The Vanishing Truth?
Politics and Memory in Eastern Europe

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In Eastern Europe, the post-communist transformation has been as much an effort to come to terms with the horrors of the communist past as to build a future stable democratic order and address present socio-economic problems. As part of transitional justice, the political process which allowed countries to deal with their recent past, Eastern Europeans have adopted different methods at different paces and at different times. After some initial hesitation, post-communist governments have opted for a combination of lustration, a screening process allowing the ban of communist officials and secret political police agents from post-communist politics, court proceedings and trials prosecuting communist leaders and secret informers, public access to the secret files compiled by the political police, restitution of property abusively confiscated by the communist authorities, rehabilitation of former political prisoners, and formal public condemnation of the abuses perpetrated by the communist regime and its willing executants. In one form or another, these policy options were meant to sift the historical truth from the official lie about the communist past, to identify the mechanisms of repression employed to quash dissent and opposition, to establish the link between the communist party and the political police, to catalogue the manifold crimes of the outgoing regime, and to sort the villains (the communist torturers) from the angels (the victims of the communist regime). In short, they were meant to help rewrite recent history by renouncing the communist ideological canon in order to providing a truer picture of life in the people’s democracies.

Regardless of their chosen method of effecting transitional justice, and the pace at which the process was allowed to unfold, Eastern European countries have seemingly shared a number of myths regarding their politics of memory. Rather than being coherent systems of thought explaining reality, these myths are beliefs whose foundations transcended logic, and thus it is unlikely that any amount of evidence can shatter their pseudo-cognitive immunity. These myths revolve around several fundamental assumptions, presumptions and simplifying arguments which have informed public policy in the area of transitional justice, underpinned public debate regarding the utility, desirability, legitimacy and feasibility of the process, and occasionally framed the scholarly literature examining national efforts of dealing with the authoritarian past. Many an observer of post-communist transitional justice has fallen prey to these ‘mythological constellations’, as French anthropologist Gilbert Durand termed mythical constructs belonging to a common theme and structured around a central vision.\(^2\) The myths presented here were identified in my conversations with Eastern European researchers studying the topic, as well as with politicians developing relevant legislation and civil servants implementing it.\(^3\) It remains to be seen whether recognition of the existence of these empirically un-tested myths will lead to a paradigm shift in the way country cases are analyzed and policy proposals formulated. It is evident, however, that an increased number of researchers working on transitional justice question some of these fundamental assumptions in response to growing theoretical and empirical evidence attesting to their resilience.


While myths have been a fundamental datum in the political world, especially in such societies beset by discord, enmities and problematic democratic traditions as Eastern European societies have been, political scientists have generally paid little attention to them, preferring instead to emphasize the importance of rational mental constructs determining political behavior and public policy choices (including rational choice and game theories). I prefer to call these untested assumptions myths because they have been diligently used to analyze the communist past, without ever being themselves subject to any systematic analysis. They were widely shared well before any empirical evidence could be presented to prove, disprove or amend them. Moreover, individuals have supported them with an ardor mimicking religious faith more than academic dispassionate analysis. The passion with which these mental constructs have been defended or combated has elevated them above the level of simple assumptions one might be willing to discard in the face of reliable evidence to the contrary. These privileged assumptions can be termed myths also because they “are filled with the most violent emotions and the most frightful visions,” as philosopher Ernst Cassirer perceptively wrote. While stubbornly neglected or quickly dismissed as unserious, the myths transitional justice theorists unconsciously shared have informed public policy, affecting millions of lives and determining our chances to obtain a clear picture of the virtues and shortcomings of the communist political system.

Rather than wild justice or no justice at all, policies of post-communist transitional justice have offered partial justice, and therefore constituted a politically feasible and morally defensible solution that was, nevertheless, far from being perfect. Terms with slightly different connotations have been used to refer to policies adopted as part of the third wave of democratization in the late 20th century, when so many countries faced the dilemmas of justice and political and economic

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double transitions.⁵ These terms, which include ‘transitional justice’, ‘political justice’, ‘the politics of memory’, ‘coming to terms with the past’, ‘de-communization’, and ‘truth and justice’, will be used interchangeably in this presentation. By now all countries in the region, except parts of the war-torn former Yugoslavia, have adopted at least one transitional justice method, proving that, despite some initial hesitation, none of them were content to embrace the Spanish way of “forgetting and forgiving” past wrongdoings and providing blanket amnesty for all perpetrators of the ancien regime. Note also that Truth and Reconciliations Committees and International Tribunals, which proved effective tools of getting closure for past injustices in African and Latin American countries, were unpopular in Eastern Europe.⁶ Instead, post-communist European countries have preferred to set up independent governmental agencies as primary vehicles of transitional justice acting as custodians of the secret archives generated by the communist political police, granting file access to citizens upon request, and identifying those secret agents involved in human rights violations (and, in some countries, making these individuals known to the public). The responsibilities and competencies of the agencies differ widely, with the German so-called Gauck Institute being hailed as a model of efficacy, and the Slovak and Polish Memory Institutes being criticized for failing to fulfill their mandate.⁷

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⁶ The International Criminal Tribunal of the Former Yugoslavia was established in The Hague in 1993 by a Security Council resolution. Its purview was represented by the serious violations of international humanitarian law, that is, crimes committed after the collapse of the communist regime. As such, this tribunal is not considered an instrument of de-communization.

⁷ These agencies include the State Commission on Information Security (in Bulgaria), the National Council for the Study of Securitate Archives (in Romania), the Historical Office and the Institute for Transitional Democracy and International Security (in Hungary), the Institute of National Memory (in Poland), the Slovak Nation’s Memory Institute (in Slovakia), the Office for the Documentation and Investigation of the Crimes of Communism (in the Czech Republic), and the Federal Commissioner for the Records of the National Security Services of East Germany (in Germany). No such agency was set up in Albania, but the Albanian Cold War Studies Center has been at the forefront of efforts to promote access to secret records of the communist regime.
The secret police structures which operated in communist Eastern Europe were all styled after the Soviet NKVD and KGB, and included departments of domestic intelligence gathering, foreign espionage and counter-intelligence. Whereas intelligence services in democracies are primarily concerned with maintaining the information shield to protect the country from domestic terrorist attacks and penetration by foreign spies, communist services were mainly interested to protect the nomenklatura leadership from the population. The 1989 regime change proved that the secret services failed in their mission to keep the regime insulated from domestic and external factors bent on destroying it. Regardless of whether their name was *Sigurimi* in Albania, *Securitate* in Romania, *Stasi* in East Germany, *Sluzba Bezpieczenstwa* in Poland, *Komitet za Durzavna Sigurnost* in Bulgaria, *Allamvedelmi Osztaly* in Hungary or *Statni Bezpečnosti* in Czechoslovakia, the secret services were the obedient tool of the communist party, which controlled the hiring, firing and promotion of the agents.\(^8\) Full time agents with military rank conducted their work of intimidation and harassment of ordinary citizens with the help of part time informers drawn from all walks of life. After 1989, communist secret services were formally dismantled, and replaced with new Western-style information agencies placed under more or less effective parliamentary supervision. Communist-era agents and informers were progressively retired, and most active cases were closed and classified. In line with information services in democracies, Eastern European secret agencies reevaluated their goals, renouncing political repression for the benefit of the government in favor of monitoring terrorist organizations, organized crime and big larceny. Throughout the region, the secret archive remained a bone of contention between the political class, afraid that its ties to the communist regime might be disclosed, and the intelligence community, eager to retain its privileges.

Aware of the pitfalls of moving into un-chartered territory, I will present ten myths which have informed the debate on post-communist transitional justice, bringing examples from different Eastern European countries and examining different components of the politics of the past (from among lustration, court proceedings, secret file access, rehabilitation, and property restitution) to illustrate the way in which each and every myth reflects and distorts reality. My aim here is to spell out these mental constructs and challenge the commonly held assumption that transitional justice leads to knowledge of the ‘truth’ about the communist regime more than it gives the society a chance to engage in a cathartic experience of moral cleansing permitting victims some closure for the injustices they suffered. It could be that the search for the truth about communist repression is determined by the quality of archival documents and oral history testimonials that we are able to amass as much as by our own biases in defining and analyzing the fundamentals of the communist political game.

Myth 1: Transitional Justice Is Nothing but a Political Vendetta

Efforts toward political justice have often been dismissed on grounds that they merely reflected the configuration of current political divisions between and within the government and the opposition, rather than searched for the truth about the communist past. Some pundits objected to transitional justice because it apparently revolved around the present more than the past, and charged that the process as a whole ultimately aimed not so much to help Eastern Europeans come to terms with their dictatorial experience, as to help elite groups settle scores with their electoral rivals. For some, the penchant of post-communist political elites to make use of lustration, court proceedings and secret file access to weaken the popular appeal of their political competitors has irremediably compromised the de-communization project and our
chances to reconstruct history objectively.\textsuperscript{9} Suspicions regarding the social use of de-communization as a tool to gain and maintain political power more than a process to atone for past wrongdoings were further fuelled by memories of the great purges undertaken by the communists after 1945, which post-communist governments have been apprehensive to reenact. At that time, collaboration with the Nazis led to the expulsion from the administration and the bureaucracy, and larger social categories opposed to indigenous communist parties or Soviet hegemony also lost their jobs and/or lives with no right to appeal. Many Eastern Europeans pointed out that lustration was a screening process which banned individuals because of their belonging to selected groups (judges and prosecutors, communist state dignitaries, secret officers), not because of their personal record of past wrongdoing, which in some cases might have been inexisten.

The charge of political manipulation rings ever more true, given the way post-communist transition unfolded. During the last 15 years, successors to the communist parties have tended to oppose transitional justice on grounds that the rights of former communist officials and secret agents to fully participate in the political process should be carefully protected if democracy is to be consolidated. For them, the real test for the pro-democratic opposition was to recognize the rights not of their sympathizers, but of their political enemies. By contrast, pro-democratic opposition forces have tended to support political justice on grounds that it helped the society morally cleanse and prepare itself for democratization by allowing for elite replacement instead of elite reproduction. Political justice has figured prominently in the electoral platforms of pro-democratic and anticommunist parties, while being conspicuously absent from Social Democrat

programs. Both camps have translated their preferences into policy making, by voting either for or against legislative proposals aimed to move political justice forward. Moreover, political elites have found retribution a useful way to signal their intention to break with the past, with the need to mark such a break being stronger wherever they were the same old elites.10

Note, however, that the Eastern Europeans’ need to known the true extent of communist repression, the activity of the political police, and the identity of the secret agents goes beyond the post-communist political cut-throat battles between the successors to the communist parties and the anticommunist opposition. Indeed, popular interest for disclosing the communist repression mechanisms, the identity or the tortured and the torturers (to borrow Huntington’s terms), and the geography of prison and labor camps remains high, even though Eastern Europeans are uncertain of the efficacy of specific policies. The number of memoirs, diaries and testimonials published by both victims and victimizers is on the rise throughout the region.11 A decade and a half of political manipulation should have quelled the political parties’ appetite to enact transitional justice legislation, but in fact the opposite is true. Countries which in the first years of post-communist transition proved reluctant to face their communist past have adopted relevant legislation toward the end of the 1990s (lustration and file access in Poland, and file access in Romania) or even later (file access in Slovakia).

10 Romania and Bulgaria, which experienced elite reproduction after 1989, undertook spectacular gestures to break with their dictatorial past. In Romania, Nicolae Ceausescu was subjected to a speedy show-trial and quickly executed commando-style, along with his hated wife Elena. Selected shots from the trial and the execution were broadcast on the national television. In Bulgaria, Todor Zhivkov was also tried, found guilty and sentenced to prison term for mostly economic crimes. While other countries in the region undertook court procedures against top communist officials, no where else did they receive the death penalty or extended prison terms. See also Barahona de Brito et al., *The Politics of Memory*, p. 231.

11 In every country, the number has risen exponentially. Only in Romania, the respected Humanitas publishing house of Bucharest has published a total of 24 titles since in “The Process of Communism,” a series dedicated to reconstructing the geography of communist terror.
Myth 2: Transitional Justice is Unnecessary

Another set of arguments has claimed that transitional justice was unnecessary, for a number of different reasons. Some commentators pointed out that the communist abuses were relatively few, and repression, even during the height of the Stalinist era, lacked the purposeful master plan of Hitler’s Final Solution of exterminating selected groups. By extension, the contention was that communism was not as morally reprehensible as Nazism, and, when the argument was pushed to the extreme, that the socio-economic accomplishments of communist rule excused its claim for human sacrifice. Paradoxically, the very lack of selected transitional justice methods like secret file access has impeded researchers and the general public alike from knowing the scale of arrests, killings and torture perpetrated by and in the name of the communist regime. However, recent revelations suggest that repression was far more widespread than previously acknowledged, while the number of victims of European communism might had even outnumbered those of victims of the Nazi and fascist regimes.

Other observers insisted that the worst period of violence in Eastern Europe took place decades ago during the consolidation of communist rule, mostly in the late 1940s and the 1950s, and as such transitional justice has lost its edge and urgency. Outbursts of repression and violence took place in 1953 in Germany and Czechoslovakia, 1956 in Hungary, 1968 in Czechoslovakia, 1970 in Poland and (arguably) 1987 in Romania, but they caused relatively few

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12 For such a claim, see Rosenberg, The Haunted Land, pp. 395-407, but also Jurgen Habemas, “Constientizarea recutului,” Lettre Internationale, edita romana, no. 13 (Spring 1995), pp. 33-36. While the comparison between totalitarian regimes has been undertaken by a number of authors, it seems that the arguments fail to convince. Those who regard Stalinist communism and Nazism as two sides of the same totalitarian coin do not see eye to eye with those who claim that the Nazi record of human rights infringements was by far the worst. There are no observers changing sides. The totalitarian model is far more accepted in Europe than in North America. See, among others, Ian Kershaw and Moshe Lewin, eds., Stalinism and Nazism: Dictatorship in Comparison (Cambridge: Cambridge University Press, 1997), Francois Furet and Ernst Nolte, Fascisme et Communisme (Paris: Plon, 1998), Anne Applebaum, Gulag. A History (New York: Penguin Books, 2004), and Henry Russo, ed., Stalinism and Nazism. History and Memory Compared (Lincoln: University of Nebraska Press, 2004).

13 See Report on Eastern Europe, RFE/RL…
deaths, because Eastern European resistance was mostly passive resistance. Even in Poland, the only country where the government faced an active popular opposition organized around the Solidarity, repression occurred on a minor scale and political arrests virtually ceased with the 1986 amnesty. Arguably, “for most Poles, martial law was a period not of intense repression, but of intense boredom.” However, one could also argue that, because the peak of repression happened before 1965, the prosecution of past crimes is becoming ever more imperative. As victims and victimizers grow old or die, the window of opportunity to hear their stories and sort out good from evil deeds is progressively narrowing down.

Still other commentators believe that the public disclosure of individual involvement in past abuses is unnecessary, because the perpetrators were punished enough by the very fact that they had to live with a guilty conscience for which they atoned daily. This view does not account for the fact that the most common reaction to being unmasked or brought to justice was denial, not apology. The overwhelming majority of those named as former informers denied their tainted pasts and vigorously sued for calumny, even when hard evidence tipped the balance against them. When asked to account for their actions, for example, Nicolae Ceausescu, Todor Zhivkov and General Wojciech Jaruzelski were defiant, and refused to deliver long-waited apologies for brutally quashing dissent, depriving citizens of basic food and medicine, or instituting the martial


\[15\] Almost every country provides examples of old and sick victimizers whom the local courts were unable to hold accountable for their past abuses. In 1995, Stalinist-era Polish judge Maria Gurowska stood accused that in 1952 she sentenced to death General August Emil Fieldorf (alias Nil), the Home Army’s chief of diversionary activities, following a show-trial. Gurowska rejected the charge, insisting that she had acted in accordance with her conscience. Fieldorf was unable to change, and thus had to be “eliminated from society.” Gurowska died before her case come to court. In 1993, former head of communist secret services Czeslaw Kiszczak was accused of causing the deaths of nine miners and wounding 25 others in a clash with special anti-riot police at Wujek in 1981. While traveling to the court, Kiszczak had a heart attack and could not cooperate with the investigating magistrates. In Romania, Stalinist-era Ministry of Interior Alexandru Draghici died in the early 1990s before being held accountable.
law.¹⁶ ‘Put the past behind, do not resurrect it’ has also been the advice delivered by the observers attacking lustration as superfluous on grounds that the transition process has already marginalized the communist officials and secret agents, or that the region’s problems were too urgent and too daunting to leave those countries any time and resources to allocate to de-communization. However, citizens throughout Eastern Europe have become increasingly worried by the ability of communist officials and secret agents to keep their political careers viable and transform their political clout into economic capital. Citizens are also worried that, from the positions they occupy today, the former communists are able to harm the region’s budding democracies.

Myth 3: Transitional Justice Is about Assigning Blame

Often debates surrounding the legitimacy of political justice have been couched in negative terms. Transitional justice has often had negative connotations, being perceived primarily as a process of assigning blame, despite the fact that it has also allowed many individuals accused of wrongdoing to clear their names and to make public their side of sometimes controversial stories. In Eastern Europe, instances of victims taking revenge on their former torturers have been extremely few, proving that revenge has not been the driving force for the effort to reevaluate communism. While it often boiled down to naming names and seeking revenge, transitional justice has been a larger effort to set the record straight and gain additional insight on historical moments shrouded in secrecy. Note that most of the crimes for which

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¹⁶ See the summary of the Ceausescus’ trial, available at www.timisoara.com/timisoara/rev/trialscript.html. For Jaruzelski’s trial, see Rosenberg, The Haunted Land, pp. 125-258. After being convicted for killing, beating and torturing anticommunist activists in Stalinist Poland, former head of the Investigations Department of the Ministry of Public Security, Adam Humer, insulted one of his former victims who audited the court hearings. In Romania, former Securitate General Nicolae Plesita repeatedly claimed that Paul Goma was not a true dissident, but a secret collaborator for the political police, which in fact had sent him to Paris in 1978.
prosecution was sought through such methods related to political repression, but the crimes also included economic corruption or other activities with deep social repercussions.

In Albania, the so-called Ruli Report set the basis of the charges against leaders of the communist regime, held accountable not for their political actions, but for the economic crime of living well in a country where the general population was below the poverty line. A fascinating reading, the report detailed the luxurious spending of top communist leaders, noting that their extra privileges were unlawful and at odds with Albanian reality. Since most of what the communists did politically was within the bounds of communist law, the best route was to catch them on preaching austerity while practicing gluttony. The report unveiled that between 1989 and 1990 the family of dictator Enver Hoxha had stocked “two tons of meat, seven tons of salami, 523 liters of oil, 3.1 tons of butter, 321 liters of raki, alcoholic beverages and wine, 250 liters of beer, 5.3 tons of fruit and citrus products, 114 kilograms of olives … and 1.8 kg of coffee.” Greater abuse took place in the realm of competent medical treatment and holidays abroad, available only to the nomenklatura members and their relatives. Clearly, the country’s new leaders felt that in a nation so stricken by shortages, the public would be more inclined to support actions that focused on financial abuses.\(^\text{17}\) Albania was not the only country where the post-communist political elite promoted de-communization as symbolic compensation for widespread feelings of economic injustice. In the aftermath of the Revolution of December 1989, most Romanians rejected the helping hand extended by members of the diaspora on grounds that those who did not eat ‘soy salami’ (a delicatessen under Ceausescu’s rule) could not take the high moral ground and pass judgment on the citizens’ collaboration with the regime.

It is also important to stress that in Eastern Europe, as in other parts of the world, political justice did not always mean punishment. Often it consisted of an attempt to provide some form of symbolic or financial compensation to the victims. Former political prisoners have insisted to be rehabilitated, and asked for their criminal record to be erased and their good name restored. Many former victims were content with obtaining formal apologies from post-communist governments (including the Polish President Aleksander Kwasniewski and the Romanian President Emil Constantinescu) for past communist crimes, or permission to erect monuments marking dismantled labor camps (Belene in Bulgaria), disaffected prisons (Sighet and Pitesti in Romania) or forgotten forced domicile camps (LATESTI in Romania, where huts inhabited by former political prisoners formed a huge hammer and sickle). Many associations of victims regard symbolic compensation as important as prosecution of the old communist guard, although not all these associations were able to obtain recognition for their demands. The Russian Memorial society could not find the financial means to build one single memorial dedicated to the victims of the Stalin terror, whereas the Romanian Association of Former Political Prisoners erected statues and memorials in every locality where political prisons had operated.

Myth 4: The Past Belongs to the Historians

Many governmental agencies have justified their reluctance to make secret files accessible to the larger public, the journalists and the independent researchers on grounds that only historians are qualified to correctly assess the information gathered in secret documents. Historians alone are able to examine it in the context of the period when it was produced, distinguish between authentic and doctored documents, and evaluate the background of the

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19 See Constantin Ticu Dumitrescu, Album Memorial (Bucharest: Asociatia Fostilor Detinuti Politici, 2004).
agents and informers who produced the information reports. According to some agency leaders, who are themselves historians, wide access to the secret archive lays the process of reconsidering the past open to present political manipulations, and therefore should be avoided at any cost. Only by denying journalists access to the secret archives, or restricting their access to a minimum, can political considerations be eliminated from the interpretation and analysis of the secret documents.

This position assumes that the historians’ deontology imposes higher ethical standards than those by which journalists and researchers working in other traditions abide, and obscures the fact that most Eastern European historians assume a position in favor or against transitional justice even before undertaking any research on the topic. Not only that historical analysis was heavily controlled by the communist regime, which had little tolerance for critical examinations that could challenge the official ideology and policy, but in a number of countries appointments to the leadership of these independent agencies has been decided politically. An extreme example is represented by the Romanian Council for the Study of Securitate Archive, whose 11-member leadership college has been entirely decided upon by the political parties represented in the parliament. The first leadership team (which ended its mandate in early 2006) included only three individuals with formal training as historians. Needless to mention that historical analysis cannot answer many of the questions deemed relevant by political science, sociology or textual critical analysis, and restricted file access does not respond to the public’s need to be informed.

The charges against journalists seem somewhat exaggerated in light of instances when historians with the independent agencies were involved in disclosing confusing, unreliable and plainly incendiary information. In February 2005, for example, Poland was rocked when journalist Bronislaw Wildstein published on the internet a working list of over 240,000 names of
former communist secret political police and military intelligence agents, secret covert informers, prospective candidates to informer positions, and victims. The list did not distinguished between perpetrators and victims, thus exposing all those named to the suspicion that they had collaborated, and arousing concern that the incomplete data may be used for political purposes or personal vendetta. Wildstein defended his actions as legitimate, as “this is not our past, this is our present. Those people are present and play important roles in our reality.” This opinion was shared by one of those whose name appeared on the list, the Roman Catholic priest Jozef Maj, who saw the leak as a ‘blessed offense’ that finally launched the process of reaching the truth in public life.\textsuperscript{20} Apparently, the journalist was dissatisfied with the failure of the Institute of National Memory to publicly name secret agents and informers. The Institute claimed that Wildstein ‘stole’ the list from its computers with the help of a memory stick, but it was clear that the journalist received help from an unidentified Institute historian. To date, Wildstein has refused to name his accomplice(s), and none of the Institute’s employees came forward to confess.

**Myth 5: Guilt is Collective, not Individual**

According to this view, with the exception of the rare dissidents and opponents, all Eastern Europeans have supported more or less zealously, more or less conspicuously, and more or less convincingly the communist regime, and by extension have tacitly endorsed its appalling human rights record. Thus, all citizens in the region are to blame for allowing the communist systems to go unchecked. Few Eastern Europeans, if any, are morally entitled to throw the first stone, because few had an untainted past that would protect them from blackmail. Conversely, all

citizens deserve to be celebrated as heroes, because the entire nation shouldered with dignity and patience the erratic policies of dictatorial regimes under whose command everyday survival became a daunting task. This moral relativism is coupled in Eastern Europe with what Gonzalez-Enriquez termed a problem of ‘national conscience’. Widespread rejection of the communist model co-exists in most countries with the recollection that society failed to act against it. Soviet domination allowed Eastern Europeans to blame a foreign power for their dictatorial experiences, exonerating their own societies and elites to some extent.

Transitional justice efforts seemed to be further de-legitimized by the fact that the Eastern European communist parties were mass parties with huge membership rolls, which included an average of 10 percent of the adult population, or 15 percent of the working population (Romania sat at the extreme, with its Communist Party claiming 23 percent of the adult population and a record 33 percent of the working population during the 1980s). If the immediate relatives of communist party members are also considered, between one-third and half of the total population was closely related to the one-party state, and shared a vested interest in seeing it survive and continue to deliver the benefits of party membership. As Enriquez-Gonzalez noted, “this made for a diffuse sense of social complicity with the authorities. Complicity did not mean consent, but did imply effective collaboration fuelling moral relativism.”

**Myth 6: Individual Rights Override Society’s Rights**

Some Eastern Europeans believe that transitional justice efforts are greatly impeded, if not rendered inapplicable, by the right of the individuals to protect their good name and

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22 See Barahona de Brito et el., *The Politics of Memory*, p.
reputation, which override the right of the larger community to learn about the truth about communist regime and its repression mechanisms. Three intertwined arguments have been raised in defense of this view. First, it was pointed out that, in most cases, information was collected in the secret files without the knowledge of the victims. Although the political police officers usually employed a number of informers to pursue each victim, the information reports were ultimately written from the point of view of the victimizers, with little, if any, input from the victims. This one-sidedness would make interpretation of the information contained in the secret file difficult, although nobody really expected that its analysis would pose no problems. One solution is to complement and contrast the secret documents with testimonials obtained from the victims or witnesses, whenever possible.

Second, it was argued that access to the secret archive should be carefully guarded and limited only to the materials detailing the victims’ political activity, carefully avoiding the information referring to the individuals’ personal lives. Otherwise, by making the private information public, reputations would be shattered unnecessarily. The classical example illustrating this conundrum referred to revelations about the head of the Romanian Orthodox Church, Patriarch Teoctist, whom historians unmasked not only as a participant in a 1940 student anti-Semitic outburst which led to the destruction of a Bucharest synagogue, but also as a monk whom Securitate informers suspected of being a homosexual. 23 Many a critic deplored the sensationalist manner in which the revelations were made, arguing that Teoctist’s sexual preferences were nobody’s business, although paradoxically the Orthodox Church staunchly opposed the decriminalization of homosexual behavior, which it condemned as ‘an aberration’ to

which even incest was preferable. In an effort to avoid delicate situations, the Gauck Institute has blocked the names of third parties mentioned in the secret files. The Council for the Study of Securitate Archive went even further and in 2005 suddenly decided to block entire pages of secret documents. Since civil society representatives and independent researchers have no access to the secret archive, there is no real guarantee that the blocked information is controversial.

Third, to protect the identity of still active agents and to ensure the successful continuation of ongoing operations, Eastern European intelligence services have refused access to the files touching on issues of ‘national security’, a term which no country in the region has fully defined. While intelligence services have claimed that a significant number of secret documents should be kept out of the public’s sight, the civil society has countered that in fact very few files touch on ‘national security’, the more so since post-communist services are completely new organizations, not the inheritors of the communist political police. Since the post-communist and communist agencies share no methods, goals and personnel, it was argued that the new intelligence services have no reason to protect the reputation of their predecessors and cover for their crimes. Despite their promise to abide by democratic rules, post-communist intelligence services are widely viewed, and have constantly behaved, as the heirs of the communist political police structures.

**Myth 7: Guilty Spies, Virtuous Communists**

Eastern European societies have generally tended to regard the secret political police agents as more guilty and despicable than the communist officials, despite evidence suggesting

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that the nomenklatura acted as the brain that orchestrated the torture, repression and intimidation conducted by its secret political police muscle. ‘Hunt the muscle, not the brain’ has held true at the level of the entire region. Throughout the region there was considerable interest in gaining access to the documents amassed by the secret political police, but not as much interest in the archives of the communist party, which only selectively have been opened to the public. Many analysts have focused on the numerous similarities between the intelligence activity of the party and the secret police, and contended that the party was gathering information for the files of party members and candidates by resorting to secret informers. For these researchers, the archive collected by the secret police should be complemented with the archive of the communist party for a clearer picture of communist-era spying activities.

It is difficult to pinpoint the precise reasons why secret agents have been condemned more than the communist party officials, but the underground, hidden character of their work might go a long way to provide a plausible explanation. Eastern Europeans further admit that even among spies there were shades of guilt, with the part-time collaborators drawn from all walks of life being more condemnable than the full-time officers with military ranks. In the chain of command the party officials decided the general framework within which secret services operated, full-time secret officers implemented the party program and selected specific methods to translate it into reality, whereas part-time informers collected the information to estimate the extent of public dissatisfaction with party policies and data to blackmail, intimidate and control individual dissidents. The decision making power was retained by the higher levels of this hierarchy of repression, but the smallest cog, the part-time informers, have occupied the public’s mind. They were also the closest to their victims, performing their secret deed while acting as relatives, friends, workmates and neighbors of the victims. Whereas full-time officers were
occasionally excused on grounds that they were doing their jobs, part-time informers have been unanimously condemned for their duplicity and readiness to betray those who trusted them. The more victims trusted the informers who secretly spied on them, the higher their surprise when finding out the identity of these spies and their disappointment. Curiosity is sustained by the difficulties involved in finding out the identity of long-time informers, who provided information under code names.\textsuperscript{25}

As in the case of post-communist politicians unmasked as former secret collaborators, these informers were generally unapologetic. After reading his secret file, writer Stelian Tanase “suddenly turned white,” left the room and hours later unmasked his best friend, sociologist Dan Oprescu, as one of the spies who pursued him most zealously, and even designed plans to help the Securitate find out the channels Tanase wanted to use to send manuscripts for publication abroad (a major offense under the Ceausescu regime). When asked on the national television why he did it, Oprescu, a vocal pro-democratic intellectual, responded that he believed he actually helped Tanase, because by offering his services he prevented the secret police from recruiting somebody less sympathetic to the dissident writer. Oprescu’s assumption that he was the only secret informers spying on Tanase was inaccurate.\textsuperscript{26}

\textsuperscript{25} One of the rituals of joining the ranks of informers involved choosing the code name together with the officer to whom the informer was to work for. Whereas the informers had the luxury of selecting their code names, the victims were assigned code names by the officer. Before the secret archives were turned public, the victims had no knowledge of their code name. See Lavinia Stan, “Inside the Securitate Archive” (Cold War International History Project, February 2005), available at www.wilsoncenter.org, but also Dennis Deletant, \textit{Communist terror in Romania. Gheorghiu-Dej and the Police State 1948-1965} (New York: St. Martin’s Press, 1999), and \textit{Ceausescu and the Securitate. Coercion and Dissent in Romania, 1965-1989} (Armonk, NY: M. E. Sharpe, 1995).

\textsuperscript{26} Tanase’s secret file was selectively published. In a clever move, the writer contrasted the entries in his own diary with the reports and information notes the Securitate included in his file. To protect them, the diary did not spell out the names of those whom Tanase was in contact with at the time. The secret file mentioned the spies only by their code names. See Stelian Tanase, \textit{Acasa se vorbeste in soapta. Dosar si jurnal din anii tirii ai dictatorii} (Bucharest: Compania, 2002). After being unmasked, Oprescu was promptly expelled from the Bucharest-based Group of Social Dialogue, a Bucharest-based group gathering the country’s leading intellectuals and their younger disciples. Oprescu never publicly apologized.
Myth 8: Everyone Had a Secret File

Some leaders of post-communist intelligence services and independent agencies have lamented the fact that every citizen believes he or she was pursued by the secret political police. When told no such file is found for them (portraying the individual either as a victim or as an informer), citizens blame the agencies for not being transparent enough. While the agencies have a long way to travel before upholding standards of accountability and transparency comparable to those of the German Gauck Institute, it is no less true that the communist secret police selected their targets carefully. Although Eastern European political police structures spied on unprecedented numbers of citizens, they did not cover the entire population, both because they found it unnecessary to follow the citizens who did obey the regime and too costly to unnecessarily dissipate their resources. As other enterprises and organizations working in the command, planned economy, the secret police was assigned plan quotas and targets it strived to meet by allocating their resources judiciously among operations in an effort to optimize return.

Even when individuals came to the attention of the secret police, the officers first assessed the case, collected information, assessed the leads, and opened a nominal file only when the information reports confirmed that the targeted individual indeed showed an attitude hostile to the regime. There are no estimates on the percentage of investigated cases which led to the opening of a secret file, but the secret archives do report a number of cases which were abandoned for lack of evidence. It certainly seemed that the political police monitored everything and knew the most intimate details about everyone’s life, but in reality this imagine was carefully constructed by specialized disinformation departments exaggerating the spies’ penetration.

Myth 9: The Informers Were Themselves Victims

While some Eastern Europeans blame informers, others exonerate them on grounds that the informers were themselves victims of a totalitarian regime which forced them to provide information on their relatives, friends, workmates and neighbors. Informers could thus be exonerated of their responsibility if one would take into account their reluctance to provide information and act as the eyes and ears of the political police. The motives compelling an individual to collaborate varied. Some informers were blackmailed with the threat that compromising information about them would be made public. This group included, among others, former Nazi sympathizers and homosexuals. Before being released, political prisoners were also approached by the secret police and promised a speedier integration into the society if agreeing to collaborate. But recruitment was not always performed in such extreme situations. Significant numbers of informers spied because of misguided patriotism (reporting on tourists or members of ethnic minorities), out of revenge (to get to their personal enemies or competitors) or in the hope of obtaining material and immaterial advantages (permission to transfer from village to town or to travel abroad, a better job, easy acceptance into the university for their children, speedier promotion or simply for the money). Certainly, in cases like these the informers used the system as much as the system used them.

Myth 10: We Get to the Truth by Opening the Secret Archives

Many Eastern Europeans believe that the truth about the communist regime, the identity of the victims and their victimizers, and the activity of each secret officer and informer, can be uncovered primarily by opening the secret archives. Consequently, access to the secret archives has been viewed as quintessential to any examination of the past. There are two sides of this
argument. Some observers believe that the archive should not be trusted, either because it was significantly altered after 1989 or because by relying on the secret reports the post-communist societies would allow the secret officers and informers to rewrite history. A number of reports have claimed that the secret archives have been modified by destroying, adding or changing documents, in an effort to cover the collaboration of high ranking post-communist politicians or produce evidence against specific individuals. The task of sorting out the pre-1989 from the post-1989 documents might prove daunting, but there is no reason to believe that the secret police knowingly falsified the archive it took so much pain to catalogue and protect.

Other observers believe that the secret archives can be trusted. The more access we have to as many secret documents as possible, the greater our chances to piece together a more accurate and comprehensive picture of communist repression. The argument usually hinges on the quantity of the secret archival documents released to the public. In a number of countries, much of the negotiation revolving around which specific files should be turned public dealt with the number of files, and generally ignored both the content of the files and the quality of the information. As long as large segments of the secret archive (military intelligence records, external information records or personnel records detailing the activity of the full-time officers) are still out of reach, there are compelling reasons to push for their declassification. This should not prevent us from recognizing the major problems with the content of the secret archive. As already said, the archive contains almost nothing on the communist party officials who orchestrated the massive surveillance campaign Eastern European countries were known for. Which party members helped the political police, when, why and how, is information that can be obtained only through access to the party archives, the more so since after the late 1960s the party ordered the destruction of all files of informers drawn from among party members and
expressly forbade secret officers to approach party members without the approval of the party leadership. There are also problems with the way reality was reflected in the archival documents. Basic facts and the citizens’ attitudes and behavior were interpreted by the secret officers and their collaborators through their own ideological lens.

**In Lieu of Conclusion**

Transitional justice has been a conscious program to uncover the truth (and isolate the lie) about the communist regime, identify victims from victimizers, and determine how much responsibility communist leaders and ordinary citizens share for the abuses perpetrated during the 1944/1945 – 1989 period. How much truth was uncovered seems, at least for now, to be more in the eye of the beholder. We have tended to emphasize quantity (of secret files publicly available, of informers unmasked, of communist officials lustrated, of court trials initiated, of former secret agents retired) to the detriment of the quality of the process. Granted, we have good reasons to vigorously demand access to as many secret documents as possible, as long as most Eastern European countries made only a fraction of them available to the public. Preoccupied with getting file access, we have postponed envisaging what to do with the files once they are in our hands, dismissing reports that the secret archive was distorting reality. Preoccupied with unmasking at least some spies, we have denied the accused the due right to appeal, and dismissed concerns that numerous informers were drawn from the ranks of the anticommunist opposition, the secret police’s primary target, not of the communist party. Preoccupied with prosecuting the top communist leaders and spies (the “big sharks”), we have neglected the fact that they relied on the cooperation of thousands of “small fries.” We have seen victims and victimizers as two distinct categories, when in fact they overlapped and allowed
individuals to cross their boundaries. But researchers working on the topic are not the only ones to blame.

In Eastern Europe, an honest search for the truth was also greatly impeded by the lack of political will to keep transitional justice separate from the politics of the present. In other words, the region has fought the demons of the present in the name of eradicating or settling scores with the demons of the past. Indeed, the post-communist political competition between individual politicians and parties has generally determined which transitional justice methods were adopted and when exactly. This led to not only widespread feelings of popular distrust toward the final goal of transitional justice, but also an uneven pace of makeshift solutions that tried to reconcile too many objectives at once. But rather assuming that these problems compounded will make the truth vanish, I tend to believe that there could be light at the end of the tunnel, if one assumes that de-communization will unfold similarly to de-Nazification. Perhaps 50 years from now, Eastern European societies will be better prepared to take a fresh look to their communist interlude. By then more and more testimonials and secret archives will be available, and the old generation of political leaders who started their careers during communism will be replaced by a new generation not personally involved in communist-era abuses, and therefore more disposed to assess the past.