

# Transitional Justice: Between Political Myth and Civil Society Reality

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**Abstract:** Transitional justice emerged as a working concept from the need to clarify the relationship between victims and perpetrators and the latter's guilt, after the collapse of abusive regimes in Africa, Latin America and Eastern Europe. Since 1995 it has been defined in many ways, by many scholars, according either to its means and goals or to its actors. It has become a very broad concept, describing actions of justice, reparation, search for the truth and reform. While transitional justice policies should result in giving more coherence to a shattered society, there are at least two threats that must be taken into consideration. One is to transform it into a political myth, by allowing the political factor to confiscate it, the other is to expand its area of concerns in order to cover aspects of daily social problems. The role of the civil society is very important to limit these threats, although what it is that we name "civil society" is still under scholarly debate. The analyses published in this issue of *History of Communism in Europe* cover these problems in their case studies which come from Latin America or the former Soviet bloc. Most of them stress on the very important role the grassroots actions of members of civil society have on "settling accounts" with the past, actions that seem to be born out of the inefficient "official" measures taken at state level.

**Keywords:** transitional justice, political myth, civil society, Latin America, Eastern Europe.

## *Introduction*

Transitional justice is closely linked to politics and policy making – because it is state – institutionalized, even if there are grassroots actors who try to influence it, and because its actions are translated into policies of memory. These are rarely a negotiation between the governmental institutions and

organizations of the civil society. Rather they reflect the national or official memory discourse, apart from the cases where grassroots actors take the matters in their own hands, symbolically speaking. These actors are parts of the collective memory vectors, which are enumerated by Henry Rousso as the following<sup>1</sup>: official vectors (commemorations, monuments or celebrations which take place occasionally or with a certain periodicity, with the role of organizing memory in the name of the state, the nation or the administrative unit, by giving it unity – among these vectors is the judiciary system); associative vectors (deportees, resistance fighters, dissidents, who are organized in groups with the specific purpose of organizing and unifying certain parts of the collective memory which are directly linked with their experience – they are the guardians of a “frozen” recollection, either defensive or offensive, of the event); cultural vectors (cinema, literature, TV – they act at a different level, anarchically and spontaneously and have a rather implicit message); scholarly vectors (they reconstruct and spread a coherent version of the facts, formalizing different reads of an event – history books, school curricula, ways of social transmissions). Among these, especially the associative vectors structure collective memory, which remains diffuse due to ideological and political antagonisms. They create competing representations and, might I add, support the clashes of memories.

### *Transitional Justice as a political myth*

Transitional justice policies try to address the sufferings of citizens in former abusive regimes. Following Paul Ricoeur<sup>2</sup> on his philosophical enquiries on the discourse of the moral evil inspired by the Jewish-Christian theology, we find that moral evil is always in relation to causing suffering. It has, thus, a dialogical character, because the evil committed by one person results in the pain suffered by the other. Transitional justice theories try to establish the components of this “dialogue”, and ideally reverse the situation, at least from a moral stand. In order to provide an overview on the societal relations that result in suffering, Ricoeur engages in an analysis regarding the stages of discourse on the speculation on evil, throughout the history of religious philosophy. The first one is the level of myth, which encloses the light and the darkness of the human condition, due to the ambivalent character of sacredness. Also, it encompasses the fragmented experience of evil in cosmic grand narratives of origin, articulating it in speech. The second one is the level of wisdom, where myth serves not only to describe the human condition, but also to argue why it is as such. In this stage of the discourse, retribution is the main explanation: suffering is the punishment for sin, but when suffering is considered

<sup>1</sup> Rousso 1987: 251-253.

<sup>2</sup> Ricoeur 2008: 22.

undeserved, lamentation becomes contestation. The level of gnosis further explains the existence of evil through the imperfection of the human being as a creature. In this stage, the question *how do we cause evil?* becomes *why should we cause evil?* thus transferring this problem in the sphere of action and of free will. The retribution becomes in this stage historical and it is linked to the original sin<sup>3</sup>.

Furthermore, writes Ricœur, the question of evil is not just a speculative question, since it requires a convergence between thought, action and sentiment. In terms of thought, an enigma is an initial difficulty, close to lamentation, and *aporia* is a terminal difficulty, generated by the travail of thought itself, included in *aporia*. In terms of action, instead of asking the question on the origin of evil, the question is *what should we do against evil?* This question refers to future actions, in the idea of a task that must be dealt with. This does not imply losing the sight of suffering: "Violence continuously re-establishes the unity between moral evil and suffering. As a consequence, any action which is ethic or politic that diminishes the amount of suffering that people cause to each other also diminishes the amount of suffering that exists in the world"<sup>4</sup>. An objection to the practical answer would be that the suffering caused by human beings is arbitrary and non-discriminative, and many victims consider it unjust. Besides, there are other sources of suffering, beyond unjust action: natural disasters, diseases, epidemics, death.

Through this analysis of the human condition, Ricœur tries to connect the individual experience of moral evil and suffering to that of the community, by stressing the fact that there is both a societal and an individual responsibility in preventing violence. He writes:

I wouldn't separate these solitary experiences of wisdom from the ethic and political battle against evil, which can reunite all human beings of goodwill. In this battle, these sorts of actions are, like actions of nonviolent resistance, anticipations in the shape of parabolas of a human condition in which, once the violence suppressed, the enigma of the true suffering, of the irreducible suffering, could finally be exposed<sup>5</sup>.

Paul Ricœur's analysis on moral evil and suffering is quite relevant for discussing transitional justice, since he identifies violence as a cause that should be neutralized through collective human effort. In this respect, transitional justice appears to be such an attempt, a process<sup>6</sup> of discarding the historical moral evil from the collective memory, by employing a myth of reparation and retribution that serves as a solution to the many problems of transitional societies. I discuss the concept of myth in this context in the way Ricœur

<sup>3</sup> Ricœur 2008: 26-33.

<sup>4</sup> Ricœur 2008: 53.

<sup>5</sup> Ricœur 2008: 58.

<sup>6</sup> More on transitional justice as a process in McAdams 2011.

employs it, as an articulation in speech of the cosmic grand narrative of the battle between good and evil, with consequences in the political discourse where the transcendental aspect is replaced by the immanence of social and political relations.

In this respect, the concept of myth has been enriched with new connotations by scholars like George Sorel among many others, connotations undertaken by political scientists like Michael Shafir or Vladimir Tismaneanu. The latter two follow Sorel in considering myth “identical to the convictions of a group, being the expression of these convictions in the language of movement; and it is, in consequence, unanalysable into parts which could be placed on the plane of historical descriptions”<sup>7</sup>. Shafir and Tismaneanu consider important especially the mobilising power of myth, as one coherent, unitary image of an idea that is translated into action<sup>8</sup> (while they explicitly take their distance from Sorel’s theories<sup>9</sup>).

Furthermore, Tismaneanu elaborates on what political myths are and what functions they have in transitional societies, especially in post-communism: providing the citizens an easily recognizable but vaguely defined source of identity which can be either ethnical or political; using terms of collective guilt and collective punishment; favouring a politics of anger and resentment and capitalizing on aspirations and grievances; providing “fast, clear-cut explanations for the causes of the ongoing troubles”<sup>10</sup>. Among the themes they revolve around are victimhood, martyrdom, treason and conspiracy, salvation and charismatic saviours. Moreover, myth is considered to be “a fundamental datum of the political world”, mainly in divided societies with problematic democratic traditions, “it has the power to offer relatively facile explanations for perceived victimhood and failure”, to mobilise and “instigate large groups into action”<sup>11</sup>. Its main function is to “imagine a reality in accordance with certain political interests”, by augmenting some authentic elements and drawing its power from its “conceptual timidity”<sup>12</sup>. In the same time, society needs myth as a “fantasy of a better world”, especially when it offers space and support for dialogue and images of a free community with equal individuals. It is a matter of interpretation, but it is certain that myth is needed for creating links in the society and for empowering grassroots democracy and civil society, concludes Tismaneanu<sup>13</sup>.

In what way could transitional justice be considered a political myth? Sorel’s example of a political myth is the general strike, of which he states that it

<sup>7</sup> Sorel 2004: 29.

<sup>8</sup> Shafir 2006: 132; Tismaneanu 1998: 13.

<sup>9</sup> Shafir mentions him as a protofascist, in his analysis.

<sup>10</sup> Tismaneanu 1998: 8.

<sup>11</sup> Tismaneanu 1998: 9.

<sup>12</sup> *Ibid.*

<sup>13</sup> Tismaneanu 1998: 21-23.

engendered in the proletariat the noblest, the deepest and most moving sentiments that they possess [...] the general strike groups them all in a coordinated picture and, by bringing them together, gives each one of them its maximum intensity [...] appealing to their painful memories of particular conflict, it colours with an intense life all the details of the composition presented to the consciousness<sup>14</sup>.

From this description I conclude that myth is the representation of a specific action, mixed with elements of collective memory (which also implies the presence of emotions), that mobilizes to action. Unlike strike, which might be defined as an action of insubordination and protest, transitional justice is a set of measures taken at the judicial, administrative, and political level. Therefore it has multiple elements in which its representation might be split into, thus being far from the historical unitary force Sorel mentions. It does not encompass the interests of a single social class, since it runs across several social categories, from peasants, to workers and intellectuals. Therefore it has multiple representations and inspires multiple attitudes and actions. It is more like a puzzle that needs its pieces put together in order to “build” the image of democracy “correctly”.

But transitional justice has a powerful symbolic component, which comes from its intrinsic relations with politics and history. It draws its mobilizing force from the eternal “good” versus “evil” divide, which is a fundamental character of mythical narratives, as stressed by Ricœur (among many other scholars). As explained earlier in this paper, the dialogical aspect of moral evil causes suffering and victims. Victims become a new social category<sup>15</sup>, united not by same economical interests and positions in society but by the same experience caused by the confrontation with the “moral evil”. Transitional justice becomes in this case a teleological concept that represents this group’s image of the action that needs to be taken in order to achieve balance in the new societal order, sustained by a narrative template comprising a few necessary steps: identification of the perpetrators, their exclusion from the society, symbolic or specific punishment, and retribution for the victims. Regimes of knowledge<sup>16</sup> are also changed in order to incorporate this narrative template, and we can even speak of transitional regimes of knowledge that prescribe the new “acceptable” truths of society. It is in this context that we can understand why Ruti Teitel looks at “historical justice” in transitional societies, because historical narratives change according to the regimes of knowledge that establish truth<sup>17</sup>. Moreover, Teitel argues, transitional history is shaped by successor trials, which are used to set straight historical accounts in political transitions, having an important role in “the process of delegitimizing the predecessor

<sup>14</sup> Sorel 2004: 118.

<sup>15</sup> Dingan 2005: 14.

<sup>16</sup> In the sense Michel Foucault uses the term, as cited by Jorgensen and Phillips 2002: 13.

<sup>17</sup> Teitel 2000: 71.

regime and, relatedly, in establishing the legitimacy of the successor regime.”<sup>18</sup> Ruti Teitel stresses the idea that the former regime must be publicly discredited, so that its ideology is eliminated from society<sup>19</sup>. In other words, one regime of knowledge must be replaced by another, both in terms of social practices and symbols. I consider that transitional justice actions pursued by the state institutions do exactly that, and their role is mostly to attest a continuation of state identity, observes Teitel, thus contributing to state building. But this is one of the paradoxes which show the mythical character of transitional justice: continuation and rupture with the past must coexist in order to preserve identity, just as good and evil coexist in the cosmogony of origins. Returning to Ricœur’s analysis on the discourses of the “moral evil”, we also find that the stage of retribution does not extract the victims from the circle of their own suffering, therefore they are not prepared to contribute to the extinction of violence from the society and eliminate that part of suffering of which human beings contribute to. In his *Fantasies of Salvation*, Tismaneanu observed together with important dissident figures in Central and Eastern Europe that structural and cultural violence<sup>20</sup> still persists in the society and is further replicated in institutions.

Drawing on the theories of political myth mentioned in the first part of the article, we can notice that transitional justice has many of its characteristics: divides the community into victims and wrongdoers and more often than not uses labels in determining the enemies of the new regime, i.e. in Central and Eastern Europe, communists, reformed or not; it takes the shape of a promise of a better life for the victims, after implementing policies of retribution; it lays all the blame for the “moral evil” of the “new” society on the predecessor regime, implying that a societal cleansing of all its reminiscences leads to a better life. Transitional justice as a political myth is a “fantasy of a better world” and it generously offers potential tools to achieve it, whether they work or not.

Scholarly literature on this expanding area of research explores these tools and scholars are more and more sceptic. For example, Austin and Ellison remarks that transitional justice in Albania was a difficult process with no significant end results because it became politicized and revolved around vengeance, as it was used “by both left-and right-wing parties to weaken their opponents, with disastrous implications for Albania’s overall transition from communism to democracy”<sup>21</sup>, a situation partly applicable for Romania too. Regarding transitional justice in conflict zones and human rights abuses, those directly involved admit that “international attempts at securing justice reflect

<sup>18</sup> Teitel 2000: 72-73.

<sup>19</sup> Teitel 2000: 73.

<sup>20</sup> For a theory on structural and cultural violence see Galtung 1990.

<sup>21</sup> As cited in Austin and Ellison 2008: 374.

very real political compromises”<sup>22</sup>, while scholars point out that there are clear limits to law, especially when human rights violations on large scale are concerned, because “it is impossible to prosecute everyone”<sup>23</sup>.

There are enthusiast scholars as well, and the mythical aspects of transitional justice are enhanced by their theories: Human Rights researcher Danielle Celermajer pleads for creating specific rituals for transitional justice, if the ones we have cannot be attended in sufficient honesty (especially by politicians). She affirms that rites are important because during their performance the participants symbolically take part to the true and just world these rites envision, therefore rituals of transition

have potentially transformative effects, and [...] that significant work remains to be done in achieving efficacious rituals of transition, not least because our cynicism about such work has undercut our attention to developing the necessary knowledge and sensibilities<sup>24</sup>.

Celermajer gives the example of public apology as a rite of transitional justice.

But as Szelenyi et. al argue, the rites of transition are far more complex than those of performance (which are, in one way or another, part of the ensemble), and they include: sacrifice “for the sake of the future”; purification “of the sins of the past” and of the “corruption suffered under communist rule”, of the human material “polluted by communism” through lustration; and finally confession, in order to forge “a moral community” and “demystify the evil nature” of the previous regime, a ritual followed by mock trials in Central and Eastern Europe, conducted by historians and researchers in order to promote and validate these confessions and chase away “the ghost of communism”<sup>25</sup>.

Thus the process of transitional justice is believed to be transformative in the sense that it can radically change society. In this respect, its promoters, be they members of the civil society or theoreticians of politics expect miracles. Scholars argue that works on transitional justice could develop mechanisms for violence prevention, enhancement of human rights culture, or establishment of a secure environment for citizens<sup>26</sup>. They consider that in unstable societies transitional justice policies should address even aspects of social justice and gender equality<sup>27</sup>, besides its classical “goal” of reconciliation and resolution by discovering the truth<sup>28</sup>. Other scholars, like Anne Leebaw, consider these latter goals as questionable, since truth commissions and criminal

<sup>22</sup> Boraine 2006: 18, citing professor Noah Novogrodsky, who worked in the Special Court in Sierra Leone.

<sup>23</sup> Boraine 2006: 19.

<sup>24</sup> Celermajer 2013: 287, 305.

<sup>25</sup> Eyal, Szelenyi, Townsley 1998: 102-109.

<sup>26</sup> Hamber 2007: 375.

<sup>27</sup> *Ibid.*

<sup>28</sup> Leebaw 2008: 96.

tribunals investigate violent histories and open up wounds, having the potential of generating political instability. She also draws the attention on the fact that law is ambivalent in itself: it can be a tool for justice and power limitation but just as well it can be used to legitimate abuses of power<sup>29</sup>. Therefore, she states, transitional justice practices have inner tensions which should be more seriously taken into consideration, such as the contrast between their role to “expose, remember and understand political violence” and their role as tools for establishing stability and “legitimizing transitional compromises”<sup>30</sup>. Furthermore, transitional justice should deal with other aspects of crime, consider some scholars, such as daily criminal activities, since communities face ordinary violence and high rates of criminality in their everyday life, especially in after conflict situations<sup>31</sup>.

Very recently just the opposite opinion emerged among researchers: actions of transitional justice are dispersing in too many areas: “justice, accountability, truth telling, reconciliation, reparation, prevention of future human rights abuse, conflict resolution and conflict prevention”, without a clear vision on how all these relate to each other, how these aspects should be prioritised, or on the manner of approach<sup>32</sup>. Christian Bell argues, in this respect, that transitional justice appears more and more to be a “cloak”, or a “label that gives apparent coherence to particularized practices of conflict resolution emanating from diverse contexts and diverse actors with diverse goals”<sup>33</sup>.

All these high expectations of transitional justice processes and tools to reconstruct the society in all of its aspects reinforce the idea of a myth. Its limits are, unfortunately, clearly shaped by several factors: scarcity of resources, (un)reliability of archival proofs (an ongoing debate especially in post-communist societies), and interpretation of truth. Jon Elster refers to the first limitation as an explanation of the low levels of retribution and reparation due to scarcity of money and personnel, while low levels of prosecution are an effect of scarcity of competent and untainted legal personnel. At the same time, the time interval between the moments of wrongdoing and the transitional period is important, because the “retributive emotions” decay over time. Another very important aspect that limits transitional justice is the political struggles<sup>34</sup>, which, I might add, draw much on the collective memory of the victims and ideologize history.

<sup>29</sup> Leebaw 2008: 97.

<sup>30</sup> *Ibid.*

<sup>31</sup> Mack and Leonardo 2012: 176.

<sup>32</sup> McGregor 2013: 30.

<sup>33</sup> Bell, cited in McGregor 2013: 30.

<sup>34</sup> Elster 2006: 8-12.



*Civil Society Reality*

Civil society has been defined in many ways, but probably one of the most extensive definitions belongs to Thomas Carothers, who considers it “a domain parallel but separate from the state”, “a realm where citizens associate according to their own interests and wishes”<sup>35</sup>. It is not necessarily composed only of moral citizens defending democracy, but rather it is “a bewildering array of the good, the bad and the outright bizarre”, thus being a mix of interests, among which democracy does not necessarily occupy the first place<sup>36</sup>.

Civil society may also be analysed according to the collective memories of the events it had been exposed to. As mentioned in the first section, collective memory is shaped by several vectors, which may also mark divisions in the civil society. The “associative vectors” are constituted by victims – deportees, fighters in resistance, political detainees, and dissidents. They are organized in groups which unify only parts of the collective memory, freezing it in certain representations, which constitute representations of the parts of the civil society involved in the transitional justice processes. In bourdesian terms, different vectors of collective memory are constituted by social agents who use symbols to construct their group identity and try to impose their own vision on the world/over the events<sup>37</sup>. Their representations are often conflicting, emotional and selective, easy to be involved in the antagonizing political struggles mentioned in the first section of the article. These civil society associations deeply believe in the myth of transitional justice, even if they are divided in their representations of what, how and by who this should be accomplished. Not all of them are necessarily democratic, because there are organizations in support of extreme ideas, or with members nurturing extreme ideas, or even trying to impose their opinions as the general “public opinion”, but their efficacy is unquestioned<sup>38</sup>. Civil society is believed to be a mechanism for controlling the power of the state<sup>39</sup>, but in the same time associations constituted by victims are too vulnerable and too divided on ideological and collective memory issues in order to stay strong when it comes to political struggles. While the fundamental role of grassroots movements is to produce counter-discourse, when it comes to transitional justice, the national collective memory discourse is sometimes supported and reproduced by victims’ associations because it is the victors’ memory and history that matter. In other times, the need to tell the story prevails and it takes informal, artistic shapes that are exposed in the local public space, unfortunately not powerful enough to reach wider audiences.

<sup>35</sup> Carothers 1999: 18.

<sup>36</sup> Carothers 1999: 20.

<sup>37</sup> Bourdieu 2012: 146.

<sup>38</sup> Hovil and Okello 2011: 334.

<sup>39</sup> *Ibid.*

In the same time, justice is clearly too abrupt of a concept to use in certain cases of history and memory where the grey zone persists and it is impossible to distinguish nuances, especially in cases of Central and Eastern Europe countries that faced double authoritarian regimes, the fascist and the communist one. Tismaneanu and other scholars argue that in these countries the process of transitional justice, de-communization - to be more specific, should also involve a discussion on what the fascist rule meant for their history and citizens, while most of the anti-communists, former victims (or pretended victims) argue against this vision. Nevertheless, one must be very careful when using such conceptions: during the interwar period anti-communism meant basically fascism. A danger for the transitional justice discourse is to pick out these so called “floating signifiers” and reproduce them, thus reproducing a violent but reversed system of beliefs<sup>40</sup>.

Therefore, transitional justice as a political myth might also trigger actions of vengeance, and the former victims may become the new prosecutors.

In the same time, society needs myth as a “fantasy of a better world”, especially when it offers space and support for dialogue and images of a free community with equal individuals. It is a matter of interpretation, but it is certain that myth is needed for creating links in the society and for empowering grassroots democracy<sup>41</sup>. In this respect, grassroots transitional justice also implies a process of inclusion of the previously excluded or of searching of an original manner to do justice to collective memory.

Articles in this issue of *History of Communism in Europe* approach the problems of transitional justice mostly from this perspective, offering case studies from transitional or post-transitional societies still dealing with past situations of criminality in Central and Eastern Europe or Latin America.

Dealing with the past in post-transitional societies is somewhat different than in transitional societies, and the difference stands in the fact that the former are more stable societies. Together with the passage of time, the memory of the events is not that “hot”<sup>42</sup> anymore and trials are useful for a “reconstruction” of memory<sup>43</sup>. Other differences are: post-transitional justice deepens democracy; re-evaluates the measures taken during transitional justice; is mostly driven by non-state actors, above and below the state; different actors have different goals; and it is more internationally based<sup>44</sup>. While Romania, for example, might be considered a post-transitional society since its integration in

<sup>40</sup> On the definition of “floating signifier” see Laclau 2005; on the link between history and concepts see Koselleck 2009; on cultural violence see Galtung 1990.

<sup>41</sup> Tismaneanu 1998: 21-23.

<sup>42</sup> The difference between “hot” and “cold” memories is introduced by the historian Charles S. Maier 2002. He uses these metaphors to differentiate between the memories of Fascism and Communism according to the intensity of feelings they stir in the present, as quoted by Hedvig Turai 2009.

<sup>43</sup> Davis 2013: 17.

<sup>44</sup> Davis 2013: 18.

the Euro-Atlantic structures, we cannot speak of post-transitional justice as described above. Indeed, the actions against the criminals of the previous regime deepen democracy and they re-consider and complete in the same time previous (more or less failed) attempts. In the same time, the most prominent actions are still those of state institutions. Moreover, Romania hasn't faced yet a public trial of communist criminals. It hasn't developed a jurisprudence and the narratives on communism haven't been put under real public debate.

The article that deals with transitional justice in Romania, Camelia Runceanu's "Le « procès du communisme » et les formes de la rhétorique de l'« anti-communisme » dans la presse intellectuelle roumaine au début des années 1990", approaches the beginning of transition in Romania and the project of trial of communism as proposed by the Romanian intellectuals. She discusses the manner the intellectuals were divided ideologically between "anti-communists" and "neocommunists" and especially how the category of "anti-communism" emerged, has evolved and has been used in different intellectual productions. Runceanu observes that the intellectuals had themselves been formed in the communist regime but after 1989 they were forced to define their identity according to the gaps in the political space. Parts of them have designated themselves as "anti-communists" and have resorted to individual or/and collective memory as a strategy for legitimating their political commitments. In their discursive strategies, they managed to impose specific representations of the communist past which also contributed to their legitimation as public intellectuals in the context of the fall of the communist regime.

Csaba Varga's theoretical study, "Transitional Justice. Philosophical Foundation and Constitutional Rejection in Hungary", questions the problem of the rule of law when it is influenced by political intervention and pressure that limits even the actions of the Constitutional Court. Varga argues that the first interpretation of the statute of limitations by the Constitutional Court in the beginning of the '90s in the limit of legality defends former criminals, further enables the violation of human rights and under no circumstances does it allow the successor regime to clearly break with the previous, criminal one. A Hungarian 1991 law tried to reset the statute of limitation for the crimes committed between 1944 and 1990, especially those regarding the 1956 Revolution, crimes which had not been prosecuted because of political reasons. The Constitutional Court blocked this initiative, considering it contrary to the rule of law<sup>45</sup>. The fact that the decisions were taken in the early '90s under the pretext of "constitutional adjudication" meant that there were no legal or political possibilities to hold the Court responsible. Moreover, under the pretext of the rule of law, crimes remained unpunished and the prosecution of the past has become a "travesty of legality", concludes Varga, citing Sadurski's concept.

<sup>45</sup> Kritz 1995: 646.

Olivera Simić's article on Serbia, "The Day After: Ex-Combatants Perform Live in Belgrade Theatre", brings into attention the situation of ex-combatants in war, excluded from the society. The lack of government action in the direction of transitional justice gives the society the opportunity to get involved. Among the initiatives developed in order to raise awareness on the crimes committed by Serbs, many of them are art-based projects. One example of grassroots civil society taking the problem in its own hands is coming from Belgrade: staging a theatre performance called *Tanatos*, a local group (*Hajde da...*) uses the experience of ex-combatants in theatre plays. They bring four former soldiers on the stage to share their stories and after the performance they allow the public to meet them in an open question and answer session. This kind of performance is called "documentary theatre" and its purpose is to "do justice differently". Considering that the number of ex-combatants in Serbia is situated between 400000 and 600000, it is important to involve this category in public discussions of the past. The statute of ex-combatants is special because Serbia never admitted to declaring or being involved in war, therefore they are officially a non-existent category. Therefore, the Serbian state has never assisted them in their economical or psychological struggles, abandoning them to the feeling of being "manipulated, misused and left at the edge of existential collapse". This play is an opportunity for ex-combatants to tell their stories. Unfortunately, the Serbian public hasn't been very opened to the issue. The performance started in 2010 but it has been staged only a dozen times in two cities, Belgrad and Pancevo, while other cities haven't been eager to host the show. It is also questionable that it can cross borders, since this case's victims are considered perpetrators in the neighbouring countries. But in the end, the play initiates a discussion on the Serbian contribution to war, constituting an informal mechanism of transitional justice.

Another informal mechanism of transitional justice is analysed by Andreas Hemming, in his article "Justice of another kind. Laying claims to the past in post-dictatorial Albania". As we have already seen in a previous section of this article, in Albania the process of transitional justice has taken up the path of a political fight, while the true problems of the communist regime haven't been yet in discussion, not to mention scholar scrutiny. In this country's case, too, the people have taken the problem of the past in their own hands. They focus on reconciliation and they use historical writings in order to do that. Local publishing industry has been flourishing in this context, providing the people the necessary space and tools for spreading their works regarding their memories and experiences during the communist regime. Writers most often deal with local and family histories, that are situated in a rural environment, with visions on the past so abruptly divided that "(perceived) justice and injustice shape everyday life". These writings go beyond autobiographical memories. The authors are their own publishers, together with their families, and they are also responsible for advertising and distributing their books. They also

have to finance this entire enterprise. But their endeavour is important because it is the only way for them to come to terms with the communist past.

In Latin America, collective memory narratives of the leftist political activists imprisoned during the Cold War started to be recorded in the mid - 2000s. Rebekah Park's article, "Remembering Resistance, Forgetting Torture: *Compromiso* and Gender in Former Political Prisoners' Oral History Narratives in Post-dictatorial Argentina", analyses both the stories and the gendering of their narrations. The stories are recollections of the "dirty war" started by the armed forces which took over the power in Argentina, replacing the Peron regime. Although the new government apparently slowed down the inflation and installed political stability, in essence it continued to chase and eliminate all the members of the left opposition, causing the disappearance and killing of 10-30000 people<sup>46</sup>. The detention centres were clandestine and the incarceration conditions where unimaginable. The author interviewed 39 such former political prisoners, men and women, and tried to analyse their memories in order to find differences according to their gender. The author finds that men tend to connect more their actions to values and consider them framed by history, while women describe their personal experiences. Park argues that it is important to observe the gendered distinction between telling stories, because it speaks about how spaces are memorialized and how social transformation takes place, even though this process is considered to be "gender-neutral".

In conclusion, the articles in this issue of *History of Communism in Europe* are an invitation to reflect on the many narratives different "social agents" or members of "collective memory vectors", or even "interest groups" in transitional societies produce and how they contribute to or clash with the grand national political myth of transitional justice that state institutions generate and reproduce. In the present case studies, different groups and actors of the civil society – be they formed of renowned intellectuals, anonymous former prisoners or ex-combatants – have tried to tell their stories. And they did so either to ensure that their sufferings are recognized in the present and cannot be forgotten or to reinforce their moral stand and gain influence in the society. It is important to notice that the different groups of the civil society started to act mostly when state institutions had been inefficient in doing justice but very efficient in producing mobilizing political discourse, transforming the process of transitional justice into a political myth.

<sup>46</sup> Kritz 1995: 323.

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