

## Beyond the National: Pathways of Diffusion\*

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Ideally, in the aftermath of dictatorial rule, victims' concerns are addressed and their oppressors punished, the truth about the structures and incidence of human rights violations is unearthed, and bridges are built between opposing camps to secure a democratic future. However, we have no expedient prescriptions for the best combination of preferred measures or the best way to implement them or the best way to translate them across locales. For some, coming to terms with the past is necessarily conditioned by a specific history, politics, and society. What fits one country may not fit another.<sup>1</sup>

In practice, the spread of transitional justice norms and processes exerts external influence on policies.<sup>2</sup> Brigitte Weiffen speaks of a "global phase" and divides international impact into two main categories: transnational networks, in particular non-governmental organizations ("bottom-up variant") and direct intervention ("top-down variant").<sup>3</sup> More specific international and transnational actors also agitate for accountability measures.<sup>4</sup> Ellen Lutz and Kathryn Sikkink coined the term "justice cascade" to describe the process by which one transnational advocacy network – activist lawyers – contributed to the proliferation of human rights trials in Latin America.<sup>5</sup> Independent of the particular form of influence, international transitional justice advocacy has increased and become more professionalized.<sup>6</sup>

When the countries in Central and Eastern Europe, defined here as those nominally sovereign during communist rule and now members of the European Union (EU) and NATO,<sup>7</sup> exited communism in 1989–1990, dealing with the abuses of the previous regime was an urgent and immediate task. Discourses were heated, policies contested, and the timing, methods, and scope of responses differed considerably, exposing a continuum of action from leaders to laggards. Surprisingly, then, in comparison to other

parts of the world, external influence on transitional justice policies here has received scant attention. Once the EU became a major actor, John Gledhill highlighted the largely unintended consequences of regional integration on “historical reckoning” but concluded that the influence was “partial and variable.”<sup>8</sup> A second strand of literature analyzed how international courts set standards for transitional justice policies.<sup>9</sup>

Twenty-five years after the newly established democratic governments first openly confronted the human rights legacies of communist regimes, I revisit the question,<sup>10</sup> asking to what extent the salience and form of international organizations and transnational interactions have evolved and to what effect. This approach is warranted by the view of Europe as an ideal laboratory for diffusion studies due to the Europeanization of policies and Central and Eastern Europe as an ideal demonstration of the significance of transnational actors during the transition years.<sup>11</sup> I also want to examine the imputation that geographic diffusion effects reinforce regional patterns – what would drive such convergence?<sup>12</sup>

I use the term *diffusion* to encompass indirect, exogenous effects on framing debates, setting standards, and institutionalizing transnational networks. In its most basic form, it refers to the local effects of policies and practices that originated in other countries or with international organizations. It privileges processes over outcomes, which can vary greatly; scholars emphasize the conditions that favor it, the mechanism used, the actors that promote it, and its function.<sup>13</sup> Diffusion mechanisms can be used to advance certain policies, mobilize support, gain legitimacy, and validate often divergent policy approaches. I differentiate between some form of learning as part of cross-national demonstration effects, norm promotion, passive leverage, and spillover. These categories serve as an analytical road map; they may be distinct in theory, but in practice, their borders are fluid.

I begin with a synopsis of transitional justice in Central and Eastern Europe, highlighting convergence amid differentiation. The main section describes relevant diffusion mechanisms, their effects on receiving countries, and the agents involved (see [Figure 8.1](#)). I pay special attention to the variety of expressions of Europeanization processes.<sup>14</sup> The discussion traces the evolution of transmission channels from mostly bilateral contacts to interactions with international organizations and the establishment of structured networking. The conclusion summarizes how diffusion played out in Central and Eastern Europe, the barriers it encountered, and suggestions for future research.

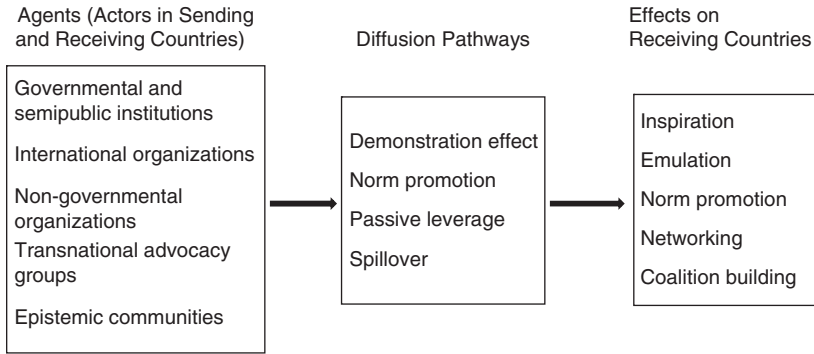


FIGURE 8.1: Agents, Diffusion Pathways, and Effects

#### TRANSITIONAL JUSTICE IN CENTRAL AND EASTERN EUROPE: AN OVERVIEW

Choosing a starting point for any study of regional diffusion processes at once raises important methodological questions: How to establish a certain degree of commonality among a set of countries without downplaying or misrepresenting their policy diversity? Can commonality be explained by path-dependent domestic processes or international trajectories? When both are involved, what is their individual weight? The few extant cross-national, longitudinal studies illustrate the problems of delineating causality. Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, covering the period from 1970 to 2007, suggest regional patterns: “Trials, lustration policies, and reparations occur most often in Europe. Non-European countries more frequently adopt truth commissions and amnesties than do their European counterparts, with a particularly high number of amnesties granted in Latin America.”<sup>15</sup> Another study by the same authors, examining court trials from 1970 to 2004, challenges the assumption of regional contagion effects *per se*; advocacy networks and membership in international organizations and/or international nongovernmental organizations are crucial.<sup>16</sup>

Although transitional justice, under different names, has a long tradition,<sup>17</sup> the post-communist challenges were unique with few precedents to draw from. Rights abuses were convoluted; in targeting large groups, they took the form of expropriation and surveillance, and subjected alleged and real political dissenters to a wide range of measures, including imprisonment. The most brutal forms of terror and repression were exercised in the late 1940s and the 1950s. The “softer” forms that gradually replaced them still relied on intimidation and harassment and tolerated no opposition.

In reaction, a distinct, shared preoccupation with the legacy of state security agents and access to their files became the prime mode of revelation. In contrast to lustration procedures, court trials of deposed communist officials were mostly symbolic; they were old and ill, and their sentences were lenient. Restorative measures were widely seen as the material and immaterial redress that victims were owed, but although restitution of confiscated private property was deemed central to economic justice, it was politically charged. Excluding Romania, where property restitution remains unresolved,<sup>18</sup> the other countries acted relatively swiftly but policies differed in who was entitled, what time frame was applied, and what form restitution (in-kind restitution versus material compensation) would take. Each of these decisions raised questions about exclusion and potential discrimination. While state-sponsored truth commissions to achieve historical reckoning have spread around the world, regionally, their role and impact have been muted and restricted to Germany and Romania.<sup>19</sup> Memorialization strategies abounded everywhere, ranging from renaming a street to the construction of museums.

Some path development was expected, and similarities in approach, but not scope and timing, can be explained by common contexts – the countries' geographic and systemic proximity and the roughly forty-year span of communist rule. Nonetheless, scholars have been preoccupied with the degree of variation in these countries' transitional justice policies. (East) Germany and the Czech Republic were forerunners with prompt, extensive policies. After slow starts, Poland and Slovakia became more engaged but not Bulgaria and Romania. Hungary has occupied a special position, as its policy repertoire mirrored those of other countries, but was particularly constrained by constitutional jurisdiction.<sup>20</sup>

Broadly speaking, explanations for these variations focus on legacy and present politics, but the proper mix remains disputed.<sup>21</sup> Recurring variables are: (1) the different degrees of legitimacy of the communist regimes; (2) distinctive paths away from communism toward democracy that produced variations in accommodation with and influence of the previous communist elites; and (3) strategic elite calculations.<sup>22</sup> Transitional justice is generally portrayed as a struggle among political elites, neglecting not only civil society groups and the media but also external factors that played important roles in the discourse and kept it alive, particularly where legislation and/or implementation were delayed or weak.<sup>23</sup>

The following sections explore divergent diffusion channels and outcomes across the region.

DEMONSTRATION EFFECTS AND CROSS-NATIONAL  
COMMUNICATION

Czechoslovakia and Germany were the first to enact lustration, the aspect of transitional justice most distinct to Central and Eastern Europe and the most disputed.<sup>24</sup> Germany pioneered public access to state security files, and both countries have been vigilant in enacting transitional justice policies. Consequently, their acts have been frequent reference points in the neighboring countries' discourse, although best practices were also drawn from other sources. For example, in the lustration debates at the beginning of the 1990s, Spain's and Portugal's "drawing a thick line" and advocating "forgive and forget" countered the Czech and German emphasis on disclosure and potential employment bans.<sup>25</sup>

Lustration laws required screening public officials, a task most often handled by special committees. In all settings, it was soon intimately linked with public access to the files of the former secret police. Proponents advocated file access as an important step in the decommunization process and the main vehicle of "truth finding."<sup>26</sup> Naming secret service agents and collaborators was also perceived as an important corollary to the few criminal trials. Arguments against reliance on the files and public access to them have run the gamut: the files are incomplete and inaccurate; opening them will expose and undermine secret police methods, spark revenge and hatred, and violate laws to protect personal information and other laws.<sup>27</sup>

Despite these concerns, in summer 1990, the freely elected parliament of the German Democratic Republic (GDR) voted unanimously to open the files of the hated state security, commonly called the Stasi, and in August it passed by a wide majority a law securing Stasi files as one of its last acts. Following unification with West Germany in 1990, the Stasi Records Act passed in December 1991,<sup>28</sup> and public access started in 1992. A separate agency, the Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic (BStU), was created to house the files, to organize the modalities of public access, and to conduct research on them. This institutional innovation proved too important to ignore, and by 2002, all countries in the region had opened special state security archives and made files accessible to the public.

Important country-specific differences remain. They include the number of files made public or destroyed in the aftermath of the communist collapse and privacy stipulations. The archives themselves differ in terms of organizational structure, staff, and public availability. Some include documents from World

War II. Several institutions copied the BStU in building substantial research departments, while others are solely archives. Public response to file access has also differed; applications remain highest in Germany. Explanations for this variation include the availability of files, bureaucratic obstacles to access, and the passage of time, which may have dampened interest.

Disparities notwithstanding, the spread of file access begs for an explanation. Domestic factors, such as shifting political coalitions and policy goals, may have pushed neglected demands for file access to the top of the agenda. Council of Europe Resolution 1096 (1996) recommended opening secret service files, but its impact was marginal at best. More likely is the power of the demonstration effects from neighboring countries. As in other areas of transitional justice, observers cited German file access as either a model or unsuitable for other countries in the region. Although skepticism about the practice, seen as “typically German,” prevailed initially, the debate continued.<sup>29</sup> When the perceived negative side effects did not materialize, the German model became attractive: it helped to prevent the illegal release of files and subsequent media leaks that rocked politics everywhere.<sup>30</sup> As Georges Mink contends, “the model that won all countries’ admiration was the one designed by the Germans of the former GDR,” referring to the BStU, whose sheer existence spurred emulation, however delayed and controversial.<sup>31</sup>

In Poland, public file access was rejected at first because creating an archive would have delayed lustration, but the BStU example turned opinion. The Polish Institute of National Remembrance (IPN), founded in 1998, is hardly imaginable without the BStU.<sup>32</sup> IPN member Antoni Dudek explains: “The example of the BStU was very important for authors of the act on the IPN, but the IPN is not a copy.” Among other novel features, it has a prosecution department, and the Polish lustration model is quite different from Germany’s.<sup>33</sup>

In the Czech Republic, the idea of public file access was discussed from the beginning of lustration: “the fact that it was possible to do it in Germany was one of the arguments for the opening of the archives.”<sup>34</sup> Slovak reporters used legislation in neighboring countries to support similar measures: “it was therefore ‘high time’ for the country to do the same.”<sup>35</sup> In similar fashion, Archivist László Varga refers to the important role that the BStU played in debates about founding the Historical Archive in Hungary.<sup>36</sup> Paweł Machcewicz speaks of a “chain reaction with the most important countries, Germany and Poland, showing the way.”<sup>37</sup>

In countries where public file access ran into strong resistance, the German approach was particularly attractive. The first head of the BStU, Joachim Gauck, writes that in Bulgaria and Romania, “the few who advocated dealing

with the past praised our solution almost effusively,” while others clearly disassociated themselves from it.<sup>38</sup> He visited Romania in 1992, 1994, and 1997. In 1992, he was invited by the Association of Former Political Prisoners (AFDPR), an important civil society actor with over 100,000 members; according to Petrescu and Petrescu, “[i]t was the first time . . . the problem of dealing with the files of the secret police was discussed in a professional manner.”<sup>39</sup> As part of his 1997 visit, Gauck reported to the Romanian parliament. As early as 1993, Constantin Ticu Dumitrescu, Senator for the National Peasant Party and a founder of the AFDPR, proposed a bill that would allow citizens access to Securitate files, but he was criticized even by his own party. Gauck allegedly encouraged him: “Don’t think in Germany it was easier.”<sup>40</sup> Defeated several times, the 1999 “Ticu law” allowed limited access to the Securitate files; it was revised in 2006, but the Romanian Constitutional Court declared it unconstitutional by unanimous vote in 2008. To this day, file access is disputed.<sup>41</sup>

Initially, the post-communist countries were preoccupied with how they would tackle their past; information about neighboring practices was communicated mostly through the media. Often these accounts lacked detail about limitations and weaknesses of particular approaches but they were still expedient as they invited comparison with the situation at home. The practice of file access spread by example and soft means – information visits, conferences, and workshops. The BStU mattered, but emulation was reinforced by cross-cultural communication that raised awareness and inspired others.

Inquiries from abroad arrived at the BStU; its employees were invited to visit, and Gauck traveled widely, often supported by funds from German political foundations and government ministries. How the agency should respond to these requests was a matter of debate. Promoting the German example was rejected, but disseminating ideas and information about the agency’s work, which was intended to dispel objections to creating similar agencies in other settings and to support domestic stakeholders in the German model, was deemed acceptable. BStU researchers could accept invitations to engage in such activities, while they could not travel on official business.<sup>42</sup>

At times, German political foundations acted as brokers between sending and receiving countries. All major German political parties have such foundations that provide “assistance for democratization and political cooperation” at home and abroad; after the fall of communism, they quickly established themselves in Central and Eastern Europe.<sup>43</sup> These foundations pursued political education on transitional justice by establishing contacts among politicians, civil society groups, and media representatives in the host countries, on the one hand, and the BStU and other German transitional justice

agencies, on the other. They mediated the diffusion of ideas by arranging study trips and political consultations, and acted as “norm entrepreneurs” or “agents of projection” when they organized national and international seminars and conferences.<sup>44</sup> For example, just before the parliamentary debates in 1999, Romanian members of parliament, journalists, and historians visited the BStU, and the media reported on its activities, highlighting the substantial differences between the German and Romanian experiences in dealing with the communist state security services.<sup>45</sup> Ekaterina Boncheva, board member of the Committee for Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Armed Services, used her journalistic credentials to interview Gauck when he visited Bulgaria and, in 1999, wrote about the work of the BStU after a visit to Berlin funded by the Konrad Adenauer Foundation.<sup>46</sup>

Journalists played important roles in informing the public of practices in other countries, and became active in their own right. Inspired by Bulgarian efforts, in 2006, Romanian journalists launched a Clean Voices campaign to identify secret agents among television reporters, press contributors, and talk show hosts.<sup>47</sup> Before the law enabling access to communist secret documents was adopted in December 2006, non-governmental organizations and journalists organized an international conference with representatives from Poland, the Czech Republic, Germany, Slovakia, and Romania and collected the laws of these countries to influence Bulgarian legislation based on “European best practices.”<sup>48</sup> Evocation of European standards was a powerful device used in all countries.

#### NORM PROMOTION AND PASSIVE LEVERAGE: THE ROLE OF EUROPEAN INSTITUTIONS

The “return to Europe” and entry into the international community of democratic states figured prominently in the policy objectives of all Central and East European countries. Due to the special circumstance of German unification, the former East Germany joined European institutions in 1990. For the others, membership in the Council of Europe was expedited in the first half of the 1990s; accession to the EU followed in 2004 and 2007.

For the EU, transitional justice is an evolving activity that focuses on international criminal justice and support for victims; in other domains, its support is more muted and limited to funding. Most initiatives to promote criminal prosecutions, truth commissions, victim reparation programs, and security system reform, including, but not limited to, vetting the police, army,



and judiciary,<sup>49</sup> have come too late to affect Central and East European countries in concrete ways. Nevertheless, the prospect of joining European institutions influenced discourse and practices.

*Norm Promotion.* The Copenhagen criteria, passed in 1993, demanded democracy and rule of law, among other things, as preconditions for EU accession, but their link to reckoning with the past was vague at best and never a benchmark in negotiations. However, the pursuit of democracy and rule of law was not without utility in enabling policy entrepreneurs to assert soft influence, albeit to different ends. Noel Calhoun argues, for example, that in Poland, lustration was initially restrained by a political debate about its compatibility with liberal democratic principles. With time, the “debates grew more nuanced,” as policy entrepreneurs learned from their own experiences, those of neighboring countries, and parameters set by international organizations.<sup>50</sup>

The rule-of-law criteria are indispensable but open-ended when applied to the pursuit of transitional justice. They focus on Europeanization channels through the legal community, in particular the Council of Europe and its Court, the European Court of Human Rights (ECHR). Although the newly established courts in post-communist Central and Eastern Europe became important in framing transitional justice policies, they became embroiled in legal disputes over the constitutionality of criminal trials, lustration, and restitution rulings. Domestic courts entered largely uncharted waters to find answers to such vexing problems as retrospective justice, statutes of limitations, fairness, and the right to privacy versus the public good. In lustration cases, for example, Maran Safjan, former Polish Constitutional Tribunal judge and now member of the EU Court of Justice, summarized the dilemma: “two opposite sides can present serious arguments based directly on constitutional values and principles.”<sup>51</sup>

Divergent approaches have been explained by procedural versus substantive applications of the law. The history of the communist regime in question and its legal and political reasoning heavily influenced transition modes. The jurisdiction of the Hungarian and Czech constitutional courts stood at opposite ends, while the Polish constitution took a compromise approach.<sup>52</sup> As in other areas of transitional justice, the rationales for avenues taken stem from national conditions.

However, domestic courts did not act in isolation: they borrowed laws, applied comparative frameworks, and received advice from international courts. European institutions and national non-governmental organizations from Europe and the United States trained public officials, including legal personnel, aiming for both knowledge transfer and socialization. References to

the practices of neighboring countries were common,<sup>53</sup> but access to international legal bodies, such as the ECHR and the International Labour Organization (ILO), subjected affairs once considered solely in the domestic domain to advisement, if not scrutiny. “An intervention from Strasbourg,” where the ECHR is located, “was seen as an important and highly appreciated guarantee of the correct path and irreversibility of the democratic transition, which included a ‘human rights approach’ to transition.”<sup>54</sup> Together with the Venice Commission, an advisory body of the Council of Europe and the ECHR, standards were set by scrutinizing and fine-tuning national legislation. In her account of the ECHR case law, Eva Brems attests to the court’s restraint in dealing with transitional justice yet demonstrates its importance in setting criteria for resolving disputes and addressing individual complaints.<sup>55</sup> In a similar vein, Hamilton and Buyse laud the “nuanced approach” of the court, whose adjudications stressed the timing of certain policies, individual assessment of collective guilt, and the context and implementation of transitional justice measures.<sup>56</sup>

The court has been most active in property restitution, and Central and Eastern European claimants have used this avenue repeatedly; it reviewed far fewer questions about lustration. Overall, the court was limited by temporal jurisdiction – adjudication can only happen in matters that occur after a country has ratified its membership in the court. The effects of these debates on the adjudication of transitional justice are open to discussion. Wojciech Sadurski, a legal scholar, attributed the “by-and-large lukewarm attitudes of many constitutional courts” partly to “external influences that, on balance, inclined the legal systems . . . against rather than in favour of lustration.”<sup>57</sup> For Jiří Přibán, referring to rule of law became a “power technique.”<sup>58</sup> Others emphasize how lustration debates helped to define citizens’ rights, state duties, and judicial restraint.<sup>59</sup> So far, the notion of Europeanization has been distinguished from the EU framework whose impact on transitional justice through passive leverage was fleeting.

*Passive leverage:* Milada Vaduchova introduced the term *passive leverage* to highlight the indirect influence that prospective membership can have on EU applicant countries, as opposed to *active leverage*, which sets out concrete goals that have to be met. It shows the “traction that the EU has on the domestic politics of credible candidate states by virtue of its existence and its usual conduct.”<sup>60</sup> In the absence of active leverage, both advocates and opponents jiggled the possibility of EU membership to legitimize their own agendas. The coup attempt in the Soviet Union may have accelerated passage of the Czech lustration law in 1991, but in the long run, the attraction of EU membership proved more important.<sup>61</sup> When Bulgaria and Romania were

excluded in the 2004 round of accession, lustration and file access became tools to advance membership. File transfer to the National Council for the Study of Security Archives picked up remarkable speed between 2005 and 2007.<sup>62</sup> In the May 2006 Romanian parliamentary debates, some “[l]egislators believed that lustration had helped other post-communist countries to gain early acceptance into the EU.”<sup>63</sup>

Counterarguments were raised on the same premise. Lustration was side-stepped by pointing out that Romania had not remedied corruption to gain accession; others referenced European values and ECHR rulings to defend their opposition to lustration.<sup>64</sup> Romania passed a new ordinance in 2006 to expand lustration, but in 2008, one year after it joined the EU, the law on file access was declared unconstitutional. With a dose of sarcasm, Iancu points to the “impeccable sense of timing”; efforts to show the cleansing of society were no longer necessary.<sup>65</sup> In Bulgaria in 2006–2007, the revived discussion about secret service file disclosure mingled endogenous pressure with desire for EU entry.<sup>66</sup>

This section explored the ways that different diffusion mechanisms framed debates and set standards. The topic of transitional justice could be broached when democracy and rule of law were at stake, although domestic policy stakeholders absorbed messages selectively to further their cause. In the absence of active leverage, politicians and citizens used at times contradictory references to European institutions to further their goals or, in the case of the ECHR, to seek legal redress.<sup>67</sup> References to Europe and Europeanization, noticeably accelerating by the end of the 1990s, also encouraged spillover in the form of networking, making Central and Eastern Europeans players in their own right.

#### SPILOVER: INSTITUTIONALIZATION OF TRANSNATIONAL NETWORKS

Cross-border academic exchange and cooperation on joint projects disseminate ideas and build community. In the 1990s, the diffusion of ideas and practices was mostly limited to bilateral contacts or meetings of epistemic communities.<sup>68</sup> Structured transnational ties were slow to evolve,<sup>69</sup> but when membership in the EU was around the corner, the scope of transitional justice advocacy changed. Three organizations owe their creation to indirect spillover effects from Europeanization processes, supported by research institutes, many associated with state security service archives, that sprang up in Central and Eastern Europe. In chronological order, the European Network of Official Authorities in Charge of the Secret Police Files, the

Platform of European Memory and Conscience, and the European Network Remembrance and Solidarity. A brief discussion of their origins and missions shows how the focus of transitional justice shifted from legal-administrative measures with limited time frames to broader issues of memory politics, which is open-ended.

*European Network of Official Authorities in Charge of Secret Police Files.* In reaction to international inquiries and anticipation of the accession of Central and East European countries, the BStU promoted international cooperation and added a liaison section for international affairs in 2002. It was also crucial in setting up the European Network of Official Authorities in Charge of Secret Police Files, which connects the diverse Central and East European institutions and engages scholars and practitioners in the exchange of ideas.<sup>70</sup> The network first met in Berlin in 2008; founding members were Germany, Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia. Recently, the Baltic States and Slovenia joined as observers, taking part in activities without voting rights. Leadership rotates among the member countries, with the chair institution hosting a meeting that generally takes advantage of a relevant anniversary rather than adhering to an annual cycle. The conference language is English. So far, most of its work has focused on exchanging information, providing exogenous support when particular institutions are under attack by domestic political actors, organizing a traveling exhibition and conferences, and publishing a reader.<sup>71</sup> Several working groups are engaged in joint projects; a coordinating group facilitates networking. The network endorses national approaches to the legacy of state security files and the benefits of exchanging views and mutual support; its work is closely circumscribed by its focus on the archives of the state security services.<sup>72</sup>

*Platform of European Memory and Conscience.* The Central and East European states that joined the EU in 2004 and 2007 have challenged its prevailing memory strands – centrality of the Holocaust – to incorporate the communist past. The conference that led to the Prague Declaration (June 3, 2008) and the resulting European Parliament resolution (April 2, 2009) called for addressing communism and Nazism as shared European historical legacies, and August 23 has since been dedicated as European Day of Remembrance. During the rotating EU presidency in 2009, the Czech Republic instituted the Platform of European Memory and Conscience, which places the crimes of the communist regimes alongside those of the National Socialist regime in European memory discourse. Headquartered in Prague, it was officially founded in 2011. Its activities have focused on conferences and exhibits; it recently published a reader, “Lest We Forget Memory of

Totalitarianism in Europe.”<sup>73</sup> Its members are selected institutions from Central and Eastern Europe, the Baltic States, Slovenia, and Ukraine, with “Western” membership limited to Germany and Sweden. Its scope has been hampered by the indifference of Western European countries, the selection criteria for inclusion, and staunch anti-communist rhetoric.

*European Network of Remembrance and Solidarity.* Scholars have interacted on transitional justice since the fall of communism, but cross-border academic exchange and cooperation on joint projects to disseminate ideas and build community have evolved considerably from occasional seminars to more organized collaboration, and research institutes have sprung up across the region.

The European Network, headquartered in Warsaw, is the somewhat unlikely result of German-Polish disputes connected with a planned Center against Expulsions in Berlin. In 2003, faced with accusations of a German-centered approach to ethnic expulsions in twentieth-century Europe, the ruling coalition of the Social Democratic Party and the Alliance 90/The Greens in Germany sought to ease tensions that threatened cross-border reconciliation. The imminent enlargement of the EU into Central and Eastern Europe motivated continuation of the project, which was broadened to include the Visegrad countries (Poland, Czech Republic, and Hungary) along with Germany and Austria. In 2005, the Czech Republic and Austria distanced themselves, but the European Network was born nevertheless. In Poland, with a new conservative government, interest dwindled; in 2009, after another government turnover, the initiative was institutionalized.<sup>74</sup> Ministers of culture in Germany, Hungary, Poland, and Slovakia signed the agreement. This “difficult birth” of a politically sensitive project owes much to political actors in Germany and Poland and the cooperation of regional historians, who, according to one member, developed a “tear-proof net of professional and personal contacts.”<sup>75</sup> Scientific, educational, and promotional projects involve the study and documentation of the dictatorial experiences in twentieth-century Europe. Activities ranging from international conferences and funding of media projects to the organization of youth seminars aim to promote cross-national understanding through discussions and knowledge transfer.

Pending EU membership and subsequent accession advanced the organization of transnational advocacy networks with clear missions, supplementing, but not abrogating, earlier activities. Pay-off is indirect, long-term, and part of a vision of Europeanization that includes memory culture. With EU membership, Central and East European countries moved from receiving Europeanization processes to participating in agenda-setting and coalition-building, although their reach remains limited.

## CONCLUSION

This chapter suggests both the promise of and limits to diffusion of transitional justice in Central and Eastern Europe. It draws attention to external factors in the pursuit of transitional justice and encourages further studies on particular mechanisms and the role of actors in the spread of ideas and policies. The following findings should be of interest to scholars and practitioners alike.

First, although domestic actors drove the process of transitional justice, their policies did not simply evolve from past legacies or political power constellations; they were also shaped by exogenous influence. This study confirms that diffusion falls on fertile ground when actors in sender and receiving countries share similar values and goals; the policy model is sufficiently flexible so that it can be transplanted; and transnational diffusion channels exist.<sup>76</sup> The case study on public file access and the institutionalization of archives that house them illustrates the intersection of these factors. However, even if conditions are favorable, outcomes are not automatic or predetermined. Diffusion effects have been scattered; in no case was the “foreign” model copied directly.

Second, reflecting the heterogeneity of settings across the region, the openness to diffusion varied; the extent to which exogenous influence mattered depended on the policy measure under consideration, the receptivity of national actors, and their place in the national power hierarchy. (East) Germany and Czechoslovakia (later the Czech Republic) primarily exported, rather than received, diffusion practices; together with Poland, they emerged as the core “shapers” of transnational activities to advance transitional justice agendas in the region. Domestic pressure coupled with diffusion effects kept discourses alive in countries such as Bulgaria and Romania where transitional justice stalled; references to and practices from abroad reopened windows of opportunities for action but with mixed results.

Third, flows of information from abroad can assist in validating, supporting, defending, or defeating certain policy proposals. Political actors applied advice or responded to soft pressure selectively to strengthen divergent policy positions, often using them rhetorically and symbolically rather than prescriptively. Transitional justice actors also could choose from a repertoire of actions, each with advantages and drawbacks, although the reception of foreign models often lacked detail regarding its implementation in the sending countries. If the multiplicity of actors brought novel and diverse viewpoints or strategies, lack of coordinated efforts weakened their influence. Politicians could resist domestic and international pressure, but cross-border linkages made it increasingly difficult to ignore demands for action.<sup>77</sup>

Fourth, time matters: transnational and international ties have moved from the margins to assume greater scope and significance. Initially, policies that inspired and/or legitimized similar efforts in other settings were the predominant form of influence. Bilateral contacts to spread these ideas emerged slowly. Europeanization agendas existed from the beginning, but only gained influence toward the end of the 1990s when working toward entry and later membership in the EU promoted cross-national interaction. Ambiguous in their outcomes, references to European processes influenced discursive frames and tactical methods.<sup>78</sup>

Finally, the diffusion of transitional justice processes raises normative and empirical issues about the desirability and feasibility of external involvement. My findings emphasize the promotion of ideas and practices not by coercion, but by dialogue and assistance. The different pathways, ranging from inspiration to spillover, respect the domestic character of transitional justice processes, yet give credence to the importance of transnational and international channels. Such cross-border views and interactions are salient even if their outcomes are open-ended.

## NOTES

- \* I am grateful for the research assistance of Sara Olsen and Thomas Walker. Special thanks to Dr. Sara Dahill-Brown for her critical reading of an earlier version of this chapter.
1. For example, Susanne Buckley-Zistel, "Vergangenes Unrecht aufarbeiten. Eine globale Perspektive," *Aus Politik und Zeitgeschichte* 63, no. 25–26 (June 17, 2013): 36–37.
  2. The term *transitional justice* entered academic work in the mid-1990s; it has spread, but in day-to-day parlance, other terms often prevail. I use it to denote both legal-administrative measures and memorialization strategies.
  3. Brigitte Weiffen, "From Domestic to International Instruments for Dealing with a Violent Past: Causes, Concomitants and Consequences for Democratic Transitions," in *Memory and Political Change*, eds. Aleida Assmann and Linda Shortt (Houndmills, Basingstoke: Palgrave Macmillan, 2012), 89–111.
  4. Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders. Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), and Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52 (1998): 887–917.
  5. Ellen Lutz and Kathryn Sikkink, "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America," *Chicago Journal of International Law* 2 (2001): 1–33.
  6. Jelena Subotić, "Transformation of International Justice Agency," *International Journal of Transitional Justice* 6 (2012): 106–125.

7. It excludes countries that broke off from the former Soviet Union or Yugoslavia but includes East Germany due to its role in shaping discourses and advocacy networks in the transitional justice policy domain.
8. John Gledhill, "Integrating the Past: Regional Integration and Historical Reckoning in Central and Eastern Europe," *Nationalities Paper* 39 (2011): 501. Ursachi identified external factors as a missing piece of the transitional justice puzzle; see Raluca Ursachi, "In Search of a Theoretical Model of Transitional Justice," in *Lustration and Consolidation of Democracy and the Rule of Law in CEE*, eds. Vladimira Dvořáková and Anđelko Milardović (Zagreb: Political Science Research Centre, 2007), 78.
9. Eva Brems, "Transitional Justice in the Case of the European Court of Human Rights," *International Journal of Transitional Justice* 5 (2011): 282–303, Cynthia Horne, "International Legal Rulings on Lustration Policies in Central and Eastern Europe: Rule of Law in Historical Context," *Law and Social Inquiry* 34 (2009): 713–744. From the large body of legal literature see Daniela Piana, *Judicial Accountabilities in New Europe: From Rule of Law to Quality of Justice* (Farnham: Ashgate, 2009).
10. In the mid-1990s, I asserted that cross-national contagion effects were one factor that could explain transitional justice actions but did not elaborate them. Helga Welsh, "Dealing with the Communist Past: Central and East European Experiences," *Europe-Asia Studies* 48 (1996): 413–438.
11. Mitchell Orenstein, Stephen Bloom, and Nicole Lindstrom, "A Fourth Dimension of Transition," in *Transnational Actors in Central and East European Transitions*, eds. Mitchell A. Orenstein, Stephen Bloom, and Nicole Lindstrom (Pittsburgh: University of Pittsburgh Press, 2008), 1–18; Valerie Bunce and Sharon Wolchik, "Transnational Networks, Diffusion Dynamics, and Electoral Change in the Postcommunist World," in *The Diffusion of Social Movements. Actors, Mechanisms, and Political Effects*, eds. Rebecca Kolins Givan, Kenneth M. Roberts, and Sarah A. Soule (Cambridge: Cambridge University Press, 2010), 141.
12. Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, "Transitional Justice in the World, 1970–2007: Insights from a New Dataset," *Journal of Peace Research* 47 (2010): 803–809.
13. David Marsh, and J. C. Sharman, "Policy Diffusion and Policy Transfer," *Policy Studies* 30 (2009): 274–275; Svein Eriksen, "Institution Building in Central and Eastern Europe: Foreign Influences and Domestic Responses," *Review of Central and East European Law* 32 (2007): 333–369; Christoph Knill, "Introduction: Cross-national Policy Convergence: Concepts, Approaches and Explanatory Factors," *Journal of European Public Policy* 12 (2005): 764–774; Jacint Jordana, David Levi-Faur, and Xavier Fernández Marin, "The Global Diffusion of Regulatory Agencies: Channels of Transfer and Stages of Diffusion," *Comparative Political Studies* 44 (2011): 1346; Wade Jacoby, "Inspiration, Coalition, and Substitution: External Influences on Post-communist Transformations," *World Politics* 58 (2006): 628, 625.
14. Robert Harmsen and Thomas M. Wilson, "Introduction: Approaches to Europeanization," *Yearbook of European Studies* 14 (2000): 13–26; Kevin Featherstone and Claudio M. Radaelli, eds., *The Politics of Europeanization* (Oxford: Oxford University Press, 2003).



15. Olsen, Payne, and Reiter, "Transitional Justice," 803.
16. Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance. Comparing Processes, Weighing Efficacy* (Washington, D.C.: United States Institute of Peace Press, 2010), ch. 5.
17. Jon Elster, *Closing the Books. Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004).
18. Monica Ciobanu, "Recent Restorative Justice Measures in Romania (2006–2010)," *Problems of Post-Communism* 60 (2013): 45–57.
19. Lavinia Stan, "Truth Commissions in Post-Communism: The Overlooked Solution?" *Open Political Science Journal* 2 (2009): 1–13. Truth commissions were also instituted in the Baltic States.
20. For overviews of transitional policies in different countries, see Lavinia Stan and Nadya Nedelsky, eds., *Encyclopedia of Transitional Justice* (New York: Cambridge University Press, 2013).
21. Matt Killingsworth, "Lustration and Legitimacy," *Global Society* 24 (2010): 71–90; Lavinia Stan, ed., *Transitional Justice in Eastern Europe and the Former Soviet Union. Reckoning with the Communist Past* (London: Routledge, 2009); Kieran Williams, Brigid Fowler, and Aleks Szczerbiak, "Explaining Lustration in Central Europe: A 'Post-communist Politics' Approach," *Democratization* 12 (2005): 22–43; Aleks Szczerbiak, "Dealing with the Communist Past or the Politics of the Present? Lustration in Post-Communist Poland," *Europe-Asia Studies* 54 (2002): 553–572.
22. For the first explanation, see Nedelsky, "Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *Theory and Society* 33 (2004): 65–115; strategic elite choices are at the core of Monika Nalepa, *Skeletons in the Closet. Transitional Justice in Post-Communist Europe* (New York: Cambridge University Press, 2010).
23. Csilla Kiss, "Transitional Justice and the Reconstruction of Identity in Post-Communist Countries," in *Diktaturüberwindung in Europa. Neue nationale und transnationale Perspektiven*, eds. Birgit Hofmann, Katja Wezel, Katrin Hammerstein, Regina Fritz, and Julie Trappe (Heidelberg: Universitätsverlag, 2010), 69–83.
24. Defining the term lustration is fraught with difficulty as it has been used differently in different countries. For an authoritative account, see Monika Nalepa, "Lustration," in *Encyclopedia of Transitional Justice*, Volume 1: 46–51; and Brian K. Grodsky, *The Costs of Justice. How New Leaders Respond to Previous Rights Abuses* (Notre Dame, IN: University of Notre Dame Press, 2010), 58.
25. Noel Calhoun, *Dilemmas of Justice in Eastern Europe's Democratic Transitions* (New York: Palgrave Macmillan, 2004), 127; Paulina Gulińska-Jurgiel, "Transnational References in Times of Radical Changes. 'Europe' as a Function of Coming to Terms with the Past," paper presented at the 18th Conference of the Council of European Studies, Barcelona, Spain, June 20–22, 2010; Andrzej Walicki, "Transitional Justice and the Political Struggles of Post-Communist Poland," in *Transitional Justice and the Rule of Law in New Democracies*, ed. A. James McAdams (Notre Dame: University of Notre Dame Press, 1997), 185–237. Carlos Closa reminds us that civil society efforts challenged the Spanish model after 2000 with important consequences. See Carlos Closa, "Spain," in Stan and Nedelsky, *Encyclopedia of Transitional Justice*, Volume 2: 459–464.

26. Monika Nalepa, "To Punish the Guilty and Protect the Innocent: Comparing Truth Revelation Procedures," *Journal of Theoretical Politics* 20 (2008): 221–245. Czech President Vaclav Havel reluctantly signed legislation in 2002, saying, "the importance of truth is higher" than the arguments against opening the files. Cited in Nedelsky, "Divergent Responses," 95.
27. For a critical view, see the article by two prominent communist dissidents, Adam Michnik and Vaclav Havel, "Justice as Revenge?" *Journal of Democracy* 4 (1993): 20–27.
28. The law has been updated and annexed eight times since then; the major provisions from the original law still hold.
29. Csilla Kiss, "The Misuses of Manipulation: The Failure of Transitional Justice in Post-Communist Hungary," *Europe-Asia Studies* 58 (2006): 930; and Charles Bertschi, "Lustration and the Transition to Democracy: The Cases of Poland and Bulgaria," *East European Quarterly* 28 (1995): 441.
30. Lavinia Stan, "Vigilante Justice in Post-communist Europe," *Communist and Post-Communist Studies* 44 (2011): 319–327; and Calhoun, *Dilemmas of Justice*, 131.
31. George Mink, "Institutions of National Memory in Post-Communist Europe: From Transitional Justice to Political Uses of Biographies (1989–2010)," in *History, Memory and Politics in Central and Eastern Europe*, eds. George Mink and Laure Neumayer (Houndmills: Palgrave Macmillan, 2013); and James Mark, *The Unfinished Revolution. Making Sense of the Communist Past in Central-Eastern Europe* (New Haven, CT: Yale University Press, 2010), 28.
32. Włodzimierz Borodziej, "Der Kommunismus in der deutschen Erinnerungskultur. Kommentar aus polnischer Sicht," in *Woran erinnern? Der Kommunismus in der deutschen Erinnerungskultur*, eds. Peter März and Hans-Joachim Veen (Cologne: Böhlau Verlag, 2006), 209; Paweł Machcewicz, "The Institute of National Remembrance and the Legacy of Communism in Poland," *Politics, History and Collective Memory in East Central Europe*, eds. Zdzisław Krasnodębski, Stefan Garsztecki, and Rüdiger Ritter (Hamburg: Reinhold Krämer Verlag, 2012), 82.
33. Email correspondence, translated and transmitted by Katarzyna Holopiak, Division of International Relations, Office of the President of the Institute of National Remembrance, April 24, 2012.
34. Email correspondence with Roman David, February 15, 2012; Muriel Blaive, "Einige Etappen der Bewältigung der kommunistischen Vergangenheit seit 1989 in der Republik Tschechien," in *Die Überlieferung der Diktaturen*, 121–122.
35. Nadya Nedelsky, "Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *Theory and Society* 33 (2004): 98.
36. László Varga, "Vom Erbe des kommunistischen Staatssicherheitsdienstes in Ungarn," in *Lustration, Aktenöffnung, demokratischer Umbruch in Polen, Tschechien, der Slowakei und Ungarn. Referate der Tagung des BStU und der Akademie für politische Bildung Tutzing vom 26.-28. 10. 1998*, ed. Dagmar Unverhau with the assistance of Roland Lucht (Münster: LIT Verlag, 2005), 161–176.
37. Cited in Mink, "Institutions of National Memory," 160.
38. Gauck, in collaboration with Helga Hirsch, *Winter im Sommer – Frühling im Herbst. Erinnerungen* (Munich: Siedler, 2009), 319, my translation.

39. Cristina Petrescu and Dragoş Petrescu, "Retribution, Remembering, Representation: On Romania's Incomplete Break with the Communist Past," in *Geschichtsbilder in den postdiktatorischen Ländern Europas. Auf der Suche nach historisch-politischen Identitäten*, eds. Gerhard Besier and Katarzyna Stoklosa (Berlin: LIT Verlag, 2009), 161, and n26.
40. Lavinia Stan, "Access to Securitate Files: The Trials and Tribulations of a Romanian Law," *East European Politics and Societies* 16 (2002): 155.
41. Bogdan Iancu, "Post-Accession Constitutionalism with a Human Face: Judicial Reform and Lustration in Romania," *European Constitutional Law Review* 6 (2010): 28–29.
42. Helmut Müller-Enbergs, "Aufarbeitung der Vergangenheit in Mittel- und Osteuropa – Dimension der Staatssicherheiten," *Der allmächtige Geheimdienst. Ein Relikt der Vergangenheit. Zur Transformation der Geheimdienste Mittel- und Osteuropas nach 1990*, eds. Wolbert K. Smidt, Irina Mohr, and Helmut Müller-Enbergs (Berlin: LIT Verlag, 2012), 43.
43. This statement does not include the Rosa Luxemburg Foundation of the Left Party (formerly Party of Democratic Socialism) as it started work in Central and Eastern Europe later and has not targeted transitional justice. The other political foundations have cast their net of activities related to coming to terms with the past widely, with topics ranging from the Holocaust, the expulsion of Germans, to the more recent past.
44. From the substantial body of literature on the role of the German foundations abroad, see Ann L. Phillips, *Power and Influence after the Cold War. Germany in East-Central Europe* (Lanham, MD: Rowman and Littlefield Publishers, 2000); Dorota Dakowska, "German Political Foundations: Transnational Party Go-betweens in the Process of EU Enlargement," *Transnational European Union*, eds. Wolfram Kaiser and Peter Starie (London: Routledge, 2005). On the role of the Konrad-Adenauer-Foundation, see Gabriele Baumann and Nina Müller, "Vergangenheitsbewältigung und Erinnerungskultur in den Ländern Mittelost- und Südosteuropas," Konrad-Adenauer-Stiftung Working Paper no. 164 (2006).
45. Email correspondence with Claudiu Secaşiu, CNSAS board member since 1999 and, for a brief time in 2006, its head, February 22, 2012.
46. Email correspondence with Ekaterina Boncheva, facilitated and translated by Antoinette Primatarova, March 7, 2012.
47. Lavinia Stan, "Witch-hunt or Moral Rebirth? Romanian Parliamentary Debates on Lustration," *East European Politics and Societies* 26 (2012): 275.
48. Email correspondence with Hristo Hristov, Bulgarian journalist, January 19, 2013.
49. Laura Davis, "The European Union and Transitional Justice," International Center for Transitional Justice – Initiative for Peace Building (June 2010), available at: <http://www.initiativeforpeacebuilding.eu> (accessed January 10, 2014; Thomas Unger, "The European Union and Transitional Justice," Center for the Law of EU External Relations (CLEER) Working Paper no. 1 (2010); and María Avello, "European Efforts in Transitional Justice," FRIDE Working Paper no. 58 (June 2008).
50. Noel Calhoun, "The Ideological Dilemma of Lustration in Poland," *East European Politics and Societies* 16 (2002): 497–498; Magdalena Zolkos, "The Conceptual Nexus of Human Rights and Democracy in the Polish Lustration

- Debates 1989–97,” *Journal of Communist Studies and Transition Politics* 22 (2006): 228–248.
51. Marek Safjan, “Transitional Justice: The Polish Example, the Case of Lustration,” *European Journal of Legal Studies* 1 (2007): 8, available at: <http://www.ejls.eu/2/2/9UK.htm> (accessed October 15, 2013).
  52. András Sajó, “Militant Democracy and Transition towards Democracy,” in *Militant Democracy*, ed. András Sajó (The Hague: Eleven International Publishing, 2004), 218–220.
  53. Wojciech Sadurski, *Rights Before Courts. A Study of Constitutional Courts in Postcommunist States of CEE* (Dordrecht: Springer, 2005), 249.
  54. Michael Hamilton and Antoine Buyse, “Introduction,” in *Transitional Jurisprudence and the ECHR. Justice, Politics and Rights*, eds. Antoine Buyse and Michael Hamilton (Cambridge: Cambridge University Press, 2011), 16.
  55. Brems, “Transitional Justice in the Case of the European Court.”
  56. Hamilton and Buyse, “Introduction,” 14.
  57. Sadurski, *Rights Before Courts*, 232.
  58. Jiri Příbán, “From ‘Which Rule of Law?’ to ‘The Rule of Which Law?’ Post-Communist Experiences of European Legal Integration,” *Hague Journal on the Rule of Law* 1 (2009): 337–358.
  59. Adam Czarnota, “Lustration, Decommunisation and the Rule of Law,” *Hague Journal on the Rule of Law*, 1(2009): 335.
  60. Milada Vaduchova, *Europe Undivided: Leverage and Integration after Communism* (Oxford: Oxford University Press, 2005), 65.
  61. Blaive, “Einige Etappen,” 120.
  62. Lavinia Stan, *Transitional Justice in Post-Communist Romania: The Politics of Memory* (New York: Cambridge University Press, 2013), 73.
  63. Stan, “Witch-hunt or Moral Rebirth,” 286.
  64. *Ibid.*
  65. Iancu, “Post-accession Constitutionalism, 57; Stan, *Transitional Justice in Post-Communist Romania*, 95.
  66. Email correspondence with Ekaterina Boncheva, March 7, 2012; Hristo Hristov and Alexander Kashumov, “Justice and Accountability Mechanisms in Bulgaria in the Transition Period (1989–2008),” in *After Oppression: Transitional Justice in Latin America and Eastern Europe*, eds. Vesselin Popovski and Mónica Serrano (Tokyo: United Nations University Press, 2012), 292.
  67. Gledhill, “Integrating the Past,” 481–506.
  68. Lutz, and Sikkink, “Justice Cascade,” 1.
  69. A partial exception is the International Association of Former Political Prisoners – Victims of Communism (Inter-Asso), founded in 1991. Its members meet on an annual basis to discuss practices in their countries, but its effectiveness and visibility have been hampered from the beginning by in-fighting about who should be represented in the organization, language barriers, and, in particular, financial problems.
  70. Senate of the Parliament of the Czech Republic, Prague Declaration on European Conscience and Communism, June 3, 2008, available at: <http://www.praguedeclaration.eu/> (accessed February 23, 2012).

71. The “European Network of Official Authorities in Charge of the Secret-Police Files.” *A Reader on Their Legal Foundations, Structures and Activities* (Berlin: Der Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, December 2009), available at: [http://www.bstu.bund.de/DE/Wissen/Publikationen/Publikationen/E\\_netzwerkreader\\_englisch.html](http://www.bstu.bund.de/DE/Wissen/Publikationen/Publikationen/E_netzwerkreader_englisch.html) (accessed January 14, 2014).
72. I am grateful to Bert Rosenthal (BStU) for information on the work of the network. The interviews were conducted on January 19, 2012, and March 1, 2013.
73. The target group is clearly spelled out in the subtitle: *A Reader for Older Secondary School Students Anywhere in Europe*, ed. Gillian Purves (Prague: Institute for the Study of Totalitarian Regimes, 2013).
74. The historical evolution is analyzed by Stefan Troebst, “Wiederbelebung einer ‘Totgeburt’? Das Europäische Netzwerk Erinnerung und Solidarität,” *Polen-Analysen* 33, no. 20 (May 2008): 2–7; Matthias Weber, “Gemeinsam Erinnern. Das Europäische Netzwerk ‘Erinnerung und Solidarität,’” available at: [http://www.bundesregierung.de/Content/DE/\\_Anlagen/BKM/2010-02-18-weber-zum-eruopa-eischen-netzwerk-erinnerung-solidaritaet.pdf?\\_\\_blob=publicationFile](http://www.bundesregierung.de/Content/DE/_Anlagen/BKM/2010-02-18-weber-zum-eruopa-eischen-netzwerk-erinnerung-solidaritaet.pdf?__blob=publicationFile) (accessed August 12, 2013); Stephan Raabe with Denny Schlüter, “Auf den Spuren des ‘Europäischen Netzwerks Erinnerung und Solidarität,’” *Länderbericht*, Konrad-Adenauer-Stiftung: Auslandsbüro Polen (January 6, 2011), available at: <http://www.kas.de/polen/de/publications/21555/> (accessed June 20, 2013).
75. Stefan Troebst, *Vertreibungsdiskurs und europäische Erinnerungskultur. Deutsch-polnische Initiativen zur Institutionalisierung. Eine Dokumentation*. Veröffentlichungen der Deutsch-Polnischen Gesellschaft Bundesverband e.V. vol. 11 (Osnabrück: Fibre, 2006), 22–23.
76. These findings support those of Valerie Bunce and Sharon Wolchik, “International Diffusion and Democratic Change,” *The Dynamics of Democratization. Dictatorship, Development, and Diffusion*, ed. Nathan J. Brown (Baltimore: Johns Hopkins University Press, 2011), 286–287.
77. Iosif Kovras, “Explaining Prolonged Silences in Transitional Justice: The Disappeared in Cyprus and Spain,” *Comparative Political Studies* 46 (2013): 730–756.
78. EU impact on member states may be patchy, uneven but not spurious. Tanja A. Börzel and Thomas Risse, “When Europeanisation Meets Diffusion: Exploring New Territory,” *West European Politics* 35 (2012): 193–207.