

Introduction: Post-Communist Transitional Justice at 25

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The year 2014 marks the twenty-fifth anniversary of the collapse of the Eastern European communist regimes, after which Eastern Europe attempted to reckon with the many state-sponsored wrongs committed between 1945 and 1989. The region experimented with court trials of former communist decision-makers and other state officials, lustration (the banning or public identification of communist leaders, secret agents, and other compromised persons occupying certain post-communist public positions), access for ordinary citizens to the extensive secret documents compiled on them by the secret political police forces, temporary and permanent history commissions, official apologies and condemnations, restitution of property abusively confiscated from individuals and communities, rewriting history textbooks, rehabilitation of former political prisoners, compensation packages, as well as extensive memorialization projects involving relevant commemorations, monuments, and exhibitions. Most of these programs have been formulated, funded, and completed by domestic state and non-state actors, while a handful were supported by international actors.

We now have a generation's worth of experience with these wrenching processes. This period spans the tumult of the revolutions that brought about the collapse of the communist dictatorship to the consolidation of new democratic regimes with now-adult citizens who don't remember communism and have no direct experience with its repression and oppression. Our volume's thirteen chapters gather, from this remarkable period, key lessons for both theory and practice formulated by experts in the field of transitional justice with intimate knowledge of the region's communist misfortunes and post-communist travails. The purpose of this volume is *not* to present comprehensive summaries of each country's accomplishments and failures in redressing the human rights violations perpetrated by communist state officials – these are

already available as peer-reviewed articles and book chapters. Instead, the present volume focuses on the most important factors that have shaped the nature, speed, and sequence of transitional justice programs in the region's first twenty-five years after communism.

The volume is divided into four parts, each dedicated to a different overarching but interrelated theme. **Part 1** explores the *causes* of transitional justice, **Part 2**, its *effects*, **Part 3**, *key challenges*, and **Part 4**, *neglected actors and factors* in coming to terms with the communist past. This division of focus allows for targeted engagement with key theoretical debates in the broader context of now long-term regional transition. Let us take each in turn.

The three chapters in **Part 1** ask why post-communist countries chose their strategies, examining transitional justice's relationship to the host of political goods that the key leaders of these new democracies have had to deliver, the negotiations and calculations factored in electoral politics by formations representing the government and the opposition, as well as the ideological and programmatic concerns that sometimes have convinced politicians to pursue or block reckoning with the past. These relationships are investigated across a number of countries as diverse as Albania, Poland, Croatia, and Serbia, which are sometimes examined in detail on their own or strategically positioned in theoretically fruitful comparative frameworks. **Part 1** focuses on selected transitional justice programs, some of which were quintessentially Eastern European like lustration and access to secret archives, while others were imported into the region from other parts of the world after they proved their ability to rectify past wrongs, such as court trials and investigative commissions. The chapters explain why these programs were adopted rather early or rather late after the collapse of the communist regime, why their scope differed considerably from neighbor to neighbor, and why particular processes were sometimes completely abandoned in particular political circumstances.

Part 2 deals with the impact of post-communist transitional justice programs. Its two chapters use different data sets and methods. The **first chapter** is exclusively quantitative, resting on the Eastern European section of a large database of cases drawn from all continents and a variety of countries in transition. The **second chapter** combines an opinion poll with qualitative methods and instead of investigating all post-communist countries, as the **first chapter** does, focuses on developments in one state, the Czech Republic. Both studies seek to examine how lustration (including the public identification of former secret agents), court trials of former communist decision-makers, and retribution programs (including rehabilitation of former political prisoners) have affected post-communist rule of law and respect for human rights. The most important theoretical question this section addresses concerns the

expected positive relationship between transitional justice and democratization, which underlies most reparation and retribution programs enacted in Eastern Europe.

Part 3 discusses the main challenges that have faced post-communist transitional justice. These chapters deal with four different themes that have emerged in the region as crucially important for any attempt to meaningfully reckon with past human rights violations, but have remained understudied to date: the problem of timing transitional justice programs and the importance of launching early versus late initiatives; the political choices made when new democracies have to address multiple and competing criminal pasts simultaneously; the way countries get inspiration from programs implemented elsewhere in the region through diffusion processes promoted by domestic, regional, and international actors; and the way honest inquiries into recent human rights abuses are impeded by the mythologization of the past for some political purposes. Again, conceptual and methodological plurality allows these chapters, when brought together, to contribute significant theoretical mileage. Two of the chapters included in this part focus on Balkan countries where the communist past has competed for attention from the political elite and the general population with a bloody post-communist revolution (Romania) or a devastating civil war (Serbia and Croatia). The other two chapters adopt a broader view, taking into consideration a number of post-communist countries' experience with transitional justice.

Lastly, **Part 4** presents methods of coming to terms with the past that have been underexplored to date by scholars and practitioners working on post-communist Eastern Europe, and in doing so seeks to test the current limits of the definitions of "transitional justice." These understudied methods include history commissions, official commemorations, the changing of names of streets and localities, theatre productions, and unofficial disclosures of names of individuals connected to the communist political police forces. Here too chapters privileging processes unfolding in a particular country (Romania or the former Yugoslavia) are juxtaposed with chapters that survey all, or almost all, known cases registered in the region during the past twenty-five years. Given its case selection, **Part 4** breaks new ground by underscoring the importance and numerous benefits, as well as the many shortcomings and possible dangers, of symbolic processes of coming to terms with the past that can be pursued by civil society actors.

This volume makes important contributions to the existing transitional justice literature. By discussing the efforts to reckon with the communist past across a number of Eastern European countries during the first twenty-five years of post-communist democratic transformation, the chapters offer

welcome broad-based information on the practices, processes, and methods that have been pursued to date. In doing so, they often underscore ways of rectifying past wrongs that have gained little, if any, attention from scholars and practitioners. Beyond this, the volume contributes to the theory of transitional justice by investigating a number of outstanding questions still unanswered satisfactorily (the importance of diffusion or multiple “competing pasts”; the link between transitional justice and rule of law, trust, and respect for human rights; the possible contribution of non-state actors; the challenge of timing reckoning and the perils of ignoring its reconciliatory dimension; the various determinants of reckoning with the past), and by presenting several methods that have remained unstudied to date (vigilante justice, commemorations, as well as theatre productions). Indeed, the volume helps us to understand transitional justice in general and the post-communist politics of memory in particular, by proposing explanations for how some methods of redressing communist wrongs (such as property restitution, court trials, and memorialization) are more popular than others (most notably, radical lustration) in the post-communist context; why transitional justice stagnated or accelerated at different moments of time; whether delayed justice is worth pursuing at all or all reckoning must be conducted relatively early after the regime change; why post-authoritarian governments decide to reckon with some pasts, but not with others, and how they prioritize transitional justice relative to the business of running the country; and how the politics of memory has (or has not) facilitated the broader democratization process.

While many scholarly articles and book chapters have taken up some of these questions, our volume offers a unique contribution because of the breadth of its perspective. First, it brings temporal range, looking at developments in the region over the entirety of the post-communist period, spanning early to very recent developments. This offers a perspective simply unavailable to works written closer to the tumultuous period of revolution and regime transition and studies concerned with particular events taken in isolation. Second, it provides regional range, offering comparisons between country developments over this long period – something beyond the space limitations of the journal articles and individual chapters published to date. Third, the volume offers program range, offering studies focused on neglected ways of reckoning that push us to reconsider the definitional boundaries accepted to date. Last, it does all this with a view to highlighting both the most important and the most neglected factors shaping transitional justice in post-communist Eastern Europe.