

CHAPTER TWO

COMPLETING THE REVOLUTION HISTORY COMMISSIONS AND INSTITUTES OF NATIONAL MEMORY

Until the 1980s, it was not obvious to the architects of new democratic political systems that 'dealing with dictatorship' required open, public and official 'truth-telling' procedures that addressed the experience of past criminality, violence and social complicity. The end of the Nazi regime, though accompanied with punishment for its elite at the Nuremberg Trials, was not followed by wider research into its functioning, or its relationship with German society.¹ Nor did the elites who stewarded the democratic transitions in southern Europe that followed the collapse of right-wing authoritarian regimes in the mid-1970s instigate such processes: the death of General Franco in Spain, for instance, was accompanied by a 'pact of silence' in which all the new political parties agreed to limit public discussion about the suffering endured during the Spanish Civil War and the era of dictatorship for fear of threatening the peaceful transition.² From the 1980s onwards, however, transitional societies in Latin America, Europe and Africa increasingly utilized 'truth-telling procedures' – such as History Commissions, Truth and Reconciliation Commissions and Institutes of Memory – as a means of creating common understandings of the past, around which, it was hoped, new consensual political systems could be built. Officially constructed narratives about the evils of dictatorship would bind democratizing societies and elites to the new political regime by providing them with a convincing moral case for the rejection of the values of the previous regime.³ The acceptance of these new sets of stories about the criminality of recent history was often regarded as an ethical minimum for participation in the new political game.³ Institutions and commissions charged with assisting societies in 'coming to terms' with difficult histories often had compelling rationales: they claimed to be engaged in a dignified process of reclaiming the truth about the experience of dictatorship, which had previously been hidden from public view. Yet these

processes were not value-free attempts to reveal concealed episodes from a dictatorial past; they involved constructing particular historical narratives that would underpin the new political system.

Some of the political elites of central-eastern European countries also shared this concern with establishing official institutions that could help to overcome the legacies of the previous era. Most countries in the region set up commissions or institutes, viewing an official and substantive reckoning with the criminality of the Communist past as necessary for democratization. Yet none drew directly on the global examples developed during other transitions in the late twentieth century, such as the South African model of reconciliation or Latin American and Asian history commissions.⁴ Rather, it was the reunited Germany's rapid dealing with the Communist past of the German Democratic Republic after 1989 that provided the model (the speed of which was in part due to West Germans' perception of their own failure to come to terms with their Nazi past sufficiently quickly after 1945). Two approaches were especially influential: first, the establishment of the Federal Commission for the Records of the State Security Service of the Former German Democratic Republic (known as the 'Gauck Office', created in 1991), which collected, preserved and made available the files of the Stasi to facilitate rehabilitations, assessments of past affiliations and the prosecution of crimes; and second, the two parliamentary investigatory commissions (created between 1992 and 1998) that were charged with examining the history of the East German SED (Socialist Unity Party) and its abuses.

The rationales for truth-telling procedures established from the 1980s onwards were shaped by the nature of late twentieth-century political transitions. Unlike earlier nineteenth- and twentieth-century cases, where popular revolutions created powerful founding myths for new political elites to draw upon, their late twentieth-century equivalents often had no moment of insurrectionary violence that could be framed as a clear, legitimate starting point for a new era. Revolutions that had swept away former elites could be constructed as heroic moments at which the involvement of 'the people' demonstrated the reality of popular discontent with the old and identification with the new. The (often semi-fictionalized) story of mass participation in revolution came to function as a powerful 'founding myth' that bolstered the legitimacy of the new regime.⁵ In the late twentieth century, however, many authoritarian regimes ended with negotiated settlements between old and new elites, without recourse to popular protest. New political players were therefore faced with the question of how, in the absence of a powerful story of 'the people's revolution', they should construct a story of political change that would foster support for the transition. One response to this dilemma was the

creation of History Commissions. In some cases, these were established in order to construct new histories that made the seemingly unheroic processes of transition appear momentous and appealing. In others, these procedures were envisaged as compensations for the absence of revolution: they were designed to create broader identifications with political change when countries were faced with ambiguous and partial forms of political rupture which were deemed incapable of being mythologized.

Some elites in transitional societies tried to mythologize the negotiated transition itself, celebrating the reconciliation between former adversaries and the democratic practice of discussion and compromise that the agreements themselves embodied. In South Africa, for instance, the elite settlement that brought apartheid to a close was constructed as the mythical founding event of the new political system. The architects of the post-apartheid political framework viewed the negotiated end to the former system and absence of political revenge and violence as a positive development, which needed to be underpinned through a new negotiated, shared construction of history. The Truth and Reconciliation Commission was thus conceived as a way of solidifying that compromise, by encouraging both victims and perpetrators under the previous regime to engage in a joint venture to produce a newly agreed version of how to understand what had happened under apartheid, which could in turn reinforce a reconciliation between these formerly opposed groups. For them, a social or 'dialogic' truth – a new version of history in which common ground was discovered by both sides – was as important as uncovering discrete facts about crimes under the apartheid regime.⁶ The commission understood the criminality of the previous period, not merely in terms of the apartheid state's violence, but also in terms of the illegal acts of the African National Congress in its resistance; thus 'perpetrators on both sides' were expected to confess their guilt. It was hoped that through these processes new social solidarities could be forged, and the impulse for revenge subdued.⁷

In post-Communist central-eastern Europe, only a few saw the reconciliation model as attractive and advocated framing the end of Communism as a moment of the coming together of former opponents. In Romania, members of the former *nomenklatura* and post-Communist president Ion Iliescu called for 'national reconciliation' based on 'erasing the problems of the past' and providing an amnesty for those who had committed violent acts during the Romanian revolution. In Poland, reconciliation was advocated by some former opponents of the regime who believed that the negotiated settlements could provide a founding myth for the new system. These sometimes defined themselves as 'anti-anti-Communists' or 'anti-Communists with a human

face' who were committed to a Poland that rejected not only Communist practice but also the anti-Communist call for revenge. They argued that the negotiated Round Table agreements of 1989 had embodied a sufficient 'denial of totalitarianism':⁸ they had forced the Communists to abandon their attachment to a one-party state and accept the necessity of democracy. Moreover, the agreements were themselves powerful illustrations of democratic practice for a country in political transition: they embodied the values of dialogue and co-operation and could be the basis for reconciliation and civilized political discourse in the post-Communist world. Thus thinkers such as Adam Michnik argued that the terms of the Round Table should be accepted (and even celebrated), that groups should not look to finish the revolution through purging the former elite, but that there should nevertheless be continued public discussion about the legacies of the Communist past.⁹

Such voices had little influence. In Poland, for instance, those anti-Communists who had not taken part in the Round Table talks and did not accept the logic of compromise, did not believe that the negotiated settlement could provide an appropriate anti-Communist mythology for a new national memory.¹⁰ For them, the Round Table agreements were the 'original sins' of the new republic; they were the result of less than transparent dealings between liberals and Communists to establish a system that benefited only their own political needs.¹¹ They were concerned that a new national identity, which for them had to be based on a firm rejection of the Communist past, had not been established after the experience of 1989. First, they suggested, this was because the Round Tables themselves had suppressed knowledge of the violence of the Communist period: the memory of past conflict had had to be silenced in order to ensure that former opponents could find common ground and that political change could occur without bloodshed. Second, the involvement of Communists in 'civilized negotiations' had given respectability and moral credibility to former dictators. Third, they argued that 'the people' had been alienated from the moment of their liberation as the process of transition had failed to involve them in the destruction of Communism.¹² Fourth, they emphasized that the inadequacies of the settlement were maintained after 1989; even if compromises had been necessary to ensure the initial dismantling of dictatorship, they contended, there had been insufficient attempts to address the significant continuities in law and political personnel once democracy had been made secure. Thus, they insisted, the populace had neither experienced nor come to understand the collapse of Communism as a true break with a totalitarian and criminal past, but rather as an ambiguous mixture of ruptures and continuities.

Some elites in the region thus believed that it was necessary to 'complete the revolution' in order to resolve what they saw as a crisis in popular

identification with the new system. What would constitute its completion was deeply contested, however. For radical anti-Communists this meant the continuation of the anti-Communist struggle and the purge of former elites (as we saw in Chapter 1). Attempts at the removal of those who served the previous system have received a lot of attention from scholars. As they have found, in most central-eastern European countries, programmes enacted to purge representatives of the former regime had little impact; they were either rejected or, in places where they were established, had their powers rapidly curtailed; rulings were enforced in very few cases.¹³ More common were attempts to 'complete the revolution' by engineering fundamental shifts in the collective memory of the Communist past and the transition. Here, finishing the revolution meant the establishment of official bodies that could assist the dismantling of Communist mentalities through the state-sponsored propagation of new, liberal interpretations of the past. The latter could become the basis for a new democratic collective memory, in which the Communist regime was criminalized and liberal democracy celebrated as its political and moral inversion. This is not to argue that the desire for a new 'liberal memory' and demands for 'justice' were always mutually exclusive aspirations; indeed, some bodies were established to produce official reports that confirmed the criminality of the Communist past as a necessary prelude to the purging of former elites. Yet even in these cases actual lustration procedures rarely followed.¹⁴ Moreover, even where legal processes were established, they were commonly reduced to being shapers of this new memory; they simply became the uncoverers and disseminators of knowledge about past episodes of violence, and their intended roles as the executors of post-revolutionary justice dropped.¹⁵

For those who wanted to engineer a break with the mentalities of the past, the transition needed to be narrated as a journey from criminality to liberal democracy and human rights. Moreover, it was hoped that individuals would be able to write themselves into this national journey, moving from being totalitarian subjects to liberal citizens protected by the rule of law.¹⁶ Yet these new official discourses were being produced in environments where many perceived clear continuities between the two systems and failed to recognize the existence of a genuine political rupture in 1989. According to Jarosław Kaczyński, leader of the anti-Communist Law and Justice party: 'The new epoch in Poland which started in 1989 began in a specific way. There was no official inauguration and there was no "storming of the Bastille". And the events that followed show that this process resulted in the situation in which truth mingled with lies in people's minds.'¹⁷ Given the absence of popular identification with the collapse of 1989, such anti-Communists argued, an alternative story that convincingly articulated the reality of meaningful

change was necessary in order to bind post-Communist populations to the new political system. Thus the task for producers of new public memories was the construction of a believable popular narrative of a revolutionary rupture between dictatorship and liberal democracy, despite the absence of an actual revolution to mythologize.

Two types of institution emerged in the post-Communist landscape that sought to reconstruct collective memories in this way: History Commissions and Institutes of National Memory. The former were established to create a new account of the Communist (and sometimes Fascist) experience. History Commissions were tasked with producing a new official national narrative of the past that could assist the construction of a consensual understanding of the nature of Communism and the need for its rejection amongst post-Communist elites, and provide an official account that could be used in the state education system. Institutes of National Memory, by contrast, were established as repositories of, and regulators of access to, the files of the former secret police, but often developed both research functions (mainly producing studies on Communism based on these files) and judicial wings. Commissions and institutes were not, by and large, the product of the immediate transition era, when issues of past crimes and truth-telling were not at the forefront of political debate. Rather, they emerged out of later and quite different impulses. History Commissions, established in Romania, Lithuania, Estonia and Latvia, were established prior to the countries' accession to the European Union, and were usually the product of debates about how to produce liberal democratic citizens as part of their integration into western political structures and cultural norms.¹⁸ As such, they did not seek to provide professional impartial assessments or 'balance sheets' of the recent past, but rather were set up to make the liberal democratic case for an utter rejection of a criminal dictatorial past, this being deemed necessary to become 'fully western'. Institutes of National Memory evolved more commonly out of debates about how to control access to sensitive files from the Communist period, but then developed into powerful institutions which could use the documentary remnants of previous systems to produce new accounts of the violence and illegality of former regimes into which people could re-imagine themselves as the perpetrators or victims of that criminality.

Romania's Presidential Commission

In April 2006, as a result of very specific domestic and international pressures, the Romanian state established a Presidential Commission charged with the production of a new liberal democratic account of Romania's experience of

Communism. On the one hand, this was the consequence of the election of the second anti-Communist government since 1989 – the Justice and Truth Alliance (*Alianța Dreptate și Adevăr*).¹⁹ Its leading figures, under pressure from liberal civil society activists,²⁰ had promised in the election campaign in 2004 vigorous transitional justice, including lustration and potential job losses. Moreover, Traian Băsescu, who was to become president in 2005, wanted to cement his newly forged reputation as a committed anti-Communist.²¹ On his assumption of the presidency, he claimed that political purging was impossible unless the Communist regime was officially declared criminal. Thus a number of initiatives focusing on the criminal aspects of the Communist past were established. These included not only the Presidential Commission, but also the new Institute for the Investigation of Communist Crimes in Romania, and the transfer of over two million files of the former security services to the Council for the Study of Securitate Archives (*Consiliul National pentru Studierea Arhivelor Securității* or CNSAS), where victims could view documents relating to them and collaborators could be identified.²²

On the other hand, the establishment of the Presidential Commission was also part of a trend among Romanian political elites to internationalize their historical culture and align it with western norms and values. The recognition that Romanian history had to westernize itself had been central to the establishment in October 2003 of a Holocaust Commission in response to international outrage over Romania's refusal to acknowledge its role in the Shoah.²³ In early 2006, liberal Romanian elites sought to embed a new anti-Communist consensus prior to the country's accession to the European Union. Fourteen days before Romania's political and economic union with the rest of Europe, the Presidential Commission published a report which was then used as a basis for President Băsescu's official condemnation of Communism in parliament.²⁴ This particular historical moment, which connected anti-Communists' long-standing calls for historical justice with the occasion of Romania's return to Europe, was crucial to establishing a powerful and convincing rationale for the existence of the Presidential Commission: it allowed its members, and their presidential sponsor, to present their call for a recognition of the crimes of Communism as a necessary step to secure a westernized, modern, 'civilized' future for the nation.

The establishment of the Presidential Commission rested on the assumption that Romania needed to reject its Communist past fully in order to assure its liberal democratic future, and that the creation of a new state-sponsored official memory to which the political elite and wider population could adhere was the best way to secure it.²⁵ The events of 1989 were viewed by anti-Communists as an incomplete revolution; there was concern that

Communists, who still held statist and Leninist values, had maintained a hold on power, that the essential institutions of state had not been fully democratized, that corruption based on Communist-era networks was still holding economic development back, and that the true nature of liberal democracy continued to be misunderstood. It was not only the physical survival of Communists themselves, but also the resilience of Communist-era mindsets that was seen as problematic: a new liberal Romania had to be built on the complete rejection of dictatorship. A historical investigation that gave a full account of Communism's crimes, it was believed, could enable the proper establishment of a new liberal Romania, built on an anti-dictatorial consensus shared by the political elite and embedded in the population at large (an aspiration that remained largely unfulfilled, as we will see below). Such a process, it was also hoped, would be accepted by former Communists, who would subscribe to the liberal democratic viewpoint of the Presidential Commission's report, and accept the need to reject their own pasts. The central idea of the commission was the completion of a democratic revolution in collective memory which had not occurred in 1989. On 18 December 2006, President Băsescu accepted the version of history provided by his commission. In a speech before parliament, he argued that only with the condemnation of Communism by Romanian society would the country regain confidence, put away its past habits and mentalities, and the 'institutions of the rule of law [begin to] function' in a proper democratic manner. Some were sceptical about Băsescu's real purpose; after all, he had had connections to the Securitate, had been a long-standing Communist Party member and, for close to ten years, had represented the Democratic Party, the reformist faction of the National Salvation Front, the heir to the Communist Party. Nevertheless, at this moment he presented himself as the embodiment of a liberal, westernized future for Romania:

Evoking now a period which many would wish to forget, we have spoken both of the past and of the extent to which we, people today, wish to go ... in the assumption of the values of liberty. These values, prior even to being those of Romania or of Europe, flow from the universal, sacred value of the human person. If we now turn to the past, we do so in order to face a future in which contempt for the individual will no longer go unpunished. This symbolic moment represents the balance sheet of what we have lived through and the day in which we all ask ourselves how we want to live henceforward. We shall break free of the past more quickly, we shall make more solid progress, if we understand what hinders us from being more competitive, more courageous, more confident in our own powers. ... Our society suffers from a generalized

lack of confidence. The institutions of state do not yet seem to pursue their real vocation, which relates to the full exercise of all civil liberties. ... Perhaps some will ask themselves what exactly gives us the right to condemn. As President of Romanians, I could invoke the fact that I have been elected. But I think that we have a more important motive: the right to condemn gives us the obligation to make the institutions of the rule of law function within a democratic society. We cannot be allowed to compromise these institutions. They cannot be allowed to be discredited by the fact that we approach them with the habits and mentalities of our recent past.²⁶

In Romania, despite the violent overthrow of the Communist government, former Communists retained powerful positions within government after 1989. Unlike other countries in central-eastern Europe, Romania had dismantled Communism through a popular uprising against the dictatorship of Nicolae Ceaușescu. The conditions that had existed elsewhere in the region for a peaceful negotiated exit from Communism did not exist here: Ceaușescu had ensured that no opposition emerged under his rule; as a consequence, there did not exist negotiating partners with whom a peaceful transition could be brokered.²⁷ Changes in Romania began with a popular insurrection in the provincial city of Timișoara on 16 December 1989, before spreading to Bucharest. On 22 December, faced with the storming of party headquarters in the capital, President Ceaușescu fled by helicopter, before being captured and executed. It was the only revolution in the region that resulted in widespread violent confrontation: 1,104 people were killed between 22 and 27 December 1989.²⁸ Yet the resultant power vacuum was not filled by opponents of Communism but rather by lower-ranking *nomenklatura*, who formed the National Salvation Front (Frontul Salvării Naționale, or 'FSN'), a body that promised to guide Romania to its first free elections. When, on 23 January 1990, it turned itself into a political party to contest the upcoming ballot, anti-Communists withdrew their support for an organization that they now viewed as a channel to entrench the power of former party members in the new political system. As a result of this withdrawal, the transition was thenceforth primarily guided by former middle- and lower-ranking members of the Communist Party, and this control both helped their successor party to victory at the first post-Communist elections and ensured that ex-Communist interests remained embedded within state bodies.²⁹ More than a decade after the end of Communism, 63 per cent of the current political elite had held political positions in the Communist Party prior to 1989.³⁰

For those who participated in the Presidential Commission, the completion of the revolution lay to a large degree in the reformulation of collective

memory. The commission's report was envisaged as a challenge to the substantial power of former Communists to narrate the story of political change in ways that both legitimized them and impeded democratic development.³¹ In other countries in the region, Communists had been forced to sit down with their former opponents, reject the former system and embrace democratic principles in order to survive. In Romania, however, the *nomenklatura's* almost exclusive stewardship of the revolution meant that they had faced no such pressure to renounce their past. Rather, some former Communists had managed to craft an identity for themselves as heroic revolutionaries as part of a powerful and appealing story of the violent overthrow and execution of a dictator. In this account, the revolution was presented not so much as anti-Communist as anti-Ceaușescu; Romanians had not risen up and expressed their hatred of Communist politics per se, rather they had overthrown a hated dictator who had failed to modernize or provide for the Romanian nation. In the immediate post-Communist period, former apparatchik and twice post-Communist president Ion Iliescu framed resistance and the revolution in Communist-era terms. The deposition of Ceaușescu was presented as a legitimate proletarian revolution, the end-point of a series of heroic working-class demonstrations against his dictatorship, best illustrated by the protests of the Jiu valley miners in 1977 and Brașov workers in 1986.³² Moreover, the liberal and conservative anti-Communists who had taken part in the revolution – but then refused to support the transition process when ex-Communists came to dominate it – were attacked in the following years as 'hooligans' and 'Fascists' who had failed to support the ex-Communists' stabilizing stewardship of political change. The idea that it was Ceaușescu rather than Communism itself that was being rejected was made clear in the way in which the National Salvation Front dealt with the previous regime. The simulacra of post-revolutionary justice – the televised execution of the dictator on 25 December 1989 after his flight from the Central Committee building in Bucharest and the trials of members of his inner circle – reflected the notion that there had been a guilty elite minority who should be punished, and an innocent majority of the former *nomenklatura* who should remain untouched.³³ Iliescu also resisted any attempts to reopen the story of the revolution officially, rejecting calls for state enquiries into the deaths of those 1,104 revolutionaries and the precise role of the Communists in overseeing the transition.

For anti-Communists, this interpretation of the history of the transition undermined the construction of a liberal democracy. First, the idea of the heroic anti-Ceaușescu revolution weakened attempts at future democratization because it presented the Romanian revolution as the authentic end of a

previous era, and thus political change as essentially complete.³⁴ Second, this account of the revolution did not itself support the idea of democratic development. Ex-Communists were not seen to reject the past on liberal democratic grounds; Communism was not reviled for its arbitrary use of violence, its lack of respect for the rule of law or the hollowness of its democratic claims, but rather because of the failure of Ceaușescu's version of Communism to modernize Romania effectively. In this account, therefore, the transition was not one from criminal dictatorship to lawful democracy, but rather a journey from a form of failed national modernization under Ceaușescu to a new form of more market-oriented modernization under the ex-Communist Iliescu. For anti-Communists, by contrast, a new liberal identity had to be built on the rejection of Communism owing to its illiberal, criminal and abusive practices, rather than on the basis of an account of poor economic stewardship that ignored the political violence and suppression of rights that had accompanied it. In addition, members of the Presidential Commission saw themselves as providing an important counter-balance to historians such as Florin Constantiniu, who produced widely read works which sought to revive the nationalism of the Ceaușescu regime, or writers such as Neagu Cosma, whose books preserved the idea of the 'good Securitate' that had helped Romania maintain its independence from both the Soviet Union and the West in the late Communist period.³⁵

The Presidential Commission thus sought to reshape the collective memory of the Romanian nation in a context where attitudes towards the past and present were still contested. For its members, a new democratic society could not be created simply by ensuring sufficient space in public discourse for a plurality of memories and outlooks. Too many of these competing interpretations were still shaped, in their view, by the manipulations of the Communist regime and their ex-Communist successors. A new memory that would ensure democratic development therefore had to be imposed from above. Moreover, they assumed that it was impossible to create a shared narrative on the basis of multiple viewpoints, and that instead it was the responsibility of anti-Communists to create and promote a new liberal democratic history.³⁶ Indeed, the historians involved accepted that they were party to a political and moral project to provide a new account of the national past that would rationalize and underpin democratic development.³⁷ Anti-Communists had long dismissed calls from the political left for a Reconciliation Commission to bring together both sides in a shared re-evaluation of the past; they did not view such requests as evidence of an honest or honourable readiness to admit responsibility for the abuses of the past, but rather as an attempt by ex-Communists to avoid investigations into Communist complicity in the violence that had accompanied the

Romanian revolution.³⁸ According to Vladimir Tismăneanu, the head of the commission, post-Communism had been 'dominated by an absence of expiation, of penance, or of a mourning process in relation to the trauma of Communism'.³⁹

Yet the commission did not reflect the broader range of anti-Communist forces in Romania either. Unlike the Holocaust Commission, which had been established three years earlier and had consisted mainly of representatives of victims' and survivors' groups, the Presidential Commission, despite claiming to give those who had suffered a new voice in post-Communist society, failed to include those who officially stood for these constituencies, with the sole exception of Ticu Dumitrescu, who represented former political prisoners.⁴⁰ Moreover, most members were picked by Tismăneanu himself, who favoured primarily liberal-minded (and humanities-trained) intellectuals. The commission's make-up was restricted in large part to those who were considered 'morally credible': its eighteen members were a mixture of anti-Communist social activists, who had long called for the condemnation of Communism, and ideologically sympathetic historians who could lend expertise (and academic legitimacy) to the endeavour.⁴¹ Nor was the commission able to draw on a wider social input after its establishment. It was unlike other truth-telling bodies in that it had few investigative powers and thus could not subpoena perpetrators or victims. Thus it was not able to seek a range of voices or embrace clashing perspectives.⁴² Rather, a new history of the abuses of Communism was to be built on the documentary legacy of the previous regime: the commission's historians were to be granted extensive access to previously unavailable archival material with a view to uncovering new data that would underline the criminality that underpinned the practice of Communism in Romania. Despite this, there was very little new research in the report eventually issued by the commission: for the most part, it simply moulded information that was already available into a liberal democratic version of history.⁴³ In this sense, the Presidential Commission was a political top-down 'narrative-reshaping' institution, rather than an investigative truth commission. Some thus argued that both the composition and methods of the commission undermined its aims: a restricted membership, the lack of wider social input and an overreliance on already published material would leave it struggling to forge a consensus.⁴⁴

Although the final report published in December 2006 was a condemnation of the evils of the Communist regime, its main aim was the legitimization of liberal democratic political development. Thus, the form of that condemnation was shaped by the liberal values that its creators wished to instil in the post-Communist population. Communism was not attacked for its failure to live up to its own principles; rather, it was presented as a bleak criminal

inversion of democratic rights and was used as a dark backdrop against which to contrast the legal protections of the Romanian citizenry in a westernized liberal future. The report was used to provide an account of the type of rule under which individuals would suffer without the protection of a liberal democratic state:

The condemnation of Communism . . . is a moral, intellectual, political and social obligation. A democratic and pluralist Romanian state can and must do this. In this way, the recognition of these sad and dark pages in Romanian history in the twentieth century is indispensable for our generation, which has a right to know about the world in which their parents lived. The future of Romania depends on it knowing its past, so that it condemns the regime as the enemy of human beings.⁴⁵

It was a relatively recent idea of democracy that shaped the report. In the mid-twentieth century, democracy's claim to be a superior political system was often based on its capacity to ensure social rights, from economic development and welfare (particularly for poorer sections of the population) to wider working-class involvement in politics. By the late twentieth century, this had been replaced by the claim that liberal democracy was the ultimate guarantor of individual rights and the rule of law.⁴⁶ Following the experience of the excessive use of state power (the Holocaust, mass terror in the Soviet Union and forced population transfer, for example), resulting in an increasing suspicion of state activism, western democracies increasingly defined their supposed superiority over other political formations in terms of the rights they ascribed to their populations. To be a democratic citizen increasingly meant being granted legal protection against the overweening power of the state, rather than being the object of the state's attempts at social improvement.⁴⁷ It was this vision of democracy – as the rule of law and thus a shield for the individual from the abusive state – that would provide the template for the Presidential Commission's liberally framed condemnation of Communism.

Thus Communism was attacked as the criminal inversion of the liberal democratic state's claims to represent judicial procedure and human rights: 'The Communists simply shattered any notion of the rule of law. The Final Report identifies the nature of abuses and its victims . . . the Communist regime represented the opposite of rule of law, an *Unrechtsstaat*'.⁴⁸ What counted in such a condemnation was the regime's criminal practices, not its ideological aims.⁴⁹ Thus, the report presented Communism as a set of repressive and disciplining institutions that sought to subjugate an independent society and committed a catalogue of abuses against Romanians. The

commission's president, Vladimir Tismăneanu, argued that it was the memory of these crimes that would strengthen democratic identity: 'a genuine democracy cannot function properly in the absence of historical consciousness. . . . An authentic democratic community cannot be built on the denial of past crimes, abuses, and atrocities. The past is not another country. It cannot be wished away.'⁵⁰ Even the arguments with which the former regime had legitimized itself were reduced to an ideologically suspect cover for its criminal urges. For instance, its attempts at social levelling were dismissed as superficial pretexts for its criminal, totalitarian impulses: 'The Communist regime was of a criminal nature, in the sense that it instigated, ordered and committed crimes against humanity. It was a regime which looked to reduce the population to the condition of slaves, exploiting them pitilessly under the pretext of creating a utopian, egalitarian and free society.'⁵¹ The report rejected the Communists' claims that they had represented a form of legitimate economic modernization. It asserted that only the institutions of capitalism and liberalism could ensure effective modernization, and hence, as the Communists had cut Romania off from this path after 1945, they had victimized Romanians by denying them the right to a productive modern society:

The Communist regime was an anti-modern one which merely simulated modernity . . . it was a regime of foreign occupation which liquidated the Romanian elite and its institutions of democracy, its market economy and private property. All this was annihilated for forty-five years, a false turn on the path of true modernization . . . it was a giant step backwards, which led us to chronic poverty, the isolation of the country, the wasting of human and material resources, the alienation of the individual and the destruction of our traditions and national culture.⁵²

Given this focus on criminality, it is not surprising that the central figures in the report were *victims* of Communist criminal practice. As the production of knowledge about dictatorship has shifted from the courtroom to the History Commission, so the main focus of anti-totalitarian histories has switched from the evils of the perpetrator on trial to the sufferings of the victim.⁵³ Despite the fact that victims' organizations had minimal representation and that their testimony was not sought, the Presidential Commission nevertheless justified its existence morally on the basis of its services to those who had suffered abuses under Communism. Its work, it was claimed, would ensure that victims' stories would at last be articulated, that their dignity could be restored, and that the process would publicly legitimize their experiences

and make them incontestable.⁵⁴ The report also sought thoroughly to embed the idea that Romanian society as a whole had been a victim of criminal practice. First, it embraced an extremely broad definition of the term 'victim of Communism' that extended beyond those who had been deported, tortured or executed. Although some of the report's historians wished to limit its application to the 155,000 political prisoners who could be documented as having been incarcerated in Romanian political prisons and camps, they were overruled by those who wished to define Communism's victims as including an estimated two million people who had been imprisoned for more than two months for non-civilian offences before 1989. This division in interpretation was never fully resolved; the higher figure was placed in the main text, the lower in a footnote.⁵⁵ One of the commission's members, Romulus Rusan, went even further: he argued that over half the Romanian population should be considered 'victims'. Drawing upon a concept of 'class genocide', he argued that Romania's victims encompassed not only those who were persecuted on account of their social background, but also all those who suffered under forced 'ideological homogenization'.⁵⁶ Second, the commission avoided those topics that undermined the focus on victims; it dealt with neither the widespread co-optation of Romanian society by the regime after 1968 (and its importance for the stability of the system), nor with the relative absence of resistance (compared to other eastern bloc countries).⁵⁷ Third, it invoked analytical categories that sought to demonize Communism through association with the Holocaust.⁵⁸ 'Communist genocide' was an idea that emerged among the anti-Communist émigrés from the Baltics as early as the 1940s, and began to be widely used among anti-Communists in Romania from the early 1990s.⁵⁹ It was reinforced by the theory of 'class genocide' outlined in Stéphane Courtois et al's *The Black Book of Communism*.⁶⁰ The commission borrowed the term and its reworked meaning from a Romanian work of the same name by Gheorghe Boldur-Lătescu.⁶¹ This replaced the very precise 1948 definition of genocide developed after the Holocaust as the attempt to erase all or part of a particular ethnic or social group with a much broader meaning that included not only the Communist state's political persecutions and executions but also took into account higher rates of morbidity and mortality, religious persecution, economic and environmental disasters, and cultural destruction.⁶² Many anti-Communists observed that it was as a result of Soviet pressure that the 1948 international definition of genocide had excluded those forms of social cleansing practised under Communism. Thus, the report sought, on the one hand, to draw on the power of the term genocide meaning a specific form of mass killing, which immediately invoked widespread revulsion, while, on the other, widening its meaning sufficiently to

make the term relevant to the Romanian context.⁶³ Yet – as commentators noted – this conceptual inventiveness had led to an overly broad (and hence vague) definition of both genocide and victim, which in turn had the potential to undermine later judicial procedures that required precisely drawn official categorizations that made the perpetrators and victims of Communist-era violence identifiable in legal terms.⁶⁴

Moreover, it was a particular type of victim that was generally invoked. As Michael Humphrey has argued, those who suffered were re-objectified into new types of victims in such reports: whereas once, under Communism, they were reduced to the status of the 'justifiably persecuted' on account of their class background or political beliefs, following its collapse they were recast as the victims of human rights violations in order to legitimize a new liberal democratic order.⁶⁵ In such reports, victims were often presented not as part of a particular collective political movement for their support of which they had been persecuted, but rather were abstracted from the ideological contexts and struggles of their times, so that they were now remembered mainly for their suffering.⁶⁶ The different visions of the world that both the victims and victimizers represented were almost entirely absent; what mattered were their symbolic roles as abusers or abused.⁶⁷

Hence, the political reasons why certain people had been persecuted by the Communist state were not at issue; no differentiation was made between moderate democratic victims of the regime and those of the right and far right.⁶⁸ The commission was sensitive to the suggestion that this had led them to rehabilitate Fascists in the name of anti-Communism. Some members argued that far-rightists, although they deserved punishment after World War II, could nevertheless be considered victims in so far as they were not prosecuted according to a liberal conception of the rule of law but rather in Communist show trials: 'The Presidential Commission first identified victims, regardless of their political colours, for one cannot argue that one is against torture for the left while ignoring such practices when it comes to the right. The militants of the far right should have been punished on a legal basis, but this was not the case with the trials carried out by the Romanian Communist Party.'⁶⁹ Other members defended themselves by suggesting that they were following what they understood to be standard western practice when dealing with genocide: victims were identified by the way they were treated, not on account of the acceptability of their political views before their deaths. One argued that those dealing with the Shoah did not subtract Jewish victims who were also Communists from the final tally of six million, and thus those dealing with the victims of Communism should not ignore those with far-right political views judged to be obnoxious in modern political life.⁷⁰

The report's insistence that even far-rightists could be 'victims of Communism' was understood as an attempt to re-educate all post-Communist citizens into adopting democratic identities, rather than to whitewash the history of Romanian Fascism. It asserted that these individuals were commemorated and granted respect, not as representatives of a far-right cause, but simply as victims of an anti-democratic system. As such, the commission was part of a wider series of initiatives that provided moral rehabilitation, social status and legal backing to those who were prepared to define themselves solely in terms of their suffering (rather than political identity) under the Communist regime. The Council for the Study of Securitate Archives, established in 1999 to catalogue and regulate the secret files of the former secret police, adjudicated on the granting of higher pensions to those who claimed to be victims of Communism. An Institute for the Investigation of the Communist Crimes in Romania, established in 2005, enabled those whose families had been victims of Communism to apply to initiate investigations into disappearances or deaths of family members. These processes were practical manifestations of the anti-Communist claim that Romanians had now become democratic citizens with rights that would protect them from arbitrary state power in the future.

While one aim of the report was to produce the idea of liberal democracy as the inversion of Communism, another was to promote the notion that the struggle of Romanians against totalitarianism was not yet finished; it was only with the condemnation of Communism and the acceptance of the report's anti-Communism by the political elite that the revolution would finally be complete. The idea of the continuing struggle against Communism was thus central to their work. The commissioners sought to demonstrate the presence of a tradition of resistance under Communism that anticipated the liberal democratic agenda of their report, but also asserted that its promises had been betrayed in 1989 and were yet to be fulfilled. The report constructed a history of a substantive democratic anti-Communist resistance tradition before the collapse of Communism, a task that was complicated by the fact that the actual level of protest in Romania had been far lower than in other former eastern bloc countries such as Hungary and Poland, and that the aims of those few groups and individuals who had expressed opposition did not always anticipate the mythological requirements of the post-1989 democratic state. Armed resistance in the early Communist period illustrated anti-democratic right-wing anti-Communism as much as democratic politics, while the (very limited) working-class protest in the late Communist period often called for the proper implementation of socialism rather than its demise. Thus the report needed to reshape the history of protest to the regime and refashion a

diverse set of political objectives into demands for liberty, individual rights and national freedom.⁷¹ Indeed, members of the commission often made it clear that the true extent of resistance was not important in determining the scale of attention it received in the report; rather, it was their moral duty to revive the memories of those small numbers who had fought, and to co-opt their memory to assist in the construction of a liberal democracy.⁷² The report told of a long tradition of Romanian anti-Communist resistance, starting with the armed struggle in the Carpathian mountains in the late 1940s, continuing through student protests in 1956, and incorporating opposition to collectivization, workers' resistance in 1977 and 1987, and intellectual dissidence, before finally celebrating the popular uprising against Ceaușescu in the days before Christmas 1989.⁷³ Resisting groups' precise ideological aims were often ignored; what mattered was what they were fighting against: Communist dictatorship. It was deemed crucial to claim them as representatives of a democratic Romania that had survived, even during a period of totalitarian rule: 'Armed anti-Communist resistance was a struggle for liberty, also a struggle for survival, a time in which liberty and individual dignity and the Romanian nation were trampled on by the Soviets and their faithful executioners, the local Communists. . . . [It] belongs to . . . a usable Romanian collective memory.'⁷⁴

The decision not to end the report with the collapse of Communism, but rather to include an account of the revolution's aftermath, was one of the most controversial, both among commission members and the broader public.⁷⁵ This was in part because the choice to take the report beyond 1989 signalled the commissioners' desire to emphasize that the Communist period had continued after its official collapse and that 'perpetrators' had remained within the system. The report did not adopt the finale so common in other national 'resistance myths', which culminate in the heroic overthrow of the *ancien régime*. Rather, the commission's report portrayed 1989 as an unfinished revolution that had begun as a popular uprising but had been captured by middle-ranking members of the former *nomenklatura*, who had stifled authentic democratic impulses in their desire to maintain their grip on power.⁷⁶ The report thus did not focus on the revolutionaries' heroic actions in December 1989, but rather on the absence of an investigation into their deaths. This failure was given as evidence of the continued ability of ex-Communists to block investigations into the truths of 1989, and served as a symbol of the absence of justice in the post-Communist period as a whole.⁷⁷ Moreover, the commissioners – under pressure from civil-society organizations and activists such as Sorin Iliesiu⁷⁸ – continued their analysis past 1989 and framed the post-Communist period as one of continued struggle between ex-Communists and 'true revolutionary forces'. Their report

celebrated those who continued the fight against former Communists even after the revolution, such as the participants in the two-month-long University Square protests in the spring of 1990.⁷⁹

In the perceived absence of authentic change in 1989, the report presented itself as the embodiment of the possibility of a final mastering of the Communist past. For its backers, success was defined as the creation of a broader political and social consensus that Communism was a criminal regime from which Romanians were eager to escape into the arms of liberal democracy and the rule of law. Thus, the anti-Communist president Traian Bănescu presented the report to parliament as a call not only for a collective condemnation of Communism but also for 'authentic national reconciliation':

As head of the Romanian State, I expressly and categorically condemn the Communist system in Romania. . . . Taking cognizance of the realities presented in the Report, I affirm with full responsibility: the Communist regime in Romania was illegitimate and criminal. . . . In the name of the Romanian State, I express my regret and compassion for the victims of the Communist dictatorship. In the name of the Romanian State, I ask the forgiveness of those who suffered, of their families, of all those who, in one way or another, saw their lives ruined by the abuses of dictatorship. . . . On the other hand, we must not display historical arrogance. My purpose is aimed at authentic national reconciliation, and all the more so since numerous legacies of the past continue to scar our lives.⁸⁰

Yet even on its own terms the report had very limited success, since it failed to engender a broader consensus that Communism should be condemned. It was not able to engage the post-Communist left, and in particular the major Communist successor party, who refused to accept its findings. Although some commission members had hoped that they might sign up, and there was some indication that reformist modernizing and Europeanizing factions within the ex-Communist Social Democrats such as the Cluj Group argued for its acceptance, the content of the report made it very difficult for the ex-Communists to endorse it officially. In particular, the naming of Ion Iliescu as a Communist agent, the accusation that he and the ex-Communist National Salvation Front had attempted to hijack the revolution in December 1989 and the call for an enquiry into the suppression of the University Square protests by elements representing the former regime effectively undercut ex-Communists' claims to have played a positive role in the Romanian revolution, and instead portrayed them as barriers to liberal democratic development.⁸¹ The report also alienated

nationalists, some of whom, such as Corneliu Vadim Tudor, were named as agents too: indeed, at the moment of Bănescu's condemnation of Communism in parliament, the chamber witnessed a staged denunciation of the president by Tudor's 'Greater Romania' party.

The Commission even failed to create a consensus among other anti-Communist constituencies. This may in part have been a result of the way in which it had been established, by presidential diktat rather than as an expression of a desire for justice from below; this left it open to the charge that it was a creature of politics. Moreover, as noted above, its membership had excluded not only ex-Communists but also many representatives of victim groups: it was therefore widely perceived as representing a particular sectional interest, primarily of civil society activists, rather than a broader constituency of anti-Communist forces. Moreover, its decision to reject multiple viewpoints, and its embracing of a simple model evoking an illegal regime which for forty years had committed 'social genocide' against the majority of the Romanian population, meant that others found its conclusions one-sided and insufficiently nuanced to be convincing.⁸² The report was, however, absorbed into the high-school curriculum and parts of it also served for the new high-school history textbook produced by the Institute for the Investigation of Communist Crimes in Romania.⁸³ Thus, in the short term at least, observers considered its impact to be limited. While it had provided Romania with an official state-sponsored liberal democratic account of its past, which widely publicized the criminality of Communism and the appeals of democratic development, it had failed to assist significantly in the forging of an elite or popular consensus over how Romania should escape that past.⁸⁴

Producing National Memory: Poland's Institute of National Remembrance

The very different contexts in which History Commissions and Institutes of National Memory were founded shaped their claims to be providing a meaningful reckoning with dictatorship. History Commissions were often initiated at points of crisis when elites were being pressurized, often by external processes such as European integration, into the construction of new 'westernized' forms of national history-telling: thus, their claim to be producing an authentic re-evaluation of Communism lay in their contention that an explicit rewriting of history was necessary to break from the past. These commissions' reports were overt public performances in which the idea of a necessary caesura in collective memory was sold both to a western audience into whose cultural norms they were integrating, and to a domestic

audience to whom they could claim to be the modernizing, Europeanizing force in their country. Institutes of National Memory, by contrast, were established at moments when control over the documentary remnants of the former Communist security services emerged as a matter of intense political debate.⁸⁵ Faced with files on citizens' lives under Communism being in the hands of institutions that still contained a large number of ex-Communists, and with the possibility of those files being used to blackmail post-Communist elites, the creation of a new 'politically clean' institution, which could regulate access to this information, was seen to be crucial for democratic development.⁸⁶ In many countries, governments introduced laws that took the files of the Communist secret police away from the security services and placed them in new state-funded institutions, which organized and regulated access to the newly assembled archive. Given their origins, Institutes of National Memory were much more committed to presenting an apolitical image of themselves as neutral custodians. Unlike History Commissions – which presented their work as a much more explicitly political intervention necessary to secure a civilized future – institutes characterized themselves as impartial arbiters of a complex and difficult past that stood above politics and that could call on the authority of the archive to arbitrate in disputes and to tame the divisive legacies of the Communist era. Like commissions, however, they craved consensus: institutes were built around the idea that it was possible to build a new, unitary, consensual history based on a scholarly account of dictatorship. However, such an apolitical self-definition should be understood as a mechanism through which these institutes established their authenticity and hence their authority in order to achieve what was in fact a moral-political project, employing the secret-service archive to reshape popular understandings of the Communist past and so embedding a new broad national liberal vision of the future.

In some post-conflict or post-authoritarian societies, such archives are feared, and are even destroyed, because of their perceived capacity to reinforce or revive memories of violence and division.⁸⁷ The founding of Institutes of National Memory rested on a different idea: they were built not only to preserve and regulate access to the voluminous records of the former secret police, but also out of a sense of confidence that these sources could be employed to create a nationally unifying account of Communism, based on rigorous and scholarly archival research, which could overcome the divided nature of post-Communist memory. In some places – such as Germany and Hungary – the institutes' main role was to control access to the files. In others, however, the judicious use of these documents was perceived as a vital tool for dealing with the taboos and unresolved political legacies of the Communist past, and as key

to the process of democratization. In some countries, these new institutions, and the Communist archives they contained, were utilized as resources to construct a new 'national memory' concerning the Communist (and, to a lesser extent, the Fascist) past. In the Czech Republic, for instance, an Institute for the Study of Totalitarian Regimes (which was originally going to be called the Institute of National Memory, a name opposed by both the academic sector and sections of parliament) was established in 2007, to serve both as the guardian of secret-service archives and as a repository of knowledge about the criminality of the Communist regime which could be utilized by historians.⁸⁸ The Polish, Slovakian and Lithuanian versions had even broader visions: here, the institutes were encouraged to use the archive to confront post-Communist societies with uncomfortable material from their pasts. Moreover, these institutions were subject to political pressure from anti-Communists who recognized the archives' potential to provide evidence that might bring perpetrators to trial, or to retrieve information about a vast swathe of post-Communist citizens to support lustration laws that would exclude former collaborators from significant public offices.⁸⁹ Attempts to turn these institutions into tools of 'social and political cleansing' were limited in their effects, however: even new bodies established within these archival institutions to carry out lustration and criminal prosecutions ended up primarily as producers of new forms of democratic memory, criminalizing the Communist past in the public consciousness, rather than as executors of justice for past crimes.

The first and largest of these institutes was the Polish Institute of National Remembrance, established by the anti-Communist Solidarity Electoral Action government in 1998. It was the first new state institution to be founded in post-Communist Poland, and eventually employed over two thousand personnel in eleven branches across the country. There had been little interest in the files of the Communist security services in Poland in the immediate aftermath of the collapse. However, by the late 1990s, concerns about the possibility of 'wild lustration' – the use of illegally leaked security-service files to produce lists of suspected collaborators with the former regime – meant that an absence of control over these Communist-era records was increasingly seen as a threat to civilized and stable democratic development.⁹⁰ Thus elites looked to the creation of an institute that would gather together, organize and regulate access to a large body of material from the former Nazi and Communist security-service apparatuses. By 2009, the Institute of National Remembrance contained 88 kilometres (55 miles) of material which the former security services had collected between 22 July 1944 to 31 July 1990, including documentation from the security services of Nazi Germany and the Soviet Union. Alongside an archival role, it developed its own research wing

(the Public Education Bureau – *Biuro Edukacji Publicznej*) and integrated into itself the Main Commission for the Prosecution of Crimes against the Polish Nation, which was responsible for investigating crimes of repression or abuses of human rights committed in Poland between 1939 and 1989. Although nominally independent of government, its president was to be appointed by a three-fifths parliamentary majority every five years, thus giving strong governments the ability to exert significant influence over the institute's strategic direction if they wished, and if the institute allowed it.⁹¹ Indeed, in 2005–06, the radical anti-Communist Law and Justice government influenced elections for the top positions to its own advantage and established a Lustration Bureau, which used the archive to vet the Communist pasts of those standing for public office or belonging to key professions.⁹²

Before 2005, the Polish Institute of National Remembrance saw its role as apolitical: it viewed itself as simply engaged in opening up a security-service archive to reveal the hidden truths of the Communist period. It rejected the radical anti-Communist claim that real democratization required the continuation of the revolution against Communists by removing representatives of the former regime from public life simply on the basis of past political affiliation (rather than through evidence of specific crimes). This was seen as a form of collective revenge, which was inconsistent with the principles of individual rights and the rule of law, and hence did not assist democratization.⁹³ Prominent voices within the institute thus argued against de-Communization; rather, they suggested the institute could better contribute to the building of a new democratic culture by providing access to information, and producing new knowledge, about the Communist era and the experience of Nazi occupation.⁹⁴ The institute presented itself as devoted simply to the acquisition of historical facts: 'a country does not become fully democratic until each one of its inhabitants has the possibility of knowing in an objective manner the elements of their history... and civil society better understand[s] the complexity of historical process'.⁹⁵ The institute would help achieve this by assembling and opening up massive new archives, housing material from the security and military organs of the Communist state, conducting new research using these collections, giving victims of the Communist state access to their files, and prosecuting particular individual crimes committed between 1944 and 1989 that had not previously been tried.

Interviews conducted for this work with prominent members of the Polish institute's Public Education Bureau revealed that they did not see themselves as engaged in a particular project of collective memory. Indeed, they viewed themselves as 'anti-political truth-tellers', involved in a process of revelation of facts that had been hidden during the Communist era and silenced for

political reasons during the transition period. They rejected the idea that the revision of the Communist past was a politicized rewriting of history; rather, it was simply the 'unfreezing' of historical memory: 'The Communist system acted, one might suggest, as a historical refrigerator. It blocked and froze numerous issues, facts and conflicts by way of political control and censorship. Such censorship did not allow pertinent topics to be discussed in public.'⁹⁶ The institute also saw itself as an arbiter in historical disputes relating to the periods of Communist rule and Nazi occupation, and as a neutral body that could tame and resolve the difficult and divided memories inherited from the totalitarian past. It would counter the corrosive falsehoods embedded by Communist propaganda which still had powerful resonances, such as the idea that Martial Law (1981–83) and the suppression of Solidarity were necessary steps taken to prevent a Soviet invasion and thus protect Polish sovereignty.⁹⁷ Moreover, it would also challenge powerful myths that were central to dominant forms of Polish identity even after 1989. It frequently pointed to its work on Polish complicity in Jewish pogroms such as the Jedwabne massacre during World War II,⁹⁸ which challenged (and in fact offended) dominant post-Communist memories of Poles as innocent victims of wartime Nazi occupation. Members' claims to be neutral arbitrators who merely uncovered uncomfortable truths were underpinned to a large degree by the meanings they inscribed into the institute's massive archive of documents from the former security services that were the source of much of their scholarly and professional work. They refuted the criticism that using this type of archive as a basis for post-Communist truth-telling could not avoid being politicized, and bound to reveal a one-sided 'dark history' of terror and surveillance in which the Communist world was reduced to the relationship of victim and collaborator. Rather, they framed the archive as a font of apolitical information. On the one hand, it provided democratic access for former 'victims' of the regime who could go there to explore what the Communist-era secret police might have thought about them. On the other, it provided professional historians with access to surveillance documents that gave the most in-depth representations of Communist-era social and political phenomena – especially concerning issues such as strikes and resistance – as they were often brutally frank assessments designed for the secret police, unobscured by the ideological distortions common in material destined for Communist-era public consumption.⁹⁹ Indeed, the strength with which the institute asserted its apolitical role suggested the importance of such a formulation for its claim to authority in dealing with the country's recent past. Members of the institute realized that they were often viewed as powerful reshapers of 'national memory' and strongly contested these assertions. They

argued that, even if they had helped to remould collective memory, they were nevertheless unwilling shapers of a new historical consciousness. The first director of the Public Education Bureau had sought to embrace a range of historical approaches and thus to turn his bureau into an Institute of Contemporary History.¹⁰⁰ Nevertheless, its members accepted that they had become key players in shaping new national attitudes to issues such as Martial Law and the involvement of Poles in the persecution of Jews in World War II.¹⁰¹ However, they argued that this had only occurred because the press had constructed them as a 'Ministry of Historical Truth' that should adjudicate on sensitive historical issues, and because the civic culture that surrounded them was insufficiently strong to support a meaningful historical debate in which the presence of other competing versions of the past would turn their research from *the* authoritative argument into just one of a series of valid rival interpretations.¹⁰²

Yet – as the institute's critics often suggested – it was a particular, partial and political project of collective remembering that it was committed to. Those who claimed the necessity of truth-telling and justice after the end of Communism often framed themselves as the only ones dedicated to a difficult reckoning with a past that former representatives of the system wished to forget. These rhetorically powerful justifications diverted attention away from the fact that they were also involved in promoting a convenient set of new (often simplified) historical myths designed to underpin particular contemporary political commitments.¹⁰³ Indeed, the institute (often implicitly) positioned itself by critiquing other ways of 'coming to terms' with the past. Although it had rejected the idea that it was appropriate to take 'revenge' on representatives of the former Communist system, it also refuted the notion that a healthy new democratic identity could be built on the celebration of the reconciliation and forgiveness that had characterized the Round Table settlements of 1989. Rather, it was motivated by the belief that a new national identity could only be built on a firm rejection of Communism, which was in turn dependent on proving to Polish society that a real revolution had taken place in 1989. It faced many obstacles in doing this. On account of the absence of 'the people' from the moment of Communism's collapse, and the real continuities of laws and political personnel between the two systems, many Poles perceived important connections between the Communist and democratic periods. Hence, many did not view the post-Communist system as a rejection of the past, but in significant ways as its extension. Many in the institute viewed this widely felt sense of continuity as the reason for citizens' inability to identify fully with the new system. Thus their work consisted of promoting the ideas that 1989 represented a revolutionary

break, and that the post-1989 system was the political inversion of what had gone before.

Much of the work of the institute thus sought to attribute to Polish society a genuine anti-Communism and democratic commitment in advance of 1989, so writing 'the people' into the story of the rejection of the Communist past. According to the 1998 Parliamentary Act that established it, the institute should focus on 'the patriotic traditions of the struggle of the Polish Nation with the occupying forces of Nazism and Communism ... the acts of citizens aimed at securing the independence of the Polish Nation and defending freedom and human dignity'.¹⁰⁴ Yet the experience of 1989 had not provided a symbolic moment – an equivalent of the storming of the Bastille – through which people could recognize their own commitment to overcoming Communism. Thus the institute avoided the story of the elite-level reconciliation that underpinned the transition in 1989, and instead sought to provide a heroic story of earlier popular resistance to Communism. The institute's historians insisted that this was a difficult task; the Polish population was insufficiently aware of the extent of resistance of Poles to Communism, or in part accepted the claims of the Communists before 1989 that suppression of resistance had sometimes been necessary.¹⁰⁵ The institute played a major role in reviving the memory of a popularly supported anti-Communist underground in the early Communist period and in trying to resuscitate a heroic memory of the Solidarity movement to demonstrate Poles' collective commitment to the end of dictatorship. Thus the past was presented as a series of popular attempts at resistance to topple the regime, and citizens were ascribed a prominent role in the liberation of their country from Communism.

The Institute of National Remembrance also sought to create the idea of revolutionary change by clarifying the distinction between Communism and Fascism, on the one hand, and liberal democracy, on the other. For it, the popularly felt sense of continuity was based on a misunderstanding about the nature of democracy and the transformations of 1989. Whereas radical anti-Communists in Poland mobilized the idea of 1989 as an incomplete revolution and the post-Communist system as the immoral and corrupt consequence of this, the institute's work assumed the necessity of narrating the idea of a clean break with a criminal past based on the rule of law in order to forge an attachment to the new democratic system. Even if there had been no symbolic moment of change, the two systems were nevertheless each other's inversion; if liberal democracy represented individual rights and the rule of law, Fascism and Communism represented the opposite of these principles. Thus, the nation's journey was charted as one from criminality and arbitrary power to the realization of a democratic state based on the rule of law and

human rights. As with the work of many history commissions, this tale was to be told through victims' stories. According to the founding act of 1998 which established the institute, it should

have regard for ... the preservation of the memory of the magnitude of the number of victims, the scale of the loss and damage suffered by the Polish Nation in World War II and thereafter ... the obligation to prosecute crimes against peace and humanity as well as war crimes ... and the duty of our state to provide compensation to all persons suffering injury through the violation of their human rights by the state ... [It is] the expression of our conviction that no unlawful action of the state against its citizens should be kept hidden or allowed to be forgotten.¹⁰⁶

Thus, much of its research centred on the production of a history of Communism and Fascism as a series of crimes and infractions against human rights. It often focused on particularly bleak moments during this period (such as Stalinism and the Jewish experience of World War II), while also attempting to extend the popular conception of the era of terror beyond the 1950s to include mass surveillance and violence in the 1980s.¹⁰⁷ In some of their legally mandated work – such as the production of lists of victims of the Communist state – historians abandoned their wider methodological kitbag of social, political and economic explanations for violence, and simply engaged in the cataloguing of thousands of individuals who had been subjected to Communist criminality. Telling the story of those who suffered would demonstrate this inversion, graphically illustrating the suffering that Communism's failure to respect the rights of the individual had caused, and celebrating the liberal democratic state as a political system in which the legal rights and dignity of the victimized were restored.

The story of the end of Communism as a journey from criminality to legality was not only produced by historians but also by lawyers in the judicial wing of the institute – the Main Commission.¹⁰⁸ This had begun life in October 1944 as an investigative body founded to investigate 'German crimes' in Poland. It had existed throughout the Communist period, although it was renamed the Commission for Nazi Crimes in 1948 (in response to the foundation of the Communist German Democratic Republic). On 4 April 1991, it had then become the Main Commission for the Investigation of Crimes against the Polish Nation, and its brief was extended to incorporate investigations into Stalinist crimes before 1956, war crimes and crimes against humanity.¹⁰⁹ After 1998, it was integrated into the Institute for National Remembrance and its 120 prosecutors across Poland were given new powers

to initiate prosecutions for those crimes (defined as 'repressions' and 'human rights violations') committed between 1939 and 1989 that contravened the law *at the time* and that had not previously been tried. The Main Commission's investigations focused on the killing of Poles, Jews and patients in psychiatric hospitals by Germans, the Ukrainian killing of Poles in Volhynia and eastern Galicia, the deportation of Polish citizens to Siberia during World War II, the torture and killing of political prisoners by the Communist security apparatus before 1956, and crimes committed during Martial Law in the 1980s. Of these cases, around three-quarters concerned the Communist period, and one-quarter World War II.¹¹⁰ The institute asserted that the process of democratization and the re-establishment of the rule of law could not solely be built on *research* into past crimes, but that the *prosecution* of individual crimes was necessary too: 'One cannot mistake forgiveness with trivialization of guilt. Democracy and the rule of law cannot be built on denying responsibility and guilt.'¹¹¹

The institute's contribution to creating a new liberal democratic collective memory proved greater than its judicial impact, however. Despite its legally mandated powers, the judicial wing of the institute, the Main Commission, did not aggressively pursue a policy of legal action; this was in part because many of the crimes had been committed in the distant past and so were difficult to prosecute successfully.¹¹² Yet, more importantly, it was believed that a policy of pursuing lawsuits would undermine the powerful symbolism of the institution. The director of the Main Commission stressed that as a body it represented the antithesis of dictatorship through its commitment to the recovery of the rule of law. As such, the number of prosecutions was not a gauge of success; in fact, it publicized, and thereby stressed, the very restricted ways in which it was seeking to bring those responsible for Communist crimes to trial. This 'self-limiting' form of activity illustrated the superiority of democratic justice: it would not prosecute on the basis of collective justice (as the Communists had done), nor would it prosecute those activities that were considered illegal after 1989 but not before (retroactive justice). Thus many injudicious features of the Communist regime, such as class law (on account of which those from undesirable backgrounds were discriminated against in education and the workplace), would not be subject to tribunals since they had been legal at the time. The low level of its prosecutions was not taken as a sign of failure, however; the work of the Main Commission was a vital adjunct in the liberal reshaping of national memory. On the one hand, in exercising significant judicial restraint, it became the embodiment of a new post-Communist order in which the rule of law triumphed over a world of totalitarian criminality and arbitrary justice. On the other hand, the fact that

few cases were tried meant that the Institute's resources were, in effect, being used to research past crimes and thus helping in other ways to situate mass criminality and barbarity at the heart of knowledge reclamation about the eras of Communist rule and Nazi occupation.

Indeed, the best known of the Institute's investigations placed the lawyers of the Main Commission alongside its historians in a scholarly investigation: both sets of professionals were charged with producing accounts of one of the most controversial crimes of the German occupation – the massacre of the Jewish population at Jedwabne on 10 July 1941. In response to Jan Gross's *Neighbors*, which had created a widespread and virulent debate about the role of Poles in World War II because it had implicated Polish nationals as collaborators in this atrocity, the institute instigated official investigations and commissioned parallel enquiries from both its historians and prosecutors. Both confirmed Polish involvement: the historians' account focused on the evolution of German policy towards Jews in the region and the story of how Poles became complicit perpetrators; the Main Commission carried out judicial investigations which attempted to identify individual perpetrators and give a more exact estimation of the number of victims, in part by exhuming mass graves.¹¹³ The findings proved extremely divisive: although many accepted the results, a significant group of right-wingers contested them in parliament, suggesting that the number of victims had been overestimated and criticizing the institute for betraying its function in that it had shamed Polish society and weakened national identity.¹¹⁴ This controversy was important for the institute, in part because it bolstered its neutral self-image: the shrillness of the right's response, combined with its assertions that the building of a new national identity required an examination of both the glorious and ignominious aspects of the national past, allowed the institution to frame itself as a scholarly centre that stood beyond politics. Yet the incident also revealed the ways in which it was committed to a particular paternalist historical vision, attempting to use the power of elite scholarly research to forge and embed a consensual, healing and unifying understanding of the past onto a nation divided by different interpretations of history. Moreover, the episode demonstrated how the institute was committed to an explicitly national and liberal historical vision in which Communism and Fascism could be understood merely through reference to the crimes that had occurred under these systems, that the social categories of perpetrator and victim were sufficiently encompassing, and that the link between a small number of perpetrators and victims, and the nation as criminal or victim, was obvious and historically correct. Indeed, the very notion of balance could only exist within this totalitarian paradigm; faced with the fallout from the

Jedwabne controversy, the institute's response was to focus on incidents where Poles had been victims rather than perpetrators in order to bolster a unified, patriotic national identity.

The institute did not only seek to shape a new democratic memory from above; it was able to use its massive archive to assist in the creation of processes through which ordinary citizens could re-imagine their own personal histories. This archive contained large amounts of information on the relationships of citizens with the state before 1989, which could be used to pressurize individuals to re-remember their Communist past in criminal terms, even if they had not seen their former lives in this way before. Various processes were constructed either to encourage or, in some cases, to force citizens to declare whether they had been victims, resisters or perpetrators. The validity of these declarations would be checked in the archive, and might then lead to the acquisition of privileges, reprieve from punishment, or exclusion from public service.

This power to force people to reconsider the way they understood their own pasts was powerfully illustrated in Poland in 2007, when the Law and Justice government came to power promising a much more radical policy of de-Communization. For the Law and Justice government, reckoning with the past did not mean simply the production of an anti-Communist public memory that could rally society to support the post-Communist system; it also meant completing the work of 1989 by revealing those remnants of the former regime whose continued presence was both a moral affront to the new political system and responsible for the maintenance of corrupt former *nomenklatura* networks in the economic and political spheres.¹¹⁵ In a speech given after his inauguration as president of Poland in December 2005, Lech Kaczyński declared, 'Poland absolutely needs to establish a moral order, and this moral order also means our efforts to deal with the burden of the past by rejecting it... This can be achieved by political screening. Vetting must be carried out with all determination.'¹¹⁶ The new Law and Justice government gained significant influence over the Institute of National Remembrance. A new leadership rejected the self-limiting vision that it had held until 2005, and instead tried to employ it to continue the 'unfinished revolution'. To this end, a Lustration Bureau was established within the institute in March 2007. It worked with a new lustration law that massively expanded the scope of a previous law of 1997, which had only enforced the vetting of 27,000 'senior office holders' (such as ministers and members of parliament). From March 2007, it was estimated that around 700,000 people in positions of 'public trust' – such as teachers, academics, lawyers, police and diplomats – would be screened.¹¹⁷ (In the event, only 140,000 vetting declarations were filed based

on the new law.)¹¹⁸ The definition of what constituted inappropriate behaviour was broadened too: 'regular contact' with the Communist security services was now enough to constitute collaboration.¹¹⁹ Although the institute's archive had previously been used for vetting (by the Office of the Spokesman of Public Interest), far fewer people had been investigated, and the work had not involved the institute itself. From 2007, however, the institute would become part of a project to use the secret-service archive to investigate whether public servants had been 'secret informers' under the Communist regime to a far greater degree than ever before.¹²⁰ According to the head of the new bureau, its work was 'delayed compensation' for the inadequacies of the system changes of 1989.¹²¹ The institute also ran cultural projects to target former 'perpetrators'. Historians were charged with identifying major players in regional Communist security services and organizing photographic exhibitions of local 'collaborators' which were displayed in town squares across Poland,¹²² while the younger generation was encouraged to unearth sites of former Communist terror in their localities. However, the constitutional court eventually diluted the power of the new lustration law in May 2007, ruling that its definition of collaboration was too broad and that the absence of a right of appeal was unconstitutional.¹²³

Through these lustration procedures, those who had had significant contact with the Communist security services were pressured to revise the way in which they publicly presented their activities under Communism.¹²⁴ Individuals who had worked with the former security services could avoid sanctions if they were prepared to admit to their role under the previous regime and define themselves as collaborators. Individuals had to declare whether they had been full-time employees of the security service or secret informers. If they admitted their complicity, no further investigation took place, while all those who answered in the negative were further investigated via the institute's archive.¹²⁵ Legal punishment was not administered primarily on the basis of past collaboration, but rather because of lying on the vetting form: depending on the seriousness of the falsehood, individuals could be excluded from public office for between three and ten years.¹²⁶ If a person declared that he or she had been a collaborator on the lustration form, there would be no further investigation, since it was deemed sufficient that the person concerned had made a public declaration of past activities.¹²⁷ This process was considered adequate as it was expected that further informal punishment would be likely to be meted out by the public: those who stood for election would not be voted for, while others would be shamed.¹²⁸ The mechanism was not therefore designed in the first place to punish people for past misdemeanours but rather to encourage individuals to conform to new understandings of past behaviour

deemed appropriate by post-Communist political elites: the readiness of the individual to accept society's new categorization of their past actions as that of a 'collaborator' was considered more significant than the actions themselves.¹²⁹

The archives of Institutes of National Memory were not only used to pressure individuals into re-imagining themselves through totalitarian categories (such as perpetrator) to avoid punishment; files could also be used to encourage individuals to define themselves as victims or resisters in order to receive greater rights or social privileges. In Poland, individuals needed to enquire officially whether they had been 'victims of surveillance', and be defined as such by the institute, in order to obtain access to their own Communist-era files (before the new lustration law of 2007 ended this restriction). Other institutes in central eastern Europe offered the possibility of social and financial advantages if individuals were prepared to ascribe certain totalitarian identities to themselves, provided such identities were subsequently confirmed by their archives. In Romania, individuals could apply to the Council for the Study of Securitate Archives to be recognized as a victim and be awarded a special pension or granted the status of 'revolutionary' for taking part in the overthrow of the Ceauşescu regime. If such recognition was granted, individuals might be awarded free commercial space and tax breaks on their businesses and personal incomes. In Lithuania, the Genocide and Resistance Research Centre could ascribe post-Communist citizens legal identities as volunteer fighters, freedom fighters or victims of the Communist and Fascist systems, depending on the findings of a monthly commission which considered individual submissions and eyewitness accounts. These bodies therefore not only helped construct new histories that invoked the analytical categories of victim, perpetrator and resister, they also managed processes through which post-Communist citizens were encouraged, or even pressurized, to imagine their past lives in such terms.

Conclusion

Many post-Communist elites viewed the 1989 settlements as unfinished and looked to 'complete the revolution' in the decades that followed. Although some radical anti-Communists saw the removal of former 'collaborators' from public office as central to this task, judicial approaches were of relatively little significance in the two decades after the collapse of Communism. More common were the attempts to remould collective memories that were carried out by History Commissions and Institutes of National Memory. The rationales behind these bodies differed significantly. History Commissions emerged in

anticipation of post-Communist countries' accession to the European Union, and hence regarded themselves as explicitly political interventions that were essential to the modernization and westernization of their nations' historical consciousness prior to their encounter with Europe's cultural and historical norms. Institutes of National Memory, by contrast, presented themselves as apolitical institutions which both regulated access to the voluminous files of the former security services and employed them to arbitrate in disputes in order to forge a more cohesive post-Communist culture, whose political fissures were often based on divided memories of the past. Despite these differences in rhetorical self-justifications, however, the different bodies' aims were in fact quite similar: both viewed the completion of the revolution in terms of providing a new liberal collective memory that would bind a post-Communist population to democratic development. They did not, by and large, see the struggle against Communism as something that still needed to be fought, as radical anti-Communists did; rather, their approaches embodied the idea that post-Communist populations needed to be shown that they had already escaped from a criminal past and that this realization would help them to identify fully with a post-Communist present based on the rule of law and human rights. This moderate liberal model of dealing with the past was sometimes put under strain, however: both the Romanian Presidential Commission and Polish Institute of National Remembrance were pressurized by more radical anti-Communists to contribute to a historical culture in which former perpetrators could be more aggressively pursued. For the most part, however, they remained close to their more limited and less explicitly politicized visions.

Some critics noted that, although they were propagating an essentially liberal history of their nation's escape from a criminal world into the arms of a liberal democratic system, they used methods that might be considered illiberal. These were not initiatives fundamentally concerned with the democratic pluralization of memory, rather they were moral-political projects that had at their core the notion that the legacies of Communism could be best overcome through a powerful institution forging a unitary interpretation of the past from above. For them, democratic remembrance did not mean the nurturing of a culture that encouraged multiple competing accounts of historical experience. This was because, they argued, too many of these alternative versions were based on historical falsehoods and misshapen memories derived from the experience of Communism. Hence, methods that enabled the collection of 'plural memories', such as oral testimonies gathered at Truth Commissions elsewhere in the world, were rejected. These approaches embodied the idea that a new liberal memory had to be created from above, by state institutions,

on the basis of files put together by the previous regime. Indeed, the archives of the former security services were an ideal instrument through which to engender this revolution in collective memory. They allowed History Commissions and Institutes of National Memory to authenticate themselves as apolitical explorers in search of the truths that the Communists had once tried to repress, while simultaneously providing them with powerful, credible sources that reduced the Communist past to an account of its criminality, and could be used to pressurize post-Communist citizens to re-imagine themselves as collaborators or victims of the previous regime. Yet – as the Romanian Presidential Commission demonstrated – it was far from clear that top-down approaches were capable of engendering a new elite or popular consensus over how the Communist past should be overcome.