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**The Use of History in Democratization-processes:
Symbols, Traditions, Education and Truth
and Justice Policies in Europe.**

Author **Pieter-Jan Hamels**

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PIETER-JAN HAMELS

THE USE OF HISTORY IN DEMOCRATISATION-PROCESSES
SYMBOLS, TRADITIONS, EDUCATION
AND TRUTH AND JUSTICE POLICIES IN EUROPE

*If there is no usable past,
it can always be invented.*
(Eric Hobsbawm)

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CHAPTER 1

INTRODUCTION

That history played and still plays an important role in the legitim–ation of authoritarian regimes is well described. Some authors go as far as claiming that specific eschatological interpretations of history led to the instalment of gruesome totalitarian regimes and caused the worst atrocities¹. Much can be said about myths that foresee predestined victories and eternal glory to an ethnic, religious, national or political group or, for that matter, a proletarian class. In order to achieve this goal, the zealots of this prophecy excuse the worst abominations. In the ironic words of Isaiah Berlin:

For if one believes that such a solution is possible, then surely no cost will be too high to obtain it: to make mankind just and happy and creative and harmonious for ever – what could be too high a price for that? To make such an omelette, there is surely no limit on the number of eggs that should be broken².

And indeed, it were historians who legitimated and in some cases even initiated acts of unspeakable violence in the darkest moments of 20th-century European history. Whether it was the systematic ethnic cleansing and murder of Slav people in Central and Eastern Europe under the Nationalist Socialist Germany's «Generalplan Ost,» the attempt to revise of the Trianon Treaty in 1919 to create a greater Hungary, the imperialist wars of fascist Italy in Africa and the Balkans, the Megali Idea in Greece or the ethnic cleansing and genocide in the

¹ «Indeed, it was to a large extent the myth of historical predestination, the investment of history with providential powers, its substitution for God, and the identification of the charismatic savior with the sense of history, that led to the tyrannies of certitude in our century.» Tismaneanu, 1998, p. 10.

² Berlin, 1991, pp. 15-16. Cited in Tismaneanu, 1998, p. 10.

former Yugoslavia, historians played a crucial role in legitimising imperial ambitions, violence and atrocities by offering historical justifications for it³.

But what about democracies? Do legitimising historical myths only appear in despotic and morally reprehensible regimes? Does a democracy neutralise myths through institutionalised and free political debates where ideological plurality automatically evokes critical thinking? Or do humans, in their quest for frames of reference, search for stable images with which to identify, galvanising figures of a better order, and explanations for perceived or real failure? In other words, do they *need* political myths?

And if so, what is the function of these myths: to stabilise or «to direct energies and inspire action?»⁴ A brief look at the political rhetoric of European post-fascist and post-communist transitions to democracy lets no doubt that exculpatory mythologies about the recent past played an important, if not vital role in transition processes⁵.

But not only the (re-)construction and (re-)interpretation of a recent non-democratic past is apparent in new democracies. References to an older, democratic past can also be widely found. Referring to an idealised «lost democracy» and its subsequent reinstatement is perhaps the most powerful argument in legitimising the new regime: it creates a sense of historic continuity in times of seemingly extreme discontinuity with the recent past.

Setting the demagogues and their impact aside, the past (democratic or not) lives on in less rhetorical realities too. Material remains (symbols, statues, monuments, architecture...) and cultural heritage in all its material and immaterial forms all have an immediate impact on how identities are constructed, linkages are felt and authority is perceived. Although susceptible for instrumentalisation, these elements need to be taken into consideration in any discussion about the organisation of a democratic order⁶.

As Michel Foucault has put it:

Since memory is actually a very important factor in struggle [...] if one controls people's memory, one controls their dynamism⁷.

³ Berger, 2007.

⁴ Berlin, 1982, pp. 318-319. Cited in Tismaneanu, 1998, p. 14.

⁵ Berger, 2005, pp. 629-678; Tismaneanu, 1998, p. 15.

⁶ See Misztal, 2005, pp. 1320-1338.

⁷ Foucault, 1989, pp. 91-92. Cited in Pearson, 1999, p. 179.

In this research, it is assumed that the past plays a political role in transition-periods and that it has an impact, for the better or the worse, on democratisation-processes.

1.1. RESEARCH QUESTIONS AND AIM

The main hypothesis of the thesis is that political elites use the past to legitimate regime-changes, policies and (new) political orders. Focusing on transitions to democracy and democratisation-processes, two fundamental questions will be asked:

1. How does the past manifest itself in transitions to democracy and democratisation-processes?
2. When are references to the past, and the controversies they evoke, constructive for democracy and democratisation and when do they become destructive?

Although conscious of the unavoidable inconclusiveness of the answers, the thesis will try to shed some light on the relation between state-narratives and collective memory in new democracies. While paying attention to the fundamental particularity of each democratisation-process, different elements of the evocation of the past will be abstracted and categorised. The sense and nonsense of recalling the past for democratisation-purposes will be discussed and the consequences of the arguments raised will be analysed through different cases.

The aim of the thesis will therefore be twofold:

- to contribute to the relatively recent studies on collective memory and democracy from a political science perspective;
- to draw some attention to the role that history and the instrumentalisation of history play in democratisation-processes and, consequently, add a dimension to the analysis of democratisation-processes.

1.2. STATUS QUAESTIONIS

From a general perspective, not much has been written about how states deal with their past in democratic transitions or democratisation-processes. Barbara Misztal is one of the rare authors to present a comprehensive overview of the literature on possible policy choices states can make in relation to their pasts and its impact on dem-

ocratisation⁸. Although still very much focused on how to deal with past crimes, her sociological approach broadens the horizon away from a sole focus on transitional justice to an acknowledgement of the role of education, symbols and traditions, media and civil society.

A large part of the literature on political usages of the past comes from nationalism-studies. In this regard, the classical work of Benedict Anderson *Imagined Communities* and the works of Anthony D. Smith are still worth mentioning⁹. The link between the instrumentalisation of the past and democratisation-processes is however underdeveloped in the scholarship on nationalism. For Eastern Europe, Vladimir Tismaneanu offers an interesting contribution¹⁰. There are many case-studies on the political use of symbols, traditions and monuments, mostly inspired by the path-breaking study of Eric Hobsbawm and Terence Ranger *The Invention of Tradition*¹¹. But, as many scholars don't forget to emphasize, the study of the relation between democracy and democratisation on the one hand and national symbols and traditions on the other, is underdeveloped¹². The degree of inclusiveness or exclusiveness of usages of the past, and its relation with peace and security, stays the main focus of nationalism-studies.

The legal scholarship on transitional justice is very extensive, and is being enriched by contributions of other disciplines, like sociology, psychology, anthropology, history and others. The relation between truth and justice policies and democratisation is the subject of fierce debates. In this regard, the seminal work by Alexandra Barahona de Brito, Carmen González-Enríques and Paloma Aguilar deserves mentioning, as well as Louise Mallinder's impressive study on amnesty and political transitions¹³.

For history-education and democratisation, the publications of the Council of Europe and Euroclio and some works on citizenship-education (most notably *Why History Matters* of John Tosh) deserve attention¹⁴. An interesting article on the relationship between history education and transitional justice, and the lack of a formalised cooperation (though highly desirable), is written by Elizabeth Cole¹⁵.

⁸ Misztal, 2005, pp. 1320-1338.

⁹ Anderson, 2006; Smith, 1991; Smith, 1992; Smith, 1996; Smith, 1998; Smith, 2001.

¹⁰ Tismaneanu, 1998.

¹¹ Hobsbawm & Ranger, 1983.

¹² See, *inter alia*, Bodnar, 2000, p. 952; Geisler, 2005, p. xx; Kolstø, 2006, p. 678.

¹³ Barahona de Brito, González-Enríques & Aguilar, 2001; Mallinder, 2008.

¹⁴ Tosh, 2008; Brace, 1997; Duoblys, 2000; Gallagher, 1996; Low-Beer, 2000; Stradling, 1997.

¹⁵ Cole, 2007, pp. 115-137.

This thesis hopes to contribute to the studies just mentioned by combining them and thus offering a set of policy-dilemmas where states have to deal with concerning their past(s). In doing so, the thesis will give an overview of policies that, previously, were described and analysed separately. As John Bodnar has put it:

There is a need to explore the connections linking the vast projects to promote democracy, those designed to construct representations of national pasts, and the controversies they initiated¹⁶.

1.3. METHODOLOGY

The theoretical framework of the thesis will consist of theories of democratisation, collective memory and nationalism, and will be interdisciplinary in nature (mostly drawing upon political science and sociology, history to a lesser extent). Throughout the thesis, a top-down approach will be applied, as reflected in the categorisation of the different «usages» of history for democratisation-processes. Given the scope of this research, attention will only be paid to the formal choices states make with respect to their pasts. Other interesting angles, such as the role of civil society, the media, political parties or private actions and discourses of individuals (politicians and others) will not be treated. Therefore, the analysis will reflect a strong constructivist and instrumentalist understanding of how societies perceive their history. Departing from this perspective, three distinct, but at the same time overlapping categories will be discussed:

1. Official symbols and traditions.
2. History education.
3. Truth and justice policies.

In each of the three categories, political choices will be discussed in the light of their impact on the democratic transition-process as well as on long-term democratisation efforts.

Secondary sources (academic literature), ranging from theory to concrete case-studies, will be the main source of information. Legal texts and historical documents will be used modestly.

Throughout the thesis, arguments will be illustrated through a large variety of concrete cases. In this manner, cases run the risk of being

¹⁶ Bodnar, 2000, p. 952.

instrumentalised to support or discredit certain arguments. A balance will therefore be sought through the confrontation of arguments with counter-arguments and the avoidance of broad generalisations and hasty conclusions. The cases will also be limited in their territorial scope. Only European examples will be used. The democratic transitions in Europe after World War II, post-communist transitions after the fall of the Berlin Wall and the Portuguese and Spanish transitions will serve as examples.

1.4. OUTLINE

The first part of the thesis (Chapter 2) will clarify some key-concepts that will be used throughout the thesis. It will attempt to define both «democratisation» and «democracy» and give a short overview of the debates surrounding these definitions. «Collective memory» and «collective identity» will be discussed too, since these concepts are vital in understanding the importance of the past, or narratives of the past, in society.

Secondly, Chapter 3 will deal with symbolic references to the past as demonstrated through national symbols, traditions and monuments. After analysing the role these symbols play in democratisation-processes, the chapter will look into how new elites deal with symbols of the former regime, how the choices for «new» symbols are made, and what the consequences are for democratic transitions. Finally, the active promotion of democratic values and civic engagement through symbols and traditions will be discussed.

Chapter 4 will analyse the role of history education in democratisation-processes. Four main arguments defending the added value of history-education for democratisation will be discussed: its contribution to the strengthening of a collective identity, the promotion of democratic values, the development of a critical attitude to information and the encouragement of citizens to engage themselves in a democratic society. Special attention will be given to history-curriculum reform in new democracies.

Lastly, Chapter 5 will discuss how new democracies deal with the legacy of the former, undemocratic regime. The usefulness of traditional justice-mechanisms will be discussed through two fundamental and seemingly irreconcilable axes: one around forgetting the past or to remember it and the other around forgiving former elites/ perpetrators or to punish them.

CHAPTER 2

KEY CONCEPTS

Before discussing the use of history in democratisation-processes, some terminological clarity is needed. A brief definition of the key concepts that will be used in this thesis (democracy, democratisation, collective identity and collective memory) will be given, accompanied with an analysis of the more or less intensive academic debates surrounding these definitions.

2.1. DEMOCRATISATION

Throughout the literature, democratisation is generally understood in three different ways. It can refer to the transition to democracy of a non-democratic regime¹⁷, it can be understood as the deepening of the democratic qualities of given democracies or it involves the question of the survival of democracy¹⁸. This thesis will see democratisation as a transition to democracy of a non-democratic regime and as an ongoing process within democratic states that further enhances or erodes the quality of that democracy (the «consolidation» of democracy). The survival of democracy will not be treated as a separate «form» of democratisation, but rather as a consequence of the democratisation-process. Admitting that this broad understanding of democratisation

¹⁷ Interesting in this regard is the debate around defining when a country is effectively in the process of transition to democracy. One of the consequences of the general acceptance of Huntington's theory on the «waves» of democratisation (see *infra*) is the so-called transition-paradigm. According to this paradigm, every country moving away from dictatorial rule can be considered a country in transition to democracy, setting aside structural features as economic level, political history, institutional legacies, ethnic make-up, socio-cultural traditions, etc. Today, this paradigm is contested by many students of democratisation. See Carothers, 2002, pp. 5-21.

¹⁸ Welzel, 2009, pp. 74-75.

results in an inherently vague concept, it will understand democratisation as a polyvalent concept that describes the changes either between various types of rulership or within them¹⁹. In the following chapters, the term «democratic transition» will be used when the political transition from a totalitarian regime to a democratic one is specifically targeted. The term «democratisation-process» will apply both to political transitions as to the ongoing democratising within so-called «consolidated» democracies.

In 1991, Samuel Huntington famously described three «waves» of democratisation, where periods of substantial increase in the number of democratic states are followed by periods of substantial decrease. According to Huntington, the first, long wave took place from 1828 (with the appearance of universal manhood suffrage in the United States) to 1922 (with Mussolini's March on Rome in Italy)²⁰. The second, short wave started immediately after World War II and abruptly ended in 1962 when a military coup took place in Peru²¹. With the transition to democracy of Portugal in 1974, the third wave began²². Today, Huntington's theory still dominates the scholarship on democratic transitions²³.

There exists a complex debate on the causes of democratisation-processes, and different views clash on questions related to causes of successful or unsuccessful outcomes of these processes. One can roughly differentiate six explanatory categories throughout the literature²⁴.

1. *Modernisation*. According to the much criticised but still influential modernisation theory, certain factors that can be associated with modernity are deemed necessary (but not necessarily sufficient) conditions for democracy and democratic governance in states. These factors include high levels of wealth, high degrees of urbanisation, an educated population and increased industrialisation²⁵.

2. *Economic preconditions*. There are two economic arguments. First,

¹⁹ Pulkkinen & Rosales, 2008, p. 2.

²⁰ Huntington, 1991, pp. 16-17.

²¹ *Ibidem*, p. 19.

²² *Ibidem*.

²³ Although still hugely influential, Huntington's theory is not immune for serious criticism. See Doorenspleet, 2000, pp. 384-406.

²⁴ Jepsen, 2011, pp. 275-282.

²⁵ Critics argue that growing state-strength could allow authoritarian regimes to push back against democratic forces. Others argue that a strengthened state and antidemocratic elites could forge an alliance to overturn democracy precisely because of modernisation. *Ibidem*, pp. 276-277.

it is assumed that economic development increases the likelihood of democratic politics. Second, regime-change (thus including transitions to democracy) is more likely to occur during periods of economic crisis²⁶. Although not without their critics and exceptions, these arguments seem to hold ground among scholars.

3. *Social preconditions*. This argument focuses on how informal norms and values of a society support the formal rules of a democratic political system. A key concept is social capital. Major facets of social capital are civic participation, political participation and generalised trust. A distinction is made between bridging and binding social capital. The latter is characterised by a strong in-group loyalty and a strong out-group distrust, and is seen as hostile to democratisation, while bridging social capital is inclusive, promotes civic virtues such as tolerance, generalised trust and cooperation²⁷. Theories on social preconditions for democracy or democratisation are not to be confused with rigid theories on cultural (or civilisational) preconditions for democracy. In contrast with static cultural explanations, much emphasis is put on the dynamism of social structures, mass-beliefs and value-change²⁸.

4. *Timing, sequencing and political patterns*. Three arguments are raised in this category of explanations. The first argument is that the development of contested politics before the expansion of suffrage and participation leads to a greater chance of a successful democratic experience (as was the case in the United States and Great Britain). Secondly, low levels of civil violence, polarisation and extremism are considered important for the likelihood of democratic transition and consolidation. Thirdly, countries who have had already a democratic experience in the past are considered more likely to revert to it sometime in the future. This argument is also called the «fairly uncomplicated experience»-argument²⁹. According to Misztal, previous democratic experiences that are rooted in the collective memory are useful to evaluate «whether new developments “fit” past occurrences in

²⁶ Geddes, 1999, p. 140.

²⁷ Osterberg-Kaufman, 2010, pp. 4-9.

²⁸ Welzel & Inglehart, 2009, pp. 127-144.

²⁹ Jepsen, 2011, p. 279. Jepsen mentions a fourth argument, raised by Tilly, on «trust networks» and «categorical equality.» «The subjugation of the state to public politics, along with expanding popular control over that political game, results in regularized control over governance. This regularized control over governance leads to the formation of trust networks as people become willing to abide by the set of rules of the democratic game. And, in a supporting role from the other direction, the state monitors anti-democratic tendencies and groups and seeks to eliminate these threats before they undermine the democratic project.» Tilly's argument is, however, not included in the main text of this thesis for reasons of clarity.

a confirming way. When the fit is imperfect, “the past is at once an idealisation and critique of the present world”³⁰.» Past democratic experiences make it thus not only more likely that a country will revert to democracy sometime in the future, it also has an effect on the consolidation and the quality of that democracy.

5. *Agency and advocacy*. The agency and advocacy argument relates to the importance of the engagement of specific groups of society during the transition-process. Authors refer to the importance of «elite-pacts» and the role of civil society.

6. *External actors and experience*. This argument refers to the international dimensions of democratisation-processes. Proponents of both structural and actor-centred explanations look at power structures (the power-asymmetry and thus the leverage of an external actor *vis-à-vis* the target state) and geographical, historical and cultural linkages between states³¹.

2.2. DEMOCRACY

As democratisation, the concept of democracy is equally vague. Many authors tried to identify the fundamental, core characteristics of a democracy, the «procedural minimum conditions,» which led almost inevitably to exacting conclusions who are at the same time too precise and too incomplete to capture the sheer complexity of the democratic idea³². «Democracy» and its negation, «authoritarian rule,» seem to be

³⁰ Misztal, 2005, p. 1329.

³¹ Tolstrup, 2010, pp. 20-24.

³² See the different types of democracy as summarised by Amy Gutman. She distinguishes Schumpeterian democracy, populist democracy, liberal democracy, participatory democracy, social democracy and deliberative democracy. Gutman, 1993, pp. 411-421.

A still valid and praiseworthy attempt to capture the dominant political science understanding of what a democracy is, comes from Philippe C. Schmitter and Terry L. Karl. They distinguish concepts, procedures and operative principles.

«*Concepts*: the existence of a broad category of “citizens” who can hold rulers accountable for their actions in the public realm through the competition and cooperation of elected representatives.

Procedures:

1. Control of government decisions about policy is constitutionally vested in public officials.

2. Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.

3. Practically all adults have the right to vote in the election of officials.

4. Practically all adults have the right to run for elective offices in the government.

5. Citizens have the right to express themselves without the danger of severe punishment on political matters broadly defined.

loaded with evaluative and context-dependent connotations that impede one single objective and universal definition³³. For the purpose of this thesis, two, albeit simplified types of democracy will be distinguished.

A. *Civic democracy*. The cornerstone of a civic democracy is the citizen or the citizenry, irrespective of ethnic origin or religion. Within the so-called civic democracies, two different types can be identified, namely liberal and consociational democracies.

In *liberal* democracies, with France being the archetype, equal individual rights are granted and collective rights are denied. The framework wherein the democracy works is the «civic nation-state.» The state is identified with a certain language and culture that every citizen is required to adopt. Legal citizenship and acquisition of the state language and culture are sufficient for inclusion in the nation-state. The criteria for inclusion are non-ethnic, non-religious and non-ascriptive³⁴.

This model, which is the dominant one for Western democracies, is not without controversy:

6. Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law.

7. Citizens also have the right to form relatively independent associations or organisations, including independent political parties and interest groups.

8. Popularly elected officials must be able to exercise their constitutional power without being subjected to over-riding (albeit informal) opposition from unelected officials.

9. The polity must be self-governing; it must be able to act independently of constraints imposed by some other overarching political system.

Operative principles: Democratic regimes function «by the contingent consent of politicians acting under conditions of bounded uncertainty.»

See Schmitter & Karl, 1991, pp. 75-88.

However, as Laurence Whitehead points out, this seemingly comprehensive understanding of democracy has fundamental weaknesses when confronted with the so-called «established democracies.» According to this theory, Switzerland only became a democracy in 1971, with the establishment of universal adult suffrage, the United States only in 1965 (the Voting Rights Act) and the United Kingdom can even today not fully claim the status of democracy given the residual legislative over-ride power of the unelected House of Lords... What the ninth procedural principle is concerned, one can ask in times of (economic) globalisation or, specifically in the case of the European Union, in times of growing supra-national political power-structures, which modern country is not confronted with «constraints imposed by some other overarching political system [...]» Whitehead, 2002, p. 11.

³³ Whitehead, 2002, p. 9.

³⁴ Smootha, 2003, pp. 13-14. Sammy Smootha distinguishes between individual liberal democracies and republican liberal democracies. But since an individual liberal democracy is, in Smootha's own words, «a purely normative model that hardly exists in reality, [...] an abstract and remote model rather than a familiar reality.» the «liberal democracy» as discussed here corresponds with Smootha's republican liberal democracy.

The western republican liberal democracy evolved over several centuries through destruction of ethnic groups, involuntary assimilation, genocide of native populations and other means of forcible nation-building. After achieving relative cultural homogeneity and basic consensus, republican liberal democracy can function rather smoothly. It usually does justice to individuals and ethnic groups which are more concerned with equal opportunity than with the preservation of their separate collective existence and identity³⁵.

Consociational democracy is a concept created by the renowned political scientist Arend Lijphart³⁶. Belgium serves as an ideal example of a modern-day consociational democracy. Smootha defines this type of a civic democracy as follows:

In consociational democracy ethnic groups are recognized by the state and given all the necessary conditions, such as separate communities, language rights, schools and mass media, to preserve their separate existence and identity. Consociational democracy operates through the mechanisms of group autonomy, proportional representation, politics of compromise and consensus, coalition government (elite cartel) permanently engaged in negotiations, and veto power on decisions vital to group interests. The state takes a neutral stand toward the conflict between the groups and impartially implements the compromises reached by group elites³⁷.

B. *Ethnic democracy*. For this type of democracy, the ethnic nation constitutes the fundamental characteristic of the state. There is an inherent contradiction in this regime through its combination of civil and political rights for all and the structural subordination of the minority to the majority. In contrast with civic democracies, ethnic democracies are democracies where the self-identification of the state has a specific ethnic component, where the state belongs to the majority and not to all of its citizens. This constantly generates ambiguities, contradictions, tensions and conflicts, but not necessarily ethnic and political instability: the conferral of citizenship on the minority enables it to conduct an intense struggle for fulfilling its rights and for improving its situation without fearing repression on the part of the state and majority³⁸.

Most commonly referred to as an ethnic democracy is Israel, which refers to itself as a Jewish (nation-)state but has a large non-Jewish

³⁵ *Ibidem*, p. 14.

³⁶ See Lijphart, 1969, pp. 207-225.

³⁷ Smootha, 2003, p. 15.

³⁸ *Ibidem*, pp. 24-25.

minority under its citizens³⁹. In Europe, Northern Ireland was from 1921 to 1972 considered to be an ethnic democracy, Macedonia from 1991 to 2001 as well as Poland between the two world wars. Today, Estonia, Latvia and Slovakia are by some described as ethnic democracies, although this categorisation is not uncontested⁴⁰.

The two democratic models explained above will be of relevance in discussing the use of history in democratisation-processes. As will be described, the historical narratives that pop-up in democratic transitions (often referred to as the «re-birth» of the nation) offer an inclusive or exclusive interpretation of the history of the nation and thus of the identity of its members. Although the following chapters will not go into detail as for the categorisation of different countries as ethnic or civic democracies, they will highlight how inclusive or exclusive particular narratives are, and how it affects the quality of the democracy in question, be it more ethnic or civic in nature.

2.3. WHAT IS COLLECTIVE IDENTITY?

Identities are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past⁴¹.

Apart from democratisation and democracy, another key concept that needs to be defined when discussing the use of history in democratisation-processes is collective identity. There are three conceptually distinct types of identity: personal, social and collective⁴². Personal identities are the attributes and meanings attributed to oneself by the actor: they are self-attributions and self-designations regarded as personally distinctive. Social identities are the identities attributed or imputed to others in an attempt to situate them in a social space. What collective identity is concerned, there does not seem to be a consensus on its definition, but as David Snow puts it:

Discussions of the concept invariably suggests that its essence resides in a shared sense of «one-ness» or «we-ness» anchored in real or imagined shared

³⁹ See Smooha, 1997, pp. 198-241.

⁴⁰ An interesting article that captures the contemporary debate on the categorisation of ethnic democracies and at the same time constitutes a defense of the model itself, is Smooha, 2009, pp. 55-62.

⁴¹ Hall, 1994, p. 225.

⁴² Snow, 2001.

attributes and experiences among those who comprise the collectivity and in relation or contrast to one or more actual or imagined sets of «others»⁴³.

Collective identity therefore is viewed as a prerequisite for future collective social practices «as well as the outcome of those social practices, with accumulated marks of past experience»⁴⁴. This observation leads certain authors to the conclusion that collective identities are not only the basis on which the social and political institutions are anchored, but that one of the very goals of any democratic order entails the preservation of these established identities (preferably *national identity*)⁴⁵.

What democratic transitions are concerned, stable collective identities are key elements in the legitimation of the new political order and the maintenance of its territorial scope. For democratic institutions to take root and a democracy to consolidate, individuals need to have an abstract form of solidarity among strangers and thus identify themselves with a large, anonymous citizen body⁴⁶. The maintenance or the creation of a collective identity appears therefore a *conditio sine qua non* for a democratisation-process to succeed.

2.4. WHAT IS COLLECTIVE MEMORY?

The concept of collective memory was used for the first time in 1902 by Hugo von Hofmannsthal, who called it «the dammed up force of our mysterious ancestors within us»⁴⁷. The «founding father» of the modern understanding of the term is French philosopher and sociologist Maurice Halbwachs, who distinguished in 1925 individual from collective memory in which the latter is a group memory that exists outside of and lives beyond the individual⁴⁸. The collective memory is shared, passed on and also constructed by the group, or modern society.

Today, collective memory is a subject studied by a whole range of academic disciplines, like sociology, history, political science, literary criticism, anthropology, art history, psychology and others. The many attempts to define collective memory have created a proliferation of

⁴³ *Ibidem*.

⁴⁴ Stompka, 2004, p. 482. Cited in Góra & Mach, 2010, p. 9.

⁴⁵ Góra & Mach, 2010, p. 9.

⁴⁶ Cronin, 2003, p. 3.

⁴⁷ Cited in Olick & Robbins, 1998, p. 106.

⁴⁸ See Halbwachs, 1925 and Halbwachs, 1950.

different and divergent definitions. Furthermore, while there is no consensus on a definition of the concept, the term itself has attracted criticism and many authors prefer other terms: cultural memory, social memory, images of the past...⁴⁹. Jan Assmann distinguishes four modes of memory⁵⁰:

- Mimetic memory: the transmission of practical knowledge of the past.
- Material memory: the history contained in objects.
- Communicative memory: the residues of the past in language and communication.
- Cultural memory: the transmission of meanings from the past (explicit historical reference and consciousness).

Critics argue that the term «collective memory» oversimplifies and that it blurred fine distinctions. They prefer more specific terms like official memory, vernacular memory, public memory, popular memory, local memory, family memory, historical memory, etc.⁵¹

In this thesis, collective memory will be understood as a socially constructed understanding of the collective past that constitutes a central and inherent element of communal identity and therefore is shared by (all) its members. The collective memory is essentially dynamic and thus susceptible to instrumentalisation. Or as defined by Barry Schwartz:

[Collective memory] is not an alternative to history (or historical memory) but is rather shaped by it as well as by commemorative symbolism and ritual. To conceive collective memory in this way sensitizes us to reality while encouraging us to recognize the many things we can do to reality interpretatively⁵².

⁴⁹ Olick & Robbins, 1998, p. 111.

⁵⁰ *Ibidem*, pp. 111-112.

⁵¹ *Ibidem*, p. 112.

⁵² *Ibidem*.

CHAPTER 3
 SYMBOLS & TRADITIONS

After the fall of communism in Hungary, hundreds of monuments and statues of heroes of the socialist lexicon scattered around the country's squares and parks suddenly appeared to have lost their *raison-d'être*. A «sculpture park» was opened a few years later, where fifty-eight Marxs and Lenins, worker-heroes, Soviet soldiers and other symbols of the former regime found refuge from the new Hungary: the graveyard of the old symbolic order⁵³. Today, the walls and fences of what was named «memento-park» symbolically segregate communism from the flow of everyday life⁵⁴. The new Hungary was subsequently resurrected: Lenin Ring Road became Theresa Ring Road (after the Habsburg empress Maria Theresa), the People's Republic Avenue became the Andrásy Avenue (after the former Prime Minister of Hungary and Minister of Foreign Affairs of Austria-Hungary Gyula Andrásy) and the November 7 Square (former Mussolini Square from 1936 to 1945) was baptised «Oktogon» (after the shape of the square)⁵⁵.

In Estonia, the last remaining statue of Lenin was removed in 1993 from the central square of Narva (a city with 97% of Russian speakers). It was replaced by the so-called «Swedish Lion,» commemorating the victory of Sweden on Russia in 1700. Commemorative plaques marking the sites of churches and other key building from the pre-war city were put up. All over the country, communist monuments were replaced by new ones commemorating the victims of Stalinist deportations, key moments of the Estonian transition to independence

⁵³ Esbenshade, 1995, p. 72.

⁵⁴ James, 1999, p. 303. A similar park can be found in Lithuania, where socialist monuments are collected in the Grūtas Park. For further reading, see Lankauskas, 2006, pp. 27-52.

⁵⁵ Esbenshade, 1995, p. 72.

of 1917-1920 and other non- or anti-communist references⁵⁶.

In Latvia, the national opera underwent bizarre transformations: the star of a sculptural composition on the building was removed, since it was perceived as an alien Soviet symbol not belonging to the «original» Latvian culture. But when a photograph was found from the pre-Soviet-era showing the star on this place, it was put back⁵⁷.

These examples are not isolated cases. Political transitions in general, and democratic transitions in particular, are as much symbolic transitions as political ones. Through this iconography of the new order, the new regime is materialised and legitimised. The outcome of what is described as «symbolic warfare» in democratisation-studies, is an unambiguous message instructing who has the right to semiotise reality⁵⁸.

But what is the significance and the impact of symbols in democratisation-processes? And is there something as democratic symbolism? This chapter will try to analyse why and how history is used in democratisation-processes through the choices for symbols and the invention of traditions, and what the consequences for these processes are.

3.1. THE ROLE OF SYMBOLS

For some, one of the fundamental elements of democratic modernity is public space. This is understood as a place where individuals can rely on the community, politically as well as culturally. It is the space where personal opinions are communicated, where debates are organised and where collective opinions are shaped⁵⁹. From the existence of such a public space, institutions representing the population are derived. Within the public space, the public is represented through a whole set of symbolic and concrete references, and an «imagined community» is constructed: the nation. Symbolising the collective is an essential element for this imagined community to become a strong and powerful reality⁶⁰.

In the «daily plebiscite» that is the nation it is the recursive, often subliminal, indoctrination provided by encountering national symbols everywhere

⁵⁶ Burch & Smith, 2007, p. 924.

⁵⁷ Kruk, 2009, p. 5.

⁵⁸ *Ibidem*, p. 2.

⁵⁹ Thiesse, undated, pp. 1-2. For a thorough theoretical and historical analysis of public space, see Henaf & Strong, 2001.

⁶⁰ Thiesse, undated, p. 2.

that generates the feeling of «large-scale solidarity,» which keeps us from opting out of the nation either physically or ideologically⁶¹.

An important characteristic of national symbols is their relation to a mythic past, shared by all the members of the nation. Symbols and traditions that refer to a shared mythic past justify the current social order and maintain the legitimacy of the social structure through, *inter alia*, ritual performances⁶². A national symbol serves as a historical «bookmark,» a link to actual or legendary events in the nation's past that have helped to shape it. Through the display of symbols, the state legitimises itself *vis-à-vis* the concept of the nation that undergirds it. Moreover, the state makes use of these symbols to communicate its authority as a hegemonic power-structure⁶³.

This can be through a direct textual reference (for example a national holiday celebrating a historic moment of the nation's past, like the adoption of the constitution or the day of independence), through connotation (for example the different emotions evoked when listening to the national anthem)⁶⁴ or through education (as by a monument or a museum)⁶⁵.

The best-selling book *The Invention of Tradition*, edited by Marxist historian Eric Hobsbawm, describes how (nation-)states in the 19th century created symbols, monuments, flags, traditions, anthems and other emblems in order to legitimise power and an increasingly intrusive state bureaucracy. The creation of a symbolic order where ideology, power-structures and collective or national identity find refuge can, according to Hobsbawm, be categorised in three overlapping types:

1. Those establishing or symbolising social cohesion or the membership of groups, real or artificial communities.
2. Those establishing or legitimising institutions, status or relations of authority.
3. Those whose main purpose was socialisation, the inculcation of beliefs, value systems and conventions of behaviour⁶⁶.

With respect to the democratic transitions in post-communist and

⁶¹ Geisler, 2005, p. *xvi*.

⁶² Elgenius, 2011, p. 405.

⁶³ Geisler, 2005, pp. *xix-xx*.

⁶⁴ Michael E. Geisler describes this as «the doubled nostalgia of listening to a national anthem, which consists in the joy of recognition of the tune and the glorious or idyllic past it conjures up.» Geisler, 2005, p. *xvi*.

⁶⁵ *Ibidem*.

⁶⁶ Hobsbawm & Ranger, 1983, p. 9.

post-fascist Europe, one can easily transpose Hobsbawm's analysis of the creation of traditions in the European nation-states of the 19th century. After all, after the fall of communist or fascist regimes and during the establishment of a new democratic order, the social cohesion needed to be re-established, the new institutions, elites and authorities needed legitimation and completely new societal beliefs, value systems and behaviour needed to be promoted.

National symbols have thus three main functions: to embody a set of values, behaviour or even ideology, to forge national unity through the construction of a collective and to legitimate the political structure (the state) that rules over that collective. With regard to the creation of national unity and state-legitimation, national symbols are of crucial importance in fusing a nation into a state (state-building) or a state into a nation (nation-building)⁶⁷.

What the first process is concerned, the use of symbols is especially powerful when the territorial boundaries of a state do not correspond with what is considered the «national homeland,» as is the case with the Hungarian nation today. The Hungarian national day (on 15 March) for example is extensively celebrated by the Hungarian minorities in neighbouring countries. On 16 March 2010, having witnessed these celebrations in his country, Romanian president Traian Basescu felt urged to send a message to ethnic Hungarians living in Romania, saying that they should also be proud to be Romanian citizens⁶⁸. And indeed, the Hungarian diaspora plays an important role in Hungary's domestic and foreign policy. In his first appearance in front of the parliament in 1990, Prime Minister Antall declared himself the prime minister of 15 million Hungarians, although only 10.5 million lived in Hungary⁶⁹. Today, the governing FIDESZ party of Victor Orbán supports a «unification without border revisions» through an active diplomacy supporting autonomy for the Hungarian minorities in neighbouring countries and a «National Cooperation System» allowing for significant economic and cultural support for the Hungarian diaspora⁷⁰.

An example of the role symbols play in a nation-building process is the United States where a myth of communal memory was created through a number of national symbols as the flag, the anthem, the

⁶⁷ Geisler, 2005, p. xv.

⁶⁸ <http://www.unpo.org/article/10862> (last consulted on 28 June 2011).

⁶⁹ Waterbury, 2006, p. 488.

⁷⁰ *Ibidem*, p. 497. See also *The Programme of National Cooperation*, Office of the National Assembly (Hungary), H/47, 22 May 2010, p. 16 and *Consistent Foreign Relations - Fidesz Presents Its Foreign Policy Strategy*, www.fidesz.hu/index.php?Cikk=111892 (last consulted on 22 June 2011).

Fourth of July holiday, the Martin Luther King Day, the dollar, the Constitution, the Lincoln Memorial, the Capitol and the White House, and national «heroes» or leaders such as Washington, Lincoln, F.D. Roosevelt, John F. Kennedy and Martin Luther King⁷¹.

National symbols always «straddle the fence between the two. For just as they serve as markers for the collective memory of the nation so, too, they represent the power of the state to define the nation⁷².»

But national symbols are more than just a cohesive force creating a community or legitimising a state. They reflect culture, values and ideas⁷³. They symbolise the collective as a political community. Therefore, symbols play a major role in the legitimation of a political ideology. When regime-transitions occur, it is in the symbolic space where contestation and de-legitimation occurs.

Sergei Kruk gives a good overview of the role symbols play in Latvia's political transitions throughout the 20th century. When war broke out in 1915, the bronze statues representing the Russian Empire were evacuated from its Baltic provinces. After World War II, the occupying Soviets demolished most of the freedom-monuments erected in the 1930s. In 1962, statues of Stalin were removed following the de-Stalinisation policy. And in the 1990s, most communist monuments (of Lenin, Soviet soldiers but also of Latvian communists) were dismantled following the collapse of the Soviet Union⁷⁴.

Throughout Eastern Europe, it was the communist party's monopolisation of the national and political discourse that necessitated its complete control over the symbolic space, thereby eradicating competing ideologies and their symbolic manifestations. Consequently, rituals and symbols became the basis for resistance and revolt⁷⁵. During the peaceful popular uprising against communist rule in the Baltic countries for example, waiving pre-communist flags and singing old national songs constituted the basis of the democratic resistance⁷⁶.

⁷¹ Geisler, 2005, p. xx.

⁷² Geisler, 2005, pp. xv-xvi.

⁷³ See Smith, 1991, pp. 351-368.

⁷⁴ Kruk, 2009, pp. 3-4. Another good example is Estonia, where after the recognition of the country's independence in 1920, the monument to Peter the Great in the center of Tallinn was removed. The myth goes that its bronze was used to mint the smallest Estonian coin, the one cent piece. Ehala, 2009, p. 140.

⁷⁵ Kusmierczyk, 2006.

⁷⁶ The importance of songs in the Baltic transition to independence and democracy granted the uprising the name «Singing Revolution.» See Thomson, 1991. An interesting article on Latvia's «singing revolution» analysing, through a constructivist understanding of ethnicity, why no ethnic violence occurred between ethnic Latvians and ethnic Russians during the transition period is Ginkel, 2002, pp. 403-433.

3.2. SYMBOLS, TRADITIONS AND DEMOCRATIC TRANSITIONS

Using symbols and traditions in democratisation-processes is no new phenomenon. *The Invention of Tradition* touches briefly on this when it describes the influence of mass suffrage on national symbols and traditions: «the widespread progress of electoral democracy and the consequent emergence of mass politics therefore dominated the invention of official traditions in the period 1870-1914⁷⁷.» Illustrative in that regard is Hobsbawm's description of the effect of democratisation on official public statues in the French Third Republic:

The major characteristic of French «statuomania» was its democracy, anticipating that of the war memorials after 1914-18. It spread two kinds of monuments throughout the cities and rural communes of the country: the image of the Republic itself (in the form of Marianne, which now became universally familiar), and the bearded civilian figures of whoever local patriotism chose to regard as its notables, past and present. Indeed, while the construction of Republican monuments was evidently encouraged, the initiative, and the costs of, such enterprises were undertaken at a local level. The entrepreneurs catering for this market provided choices suitable for the purses of every Republican commune from the poorest upwards, ranging from modest busts of Marianne, in various sizes, through full-figure statues of varying dimensions, to the plinths and allegorical or heroic accessories with which the more ambitious citizenry could surround her feet. The opulent ensembles on the Place de la République and the Place de la Nation in Paris provided the ultimate version of such statuary. Such monuments traced the grass roots of the Republic – particularly in its rural strongholds – and may be regarded as the visible link between the voters and the nation⁷⁸.

But at the same time democratisation-processes, with its mass-culture and the rise of private interests, make the creation of a homogeneous national past problematic. Pierre Nora, in his monumental study on France's national memory, spoke of a «politicisation of commemoration» and somehow nostalgic about the end of «order and hierarchy» in the representation of national heritage.

Gone is the time when major events were celebrated simultaneously throughout the country at identical sites with identical rituals and processions without regard to specific individual and group identities⁷⁹.

⁷⁷ Hobsbawm & Ranger, 1983, p. 268.

⁷⁸ *Ibidem*, p. 272.

⁷⁹ Nora, 1998, pp. 614-615. Cited in Bodnar, 2000, p. 952.

In democratic transitions, two difficult choices emerge. Which symbols should the new democratic regime choose in order to represent the new democratic state? And what to do with the symbols of the former regime?

3.2.1. *What to Do with «Old» Symbols?*

After a successful transition to democracy, how should new democracies deal with symbols of the non-democratic past? Should it ban certain symbols, like the legal ban on Nazi symbols in Germany or the ban on communist symbols in Poland?⁸⁰ Or should a democracy be able to allow the use of symbols associated with a non-democratic past? And what to do with the national flag, anthem or coat of arms? The same holds for more material symbols: should statues and monuments be kept, replaced or destroyed?

There are generally three choices one can make when confronted with the question what to do with the heritage of a previous regime.

One solution is to destroy the statues, buildings and other material symbols, erase all traces of their presence, and put a legal ban on the use of flags, coat of arms and other symbols⁸¹. Examples are the German and Polish legal bans already mentioned, or the destruction and subsequent disappearance of the traces of the Berlin Wall. This solution is very difficult to achieve, since it is generally impossible to erase the past completely.

A second solution is to remove the symbol or monument and replace it with another, more acceptable sign (or, in the case of a monument, leave the site blank)⁸². Removing a symbol or monument can prove to be very difficult and sensitive.

In Estonia for example, the removal in 2007 of the Soviet-era «Monument to the Liberators of Tallinn,» or «Bronze Soldier» from the centre of Tallinn sparked the worst large-scale ethnic riots in thirty years⁸³. Furthermore, leaving the site blank can have opposite con-

⁸⁰ Langenbacher & Dandeleit, 2005, p. 17. For Poland, see www.eutimes.net/2009/11/poland-imposes-strict-ban-on-communist-symbols/.

⁸¹ Burch & Zander, 2010, p. 62.

⁸² *Ibidem*.

⁸³ Ehala, 2009, pp. 142-143. Although there was a constant tension during the 1990s between the different ethnic groups, especially in 1993 (with the adoption of the Law on Aliens) and 1994 (with a conflict around the celebration of the 50th anniversary of the end of World War II), it was only in 1980 that similar riots as the ones of 2007 occurred when a punk rock concert mobilised Estonian youth to riot against Russification. In 2007, the rioters were predominantly ethnic Russians. The decision to remove the monument not only triggered serious ethnic violence, but caused a serious diplomatic conflict with the Russian Federation.

sequences. In the Estonian example, the removal of the «Bronze Soldier» made the site and its symbolic meaning more visible today than when the statue was still at its place⁸⁴.

In Latvia, a more absurd situation occurred after the removal in 1991 of a statue of Lenin in front of the Cabinet of Ministers. In 1910, it was the site of a statue of Peter the Great and in 1935 the Latvian Republic erected the Freedom Monument at that place. Three competing meanings attributed to the site reflecting societal divisions complicate the erection of a new (or old) monument tremendously, and every decision on what to do with it has a large political impact⁸⁵.

What «official» national symbols like a flag, a coat of arms or an anthem are concerned, Juan Linz argues that they are best not changed or illegalised in democratic transitions. According to him, the change is deeply felt only by a minority, while it is hurtful to those attached to tradition. And although these changes may arouse enthusiasm at first, they do not represent tangible advantages or constitute the kind of breakthrough of policies that might attach large sectors of society to the new order. They do become however an important rallying point for the anti-democratic opposition and «contribute to a semiloyal attitude on the part of the political groups hoping to win supporters from a disloyal opposition⁸⁶.» Stabilisation requires the maximum continuity in the symbols of the state and the nation. Symbolic continuity is said to make regime acceptance easier by avoiding emotion-laden choices in the initial stages⁸⁷. This argument seems absurd: would Linz favour the taking over of the swastika by a post-Nazi Germany? The opposite seems true.

A third solution is to reinterpret a monument or symbol, so that it fits the new narrative. The context of a symbol is intrinsic to its meaning. This goes for its political as well as its physical context. As in the example of Hungary mentioned in the introduction of this chapter, the shifting of a monument or a memorial from a central location to somewhere more peripheral (and less visible) can have a profound effect on its symbolic significance⁸⁸. In 2000, the Hungarian government decided that the crown of the first Hungarian king, Saint Stephen, was to be

It caused the first large-scale cyber attack on a state, a week-long blockade of the Estonian Embassy in Moscow by the militant Russian youth organisation «Nashi,» a drastic decline in Russian oil transit through Estonia and a boycott of Estonian goods in Russia.

⁸⁴ Burch & Zander, 2010, p. 60.

⁸⁵ Kruk, 2009, p. 14.

⁸⁶ Linz, 1995, p. 125.

⁸⁷ *Ibidem*, p. 129.

⁸⁸ Burch & Smith, 2007, p. 918; Esbenschade, 1995, p. 72.

transferred from the national museum to the parliament. The symbolic significance of this move was met by fierce opposition, accusing the government of sanctifying the state and challenging secularism⁸⁹.

The most striking example of the re-use of totalitarian symbols is perhaps the re-interpretation of the Romanian parliament. It is located in the former «House of the Republic»: an enormous palace seen by many as the symbol of communist authoritarianism, with the elite living in excessive luxury in contrast to the poverty of the people living in the surrounding neighbourhoods. By locating the Romanian parliament in that building, Romania's democracy uses the same symbol as Romania's communism, but changed its content accordingly.

Another, somewhat convenient way to undo monuments from their ideological meaning is to reinterpret it as cultural heritage. After 1798, a discussion occurred in France on what to do with the numerous cathedrals, seen as representing the union of «throne and altar.» Finally, they were re-interpreted as «expressions of the cultural and artistic genius of the French people⁹⁰.» Exactly the same happened in Latvia, where some Soviet-era monuments were «re-admitted citizenship rights by being redefined first and foremost as the artistic heritage⁹¹.» In Berlin, a Green Party politician launched a campaign to save a guard tower near the Reichstag, stating:

[it constitutes a] vital part of German heritage which should not get plastered over with a Mercedes sign but should be restored and used as a meeting place, arts centre, and macabre tourist attraction⁹².

For Hungary, Beverly James draws the parallel with the many Turkish mosques, minarets and baths in the country. These monuments are well reserved, although the subjugation of large parts of Hungary to the Ottoman Empire is not at all remembered as a positive period in the nation's history. They simply became appreciated remnants of Hungary's cultural history⁹³.

3.2.2. *The Difficult Choice for «New» Symbols*

The choice for new national symbols in transitions to democracy is

⁸⁹ Horel, 2002, pp. 8-9.

⁹⁰ Bodnar, 2000, p. 953.

⁹¹ Kruk, 2009, p. 10.

⁹² Esbenshade, 1995, p. 89.

⁹³ James, 1999, p. 307.

an important issue. For certain students of transitional justice-policies, the legitimacy of a democratic successor to a totalitarian regime is most likely enhanced by the creation of anti-totalitarian symbols, such as national holidays that commemorate the victims of the former regime⁹⁴. But, as Pål Kolstø convincingly argues in his comparison of conflicts over national symbols in Bosnia, Russia and Norway, national symbols can not only be signs of unity and legitimacy of a state, but can also reflect or even generate division⁹⁵.

In their quest for abolishing all symbols referring to a recent communist, fascists or other totalitarian past, young democratic states choose very often to replace all of them and (re)invent the national symbols. The past serves in these cases as the greatest inspiration, but transposing old national symbols into the present is not always without danger. Indeed, invoking history, sometimes through the instrumentalisation of the collective memory, is an ideal way for states to construct or strengthen collective identities, thereby supporting social cohesion. But references to the past can also have the opposite effect by presenting an exclusive narrative of the past.

New democracies tend to commemorate the transition through a whole range of symbolic references. Some authors speak therefore of the «cosmic dimension» of these democratic transitions. The non-rational, the sacred, or symbols, become pillars for the reconstitution of legitimacy in the reordering of people's entire meaningful worlds⁹⁶. In Poland, this «sacred» dimension of the democratisation movement can be taken quite literally. Through the support of the Catholic Church, and the subsequent borrowing of Catholic symbols, «Solidarity» received an almost divine legitimacy⁹⁷. The meanings of symbols like the Black Madonna of Czestochowa, Saint Stanislaus or the crucified Jesus were much wider than the religious sentiments they imply: they constituted the core of the democratic resistance symbols⁹⁸. Some see the reason for this in the idea that only the Catholic Church, as an institution, could claim a direct lineage throughout Poland's history. In other words, the Catholic Church became the national memory of Poland, «through its storehouse of myths, symbols and values⁹⁹.» Although the democratic movement («Solidarity») was vulnerable for fragmentation, due to the various socio-economical and ideological

⁹⁴ Herz, 1995, pp. 136-137.

⁹⁵ Kolstø, 2006, pp. 676-701.

⁹⁶ Wydra, 2008, p. 5.

⁹⁷ Jakubowska, 1990, pp. 10-13.

⁹⁸ *Ibidem*, p. 11.

⁹⁹ Kusmierczyk, 2006.

backgrounds of its members, these «centrifugal forces» were neutralised by «centripetal forces» of symbolic unification¹⁰⁰.

The collapse of a regime and the subsequent transition to another is very likely to highlight existing cleavages in the population or to create new ones. The fall of Nazi-Germany or the collapse of the Soviet Union created divided societies of winners and losers, and, in some cases, the introduction of democracy allowed nationalist demagogues to stir ethnic conflicts¹⁰¹. In these transitions, cohesive forces that generate or reinforce the idea of a common interest, through the promotion of a collective identity, prove to be useful in keeping the «civil peace.» But in order for a democracy to be healthy, this «unification» can not involve the denial of diversity¹⁰². Consequently, the choice for national symbols can influence political transitions in good and bad ways. Especially when recycled historical symbols have strong ethnical connotations, they have the potential to seriously harm democratisation-processes. In Croatia for instance, Franjo Tudjman used militant ethnic-nationalist symbols, including some linked to the Ustasha (the Croatian pro-Nazi regime during World War II). He became an extremely popular president of an independent Croatia, and successfully pursued a strategy of building a nationally homogeneous state by expelling ethnic Serbs from areas they inhabited for centuries¹⁰³. In 1993, it took a lot of public pressure to prevent the renaming of Marshal Tito Square in Zagreb into Mile Budak Square, after an anti-Semitic and fascist Croatian writer. Vladimir Tismaneanu comments:

The unqualified idealization of the pre-communist past, both by Serbs and Croats, and the failure of both sides, regardless of the different degrees of responsibility, to propose liberal democratic programs led to the breakdown of the centuries-old political culture of Serbian-Croatian cooperation¹⁰⁴.

To overcome the ethnical deadlock, the commission charged with finding a national flag for Bosnia-Herzegovina in 1997 decided not to look into history to find unifying symbols, but to look in the opposite direction. They wanted a future-oriented design that did not draw on the traditions of any group or any period in the history of the country. After difficult negotiations, no compromise was found and one of the proposed designs was imposed by the International High Represen-

¹⁰⁰ *Ibidem*.

¹⁰¹ See Snyder, 2000.

¹⁰² Thiesse, 1999.

¹⁰³ Tismaneanu, 1998, p. 69.

¹⁰⁴ *Ibidem*, p. 99.

tative in Bosnia, Carlos Westendorp. It was quickly criticised of looking more like a logo of a commercial firm than like a national flag of a country. The case of Bosnia is perhaps a radical example of the «top-down» construction or invention of a national symbol, but, apart from Republika Srpska, there are certain indicators that suggest that the new flag is slowly gaining in acceptance¹⁰⁵.»

Competing national symbols often reflect competing definitions for a particular «national narrative¹⁰⁶.» A good example of this competition of symbols can be found in Russia's transition to democracy.

After the collapse of the Soviet Union, the new Russian Federation searched for new state symbols: a flag, a coat of arms and an anthem. For a long time, these symbols remained hotly disputed. For a period of almost a decade, three different flags competed for recognition. The white-blue-red tricolour rose to prominence during anti-communist street protests, and although it was one of the flags of the tsarist Russian state, it symbolised a pro-Western orientation. Secondly, Russian communist and left-leaning nationalist continued to use the red flag with its hammer and sickle. Finally, tsarists and right-wing nationalists supported a black-gold-white flag (the dynastic flag of the Romanovs). Because of their histories, none of the three models could be regarded as inclusive and even less as symbolising the new multi-cultural democratic state. Obviously, the red flag and the black-gold-white one were unacceptable for democracy-activists because of their communist or absolutist connotations, but the white-blue-red flag has its own non-democratic history as well. Opponents of this flag did not fail to remind the Russian public that it was precisely this flag that was used by the Russian Liberation Army during World War II, and thus to the flag's Nazi past¹⁰⁷. This was a very strong argument, because of the politically important, almost mythical memory of the Soviet victory in World War II (or the «Great Patriotic War»). Given the importance of this memory, any association of Russia with Nazi Germany means almost a complete overhaul of Russian national identity¹⁰⁸.

¹⁰⁵ Kolstø, 2006, p. 685. Kolstø mentions examples as small stickers with the Bosnian flag on windows of taxis and on flagpoles outside petrol stations.

¹⁰⁶ Geisler, 2005, p. xvii.

¹⁰⁷ Kolstø, 2006, pp. 685-686. The Russian Liberation Army was a Russian division of the German Army during World War II, commanded by the former Red Army General Andrey Vlasov. For further reading, see Andreyev, 1987.

¹⁰⁸ Morozov, 2008, pp. 159-160. «Sacralization of the war narratives leads to a situation where the memory of the war becomes «implacable.» [...] Given the foundational significance of the Great Patriotic War narrative, any recognition of the negative role played by the Soviet Union in the history of the Second World War would involve reconfiguring the whole groundwork of the Russian national identity construction.»

The choice for a new anthem and coat of arms proved to be equally difficult. The Yeltsin-administration imposed the white-blue-red flag, a new coat of arms (the pre-revolutionary double-headed eagle) and a new, «impossible to sing,» anthem. The Duma was deeply divided on the issue, so in 1998, the national symbols were imposed by presidential decree. It was only when the Putin-administration took office that a compromise on the Russian national symbols was achieved.

The compromise combined symbols preferred by Westernising democrats and tsarists emblems favoured by the tsarists and the right-wing nationalists, while also retaining some of the Soviet-symbols. The white-blue-red flag was kept as state flag, but the Soviet red flag became the official flag of the armed forces. The national anthem was replaced by the old Soviet anthem, but a contest was launched for the lyrics¹⁰⁹. The double-headed eagle became the new coat of arms, but the tsarist colours (a black eagle against a golden background) were replaced (to a gold eagle against a red background)¹¹⁰.

The Russian example demonstrates that national symbols can be constructed and de-constructed. Disagreements about national symbols reflect divisions in society, rather than it is a cause for these divisions. This means that when the political climate changes, a way can be found out of a symbolic deadlock. Time has also an important role to play. Alternative national symbols will gradually fade from memory, and citizens will constantly be reminded to the ones that are adopted through their display all over the landscape. Gradually, people grow accustomed to these symbols. And as these symbols slowly gain acceptance, those politicians or groups who continue to disrespect them will be branded as anti-patriots. Moreover, as Pål Kolstø somehow daringly argues, Pavlov's law of association could also be applicable to national symbols: if national symbols can be associated to feelings of pride, joy, etc. (like sport events), these feelings may «rub off» on the symbols and enhance their moral value¹¹¹.

Kolstø argues that there is no inherent linkage between a symbol and what it symbolises. Therefore, the linkage between them cannot only be learnt, but also «de-learnt» or forgotten¹¹². Michael E. Geisler emphasizes that:

We need to look at the role played by national symbols in the formation and

¹⁰⁹ Ironically, out of 6,000 submitted texts, it was the version written by Sergei Mikhalkov (one of the authors of the lyrics of the Soviet anthem) that was chosen...

¹¹⁰ Kolstø, 2006, pp. 687-688.

¹¹¹ *Ibidem*, pp. 697-698.

¹¹² *Ibidem*, p. 698.

maintenance of collective identity as an ongoing, dynamic process in which historical symbolic meanings are constantly recycled, actualized, challenged, renegotiated, and reconfirmed – or rewritten, depending on changes in public consensus or the ability or inability of a particular hegemonic societal group to maintain its hold on the collective imaginary¹¹³.

3.3. SYMBOLS, TRADITIONS AND THE PROMOTION OF DEMOCRATIC VALUES AND CIVIC ENGAGEMENT

As mentioned earlier, national symbols reflect a set of values and ideology. But do they also actively promote democratic values or instigate civic engagement? And are democracies different in their symbol-politics than authoritarian regimes? In this section, a distinction will be made between material symbols such as monuments or flags and traditions like national-day parades.

3.3.1. *Symbols and Democratisation*

In their study on monuments, Benjamin Forest and Juliet Johnson cite Bourdieu when analysing the democratic battle between different political and other actors in semiotising the public space:

The physical transformation of places of memory reflects the struggle among political actors for the symbolic capital embodied in and represented by these sites. By co-opting, creating, altering, contesting, ignoring, or removing particular monuments, political actors engage in a symbolic dialogue with each other and with the public in an attempt to gain symbolic capital – that is prestige, legitimacy and influence derived from being associated with status-bearing ideas and figures. Through this process, political leaders and interest groups attempt to define the historical figures that become official heroes and establish the historical incidents that frame state identities. Viewed in this way, monuments represent weapons in the political battle for hearts and minds¹¹⁴.

With the establishment of democracy in post-communist Europe, a democratisation of the public space occurred. Forest and Johnson notice an increasing private participation in the transformation of this space, directly related to the degree of democratisation. However, these private initiatives to put up, destroy, replace or transform monuments do not necessarily promote liberal or unifying visions of the state or the

¹¹³ Geisler, 2005, p. xviii.

¹¹⁴ Forest & Johnson, 2010, p. 3.

nation. On the contrary, they seem to do generally little to promote a civic vision of the state or the nation and in some cases they even actively promote intolerance. Therefore, more participation does not necessarily mean «better» participation when it comes to monumental transformation¹¹⁵. Examples of private initiatives in the public space that challenge civic values are the erection of memorials to organised crime (Moscow), Mafia bosses (Kyrgyzstan), new and refurbished statues of Stalin (Georgia), the vandalising of Soviet War Memorials (Latvia, Estonia, Hungary), the defacing of monuments to Jews killed in World War II (Belarus)...¹¹⁶.

But to which degree play national symbols a socialising role in a democratisation-process? Are they a mobilising force? Do they constitute a part of man's identity leading to his willingness to make offers, even to die for it? As Émile Durckheim wrote:

The soldier who dies for his flag dies for his country, but as a matter of fact, in his own consciousness, it is the flag that has the first place¹¹⁷.

An interesting study on the relation between national symbolism, social identity and political identity concluded that «symbolic involvement utterly failed to instigate any form of concrete political engagement¹¹⁸.» People can have strong feelings of attachment to particular national symbols, but that symbolic involvement does not guarantee involvement with the nation as a socio-political system¹¹⁹.

3.3.2. *Traditions and Democratisation: The Case of the Norwegian Constitution Day*

What national traditions are concerned, there appears to be a closer link to the promotion of democratic values and civic engagement than is the case with more material national symbols. The recycling, re-negotiation, challenging and actualisation of national symbols and traditions mentioned earlier by Geisler is not only caused by changing political climates, but in some cases it influences politics too. In that way, some national traditions contribute to democratisation-processes.

A good example of the adoption of democratic and civic values

¹¹⁵ *Ibidem*, pp. 8-9.

¹¹⁶ *Ibidem*.

¹¹⁷ Durckheim, 1957, p. 220. Cited in Lavine & Schatz, 2007, p. 329.

¹¹⁸ Lavine & Schatz, 2007, p. 351.

¹¹⁹ *Ibidem*, p. 352.

through national symbolism are the national day celebrations in Norway.

Called «Constitution Day,» it is a yearly celebration of the adoption of the Norwegian Constitution, on 17 May 1814 (although the Swedish-Norwegian Union did not cease to exist). On that day, and without a strong nationalist movement, Norway acquired its constitution, a parliament and, according to some historians, the most democratic election system of Europe¹²⁰. From 1844, Constitution Day parades became more elaborate and included a so-called citizens' parade. This citizens' parade reflects the democratisation-process in several ways: when woman suffrage was granted, women joined the citizens' parade. Later on, reflections on membership of and inclusion in these parades became part of the multiculturalism debate.

The Constitution Day is very popular: studies suggested that 78% of the Norwegians celebrate the national day¹²¹. A particular characteristic is the children's parade. Through the active participation of schools in the preparation of these children parades, an «early socialisation into nationhood» is guaranteed¹²². Three narratives dominate during Constitution Day: freedom, equality and inclusion. But this day was and is more than celebrating national unity. The celebrations are characterised by disunity and they constitute a platform for political negotiation. In their struggle for independence from Sweden throughout the 19th century, emerging democratic claims became embedded in the nationalist language and during the parades, different political factions waved with flags symbolising independence. In the process of active mobilisation against the Swedish-Norwegian Union, the flag, Constitution Day and nationalism became closely interconnected¹²³. In the 1920s, the 17 May celebrations became the battlefield between socialists on the one hand and liberals and conservatives on the other. The socialists perceived the Norwegian flag and the national anthem as symbols of the class enemy and waved during the parades with the red flag and sang the International¹²⁴.

Consequently, the Norwegian Constitution Day became an important part of Norwegian democracy, a platform where battles for the symbolic space are fought. Participation in the Constitution Day parades is celebrating and participating in the Norwegian democracy. In

¹²⁰ Elgenius, 2011, p. 398.

¹²¹ *Ibidem*, p. 397.

¹²² *Ibidem*, pp. 405-406.

¹²³ *Ibidem*, p. 408.

¹²⁴ Kolstø, 2006, p. 691.

the 1970s, European flags were included in the parades by supporters of a Norwegian accession to the European Union. In 2002, small communities protested against unemployment by hoisting white flags at half mast. Recently, Sami and immigrant flags drew attention to their causes. In the words of Gabriella Elgenius:

The celebrations turned into political battlefields during periods of mobilization and democratisation, and in the negotiations for equality and democratisation. [...] Disagreements are channelled through demonstrations for independence, democracy and class rights and make it an exceptionally influential day in the political arena¹²⁵.

Social cohesion plays a major role in national traditions and the display of national symbols. Strengthening this social cohesion can go at the expense of minorities, but it can have an inclusive character too. At the Norwegian Constitution Day, the explicit display of regional origins and diversity through a whole range of different regional symbols, costumes (the so-called «bunad»), etc. made it possible to embrace both national and regional identities. But emphasizing (regional) difference does not necessarily harm social cohesion, as the European motto goes: *in varietate concordia*¹²⁶.

Festive regional costumes may vary but their relatively standardized design emphasizes the existence of shared national boundaries and a common heritage. Commonality is not the same as uniformity, but the *bunad* has contributed to politicizing culture and illuminating boundaries¹²⁷.

The current public debate on multiculturalism led to the discussion whether to include non-Norwegian symbols in the official citizens' parade. Although the United Nations flag and Sami flags are currently allowed, other non-Norwegian flags are forbidden. A compromise was however proposed: it was suggested that a multicultural *bunad* inspired by colours and patterns from different countries and cultures (even with a detachable *hijab*) would acknowledge the diversity of contemporary Norway¹²⁸.

¹²⁵ Elgenius, 2011, p. 408.

¹²⁶ United in diversity.

¹²⁷ Elgenius, 2011, p. 407.

¹²⁸ *Ibidem*, pp. 408-409.

3.4. CONCLUSION

Symbols are used to promote national cohesion, to provide legitimacy to the state and to represent an ideology, social behaviour and a set of values. In transitions to democracy, a choice is sometimes made to (re-)use symbols from the past. Due to their sometimes ethnic or ideological connotation, the choice for national symbols can have an exclusionary effect: ethnic or political minorities can feel excluded from the symbolic narrative. Aside from creating social cohesion, the examples of Poland, the Baltic States and Croatia show that certain exclusionary narratives in the symbolic space can pose difficulties for democratisation-processes: criminalising the possession of certain political symbols, imposing monuments remembering the victory of one ethnic group over another in cities populated by the «losing» ethnicity or remembering war-criminals as national heroes compromise a state's legitimacy and damage the possibility of new democracies to become an inclusive, tolerant and pluralistic political system with a multi-perspective understanding of past, present or future realities.

On the other hand, inclusive national symbols and traditions have the potential to embrace pluralism. As the example of Norway's Constitution Day showed, national traditions can actively support civic engagement and democratic values by providing citizens a platform to, at least symbolically, participate in the democratic debate. In this manner, it contributes to the continued democratisation of society.

CHAPTER 4
EDUCATION

In order to understand the role that education can play in democratisation-processes, one has to understand democracy not only as a form of government, a political model that regulates the relation between authority and its subject, but also as a culture. This culture is, ideally, a way of living in a pluralistic social environment that not only tolerates, but also accepts the existence of difference. Any democratisation-effort therefore needs to accustom citizens with difference. Education plays a leading role in this regard. Already in 1916, the renowned American philosopher, psychologist and educational reformer John Dewey defined the role of education in a democratic society as a «freeing of individual capacity in a progressive growth directed to social aims¹²⁹.» These social aims are multiple. One of these aims can be formulated as the formation of citizens in a democratic society. History education plays a special, perhaps crucial role in this regard. This view is staunchly defended by EUROCLIO (the European Association of History Teachers). In their words:

History education is an important element in socializing young people into society, in helping them address their own growing sense of self, and in accommodating a sense of identity and values. It is also an important bridge in understanding how different peoples and groups have interacted over time, and in promoting mutual respect, tolerance and social justice. If we are to encourage young people to become active, positive participants in a democratic civil society, history and history teaching have much to contribute to this process, and to the promotion of social cohesion, international understanding, respect for diversity and human rights¹³⁰.

¹²⁹ Dewey, 1916, p. 41.

¹³⁰ *History Works*, EUROCLIO Annual Report, 2006, p. 5. The aim of EUROCLIO is to «promote and support the development of history education so that it strengthens peace,

In October 2001, the Committee of Ministers of the Council of Europe adopted a recommendation on history teaching in 21st-century Europe. The recommendation explicitly underlines the importance of history-education in democratisation-processes¹³¹.

Through an analysis of the scholarship on history-education and the publications of the Council of Europe and EUROCLIO, one can distinguish four ways in which history-education can support a democratic society:

1. Developing an understanding of (collective) identity.
2. Promoting democratic values (tolerance, mutual respect, respect for human rights...).
3. Developing a critical attitude to information.
4. Encouraging civic engagement.

These four elements of history-education and democratisation deserve a closer look.

4.1. COLLECTIVE IDENTITY AND NATION-BUILDING

Through education in national history the state attempts to root national identity in the past and nurture youngsters in a historical narrative that legitimizes state independence and the cultural politics of the state¹³².

Next to the portrayal of the national past through symbols, monuments and commemorations, history-education can be regarded as another effective means by which the idea of the nation is made a reality in the minds of its citizens¹³³. The idea of the nation as a social construction is brilliantly described by Benedict Anderson in his path-breaking study on nationalism, titled *Imagined Communities*¹³⁴. According to Anderson, the possibility of imagining the nation arose only when three fundamental cultural conceptions «lost their axiomatic grip on

stability, democracy and critical thinking. EUROCLIO strives to shift the history and civic education in Europe towards inclusion of multiple perspectives, innovation, critical thinking, and connecting across boundaries of countries, ethnicities and religions. Recognising that history is a powerful mobilizing force in societies, EUROCLIO promotes the sound use of history education towards building and deepening of democratic societies.» www.euroclio.eu/site/index.php/core-information-about-euroclio-870 (last consulted on 28 April 2011).

¹³¹ *Recommendation on History Teaching in Twenty-first-century Europe*, Rec. (2001) 15, 31 October 2001.

¹³² Janmaat, 2007, p. 308.

¹³³ Tosh, 2008, p. 120.

¹³⁴ Anderson, 2006.

men's minds¹³⁵.» First was the loss of a script-language's monopolistic relation with the (ontological) truth and the subsequent emerging of the vernacular in religious and intellectual circles¹³⁶. Second was the rise of republicanism that challenged the belief that a society was naturally organised around and under «high centres,» «monarchs who were persons apart from other human beings and who ruled by some form of cosmological (divine) dispensation¹³⁷.» Third was a changing conception of time and history, where cosmology and history were no longer indistinguishable.

The slow, uneven decline of these interlinked certainties, first in Western Europe, later elsewhere, under the impact of economic change, «discoveries» (social and scientific), and the development of increasingly rapid communications, drove a hard wedge between history and cosmology. No surprise then that the search was on, so to speak, for a new way of linking fraternity, power and time meaningfully together¹³⁸.

Next to other important factors, as the spreading of print-capitalism and the expansion of state-bureaucracy, both increasingly in vernacular languages, state-education became the tool *par excellence* for linking fraternity, power and time together¹³⁹. The focus on national history in the history education curricula of many countries still serves this goal.

For many countries in democratic transition, the replacement of old totalitarian ideological narratives by a new national «grand narrative» is inspired by nation-building objectives, as it strengthens the collective identity formation by highlighting the nation's «glorious» past, often drawing on the collective memory of foreign rule whereby the nation is seen as a primordial entity longing to be freed. As been discussed in the previous chapter, many national histories risk therefore to portray ethnic others in negative stereotypes. In his study on Ukrainian post-communist history textbooks, Jan Germen Janmaat distinguishes four functions of this negative stereotyping¹⁴⁰:

1. Distinguishing an in- and an out-group. By assigning certain vices to the out-group and virtues to the in-group, the in-group's identity and uniqueness is strengthened.

¹³⁵ *Ibidem*, p. 36.

¹³⁶ See the spread of Bible-translations, vernacular literary works, etc. from the 16th century onwards.

¹³⁷ Anderson, 2006, p. 36.

¹³⁸ *Ibidem*.

¹³⁹ *Ibidem*.

¹⁴⁰ Janmaat, 2007, p. 308.

2. Strengthening the cohesion of the in-group. By stressing the hostility of the out-group, conflicts within the in-group are swept under the carpet.

3. Providing a justification for a liberation struggle against a foreign «oppressor» and for the establishment and the consolidation of an independent state.

4. Acquitting the governing elite of a newly independent state from bad management by holding the former (foreign) regime responsible for the current problems in society (the scapegoat mechanism).

This turn to ethnic nationalism is especially true when one looks at history curriculum reforms in post-communist countries. In Estonia for example, the new narrative of primordial nationhood replaced the deterministic Marxist dialectical materialism, and left no space for the significant Russian minority to be included in the historic community. Similar to what has been described in relation to Estonia's symbol-politics (especially what the replacement of statues was concerned), Russian-speaking Estonians were embedded in the story of the evil occupant, the Soviet Union, in subsequent history syllabuses throughout the 1990s. The Russian minority is thus portrayed as a historic anomaly¹⁴¹. The extensive *Youth and History* survey, conducted from 1994 to 1995, showed that the new narrative was very successful in reinforcing a collective identity in Estonia, but at the same time it caused social exclusion¹⁴². The view that the independence of 1991 was a «restoration» of the Estonian nation-state, which perceives the communist past as foreign occupation, poses serious problems for the democratisation-process of that state. After all, 36% of Estonia's population can not identify itself with the narrative of the Estonian nation¹⁴³.

The emergence of ethnic nationalism in new democracies is seen by some as proof of a fundamental difference between East and West¹⁴⁴. However, in an interesting article that challenges the long-standing rigid conception of Western nationalism as civic and Eastern national-

¹⁴¹ Ahonen, 2001, pp. 181-183.

¹⁴² See Angvik & Von Borries, 1997.

¹⁴³ Ahonen, 2001, pp. 183 and 190.

¹⁴⁴ «The Western model of the nation tended to emphasize the centrality of a national territory or homeland, a common system of laws and institutions, the legal equality of citizens in a political community, and the importance of a mass, civic culture binding the citizens together. The Eastern model, by contrast, was more preoccupied of ethnic descent and cultural ties. Apart from genealogy, it emphasized the popular or folk element, the role of vernacular mobilization, and the activation of the people through a revival of their native folk culture.» Smith, 1992, p. 61. The most cited scholar who defended this view is Hans Kohn. See Kohn, 1944; Kohn, 1995, pp. 162-165.

ism as ethnic, Taras Kuzio argues that an ethnic or civic conception of nationhood is contingent on the age of the state and the consolidation of democracy, and not on its geographical position¹⁴⁵.

Many international and regional organisations support the new East-European democracies in reforming textbooks in order to come to a more «civic» reading of national history. In this regard it is useful to remind the efforts of the League of Nations during the inter-war period and of UNESCO and the Council of Europe after World War II in removing nationalist learnings and ethnic stereotypes from Western educational materials in order to promote peace, human rights and democracy¹⁴⁶.

A different, non-ethnic approach can be found in the history curriculum reform in East-Germany in the context of German reunification. There, the principle of «Aufarbeitung der Vergangenheit» (working up to the past) was used¹⁴⁷. The emphasis of the history textbooks was on the totalitarian nature of the GDR, and any other interpretation was seen as communist apologetics. Stressing the virtues of liberalism and emphasizing the wrongs of communism created a troubled relationship between school history and the collective memory of a significant part of the German population and resulted in a double-consciousness of history. «Ossies» felt excluded from the narrative of the past and denied the request of a sense of continuity and therefore, denied an opportunity to face up to their past. This drastically hindered the sense of unity needed for a successful unification- and democratisation-process. Finally, at the end of the 1990s, the curriculum was changed and a multi-perspective approach to the GDR's history was applied, allowing for different interpretations and critical analysis¹⁴⁸.

The use of history-education for nation-building purposes in democratic transitions is not without controversy. The quest for national identity can lead to intellectually dishonest discourses, to a particular kind of selectivity where everything that is perceived as contributing to the building of the nation is described as good, and anything else condemned or ignored as irrelevant¹⁴⁹. As John Tosh points out, this

¹⁴⁵ Kuzio, 2002, pp. 35-36.

¹⁴⁶ See Berghahn & Schissler, 1987, pp. 1-16. Cited in Janmaat, 2007, pp. 308 and 310.

¹⁴⁷ Muller, 2001, p. 256. This «Aufarbeitung» was a reaction to the methods used after World War II, where the principle of «Vergangenheitsbewältigung» was used. The latter can be translated as «coming to terms with the past» and resulted, especially in the Federal Republic of Germany, in the neglect of justice and historical truth for the sake of stability and national unity (among other reasons, see *infra*). Wüstenberg & Art, 2008, pp. 74-76.

¹⁴⁸ Ahonen, 2001, pp. 186-188.

¹⁴⁹ Gallagher, 1996, p. 16.

interpretation of the role of education is discredited «on the general grounds that it smacks of indoctrination, and more specifically because it conflicts with the diversity of approach preferred in a multicultural society¹⁵⁰.» An influential report on history teaching and the promotion of democratic values and tolerance, commissioned by the Council of Europe, pointed out that highly selective national history teaching can create feelings of national, racial, religious and cultural superiority, prejudices of all kinds and even hatred and violence leading to the oppression of others¹⁵¹. In this regard it is important that the curricula of history teaching don't focus entirely on national history, but also on social institutions and cultures of people far removed in space and time. Having knowledge of and understanding different ideas and different ways of human life, is a better preparation for the demands of life in a pluralist democracy than a narrow and repeated emphasis on national history¹⁵².

This doesn't mean that the teaching of national history becomes obsolete. It should however be an inclusive history that makes pupils aware of the variety of influences that made that nation, thereby supporting an understanding of national identity as encompassing differences between members of the national community¹⁵³. An inclusive narrative of the past means recognition of the pluralistic origins of the nation or the state. Influences of colonisation, migration and religion and of ethnic and religious minorities should therefore be included in the curriculum¹⁵⁴.

An example of this inclusive approach to history teaching can be found in the Netherlands, where a compromise was found between proponents of an identity-strengthening «canon» of history (a list of «Great Dutchmen») and those favouring a broader and international, multi-cultural approach to history-education. Political debates on the definition and the formation of a national identity through history-education resulted in a curriculum where national history (with the new canon) is kept in the curriculum but where the history of migration and that of neighbouring countries is added¹⁵⁵.

¹⁵⁰ Tosh, 2008, p. 120.

¹⁵¹ Gallagher, 1996, p. 17.

¹⁵² Barton & Levstik, 2008, pp. 37-38.

¹⁵³ «History teaching in a democratic Europe should occupy a vital place in the training of responsible and active citizens and in the developing of respect for all kinds of differences, based on an understanding of national identity and on principles of tolerance.» *Recommendation on History Teaching in Twenty-first-century Europe*, COUNCIL OF EUROPE: Rec. (2001) 15, 31 October 2001, Article 1 (Appendix).

¹⁵⁴ Gallagher, 1996, p. 23.

¹⁵⁵ Grever & Ribbens, 2007.

4.2. PROMOTING DEMOCRATIC VALUES

Apart from generating some form of collective identity, with an exclusive ethnic or inclusive civic nationalism as result, history-education can explain and justify the combination of civic rights and duties which has been handed down from the past. In other words, history can be used to promote specific democratic values. According to this view, history teachers have the responsibility to raise the consciousness of pupils about the rights and liberties handed down from the past and now in danger of suppression or erosion. Placing democratic values like civil rights in their historical context can make it clear why these rights are necessary, how they were secured and why they should not be surrendered¹⁵⁶.

History education can also be an important part of confronting a violent past through truth telling, the official acknowledgement of harm, the recognition of victims and the preservation of their memory (in this manner, it is closely linked with restorative justice), reconciliation and public deliberation. Although all essential elements of transitional justice, this function of history education is seen as contributing to the creation of a (more) democratic culture¹⁵⁷.

Some authors go further and claim that a selective reading of the national past can serve democratisation-processes in a concrete and direct way. Eric Davis for example argues that the Iraqi history curriculum should stress the dynamics of cross-ethnic political participation in pre-1963 Iraq and the history of resistance to the Baathist regime, in order to «expose sectarianism as a political construct rather than an inherent quality of some pre-existing Iraqi “national character”.» According to Davis, this battle for the «hearts and minds» of the Iraqi youth is the crucial campaign for the country’s democracy-activists to promote cultural pluralism, inter-communal tolerance, social justice and broader political participation¹⁵⁸. In Hungary and Poland, nationalism is closely linked with democratic values. A strong emphasis on the democratic ideals of the Polish and Hungarian revolutionaries in their anti-Stalinist struggles in 1956 tries to maintain that link¹⁵⁹.

A strong emphasis on well-selected episodes of the past can serve as «inverse legitimation,» whereby real but also imagined or exaggerated

¹⁵⁶ Tosh, 2008, pp. 130-131. John Tosh gives the example of the crackdown on certain civil rights after the terrorist attacks of 11 September 2001.

¹⁵⁷ Cole, 2007, p. 123.

¹⁵⁸ Davis, 2005, p. 64.

¹⁵⁹ Tismaneanu, 1998, p. 69.

faults of authoritarian government are stressed. As mentioned, the «Aufarbeitung der Vergangenheit» in West Germany after World War II served this role: it is this repeated confrontation with the holocaust that contributed to democratic attachment by reinforcing anti-totalitarian views¹⁶⁰.

Learning history, or specific parts of history, can contribute to the promotion of democratic values, and some authors argue that the opposite is also true. They claim that forgetting certain episodes of the past, or not learning the right lessons of it, can damage democratisation-processes. Analysing «Soviet-nostalgia» and its impact on Russian democratisation, Sarah Mendelson and Theodore Gerber assert that a lack of knowledge of Stalin compromises Russia's democracy:

Today, many Russians show symptoms of collective amnesia about the past, and a majority of young Russians believe Joseph Stalin (1929-1953) did more good than bad. Although intellectuals in many countries complain that the next generation in their own countries do not receive adequate training in history, in Russia this «absent memory» appears to have political consequences. As long as they remain positively inclined toward Stalin, young Russians are unlikely to embrace concepts such as justice and human rights. The failure of robust democratic institutions to develop, coupled with a lack of understanding of the past, has left Russians uneducated about democracy, ambivalent about Stalin, and confused about Russia's place in the world¹⁶¹.

As with the (re-)construction and maintaining of a collective identity, using history to promote democratic values is a form of instrumentalisation: «there is a whiff of instrumentalism as the content of history is adjusted to specific lessons¹⁶².» Indeed, many scholars oppose the alleged usefulness of history-education in promoting democratic values. Faced by a growing tendency by the Belgian state to use history-education in this way, an impressive number of Belgian historians published in 2006 an op-ed in all the major newspapers of the country expressing their scepticism and concerns. They did not follow blindly the wide-spread idea that if one remembers the past, it will not repeat itself, that one can learn from the past in order to avoid making the same mistakes, and that by highlighting the horrors of totalitarianism, human rights and democracy are effectively promoted:

No, history is not the new catechism of multiculturalism, a magic charm to

¹⁶⁰ Pridham, 2000, pp. 50-51.

¹⁶¹ Mendelson & Gerber, 2005, p. 84.

¹⁶² Tosh, 2008, p. 120.

combat extreme right and xenophobia or to promote democracy, the European idea or world-solidarity. An exclusive «negative» memory, that consists of a list of Great Tragedies of the past, contributes little to the cultivation of critical reflection. It can even create a feeling of moral self-complacency by contrasting a «carefree» present to a past characterized by violence and brutality¹⁶³.

4.3. DEVELOPING A CRITICAL ATTITUDE TO INFORMATION

As hinted at by the Belgian historians, history-education provides (or should provide) a training in the rational evaluation of evidence and argument, in separating facts from opinions, on which democratic discourse depends¹⁶⁴. Although certainly true for many other disciplines and forms of education, the formation of a «critical community» is perhaps the best contribution history-education can make to any democratisation-process. According to the Council of Europe, which is very active in history curriculum reform in East and South-East Europe, history-education has exactly that role to play. It is more than just the transmission of a body of knowledge to pupils, since that knowledge will prove no more durable than their knowledge of information technology or biology, which becomes rapidly obsolete¹⁶⁵. History-education should be a training in adopting a critical attitude to information, to think critically and be «constructively sceptical¹⁶⁶.» This constructive scepticism is the attitude deemed essential for citizens of pluralistic democracies¹⁶⁷.

According to the Council of Europe, history teaching in the 21st century should avoid the accumulation of encyclopaedic knowledge and encompass¹⁶⁸:

- The development of students' critical faculties, ability to think for themselves, objectivity and resistance to being manipulated.
- The critical study of misuses of history, whether these stem from denials of historical facts, falsification, omission, ignorance or re-appropriation to ideological ends.

¹⁶³ «Non, l'histoire n'est pas un nouveau catéchisme de la multiculturalité, capable de combattre l'extrême droite et la xénophobie, de promouvoir la démocratie, l'idée européenne ou la solidarité mondiale. Une mémoire exclusivement "négative," faite de l'énumération des Grandes Tragédies de l'Histoire, contribue peu au développement d'une réflexion critique et elle peut même cultiver un sentiment d'autosatisfaction morale d'un présent rédimé face à un passé d'horreurs et de brutalités.» Gotovich et al., 2006 (my own translation).

¹⁶⁴ Tosh, 2008, p. 120.

¹⁶⁵ *Ibidem*, p. 126.

¹⁶⁶ Gallagher, 1996, p. 18.

¹⁶⁷ Stradling, 1997, p. 3.

¹⁶⁸ *Recommendation on History Teaching in Twenty-first-century Europe*, COUNCIL OF EUROPE: Rec. (2001) 15, 31 October 2001, Article 4.

– The study of controversial issues through the taking into account of the different facts, opinions and viewpoints, as well as through a search for the truth.

History-education should therefore aim «to make it possible to develop in pupils the intellectual ability to analyse and interpret information critically and responsibly, through dialogue, through the search for historical evidence and through open debate based on multiperspectivity, especially on controversial and sensitive issues¹⁶⁹.» A multiperspective approach supports the idea that judgments should be based on evidence, and that views should be justified by reference to rational evidence and empathy for other perspectives, a crucial skill for citizens of a pluralistic democracy¹⁷⁰.

Revisions in history education methodology, as well as content, can serve the goal of deepening democracy by enhancing critical thinking and empathy skills, the willingness to question simplistic models and the ability to disagree about interpretations of the past and their implications for present social issues without resorting to violence¹⁷¹.

The argument that history-education with an emphasis on skills rather than knowledge is important in the formation of a «critical community» is certainly valid, but one has to admit that this distinction can not be solely attributed to history teaching, since it can be found in other disciplines as well¹⁷². A more fundamental criticism on the multiperspective approach is that a too strong emphasis on multiperspectivity might lead to relativism in which every viewpoint and perspective is treated as if they were equally valid¹⁷³.

4.4. ENCOURAGING CIVIC ENGAGEMENT

A fourth contribution history-education can make to a democratisation-process is to encourage citizens to position and engage them-

¹⁶⁹ *Ibidem*, Article 2.

¹⁷⁰ Gallagher, 1996, p. 27.

¹⁷¹ Cole, 2007, p. 126. Elizabeth A. Cole continues: «Teaching, which presents history to students as an academic discipline with widely accepted standards and methodologies, rather than as a political tool or expression of nationalism, can help make the study of history “at its best [...] not simply a collection of facts, not a politically sanctioned listening of indisputable ‘truths,’ but an ongoing means of collective self-discovery about the nature of our society”.»

¹⁷² Tosh, 2008, p. 120.

¹⁷³ Stradling, 1997, p. 14.

selves in society, to grant them the ability to «think with history,» as John Tosh convincingly argues. For him, the ability to apply a historical perspective to current issues enhances the citizen's capacity to make informed judgments of the issues of the day, to participate in the public discourse, and to make intelligent use of the vote¹⁷⁴.

The most valuable objective of history teaching is to enable young people to situate themselves in time, to recognize the centrality of change and development in accounting for the world around them, to grasp the merits – and the drawbacks – of historical comparison, and to draw on the past for a richer sense of possibilities in the future¹⁷⁵.

This historical perspective makes it possible to identify what is distinctive about the present and allows citizens to make critical judgments about matters of public concern. Bernard Crick, the Chairman of the British Advisory Group on Citizenship-Education, believed that «of all the other subjects, history may have the greatest role to play¹⁷⁶.»

The teaching of a distant past is important, since it can make pupils conscious of a fundamental difference between past and present, «times when decent, honest people differ¹⁷⁷.» A chronological framework extending over several centuries generates a historical consciousness of process and development. But contemporary history is important as well. Tosh points out that ignorance of the immediate antecedents of today's problems leads to seriously skewed judgments¹⁷⁸. The question that can be asked is thus: what is the «cut-off point» for teaching modern history? It seems rather arbitrary to decide that the last five or ten years will be excluded from the curriculum. It is difficult to reconcile this decision with the idea that history should help young people to understand the present¹⁷⁹. The history curriculum should therefore bridge the gap and make the link with the present through the inclusion of recent historical developments.

4.5. HISTORY CURRICULUM REFORM IN (NEW) DEMOCRACIES

As argued above, history-education plays an important role in dem-

¹⁷⁴ Tosh, 2008, pp. 120-121.

¹⁷⁵ *Ibidem*, p. 127.

¹⁷⁶ Cited in Tosh, 2008, p. 124.

¹⁷⁷ Stradling, 1997, p. 5.

¹⁷⁸ Tosh, 2008, p. 128.

¹⁷⁹ Stradling, 1997, p. 16.

ocratisation-processes. But putting the theory into practice has proven to be difficult due to several reasons. The societal importance of history-education is recognised by many, and numerous pressure groups, politicians, ethnic, religious and language minorities and parents in general lobby to have their specific input included in the content, or to omit certain issues from the textbooks, usually on the terrain of identity-politics. History textbooks are seen as public property, and all kinds of groups within the same country, and in neighbouring countries, may have valid concerns about the content of these books¹⁸⁰. The result of this bargain is mostly a compromise that tries to accommodate as many interest groups as possible. In many cases this leads to the study of a sequence of short history units, and the history curriculum becomes a kind of collage, what Tosh describes as «the sushi-bar of history¹⁸¹.» An example of this is Great Britain, where the history curriculum is revised every five years. It is interesting to notice the decentralisation of the curriculum: the English curriculum is not a British one, and Wales, Northern Ireland and Scotland have each their own, which differ from each other in significant ways. The content is not comprehensive: topics are selected and some periods of history may not be covered at all. But this is not necessarily bad: the curriculum is not just an outline of required content, but includes skills and assessments of what pupils can do¹⁸².

Aside from the external pressures history curriculum reformers face what the content of the curriculum is concerned, other problems arise in the process of making history-education reach its full potential in new democracies. A seemingly banal but nevertheless important problem is that there is often a lack of textbook-authors. A study of the Council of Europe conducted in 1996 found out that the authors of history textbooks in many European post-communist countries were those who used to write them under communism, and this almost a decade after the transition¹⁸³.

Secondly, there are pedagogical issues: history teaching that is skill-oriented should have history teachers who are accordingly trained. It is this in-service training that is often problematic in new democracies, due to a lack of expertise, budget limitations and resistance of teachers who oppose the reforms¹⁸⁴.

¹⁸⁰ *Ibidem*, p. 18.

¹⁸¹ Tosh, 2008, p. 126.

¹⁸² Low-Beer, 2000, p. 6.

¹⁸³ Stradling, 1997, p. 12.

¹⁸⁴ *Ibidem*, p. 13. This problem is well described in the case of Macedonia, Albania and Russia. See respectively Low-Beer, 2000, p. 10; Duoblys, 2000, pp. 7-8; Brace, 1997, p. 5.

Related to the in-service training and the writing of new textbooks are the financial constraints many new democracies face in reforming their history-education. Even if textbooks are written, many schools just can't afford them.

4.6. CONCLUSION

The history of the democratic transitions in the former communist countries in Europe learns that there is a willingness to change the history curriculum to meet the needs of a changing society¹⁸⁵. Important challenges accompany these endeavours. An exclusive nationalist reading of history can badly compromise a democratisation-process by neglecting or suppressing «deviant» interpretations or, worse, create social unrest by opposing different ethnic groups in multi-cultural societies¹⁸⁶. Although, as the next chapter will discuss, one of the most important goals of truth commissions is «to reduce the number of lies that can be circulated unchallenged in public discourse,» the same is true for history education¹⁸⁷. Arguably, history education can have a bigger and long-term impact on society than the outcome document of a truth-commission. The relation between history-education and transitional justice is however underdeveloped. The only truth commission that had concrete recommendations for education-reform (the Peruvian Truth and Reconciliation Commission, ended in 2003), didn't see its recommendations implemented...

There exists however a significant expertise on history-education reform for the purpose of democratisation. EUROCLIO and the Council of Europe are already mentioned. These organisations, alongside (most prominently) the Georg-Eckert-Institute for international textbook research and the Centre for History, Democracy and Reconciliation, assist countries in transition in reforming their curricula, writing textbooks and training teachers¹⁸⁸. Despite these significant

¹⁸⁵ For a comparative analysis of history textbooks, see Schissler & Soysal, 2005.

¹⁸⁶ A prime example of the latter is Bosnia-Herzegovina, where different ethnic groups have each their own history textbooks and where for history, language and religion classes, children are separated according to their ethnicity. The sheer complexity of the history-education in Bosnia-Herzegovina and its socio-political impact is unfortunately beyond the scope of this thesis. For a good analysis, see Pingel, 2009, pp. 251-307.

¹⁸⁷ Ignatieff, 1998, p. 173. Cited in Cole, 2007, p. 119.

¹⁸⁸ For the activities of the Council of Europe, see www.coe.int/t/dg4/education/history-teaching/Perspective/PerspectiveIntro-en.asp#TopOfPage; for EUROCLIO, see www.euroclio.eu; for the Georg-Eckert-Institute, see www.gei.de; for the Center for History, Democracy and Reconciliation, see www.centerforhistory.net. Although its activities on history-education are marginal, the OSCE could be added to this list: see Pingel, 2004, pp. 13-14.

efforts, more needs to be done. Although many governmental and non-governmental international, regional and national organisations assist countries in their democratisation-efforts, only a tiny fraction of them deal with history-education reform. As argued above, there exists a broad consensus that history-education has the potential to contribute significantly, for the better or for the worse, to democratisation-processes, both in new democracies as in «old» ones. Therefore, following the example of the Council of Europe, more organisations should pay attention to history curriculum reform, the writing of textbooks and the training of teachers.

CHAPTER 5

JUSTICE

As touched upon when describing the role of history-education and the use of symbols, traditions and monuments in transition-processes, an important part of the «coming to terms with the past» in democratisation-processes has to do with truth and justice. Whether it is the replacement of a statue of Stalin with one commemorating the victims of Stalinist deportations, or critically approaching the nation's difficult past in history classes to avoid myths of victimhood or ethnic stereotypes, to «set the record straight» is doing justice to the wrongs of the past. Next to symbolic and educational action, legal action or transitional justice can play an important role for a democratising society to deal and come to terms with a non-democratic past. Crimes committed by the former regime are dealt with through a variety of legal and judicial measures, like amnesties, trials, history commissions, truth and reconciliation commissions, financial compensations, vetting and lustration policies. As argued earlier, the adoption and the subsequent success or failure of these measures to support democratisation are highly dependent on the specific historical, political, social and economic context of the country where they are applied. And just like the content of history books or the choice for symbols, transitional justice-policies are the subject of great controversies.

5.1. HISTORY

The Nuremberg Trials after World War II are commonly regarded as the first form of modern transitional justice. However, some authors trace the origins of this kind of justice back to much earlier times. From this larger historical perspective, one of the earliest examples of transitional justice with a specific democratisation objective is the restoration of Athenian democracy after the Peloponnesian War (431-404

B.C.) and the civil war that followed the oligarchic coup of «The Thirty Tyrants» (404-403 B.C.). The reign of the Thirty was characterised by mass repression, political trials and executions, confiscations of property and the like. When democracy was restored after the outbreak of a civil war, Athens inherited a divided society with a great number of victims and perpetrators on both sides. The debates on how to deal with the past and the measures which were finally adopted were strikingly similar to the contemporary scholarly debates and practices on transitional justice. It provoked the same controversies around questions to forgive or to punish, to forget or remember and their consequences for democracy and the rule of law, political stability, peace, security and unity¹⁸⁹. In this particular case, the new democratic elite decided to grant amnesty to the (former) supporters of the Thirty, in the form of an oath of all Athenian citizens not to engage in litigation to avenge the wrongs they had suffered¹⁹⁰. The elite of the former regime however was put before the choice to be trialed or to go into exile in a nearby town. Everyone who wanted to follow them was free to do so, but would thereby lose their civic rights¹⁹¹. Similar to modern transitions, monuments were erected to commemorate the victims of the Thirty, and the confiscated property of the tyrants was used to produce processional ornaments symbolically carried around in the yearly religious processions, said to boost civic unity and identity¹⁹².

The most symbolic examples of modern, post-World War II transitional justice are undoubtedly the already mentioned Allied-run Nuremberg Trials, which legacy of criminalising state wrongdoing as part of a universal rights scheme forms the basis of modern human rights law¹⁹³. Next to the prosecution of the key figures of the Nazi-regime in Nuremberg, many post-World War II states went through a phase of «purification.» This implied a series of trials where people accused of collaborating with the German occupant were sentenced for treason. This form of retroactive justice occurred in Austria, Belgium, Denmark, France, the Netherlands and Norway as well as various Eastern-European nations. In the latter, the trials were soon extended

¹⁸⁹ Cohen, 2001, pp. 335-356. David Cohen makes a striking comparison between the Athenian transition to democracy and the democratic transitions in Europe after World War II and after the fall of the Berlin Wall.

¹⁹⁰ *Ibidem*, p. 339. The Greek word «mnesikakein,» often translated as «amnesty,» actually means «not to hold a grudge» or «not to seek vengeance.»

¹⁹¹ *Ibidem*, pp. 338-339.

¹⁹² *Ibidem*, pp. 340-341.

¹⁹³ Teitel, 2003, p. 70. For further reading, see the seminal work on the Nuremberg Trials of Telford Taylor. Taylor, 1993.

Table 1. Chronological overview of truth commissions

Country	Date of commission	Time covered by investigation
Bolivia	1982-1984	1967-1982
Argentina	1983-1984	1976-1983
Uruguay	1985	1973-1982
Zimbabwe	1985	1983
Uganda	1986-1995	1962-1986
Philippines	1986	1972-1986
Nepal	1990-1991	1961-1990
Chile	1990-1991	1973-1990
Chad	1991-1992	1982-1990
El Salvador	1992-1993	1980-1991
Germany	1992-1994	1949-1989
Sri Lanka	1994-1997	1988-1994
Haiti	1995-1996	1991-1994
South Africa	1995-2000	1960-1994
Ecuador	1996-1997	1979-1996
Guatemala	1997-1999	1962-1996
Nigeria	1999-2002	1983-1999
Uruguay	2000-2002	1973-1985
South Korea	2000-2004	1961-1987
Peru	2001-2003	1980-2000
Panama	2001-2002	1968-1989
Serbia and Montenegro	2002-2003	1991-2001
East Timor	2002-2003	1974-1999
Sierra Leone	2002-2003	1991-1999
Ghana	2002-2003	1966-2001
Democratic Republic of Congo	2003-2007	1960-2003
Paraguay	2004-2008	1954-2003
Morocco	2004-2005	1956-1999
Liberia	2005-2009	1979-2003

Source: Wiebelhaus-Brahm, 2010, p. 5.

to include political opponents of the communist regime¹⁹⁴.

A second phase of transitional justice coincided with Huntington's «Third Wave» of democratisation. Confronted with a sometimes radically different context and the domestic character of the political

¹⁹⁴ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 3.

transitions, the transitional justice-model of post-World War II was drastically adjusted. While «classical» transitional justice mechanisms (trials and/or amnesties) were adopted in Greece, Portugal and Spain, alternative models occurred elsewhere, starting in Latin America¹⁹⁵. The tension between punishment and amnesty was complicated by changing conceptions of justice, especially what legal retroactivity was concerned¹⁹⁶. Due to a change in context and conception, truth-seeking as such became a crucial part of the accountability-process. Moreover, nation-building considerations became central to the adoption of transitional justice policies¹⁹⁷. Therefore, in addition to trials, truth commissions were established in the great majority of the «Third Wave» democratic transitions¹⁹⁸. Although the search for the truth was and is definitely one of the main objectives of trials, the appearance of truth commissions made it possible to disconnect the linkage between trials and truth-seeking on the one hand and the granting of amnesties and forgetting the crimes of the past on the other¹⁹⁹ (see Table 1).

In Eastern Europe, transitional justice was characterised not so much by the existence of truth commissions, although in this regard the German Study Commission (1992-1996) and the parliamentary commissions of Hungary, Romania and Poland need to be mentioned, but rather by the opening of police and secret service files and so-called «lustration»-policies²⁰⁰. The latter consists out of two types of public procedures:

- Criminal proceedings against members of the elites and authorities over the lower ranks of state bureaucracy.
- Mass screening procedures, also called «vetting,» conducted against collaborators, party members or employees of state organisations with the aim to prevent these people from holding high-level positions in the public sector²⁰¹.

¹⁹⁵ *Ibidem*, pp. 3-4.

¹⁹⁶ Teitel, 2003, p. 76.

¹⁹⁷ *Ibidem*, p. 77.

¹⁹⁸ Wiebelhaus-Brahm, 2010, p. 5.

¹⁹⁹ Establishing the truth regarding atrocities and serving as historical record of the crimes committed is one of the core functions of international criminal tribunals. See Bohlander, 2007, p. 221.

²⁰⁰ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, pp. 6-7. Lustration is derived from the Latin *lustratio* (purifying by sacrifice) and to lustrate literally means «to purify ceremonially as a means of removing blood-guiltiness and cleansing a house.» See Letki, 2002, p. 530.

²⁰¹ Letki, 2002, p. 530. Interestingly, the terrorist attacks on 11 September 2001 led the German Federal Minister for Transport, Construction and Housing to issue changes in the work of the Stasi Archive that required vetting of 17,000 persons involved in air-transportation. Bruce, 2009, p. 27.

In addition to these measures, some countries implemented restitution and compensation policies²⁰².

5.2. THE IMPACT OF THE HISTORICAL CONTEXT ON THE ADOPTION AND THE CHOICE OF TRANSITIONAL JUSTICE MEASURES

The historical context plays a decisive role in the choice, the adoption and the result of transitional justice measures. The nature of the transition-process, the existence of previous democratic traditions and the dictatorial legacy all influence policies of addressing the past.

5.2.1. *The Nature of the Transition Process*

What the nature of the transition-process is concerned, different characteristics make the adoption of specific measures more or less plausible.

The scope for truth and justice policies is wider if a transition-process entails the defeat of the old authoritarian elite. This defeat or «transition by rupture» can have different causes. Barahona de Brito, Gonzalés-Enríquez and Aguilar distinguish foreign intervention giving total victory to the occupying forces as post-World War II Europe and Japan or a civil war leading to the military defeat of dictatorial forces as Nicaragua in 1979. Another kind of «rupture» is caused by the collapse of an authoritarian regime due to the loss of internal legitimacy and a loss of control over key power and/or ideological resources. This can occur after a defeat in an external war (Argentina, 1983 and Greece, 1974), following revolutionary action by military forces and exhaustion in an external war (Portugal) or through ideological or imperial collapse (Eastern Europe and Russia)²⁰³. If it is a negotiated regime-change however, the outgoing elite tends to retain a significant portion of power, whether in politics, the security forces or the economy. In that case, the new democratic elite has much less room for manoeuvre in the implementation of truth and justice policies²⁰⁴. In some cases, the old elite makes a comeback after an initial defeat, and subsequently down-scales or abolishes truth and justice policies. Post-communist Europe for example saw the comeback of former communists in electoral

²⁰² Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 7. For Estonia, see Andersen, 1999.

²⁰³ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, pp. 11-12.

²⁰⁴ *Ibidem*, p. 12 and Letki, 2002, p. 537.

victories of re-named former communist parties²⁰⁵. However, due to their ideological collapse and radical social and economic change, the nature of their relations with the state and with national societies had changed entirely²⁰⁶.

The existence and the relative strength of pro-reform groups emerging from the old regime, moderate opposition and intransigent groups on both sides (authoritarian elite and opposition) is another important variable to understand why, when and how transitional justice-measures such as trials and truth commissions are adopted²⁰⁷. At first sight, it would seem that the old elite would opt for forgetting and forgiving and the democratisation actors for the opposite. But one should be careful to categorise too hastily groups pro and contra the adoption of truth and justice policies. The examples of Eastern Europe give for that matter a more nuanced picture. Some key members of the opposition movement who were involved in politics after 1989 had periods of membership in a communist or regime-related organisation. Threatened by thorough lustration-policies following the opening of police- and secret service-files, these members proved strong advocates for forgiveness and reconciliation...²⁰⁸.

5.2.2. *Previous Democratic Traditions*

The history of each country is of fundamental importance in the choice for transitional justice mechanisms. Previous democratic experiences influence democratisation-processes by rooting it in the collective memory. This goes also for the adoption of transitional justice policies.

Countries with a weak democratic tradition seem to be the least prepared to adequately implement truth and justice policies, while countries which had a less repressive history and more respect for the rule of law seem better prepared²⁰⁹. Good experiences with democracy can create discourses on «the restoration of law and order» and provides confidence that leads to the adoption of a thorough policy of judicial «Aufarbeitung der Vergangenheit.» Bad experiences however can have the opposite effect and a desire to leave the past behind²¹⁰.

²⁰⁵ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 13.

²⁰⁶ For a thorough analysis of the transformation of former Eastern-European communist parties into social-democratic parties, see Grzymala-Busse, 2002.

²⁰⁷ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 13.

²⁰⁸ Letki, 2002, pp. 537-538. Natalia Letki gives the example of members of «Solidarity» in Poland and of «Charter 77» in the Czech Republic.

²⁰⁹ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 17.

²¹⁰ «A negative historical experience of democratic governance, or failed experiments with

Psychological elements like fear have an impact too. Fear, inherited from the dictatorial period or from older historical memories, can reduce social demands for accountability through strong hesitations from the part of the civil society to challenge those (formerly) in power²¹¹. Spain serves as good example: the memory of the disastrous democratic experiment (the Second Republic, from 1931 until 1936) and the fear of a return to chaos led the new elites and a large part of civil society opt for a full and condition-free amnesty²¹².

5.2.3. *The Legacy of Dictatorship*

The longer the duration of the dictatorial period and the more victims it claimed, the more difficult it becomes to do justice rather than to take revenge. If there are, like in Russia, not only an enormous number of victims and perpetrators, but also if these persons for a large part already died and some records and archives are destroyed, granting some form of compensation to all the victims becomes very difficult, let alone to discover the «truth²¹³.»

The nature of the totalitarian regime is another element that shapes truth and justice policies. The search for evidence is more acute in situations where regimes denied the policy of disappearance, like in many Latin American states. A different approach is needed when confronted with a legacy of mass detainment and torture. In Eastern Europe, where «repression was shallow rather than deep, psychological rather than physical, widespread rather than localised,» the problem of punishment is more complex²¹⁴.

In Spain, the transition to democracy was characterised by the general amnesty mentioned above followed by «social» or «collective amnesia.» Many scholars argue that next to the assurance of a peaceful transition, the memory of instrumentalisation of Spanish history by the Franco-regime, especially of the history of the civil war (from 1936 to 1939), led to the «pact of silence» in which both the new and the old

political freedom culminating in violence or prolonged civil conflict may shape policy options to deal with the past. The effect may be to dampen desires to “test the boundaries of freedom” by challenging authoritarian enclaves and to punish those guilty of violations. Furthermore, if civil conflict has resulted, and both “sides” have committed atrocities, a transnational political elite may decide that the past is best left in the past.» *Ibidem*.

²¹¹ *Ibidem*, pp. 17-18.

²¹² *Ibidem*, p. 17.

²¹³ *Ibidem*, p. 19.

²¹⁴ *Ibidem*, p. 20. It must however be said that harsh physical repression also occurred in communist Eastern Europe, but this was mostly before Stalin’s death. See Hollander, 2006.

elite agreed not to instrumentalise the past politically. For almost two decades, political discourses on the civil war and the dictatorial past remained absent. Truth and justice policies were therefore inexistent²¹⁵. Interesting though is the fact that from the 1990s onwards, civil society organisations started to engage in truth-seeking activities²¹⁶. In 2010, there was even an (unsuccessful) attempt to prosecute former Franco-ists²¹⁷.

5.3. TRANSITIONAL JUSTICE: GOOD OR BAD FOR DEMOCRATISATION?

The arguments raised in the debates surrounding the added value of truth and justice policies in democratisation-processes turn around two fundamental axes: forgiving/punishing and remembering/forgetting.

5.3.1. *Amnesty*

What forgiving is concerned, it is argued that the only way to ensure a stable and peaceful (negotiated) political transition is the granting of amnesties²¹⁸. It can contribute to peace because the prospect of amnesties can be an incentive for armed groups to stop fighting. Moreover, it can contribute to reconciliation. Criminal prosecutions may preclude the reconciliation needed for a democracy to function. This argument of national unity is perhaps the most important for advocates of amnesty laws²¹⁹. Amnesties conditioned on participation in alternative transitional justice programs, like victor-perpetrator mediation or other individualised reconciliation policies, can be more effective and meaningful for long-lasting reconciliation than measures related solely to the «most responsible²²⁰» Punishments create divisions in society through demarcating winners and losers, and may create in the latter's group a sense of victors justice. Especially in ethnically divided societies, with different collective identities and collective memories, prosecution can prove detrimental for social cohesion, democratic stability and reconciliation. Physical and social expulsion drives the supporters of the previous regime into social and political isolation.

²¹⁵ Humlebæk, 2005, pp. 78-79.

²¹⁶ Arenhövel, 2008, p. 574.

²¹⁷ www.guardian.co.uk/world/2010/may/14/garzon-suspended-franco-investigation (last consulted on 29 June 2011).

²¹⁸ See Mallinder, 2008.

²¹⁹ Huyse, 1995, p. 63.

²²⁰ Mallinder, 2008, pp. 59-60.

This could result in the creation of subcultures and networks hostile to democracy, who can pose serious obstructions for the democratisation-process²²¹.

Granting amnesty is not the same as forgetting the past. In most cases, amnesties are combined with a range of other measures like the establishment of truth commissions, restorative justice programs or even selective prosecutions²²². As argued, forgiving avoids the creation of democracy on the basis of exclusion. This argument was especially influential in countering the lustration-policies of many Eastern European states, where on the basis of prior membership of the communist party one was, or still is, excluded from holding public office²²³. A policy of forgiving indicates therefore a radical break with the undemocratic past where people were disqualified on the basis of their beliefs. It expresses the moral superiority of those who forgive in the name of democratic ideals²²⁴.

A second argument for the granting of amnesties is based on the problematic nature of transitional justice, on the relation between retroactive justice and the rule of law. If democratisation means respect for the rule of law and human rights, transitional justice can enter into conflict with these very principles. In transitions to democracy, there is a tension between the desire to establish the rule of law and thereby demarcating the new political order from the former regime and the desire to punish that regime «as severely as it deserves²²⁵.»

An extreme example of a policy aimed at getting rid of the authoritarian elite is Portugal's transition to democracy from 1974 to 1975. There, «wild» purges occurred to lustrate the police, the military, the civil service and businesses with almost no legal proceedings. There was no clear strategy and no coherent pattern in the purges and even the concept of collaborationist changed from a very strict one to «demonstrated authoritarian attitudes²²⁶.» The severity and sometimes arbitrariness of the purges struck deep wounds in Portugal's society, leading many political parties to say that Portuguese democracy was shaped by a double legacy: the authoritarianism of the Salazar regime and the authoritarian threat of the revolutionary democrats of 1974-1975²²⁷.

²²¹ Huyse, 1995, p. 63.

²²² Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 14.

²²³ See Stan, 2009.

²²⁴ Letki, 2002, p. 541.

²²⁵ Leebeaw, 2008, pp. 100-101.

²²⁶ Costa Pinto, 2006, pp. 179-187.

²²⁷ *Ibidem*, p. 193.

By violating certain core democratic principles, transitional justice can enter into conflict with the idea of democracy itself. If one is «convicted» of membership of a pro-authoritarian movement or the publicly advertised approval of totalitarian ideas, doesn't that judgment bypass one of the essential values of democracy, namely that no one should be excluded from the benefits of modern citizenship because of his or her political opinion?²²⁸ In Belgium for example, pre-war treason legislation did not cover the many forms of political action that only took on a collaborationist dimension after World War II broke out. During the trials after the war however, membership of pro-German movements and similar forms of political action were defined as ordinary crimes²²⁹, France, the Netherlands, Denmark and Norway encountered the same problem, and used legislative, administrative and judicial tricks to cover the reality of retroactive justice²³⁰. In this way, the trials violated the *nulla poena sine lege*-principle (no punishment without law): treason was punished retroactively and although the death penalty was abolished in most countries, it was put to use again²³¹.

Dealing with the past by prosecutions therefore holds a sizable risk. It may force the successor elites to violate the codes of the «Rechtsstaat» today while judging the undemocratic behaviour of yesterday. This can, as a consequence, considerably weaken the legitimacy of the new regime²³².

Procedural standards, such as the prohibition on retroactive punishment, assure the integrity of the law and contribute to the legitimacy of the judicial system²³³. But in transitions where due diligence is applied and legal procedures respected, courts may not be able to legally establish the guilt of people that «everyone knows» to be culpable²³⁴. Popular expectations may therefore not be met. As a member of the East-German opposition stated in the early 1990s: «We wanted justice but got the rule of law²³⁵.»

Moreover, due to financial and logistical constraints, it is often very difficult to guarantee a fair trial for all the accused, or to compensate all the victims. The number of persons implicated in past abuses can be so overwhelming that even a well-functioning judicial system would have

²²⁸ Huyse, 1995, pp. 58-59.

²²⁹ *Ibidem*, p. 58.

²³⁰ *Ibidem*, p. 61.

²³¹ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 28.

²³² Huyse, 1995, p. 58.

²³³ Leebaw, 2008, pp. 100-101.

²³⁴ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 27.

²³⁵ Arenhövel, 2008, p. 580.

difficulties to process the volume of cases. This goes especially for countries in transition trying to (re-)build their political and judicial institutions²³⁶. These arguments lead some authors to argue that if it is not possible to punish all perpetrators or compensate all victims (like in virtually all the cases), it is better not to punish or to compensate at all²³⁷.

Another, frequently used argument for the granting of amnesties is a pragmatic one, namely assuring the well-functioning of state-bureaucracy. Bureaucrats from the former regime are often the only persons with the necessary knowledge and experience to keep the administration running and to implement reforms²³⁸. Polish President Lech Walesa opposed lustration for this very reason²³⁹. In Eastern Europe, only East Germany did not face this problem, since it was able to «import» specialists from West Germany²⁴⁰. Some go further and argue that without the certainty of amnesty, individuals still working in the administration may resort to corruption to supplement their income, due to the precariousness of their employment²⁴¹.

5.3.2. *Punishment*

Victims are entitled to justice. Offenders deserve punishment. The world needs to establish a historic record of major international crimes, if for no other reasons than to establish the truth and to educate future generations. Maybe then we can deter potential criminals and avoid the repetition of those crimes. Otherwise, we are condemned to repeat the mistakes of the past²⁴².

There are many arguments for forgiving, but there are perhaps more for punishment.

A simple but strong argument is based on morality, namely that impunity is irreconcilable with democracy. A democratic government has a moral obligation to the victims of repression of the former regime to prosecute those responsible of injustices²⁴³. If a policy of amnesty is

²³⁶ Leebaw, 2008, p. 101.

²³⁷ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, pp. 28-29.

²³⁸ Mallinder, 2008, p. 58.

²³⁹ He stated: «[Lustration] would deny skilled professionals a chance to contribute to the nation's reconstruction.» A member of the Czechoslovak Federal Assembly stated in 1991: «Providing we are not blind with hatred, we must incorporate these people, since among them are specialists and experts who we will need if we really want to join Europe.» Cited in Huyse, 1995, pp. 63-64.

²⁴⁰ Letki, 2002, p. 542.

²⁴¹ Mallinder, 2008, p. 58.

²⁴² Cherif Bassiouni, cited in Ball, 2002, p. vii.

²⁴³ Huyse, 1995, p. 55.

adopted, the ghosts of the past will haunt society for years to come, «as a never ending neurosis²⁴⁴.» For his part, Samuel Huntington sees prosecution as a way to encourage the public to believe in the «supremacy» of democratic values and norms²⁴⁵. Even when accepting some degree of forgiving, a minimum of purge or even criminal prosecutions is needed to lay the moral foundations of the new democracy, especially in cases where the former regime is engaged in extreme policies²⁴⁶.

Secondly, the prosecution of agents of the former regime who committed human rights abuses can help to (re-)establish trust in the judiciary or other emerging democratic institutions. Opposing the arguments raised earlier in relation to retroactive justice and the rule of law, some authors claim that the failure to punish perpetrators can potentially breed cynicism towards the rule of law, thereby endangering the legitimacy of the new democratic institutions and the democratisation-process at large²⁴⁷. Huntington cites a Uruguayan judge criticising his government's amnesty proposal:

Democracy isn't just freedom of opinion, the right to hold elections, and so forth. It's the rule of law. Without equal application of the law, democracy is dead. The government is acting like a husband whose wife is cheating on him. He knows it, everybody knows it, but he goes on insisting that everything is fine and praying every day that he isn't going to be forced to confront the truth, because then he'd have to do something about it²⁴⁸.

The lack of individual accountability may give the impression that impunity for human rights abuses and thus the lack of the rule of law will continue²⁴⁹. Trials, even if retroactive justice is applied, establish «moral principles» and provide collective lessons in justice²⁵⁰.

The legitimacy of the judiciary and of other democratic institutions is not only related to its actions (prosecuting perpetrators or not), but also to its staffing. Proponents of lustration, although agreeing that this would provoke a loss of knowledge and experience, see the «cleaning» of the structures of the new democratic institutions as a *conditio sine qua non* for granting them legitimacy. In the Eastern-European context, this process is said to break a general tendency of distrust towards «all aspects of a public sphere» in demonstrating that civil servants steering

²⁴⁴ Rousso, 1990. Cited in Huyse, 1995, p. 55.

²⁴⁵ Huntington, 1991, p. 213.

²⁴⁶ Herz, 1995, p. 136.

²⁴⁷ Huyse, 1995, p. 57.

²⁴⁸ Huntington, 1991, p. 213.

²⁴⁹ Wiebelhaus-Brahm, 2010, p. 12.

²⁵⁰ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 26.

the democratic reforms are not the same people who previously acted against democratic principles²⁵¹.

Securing the stability and subsequent survival of the new democratic regime is a third argument. In contrast to advocates of amnesty, proponents of trials and punishments argue that swift and firm action against pro-authoritarian officials avoids social and political unrest and sabotage of the transition process «from within»²⁵². The danger of derailment of the democratisation-process does not only come from members or supporters of the former regime, but can also come from groups that oppose that regime. In post-war Belgium for example, the governing elite who returned from exile in Great Britain was careful to avoid revolutionary action from the part of the largely communist resistance movement. A thorough and severe tackling of fascist collaborators was therefore key to the democratic elite's authority and legitimacy²⁵³. What the restoration of the death penalty in many European post-war countries is concerned, it was intended to avoid the realistic scenario of citizens turning to self-justice. This could bring lasting damage to the democratisation-process.

Another argument in favour of the punishments of members of the former regime is related to national unity. After an intra-state conflict, the punishment of both sides can undo the feeling of winners' justice. If the integration of society is endangered, some argue, transitional justice is a prerequisite for democracy: the higher the level of societal fragmentation and mobilisation, the higher the necessity for transitional justice. But at the same time, a minimal level of democracy is required for any effort to sustain public debate on the findings of transitional justice institutions²⁵⁴.

Trials can also bind a community by creating a common enemy. When a limited number of top officials are sentenced, the rest of the society (even those who more or less actively «collaborated») is recast as victims. This is most obviously the case with Nazi Germany, post-war France and Italy and the GDR. In Germany, there was a post-war myth that it was a relatively small group of evil sadist who betrayed and manipulated the rest of the society. This sentiment was reinforced with the myth that many Germans at least «innerly» resisted the Nazis²⁵⁵. In post-war Italy and France, a similar process took place.

²⁵¹ Letki, 2002, p. 541.

²⁵² Huyse, 1995, p. 56.

²⁵³ *Ibidem*.

²⁵⁴ Arenhövel, 2008, p. 581.

²⁵⁵ Cohen, 2001, p. 352.

After the initial trials of key figures of the fascist regimes, the new democratic regimes actively supported the creation of myths to forget the depth of the collaboration. To forge national unity, the scope of resistance was gravely exaggerated to include almost the entire population, except from a handful of collaborators (the ones who were purged)²⁵⁶. Politicians were quick to define themselves against a defeated enemy against whom everyone could unite²⁵⁷.

This symbolic aspect of trials or purges resembles what Natalia Letki calls the «ritual of purification.» «Performing the rite of passage» during the transition through (public) trials of former leaders provides a symbolic break with the past and allows for a redefinition of the social and political order²⁵⁸.

Finally, and in radical contrast with the arguments given earlier on the granting of amnesties, lustration is said to ensure an effective state-administration. Purging judges and lawyers who uphold a politicised and instrumental view on the law, as well as assessing the moral standards and technical skills of those holding high-ranking positions in the public sphere, contributes to a meritocratic ideal and increases «the usability of state bureaucracy by the democrats²⁵⁹.» It is argued that the skills and knowledge that people may have obtained under the previous regime are irrelevant in a radically new democratic and capitalist context. Letki argues therefore that for Eastern Europe, «the rapid reform of the economy demands the replacements of “communist specialists” with real ones²⁶⁰.»

5.3.3. *Forgetting*

[...] however, it is generally completely impossible [...] to live without forgetting. Or, to explain myself more clearly concerning my thesis: there is a degree of insomnia, of rumination, of the historical sense, through which living comes to harm and finally is destroyed, whether it is a person or a people or a culture.

[One has] to determine this degree of history and, through that, the borderline at which the past must be forgotten if it is not to become the gravedigger of the present [...]²⁶¹.

²⁵⁶ Berger, 2005, pp. 638-641.

²⁵⁷ Misztal, 2005, p. 1325.

²⁵⁸ Letki, 2002, pp. 540-541.

²⁵⁹ *Ibidem*, pp. 548-549.

²⁶⁰ *Ibidem*, p. 541. «Although many opponents of lustration policy insist on the necessity of keeping these people in office because of their technical competence, in fact the skills and knowledge obtained under the previous regime have turned out to be completely irrelevant in the new democratic/capitalist context. Obviously, the rapid reform of the economy demands the replacements of “communist specialists” with real ones.»

²⁶¹ Nietzsche, 1874.

This quote by Friedrich Nietzsche captures the core argument raised by opponents of truth commissions, namely that remembering «everything» poses a treat to the present.

Firstly, it can be harmful for national unity and social cohesion. A too strong emphasis on past injustices could lead to the «collective narcissism» of minor differences, facilitating and facilitated by nationalist propaganda playing on myths of victimisation. This could seriously harm the democratisation-process because it leads to a competition of different groups for the recognition of their suffering, thereby undermining the democratic spirit of cooperation²⁶². The demagogic dwelling on painful collective memories of repression can seriously compromise a democratic political debate and ultimately result in violent conflict²⁶³. A «creative» use of the past should be preferred if one wants to avoid the past to become a treat to national cohesion and self-image²⁶⁴.

In the Federal Republic of Germany, the process of «Vergangenheitsbewältigung» (coming to terms with the past)²⁶⁵ resulted in the neglecting of the historical truth to ensure the consolidation of its young democracy²⁶⁶. Fearing a right-wing revolt that would undermine the democratisation-process, Konrad Adenauer struck a bargain with compromised Germans: in exchange for his reticence about the Nazi past, they agreed to accept the new democracy (or at least not to destroy it)²⁶⁷.

Some authors go further and argue that instead of a selective remembering, only collective forgetting (social amnesia) allows a society to overcome inherited resentments and start afresh. For liberals, the individual has to forget past injustices and social categories that were formerly marks of inequality in order to achieve political and legal equality²⁶⁸. The Spanish writer Jorge Semprun told one of the leading figures of «Solidarity,» Adam Michnik that:

²⁶² Misztal, 2005, p. 1326.

²⁶³ Snyder, 2000, p. 208. Jack L. Snyder gives the example of the historical legacy of the fascist Croat Ustashe-regime in Yugoslavia during World War II on the Serbian nationalist myth-making of the late 1980s.

²⁶⁴ «Forgetting is a necessary component in the construction of memory just as the writing of a historical narrative necessarily involves the elimination of certain events. [...] the creation of a nation requires creative uses of past events.» Misztal, 2005, p. 1325.

²⁶⁵ Not to be confused with the process of «Aufarbeitung der Vergangenheit» used after German reunification: see *supra*, footnote 147.

²⁶⁶ Wüstenberg & Art, 2008, p. 74.

²⁶⁷ Herf, 1997, p. 389. Cited in Wüstenberg & Art, 2008, p. 76.

²⁶⁸ Misztal, 2005, p. 1325.

If you want to live a normal life, you must forget. Otherwise those wild snakes freed from their box will poison public life for years to come²⁶⁹.

A specific critique on truth commissions is that it is very difficult, if not impossible, to get all the facts clear. The outcome documents can obscure and render marginal other accounts and narratives of past violations. The totality of the repression and its more banal manifestations are often not accounted for²⁷⁰. As argued above, this is especially valid in (ethnically) divided societies.

Finally, the constant reminding of past injustices may lead to the banalisation of the memory of injustice, as the Belgian historians mentioned in the context of history education warned against²⁷¹.

5.3.4. *Remembering*

There are however many good arguments for remembering the past in democratisation-processes.

A simple argument for the remembrance of the crimes of the past is the empirical finding that no country has seen its democratic development derailed due to the existence of a truth commission²⁷². Remembering simply does no harm for a democratisation-process.

Secondly, as with the punishment of past crimes, healthy democracies acknowledge and reconcile their past pathologies and crimes in order not to repeat them. To address victims of the former regime and to make sure transition-processes are inclusive and peaceful, history can not be censored²⁷³.

From the perspective of democratisation, the establishment of the historical truth is deemed to be a necessity in order to halt the growth of mythologies of victimisation. These uncontrolled narratives can hinder democratisation-processes by constructing or sustaining sharp antagonisms between different communities or social groups²⁷⁴.

Some authors go as far as claiming that remembering the past can contribute to the development of democratic values. By confronting the past through an open, transparent and participatory process and a political acknowledgment of injustices of a totalitarian past, a society-

²⁶⁹ Michnik & Havel, 1993, p. 24. Cited in Huyse, 1995, p. 57.

²⁷⁰ Barahona de Brito, Gonzalés-Enríques & Aguilar, 2001, p. 26.

²⁷¹ See *supra*, pp. 46-47.

²⁷² Wiebelhaus-Brahm, 2010, p. 24.

²⁷³ Misztal, 2005, p. 1323.

²⁷⁴ Snyder, 2000, p. 208.

wide reflection takes place by which the non-democratic exercise of authority is de-legitimised²⁷⁵. This would provide moral lessons to maintain, strengthen and uphold liberal democracy²⁷⁶. In practicing an «economy of moral disagreement,» truth commissions seek common ground where it exists and maintain mutual respect where it does not. They thereby contribute both instrumentally and by their very example to the democratisation of society through the promotion of pluralism²⁷⁷. In this way, truth commissions and trials become part of a process of education about democracy and the rule of law²⁷⁸.

Truth commissions can also contribute to the promotion of national unity²⁷⁹. Through the (re-)establishment of political accountability and the building of a human rights culture, truth commissions can restore trust to a shattered society. Moreover, they can create a unifying narrative around which formerly warring factions rally²⁸⁰.

As such, truth commissions are about nation-building in which exposing the gruesome details of the past helps to usher in a new democratic era and advance the cause of human rights through peaceful coexistence²⁸¹.

Some authors point out that, for the reasons just mentioned, truth commissions can hinder democratisation: the establishment of one single narrative about the truth of the former regime is not likely to overcome divisions in deeply divided societies. A way should therefore be found to establish a frame for public deliberation over continuing disagreement, a process by which rules constrain conflict within non-lethal bounds, inspiring increasing mutual respect among adversaries²⁸².

5.4. CONCLUSION

In democratisation-processes, states struggle to come to terms with their direct past. The two axes discussed in this chapter, one turning around the question whether to forgive or to punish elements of the former regime and the other around questions of forgetting or remembering the non-democratic past, leave more questions than answers.

²⁷⁵ Wiebelhaus-Brahm, 2010, p. 24.

²⁷⁶ Delue, 2006, pp. 397-398, 414.

²⁷⁷ Gutman & Thompson, 2000, pp. 22-23.

²⁷⁸ Barahona de Brito, González-Enríques & Aguilar, 2001, p. 26.

²⁷⁹ Amstutz, 2005, p. 101.

²⁸⁰ Wiebelhaus-Brahm, 2010, p. 12.

²⁸¹ *Ibidem*.

²⁸² Arenhövel, 2008, p. 581.

Although highly context-sensitive, it seems that an effective way to deal with a totalitarian legacy is likely to be a combination of the measures discussed above. Punishing everyone who was involved in the totalitarian machinery poses legal, political, social, sometimes economic and almost always practical problems. A general and condition-free amnesty on the other hand threatens the legitimacy and the stability of the new democracy. Just as with forgetting/remembering-policies, a compromise has to be sought between these poles.

There are no clear-cut answers to the question how democratising states should deal with their past. The truth should be told and justice be done, but the lessons learned can never be dictated and the rule of law can not be compromised. «Justice» for past wrongs takes a very long time, and whatever truth and justice policies are adopted, the choices made are seldom uncontroversial and have a long-lasting influence on the political life of a state. 60 years after the «repression²⁸³» in Belgium for example, proposals for amnesty-laws are still being discussed in and outside the parliament, and are the cause for great and emotional political conflicts²⁸⁴. In France, three major collaboration trials were held in 1987 (Klaus Barbie), 1994 (Paul Touvier) and 1997 (Maurice Papon)²⁸⁵. Numerous lawsuits are pending from the descendants of Jewish war-victims to get art back that was stolen by the Nazi-regime²⁸⁶. In Spain, judge Baltasar Garzón pursued Pinochet and Bin Laden, but was suspended and tried by the Spanish Supreme Court for investigating crimes against humanity carried out by the Franco regime²⁸⁷. These and other examples show that, even in countries considered consolidated democracies, the search (or fight) for justice for past wrongs still plays a major role in society. However, when the political transition has long past, its impact on democratisation is marginal, if it has any impact at all.

²⁸³ The term «repression» is used in Belgian historiography to refer to the prosecuting and sentencing of real and perceived collaborators after World War I and II. See Huyse & Dhondt, 1991.

²⁸⁴ Huyse, 2011, p. 17.

²⁸⁵ See Salas & Jean, 2002.

²⁸⁶ Stan, 2009, p. 5. For a good overview of the art-objects in question and the terminated and pending lawsuits, see www.sagerecovery.com.

²⁸⁷ www.guardian.co.uk/world/2010/may/14/garzon-suspended-franco-investigation (last consulted on 29 June 2011).

CHAPTER 6
CONCLUSION

In democratisation-processes, history is used in several ways. Official symbols and traditions, history teaching and truth and justice policies are all ways to mould the past to fit a democratic order. They do so in different manners, but mostly with the same aims.

One of the recurrent goals of using history in democratisation-processes is the creation, maintaining or strengthening of a collective identity, mostly referred to as the nation. In history-education, this is done through the teaching of national history. The occupation of the public space by symbols and traditions serves the same goal. Drawing upon the collective memory of their subjects, states try to occupy the landscape of the nation, from the capital to the smallest village, with references to the past to enhance the feeling of belonging, of national identity. Monuments or commemorations draw mostly upon emotion-provoking memories of heroic figures or glorious moments of the nation's history, or, on the other hand, on martyrs that symbolise the suffering and injustices of the collective past. Finally, truth and justice policies reinforce the common identity through the healing of societal wounds and the restoration of trust. Highly dependent on context, both amnesties and punishments, remembrance and forgetting policies can contribute to national reconciliation and collective identity-formation.

All of these «nation-building» policies can be both constructive and destructive for democratisation-processes. What national symbols and history teaching are concerned, an ethnic approach to the past is very likely to generate an exclusive narrative of the nation's history and thus of the identity of its members. An inclusive reading of the past, and thereby supporting a civic and liberal democracy, requires a multi-perspective approach. Since democracies are characterised by an institutionalised acceptance of difference, the narrative of the nation's past should therefore not be a «master-narrative,» so characteristic for

totalitarian states, but be inclusive and open for multiple interpretations. Depending on the context of the democratic transition, truth and justice policies can generate a sense of «victors' justice,» impeding good relations between different political, ethnic or other groups in society, let alone a sense of oneness, and to a lack of trust in the new (democratic) institutions. Again, depending on the context, the combination of the same policies can also contribute to the coming to terms with the past and thus to reconciliation between different groups and trust in institutions.

Secondly, history is used to grant democracies legitimation. History education, truth-commissions, monuments and commemorations all remember citizens to the consequences of totalitarian regimes. The non-democratic past is portrayed as a violent and unjust era, in contrast with the present. Through this, undemocratic regimes are discredited. Positive references such as national days celebrating the adoption of a democratic constitution or recalling the heroes of the democratic resistance in history books and symbolic actions further enhance the legitimacy of the democratic order. Transitional justice in democratisation-processes plays a similar role. By addressing the wrongs of the past, democracies do what a previous regime was unable or unwilling to do, thereby generating trust and enhancing legitimacy, not only for the judiciary, but for democracy as such.

Again, contexts differ greatly and the same policies that are intended to boost the legitimacy of the democratic order can have the opposite effect. Justice can struck new wounds and appear victor's justice, thereby generating (new) mythologies of victimisation. If textbooks are too rigid in their condemnation of a former regime and the collective memory of certain groups of society are in too sharp conflict with its content, history-education can create distrust towards the state. If national symbols are chosen out of a non-democratic past, the democratic character of the new elite is likely to be questioned.

Finally, history is used to promote democratic values. Respect for the rule of law in transitional justice, encouraging people to raise their voices in national traditions, developing a critical attitude to information and respect for different interpretations of historical facts in history education are all promoting and consolidating democracy in the «minds and hearts» of people.

To conclude, history is used to democratise society. The way it is used is open to constant debate and susceptible to criticism. Both new and old democracies adopt policies related to their pasts. Sometimes conscious, sometimes not, they facilitate in this way the success of democratisation-processes.

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