Research topic: Dealing with the communist past in post-soviet Russia. The case of the CPSU-trial (1992)

Summary:
The CPSU-trial (delo KPSS) as it took place at the Russian Constitutional Court in 1992 was not the result of a planned settlement of accounts with the former ruling party of the Soviet Union but rather a product of several coincidences. Yet it was regarded by many observers as a "Russian Nuremberg Trial" gaining high public interest at some periods.

In my doctoral thesis I undertake a discourse and narrative analysis of the court materials as well as of the press coverage of the trial aiming at giving an answer to the question to what extent the CPSU-case contributed to a "constructive debate" about the soviet past in russian society and to what extent it rather was a power struggle between "democrats" and (post-) communists. I shall analyse the changes of beliefs, attitudes and behaviour with regard to (aspects of) the past on the one hand and democratization on the other hand as well as the problem of defining a new common social-political-historical consensus within the post-communist society of Russia.

The project is located at the crossroads of political culture and politics of history-studies. It is not comparative but theoretically draws on international, above all German experiences with Vergangenheitspolitik (dealing with the past).

Dealing with the communist past in post-soviet Russia: three phases

Three phases can be distinguished when looking at how russian society dealt with its soviet past so far.

1. The introduction of the politics of glasnost' and perestroika and the beginning of the debate of history (1987/87-89)
3. The "end of the debate" and national-patriotic turn (1994-...)

1.) The beginning of the debate of history (1987/87-89)

The debate of history in Russia began roughly five years before the end of the Soviet Union - and contributed to it. The introduction of the politics of glasnost' and perestroika by the newly elected general-secretary of the CPSU, M. Gorbachev, opened up a growing social and political space for discussions about the past, namely stalinism. Many newspapers and journals
published a growing number of more and more critical articles and personal memories which could not be talked about or published in earlier years. A very important role was played by the arts (theatre, film) as well as literature. The history debate within society soon "overtook" the limits of the official politics of history drawn by the party leadership and lead to the reemergence of a public sphere with a certain pluralism of opinions.

An important element of this development was the emergence of social and political groups and discussion clubs which understood themselves as being independent social actors not relying on the CPSU. One of those social organizations especially concerned with overcoming the stalinist past was the Memorial society (obshestvo Memorial). Memorial represented a large number of repressed and politically persecuted people, both from stalinist times and after and therefore claimed an alternative legitimacy to that of the CPSU who still saw itself as the main victim of stalinism. Thereby Memorial challenged the monopoly of the CPSU in a field central for the construction of legitimacy of the latter and thus undermined its authority. Towards the end of this phase the official history discourse became more and more defensive and finally gave in to the pressure of society: in May 1988 all history exams in soviet schools were abolished because the former uniform and dogmatic interpretation of the past no longer existed.

2.) The institutional transition phase (1989-1993)

The institutional transition phase in the RSFSR stretched from the first elections to the Congress of People's Deputies (CPD) in March 1989 to the introduction of a new constitution in December 1993, that is over five years. During the first half-democratic elections a number of "democratic" politicians were elected deputies of the CPD, such as Boris Yeltsin, but also famous dissidents such as Andrej Sacharov. Sacharov immediately posed the question of abolishing the leading role of the CPSU which was fixed in article 6 of the soviet constitution. One year later, on March 14th 1990 this was actually achieved. In 1990/91 many of the former soviet republics declared their independence and in turn established freely elected parliaments and abolished the leading role of the CPSU on their territories. In many republics the respective organizations of the CPSU quickly lost their influence and often collapsed completely.

In Russia the party monopoly was abolished in June 1990. At the same time Boris Yeltsin became head of the Russian Supreme Soviet and appointed the human rights activist and chair member of Memorial Sergej Kovalev chairman of his Human Rights Committee. One year later, on June 12th 1991 Yeltsin was elected the first president of Russia. He immediately signed a decree forbidding the action of party committees at workplaces and other public institutions. This was of course directed against the CPSU and was therefore one of the reasons why high representatives of the party participated in the attempted coup of August 1991. After the defeat of the coup Yeltsin decreed a ban on all actions of the structures of the CPSU on russian territory, nationalized its property and declared all archives of the party and KGB state archives. The following autumn of 1991 was a period of high activity in the field of the politics of history. Parliamentary commissions were formed to supervise the transfer of the archives under state control and to analyse the origins and background of the coup. Members of democratic organizations such as Memorial were appointed members of most of those commissions and thus had the opportunity to exercise political influence in favour of liberalisation and democratization. In October 1991 the parliamentary commission for Human Rights chaired by Kovalev succeeded in having their project for a rehabilitation law passed by the Supreme Soviet. This basic law declared all kinds of repression and persecution for political reasons incompatible with the idea of law and justice and guaranteed rehabilitation for all such cases from the day of the October Revolution (25.10.1917) up to the present day. The archives commissions prepared a proposal for a regulation about the transfer of party and KGB-archives under state control and their opening to the public.

The CPSU-trial which took place at the Russian Constitutional Court in 1992 was also an important element of this transition phase (see below).
Apart from that the year 1992 was mainly characterized by radical economic reforms of prime minister Gajdar, the consequences of which lead to growing tensions between the liberal Yeltsin government and the Supreme Soviet dominated by communist and nationalist forces. This conflict culminated in the violent dissolution of the Supreme Soviet by Yeltsin in October 1993. December 1993 saw the first free and democratic elections in Russia which produced a State Duma still stronger dominated by communists and nationalists on the one hand and a constitution fixing the dominant political role of the president on the other hand.

3.) The end of the debate and national-patriotic turn (1994—....)

One of the first actions of the newly elected parliament was an amnesty law (23.2.1994) which also referred to the organizers of the August coup. Since then the subject of dealing with the soviet past has almost totally dissappeared from the political agenda and is pursued only by democratic and human rights groups within society such as Memorial who themselves have lost most of their former political influence. The overall political climate is characterized by nationalist, or as they prefer to call themselves, "patriotic" tendencies aiming at reinforcing Russia's role as a super-power in world politics and trying to create a "russian identity" on the basis of national greatness and historical achievements (for example through honoring memory of the Romanov family 1998 or the reintroduction of the soviet hymn 2000).

As far as the practice of rehabilitation is concerned human rights activists complain that there is a tendency of sapping the spirit of the rehabilitation law by the bureaucracy. Thus, former dissidents often are refused rehabilitation for political reasons today. They are being offered rehabilitation only on the grounds that their former activities did not contradict today's laws, whereas the rehabilitation law explicitly stated that it was not in opposition even with soviet laws and that therefore their persecution was against the law.

Also there seems to have been little political consensus among the political elite in the late Yeltsin era concerning the valuation of the past. In 1998 the communist Duma faction proposed to reinstall the monument of Felix Dzherzhinsky in front of the former KGB headquarters which had been taken away by the crowd in the days after the August coup. Also in 1998 Mr. Shirinovsky publicly offended the victims of political repression in a parliament hearing where the democratic deputy, former dissident and member of the Memorial society, Julij Rybakov, complained against plans to cut the financancial means scheduled by the state budget for the compensation of victims. Shirinovsky then shouted at Rybakov claiming there were no repressed people because the whole country had been repressed and that therefore compensations were not necessary. If Rybakov wanted to compensate "some thousand old men who shouted antisoviet propaganda their whole life" and thereby destroyed the Soviet Union, he should be sent back to camp. The reaction of the parliament to this was not protest but support for Shirinovskys plea to shorten the means for compensation. - This shows that there is not yet any political consensus amongst the political elite in favour of a democratizing way of dealing with the past.

To sum up one can say that so far in Russia there has been
- no major exchange of political elites for reasons of their involvement in the leading structures of the soviet regime,
- no criminal persecution of (human) rights violations committed in the name of the party or the state,
- no official sponsoring and support for historical research aiming at analyzing structures and mechanisms of the functioning of the former regime etc.,
- no clear political consensus aiming at coming to terms with the soviet past in the sense of overcoming its destructive influences reaching forth into the present.
Therefore I claim that the official politics of history which has been put into practice so far (Yeltsin era) is to be interpreted in terms of a power struggle between "democrats" and (post-) communists rather than as a serious effort to face the heritage of the past. This finding shall be verified at the example of the CPSU-trial at the Russian Constitutional Court.

The CPSU-trial (delo KPSS)

The trial was started by the request of a "committee for the protection of the rights of communists" in November 1991 that the Constitutional Court, created in autumn 1991, review the constitutionality of Yeltsins decrees which stopped the activity of the communist parties. The communists claimed Yeltsin had exceeded his presidential competences when banning the parties. Only shortly before the beginning of the trial which was scheduled for May 26th 1992 did a group of democratic people's deputies around the social democrat Oleg Rumjantsev hand in another request that the Court review the constitutionality of the CPSU as a whole. On its first session the Court decided to accept both requests and to bind them together to one trial.

Even though this was not a criminal court but a constitutional trial of public law the media treated it - at least in the beginning - as some kind of "Russian Nuremberg Trial". Both newspapers and television presented regular and huge reports from the courtroom, and some observers even feared the outbreak of civil war.

The Court itself was largely seen as impartial and accepted by both sides. Otto Luchterhand speaks of a relation of 7:6 amongst the judges in favour of the democratic side. Saying this it is important to remember that all of the judges had themselves been members of the party, and only one of them, Ernest Ametistov, left it before August 1991.

The decision of the Court was pronounced on November 30th 1992. It confirmed president Yeltsin's decrees banning the activity of the party structures but declared the ban of the local party organisations unconstitutional. Also it did not say anything about the constitutionality of the party itself. The question of the party property was to be transfered to local courts for further decision. Thus one can speak of a compromise solution which satisfied both sides to some extent.

The research project: Debating the soviet past. Theory and method

My research project draws on three types of sources:
1. the complete protocol of the trial edited by the Constitutional Court in five volumes,
2. the coverage of the event in nationwide newspapers,
3. interviews with participants and observers of the trial.

My research strategy combines elements of discourse and of narrative analysis. It aims at analyzing common ways of making sense in the form of narratives and/or story lines about the soviet past, their internal logics and political impact. I want to look closely at
- how the different "parties" within the trial present themselves in relation to the political past (what narratives of the past do they present, which argumentative strategies do they use, which contradictions can be observed?)
- how they deal with the opposite "party" involved (opposition between communists and "democrats"). What is their respective behaviour at court, their forms of interaction; which (discursive) coalitions are formed?

and thereby develop a typology of narratives, attitudes, behaviours, and dominating patterns, discover code-words, cover- and subtexts, speech acts and so forth.
I understand *discourse analysis* as defined by Martin Hajer (1995) as the "analysis of a specific ensemble of ideas, concepts and categorisations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities. In addition to that I shall work with the discourse theory of Ernesto Laclau & Chantal Mouffe focusing on processes of political struggle of different social groups to gain hegemony for their respective interpretations of the social order and providing a set of categories to analyze them. The central concepts of this theory are:

* **Hegemony**
    Laclau & Mouffe consider the struggle for hegemony as being the central motive of discursive practices. Hegemonic practices i.e. the pursuit of hegemonic projects are considered to be the central form of political action. Examples for hegemonic discourses in the 20th century are marxism-leninism in the countries of the eastern bloc, the idea of the welfare state in the west or the "workfare" debate in Great Britain. They are basic to the formation of political identities.

* **Social antagonisms**
    Social antagonisms provide the limits and unity of a discursive system. If a discourse cannot produce its limits by reference to an inner essential principle, its limits and unity must be constructed in relation to something outside it (the constitutive outside). The outside is perceived as a threat to the discursive system. There is antagonism if the presence of an "other" prevents me from fully beeing myself, from living my identity. The limits of a discourse are constantly penetrated and thus threatened by antagonistic forces from the inside or from the outside of it and its identity is thereby challenged.

* **The logics of equivalence and difference**
    The logics of equivalence and difference represent ways of dealing with antagonism. According to Laclau & Mouffe social antagonism is constructed by the exclusion of discursive elements and by articulating them in a chain of equivalence expressing the "sameness" of the excluded elements in that they constitute a threat to the discursive system. At the same time differences within the discourse are downgraded. In contrast the logic of difference aims at weakening sharp antagonistic polarities and to transform them into mere "differences".

* **Dislocation**
    Dislocation of an existing hegemonic discourse occurs through an event or a series of events that cannot be domesticated by the discourse and therefore causes a partial or complete breakdown of the discourse. Dislocative events are thus (at) the beginning of the creation of new discourses and new identities. The fall of communism bringing about the dislocation of the formerly hegemonic communist discourse is probably the best example for this in recent times.

* **Nodal points**
    Nodal points are privileged points of reference of a discourse holding together a certain system or a chain of meanings, for example "communism". The meaning of various sub-signifiers within the discourse such as the public weal or "freedom" is partially fixed with reference to the nodal point.

* **Empty signifiers**
    Societies are generally organized around an ideal project which can never be fully realized, such as "freedom" or "democracy". In order for the ideal to function empty signifiers are necessary. These are "catch-all-terms" which can be interpreted by the participants of a discourse, for example "justice" or (in Germany:) "soziale Marktwirtschaft". In liberal societies
the different political forces struggle to fill those empty signifiers with their respective interpretations and gain hegemony for their political projects.

To summarize discourse analysis according to Laclau & Mouffe deals with the construction of political frontiers through (more or less ideological) discursive practices. It claims the discursive construction of subjective as well as collective identities (\> discourse coalitions, Hajer 1995) and analyzes how, for example after the occurrence of dislocative events, new discourses and identities emerge through the (partial) fixation of meanings. Therefore this approach is particularly suited for the analysis of the soviet-history-discourse in the context of the CPSU-case.

In my presentation I will talk about the application of the theory and method of discourse analysis to the CPSU-case and some results of my analysis up to the present stage of work.