**Introduction
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A significant amount of scholarly attention has been paid to both the origin and the impact of post-communist transitional justice measures, and complementary memory politics issues, in Central and Eastern Europe (CEE) since the fall of the Berlin Wall in 1989. This has allowed scholars to compare and evaluate programs across the region in order to better understand the conditions under which transitional justice has (or has not) supported regional post-communist transitions.[[1]](#endnote-1) In contrast, there has been a relative dearth of scholarship on transitional justice, accountability measures, and/or memory politics in the Former Soviet Union (FSU). To be fair, the absence of robust transitional justice programs in the FSU has left less for scholars to engage with, however, ignoring the use and abuse of measures in the FSU constitutes an oversight in the transitional justice and post-communist literatures. The FSU republics are important cases both for the measures they adopted and those they rejected. In other words, the origin or rejection of transitional justice in the FSU and the impact of both the presence and absence of transitional justice in the FSU are critical and under-examined research tracks.

This volume aims to fill this lacuna with an examination of the efforts of state and non-state actors in the FSU to either reckon with or alternately obstruct the recent and more distant communist past, with an eye to how these choices might affect the future. In particular, twenty-five years after the Soviet Union was dismantled and the successor republics moved away from the communist regimes, this volume examines the adoption and rejection of transitional justice measures among the FSU republics, and explores the impact of those transitional justice choices on state-building and societal reconciliation efforts. The volume treats both transitional justice measures and possible transition outcomes or goals broadly, to be maximally inclusive of a range of subtle measures and outcomes given the relative limited use of formal transitional justice in the FSU. To that end, the volume considers traditional transitional justice measures, such as lustration laws, file access provisions, trials, and truth commissions, as well as policies that bleed into memory politics measures, such as memorialization efforts, commemoration initiatives, new national holidays, and history textbook revisions. The volume also engages a range of intentions and outcomes associated with these measures, from traditional state-building initiatives, including the rewriting of national narratives, the fortification of a (re)newed national identity, attempts to promote good governance and trust in public institutions, and anti-corruption goals, as well as societal reconciliation measures such as accountability for victims, acknowledgment of past wrongs, and various forms of redress and reparation. In this way, we cast a broad net over measures and outcomes in order to present the most comprehensive account to date of FSU efforts to address, distort, ignore, or recast the past through the use, manipulation, and obstruction of transitional justice measures and memory politics initiatives.

There are three main goals motivating this volume. First, this volume renews the focus on the factors that affect the adoption (or rejection) of efforts to reckon with past human rights abuses in the post-communist context. Second, the volume examines the limitations of enacting specific transitional justice methods, programs and practices in the FSU republics, the majority of which have not experienced complete and irreversible democratization. And third the volume explicates the challenge of addressing multiple, competing pasts and the reasons why transitional justice failure, stagnation and even reversal have been registered in numerous countries in the region.

There are a number of ways this volume distinguishes itself in terms of both transitional justice studies and studies of the former Soviet Union. First, this volume is unusual in mixing analyses of cases and “non-cases.” Most scholarship on post-communist transitional justice has relied on analyses that included only countries that enacted some type of transitional justice, without addressing non-cases.[[2]](#endnote-2) In other words, scholars have inferred impact by comparing across cases of transitional justice, while ignoring countries that eschewed transitional justice. Thoms, Ron and Paris noted the tendency across the social sciences to focus on the exceptional cases of transitional justice and ignore the failures or worse, the absence of transitional justice.[[3]](#endnote-3) Even large-N studies of transitional justice, such as Olsen, Payne and Reiter’s work on the Transitional Justice Database project, compared across cases of transitional justice omitting similar country cases that failed to implement transitional justice.[[4]](#endnote-4) Admittedly, the non-case is much more challenging to incorporate into such evaluations of transitional justice measures, but it is hard to assess impact if one leaves out similarly situated cases that actively rejected transitional justice.

A comparison of cases and non-cases is particularly challenging because one needs similar country cases at similar moments in world historical time and similar justice issues, partially explaining the dearth of such comparative studies. Fortunately, the FSU provides just such a group of similarly situated countries. We have an ability to compare countries with similar communist experiences, which all became sovereign at the same moment in time and had similar transitional justice needs. Moreover, the CEE cases are proximate enough in terms of communist legacies and the timing of independence to make them possible points of comparison to the FSU cases and non-cases as well. In other words, we are afforded a fortuitous sample of regionally, temporally, and politically similar countries—some with transitional justice and some without—allowing us the possibility of authentically engaging with the non-case.

To that end, this volume compares cases and non-cases within the FSU, and compares cases and non-cases across the post-communist space. For example, non-cases like Belarus and Russia are presented alongside cases of limited and/or failed transitional justice, such as Georgia and Moldova, and compared with cases of multiple and overlapping transitional justice measures, such as Lithuania and Ukraine. In this way, the volume engages across a full range of transitional justice experiences, from the outright rejection of transitional justice, to the manipulation of transitional justice, to iterated attempts at measures. Individual chapters engage targeted comparisons of cases and non-cases as well. For example, Mark Kramer compares memory politics measures in Poland and Russia, Cynthia Horne compares lustration measures in Ukraine and CEE, and Nenad Dimitrijević compares the post-conflict and post-authoritarian transitional justice needs between Serbia and the FSU, to name a few of the direct comparisons. These chapters gain intellectual leverage over the potential ramifications of choosing or rejecting transitional justice through the intentional comparison of similarly situated cases and non-cases in the post-communist space, attending to the implications for our study of the FSU.

Second, this volume is also unusual in intentionally exploring multiple, competing pasts, a topic largely underdeveloped in post-communist examinations of transitional justice. Many countries in the FSU have proximate human rights abuses layered on more distant abuses, be they legacies of internal conflict, legacies of war, or legacies associated with different phases of communism. The selection of certain memories to engage with and other memories to set aside reveals the power of both state and non-state actors to shape and potentially instrumentalize the past. Not engaging with a particular legacy of rights' abuses can be an intentional decision by the state to shape public perceptions about the past and the present, garner electoral support, or prevent popular opposition. For example, Lithuania’s engagement with the past, as explored in Dovile Budrytė and Violeta Davoliūtė’s chapter, focuses on the layering of communist era crimes on the atrocities committed under the Nazi oppression, and explores the manner in which the state prioritizes some rights' abuses and memories over others. Budrytė and Davoliūtė focus on the recent turn in Lithuania to engage with Nazi era abuses committed by both foreign occupiers and Lithuanians against their own Jewish countrymen. In this way they engage issues of layered pasts and internal complicity dilemmas, with reverberations through society that the state must juggle as part of transitional justice and accountability programs. Nenad Dimitrijević’s chapter presents the Serbian case of layered pasts and selective accountability in order to highlight how the abuses committed during the Yugoslav wars were layered on communist era abuses and on unaddressed abuses committed during World War II. These multiple, unaddressed abuses add layers to the complexity of explanatory frameworks and highlight the serious limitations state and non-state transitional justice actors face when formulating, promoting and enacting reckoning programs. Layered rights abuses and state and societal level choices to engage some pasts over others constitute challenges facing most FSU states.

Third, this volume analyzes an array of transitional justice and accountability measures, considering both typical methods and “softer” justice methods. Although there has been less transitional justice in the FSU than CEE, and certainly less than many policymakers and academics have recommended, there are many informal measures that have largely gone unattended. This volume examines both judicial and non-judicial methods, expanding the definition of transitional justice measures into their intersection with the accountability aspects of memory politics. The first chapter by Lavinia Stan provides an overview of this range of regional accountability and reckoning, from traditional methods such as court trials with resulting verdicts that can be treated as forms of transitional justice, to truth-telling commissions, property restitution and lustration or screening laws, as well as softer methods, such as national days, history textbook rewriting, and public apologies. Stan’s chapter presents the most comprehensive overview to date of all attempts to reckon, however limited, with communist era crimes across the entire FSU region. Stan argues that the relative dearth of transitional justice in the region can be explained as a function of several factors:  the timing of the worst human rights violations relative to the ousting of the communist regime, the incomplete democratization experienced by many successor republics, the continued political clout of former KGB officers and informers, the balance of forces in post-communist times, the role of political leadership, and the indifference of international actors. Many of these factors will be explored in greater detail in this volume.

In presenting an overview of transitional justice across the region, Stan lays the foundation for the case studies to follow. For example, Lina Klymenko’s chapter engages in such softer forms of transitional justice, examining history textbooks and how the rewriting of aspects of history serves as a form of accountability and a space for memory policies. Alexei Trochev reviews commemoration, rehabilitation, and memorialization in Kazakhstan, echoing similar measures also seen in Russia, Ukraine and Belarus. Onur Bakiner’s chapter engages the explosive popularity of truth commissions as a form of transitional justice around the world, examining the relative dearth of truth commissions, memory institutes, and fact finding initiatives in the FSU in the context of the global proliferation of this transitional justice measure. Agata Fijalkowski’s chapter examines trials and court verdicts as forms of transitional justice and accountability, expanding our understanding of non-traditional forms of transitional justice. Nanci Adler’s chapter on Russia’s remembering and forgetting highlights national remembrance days, with attention to what they say about current state-building and national narratives in Russia. In sum, the volume presents an array of transitional justice measures, with attention to the role of state and non-state actors in the process of catalyzing and responding to measures.

**Book structure**

The volume is organized into three main sections rather than presenting a country by country approach. *Part I, The Long Shadow of the Past* focuses on some of the challenges associated with overcoming communist legacies, and explicates the reasons behind the limited transitional justice enacted in the FSU during the first twenty-five years of post-communism. Chapters in this section examine how the framing of past communist abuses affects possible courses of action in post-communist times. Stan, Bekus, Kramer, Trochev and Adler’s chapters explore impediments to reform, delayed transitional justice measures, and the various ways in which the past is being repurposed to advance political and social objectives in the present.

*Part II, Transitional Justice Programs, Practices, and Legislation* focuses on the most important methods of transitional justice and accountability attempted in the FSU, including lustration measures, truth commissions, trials and court cases, memory laws, history reeducation, and the (re)construction of historical narratives. Horne, David, Bakiner, Fijalkowski, and Klymenko draw on the transitional justice literature to inform a discussion of how these measures have worked or failed to work in the FSU. Chapters in this section also examine how the selection of certain types of measures over other types of measures has reflected the states’ efforts to manage the accountability processes in ways that have not always privileged reckoning over political calculations.

*Part III, Layered Pasts and the Politics of Denial*draws heavily on scholarship on communist legacies and post-communist politics in order to examine the rejection of measures to deal with the past. This last set of chapters examines the various state and non-state actors that have engaged in instrumental manipulation or obfuscation of accountability measures in order to control the way the past is presented or to thwart accountability for both proximate and distant rights abuses. In this way, the denial of the past or the selective engagement with the past affect or delimit possibilities for the future. Stan, Austin, Suciu, Davoliūtė and Budrytė, and Dimitrijević’s all engage with post-conflict and post-authoritarian atrocities layered on each other, both entwining the legacies of state and societal violence and complicating the options for transitional justice.

**Thematic overview**

Several broad themes tie the chapters together, presenting findings from this volume that could possibly speak to both FSU transition issues as well as transitions more generally. First, many of the chapters engage ***framing, memory and manipulation issues***, highlighting that transitional justice is not necessarily benign. There is a significant volume of literature on the instrumental manipulation of the past to privilege a certain understanding of the future. Such an intentional framing or manipulation of certain memories or historical experiences could affect the impact of the measures. The state has been particularly active in the FSU reframing the past as a way to control the present. Many contributions in this volume engage with this manipulation of transitional justice, exploring possible perverse consequences of certain transitional justice paths, such as Adler, Kramer, Klymenko, Budrytė and Davoliūtė’s, Bekus, Trochev, Stan, and Dimitrijević.

For example, Nanci Adler’s chapter “Challenges to Transitional Justice in Russia” highlights not only the manner in which the state has suppressed all recognized, institutional transitional justice mechanisms to deal with crimes committed in the past, but also the rehabilitation and valorization of Stalin’s achievements as well as Stalin himself. Instead of reflecting on crimes committed in the past and acknowledging victims, the state has constructed what Adler describes as a “gilded version of the national past,” instrumentalized to support current state-building practices, promote patriotism, and justify repressive practices. Although there are some “bottom-up” efforts to remember victims, such as Memorial, such efforts have not resonated as broadly with the general public as a national narrative valorizing Stalin’s achievements. Adler’s chapter is a cautionary reminder that acts of remembering are political and not necessarily benign.

Mark Kramer’s chapter “Public Memory and Communist Legacies in Poland and Russia” similarly engages the rehabilitation of the glory of Stalin in Russia as a means to further the state-building objectives of Vladimir Putin. Kramer’s chapter explores how the initial efforts by post-Soviet leaders in Russia to address Stalinist crimes have been intentionally hijacked by Putin, who has instrumentally used a revisionist interpretation of Stalinism to further his own state-building agenda. Alarmingly, Kramer's chapter explicates that although scholars have meticulously analyzed and made public information about the atrocities associated with Stalinism, the Russian government’s reimagining of this valorous past has fueled a wider indifference and lack of interest on the part of the Russian public to engage with the histories of state-led violence. Kramer’s chapter is made richer in its comparison with Poland, a country that used formal transitional justice measures, and simultaneously denied parts of its past involving discrimination and violence against Polish Jewry. Kramer’s chapter is a reminder of the problems of state instrumentalization of history to advance certain national narratives, both in the presence of transitional justice measures (Poland) and in the absence of such measures (Russia). In a word, public memory framing and (mis)use can happen in a variety of domestic institutional contexts.

Lina Klymenko’s chapter “Transitional Justice and the Revision of History Textbooks: the 1932-33 Famine in Ukraine” traces changes in the narrative surrounding the 1932–33 famine in Ukraine, called the Holomodor, as an example of both historical memory reframing and a soft form of transitional justice. Klymenko identifies the strategies employed in fifth grade textbooks to create a certain national identity for young Ukrainian readers, drawing on the condemnation of the Stalinist totalitarian regime and a sympathy for famine victims. In this way, the rewriting of history textbooks functions as a transitional justice method by presenting a new narrative about the Holomodor that requires both accountability for the past and the acknowledgment of the victims of this state orchestrated genocide of Ukrainian peasants. Klymenko’s chapter is also an example of the use of history textbooks to present Ukraine as a victim of Stalin’s collectivization measures, and therefore create an ‘other’ to blame. This reframing of history can be used to cultivate a new national Ukraine narrative, important for state-building in the post-Soviet period. As such, it is a reminder that the instrumentalization of post-Soviet memory to reframe genocide, repression, and violence is not always to whitewash the past. Memory reframing can also be a way to make up for past misrepresentations of state-led violence and to acknowledge the victims of those abuses. Nonetheless, in divided societies like Ukraine, naming or blaming Russians for the violence threatens to ignite volatile current ethnic divisions in society. In this way, Klymenko’s chapter hints at the manner in which transitional justice could undermine societal reconciliation rather than advance it.

A second main theme running through this volume is the challenge of ***overlapping transitional justice measures and memory issues***. Multiple, unaddressed regime abuses exist in the post-Soviet space. Proximate aggressions are layered on previous aggressions. The manner in which elites choose to address some crimes of the past but not others can affect the resulting state-building or societal reconciliation process. If some wrongs are addressed and others are intentionally left unattended, this can result in distorted policies, possibly tainting the transitional justice processes themselves. There is significant variation in the FSU in terms of how states have decided to address these layered historical legacies. This volume presents cases such as Russia (Adler, Kramer), Ukraine (Horne, David), Georgia (Austin), Moldova (Stan), Armenia (Suciu) and the Baltics (Fijalkowski, Budrytė and Davoliūtė’s), with attention to cases in which Soviet repressions were layered on unresolved World War II atrocities, as well as cases in which atrocities associated with more recent military conflicts are layered on unaddressed Soviet-era offenses.

Roman David considers layered pasts and transitional justice measures in Ukraine in the chapter “Lustration in Ukraine and Democracy Capable of Defending Itself.” Ukraine’s lustration measures, a regionally specific form of employment vetting widely used in the post-communist transitions in CEE, were designed to tackle the Soviet communist legacies, the excesses of Viktor Yanukovych’s regime, and the human rights abuses committed during the Euromaidan protests. Hence, Ukraine’s 2014 lustration measures addressed multiple, layered wrongs committed in the proximate and distant past. While the lustration measures focused on the more recent abuses, there was an explicit acknowledgement that the Soviet era abuses and post-Soviet abuses were related, and that in some ways the unaddressed Soviet past created problems in the post-Soviet present. The larger implication here is the manner in which unresolved previous abuses can taint the foundations on which a new regime is established. Additionally, there is a significant role for civil society in David’s chapter. David details the groundswell public support for a lustration of political officials in the wake of the Euromaidan protests. Ukraine therefore presents an example of public activism and calls for accountability that materialized into state-led transitional justice measures, something largely absent in the FSU. The bottom-up push for transitional justice is not without complications and potential rule of law derogations, something explored in detail in David’s chapter as well. David directly links lustration and democratization in his exploration of this controversial transitional justice method, as a means by which a democracy is capable of defending itself.

Violeta Davoliūtė and Dovile Budrytė’s chapter “Entangled History, History Education and Affective Communities in Lithuania,” explores Lithuania’s changing perspective on how to address its layered pasts, namely Holocaust-related human rights abuses and abuses committed under Stalinism. In particular, they focus on the use of history textbooks and public reeducation as both transitional justice measures and arenas for memory politics. By exploring how some memories and atrocities are privileged over other memories, they are able to shed light on the politicization of certain historical events and the silencing of others. In environments with such layered abuses, they show how these layered abuses are in many ways related to each other, and therefore selectively engaging with some human rights abuses and ignoring others creates a problematic approach to transitional justice. By comparing the efforts of two transitional justice institutions involved in history education in post-Soviet Lithuania with the efforts of other civil society agents, they explicate how affective communities developed around acknowledgement and accountability for Lithuania’s treatment of its Jewish citizens at the hands of fellow Lithuanians during World War II. Their chapter thus engages aspects of complicity faced by many other FSU states in their transitional justice needs, topics also examined in chapters by Horne and Kramer.

Oana-Valentina Suciu’s chapter, “Confronting Multiple Pasts in Post-Soviet Armenia,” presents layers of unresolved and unaddressed war atrocities, dating back as far as the 1800s, which affect Armenia’s current attitudes toward transitional justice as well as its post-communist democratization efforts. Suciu describes the Armenian case as a type of Russian matryoshka nesting dolls of multiple competing pasts. This visual nicely illustrates the long shadow of the past on present state-building and societal reconciliation efforts. In particular, Suciu examines the 1915 Genocide perpetrated by the Ottoman Empire, the legacies of Stalinist purges, the on-going conflict in Nagorno-Karabakh with Azerbaijan, and post-communist abuses, in order to present a complicated story of nested and overlapping rights’ abuses. Sucui illustrates how Armenian national history and current politics are driven by a quest for reparations for some but not all past rights’ violations. In particular, the 1915 Genocide and the atrocities committed in Nagorno-Karabakh overshadow all other pasts, including the more recent communist past. In fact, addressing the post-communist past could reveal how Armenians were not just victims but also perpetrators of rights’ abuses. Therefore, as with other FSU states in this volume like Ukraine, Kazakhstan and Georgia, Armenia has instrumentally privileged reckoning with some pasts over others as part of its post-communist state-building program. Suciu’s chapter is especially interesting in addressing both historical abuses and on-going rights’ abuses, highlighting that transitional justice is not just about past abuses but could also encompass present and on-going abuses. Her chapter explores how Russia, Turkey, Azerbaijan, the EU and even the U.S. play a role in these issues, suggesting an internationalization of transitional justice and memory politics that reverberates in multiple ways with Dimitrijević’s subsequent chapter on Serbia.

Nenad Dimitrijević’s chapter “Learning from Serbian Failure: The Denial of Three Repressive Pasts” explores the dilemmas surrounding the use of transitional justice to address some pasts but not others in the case of post-conflict Serbia. He examines three repressive periods in Serbia’s history, namely World War II under German occupying powers, the Yugoslav communist period, and the regime of Slobodan Milošević. The case of Serbia is an unusual case of unaddressed or selectively addressed post-conflict atrocities layered on post-authoritarian repressions layered on post-conflict violence, resonating with other countries in this study such as Georgia, Ukraine and Moldova. Dimitrijević juxtaposes the limited use of transitional justice in Serbia to address the Yugoslav conflict and the abuses committed under Milošević, against the considerable political legal and cultural efforts directed at addressing the Nazi past and the communist repression. The wrongdoings committed during the Yugoslav conflict are largely ignored and justice efforts are focused on more temporally distant offenses. Those offenses are in turn repurposed as nationalist building measures, in a manner that suggests transitional justice measures are being used to advance Serbia’s dominant cultural narrative of denial of wrongdoing. Layered injustices have afforded political elites with a range of offenses to focus on at the expense of others, given an illusion of transitional justice, but one masquerading as denial of wrongs for more proximate state-led violence and abuses. In this way, Dimitrijević draws out the lessons learned from Serbia’s misuse of transitional justice and selective engagement with some atrocities over others in order to speak to similar cases of layered, unresolved rights abuses in the FSU cases.

A third main theme running through this volume considers ***anti-reform constituencies,***including state-led opposition to reform and opposition emanating from various civil society groups.Transitional justice is not unproblematic as a set of reforms. There are groups in society and elements of the state structure that benefit economically, socially and politically from a failure to make the past transparent and from distorting the past by selectively emphasizing certain elements. The efforts by many states in the region to legally block transitional justice reforms or to allow only partial reforms merit close attention. Additionally, the constituencies that mobilize to block transitional justice bear consideration in light of the diverse groups that have thwarted efforts for accountability, such as political elites, special interest groups, and nationalist movements. However, it is not only the absence of reforms that must be considered, but the selection of some types of reforms that distort the past or hijack authentic efforts to engage in accountability. As such both the presence of certain types of choices and the absence of measures altogether could constitute anti-reform constituencies. Contributions by Stan, Adler, Bekus, and Austin examine the composition and impact of anti-reform constituencies and their relationship with key political actors representing the government and the opposition in the FSU.

Lavinia Stan examines the understudied case of Moldova in “Transitional Justice Lessons from Moldova,” highlighting political elites’ efforts to block accountability measures and continue to benefit from a failure to reckon with the past. In particular, she examines how Moldova has chosen to engage with some transitional justice measures, such as rehabilitation, compensation, restitution, and history textbook rewriting, and rejected other measures such as lustration and file access measures. In this way, Moldova’s political elites selectively engage with measures that do not threaten them and in some ways could benefit them by increasing their popular support. Additionally, Stan’s chapter also considers Moldova’s multiple layered pasts, including abuses committed during and after World War II, abuses committed under post-war Soviet occupation, as well as the rights violations committed after Moldovan independence and related to the conflict with Transnistria. She documents that Moldova’s reckoning programs of rehabilitation, memorialization, and commemoration selectively prioritized the Stalinist past and ignored the human rights violations perpetrated by later Soviet leaders, in a manner seen in other FSU cases. As such, her chapter resonates with the Russian, Ukrainian, Georgian, and Baltic cases in explicating how unaddressed pasts are entwined, affecting any transitional justice efforts moving forward.

Nelly Bekus presents the under-examined case of Belarus in her chapter “Historical Reckoning in Belarus.” She documents a significant number of soft transitional justice measures, including commemorative events and exhibitions, alternative truth-telling and memorialization programs, and even a citizen organized tribunal, that have largely gone unnoticed by the international community. In comparison to the dominance of state-led narratives in Russia, Bekus explores the efforts of non-state actors engaging in truth-telling and memorialization efforts to advance an ‘imagined’ Belarusian transition narrative. While efforts to engage in transitional justice were not generally popular across society, various non-state actors have managed to advance and popularize softer measures. This bottom-up push for a reimagining of history is not necessarily benign, despite the involvement of non-state actors. On the contrary, Bekus explains how ethnocentric arguments are being instrumentalized by civil society groups to advance a narrative externalizing blame on Russia and the Soviets for excesses committed in the past, and in this way valorizing Belarus and its victimhood. Bekus’ chapter presents a cautionary reminder that civil society groups can also advance distorted national narratives to fit parochial political agendas. In other words, while there is evidence in the post-Soviet space of state-led manipulation and distortion of historical memory, civil society groups can also be guilty of such historical manipulation in the way in which previous abuses are selected while others are obscured.

In “Confronting the Soviet and Post-Soviet Past in Georgia,” Robert Austin explains that under Mikheil Saakashvili, Georgia embarked on various economic reforms and anti-corruption measures without transitional justice, in a curious example of the decoupling of economic reforms and transitional justice. By 2017, Georgia had largely ignoring both the crimes of the Soviet dictatorship and the crimes of the subsequent post-communist regime of Saakashvili. Austin’s detailed narrative ensures that this limited transitional justice is understood as more than simply a state-led initiative to thwart accountability. He shows that while the Georgian political elites engaged in some limited transitional justice, in which the Soviets and Russians were blamed for past atrocities in Georgia, this anti-Soviet narrative was used to construct a sense of both Georgian victimhood at the hands of the Russians and a (re)newed sense of Georgian nationalism. While this might be politically desirable, given Georgia’s open conflicts with Russia, the Georgian people’s attitudes towards Stalin have reflected a more complicated picture. Support for Stalin’s memory is still high in Georgia, with Stalin identified with the Soviet victory over Nazism, and as a favored Georgian son. As such there is bottom-up resistance to framing Stalin as an evil perpetrator of abuses. In short, there are both state and societal forces resistant to transitional justice, for different reasons, but resulting in limited accountability nonetheless.

It is of note that under Saakashvili Georgia was an unusual case of expansive economic reforms, garnering much international praise, distinguishing Georgia from other post-Soviet republics, and yielding significant economic growth. However, the reforms were enacted in a quasi-democratic manner with noticeable rule of law derogations and in the absence of transitional justice. Transitional justice measures are often framed as complements to economic, political, and social reform measures, and in some countries when anti-corruption measures are thwarted, transitional justice measures-- like lustration-- have been used in their place.[[5]](#endnote-5) The success of certain transition goals such as economic development is often linked to transitional justice measures that force bureaucratic change, break up crony networks, promote accountability, and embrace transparency. Austin’s chapter on Georgia does not fit with this understanding of transitional justice as necessary complements to other reforms measures, prompting questions about the possibility for FSU regional reforms in the absence of complementary transitional justice measures.

Alexei Trochev’s chapter “Transitional Justice Attempts in Kazakhstan” reviews the elite-driven transitional justice efforts post-1991, illustrating how they have been largely symbolic or reactive to civil society demands, and often only partially implemented or quickly abandoned. Adopting an approach of officially blaming Soviet rulers for past atrocities without actually naming individuals responsible for past abuses has allowed Kazakh elites to instrumentalize transitional justice measures for political gain. Trochev shows how post-Soviet rulers have used the rehabilitation campaigns to gain political capital by presenting their nations as victims of Soviet rule rather than as authentic means of seeking the truth or improving accountability for victims and their families. Interestingly, juxtaposing Trochev’s chapter against Lina Klymenko’s chapter on Ukraine illustrates divergent approaches to the same historical atrocities within the post-Soviet space. For example, the famine in the 1930s has been addressed quite differently in the two republics, with Ukraine officially naming this famine as a case of genocide and Kazakhstan backing away from such an official designation. Trochev examines other state-led atrocities in Soviet Kazakhstan, including riots and purges, to show that the past has been framed or ignored by current leaders in order to advance a Kazakh state building agenda and as a means of addressing ethnic identity concerns. Like other post-Soviet states covered in this volume, the case of Kazakhstan embodies the manner in which the past continues to cast a long shadow on the future.

A fourth unifying theme in this volume is the placement of the FSU in *a broader comparative context.* To that end, several chapters have made a concerted effort to apply ***extra-regional transitional justice lessons to the FSU****.* The experiences in CEE with transitional justice are not only regionally proximate but also historically and culturally resonant with the post-Soviet states, constituting a deep and wide base of knowledge to inform our analysis of the FSU. Additionally, several chapters engage***the role of external actors and their influence***on transitional justice in the region. This volume challenges the assumption of FSU exceptionalism seen in some approaches to post-Soviet studies. It is through an intentional comparative approach that we gain leverage over the possible effects of both the presence and absence of FSU transitional justice measures. In other words, comparing across the post-communist region helps to unpack the possible effects of the non-case.

Onur Bakiner’s chapter “Between Politics and History: The Baltic Truth Commissions in Global Perspective” takes the broadest comparative perspective of any of the chapters. He develops a truth commission typology based on memory and truth-telling efforts around the world, and then uses this typology to inform an analysis of Baltic fact-finding bodies. His broad comparative perspective allows him to situate the accomplishments and shortcomings of commissions in Estonia, Latvia and Lithuania within the context of the global popularity of truth commissions in the 1990s and the 2000s. Although the Baltic commissions did not satisfy most of the definitional criteria used for truth commissions insofar as their forensic investigation, temporal scope, and relationship to victims were concerned, Bakiner argues that the Baltic commissions echo many of the promises and challenges that truth commissions face in their engagement with social memory debates. He shows how the Baltic commissions consciously positioned themselves as arbiters of disagreements over social memory. The Baltic commissions were less concerned with making recommendations for immediate political-institutional reform and more interested in adjudicating debates over history and social memory. This still resembles the work of truth commissions that have produced comprehensive accounts of past wrongs to seek broader state and societal transformations. In sum, Bakiner’s broad comparative approach presents us with a range of forms this type of transitional justice could take, as well as some of the strengths and limitations of this type of non-punitive transitional justice measure. Given the non-punitive nature of truth commissions, this transitional justice method remains a politically possible options for many states in the FSU.

Cynthia Horne’s chapter “Lustration: Temporal, Scope and Implementation Considerations” takes a narrower comparative approach to assess the post-Maidan lustration program in Ukraine. She draws on the CEE transitional justice scholarship, attending to what we know about the impact of lustration measures on transition goals like the promotion of good governance and democratization, in order to situating the Ukraine legislation in comparative perspective. She highlights that many of the current critiques of Ukraine’s laws and intentions resonate with other post-communist programs. While not minimizing the potential dilemmas associated with measures that could violate due process or retroactivity prohibitions, she also demonstrates that lustration has had a generally positive effect on transition goals in CEE. To the extent that Ukraine’s measures can replicate some of the scope and implementation components of CEE that have proven efficacious, there is a real possibility for beneficial reforms to arise from Ukraine’s lustration efforts. Moreover, the late timing of lustration in Ukraine begs the question whether it is too late for Ukraine, and the FSU, to use such transitional justice measures. By utilizing an explicitly comparative perspective, Horne is able to show that there is significantly more latitude in the temporal conditions surrounding the use of this transitional justice measure. Horne’s comparative approach helps to adjudicate temporal, scope and implementation considerations with respect to Ukraine’s on-going transitional justice measures.

Other chapters examine external influences on transitional justice in the FSU. Notably, Agata Fijalkowski’s chapter “Historical Politics and Court Redress in the Baltic States” explores the way that the European Court of Human Rights (ECtHR) has framed and interpreted communist-era crimes. The chapter is unusual in considering court verdicts and their legal reasoning as forms of transitional justice. More precisely, she explores the way an international actor—the ECtHR—has affected domestic interpretations of history and justice in the Baltics. Fijalkowski argues that legal decisions regarding which communist-era actions are characterized as actionable crimes constitute important practices of transitional justice. Fijalkowski considers cases raised by Estonia, Lithuania and Latvia and heard by the ECtHR. Through an analysis of three court cases, her chapter illustrates areas in which domestic and international actors contest memory. She argues that the ECtHR is increasingly playing an important role in the validation of key historical narratives in post-communist Europe, with unexpected consequences for the definition of key crimes and the way these definitions are contested. Saliently for other FSU cases, her chapter hints at the selective manner in which some histories are repressed and others are validated in an effort to create a new national state-building narrative. As such, this chapter presents a third transitional justice method—court trials—that could still be applied to FSU states.

This volume constitutes the first systematic attempt to reflect on what we know about the presence or absence of transitional justice in the FSU on the 25th anniversary of the end of the Soviet Union. We bring together fourteen scholars with backgrounds in both transitional justice scholarship and a deep historical understanding of the communist system and its unique post-communist legacies. This is an unusual combination, since the focus of most transitional justice literature has not been on the FSU space and most of the scholarship on the FSU has not engaged with issues of transitional justice. The scholars come from an array of research disciplines, including political science, history, sociology, and law, thereby providing an interdisciplinary perspective on regional transitional justice measures. The temporal and empirical breadth of the volume allows for engagement with both the most important and the most neglected factors shaping transitional justice in the FSU. We hope this volume starts a dialogue, raising questions and connecting the post-communist studies and transitional justice scholarly communities as we move forward together to better understand the past and the future.

Notes:

1. Fine examples of recent monographs include: Roman David, *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland* (Philadelphia: University of Pennsylvania Press, 2011); Brian Grodsky. *The Costs of Justice: How New Leaders Respond to Previous Rights Abuses* (Notre Dame, Indiana: University of Notre Dame Press, 2010); Monika Nalepa. *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (New York:Cambridge University Press, 2010); and Lavinia Stan, *Transitional Justice in Post-Communist Romania: The Politics of Memory* (New York: Cambridge University Press, 2012). A notable edited volume on regional memory politics is Michael Bernhard and Jan Kubik, eds., *Twenty Years After Communism: The Politics of Memory and Commemoration* (Oxford: Oxford University Press, 2014). [↑](#endnote-ref-1)
2. This includes the aforementioned monographs by David (2011), Nalepa (2010) and Stan (2012), as well as foundational pieces in the field of post-communist transitional justice such as John Moran, “The Communist Tortures of Eastern Europe: Prosecute and Punish or Forgive and Forget?,” *Communist and Post-Communist Studies* 27, 1 (1994): 95-109; Helga Welsh, “Dealing with the Communist Past: Central and East European Experiences after 1990,” *Europe-Asia Studies* 48, 3 (1996): 413-429; and Nadya Nedelsky, “Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia,” *Theory and Society* 33 (2004):65-115. [↑](#endnote-ref-2)
3. Oskar Thoms, James Ron and Roland Paris, *The Effects of Transitional Justice Mechanisms: A Summary of Empirical Research Findings and Implications for Analysts and Practitioners* (Ottawa: Centre for International Policy Studies, 2008). [↑](#endnote-ref-3)
4. Tricia Olsen, Leigh Payne and Andrew Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, D.C.: United States Institute of Peace Press, 2010). [↑](#endnote-ref-4)
5. For example, Cynthia M. Horne, “Late Lustration Programs in Romania and Poland: Supporting or Undermining Democratic Transitions?,” *Democratization* 16, 2 (2009): 344-376; Lavinia Stan, “The Romanian Anticorruption Bill,” *Studies in Post-Communism* *Occasional Paper*, No. 6 (2004), Centre for Post-Communist Studies, St. Francis Xavier University; and Lavinia Stan, “The Politics of Memory in Poland: Lustration, File Access and Court Proceedings,” *Studies in Post-Communism Occasional Paper*, No. 10 (2006), Centre for Post-Communist Studies, St. Francis Xavier University [↑](#endnote-ref-5)