, while also indulging in a subdued *Yugonostalgia*¹¹.

1.2. *Historical Setting*. – Any exploration of law and memory in the post-Yugoslav space requires, at the outset, a brief historical background. The Socialist Federal Republic of Yugoslavia was born in the aftermath of World War II under the leadership of Josip Broz Tito, consisting of six entities and two autonomous provinces in a balance of federalism and non-aligned socialism¹². After Tito's death in 1980, centrifugal pressures – ethnic, economic, and political – began to rip open the seams. In the early 1990s, the republics of Slovenia, Croatia, Bosnia and Herzegovina, and North Macedonia declared independence¹³.

⁹ R. SACCO, *Legal Formants: A Dynamic Approach to Comparative Law (Installment II of II)*, in *American Journal of Comparative Law*, 1991, XXXIX, 2, pp. 343–401.

¹⁰ A. ERNAUX, *La vie extérieure: 1993-1999*, Paris, 2000 (repr. coll. « Folio », 2001), p. 36.

¹¹ For the term "Yugonostalgia", Cf. M. MAKSIMOVIĆ, *Unattainable Past, Unsatisfying Present – Yugonostalgia: An Omen of a Better Future?*, Nationalities Papers, 2017, XLV, 6, pp. 1066–1081.

¹² L. BENNETT, *Yugoslavia's Bloody Collapse: Causes, Course and Consequences*, New York, 1995.

¹³ S. RAMET, *The Three Yugoslavias: State-Building and Legitimation, 1918–2005*, Bloomington, 2006, pp. 51–232.

The massacre at Srebrenica in July 1995, where more than 8,000 Bosniak men and boys were executed by Bosnian Serb forces¹⁴, remains perhaps the darkest chapter: later judged as genocide by both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice (ICJ)¹⁵. Key political figures such as Radovan Karadžić and Ratko Mladić were tried before the ICTY – Karadžić was convicted in 2016 and Mladić in 2017 – while Biljana Plavšić, former President of Republika Srpska, became the first woman indicted for genocide and ultimately convicted of crimes against humanity¹⁶. The Dayton Peace Agreement of December 1995 formalized the end of war in Bosnia and Herzegovina, structuring the country into two entities (the Federation and Republika Srpska) and inserting high representatives to oversee implementation¹⁷. Meanwhile, Serbia’s own transition – from Slobodan Milošević’s authoritarian rule to democratic governance – was punctuated by war crimes indictments and contested narratives of victimhood and blame¹⁸. As institutions like the ICTY sought to adjudicate the past in the name of accountability, various states in the post-Yugoslav space also endeavored to legislate memory – enacting memorial laws, erecting monuments, controlling school curricula, and criminalizing denial¹⁹. Over time, these efforts have crystallized into competing versions of history, each State (or community) striving to inscribe its own memory as orthodox, even as revision, denial or counter-memory persist across borders²⁰.

2. Mnemonic narratives.

2.1. *Mnemonic Narratives from the Above: Memory Laws* – Memory laws are perhaps the most explicit attempt to legislate remembrance, to turn the fragile act of memory into binding normativity. They are not mere statutes among others: they seek to draw a line between what can and cannot be said about the past, to enshrine certain narratives as legally “true” while silencing others. The Council of Europe has described them as laws that “enshrine state-approved interpretations of crucial historical events and promote certain narratives about the past, by banning, for example, the propagation of totalitarian ideologies or criminalizing expressions which deny, grossly minimize, approve or justify acts constituting

¹⁴ L. NETTFIELD, S. WAGNER, *Srebrenica in the Aftermath of Genocide*, Cambridge, 2013, pp. 31-50.

¹⁵ International Court of Justice, *Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment 26 February 2007.

¹⁶ *Prosecutor v. Radovan Karadžić*, IT-95-5/18-T, ICTY, Judgment 24 March 2016; *Prosecutor v. Ratko Mladić*, IT-09-92-T, ICTY, Judgment 22 November 2017; *Prosecutor v. Biljana Plavšić*, IT-00-39&40/1-S, ICTY, Sentencing Judgment 27 February 2003.

¹⁷ The General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton, 14 december 1995, peacemaker.un.org, <https://peacemaker.un.org/sites/default/files/document/files/2024/05/ba951121-daytonagreement.pdf>, last access on 4 October 2025.

¹⁸ J. GOW, *The Serbian Project and Its Adversaries: A Strategy of War Crimes*, London, 2003, pp. 118-144.

¹⁹ B. HIRONĚŠOVÁ, J. HASIĆ, *The 2021 Memory Law in Bosnia and Herzegovina – Reconciliation or Polarization?*, in *Journal of Genocide Research*, 2024, XXVI, 4, pp. 399-417.

²⁰ For further reference, *Venti anni di pace fredda in Bosnia Erzegovina*, edited by S. Camilotti e S. Regazzoni, Venezia, 2016.

genocide or crimes against humanity”²¹. In this sense, memory laws dramatize the State’s ambition to act as the ultimate mnemonic agent²².

Their manifestations are many. At the international level, the UN General Assembly has twice intervened directly in memory: in 2005, by proclaiming International Holocaust Remembrance Day²³, and in 2024, by designating 11 July as International Day of Remembrance for the Srebrenica Genocide²⁴ – a decision supported by many states but vehemently opposed by Serbia and its allies. These examples reveal memory laws as both national and transnational phenomena, simultaneously protective and divisive.

Supporters argue that such laws are indispensable to reconciliation and justice: they recognize victims, resist denialism and affirm a jurisprudence of memory that, as Teitel suggests, extends law beyond punishment to moral acknowledgment²⁵. But the critiques are equally sharp, as memory laws risk constraining free expression, politicizing history, and ossifying selective state narratives. The debate, then, is less about the existence of memory laws than about their legitimacy. Are they guardians of historical truth or instruments of historical monopoly? Are they jurisprudence as remembrance or jurisprudence as censorship? The UN’s Srebrenica resolution captures the paradox: remembrance can dignify victims, but it can also fracture communities when different versions of the past collide. In this way, memory laws remain juridical performances of history – staging a contest between law’s aspiration to fix memory and memory’s refusal to be fixed.

Given the above, the polemic against memory laws derives from their very nature as *mnemonic narratives from above*, carrying the inherent risk of suppressing alternative accounts produced by mnemonic agents who lack judicial authority over remembrance. In this collision of narratives, one discerns the struggle between memory as State performance – risking degeneration into mere spectacle, where justice is reduced to symbolic gesture – and the counterclaims of subaltern mnemonic agents, who assert their right to historical truth and their capacity to define memory and legal past as they recall it. Between this right and the attempts at historical denialism or revisionism advanced through State-driven memory laws, one observes the emergence of litigating and adjudicating normative arenas, in which State and non-State actors alike contend for authority over the past.

2.2. *Mnemonic Narratives from the Below: Ghost Narratives.* – Following the above and drawing on the distinction between internal and external legal culture,

²¹ Council of Europe, *Memory laws and freedom of expression*, Strasbourg, 2018, p. 2.

²² D. GAITENIDIS, *Memory laws in international and comparative law: regulating remembrance of the past*, in *Comparative European Politics*, 2025.

²³ United Nations General Assembly, *Resolution 60/7, Holocaust Remembrance*, 1 November 2005.

²⁴ United Nations General Assembly, *Resolution A/78/L.67, International Day of Reflection and Remembrance of the 1995 Genocide in Srebrenica*, 23 May 2024.

²⁵ R. TEITEL, *Transitional Justice*, Oxford, 2000, pp. 118–124.

it is important to consider how external legal culture approaches the preservation of its juridical memories. Positive law is but one dimension of *legal fiction* and legal imagination often proves more inclusive than State-sanctioned law. While there exist many forms of expression for this autonomographic inventiveness, it is particularly fruitful to examine *ghost narratives* as a distinctive aspect of mnemonic autonomography – especially compelling in the post-Yugoslav context.

As with Mrs. Alving, ghost stories have nurtured us since childhood, particularly those of us who are legal subjects of the Balkan region, if an autoethnographic remark may be permitted. Our legal cultures are constructed by ghosts and marked by their haunting presence over legal institutions and legal *micro-événements*. This is all the more evident in the realm of international law, which is tasked with addressing human rights violations, grave crimes against humanity, the dignity of human faculties and the pursuit of justice for those who have fallen. International legal doctrine itself often appears as a ghostly feature – an effort both to exorcise and to preserve the spectral remains of atrocity.

In this sense, ghost narratives may also be read through Foucault's distinction between history and counter-history. For Foucault, "history" is the narrative produced by dominant powers, a discourse of continuity and legitimacy; "counter-history" emerges as its disruptive counterpart, the memory of the vanquished²⁶. Ghost narratives thus oscillate between these poles: on the one hand, the judicial histories inscribed in law's judgments and commemorations; on the other, the counter-histories voiced by survivors, NGOs, and subaltern communities who contest the State's authority over remembrance.

In this context, "ghost narratives" may be broadly understood as stories of encounters with the agency of the dead. As Mirjam Mencej notes, the term *ghost* functions as an umbrella concept, encompassing not only visible apparitions but also auditory, tactile, and affective phenomena attributed to the dead²⁷ – closest to Paul Cowdell's definition of ghosts as "covering all *post-mortem* contact with the living"²⁸, where the focus is less on the entity than on the incident itself. In Srebrenica, these narratives operate as mnemonic devices, preserving the memory of atrocity and translating collective trauma into symbolic form. They provide not only therapeutic relief but also serve as vernacular counter-histories, contesting the silences and denials that haunt the region.

Mencej identifies three principal clusters of ghost narratives circulating in post-war Srebrenica. The first concerns the *ghosts of the unburied dead*. These stories reflect the tragic reality that many victims of the 1995 genocide were never

²⁶ M. FOUCAULT, *Society Must be Defended: Lectures at the Collège de France 1975–1976*, London, 2003, pp. 68–72.

²⁷ M. MENCEJ, *The Dead, the War, and Ethnic Identity: Ghost Narratives in Post-War Srebrenica*, in *Folklore*, 2021, CXXXIX, 4, p. 428.

²⁸ P. COWDELL, *Ghosts, Ethnography, and the Politics of Belonging in English Rural Communities*, in *Ethnologia Europaea*, 2011, CLI, 1, p. 50.

found or properly buried. According to traditional belief, untimely or violent deaths produce “bad deaths”, leaving the souls of the deceased suspended in a liminal state. They return as apparitions or haunting presences, reminding the living of their obligation to provide burial and symbolically insisting on unfinished justice²⁹. A second cluster revolves around the *ghosts of those interred in the Potočari memorial cemetery*. Far from being portrayed as passive figures, they are represented as powerful agents of revenge. Their spectral agency transforms the powerlessness of the Bosniak community within Serb-dominated Republika Srpska into a symbolic form of control. In these narratives, the buried dead are not marginal but central actors in the politics of memory, reclaiming the commemorative landscape against continuous processes of Serbian hegemonization³⁰. The third cluster tells of a murdered imam who, after being killed by the Serbian army, continued to call the faithful to prayer from the demolished minaret of Srebrenica’s mosque. This legend is remarkable because its witnesses are said to have been Serbs themselves, thereby compelling an acknowledgment of guilt from the very perpetrators. At once uncanny and moralizing, the story is framed as evidence of divine justice and as a higher ethical imperative transcending earthly politics³¹. Taken together, these ghost narratives constitute a spectral archive: a counter-narrative to denial and revisionism, and a powerful medium through which Bosniak communities preserve their juridical memory and articulate claims to justice.

3. *Character studies: Mrs Alving, Oswald and Pastor Manders as the post-Yugoslav States, non-State entities, and international organizations.* – Having outlined the foundations of memory laws and non-State memorial jurisprudence, it is now possible to turn to the dynamics of how States deploy –or manipulate – memory and law in order to assert political agendas and to construct dominant versions of the past. In this respect, character interactivity on the theatrical stage provides a compelling metaphor for the choreography of state relations and negotiations in the international arena.

Three figures from Henrik Ibsen’s “Ghosts” may be read as emblematic *binômes* of this mnemonic drama³². Mrs. Alving, tormented by the spectres of her past, stands for the post-Yugoslav States: jurisdictions over memory that strive to fabricate official versions of history, only to be haunted by the truths they suppress. Oswald, her ailing son who seeks to escape the shadows of family secrecy, mirrors non-State entities, including populations and NGOs, who struggle to voice alternative memories beyond the stranglehold of state narratives. Finally, Pastor Manders, cloaked in an *ethicological* façade yet marked by indifference and moral ambiguity, represents the international community as a

²⁹ MENCEJ, *The Dead, the War, and Ethnic Identity*, cit., p. 423.

³⁰ Ivi, p. 420.

³¹ Ivi, pp. 140–142.

³² H. IBSEN, *Ghosts*, transl. Eng. M. Meyer, London, 1965.

whole – ranging from the United Nations and international courts to, more recently, the European Union.

In this allegorical dramaturgy, the stage becomes a site of negotiation where State, non-State, and international actors each seek to inscribe their memory into law, oscillating between revelation and concealment, justice and denial. To maintain this dramaturgical frame, each section will therefore begin with a brief character study before proceeding to the corresponding legal analysis.

3.1. *The State as Mrs. Alving: Fabricating and Suppressing the Past.* –

«But I can't stand it any longer, with all these webs of obligation. I can't stand it! I've got to work my way out to freedom».

Mrs. Helene Alving, *Ghosts*, Act II.

Mrs. Alving, Ibsen's tragic matriarch, embodies the paradox of concealment and disclosure: she attempts to suppress the shame of her husband's life while simultaneously being unable to escape the ghosts that such concealment produces³³. In her, the audience perceives a character at once complicit and victim, both the author of a curated memory and the subject haunted by its return. Read allegorically, she mirrors the State as a jurisdiction over memory – an entity that fabricates official narratives to preserve its dignity yet remains perpetually afflicted by the spectral truths it seeks to bury³⁴.

As with Mrs. Alving, the Bosnian State performs remembrance through official commemorations and legal instruments, while at the same time struggling with competing memories that return in ghostly form, through the conflicting narratives of its ethnic minorities.

3.1.1. *Bosnia And Herzegovina: Mrs Alving's Motherhood.* – In Bosnia and Herzegovina, memory politics has been shaped by competing ethnic narratives and the fragmentation institutionalized by the Dayton Peace Agreement. Unlike Croatia and Serbia, which draw heavily on medieval continuities, Bosniak historiography has focused on the Ottoman past, often represented positively as a period of sophisticated culture and religious plurality. By contrast, Bosnian Serb and Croat narratives echo those of Serbia and Croatia, characterizing Ottoman rule as oppressive, marked by forced Islamization and favoritism toward certain religious groups. At the symbolic level, Sarajevo's street names have become a key site of mnemonic contestation. New street names frequently reference sovereign Bosnian statehood, invoking figures from the Ottoman and Austro-Hungarian periods to emphasize a long-standing autonomy predating Yugoslavia. This

³³ W. BRADFORD, 'Ghosts' Character Analysis of Mrs. Helene Alving: Oswald's mother from Henrik Ibsen's family drama, in www.thoughtco.com, <https://www.thoughtco.com/ghosts-character-analysis-mrs-helene-alving-2713469>, last access on 6 October 2025.

³⁴ *Character Analysis of Mrs. Alving in "Ghosts," a Play by Henrik Ibsen*, in www.kibin.com, <https://www.kibin.com/essay-examples/character-analysis-of-mrs-alving-in-ghosts-a-play-by-henrik-ibsen-IPoHihhG>, last access on 6 October 2025.

renaming reflects an attempt to assert continuity of statehood while simultaneously effacing traces of the Yugoslav socialist past³⁵.

In the Federation of Bosnia and Herzegovina, streets honoring Tito and the socialist legacy were removed, while in Republika Srpska, names referencing Bosniak presence were systematically erased. In Sarajevo alone, over 400 of 1,044 streets were renamed after the war; in Banja Luka, 240 out of 400 street names were changed³⁶. Commemoration has also been deployed as a site of political struggle³⁷. Yet these efforts are often framed as tools for European integration rather than genuine engagement with memory. At the same time, Srebrenica has become the paradigmatic *lieu de mémoire* of the Bosniak community, commemorated annually and increasingly internationalized, not least through cinematic works such as Jasmila Žbanić's *Quo Vadis, Aida?* (2020), which narrates the genocide while offering possibilities of interethnic coexistence³⁸. In this fragmented landscape, Bosnia and Herzegovina appears as a ghostly polity, haunted by conflicting narratives of its constituent peoples, where *lieux de mémoire* are less shared than contested, reflecting the enduring fractures of its post-Dayton order.

3.1.2. *Croatia: Mrs. Alving's Legacy.* – In Croatia, memory politics have been strongly tied to the narrative of an uninterrupted statehood, often described as a “millennial dream”. School curricula, commemorative practices, and public discourse emphasize medieval kings such as Tomislav and Zvonimir, presenting them as symbols of a continuous Croatian statehood that predates Yugoslavia and culminated in independence in 1991. This historical framing is reinforced through *lieux de mémoire*, including streets renaming and state ceremonies, which erase Yugoslav symbols and elevate figures of national struggle³⁹.

The most controversial commemorative site is Bleiburg⁴⁰, where post-war executions of soldiers and collaborators by Tito's partisans are reframed as the “tragedy of the Croatian people”. The commemorations – often state-funded and attended by officials – have transformed Bleiburg into a ritualized symbol of Croatian victimhood, despite the overt presence of Ustaša symbolism⁴¹. At the same time, Holocaust remembrance has been integrated into the EU's memorialization framework, with annual ceremonies at Jasenovac and the

³⁵ L. DAVID, T. TROŠT, *Renationalizing Memory in the Post-Yugoslav Region*, in *European Review of History*, 2022, XXIX, 2, p. 239.

³⁶ Ivi, p. 240.

³⁷ For example, Centro di Ateneo per i diritti umani - Antonio Papisca, *Giornata internazionale di riflessione e commemorazione del genocidio del 1995 a Srebrenica, 11 luglio 2025*, www.unipd-centrodirittiumani.it, <https://unipd-centrodirittiumani.it/it/notizie/giornata-internazionale-di-riflessione-e-commemorazione-del-genocidio-del-1995-a-srebrenica-11-luglio-2025>, last access on 19 December 2025.

³⁸ DAVID, TROŠT, *Renationalizing Memory*, cit., pp. 243–246.

³⁹ Ivi, pp. 229–249, 235–236.

⁴⁰ Ivi, pp. 240–241.

⁴¹ Ivi, pp. 237–238.

adoption of January 27th as a Holocaust Memorial Day, though often accompanied by a relativization of Ustaša crimes and efforts to nationalize the victimhood of Croats themselves⁴².

3.1.3. *Serbia: Mrs. Alving's Denial.* – In Serbia, memory politics are dominated by a dual process: the victimization of the Serb people, on the one hand, and the systematic silencing or relativization of Serb responsibility for wartime atrocities, on the other. Historical narratives privilege the medieval period, particularly the Battle of Kosovo (1389), as the foundational *lieu de mémoire* of Serbian statehood and suffering. School curricula and public commemorations frame Serbia as the perennial victim of aggression, a narrative that continues to shape its interpretation of the 1990s wars⁴³.

This renationalization of memory has been accompanied by what scholars call *memoricide*: the deliberate destruction, erasure, or denial of cultural memory in order to overwrite inconvenient histories. In the Serbian case, *memoricide* manifests through the denial of genocide at Srebrenica, the marginalization of non-Serb victimhood and the commemoration of sites where Serbs were killed while neglecting atrocities committed by Serbian forces. Such practices have entrenched competing mnemonic narratives, effectively producing a fragmented and polarized memory landscape⁴⁴.

Commemorative practices reflect this logic. Street names and public spaces in Belgrade and Republika Srpska privilege Serbian medieval and nationalist figures, while Yugoslav and multiethnic legacies are erased. Meanwhile, official remembrance often elevates Serb victimhood – most prominently at commemorations for Operation Storm – while denying or downplaying events such as Srebrenica. This selective memorialization perpetuates a juridical and cultural struggle over memory, in which Serbia seeks to consolidate its victim narrative while resisting international norms of remembrance⁴⁵.

3.2. *Non-State Entities as Oswald.* –

«Everything will burn. All that recalls father's memory is doomed.

Here am I, too, burning down».

Oswald, Ghosts, Act III

⁴² Ivi, pp. 242–243.

⁴³ Ivi, pp. 229–249, 234–236.

⁴⁴ Ivi, p. 238.

⁴⁵ Ivi, p. 244.

3.2.1. *Oswald*. – Oswald Alving returns not as a triumphant son but as a haunted figure, burdened by what he calls the “disease” of inheritance. His affliction is both biological and symbolic: a malady of memory, the unspoken sins of his father and the silence of his mother that have inscribed themselves onto his body. In Oswald, Ibsen dramatizes the paradox of an individual striving for liberation while being consumed by the very legacies he seeks to transcend. His yearning for light, for an existence beyond secrecy and repression, underscores the fragility of subjecthood caught between memory and denial⁴⁶.

3.2.2. *Non-State Mnemonic Agents*. – This figure offers a fruitful metaphor for non-State mnemonic agents in the post-Yugoslav space – NGOs, survivor associations and, most powerfully, the Mothers of Srebrenica. Like Oswald, they operate at the margins of hegemonic memory, bearing the weight of suppressed truths while insisting on their articulation. Their activism, including transnational litigation and persistent commemoration, performs an Oswaldian struggle: to survive the inheritance of silence by transforming trauma into testimony. In this sense, Oswald’s fragile rebellion prefigures the resilience of memory activism that contests the official narratives of States.

If Mrs. Alving embodies the spectral burden of the State, Oswald represents the restless demand for counter-history, echoing the voice of non-State actors in the post-Yugoslav space. Just as Oswald seeks to escape the suffocating legacy of his family, NGOs, civil society groups, and grassroots movements strive to carve out an alternative memory, resisting the hegemonic silence imposed by political elites. This form of “memory activism” has been described as a knowledge-based effort aimed at producing counter-memory and widening public debate⁴⁷. In Serbia, for instance, the Women in Black’s annual vigils for Srebrenica victims construct an alternative calendar of remembrance, directly challenging official denial⁴⁸. In Bosnia, groups such as the Four Faces of Omarska have reclaimed contested sites of atrocity by organizing commemorative rituals despite institutional resistance.⁴⁹ These acts of civil resistance inscribe the agency of populations into the legal-cultural memoryscape, turning counter-memory into both a moral archive and a juridical claim. It is within this dynamic of resistance and inscription that the activism of groups like the Mothers of Srebrenica finds its place, pushing the boundaries of law itself through litigation and transnational advocacy.

⁴⁶ *Character Analysis: Oswald Alving*, in www.cliffsnotes.com, <https://www.cliffsnotes.com/literature/g/ghosts/character-analysis/oswald-aling>, last access on 6 October 2025.

⁴⁷ E. GÓRSKA, *Memory Activism: Methods of Creation of Alternative Collective Memory in Former Yugoslavia and Israel*, in *Maska*, 2016, XXXII, pp. 8–20.

⁴⁸ Remembering Srebrenica, *Not In Our Name: The Women in Black*, in www.Srebrenica.org.uk, <https://srebrenica.org.uk/what-happened/not-in-our-name-the-women-in-black>, last access on 12 February 2026.

⁴⁹ For more information on the Four Faces of Omarska I. GLIŠIĆ, B. PURIĆ, *Emergency Aesthetics: The Case of the Four Faces of Omarska*, in *ARTMargins*, 2023, XII, 3, pp. 54–75.

3.3. *Pastor Manders As the International Community.*

3.3.1. *Pastor Manders.* – Pastor Manders presents himself as the guardian of doctrinal order, a man devoted to social propriety and moral rectitude. Described as “simple-minded and self-involved ... existing in an imaginary world where people and events conform to his stereotypes”⁵⁰, he rigidly clings to formulas such as «We have no right to do anything that will scandalize the community» – principles he deploys even when confronted by contradictions he cannot reconcile. His ethicological posture allows him to insist on neutrality, but beneath that facade lies indifference and moral ambiguity. He sacrifices individual integrity to maintain the appearance of propriety and social order⁵¹.

If Mrs. Alving stands for the State’s haunted memory, and Oswald for non-State struggle, then Manders maps onto the international community: a figure of authority that professes neutrality, enforces rules, and masks complicity behind the cloak of ethical duty. The next section will examine how, like Manders, international actors claim neutrality while shaping memory law and discourse at the global stage.

3.3.2. *Pastor Manders As the Epitome of The International Community.* – Just as Pastor Manders cloaks indecision and complicity behind an ethicological *façade*, the international community often presents itself as the custodian of neutrality and order while struggling with its own ghosts of responsibility. The United Nations stands as the most striking example: Resolution 819 of 1993 declared Srebrenica a “safe area”, yet the failure of UNPROFOR and the conduct of Dutch peacekeepers in July 1995 directly contributed to the massacre that followed⁵². The subsequent litigation against the Netherlands before domestic courts confirmed responsibility for the conduct of Dutchbat troops, but in a way that carefully avoided attributing wrongful acts to the UN itself⁵³. This judicial maneuver reflects a broader pattern: international organizations often manage memory by insulating themselves from legal accountability, while simultaneously proclaiming commitment to human rights.

NATO’s intervention in 1999 over Kosovo similarly exemplified this paradox: justified as a humanitarian intervention, it generated an enduring contest over legality, memory and the boundary between State sovereignty and international moral authority⁵⁴. The ICJ and ICC, in turn, have played a crucial role in shaping the juridical memory of atrocity. In the *Bosnia and Herzegovina v. Serbia*

⁵⁰ *Character Analysis: Pastor Manders*, cliffsnotes.com, https://www.cliffsnotes.com/literature/g/ghosts/character-analysis/pastor-manders?utm_source=chatgpt.com, last access on 6 October 2025.

⁵¹ *Ibidem*

⁵² United Nations Security Council, *Resolution 819/1993*, UN Doc. S/RES/819 (16 April 1993).

⁵³ Supreme Court of the Netherlands, *Netherlands v. Mothers of Srebrenica*, Judgment of 19 July 2019, ECLI:NL:HR:2019:1223.

⁵⁴ A. CASSESE, *Ex iniuria ius oritur: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?*, in *European Journal of International Law*, 1999, X, 1, pp. 23–30.

judgment, the ICJ affirmed that genocide had occurred in Srebrenica but refrained from attributing responsibility to Serbia as a State, despite acknowledging Serbia's failure to prevent and punish the crime⁵⁵. Likewise, the ICTY and later the ICC developed an interpretive framework that both recognized the juridical gravity of genocide while carefully delimiting State accountability. This selective recognition mirrors Manders' tendency to articulate universal principles while evading their most troubling consequences.

The European Union adds another dimension to this ethicological *façade*⁵⁶. As scholars have shown, the EU often engages in what has been called the "Europeanization of memory", promoting standardized forms of remembrance of genocide, human rights, and authoritarianism as conditions for accession⁵⁷. In the Western Balkans, this has meant the institutionalization of Srebrenica memorialization as part of the *acquis communautaire* of European values. Yet, this process has also produced what critics describe as a "memory-washing" effect: symbolic recognition of atrocities paired with political expediency and silence over ongoing violations⁵⁸. In this sense, the EU uses memory both as a moral currency and as a conditionality tool, reinforcing its authority as the arbiter of which pasts must be remembered for the future to be European.

4. *Curtain call: the stage emptied, the ghosts remain.* – At the end of Ibsen's "Ghosts", Oswald utters the anguished plea, "Give me the sun!" – a desperate demand for light in a world suffocated by secrecy and decay. It is a plea for clarity: to see, to remember, to exist unshackled by the ghosts of the past. In the post-Yugoslav landscape, this cry echoes as the voice of peoples and survivors who, against the weight of denial, ask for a horizon beyond silence.

The orphanage that burns in the final act becomes an unsettling allegory for Yugoslavia itself. Built upon ideals of unity and common good, it is consumed by flames not from external attack but from within—by the tinder of hypocrisy, manipulation and unspoken truth. Its fire does not erase its history but rather reveals it, forcing into view the ghosts that once sheltered in its walls. Like the orphanage, the Yugoslav project persists after its demise as a spectral structure: collapsed in form yet still haunting the memories of its inheritors.

Above all remains the absent father – the patriarch whose corruption dictated silence, whose vices shaped memory and whose authority endures in

⁵⁵ International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, paras. 297, 430–434.

⁵⁶ For further reference, N. CORRITORE, *Srebrenica: una responsabilità e una storia europea*, www.balcanicaucaso.org, https://www.balcanicaucaso.org/cp_article/srebrenica-una-responsabilita-e-una-storia-europea, last access on 19 December 2025.

⁵⁷ A. SIERP, *Europeanising Memory: The European Union's Politics of Memory*, in *Handbook on the Politics of Memory*, edited by M. Mälksoo, Cheltenham – Northampton, 2023, pp. 81–94.

⁵⁸ L. DAVID, *The Past Can't Heal Us: The Dangers of Mandating Memory in the Name of Human Rights*, Cambridge, 2020, pp. 112–118.

absence more powerfully than it did in life. In Ibsen's drama he rules even as a ghost; in the Yugoslav context he symbolizes the spectral power of the State and its leaders, dictating what may be remembered and what must be forgotten. Against this invisible authority, States, NGOs and survivors continue their struggle, each performing their own fragment of memory, each contesting the silence.

And still the question lingers: can the sun be given? Or must it be taken—wrested from the grip of ghosts, seized against the shadows? Law itself here becomes part of the drama: it oscillates between exorcism and preservation, between the ambition to declare definitive truths and the impossibility of ever escaping contested memories. International judgments, commemorations and memory laws perform the role of closing arguments, yet the case remains perpetually open. The curtain may fall, but the trial of memory continues — and the ghosts remain.