Inescapable Past: Institutions, Legacies, and Strategies of Regime Formation: A comparative study of Albania, Czech Republic and Romania

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Abstract

The emergence of particular institutional sites generically known as Institutes of Memory have been part of the political project of center-right parties in East Central Europe to make an effective break with the state socialist past. The thesis addresses the question of what explains the variation of the institutionalization of the political projects and their effect in breaking with the state socialist institutional legacies and the inheritors of the past regime. The thesis uses a small-N case study in combination with within-case analysis focusing on the cases of Czech Republic, Albania, and Romania. The findings of the thesis produce a theoretical typology of the three cases across the institutional and the legacy dimension. The Czech case is a case of robust institutionalization and transformation of the state socialist legacies. The Romanian case has a factionalized institutionalization and partial transformation of the legacy and the Albanian case is case of weak institutionalization and fixed legacy.

Dedication

To my parents

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Introduction

The recurring political project of the center-right parties in most post-communist countries, centered on breaking with the state socialist regime by continuing the unfinished revolution and aiming to efface the past regime's residuals was linked with the establishment of a particular institutional arrangement. The research question that this dissertation addresses is twofold: What explains the variance of the institutionalization of these political projects and what is their effect in breaking with the state socialist pasts' legacies and inheritors?

This type of institutional arrangement was nominally referred to as an Institute of Memory, albeit being in charge of different and multiple tasks. One could expect an institutional diffusion across the post-communist region of this particular institutional arrangement. The first emergence of this particular institution transpired in Poland in the late 90s and went into effect in early 2000. Similar institutions with different trajectory paths of emergence and sequences of institutional formation were established across the region. There is scant empirical evidence of a continuous process of reciprocal training, socialization or exchange among the main agents of institutional formation, so that to argue for an identifiable process of institutional diffusion. From the initial projects of these particular institutional arrangements, articulated by the institutional entrepreneurs there is a reference to a particular institutional model as an already existing model that of the Institute of National Memory (Instytut Pamięci Narodowej), which was established in Poland. The concern mentioned by the agents of institutional formation is formulated mostly in terms of forerunners and laggards of institutional creation. In short, I posit that the trajectory of institutional emergence, with all its pertinent dynamics, is useful to explain institutional

effects in the desired outcome of the break with the state socialist past. The process of breaking with the state socialist past as a recurring policy concern of the center-right parties taking the form of an institutionalized pattern, novel to the region, entails what I call the deployment of regime formation strategies.

There existed in the post-communist societies competing and contrasting projects or understandings with regard to the strategies of coming to terms with the repressive legacies of state socialism. These dilemmas and policies when dealing with a non-democratic regime's past were usually framed in the early 1990s as transitional justice policies. In the transitional justice literature it has become fashionable to consider as institutions of transitional justice what used to be called mechanisms of transitional justice (Elster 2004) such as truth commissions, governmental, or parliamentary commissions. It seems plausible to argue that the political or societal actors ruminate for a while when choosing a particular institutional arrangement or mechanism within an array of choices. These choices could also be filtered by the actors' preferences and motivations. Sometimes by assuming a shared capacity and function of any emerging institutional arrangement compared with previous institutions elsewhere or previously existing ones, one assumes an unfruitful equivalence between actually different institutional arrangements. I argue that one should not confuse the normative and ideational framework set by foundational documents of Institutes such as the founding laws, nor assign a particular institutional arrangement to an existing category relying on an assumed similar functions (Stan 2008). In order to dispel the assumed functionality of these particular institutions I describe and explain their emergence, entrenchment, if present, and change through time. Although I borrow from organizational theory with regard to the processes of institutionalization, I claim that the nominally called Institutes of Memory are not organizations which are considered to be more task-specific

(Szelnik 1948). On the other hand, certain working practices such as documentation of past injustices or collection of testimonies of witnesses do exist within these Institutes of Memory. Nevertheless, this does not make these Institutes a functional substitute of truth commissions. What I argue is that it is important to scrutinize the presence of previous organizational antecedents, which were part of the broader policies of dealing with the non-democratic regime's past, whose practices could have been transferred to the emerging institutions. This can explain among others the presence of certain practices that resemble those associated with truth-telling or documentation. Previous institutions or institutional arrangements can be displaced, transformed by layering or conversion (Streeck and Thelen 2005, Mahoney and Thelen 2010) ,or become extinct through time due to the struggles over the institutions appearing at certain critical moments, or *volte face*.

At the same time, certain working practices that were considered useful or valuable in past institutional arrangements can be maintained, restricted, or become questionable through time. Therefore, the arguments that consider Institutes of Memory as protracted institutional forms of transitional justice and as functional substitutes of truth commissions resemble the arguments of institutional economics (see: North 1981) when trying to explain the emergence of an institution given the concern with efficiency: "Early work on institutions by Davis and North (1971), North (1981), Williamson (1975, 1985), and others asserted that efficient institutions would emerge and change as the need arose and that the timing of their emergence or change would be economically optimal" (Ingram and Clay 2000, 539).

It appears that the establishment of these specific institutions is entangled in political struggle and competition. The establishment of these institutes do not come about out of necessity. The institutes do emerge as part of the ideological and political projects of political parties and their constituencies. This practice is generally understood as symbolic politics.

The reasons given by institutional entrepreneurs or political representatives that have endorsed and defended such projects in parliament, or in public, are various. Yet, certain reasons appear to be more cogent. The prime movers of such projects are representatives of the center right in almost all the cases. Using the typology devised by Kubik and Bernhard (2014) on the types of agents involved in cultural politics with legitimating repercussions for the emergent democratic regime, most of the institutional entrepreneurs fall within the category of memory warriors, considering their perception of the past regime as the one deserving to be dominant in comparison with other representations.

Yet these institutions do not confine themselves to producing or making official one particular narrative on the past regime. The involvement of these particular institutions in politics of memory battles to my consideration does not lead to a thorough or extensive understanding of the phenomenon, which is related to an extensive strategy of regime formation as an outcome of the conjunction of institutionalization variable and legacy variable under conditions of anti-communist recurring ideological framework. There exist certain conditions in which, the institutional effect and institutional practices are closer to the politics of memory pole, rather than regime replacement pole, which is related to the intention of political actors and institutional entrepreneurs to complete an unfinished revolution. Breaking with the state socialist regime's legacies by effacing its inheritance and completing a rupture so that the 'old structures' are no longer lingering in the new democratic regime appears to be a shared reason given by center right representatives and institutional founders for embarking in this political project of establishing the so-called Institutes of Memory. A second reason that has been mentioned as important for the establishment of these institutes is the failure of the previous mechanism and institutions, which were mainly transitional justice mechanisms of dealing with the repressive legacies, an often used term by

transitional justice scholars, and the state socialist regime's crimes or injustice. The transitional justice perspective would construct an hypothesis that expects a convergence and shared function between a standard transitional justice institution or mechanism such as an investigative commission, truth commission and the Institute of Memory. This theoretical expectation and explanatory framework is partly validated by the empirical cases.

Seemingly neutral or supposedly easily hand-picked practices, policies and mechanisms used by previous democratic regimes when confronting what has been done, and what has been bequeathed by authoritarian regimes, become entangled into political battles, or have unintended consequences of broader repercussions. It is for this reason that what I name, for the sake of the argument, the 'politicization' thesis when considering to explicate the phenomenon of the emergence and the institutional effect of the so-called Institutes of Memory, seems to lead to a blind alley. With some duly made modifications I would argue that I agree with the 'politicization' thesis when the institutions becoming politicized, or are at risk of politicization are well entrenched and not in flux. When institutions have achieved to enforce an institutionalized role with such an efficacy as to be taken for granted by the denizens of the institutions, or when they have obtained a degree of autonomy one could argue following an exogenous shock, or critical juncture type of argument that an institution due to external reasons can get politicized, henceforth changed. Making institutes of memory more politicized or ideologicized, or on the contrary less politicized or less ideologicized is part of the mutual relational positioning of contending actors in a given 'Bourdieusian' field.

The theoretical explanatory model that I use to make sense of the process of institutionalization considers the motivations and the understanding of the main actors and agents of institutional formation as a central starting point. The legal descriptions and the foundational documents have a lower analytical and empirical value compared to the

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discursive articulations of the ideas and motivations of actors. On the other hand, the focus on interests, motivations and ideas can provide to a certain extent a truncated understanding of the variance of institutionalization processes. It is for this reason that I employ the Bourdieusian framework based on the notions of field, habitus, and capital, which overcomes the discrete, proximate explanations by looking at actors' interests only. In a way, I suggest a more realistic and pragmatic conceptualization of the agent-centered processes that take into consideration the trajectory of the agents, their principal capital, either cultural or political in this empirical investigation, and their previous obtained working practices in existing fields or institutions. The interests and motivations of the actors become actualized and reflected in practice. Nonetheless, the process of institutionalization involves mostly institutional entrepreneurs at the apex of the authority structures of the emergent institutes, their contestants in the public sphere, and the middle-rank employees or researchers who experience at first hand the effects of the process of institutionalization and who better articulate the institutionally produced discourse, by either employing or eluding certain institutional practices. The main actors do not operate in a vacuum, nor do they operate independently of each other. Henceforth, I scrutinize the formation of what Bernhard (2005) calls the institutional-formation coalition.

The ambiguity of such institutes, and the very fact of not being a traditional apparatus or organization of the bureaucratic field make them subject to pressures and attempts of institutional change. Thus, this theoretical model by relying on precepts of comparative historical analysis, one of which being the incorporation of the time dimension in theoretical frameworks, can show the struggle over the institute and the change of the political project of addressing the state socialist inheritance at the regime level. In this manner, the theoretical framework I utilize on this particular dimension of the empirical phenomenon, can

incorporate under certain scope conditions the theoretical expectations of transitional justice and politics of memory.

Chapter 1 : Institutional Emergence and Institutionalization

1.1 A multi-layered conceptualization of institution

It seems that institutions have obtained within the social sciences, and within the discipline of political science, the place and to some extent the analytical role of structures, when structures were en vogue. The re-invigoration of the institutionalist research starting from the late 1980s has been explained as a critique of previous prevailing research programs such as structural-functionalism, neo-Marxist theory, and last but not the least, as a response to behavioralism (Lecours 2000, 513). The emergence of new institutionalism was due to mutual borrowings from adjacent disciplines and from cross-fertilization of research programs and concepts. Traces of new institutionalist perspective, with certain modifications, are found in the old institutionalism, and in evolutionary economics (Hira and Hira 2000). "Old institutionalists believe in path dependency (i.e., the importance of the historical context), the autonomy of institutions, evolutionary economics, and a holistic approach to economics, that is, one that considers cultural and political factors of motivation, interaction and organization (Hira and Hira 2000, 268). The autonomy of institutions as an independent variable that can explain certain processes, or outcomes seems to have gained ground in political science. André Lecours explains the place that institutions take in the explanatory frameworks of comparative politics: "The early new institutionalist work was a reaction to this societal bias of comparative politics, as it sought, not only to make more room for institutions in the study of politics, but also, and more importantly, to give them theoretical importance. These studies defined the general objective of the movement: to conceptualize institutions as a variable affecting political outcomes (2000, 511). Consequently, research

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programs and understandings of institutions juxtapose new institutionalism to what new institutionalism is not. "March and Olsen contrast their institutionalist approach with contextualism, reductionism, utilitarianism, instrumentalism, and functionalism during the same period (Kato 1996, 556). Despite the shared understanding that institutions do matter in social research, certain differences, inconsistencies, and paradoxes remain between different institutionalist theoretical frameworks.

Before relating the internal inconsistencies of new institutionalism (see: Peters and Pierre 1998; Seo and Creed 2002) and the suggested corrections to resolve the conceptual inconsistency, I delineate the various definitions on institutions devised by various prevailing theoretical frameworks and explain their usefulness or limited value in that part of the reality that I make claims on. The reference that I make at the conceptual understandings of an institution is structured on the basis of the interaction, or interdependence of agents and institutions (Lecours 2000, 516). The analytical issue, which arises out of quandaries of empirical reality, has to do with the processes of institutional emergence, motivations of the actors and the consequences of institutional effectiveness in policy outcome. It is with this aim, that I turn to the theoretical understandings and conceptual definitions of an institution, to assess whether they are helpful to shed light on the phenomenon at hand. I argue that certain definitions are useful under certain scope conditions.

There are broad and restrictive definitions of an institution. The general definitions of an institution are given by theoretical frameworks such as rational choice institutionalism, sociological institutionalism, and historical institutionalism as the main contenders. On the other hand, conceptualizations of institutions can be divided to some extent as those stemming from what Morris Fiorina calls Positive Theory of Institutions (Fiorina 1995) with little or no empirical investigation, and on the other hand from empirical investigations of

empirical material cases (Kato 1996, 556). In this chapter, I am not explicitly formulating a general definition of an institution. Rather, I am suggesting a framework that can explain the differences in the institutionalization of a similar specific type of an institution emerging at a certain concrete time. I contend that the conceptual framework of historical institutionalism, and the micro-practices of institutions and processes of institutionalization as derived from organizational theory (Zucker 1977) are useful to the empirical cases and congruent with the theory of practice of Pierre Bourdieu (1972). Certain attention needs to be paid with regard to the function of such specific institutions. I concur with the suggestion of Fiorina when he explains that to most researchers on institutions, and especially those who follow the rational choice framework on institutions, the functions of an institutions are not legion. "PTI [Positive Theory of Institutions] scholars work on the assumption that institutions serve a limited number of general purposes; therefore, institutions that appear different on the surface often are similar in what they accomplish" (1995, 113). In one respect, the Institutes of Memory as specific institutions mandated by the state and anchored within the bureaucratic field, aren't that different in function from royal commissions along the British tradition, state commissions (Commission d'Etat) along the French tradition, and more recently from the Commission of History of the Occupation and Liberation of France (Commission d'histoire de l'Occupation et de la Liberation de la France) later to become Committee of History of the Second World War, and from parliamentary commissions, or truth commissions in post-communist Europe. Therefore, all such types of organizations, assemblages, and institutes served certain political projects in periods of uncertainty or regime change. Yet, a fine and subtle but important distinction runs through these functionally similar entities. The above mentioned historical cases of such entities, including the recent ones resemble more to task-oriented organizations despite their longevity and transformation.

It seems that the most frequently mentioned definition of an institution is the one centered on institutional effects upon individual behavior. One of the earliest definitions of an institution, devised at a time of the incipient turn towards institutionalist framework, was coined by Douglas C. North: "North suggests that institutions consist of these regularized interactions. In other words, for North an institution embodies and guides patterns of behavior. North defines institutions as 'the rules of the game in a society', or the constraints that shape human interaction" (Hira and Hira 2000, 269). This understanding of an institution, stemming from the tradition of economic institutionalism is related to the conditions of uncertainty and coordination of collective choices with the intention to favor risk-averse solutions. In a broader perspective this particular kind of conceptualization of an institution seems to be based on the ontological primacy of social processes (Seo and Creed 2002, 225). "Uncertainty and risk in exchange create transaction costs which frustrate efforts to attain collective ends (from single gains from trade to the fruit of complex collective action" (Ingram and Clay 2000, 526). From this assumption the definition that defines the core of an institution is as such: "...institutions are defined as the rules, combined with their enforcement mechanisms, that constrain the choices of the actors....[its] fundamental assertion is that actors pursue their interest by making choices within constraints" (Ingram and Clay 2000, 526). This understanding of an institution appears to be useful in those conditions and cases where the unit of analysis is the action and strategy of the individual agent facing an already entrenched institutional arrangement. It seems to be quite pertinent a definition, if we bear in mind the fact that institutions constitute a widespread social fact as Durkheim would say. Thus, the understanding of an institution is centered, partly, on the effect of an institution upon individual agents' actions and behavior by constraining or enabling them. This definition of the term institution is not quite appropriate analytically when facing an

empirical situation in which the strategies and practices of the agents influence the emergence and change of particular institutional arrangements. Usually, institutions as independent variables within an explanatory framework are considered important to explain an endurance, change, or transformation of a certain policy proposed by decision-makers, or the political elite. "Rational choice institutionalism considers that institutions affect political outcomes primarily in a strategic context. They argue that institutions shape strategies, choices, and political behavior because the expectations that rational actors have regarding the behavior of other actors are conditioned by the institutional environment." (Lecours 2000, 512). A more precise definition captures the standard understanding of an institution predicated on institutional effects and stability of an institution: "Institutions shape decisions by presenting a restricted set of policy alternatives to leaders, affecting the rules of the political and economic interactions and contracts, and by developing reputations for power" (Rira and Rira 2000, 271).

The establishment of the so-called Institutes of Memory in post-communist countries barely resembles those institutions of long endurance such as welfare institutions. The empirical cases show that these institutes are part of the political calculations and strategies of the political actors. They do figure in parliamentary debates and electoral campaigns. To some extent, such state-mandated institutions emerging from the political projects on the past of the center-right parties have constrained the center-left parties and liberal circles by making not conducive to dismantle such institutions once the center-left gets to power. In a way, the existence of such institutions, at least in the case of Romania and Czech Republic, and even in Albania one could say, has made the center-left parties and politicians conscientious that they too can implement their policies on the past, in spite of and in conjunction with these Institutes. The politicians are not the central actors in institutional

formation and institutional change, albeit entering in alliances in coalition formations with other societal actors. These institutes do enter in certain cycles of change at the structures of authority due to shifting political majorities in the legislature. As a result, one could hardly argue for a well-established autonomy of such institutes. What actually transpires is a different degree of institutionalization, followed by various strategies of institutional maintenance or reconstruction, amid a struggle over institutions.

Even researchers and scholars who are not indebted to rational choice framework emphasize in their definition of an institution its behavioral effect. "Both the socio-historical institutionalism and rational choice new institutionalism are concerned with the question of how institutions shape political behavior and outcomes" (Kato 1996, 556). One of the main insights of Steimo's research on institutions relates to his understanding of political institutions as: "....[to] constitute the context in which policy decisions and behavior take place" (Kato 1996, 570). While rational choice institutionalists see individual behavior and preferences as exogenous to institutions, the more sociological minded researches, sometimes considered as proponents of normative theory of institutions (Fiorina 1995 ; Peters and Pierre 1998) see behavior as endogenous. Such is the understanding of March and Olsen (1989) piece. "This theory derives its explanatory power from the importance of norms and rules in shaping individual behavior; in particular March and Olsen argue that actions are determined by a 'logic of appropriateness' that is shaped by institutional values" (Peters and Pierre 1998, 568). Hence, the centrality of institutional effect on the behavior of the actors remains even in opposing approaches to those derived from economic institutionalism. I call this the 'behavioral' trap of new institutionalist theory. Researchers close to historical institutionalist perspective on institutions, such as Peter Hall, Kathleen Thelen have fallen into this trap, making these kind of definitions on an institution sound axiomatic. "Hall, defines institutions

broadly, as 'the formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of policy and economy" (Hall 1986, 19 in Peters, Pierre, King 2005, 1281). Steinmo and Thelen have provided a definition of an institution not quite different from that of Peter Hall: "...both formal organizations, and informal rules and procedures that structure conduct" (Steinmo, Thelen and Longstreth 1992, 2).

The propensity to come up with a categorical and standard definition of an institution has its limitations when trying to explain certain new empirical phenomenon. Moreover, by linking the understanding of an institution to its constraining and enabling effects on individual behavior seems to create further concerns. Having a definite and precise definition for an institution, as an analytical concept as the one shared in the new institutionalist literature I addressed above, creates an analytical, or theoretical separation between 'causal stories' of institutional formation and maintenance on the one hand, and the 'institutional effects' on the other hand. This sort of division seems to lead to overly abstract theorization with little empirical specification and scope conditions. This kind of analytical move makes the definitional dimension of an institution less useful than deemed to be. On the other hand, the coupling of institutional effects upon individual's behavior with the effect of individuals in the changing of an institution creates further quandaries. If an individual's behavior is fused with institutional values and shaped by institutions then one would expect conformity, or routinized behavior within the institution leaving less place for agency in institutional change. "However, these attempts '[of conceptualizing change] often directly contradict one of the most central assertions in institutional theory-that actors and their interests are themselves institutionally constructed" (DiMaggio and Powell 1991 in Seo and Creed 2002, 222-223)..Morris Fiorina describes this feature of new institutionalist theory as being under-

specified empirically and rambling on normative field. "...if your interest is primarily theoretical then you do not demand a complete understanding of an historical or institutional phenomenon. You may be quite satisfied with a partial understanding- an understanding of those parts of the phenomenon that illuminate the operation of the theoretical principle of interest" (Fiorina 1995, 110). Scholars who are proponents of historical institutionalist perspective recede from the theoretical assumption of successful socialization effect of institutions on individuals' actions. "Historical institutionalism does not suggest that institutions consistently operate a radical re-socialization of citizens" (Lecours 2000, 513). There exist different ways to overcome the paradigmatic and axiomatic understanding of an institution as inexorably linked, at all levels, to individual behavior. Relying on insights from scholars who propose a solution to this restricting conceptualization of an institution I suggest certain modifications of that term. A multi-layered understanding of an institution that reflect the complexity of the empirical cases, making room also for institutional effects on individuals' behavior, seems to be the appropriate course to take.

I argue that, within the limited scope of the empirical cases I am scrutinizing, the institutional effect on individuals' behavior and actions transpires at the micro-level of an institution. As such, it is one of the dimensions of an institution. Organizational theory and sociological institutionalism shed more light on the effect of an institution upon an individual that is part of the institution without simply stating a normative precept and axiom at a general level. Rather than arguing in general about the assumed influence of an institution as part of the 'strategic context' or as constraints I suggest looking at the micro-practices within an institution that are performed, changed, or resisted by different groups and factions within a particular institution. I borrow the term used by Nielsen (2001, 506) when he refers to individuals within an institution as institutionalized individuals. "Socio-constructivist

institutionalism, however, sees behavior as routinized and stresses the role of interpretation of the decision-making situations as a function of the outlook of the institutionalized individual". One could conceive of institutions as comprised of two things: structures and practices (Alt and Shepsle 1998, 737; Seo and Creed 2002, 229). This understanding of an institution does not exclude the role of the agents in transforming an institution. I argue, that the Historical Institutionalist theoretical framework, which is premised on the notions of contestation, balance of forces, and closer to the empirical cases in theory-building, complements an understanding of an institution based on structures and practices. I would like to mention that the burden of proof with regard to the different processes of institutionalization across the cases rests on the different factions within the institutions themselves such as middle-level functionaries/researchers, the leading powers of the Institute and not so much on the politicians. Nonetheless, the politicians do have an interest on the institutions and act sometimes as veto-players. By including the dimension of time within the understanding of an institution (Peters and Pierre 1998, 568), the institutions are not considered in a limited way as instruments or a reflection of a certain policy or interest, but as evolving and changing through time. Guy Peters and Jon Pierre suggest that in order to overcome the "circularity of the argument" of the new institutionalist theory on institution-individual behavior linkage apart from time, the notion of 'multiple players' of the same game should be included (1998, 568). I would prefer to substitute the term 'multiple players' with agents endowed with a certain power and having a certain position within an institution and a certain viewpoint on the institution. In this sense, the notion of factions and multiple levels of authority appear apposite. The model also allows for a process that Peters and Pierre (1998, 578) call the 'realignment of institutional forces. Henceforth, different factions within the Institutes can shift alliances.

Agents either external yet influential in the process of institutional emergence, or agents internal of the institutions are considered as having an interest on the institutions and are endowed with asymmetric power (Luong and Weinthal 2004, 138; Alt and Shepsle 1998, 738). The other type of the story on institutions, coming from the broad tradition of sociological institutionalism, conceives of institutions as "complexes of cultural rules" (Meyer and Rowan 1977 in Scott 2001, 48), or as "symbolic systems" (Berger and Luckmann 1967 in Scott 2001, 48). I partly agree with such understandings of an institution. I would like to present certain qualifying remarks. The notion of interest if attached to the investment made by political actors in pushing forward a certain policy or political project, in establishing or changing an institution remains rather inadequate. The reason is that the interest that expresses certain intention does not help to understand and explain the processes through time of institution formation, and its continuity. When interest is conceptualized as linked with certain values and represented through discursive statements, then it can help explain processes (Schmidt 2009). Otherwise it remains a conceptual short-cut, which can be useful in more structured and less contingent situations. Thus, this research departs from the traditional research of historical institutionalism (Immergut 1992; Steinmo 1993, Hattam 1993), which has looked at how institutions have shaped and conditioned politicians or policy-maker's strategies. That is the reason that the notion of interest is not sufficient unless linked to a certain institutional role and trajectory of the accumulated past experience (individual habitus in Bourdieusian terms). One should distinguish between interests stemming from expedient situations and those emerging from an interest in the game, as it is the case with the institutional entrepreneurs, known as founding fathers of the Institutes, and the institionalized individuals being the rank and file of an institution. On the other hand, I consider that the notion of asymmetries of power remains useful. It can be further

disaggregated by looking which agents are at the apex of power and by specifying what kind of authority do they have. In this sense, the Bourdieusian framework of the various species and volumes of capital with regard to the agents involved in the institutionalization process is helpful. The pure sociological understanding of an institution as a social fact (Goodrieck and Salancik 1996 in Seo and Creed 2002, 223, Scott 2001, 13) which, infuses individuals with a normative framework (Scott 2001, 54), has to be considered useful with regard to the micro-level practices within an institution. Herman Schwartz (2004, 13) in his criticism of historical institutionalist's emphasis on stability and structures, due to the analytical primacy given to path-dependency, proposes that historical institutionalism is in need of a micro-foundation or micro-logic.

This shall be done with some modifications of the sociological understanding of an institution. The criticism leveled to new institutionalism is that it treats individuals as passive players (Nielsen 2001, 509; Seo and Creed 2002, 240). I concede that this criticism is correct, yet it cannot be denied that inhabiting a certain institutional space, or an organization within a broader institutional complex, warrants a particular institutional role. The feature that indicates the level of entrenchment of certain institutional practices, which are considered as legitimate compared to other practices or ways of doing is the taken-for-granted dimension of an institution. Sometimes, researchers makes an inopportune distinction between formal and informal institutions. At the informal side of the differential they include parameters that are culture or custom dependent. "Research is focused on informal institutions such as schemata, roles, and scripts, or- in general- all that is taken for granted" (Nielsen 2001, 505). It is assumed that long-term societal norms, such as customs or informal ways of doing, broadly speaking, can have taken-for-granted effects. I argue following Zucker (1977) that institutions as well as informal practices have taken-for-granted effects. "...institutionalization

is both a process and a property variable. It is the process by which individual actors transmit what is socially defined as real, and, at the same time, at any point in the process the meaning of an act can be defined as more or less a taken-for-granted of this social reality" (Zucker 1977, 728). I am more interested in the second dimension described by Zucker. On the other hand, researchers consider institutions as including certain elements, which orient the institutionalized individual. "Institutions exhibit these properties because of the processes set in motion by regulative, normative, and cultural-cognitive elements. These elements are the building blocks of institutional structures, providing the elastic fibers" (Scott 2001, 48). Hence, the move from institution as constraint or strategic context to institutions comprised of micro-foundations besides power asymmetries, and structures.

These micro-foundations of an institution, which come about due to different degrees of institutionalization, are related to certain institutional roles taken up by individuals working within the institutions, and to the acceptance of certain institutional practices and routines as legitimate and proper. The effect of this dimension of institutionalization is manifested in times of institutional change when certain middle-rank members of an institution resist new norms or ways of doing, or proposed practices, as I show in the empirical chapters. "This resistance, in the form of taken-for-grantedness, is a fundamental attribute of institutionalization" (Jepperson 1991 in Seo and Creed 2002, 227).

As a consequence of this suggested understanding of the micro-foundations of an institution, I could argue what I consider to be the features of this dimension of institutionalization at the Institutes of Memory. The taken-for-granted attribute of such Institutes can be conceptualized as part of the concept of transmission (Zucker 1977) of ways of doing, and institutionalized acts. However, these Institutes are not quite as embedded and stabilized through time, as already existing institutions such as academies, universities or

other societal institutions. In this sense one cannot talk properly about a transmission of certain institutional acts, or practices from one generation to another, or even for institutional reproduction. I would prefer to use more the term of institutionalized expectations towards individuals working within institutions. A distinction should be made, between individuals who belong to the leading structures of the Institute, and those who are the rank and file of an institution. The micro-practices are operating at the level of middle-level employees. The taken-for-granted of the routines, norms and practices within these kind of Institutes are conceptualized as the following: a) presence or diffusion of a normative orientation or ethos in performing one's task, b) congruence with the prevailing institutional practice at the Institute (recognizing as legitimate the institutional practice), c) taking up a particular institutional role (a scientist or a functionary) that is specific to the Institute compared to other similar organizations or institutions. In order to understand the accomplishment of these institutional expectations I rely on the congruence between the individual employee's discourse with the institutional discourse. Situations of inconsistency, incompatibility and reservations expressed by certain employees with respect to the institutionalized ways of doing, and normative orientations show, according to my understanding, a higher degree of institutional effects than in other cases. I am not arguing that individual employees are to follow automatically the institutional script. This understanding of the micro-level processes within institutions as I just delineated are closer to a more convincing definition of an institution: "In this context institutions have been variously defined as 'socially constructed, routine-reproduced programs or rule systems' (Jepperson 1991, 149 in Seo and Creed 2002, 222) and 'supra-organizational patterns of human activity by which individuals and organizations produce and reproduce their material substance and organize time and space' (Friedland and Alford 1991, 243 in Seo and Creed 2002, 222)".

Micro-foundations are one of the dimensions of a multi-layered conceptualization of an institution. This above-mentioned dimension relates more to the individual activity and the effect of an institution upon an expected institutionalized individual. The other dimension of an institution include structures which are transmitted or transposed within the emerging institutional arrangement, or constructed anew. One could consider the transposed structures as antecedent organizational structures of institutional priors, to include organizational units and departments of the new emerging institution as it so happens in the Czech case. In this sense organizational institutional priors can be termed accumulated capital, which can serve as an asset or as a liability, of the emerging institutions. On the other hand, organizational structures can be derived from the economies of scale effect due to the division of labor (Schwartz 2004), or from an emulation of existing institutional structures closer to the profile of the Institute of Memory. Whereas routines and norms are a result of sustained institutional effect on individual's actions (Selznik 1957; Zucker 1987), institutional practices are the third dimension of an institution. Institutional practices are a component of prevailing institutional logic (Seo and Creed 2002, 228). Thus, I subscribe to the understanding of an institution not as seen from external actors whose strategies and behaviors a certain institution can constrain, or facilitate but rather from the perspective of those agents, institutional entrepreneurs and institutionalized individuals who are involved in the process of institutional formation and its maintenance or continuity. In this respect, I borrow from the organizational theory on institutions and institutionalization (Zucker 1977; Zucker 1987). According to this perspective, institutions are comprised of what are termed institutional elements (Zucker 1987; Kato 1996, 557). Zucker argues that few research from political scientists or political sociologists have taken into consideration the structures of institutions and their change (1987, 459-460). Zucker explains that institutional elements include: "...structures, actions, and

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roles...(1987, 446). One of the variants of historical institutionalism gives priority to institutional elements rather than to the broadly conceived relations between state and society, or to the primacy of the state as an autonomous actor (Kato 1996, 557). "Rather than predetermining a unit of analysis such as a rational individual, studies using the socio-historical approach are the product of research that takes organizations or institutions as primary subjects" (Kato 1996, 558). As a consequence, institutional elements include in a wider definition : "routines, rules, norms, values, and ideas..." (Kato 1996, 557). Henceforth, the multi-layered understanding of an institution considers an institution as comprised of structures, practices and agents of different power, interest and organizational hierarchy. Rather than a definite definition of an institution, the above statement is more an indication of what is considered important when scrutinizing an institution. In this research, the understanding of an institution is linked to the conceptualization of the degree of institutionalization. An institution may be formally comprised of structures, agents and certain practices yet the degree of institutionalization, which could further lead to reproduction through time, differs. I would like to note that in the cases under investigation, in which one could hardly claim of institutional reproduction or full institutional autonomy, institutions are not considered as secluded or unrelated to what is generally termed context. In the next section of this chapter, I address the process of institutional emergence and propose a framework of variation with regard to degrees of institutionalization. In this respect, the environment is the Bourdieusian field, to which an institutional arrangement is related to.

1.2 Existing theoretical frameworks on institutional emergence and formation

There is no coherent, single theoretical framework that intends to explain institutional emergence. The main concern of new institutionalist theory has been to explain stability and

persistence of an institutional arrangement (Nee and Strang 1998, 706; Hirsch and Lounsbury 1997). This focus on stability of institutions can be partly explained by the understanding of an institution as a durable structure that constrain individual behavior. "Institutions are viewed as including 'both formal structures and informal rules and procedures that structure conduct'.." (Thelen and Steinmo 1992, 2 in Scott 2001, 34). Thus, the initial development of new institutionalism has exhibited a structural bias. "The result is the current overemphasis on structural constraint in institutional theory" (Seo and Creed 2002, 223). Describing the general features of the new institutionalism Morris Fiorina claims that usually researchers of new institutionalism separate the process of institutional formation from institutional effects (1995, 113). This division is similar to the analytical distinction between 'formative periods' of institutions and 'periods of consolidation' (Peters and Pierre 1998, 570-571; Peters, Pierre and King 2005, 1276). I claim that contrary to the theoretical expectations of the standard versions of historical institutionalism in particular, and of the new institutionalist framework, the process of institutional emergence, which I use interchangeably with the term institutional formation, is not to be separated from the institutional effects, or institutionalization. The explanatory framework I suggest differs from the haphazard deterministic effect of a critical juncture triggering a self-enforcing path of institutional stability and institutional reproduction. I explain below why the term institutionalization is better than structural reproduction of these particular institutions. One reason being that the processes developing within these institutes are short of structural reproduction. On the other hand, the explanatory framework is based on the interaction between agents, structures and institutions. In this respect, I follow those variants of new institutionalist theory, which provide a role of agents in the explanatory models (Lecours 2000, 516; Nielsen 2001, 509; Rira and Rira 2000, 272). The agents involved in the processes of institutional formation are conceived in the model as

not having a fixed interest. Or to be more explicit, the 'interest' of the agents is determined by the positionality (in the various adjacent or opposing fields), the trajectory of their past moves, the possession of a specific capital and their status in the institutional hierarchy. In this way, one can understand better the articulation or disaggregation of the pertinent agents' interest inside or outside of institutions. I distinguish between different agents, those with more power and authority and those that have less power or authority, yet can empirically and theoretically create a 're-alignment of institutional forces' (Peters and Pierre 1998, 578) in periods of institutional change, or articulate a minority position within the institution.

Pauline Jones Luong and Erika Weinthal (2004) delineate the various understandings of institutional emergence in political science: "At the core of political science is the question of how institutions emerge- that is, whether they are a product of contract and strategic bargaining, power asymmetries and coercion, or path dependence and evolutionary development" (2004, 139).

One stream of the literature on institutions explains institutional emergence due to certain ontological assumptions of the social world. This is the case with institutionalist theory originating in rational choice economics. A given understanding of the social world propels a certain abstract understanding of the formation of institutions. "Uncertainty and risk in exchange create transaction costs, which frustrate efforts to attain collective ends" (Ingram and Clay 2000, 526). "Early work on institutions by Davis and North (1971), North (1981), Williamson (1975, 1985), and others asserted that efficient institutions would emerge and change as the need arose and that the timing of their emergence or change would be economically optimal" (Ingram and Clay 2000, 539). Hence, the emergence of an institution is a risk-averse solution to the uncertainty created by transaction costs. The literature on institutions deriving from the traditional economics considers institutions as ex-ante products

of individual preferences, sub-optimal choices and transactions. A proponent of this understanding of institutional emergence such as Shepsle (1986) : "....describes political institutions as ex-ante agreements about the structure of cooperation that economize on transaction costs, reduce opportunism and other forms of agency slippage and thereby enhance the prospects of gains through cooperation"(Shepsle 1986, Scott 2001, 9).

This kind of conceptualization of institutional emergence can be valid under certain circumstances but the conditions for the emergence of the so-called Institutes of Memory do not resemble the process of institutional emergence described by Shepsle and associates. The Institutes are not strictly political institutions. Moreover, the terms used by this stream of the literature assumes that institutions derived from ex-ante 'consensual' agreements have to be efficient. Efficiency becomes a defining mark of an institution. The idea of power asymmetries, and conflict over institutions is not included in this model. On the other hand, the emergence and formation of an institution is considered as a direct outcome of agents' preferences and choices only. A more refined theoretical explanation of institutional emergence that does not depart from the main precepts and assumptions of rational choice institutionalism, but which suggests an explanation closer to the empirical reality is that of Knight (1992). Knight dispels the myth of a consensual, optimal and efficient institution. "Institution is viewed as a structure of formal and informal rules that shape the strategic calculations of actors who are self-consciously pursuing a set of presumably fixed short-term preferences" (Knight 1992 in Clayton and Gillman 1999, 224). "Often new institutionalists are sufficiently taken by the public-good nature of many institutions that they characterize them as cooperative arrangements that benefit all" (Ingram and Clay 2000, 541). Even in conditions of individuals' cooperation in creating institutions not all the individuals have equal authority or power, or interest in the 'rules of the game'. Institutions do have trade offs,

and distributional consequences and they emerge out of 'distributional conflicts' (Knight 1992; Kato 1996, 561). The mechanism of the process of institutional formation and change identified by Knight is that of bargaining. "…bargaining between interested parties is the process that determines institutional outcomes. The role of such bargaining seems clear when we consider change in centralized institutions like a law that would favor some....but disfavor others" (Haveman and Rao 1997 in Ingram and Clay 2000, 540).

The bargaining between political actors and political parties in the parliament is part of the process of institutional choice and provides a blue-print for institutional emergence. As such, it makes sense to pay attention to the preferences of actors prior to institutional formation. The actors here include political parties, members of parliament and those individuals or groups that arose as institutional entrepreneurs. In some cases, such as in Czech Republic, the proposals for the creation of an Institute of Memory were initiated as early as in the year 2005. A few years later the initial proposal was refurbished and discussed in the Czech Senate in 2007 amid contestation and bargaining between relevant political groups. Henceforth, bargaining can partly explain the shape that an emerging institutional arrangement takes. It helps understand the possible choices and institutional arrangements that were considered by political actors interested in accomplishing a certain political project. Although it is useful to incorporate bargaining on institutions, given that it helps understand institutional choice, it is not sufficient. It does not explain the actual process of institutional formation in terms of structures, practices and their institutionalization through time. In other cases, such as in Albania no bargaining took place due to the mnemonic abnegators (Bernhard and Kubik 2014) belonging to the center-left opposition parties. More than a bargaining it was a process of transposing an existing institutional model of other ECE post-communist countries in the Albanian context (Galvan and Sil 2007). Nonetheless, it is hard

to argue for institutional emulation and institutional diffusion. The agents involved in institutional formation, and the process of institutionalization differs from the other two cases. As Boettke and his associates say: "Thus, institutions are never purely foreign or indigenously introduced" (Boettke, Coyne, and Leeson 2008, 335).

Another competing theoretical framework that explains institutional emergence is the one closer to historical institutionalist perspective. Generally speaking two distinct causes of institutional emergence are identified. Kato when mentioning the differences between historical institutionalism, which he calls socio-historical approach, and rational-choice perspective explains that: "...on the question of institutional emergence, socio-historical and rational choice institutionalism may not diverge as much as they appear to. The socio-historical approach considers the emergence of institutions to be the result of adopting a certain norm or of a historical consequence, while the rational choice approach is concerned with the rational basis of institutional emergence" (Kato 1996, 561). Thus, the emergence of an institution is due to either the adoption of a certain norm, which entails a process of norm or institutional diffusion, or due to specific historical circumstances. The rational basis of institutional emergence can be linked to the process of bargaining between different preferences of the actors on institutional choice. The process of diffusion of a norm, or of a certain institutional arrangement is more complex than a mere hand-picking of an institutional model to be applied at domestic conditions. For the sake of the argument, I consider explanations of institutional change, provided by other scholars, as similar to institutional emergence processes. Although they do not explain the same thing, the causal mechanism theorized by the existing that literature seems to indicate so. The process of diffusion of a certain norm requires a practice of training and learning by the model (Nielsen 2001, 505-506). "Institutional change is seen as a process of isomorphism or diffusion

through mechanisms such as pressures to appear legitimate and normative schemes embedded in training and practice" (Nielsen 2001, 505-506). Theorists of social diffusion explicate what are the features of a diffusion mechanism. "Diffusion connotes the socially mediated spread of some practice within a population. In Roger's widely cited definition, diffusion occurs when 'an innovation is communicated through certain channels over time among the members of the social system. This quite general formulation includes communication and influence processes operating both on and within populations of adopters" (Strang and Meyer 1993, 487-488). Thus for the diffusion to be a valid and convincing explanation of the emergence of the Institutes of Memory in the cases under investigation, a fulfillment of certain conditions is required. Hence, the diffusion mechanism requires continuous communication between the domestic institutional entrepreneurs with the existing directors, or the 'founding fathers' of the first Institutes of Memory in the form of mutual correspondence, continuous communication to sort out inconsistencies or dilemmas in the institutional model that is emulated, and norm embeddedness through training, or social learning. The presence of existing institutional arrangements might have boosted the appropriateness of this specific institutional arrangement in the eyes of the main agents of institutional formation in the other cases. Henceforth, choosing this particular institutional arrangement compared to possible other variants seemed fashionable, common and appropriate. As a consequence, I would say that the diffusion mechanism grants too much explanatory value to external sources or processes of institutional emergence, relegating the internal dynamics to a second order mechanism. On the other hand, one could claim that a diffusion process of practice and norm transmission could be observed after the emergence of the Institutes, via the creation of shared institutional networks and bilateral agreements that indicate a power asymmetry between the Institutes and at best an equal reciprocal relation.

One of the Institutes, such as the Institute for the Study of Communist Crimes and Consequences of Communism (ISKK) given its absence of sustained public effect and resources, has been involved in training practices of its personnel at BsTU, in order to understand the experience of what it means to work in such peculiar institutions.

Distinguishing between 'formative periods' and 'consolidation periods' of institutions is at the center of the historical contingency model of institutional emergence. The 'formative period' is considered as the stage mostly related to institutional formation. This explanatory model is closer to the empirical reality of internal dynamics and processes that affect the emergence of institutions. The positive aspect of this theoretical perspective is that it gives room to the role of agents and, at the same time, to the existing institutional or power configurations. However, on the other hand it contains certain assumptions that are not warranted by the empirical reality. More importantly, the distinction between formative and consolidation periods, albeit a theoretical move to explain change and stability of the same institutional arrangement (Peters and Pierre 1998, 571) becomes a hindrance when trying to explain the institutionalization process that is short of institutional reproduction for various reasons. The presence of internal factions within the Institutes and external contestation over the Institutes is one of the reasons for not ensuring a stable institutional reproduction. A weak institutionalization can also lead to the absence of the reproduction of institutional structures. The formative periods are defined as having these properties:

"During this formative phase, institutions are by no means embedded in existing value systems, because they often embrace value systems that challenge the dominant institutions of the time. Thus a closer examination of the cases above suggest that the emergence of these new systems of values, norms, and practices was ridden with conflict rather than characterized by smooth, functional adaptation within institutions" (Peters and Pierre 1998, 570-571).

This understanding of institutional emergence indicates that there exist a certain

degree of non-congruence and contestation between the dominant existing institutions and the emerging institution. Most of the Institutes of Memory that were established in post-communist countries were questioning what they called as the dearth of scholarly research on certain aspects of the state socialist regime. The existing autonomous academic institutions of the cultural and scientific field were deemed not quite successful in addressing issues related to repression. Therefore, it is true that the emerging institutions were representing and endorsing perspectives that went contrary to the perspectives and values of existing institutions. However, it seems to me that this conceptualization of institutional emergence is based on the premise of incremental increase of institutional autonomy. In the case of IoM, one could hardly argue that the Institutes are not reflecting the dominant values of that time. Most of these institutes emerged after a period of weakened liberal democratic ideas of the early 90s, which were substituted in mid 2000, by a re-invigorated ideological anti-communism that had a different understanding of democracy and democratic regime. The fact that these institutions were part of the political projects of the center right indicates that they were not marginal or second-rank institutions. To qualify the argument to some extent, the values and perspectives of IoM can be dominant in one field and less dominant in the cultural field, where existing institutions dominate the field. Peters and Pierre concede to the argument that institutions arise at moments of political or ideological transformations. "...institutional arrangements could be seen as manifestations of political regimes or overarching ideological objectives" (1998, 572). I would argue that the ambiguity of this kind of institutions and their interstitial position in between fields helps to explain the presence of contestation and the absence of wide societal consensus towards this institutions. On the other hand, the established Institutes are to various degrees embedded in the bureaucratic field, being state funded and public institutions, taking advantage of a privileged position. The

formative period argument stresses the conflict dimension over institutions and the power asymmetries between agents. This is in congruence with historical institutionalism and closer to the perspective I utilize. "Third is the emphasis of Historical Institutionalism on power. This approach stresses the idea that power is at the center of politics, and that power relationships are a key engine to social and political outcomes" (Lecours 2000, 514). The formative period is characterized as a transient stage during which, "....institutional arrangements are fluid, dynamic and more susceptible to political forces" (Pierre and Peters 1998, 572).

Thus, institutions remain susceptible until they reach a degree of autonomy and more importantly a structural reproduction. I would argue that this analytical description of formative periods can be used to explain the initial process of institutional change and not completely the process of institutional emergence. In some cases, as in the Czech Case, the trajectory of the emergence of ÚSTR shows that there existed institutional priors, antecedent organizational units, and a greater embeddedness in or dependence on the state structures. Nor did the influence of the political forces waned thereafter. It is for this reason that the formative model, apart from the theoretical inconsistency that I delineate below, is partly useful.

In more formalized explanations of the 'formative model' of institutional emergence there exist more refined explanations on what triggers the appearance of formative periods. It is generally argued that formative periods precede what are called 'consolidation periods'. "These formative periods are followed by more extended periods of institutional consolidation and stability in which the institutions resist movement from their paths" (Peters and Pierre 1998, 573). Maintaining political conflict as one of the central assumptions of historical institutionalism Jon Pierre and Guy Peters present a revised conceptualization of

the formative period model linking it analytically with the path-dependency framework on institutions: "Historical institutionalism conceives of public policy-making and political change as discrete process, characterized by extended time periods of considerable stability- referred to as 'path-dependency'- interrupted by turbulent, 'formative moments'" (Peters, Pierre and King 2005, 1276). The formative periods are understood as triggered by critical junctures unleashing path dependent mechanism of the institutional stability, which have a different cause from the initial formation of the institutions (Schwartz 2004). Exogenous shocks can also initiate institutional change. If the formative periods are understood as created due to critical junctures, or external shocks, the latter effacing any role of the institutional entrepreneurs or institutional challengers, then this theoretical model is in contradiction with the initial explanation of the role of the agents and the contestation over institutions. "To a large extent that [the presence of political conflict in institutional formation], was because existing institutions were indeed embedded in the existing system of values and norms; hence, the frequently fierce political struggles between advocates of change and supporters of the status quo occurred over institutions and their values not in spite of those institutions" (Peters and Pierre 1998, 571). The restrictive role of the formative periods having a different causal mechanism from the consolidation period in which the institutional arrangement is stabilized makes the formation of an institution a two step process in a separate chain of unrelated processes. The discrete understanding of time as the background for the institutional formation and the separation of the institutional emergence from institutional stability is not supported by the empirical reality of the formation of the Institute. I tend to agree with the role that is accorded to agents in the initial process of institutional emergence (Peters and Pierre 1998; March and Olsen 1989), and the possible degree of institutional flux. The assumption that the consolidation period is a result of

contingent effects of an initial path, and that a consolidation period follows a formative period can be overcome by looking at the strategies and actions of agents over time when structuring and diffusing certain practices within an institution.

1.3 An explanatory model of institutional emergence and institutionalization: Balance of forces, institutional priors, field effects, and institutional structures and practices

The explanatory model that I am suggesting to better understand the emergence of the Institutes borrows from the historical institutionalist framework and incorporating certain dimensions of the Bourdieusian framework. In this respect, the emergence of the Institutes is not to be understood strictly as stemming from agents' choices. The model I suggest is centered on the role of the agents in interaction with existing structures and institutions. Rather than looking at the preferences of the actors, which sometimes are not defined prior to the institutional emergence, I focus on the balance of forces and coalition formation between various actors, and social groups. I argue that at the very start of the institutional formation a particular institutional formation- coalition (Bernhard 2005) is coalesced including various groups and actors. The coalition of actors and groups involved in this political project varies across the cases. In the Romanian case in a polarized public sphere, it is the public intellectuals endorsing a liberal ideology and part of civil society organizations in congruence with factions of the political class that constitute the institutional coalition formation. In the Albanian case, the center right government at that time allied with their traditional anti-communist constituency, the ex-political prisoners and ex-politically persecuted in establishing the Institute. In the Czech case, the coalition is formed between a faction of the historians, employed as state functionaries in organizational units and the existing institutions

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of the state and the leading representatives of the center-right anti-communist ODS (Civic Democratic Party) caucus in the Czech legislature. The composition of these coalitions reflect different perspectives, authority, and understanding of the established Institutes. In the Albanian case the emergence of the Institute was not followed by contestation from already existing institutions, professional communities, opposing political parties, or other societal groups. Despite a polarized public sphere and competing understandings of the state socialist past, the opposing camp fitted mostly the position of memory abnegators (Kubik and Bernhard 2014).

In the case of Czech Republic, the emergence of the Institute was accompanied by contestation and opposition from the main representatives of the center-left (Social Democrats and the Communists of Bohemia and Moravia), and the professional community of archivists and historians involved in established autonomous institutions in the cultural field. It is during this stage that various suggestions and changes of the initial blue-prints of the institutional arrangement appeared as well. The range of possible institutional formations were articulated, more convincingly in the Czech case, by actors from different positions as part of the political or cultural struggle. Whereas in Albania, there was no clear preference articulation on a set of possible institutions, nor an initial contestation of which institutional form works better. In the Romanian case the Institute was established by a governmental decree albeit the existence of alternative institutions. There is little enough to suggest that there were clear and well-defined institutional preferences in all the cases from the actors involved in this process. I would prefer to use the term institutional alternatives that hypothetically and in a possible different configuration of institutional entrepreneurs could have succeeded. The existing institutions led to a certain ambiguous dimension of the Institutes. The bargaining process on institutional formation, where it happened, seems to

have attenuated institutional ambiguity. Henceforth, what I am suggesting is to look at the broader context of the actors, and institutions and fields, prior to and during the emergence of the Institutes in their respective cases.

Historical institutionalist perspective provides the analytical framework to investigate the emergence and the formation of the Institutes. "The process of institutional development is integrated into this vision of history, as historical institutionalism situates the emergence of institutions in a complex world marked by patterns of relationship between a multitude of actors and already existing institutions" (Lecours 2000, 514). Earlier in the text of this chapter, I indicated that historical institutionalism conceives of two broad ways of institutional emergence, one related to the diffusion of a norm, and the other that of historical consequence (Kato 1996, 558). I argued that the diffusion argument has less compelling evidence, and insufficiently explains the variation in terms of institutional formation and institutionalization. It simply indicates which institutional form seem to be 'legitimate' given its ubiquitousness in the region. The argument that considers any institutional formation as unique (Steinmo 2008, 155 in Della Porta and Keating 2008) scrutinizes the historical conditions of their emergence. This is what I am intending to follow and explain here. I would like to note that the uniqueness of an institution does not imply that the reasons and causes of its emergence, institutionalization, continuity and even variation in degree are inscrutable. On the other hand, the framework of historical institutionalism is usually applied in close relation with the empirical material. "Thus, rather than deducing hypothesis on the basis of global assumptions and prior to the analysis, historical institutionalism generally develop their hypothesis more inductively in the course of interpreting the empirical material itself" (Steimno, Thelen, and Longstreth 1992, 12 in Kato 1996, 556). The incorporation of the role of the agents in the historical institutionalist approach, albeit the criticisms on

historical institutionalism for having a structuralist bias (Peters, Pierre and King 2005, 1278) remains useful for the proposed explanatory model. The criticism on the structuralist bias of historical institutionalism stems from the understanding of institutions as a set of norms and values (Thelen 1999 in Peters, Pierre and King 2005, 1278) that influences individual behavior and creates endogenous preferences. I have argued earlier in the text that this understanding of an institution is appropriate for the micro-practices of institutional effects that result from the reproduction and maintenance of institutional structures. The understanding of the role of agency differs in this respect. "First it [historical institutionalism] makes room for agency:...stresses the interactions between actors and institutions focusing not only on the many ways in which institutions shape the behavior of political actors, but also on how institutions are shaped and re-shaped by these actors"(Lecours 2000, 516). Another group of authors argue for the analytical importance of agents and interest: "The theoretical question of how institutions are created and changed would seem to be at least partially answered by incorporating the role of interest and agents into institutional theory"(Seo and Creed 2002, 222).

The explanatory framework traces the process of the emergence of the Institutes focusing on the analytical concepts and terms as the following: coalition institution formation, existing competing institutions, antecedent units or institutional priors, field effect and the profile of the agents involved in institutional formation. The ambiguity of these institutions, being in charge of specific tasks by using practices resembling those of cultural field institutions such as universities, research centers or academies, and the sedimentation of various institutionalized logics that follows (Seo and Creed 2002, 228) has made the emergence of such institutions prone to contestation. It is for this reason, that I include in the explanatory model of institutional formation the position and stakes of existing institutions

operating in the cultural field or within the state structures, known as the bureaucratic field. The coalition institution formation could have empowered or transformed the existing institutions, which provided certain alternatives to the emergence of the Institutes of Memory. In some of the cases there existed specific governmental public Institutes such as the Institute of the Ex-Politically Prosecuted (IIPP) in Albania, which could have acted as an institutional prior to the emergence of the Institute of Memory. The opponents of the establishment of the Memory Institute in Czech Republic, mostly professional historians and social scientists involved in academic institutions such as the Institute of Contemporary History (ÚSD Akademie Věd) suggested that the state should support already existing research units on recent past and state socialism period (source: Vít Smetana'interview with the author November 2011). In the Romanian case there was already the National Institute for the Study of Totalitarianism (Institutul National petru Studiul Totalitarismului) and CNSAS (Consiliul National petru Studierea Arhivelor Securitătii). The agents involved in the creation of the so-called Institutes of Memory did not include existing institutions in their political projects either due to the polarized and factionalized political and cultural field, as in the case of Romania where INST and CNSAS belongs to the other camps, or as in the Albanian case where the political actors mostly dominating the coalition formation institution chose to create an institution de novo. It is important to note that many of the alternative institutional forms were not possible because they were suggested by the opposing camp. On the other hand, given that these Institutes were mandated by the state getting them established proved easier when absolute majorities in parliament or governmental decrees would suffice. Yet this very fact did not produce societal consensus on these Institutes.

Nonetheless, it is useful to delineate the position and the capital possessed by the main agents or representatives of the existing contestant institutions. In some cases, there was

almost no public discussion or public contestation as in the Albanian case. Most of the Institutes and groups that questioned or expressed doubt and opposition on the political projects of the center-right parties to create these specific Institutes, are high authorities in the cultural field as professional historians or public intellectuals. As such they have accumulated a larger share of the symbolic capital compared to the institutional entrepreneurs that endorsed the establishment of the new institutions. The emergence of new institutions seemed to have troubled the waters for the existing traditional and autonomous institutions such as research centers and national archives for example. Yet, at the critical juncture of regime change, the cultural field experienced a transformation. The research centers and academic institutions that emerged were either allied to or closer to the liberal-democratic ideology of the early 90s, or pursued the institutional practices of the past state socialist regime. Thus, the autonomy of these existing institutions did reflect certain normative values, not to say ideologies. By casting the net wide, it is possible to scrutinize the relations between the existing institutions, groups and emerging institutions especially in those cases where processes of contestation over the primacy of exerting symbolic capital and institutional change take place.

There is a stream of research on institutions that refrains from providing a definition of an institution based on its effect on individual's strategic interest and behavior. The emergence of an institution is explained as a result of social action or as part of the broader ontology of social action. "In effect, institutions emerge out of social interaction rather than being viewed solely as constraints to individual behavior. Moreover, institutions (and culture), through systems of values, mold (and can be molded by) in terms of what is perceived to be legitimate" (Cumbers, MacKinnon, and McMaster 2003, 327). The social fact feature of an institution is evoked. "Institutions inevitably involve normative obligations but often enter

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into social life primarily as facts, which must be taken into account by actors" (Meyer and Rowan 1977, 42). Thus, the sociological perspective has delineated the normative dimensions and effects of institutions. Yet, it had hardly explained their genesis, lest it is a feature of the environment or social structure. "Institutions exhibit these properties because of the processes set in motion by regulative, normative, and cultural-cognitive elements. These elements are the building blocks of institutional structures, providing the elastic fibers" (Scott 2001, 48). It seems that institutional structures are permeated by particular norms and values. This perspective on institutions assigns importance to institutional maintenance and institutional reproduction and little importance to institutional emergence. I argue that prior to institutions developing or producing normative and cognitive effects, certain existing institutions, or organizations can be considered as institutional priors. The organizational structures, organizational units of an institution can be drawn from previous institutions or organizations, or they can be created anew considering them as legitimate and appropriate. Therefore, I posit that in the process of institutional formation the newly emerging institution can accumulate its 'capital' in the form of transposed or prior organizational structures in the form of founding organizational units, departments and sectors. In the case of Czech Republic the emergent Institute was based on previous organizational units and existing structures within the bureaucratic field that provided the foundation of the Institute. In this respect, the emergence of the Institutes is not due to an external shock or a critical juncture, which could trigger an 'ineffective history' type of process. It is mostly a formative period emerging from a conjunction of particular purposeful agents and existing structures or organizations situated in a particular field. The originating field can be the bureaucratic field of the state, or the cultural field of universities, museums, national archives, research centers and civic organizations.

I would like to dispel the suspicion that the emergence of the Institutes is rather deterministic. That would be the case when the formative phase had triggered off a reproduction mechanism of the institution. It is for this reason that I investigate into the profile and trajectory of the individuals populating the high structures of authority of the Institutes. In times of institutional change the existing organizational structures of the Institute become resources for institutional reconstruction and transformation. I consider institutes, mostly, as comprised of different internal factions having competing understandings and interests of the institution. At a particular time period a certain internal institutional faction dominates. "This process results in sedimented structures and ideologies that provide resources for competing interests in institutionalization process" (Seo and Creed 2002, 228). Thus, the transposition of initial organizational units is administered and controlled by a certain group and personnel with a certain trajectory, capital, and habitus (working practices). So, when the individuals running the Institute are foreign to the working practices entailed by the already existing organizational units than the conjoint effect of pertinent agents and institutional structures is weaker.

It is quite important to scrutinize the profile and role of certain agents involved in institutional formation. As I have mentioned before, a distinction needs to be made between the political actors, who have more a veto-player or have an initiating role, and the institutional entrepreneur or internal institutional dominant faction, which has a more coherent, concrete and long-lasting role in institutionalization of the political project. That is why I pay more attention to the institutional entrepreneurs and those that belong to what I call the middle sector. That is not to say that there is no 'elective affinity' between the institutional entrepreneurs and the factions of the political class. The variable institutional formation coalition hints to the interaction and ideological congruence between political actors and

administrators of the Institutes. I consider that the notion of interest is rather insufficient to grasp the role of agents in the process of institutionalization. The terms motivation and action are more appropriate. The motivations and actions of the main agents involved in the process of institutional formation are determined by certain factors. Among the factors that I include in the explanatory model concerning the 'profile' of the agents involve: the proximity or distance of the agents to the political field (understood as the degree of autonomy or heteronomy of the agents towards the ruling elite), the prior position of the agent in one of the contending, possible fields (cultural or bureaucratic field), or existing institutions, the type of capital mostly employed by the agents (that determines partly the working practices and conceptions of the agent) together with his or her habitus. To this explanatory framework on the agents, I include their ideological orientations and the understanding of the state socialist regime.

The process of institutional emergence and institutional formation is conditioned by the originating field of this particular institutional form. All these Institutes are state-funded institutions. They have a financial and resource support from the state institutions, or government in most of the cases. This kind of privileged position does not necessarily imply that the institutional practices that are followed within the Institutes are closer to the bureaucratic logic, having its normative and evaluative orientations. In the case of Czech Republic the process of institutional formation was conditioned by the bureaucratic field more so than the cultural field, which is expected to be more autonomous from state intrusion. In the Albanian case, the boundaries of the Institute are rather porous and the Institute is not entrenched within the state structures. The field effect can be considered as similar to a sustained self-enforcing effect of an environment upon an emerging or existing institution.

1.4 Degrees of Institutionalization

The notion of institutionalization is not understood as a process of institutionalizing a particular narrative, discourse or representation on the state socialist past. The institutional entrepreneurs of these particular Institutes in alliance with the center right parties have been involved in the re-invigoration of the anti-communist ideology. The political project based on the ideology of anti-communism and one-dimensional understanding of the state socialist experience changes once a different group of actors and a different coalition replaces the founding fathers and the founding coalition of the Institutes. However, this change at the higher hierarchy of the Institute does not necessarily make the institutional formation less institutionalized than before. Therefore, even when the Institutes have a different trajectory of institutional formation and different institutional practices and structures, the prevalence of the anti-communist perspective is present and commonly shared. Even the institutional change, which brings in different institutional entrepreneurs and a different narrative, contrary to the anti-communist one, is undertaken in different contexts and degrees of institutionalization. The difference between the Institutes as units of analysis are the social groups or agents that articulate it and their various degrees of institutionalization. As a consequence, when referring to institutionalization I am not trying primarily to explain which perspective, memory or representation is being institutionalized. The concern is mostly focused on explaining the effectiveness and the embeddedness of the institutionalization of the political project of breaking with the state socialist past. The various degrees of institutionalization can explicate the interaction effects of state socialist legacies and institutions in intended regime formation when dealing with the state socialist regime's legacies. The difference across the cases in processes of institutionalization affect whether the outcome of fulfilling the political project amounts to ideological reversal, a replacement of

one memory with another with no implication for regime formation, or at the other pole of the continuum it leads to a refashioning of the existing democratic regime when extricating from the state socialist legacies and its transitory forms at the bureaucratic field. In the latter case, the complex process of breaking with the past regime is accompanied by considering the anti-communist representation of the past as appropriate and legitimate. The role and the effect of the discursive frames and of the agents remains weak unless sustained by a particular process of institutionalization.

The period of institutional formation that I have delineated in the previous section partly shed lights on the incremental process of institutionalization. Generally in the literature on institutions researchers understand institutionalization as an indication of persistence of a stable institutional form. "The above-mentioned conceptual problems in historical institutionalism tend to be reinforced by the tendency of the scholars working in this tradition to focus research attention on the cases of successful institutionalization and persistence. The strength of path dependency is almost certain to appear substantial if the cases selected for analysis are primary those in which a pattern has persisted across time" (Peters, Pierre and King 2005, 1278).

Lynne G. Zucker amounts a similar criticism to those that see persistence of a pattern as an indication of institutionalization. In a broader perspective the persistence of an institutional form is associated with institutional stability. "Contemporary institutional theories of organization attempt to avoid earlier conceptions that were tautological (e.g. persistence both defines and empirically indicates what is institutionalized), purely descriptive (e.g. 'family institution'), or untestable (e.g. internalization explanations). They do so in part by treating institutionalization as a variable, and by separating its causes from the major consequence..."(Zucker 1987, 444). A different understanding of institutionalization is

the one that ties institutionalization with the effects of institutional elements. "....we are interested in institutionalization as a process, as the growth (or decline) over time of cultural-cognitive, normative or regulative elements, capable, to varying degrees, of providing meaning and stability to social behavior" (Zucker 1977 in Scott 2001, 75). This understanding of institutionalization avoids tautological shortcuts and considers institutionalization as a matter of various degrees rather than a phenomenon present or absent (Zucker 1977, 726). Nonetheless it seems to explain the effects of the institutionalization through time on the social or individual behavior. It says little with regard to the causes that trigger the variation in institutionalization and its dimensions. Zucker (1977) identifies certain mechanisms of degrees of institutionalization such as transmission of an act, or practice and maintenance. In this respect, the concern here is the relation of the institutionalized individual with the institution or organization unit he or she is situated. I incorporate this dimension of institutionalization in my explanatory model under the category of institutional micro-practices that provide the 'shared expectations' (Helmke and Levitsky 2004, 726-727) towards the actions of the middle-low level employees of the Institutes constraining them to a certain institutional role. The origin of the institutional micro-practices can be traced to external or internal sources (Zucker 1987). In more concrete terms, a source of the institutional micro-practices is the dominance of a particular institutional logic (Seo and Creed 2002, 228) that originates in high institutionalized institutional formations from accumulated institutional capital and from the field-effects in which the Institute is embedded. Another source of micro—institutional practices can be from the category of cultural producers (researchers, historians, civic activists) new to the Institute yet having superior positions in the hierarchy due to involvement in institutional change. In any case, the emergence of a certain institutional role that is expected from the denizens of institutions indicates a robust

institutionalization and does not explicate the dimensions of institutionalization in terms of other pertinent institutional elements. Therefore, the process of institutionalization is conceptualized in such a way resembling the ethnomethodological perspective (Sardan 2013, 290).

Chapter 2: Transition, State Socialism, Legacies and Regime

2.1 Configuration of the field of power during late socialism, the shifting alliances at the transition juncture

Periods of societal upheaval, changes in the political order, breakdowns of democratic regimes or regime transitions constitute an important part in the field of political science. As Schmitter and O'Donnell put it such kind of research involves: "If we ever have the temerity to formulate a theory of such processes it would be have to be a chapter in a much larger inquiry into the problem of 'undetermined' social change, of large-scale transformations which occur when there are insufficient structural or behavioral parameters to guide and predict the outcome" (1986, 3). Therefore, distinctions need to be made between the various social and political processes under investigation, regardless of their apparent similarity. There is a shared consensus in the literature that transitions between (political) regimes are times of uncertainty (Schmitter and O'Donnell 1986; Bozóki 1994; Munck and Leff 1997; Bunce 1999). These periods of transitioning from one political regime to another are considered as different from democratic regime breakdowns (Linz and Stepan 1978). The term used by Schmitter and O'Donnell is that of structural indeterminacy (1986). The theory of regime transitions from authoritarian rule that was devised by Schmitter, O'Donnell and Whitehead was based on the empirical reality of the transition from authoritarian rule in dictatorships in Southern Europe and Latin America. The initial seminal article of Rustow (1970) on transition to democracy presented a long-term, historical, genetic based explanation of processes of democratization in those societies and regimes in which societal conflict existed and whose regimes could not be considered as full

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democracies. Rustow's article is interested in countervailing the arguments made on the preconditions of democracy. I would agree with the distinction made by Schmitter et al., on the stable political regimes and regimes that are in flux (1986, 4). The transition from state socialist regimes to an emergent democratic regime can be considered in this way. The structural indeterminacy as an initial feature of regime transition is understood as: "During these transitions it is almost impossible to specify ex ante, which classes, sectors, institutions and other groups will take what role, opt for which issues, or support what alternative" (Schmitter and O'Donnell 1986, 4).

The main actors in the process of regime transition based on a degree of the opening of the authoritarian regime and pact-making according to the theoretical framework proposed by Schmitter and O'Donnell are the soft-liners and the hard-liners of the incumbent regime and the moderates or the radicals in the civil sphere opposing the regime. This theoretical framework does discuss as well the position and possible strategies of the social classes such as the bourgeoisie with regard to regime change, or of sectors such as business. These social classes or social categories pertain to the authoritarian regimes that have a capitalist economy. I would argue that the indeterminacy of surmising if not predicting the main possible social actors or groups that would be involved in a regime transition is not quite determinate in the case of the state socialist regimes especially of the late state socialist period.

I follow those researches that have categorized and classified the main actors and agents during the state socialist regime and during the transition based on class or social categories. The initial starting point of identifying possible social groups or classes that have pertinent effects during the state socialist regime is that of investigating the transformation of the state socialist regime itself. The theoretical move is to concentrate on the period of

late socialism (Jowitt 1992; Kennedy 1992; Higley and Pakulski 2012; Eyal 2003, Bernhard unpublished manuscript 2013?). Certain social categories or social classes may be supportive or not supportive of the regime transition, or even disinterested. The question remains that where do the main agents involved in the transition come from. It is true that it is not quite easy to predict the outcome of the transition, which might lead to an authoritarian relapse, or a revolution as well as to a democracy (Schmitter and O'Donnell 1986, 3). It is also true that it cannot be predicted ex-ante the dynamics of the transition and the preferences and choices of the actors involved. However, some degree of explanation can be made with regard to pertinent and contending social categories, classes or social groups that could have been involved in the regime change by relying on the configuration of the field of power of the state socialist regime. The term field of power is defined in this way : "Dominant class in society could be profitably viewed as the site of struggle over the value and preponderance of different type of capital-economic, cultural, political and so on. The dominant class is not a unified agent or group but is a field of force relations..." (Eyal 2003, xx). During the period of late socialism the contending social classes that battled in the field of power for having a particular interest dominate were the technocratic/managers social category and the party bureaucracy. Outside of the official sphere (Eyal 2003) were those in possession of cultural capital: humanists and intellectuals. In some cases, as in Czechoslovakia the demoted intelligentsia of the state socialist regime took the autonomous positions in the emerging civil society. In other cases, the state socialist intelligentsia remained part of the official sphere yet in the late years of state socialism took advantage of the liberalization turn of the state socialism, by using the cultural sphere/field to make public claims as in the case of Albania.

It is important to note that the period of late state socialism put to an end the initial

dominance of the working classes and the peasantry from which the new members of the ruling elite were recruited (Jowitt 1992, 95; Eyal 2003, 30). Higley and Pakulsi explain the main contenders of the late socialist stage: "If we reverse our order of description and start with the ideocratic configuration, its modal political elite consists of apparatchiks, reformers, and dissidents. The apparatchiki are the product of the ruling party state apparata, and they are characteristically oriented strongly toward the top echelon and the current party line" (2012, 296). The reformers are understood as "supporting a new line and the party faction representing it" (Higley and Pakulski 2012, 297). A third category of the contending groups within the field of power of state socialism is that of the technocracy. "In ECE, the technocrats first entered communist elites at the time of pre-transition reforms [late socialism], and they became prominent actors in the gradually differentiating elite structures and societal sectors that followed democratic transition" (Higley and Pakulski 2012, 297).

The state socialist regime is characterized by the "capacity for teleological knowledge" (Kennedy 1992, 31) and by the competing claims for "teleological redistribution" (Konrad and Szelenyi 1979, 28-29 quoted in Bernhard 2013, 24). "The party pretended to be the collective intellectual...It also claimed managerial expertise, expressed through centralized planning and organizational hegemony"(Kennedy 1992, 31). It is during the advent of the late socialist period, which replaced the initial class-based legitimation of the state socialist regime that Konrad and Szelenyi talk about the rise of the intelligentsia as class (1979). The period of late socialism's legitimacy was not based on economic capital (Eyal 2003). "In the case of late communism, each of these locations is characterized by a different quantity and combination of political and cultural capitals, because economic capital was unimportant at the time"(Eyal 2003, xx). Therefore prior to the transition in the late socialist period the main social categories and groups were the party bureaucracy and

the various types of the intelligentsia. Certain parts of the intelligentsia were utilizing more cultural capital whereas the party bureaucracy was utilizing the political capital in the struggles for recognition and accumulation of their respective capital as symbolic capital within the field of power. A certain division is needed within the party bureaucracy and within the intelligentsia. The alliance between different fractions of the field of power during late state socialism and during the transition period is also important to be taken into account. In order to distinguish between the various types of the state socialist intelligentsia, or to use a term devised by Eyal, the upper-class (2003, 30) I follow the set of analytical categories devised by Konrad and Szelenyi (1979). "The first, economists and technocrats, "actually carries out the work of rational redistribution." The second, the administrative and police bureaucracy, "guarantees the undisturbed functioning of the redistributive process." The third is composed of the "the ideological, scientific, and artistic intelligentsia, which produces perpetuates, and disseminates the culture of rational redistribution"(Konrad and Szelenyi 1979, 147-148 in Bernhard 2013, 24-25). Therefore these various categories of the state socialist intelligentsia during the process of transition occupied different degrees of interest and support for regime change. The other social category of the party bureaucracy or leadership was divided between reform communists and conservative communists. In some cases of the late socialist regime the configuration of the actors was more complex including other actors and even social classes such as workers (Ost 1991, Ekiert and Kubik 2001, Bernhard 1989) that had carved out an autonomous space in the emerging civil society. These groups include the demoted state socialist intelligentsia transformed into public intellectuals and the workers. However given the dominating species of capital in the late socialism's field of power, the regime changes of the 1989 did not materialize as class based. The regime lost the support of the working class in some of the state socialist regimes, yet

the changes did not amount to working classes taking the lead.

The alliances or divergences between these social categories and the way they extricated from the state socialist regime constitutes the difference across the cases. In the Czech case the initial post-transitional alliance was between the unofficial public intellectuals (the dissidents), and the so-called gray zone that included the technocrats (Eyal 2003). These two groups coalesced in opposition to the state socialist regime. The soft-liners of the state socialist regime, in this case the reformed communists were involved in the transition process as the counter-part to the opposition alliance spearheaded by the dissidents. In the Albanian case, there was no cohesive group of public dissidents opposing the state socialist regime. The members of the cultural intelligentsia of the state socialist regime obtained a higher degree of autonomy during the late socialist period. Thus, they were among the first to suggest an opening of the non-democratic regime (Bernhard 2013, 25). The technocracy which was mainly comprised of economic technocrats did not initially position itself politically and did not ally with the more autonomous cultural intelligentsia of the state socialist regime in the case of Albania. Once the process of transition unfolds, the Albanian reformed communists, an ambiguous restricted group mostly represented by the ambivalent figure of Ramiz Alia, the Secretary of the Party, brought into alliance the economic technocrats. The administrative and security intelligentsia was attacked by representatives of the cultural intelligentsia. The administrative and police strata was not attacked and but not was it defended by the reformed communists and the technocrats. In Albania, initially both the cultural intelligentsia constituting the opposition and the coalition of less conservative communists and technocrats converged on the project of political pluralism and rule of law state. Both opposing camps tried to keep aside the declasse of the state socialist regime on the one hand for the opposition, and the conservative communists

for the ruling party. In both the Czech and the Albanian case the administrative and security intelligentsia was not directly involved in the transition process and it was considered as to wither away. In the Romanian case there is a different configuration which includes the coalescence of the party bureaucracy and the administrative and security intelligentsia. The apparent and public coalition between the public intellectuals, (representatives of the dissenting or nonconformist of the demoted cultural intelligentsia) and the representatives of the so-called reformed communists faded rather quickly. It was replaced by the struggle during the transition period between the public dissidents/intellectuals and the coalition of the party bureaucracy with the administrative intelligentsia.

2.2. Transition to a new regime: the framework of emergent democratic regime and its consolidation

As Schmitter and O'Donnell put it the process of transition does not start unless there is a division among the ruling elite factions (1986, 19). Another indication of the initiation of transition is the process of liberalization. A distinction is made between liberalization and democratization (Schmitter and O'Donnell 1986; Welsh 1994; Bratton and Van der Walle 1997). The process of liberalization is initiated by factions of the non-democratic regime by extending certain individual rights and opening up the political space. However, the liberalization is short of political contestation and elections, which characterize processes of democratization. "Authoritarian rules may tolerate or even promote liberalization in belief that by opening up certain space for individual and group action they can relieve various pressures...without altering the structure of authority, that is, without becoming accountable to the citizenry for their actions or subjecting their claim to rule to fair and competitive

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elections" (Schmitter and O'Donnell 1986, 9). In the state socialist regime's context the process of liberalization has entailed in certain cases, the intra-party contestation or economic decentralization. However, the structure of the authority, which is the monopoly of the Party to rule, does not change during the liberalization period. Democratization, on the other hand, involves, in the context of the transition from non-democratic regimes: "extrication from the authoritarian regime and constitution of a democratic one- ...a process that subjects different interest to competition and institutionalizes uncertainty" (Welsh 1994, 381). The process of regime transition is not conceived as having a certain outcome nor is it conceived as teleological. The widely shared assumption that regime transitions, especially when referring to the ex-state socialist regimes, lead to transitions to democracy has no grounds not only in the empirical reality but also in the initial theoretical frameworks of regime transitions from non-democratic regimes. "That 'something' [uncertain] can be the instauration of political democracy or the restoration of a new, and possibly more severe form of authoritarian rule. The outcome can also be simply confusion..."(Schmitter and O'Donnell 1986, 3). Nonetheless, what is explained by the theoretical framework of transitions from dictatorships is the emergence of new political regime and its consolidation.

The process of regime transition as mentioned in the previous section is rather more complex in the cases of ex-state socialist regimes than in the transition from the military juntas or other type of dictatorships in the previous waves of democratization. In both the South American or Southern Europe wave of democratization and the East Central Europe wave there is a 'resurrection of civil society' with various degrees of effectiveness. The resurrection of civil society in the Southern Europe and Latin America is not presented as a long-term strategy of the previous Marxist dissenters to oppose the state socialist regime from the unofficial public space. The resurrection of civil society is considered as due to the

initial regime liberalization providing the conditions for "generalized mobilizations" (Schmitter and O'Donnell 1986, 48).During the period of late socialism in some state socialist regimes there is an emergence of non-official public action undertaken by certain sectors of the state socialist society by circumventing or opposing the state socialist regime. In the case of Poland, Hungary or Czechoslovakia the sustained autonomous activities of certain social groups or even classes such as the working class in Poland (Bernhard 1989) have been followed by more restrictive or tightly-nit groups as in Romania or Albania where there was a division between the private self and the public self (Jowitt 1992, 80). The initial criticism towards the state socialist regime and its project emerged within the ranks of the Party and it amount to propositions of reformed socialism. After the hopes for a reformed state socialist regime were dashed for various domestic and international reasons (Bernhard 1993, 312) the autonomous groups in the state socialist society led by previously demoted state socialist intelligentsia or a combination of workers and intelligentsia chose a different path that of building a separate space in the public sphere. These unofficial and societal actors during the periods of incipient ascendency of the human rights normative framework internationally, were considered as not following "the forceful destruction of the existing system" (Michnik 1976, 146), but that of evolutionism, anti-politics or parallel polis. The Charta 77 group in Czechoslovakia was trying to uphold the observance of the human rights by the state socialist regime, by strategically employing the duplicity of the socialist legality (Přibáň 2005, Bugge 2008). Poland constituted a case, in comparison with Hungary, or Czechoslovakia not to say of Romania and Albania, in which the dichotomy between state and society, a recurring ideological trope of the anti-communist right after the regime transition, led to the self-liberation of civil society (Bernhard 1993, 314).

The representatives of the anti-regime or anti-communist opposition, which was

galvanized in the late 1980s, in most of the state socialist regimes, were faced with certain dilemma with regard to incumbent regime. The possible strategies that were articulated by the opposition prior to regime transition are distinguished in this way by Renwick: "for one, it was desirable for non-communists to cooperate in the existing regime without changing its fundamental character; for another, the opposition's immediate goal was to oust the communists through revolutionary change; for the third, the opposition was to strive gradually to open space within the state for genuinely independent, non-communist forces, with a view over time, to changing the system's character" (2006, 298). The process of regime transition in most of the state socialist regimes, broadly speaking, was based on the institutional innovation of round-tables between representatives of reformed communist faction of the regime and the various representatives of the opposition.

In the literature on transitions to democratic regimes a distinction is made between different forms or modes of making a transition to a new political regime effective. This has effects on the democratic institutions of the new regime and its consolidation. The second concern is whether the mode of transition has made or not a break with the past. The explanatory framework of the modes of transition is based on the premise of a two step process: a) democratization and b) consolidation (Munck and Leff 1997, 343).

"We argue that the mode of transition affects the form of the post-transitional regime and politics through its influence in the pattern of elite competition, on the institutional rules crafted during the transition and on the key actors' acceptance or rejection of the new rules of the game. A given mode of transition is likely to increase the odds for the emergence of democracy if it generates a more or less balanced pattern of elite competition. And it is likely to increase the odds for the consolidation of the newly installed democracies if it facilitates the adoption of the institutions suited to the management of elite conflict and the

willingness of all the major actors to accept the democratic rules of the game"(Munck and Leff 1997, 345).

Within this explanatory framework the notion of break with the past is defined and understood with regard to the continuous role after the transition of the old elite, with certain restrictions, and the carrying over of institutions, which under a democratic regime are usually placed under democratic accountability and elections (Munck and Leff 1997, 347). The mode of transition framework partly explains whether the new regime's elite that was initially in charge of the transition process was the old elite or a counter-elite from the opposition, or both. But as Muck and Leff (1997) argue most of the initial regime transition strategies of the incumbents backfired due to the following elections or unintended consequences. It does provide good explanatory reasons for those cases in which there is lopsided elite interaction and mutual suspicion of disloyalty or anti-systemic behavior towards the new regime (Munck and Leff 1997, 357). The theoretical framework that links the process of transition with democratic regime emergence and consolidation is not sufficient to explain the post-transition dynamics between social groups or actors that were involved in completing the assumed unfinished revolution (Mark 2011) or trying to "stimulate another regime change" (Bozóki 2000, 253). What I argue is that certain theoretical frameworks that explain transitions of democracy overlook the continuity between regimes as a feature of the transformations in post-communist societies. Once the proper democratic institutions are in place and there is a shared normative framework conducive to democracy then one could argue for full democracy (Munck and Leff 1997) and consolidation. The extrication from the state socialist dictatorship and the emergence of a new democratic regime does not resolve the quandary of the interrelatedness between the emerging regime and the legacies of the past regime.

2.3 The post-authoritarian/post-communist condition: institutional legacies of state socialism

In the initial theoretical framework on transitions from authoritarian regimes the process of transition is not considered as uni-directional, namely as only a political transition. Schmitter refers to two more substantive definitions of the transition apart from the standard definition that bases its claim on the temporal dimension of transition between two non-congruent (political) regimes replacing each other. "...transition involves continuous, if not linear and irreversible modification in both the relations of force between diverse actors and the conceptions they have about their interest"(Schmitter and O'Donnell 1986, 28). The interest of the diverse actors are considered as depending on various conceptualizations of "political order and political time" (Schmitter and O'Donnell 1986, 17). In a sense, the process of transition apart from the constitution of a democratic regime can encompass various interest and ideas on the political and social order to be established by the new emerging regime. Yet the incumbent regime's institutional structure in the case of the authoritarian regime is conceived as mostly being a tabula rasa (1986, 22). This feature adds to the uncertainty. "The institutional context has had to be invented or learned ex novo. Authoritarian incumbents having failed to create new institutions or to conserve old ones have found themselves facing uncertain futures or dim prospects..."(1986, 23). In the case of the state socialist regimes there is a recognition in the literature, contrary to the teleological view of transition to democracy, of the presence and influence of state socialist institutions during the multiple process of transition. Even Schmitter and O'Donnell recognize the multiplicity of transitions from authoritarian rule.

The explicit conceptualization with regard to legacies according to the framework of Schmitter and O'Donnell is that on pre-authoritarian legacies. The re-activation of these legacies can sustain a democratic regime, started from the assumption that prior to the authoritarian regime advent, there existed certain democratic traditions. Therefore, there is no direct mentioning of the authoritarian legacies as a term. Nonetheless, settling a past account is part of the transition process. This framework identifies the state apparatus of the authoritarian regime as the site in which possible setback on democratic transition can arise (Schmitter and O'Donnell 1986, 28). At the same time the social groups or classes within non-democratic regimes are divided into "benefited social actors" and "exclude or the victims" (1986, 15). A normative suggestion for a sustainable democratic regime and peaceful transition according to Schmitter is the waning of the "historic opponents" of the past regime from regime transition (1986, 44). It seems to be the case that there could have been during regime transitions different configuration of actors whose interest and understanding on the emergent political order includes a more expansive form of transition to include the 'authoritarian enclaves' or getting rid of the institutional remnants within the bureaucratic field of the past regime.

In the post-socialist context the regime transitions, according to Bunce "forced the reformers to construct the new political order with bits and pieces of the old regime"(1990, 411). Eyal's theoretical model on post-socialist elites makes a distinction, which is useful, between the ruling elite that comes from unofficial spheres, and the ruling elite that was "a member of the old regime"(Eyal 2003, 37). The members of the past regime's elite that was part of the regime's field of power can be termed as inheritors. Therefore the process of regime change, which ended the communist party rule (Bunce 1990, 414) by de-monopolizing power (Bunce 1999) left unsolved the presence of the inheritors of the past

regime and its legacies. The category of the inheritors includes what Bunce calls "the old regime's bureaucrats and civil servants"(Bunce 1990, 412). András Bozóki notes that certain actors of the regime transition have argued for a "sharper discontinuity"(2000, 252) with regard to what was considered as incomplete change. Initially the democratic opposition was not quite concerned with personnel continuity and state structures (Bozóki, 2000, 252) when completing the transition.

The post-socialist condition includes multiple transitions and a state of limbo. Researchers of post-socialist countries have aimed to rescue the weakening of the transition framework from the teleological paradigm of 'transition to democracy'. Jan Kubik suggests a more complex understanding of transition in the building of the "democratic architecture" under conditions of post-communism (2013, 39). "First the dual model of post-communist transformations (democratization and marketization) ,the mainstay of transitology, is too sparse. The quintuple model of democratic architecture signals that not two but five processes need to be studied. They include: 1) the reconstitution of the state; 2) formation of party systems; 3) creation of autonomous civil society; 4) restoration/creation of the market economy independent of the state; and 5) transformations of domestic society"(Kubik 2013, 39). What is of interest in this framework is the idea of reconstitution of the state. Does the reconstitution of the state include the inter-linkage between inherited past regime's state apparatuses and institutions with the emerging democratic regime? On the other hand, who would be the main agents would have something at stake to make effective such changes?

With regard to economic changes, in the area of marketization Stark and Bruszt (1998) have argued that the transition to the market economy is based on the path dependent process of institutional legacies of the state socialism in the economic field. The recombinant property of the post-state socialist regime is presented as a form of

transformation not of transition (Stark in Kovacs 1994). However, I would tentatively argue that the notion of transition that Stark and Bruszt rightly dispute is that based on the temporal uni-directionality or distance between two forms of regimes. If transition can be understood materially and spatially, closer to a Marxist version, then the transformation is a dimension of a previous transition form.

Anna Grzymala Busse and Pauline Jones Luong (2002) have argued for a profit to be yielded from the intersection between state research and post-communist transition (2002, 529). The research follows upon the previous research on "effective state" (Busse 2007, O'Dwyer 2006). The authors identify that the state-building process is based on certain formal and informal legacies of the past regime (2002, 535). In particular the authors look at institutional legacies, which are rather more stable and entrenched structurally than informal ways of doing (2002 ,537). However it appears that the notion of regime and state can be interchangeable. I explain in the next section the conceptual distinction I utilize between regime and state.

Therefore the process of regime transition from non-democratic regimes appears to be a continuous process that is extended or reversed due to the interests and motivations of various actors and social groups that extricated from the state socialist regime's field of power. On the other hand, the consolidation of a democratic regime can be seen as one of the processes going on during transitions.

2.4 Dealing with the past: strategies of regime formation

The de-monopolization of the power of the communist party and the opening of the political field through contestation and institutional rules was engineered by different

coalitions of the post-socialist social groups and categories of the new field of power. The cases under investigation reveal a different configuration of these newly emerging ruling coalitions. In the Czechoslovakia, later Czech Republic the emerging post-socialist regime's field of power included the dissidents and the technocrats (Eyal 2003). In the Albanian case the configuration of the new ruling elite at the initial stage of the transition comprised the state socialist cultural intelligentsia that created the democratic opposition and the technocracy that was closer to the faction of the non-conservative communists. In the Romanian case this configuration was rather different. The cultural intelligentsia of the state socialist regime at least those members of this social category that were educated under the state socialist regime and later chose the strategy of internal exile, survival through culture or that of pursuing individual acts of dissent was quickly excluded from the new ruling elite. The dominant faction of the ruling elite in Romania was the party bureaucracy that had distanced itself from the dictator, and cooperating with the remaining administrative and security intelligentsia.

As I have indicated in previous sections of this chapter, following the notions used by Schmitter the regimes emerging from the transition from non-democratic regimes are in a flux. This conception is mostly related to the uncertainty of the transition. However, on the other hand as it appears empirically the contending political actors support different visions of what shall constitute the new regime. A general definition of the notion of regime in political science conceptualizes regime as properties of access to power, according to certain rules and regulation of certain social groups. I consider that this definition seems to assume a shared understanding of what the rules and regulations mean. This kind of definition of a regime could be closer to the reality of those more stabilized regimes through time that have created a certain societal consensus. That does not mean that the rules and regulations are

not contested. On the other hand, I argue that the notion of access is a useful concept when dealing with empirical cases regime change becomes a contentious issue politically in post-authoritarian condition. O'Donnell provides an analytical definition of regime, devoid of normative claims: "Here it is important to recall that one of the issues at play during the transition is the building of a new political regime"(O'Donnell 1999, 112). The analytical term of the regime is linked with that of transition. Here O'Donnell seems to argue that periods of transition, which involve a degree of contestation between different social groups and a categorization between inheritors of the past regime and the opposing contestants, are periods in which there is a practice of regime formation. I use term regime formation in order to address a broader process that relates to the continuities between the two different regimes. Institutional legacies of the past regime are to be considered as those that are transposed or carried over to the new regime. I prefer to use another more broader concept of regime that distinguishes it from the state: "According to it, the regime is a mediation between society and the state, as it links them by providing channels for accessing the top positions of the latter, the government" (O'Donnell 2010, 20). What I take from this concept of regime is the intermediary-level dimension of regime between the society and the state. I do not consider the state as a metaphysical entity rather I subscribe to the Bourdieusian notion of the state as a field in itself, namely as a bureaucratic field (Bourdieu, Wacquant and Farage 1994). Post-communist scholars have paid attention to a process that is part of the transition and that Jan Kubik terms as "reconstitution of the state" (Kubik 2013, 39).

What I am trying to argue is that there is a process of reshaping the boundaries and access of the regime, from the position of dominance in the bureaucratic field, henceforth in state administrative units or organizations. In some cases this project is actualized in other cases it has remained at the ideological level of the strategy. It can be the case that a dual

process with various different actors take place in post-dictatorial societies: a reconstruction of the state to make it more accountable and effective (O'Dwyer 2006; Busse 2007) and a reconstruction of the regime. Venelin I. Ganev provides a more nuanced understanding of what is generally framed as a demonopolization of the party-state. He argues that the decoupling of the party and the state has been under researched in the literature (2007, 33). Ganev explains that part of the 'reconstruction of the state' was "the reconfiguration of the state structures as the party cadres retreated from the political field" (2007, 34). This type of argument refrains from drawing a normative similarity between the state and the regime.

I would argue that there are two broad strategies of regime formation that emerge from a different constellation of actors when dealing with the state socialist past. The first is the one that emerges from the experience and tradition of civil society under the dictatorship trying to constitute a democratic regime that undoes and does not replicate what I call the mode of domination of the state socialist regime, which was based on illegitimate coercion. This group bases its normative framework in individual responsibility for past crimes, universal human rights, constitutional consensus and inclusive boundaries of regime access. The second strategy of regime formation tries to continued the revolution by making an effective break with the state socialist legacies at the regime level. This group is mostly comprised of conservative anti-communists and try to establish exclusionary boundaries of the democratic regime based on ideological distinction and collective ascription to past regime's structures or organizations. I term this strategy: mode of disjuncture given that it aims to expurgate the personnel of the past regime and to extricate from the institutional legacies of state socialism. It should be noted that this strategy is based on the effacement of the complicity of the citizens under the dictatorship, which was more valid during the 70s and 80s, which is known as the period of normalization.

Chapter 3: Method

3.1. Introduction

The main concern of this research is to explain how a similar political project of making effective a rupture with the state socialist past's legacies through the emergence of a particular institutional formation, varies across the cases in terms of institutionalization and regime formation strategies outcomes. This empirical phenomenon is bound in time and space. Nonetheless certain limited generalizations can be tentatively stated (Gerring 2004 in Seawright and Gerring 2008, 294) in relation to broader processes related to institutional emergence, definitions of institutions and processes of refashioning the boundaries of regimes, which are not yet stabilized.

It could seem that the process of dealing with an authoritarian past is related to a larger population of cases, which could be termed post-authoritarian regimes. However, choosing such kind of methodological strategy would have confined the research to issues of success or failure as a possible outcome of various institutional mechanisms of dealing with the past. In this respect, one could have argued that certain institutional mechanisms are more effective or more encompassing with regard to the democratic regime's response to past legacies and others less effective. Nonetheless, such a methodological strategy would have required, to a large extent, an assumption of functionality among various institutional forms or mechanisms. At the same time, it would have missed the internal domestic processes that point towards qualitatively different phenomena.

The intention of the research has been to provide a theoretical contribution by devising an alternative explanatory model that addresses the main research questions. The

proposed theoretical model accommodates certain existing theoretical frameworks such as the politics of memory approach and the process of dealing with repressive legacies of state socialism suggested by the transitional justice literature that are valid within certain scope conditions. On the other hand, the theoretical explanatory model that I am suggesting provides a more encompassing and better account of the dynamic processes of these current and concrete political projects. One of the appropriate methods that elucidates the within-case dynamics of different processes of institutional emergence and the interaction between agents and structures within a temporal frame is the process-tracing method. Utilizing a case-study approach in investigating and explicating the variance of the institutional effects allows for grasping the complex causality (George and Bennett 2005, 212) and the interaction effects of multiple-causes. Given that the broader intention is that of hypothesis formation or theory building, then the small-N case study method is appropriate (George and McKeown 1985, 24).

Due to the prior knowledge of the cases and due to the preliminary exploratory field-work I considered that a distinction should be made between actors involved in these processes. Political actors albeit initiators of these political projects as well as veto-players of these projects on dealing with the state socialist past differ from those agents that are more entrenched in certain existing institutions, or have accumulated a certain experience. Henceforth, the games played by the political actors differ from the games played by individuals who are institutional entrepreneurs or middle-level employees. In this sense, I make the methodological move of using the Bourdieusian concepts of field, capital, and habitus that allows not to be led astray by the term: interest of the actors. As a consequence, a process-oriented explanation that is extended through time including contestation, other existing institutions requires a more fine-grained approach to capture the reality. The genetic

structuralism of Pierre Bourdieu, that is a feature of formation-theories in sociology that overcomes the structure/agency dilemma fits well with the process tracing method.

The approach I suggest is an agent-based process. In this respect, understanding the motivations, practices and roles of the various actors at different levels is important. Qualitative interviewing with key informants that are classified according to certain criteria allow the researcher to grasp meanings attached to the institutional practices and the contentious issues between contending groups. The semi-structured interviews are analyzed in conjunction with official documents produced by the Institutes and the polemics in the media that have aroused at certain critical moments.

I have conducted frequent field-work on the sites with the initial intention of capturing the processes of institutionalization through a more thorough institutional ethnography that would have combined interview data with participant observation data. This dimension of the research has had its limitations, which are partly related to institutional mystification and barriers of access, as they are related to the position and constraints of the researcher.

In the next sections, I delineate in a more extensive manner the main methodological choices and quandaries presented in this succinct introductory part.

3.2 Case Selection

The interest of the research is to understand the causal processes that lead to various degrees of the outcomes of center-right political projects in dealing with the legacies of state socialism through a particular institutional formation. As a consequence, the research follows the understanding of George and McKeown on doing case studies: "The case study method

differs from quasi-experimental approaches in its heavy reliance on within-case analysis as a way of evaluating claims about causal processes"(1985, 23). In both the three cases under investigation there exist some shared similarity. There exist a similar discursive and normative ideological framework across the cases that is a refashioned form of the initial anti-communist ideology of the early 1990 re-articulated by political forces positioned in the center-right. In all the cases, there is a similar institutional response to making effective the political project by establishing the so-called Institutes of Memory. The dominant right wing parties present the reason for a new policy on dealing with the state socialist past as a result of previous failed or insufficient attempts. The background reason of the political parties or social groups endorsing this political project is that of making an effective rupture with the legacies and inheritors of the state socialist regime. Thus, the intention is, with various degrees of success, to complete what is according to them a partial and less extensive regime formation of the emergent democratic regime transitioning from a dictatorship.

After the initial stage of regime transition, which aimed at demonopolizing the party-state rule and render the political field open to contestation, a second stage comes in which the internecine struggles between the different factions of the democratic regime's field of power in terms of regime formation and break with the state socialist past emerge. The initial social and constitutional consensus with regard to emerging democratic regime and the forward-looking legitimacy is questioned and contested. In this aspect, there is a variation across the Albanian, Czech and Romanian case. In the Albanian case the initial coalition of the democratic regime's field of power included the cultural intelligentsia of the state socialist regime and the reformed communists/technocrats. Both these groups shared the initial constitutional consensus and the forward-looking legitimacy. After the second parliamentary elections the faction of the cultural intelligentsia breaks this consensus and allies with the

social group of the ex-politically persecuted to embark on processes of dealing with the state socialist's past legacies and inheritors. In the Czech case the initial ruling coalition of the democratic regime comprised the dissident intellectuals and the technocrats. In this case the technocrats moved to a more radical anti-communism although they have been part of the official structures of the state socialist regime and coalesced with more conservative anti-communist parties and social groups to instigate a 'second revolution'. The dissident liberals opposed such a project. In the Romanian case the initial revolutionary fervor brought together liberal cultural intelligentsia partly in exile and party outside of the official sphere and the second rank party bureaucracy of the state socialist regime. The initial consensus was discontinued, if there was such a thing, and the liberal intellectuals coalesced with conservative anti-communist interwar parties and a part of the inheritors of the state socialist regime that moved to the radical anti-communist position. The initial coalitions, which were involved in the first attempts and policies of dealing with the state socialist legacies were involved in the second decade in the institutional formation. The institutional formation that was emulated has produced different effects across the cases. In this respect I utilize the case study approach, being at the same time a small-N and within-case analysis to come up with an alternative explanatory model to the transitional justice or politics of memory approach. "By contrast, the case study technique often entails viewing hypothesis formation as an objective of the study"(George and McKeown 1985, 24). Thus, I am interested to explain the various degrees of the institutionalization across the cases by coming up with explanatory typologies (Bennett and Elman 2006, 456) after indicating the processes that lead to these outcomes.

I follow the injunction made by Bennett and Elman (2006) that :"Causation is not established through small-N comparison alone but through uncovering traces of a

hypothesized causal mechanism within the context of a historical case or cases"(2006, 459). Benoît Rihoux argues that "...when the population of the cases is larger, there are still some good reasons for a researcher to pick out a more limited set of cases"(De Meux and Rihoux 2002 in Rihoux 2006, 681). Given that the process of institutional formation is linked to the broader project of addressing the legacies of the state socialist regime, and in particular the institutional legacies within the bureaucratic field of the democratic regime, namely the archive of the secret police, the cases under investigation show a variation with regard to the interaction between institutionalization and legacy transformation. As I have indicated in the introduction part of this chapter, a research that looks at the whole population of the post-authoritarian regimes using various institutional choices to address the legacies of a past regime would have required quite a number of initial assumptions that overlook the specific dynamics of this concrete process. One of the assumptions would have been functional equivalence, which even across the three cases is partly contested due to the positions and frameworks used by the contending groups within the cases. In order to conduct the comparison across the cases I employ 'structured, focused comparison' (George and McKeown 1985), which: "deals selectively with only those aspects of each case that are believed to be relevant to the research objective and data requirements of the study"(1985, 41). Given that this research focuses in processes and transformations that evolve through time in a comparative historical fashion then using a small-N case study comparative method is suggested as appropriate: "Temporal dimensions of social processes only addressable in small-N (Pierson 2004, 4 in Bennett and Elman 2006, 463).

3.3 Process-tracing method to determine the causal mechanisms of institutional emergence and degrees of institutionalization

The process of institutional formation has been explained by certain alternative theories that include the rational choice variant of bargaining between different actors' preferences and those that explain institutional formation due to critical junctures and punctuated equilibrium. Usually the existing theoretical models make a separation between formative periods of institutional formation and their consolidation later on. By combining data derived inductively through theory-based conceptual frames I have used the process-tracing method to suggest a different explanatory framework on the emergence and degrees of institutionalization of the particular institutions under investigation. At a superficial level the process of emergence of the Institutes would have been framed as political instrumentalization by the main political actors. However by using the process-tracing methodology it appears that the emergence of these Institutes do not follow the expected processes by the existing theories. "The overall methodology of using causal-process observations in conjunction with generalizations can be called process-tracing" (Bennett 2006; 2008; George and Bennett 2005; George and McKeown 1985 in Mahoney 2012). Causal process observations are defined as : "observations on context, process, or mechanisms" (Brady and Collier 2010: 12). In the cases at hand, the causal process observations include the concrete interaction between certain institutional entrepreneurs, situated in particular field and having a certain capital, with the antecedent organizational units or existing institutions during the process of institutional formation. The process tracing method has helped to explain the inter-linkage and the effect of the institutional formation in the later process of institutionalization. On the other hand the process tracing method has allowed to establish the

variation across the cases. "The premises [of process tracing] include 'facts from the case and one or more pre-existing generalizations that can be applied to these facts"(Mahoney 2012, 583). In this respect the pre-existing generalizations can be taken to mean certain theoretical framework. In this case the genetic structuralism of Pierre Bourdieu and its central notions of field, habitus and capital provide the theoretical tools to address the differences in the interaction between purposeful agents and structures. The method of process tracing has been instrumental in theory-building.

A concern of the researchers employing process-tracing method is that of assessing if "competing explanations are equally consistent with process-tracing evidence" (George and Bennett 2005, 222). "Competing explanations may address different aspects of a case, and they may not be commensurate"(George and Bennett 2005, 222). I have posited that institutional effects and institutionalization are a consequence of prior processes of institutional formation, albeit not deterministically. However, this injunction by George and Bennett requires that I pay attention to different causal paths that lead to the institutional effect. The Romanian case shows that the suggested explanatory model needs to be corrected. The initial institutional formation has operated more as a specific organization mostly involved in transitional justice tasks. Yet due to certain institutional bricolage and certain vested interest the Institute moves closer to the institutional continuum.

Finally the process tracing method has allowed to come up with an explanatory typology of the cases under investigation on the dimension of the institutionalization and on the dimension of the transformation of legacies. Typologies are considered as "complex theoretical statements" (Doty and Glick 1994, 231) and not mere taxonomies because they are derived from certain theoretical constructs.

3.4 Data Collection: Qualitative Interviewing, Discourse Analysis and other textual data

The data collected for the research included mostly interviews with possibly key informants at various levels of the Institute's hierarchy and other relevant social actors at other institutions or at different positions in the field. Apart from the interviews I utilized official documents produced by the Institutes such as annual reports, press releases, governmental documents when necessary or possible as well. It appeared that the issue under investigation has been quite a sensitive issue within specific countries. In this respect, the contestation that has accompanied the establishment of these Institutes has been reflected by certain position takings of relevant actors in the civil sphere or in the cultural field. This has included open letters, petitions, opinion eds presented in the media. It turned out during the field work that in order to better grasp the dynamics within the Institutes, paying attention to public positions of the main contending actors was necessary.

I have collected the interviews at different periods of the field-works in these sites. Qualitative interviewing has helped to understand the motivations and the understanding of the various agents at different hierarchies within the Institutes with regard to the meaning they attach to the role and effect of the Institutes. On the other hand, the interviews have tried to capture the various institutional practices or logics that have been followed. In this sense, the interviews with the executive directors or members of the Board of these Institutes have tried to grasp the position of the Institute within the bureaucratic field, the degree of entrenchment, and the relation of the Institute with existing power or other competing organizations, and institutions in the cultural field. Interviewing the upper hierarchy of the Institutes has allowed to understand what is the actual role of the Institute in the processes of

addressing the state socialist past. It is usually argued that the representatives of an organization, or an institution would reflect more the institutional perspective. "Elites are often inclined to describe the institutional perspective and to bury their personal view"(Kezar 2003, 400). However due to the hierarchical structure of the Institutes what has mostly transpired is that the middle-level institutionalized individuals/employees either follow the institutional script or present the distinction between their view and the institutional perspective. In this case, I am interested to obtain the institutional view, which I have then compared with other positions and understanding of other actors that have a stake in these processes. The iterative field works in these sites have helped to understand the transformation and change of the Institute through time. Especially in those cases in which a new leading team has replaced the initial dominant institutional faction. I have categorized the interviewees into : institutional entrepreneurs, middle-rank employees, contestants or representatives of the cultural field positioned in existing institutions possessing a higher degree of autonomy and authority. Those who have contested the emergence of the Institutes or who have suggested different institutional alternatives provide a countervailing perspective to the dominant institutional perspective.

Certain limitations of qualitative interviewing need to be mentioned. The interviews have been to some extent "dependent on informant cooperation placing the interviewer in a less powerful position" (Arendell 1997; Becker 1970; Blee 1998 in Hoffman 2007,103). In a number of cases key informants have refused to be interviewed. This has happened in cases when the period of my field-work coincided with institutional change or when the interviewer was perceived as closer to another camp and less to the other. I have tried to produce a balanced representation of the actors within each case by bearing in mind the pertinent institutions and positions of the actors from those fields that are involved in these processes. I

have tried to use the primary documents such as speeches, official documents, to triangulate the data gathered by the interviews (Hoffman 2007, 331; Diefenbach 2008, 880).

In order to analyze certain dimensions of the data I employ the method of discourse analysis. The two dimensions of the data (interviews and official institutional documents or speeches) that I deem important include the ideological positions of the actors and the discursive construction of institutional work and practices. Most of the agents within the Institutes, especially those up in the hierarchy of the Institutes present their position in an ideological perspective as if this perspective is devoid of contradictions and as if it is a common sense position and outlook. Therefore, in order not to be misled by ideological positions I have utilized one version of discourse analysis, critical discourse analysis, to reveal the contradictions. One of the main patterns that emerges from the interview data with institutional entrepreneurs and institutional directors that belong to the anti-communist group is the effacement of the temporality and transformation of the state socialist regime. The temporality dimension is collapsed discursively by considering at face value, but on the reverse, the ideological blueprint of the state socialist regime. The second dimension of the data for which discourse analysis is helpful is that of understanding the subject positions of the middle-rank employees at the Institutes. The distinctions between different institutional practices and how the routines and roles of the institutionalized individuals are actualized can be understood better via discourse analysis rather. Critical discourse analysis recognizes the inter-relatedness between institutional practice and discourse. "Descriptivism was thought of as potentially serving the social status-quo as it meant that, prevailing institutional practices were accepted as contemporary givens, which are open to description but which are not thought of as historically conditioned, outcomes and not represented as subject to change and struggle over change..."(Fairclough 2001, 36). Rather than seeking to repair certain

'communicative deficits' in the language practices of professionals, CDA advocated a focus on the analysis and explication of the constitutive role of language use within institutional practices and within the larger social ordering of institutional domains" (Slembrouck 2001, 36).

3.5 Field work experience in three institutional sites: limitations and possibilities

The initial intention of the field-work was to get involved within the Institutes as a participant observer. However that was not quite possible for a number of reasons. The degree of success of the field-work is different across the cases. The initial language barrier made it difficult to be immersed into the institutional site, especially in the case of Romania and Czech Republic. On the other hand, it should be noted that the research is touching upon a sensitive topic that is seen not from the perspective of the marginalized or of the under-represented but from those who have authority positions and are in the hierarchy of these Institutes. On the other hand, the Institutes have been amid contestations and internal changes or crises period that sometimes coincided with my period of field-work.

In the Albanian case, given that the structural position of the Institute has been weak within the bureaucratic or cultural field the degree of exposure to external researchers was higher in comparison with the Institute in Czech Republic or Romania. For quite some time the Institute in Albania has attempted to obtain recognition and in this respect this has facilitated the access within certain limitation put by the hierarchical game within the Institute. I was even suggested to get involved in an internship at this Institute and placed among the mentioned external researchers that was 'specialized' at the Institute. This official

wording of the Institute was part of the official report of 2014. On the other hand I could not manage to capture the positions of those members of parliament that had been involved in the establishment of the Institute in Albania. There was simply a refusal to the request or indifference.

My field work trajectory in the Czech case commences with the initial contacts at the Institute of Contemporary History, which at that time in 2011 was at the opposite position with the Institute for the Study of Totalitarian Regimes. I was equipped with an official document issued by the Institute of the Contemporary History that suggested the Institute for the Study of the Totalitarian regimes grant access to my research. I was not given an official reception or an official access to the Institute. The trajectory of the field-work in 2011 was primarily based on snowballing techniques and on the informal practices that allowed me to interview various members of the Board and middle-rank researchers. The second stage of the field-work at the Institute in Fall 2014, which was based on an official internship as a standard practice at the Institute did not turn out in making possible an institutional field-work that could observe the processes of institutional change, restructuring and stability.

In the Romanian case, the degree of reduced access to the Institute proved to be higher. I would probably say that due to the polarization of the political and cultural field, it was not the same degree of access and trust from the two main camps. Probably this could also be as a result of my status, coming from Central European University. It was quite easier to obtain certain familiarity and access with individuals who belonged to the scientific liberal-oriented intellectual camp. The other leading team of the Institute had been somewhat more skeptical or cautious with the idea of providing a more sustained access.

The possibilities of the field-work, apart from the above-mentioned limitations, consist in grasping, to the extent that it was possible, the internal dynamics between the main

contending groups and their positions. On the other hand, iterative practices of field-work at different periods of time allowed to observe the changes and transformation of these institutional projects. Moreover, the field-work practice made possible to fine tune the initial theoretical model with regard to institutional dynamics.

Chapter 4: Institutionalization Compared: Albania, Czech Republic and Romania

4.1 The Albanian case: Weak Institutionalization

4.1.1 Coalition formation: shifting of the center -right to the anti-communist discourse and the ambivalent alliance with the ex-politically persecuted social class

During the first years after the transformation in the political field of the emergent new democratic regime, the representatives of the democratic opposition, which belonged to the cultural elite of the state socialist regime, emphasized that the state socialist dictatorship was characterized by social conformism to the regime. This understanding of the state socialist regime as a dictatorship that stifled individual freedom, allowed the democratic opposition to deem party members of the Albanian Labor Party (PPSH) as part of the building of an inclusive democratic regime. As I have explained more in details in other chapters and sections, the democratic opposition in the years 1990-1992, was suggesting a forward looking form of legitimation that would not lead to political polarization rather to reconciliation. Compared to the other post-communist countries in constituting their democratic institutions of the new regime, there was no formalized practice of roundtable talks. Nonetheless, there were negotiations between the ruling party, represented by the first secretary and President of the Republic Ramiz Alia, and the democratic opposition with regard to assuaging the political tension in the street or backing up jointly a constitutional project. At that time the democratic opposition, which included a social-democratic center-

left party, and a Republican Party which was more to the right than the leading party of the opposition, the Democratic Party, was dominated by liberal intellectuals of the cultural elite and permeated by the normative framework of human rights. A similar move happened in the main center-left party that of the Socialist Party (ex-communists), which started to endorse the human rights normative frame and democratic pluralism, with more timid openings towards the free market. Later on, the Democratic Party together with its coalition partners, once in power, changes drastically the understanding of the state socialist regime and the discourse on the past. The state socialist regime is understood and discursively constructed as totalitarian and criminal from its foundation till its end. The normalization period of societal complicity and conformism does not take center stage any longer.

Political polarization between the center-right government and the center-left opposition follows suit and the democratic regime manifests authoritarian tendencies. The initial wide political consensus is deemed not worthy. At this time the liberal faction of the Democratic Party is expelled and the balance of forces within the main center-right party moves towards a more radical anti-communism, which had been primarily endorsed in the early 90s by resuscitated traditional conservative parties of the inter-war period and the ex-politically persecuted social class. The Democratic Party creates an alliance with the representatives of the ex-politically persecuted groups, which is presented from then on as their main electoral constituency. The center-left opposition is deemed by the center-right governing power as an unreformed left, not quite loyal to the democratic regime and as the inheritor of the communist party. This anti-communist ideological position remains a consistent political position of the center-right, which in the second period of its governing mandate (2005-2013) is reinvigorated by embarking into political projects of dealing with the state socialist past and the project of the establishment of the Institute. Winning the second

pluralist elections in March 1992, which were anticipatory elections, the Democratic Party initiates the campaign for 'eradicating communism'. The initial proposals for coming to terms with the state socialist regime came from the representatives of the social group that were persecuted and imprisoned during the state socialist regime, and from certain small conservative center-right parties. These proposals focused on access to the files of Sigurimi and prosecuting the perpetrators for genocide, a central trope of the discourse articulated by the ex-politically persecuted social class. The initial steps that would have implications for the process of regime formation, based on backward looking legitimation and exclusive understanding of access to power, that were undertaken by the center-right government, included a haphazard purge of the state administration in 1992, a vetting law, and a law on genocide in 1995. The initial administrative purge in 1992 was considered as necessary for the implementation of democratic reforms of the new regime, which could have been hindered by vestiges of the past state socialist regime in the bureaucratic field. This measure was not taken based on any approved law by the Parliament nor after following a public discussion. Rather it was a change in an article in the Labor Code that triggered off the administrative purge. What followed next was the vetting law for the 'protection of the democratic state', which created an administrative state commission, which in closed doors processed the vetting of the public officials. This was the first measure similar to lustration. The anti-genocide law was deemed by external researchers and international organizations as infringing on human rights. All these steps and measures were permeated by the anti-communist ideology.

In 2006, the parliament dominated by the center-right majority passed a resolution condemning the past regime. The state socialist regime is defined as "the totalitarian regime of Enver Hoxha and his clique" (Parliamentary Resolution 2006). The responsibility for the

regime and its endurance is assigned to the dictator and the resolution focuses more on victims and crimes abandoning the previous understanding of the regime, that the democratic opposition articulated in the initial years of transition from dictatorship. The center-left opposition continues to be considered as an inheritor of the past communist party. "The parties that legally inherited the structures, the membership and properties of PPSH, have not expressed their will to distance themselves from the totalitarian communist regime, from the 'class warfare' and from the 'dictatorship of the proletariat', as well as from the crimes of Enver Hoxha and his clique"(Parliamentary Resolution October 2006). At the same time, the resolution made the pledge to address and eliminate the consequences and legacies of the past regime, with the focus put on the victims of the state socialist regime. For the first time in this stark anti-communist discourse the center-right party commemorates the resistance of the citizens who suffered under the past regime.

The parliamentary session dedicated to the establishment of the Institute reveals the same kind of ideological and normative framework used by the center-right. The establishment of the Institute is framed as a moral obligation first and foremost towards the victims of the past regime. The discussions reinvigorate the political polarization based on the cultural cleavage between the center- left and the center-right.

> "This is a draft law that is proposed by the Government, being at the same time a legal obligation that this state has towards the social class of the executed, persecuted, interned and imprisoned in the most macabre 50 years of the Albanian history. This draft law reflects the legal obligation that the state has to preserve in memory and analyze the activities of that system. The Institute will help the Albanian society to preserve in memory one of the biggest evils ever happened to this nation due to the communist dictatorship" (Document of Parliamentary Open Session February 2010, 17-18).

The distinction is made between the center-right and the center-left parties. The

victims of the past non-democratic regime are considered at the same time as those that constituted a resistance to the regime. The plenary session speeches indicate the understanding of this political project and the temporal leaps made from the initial processes of regime change.

"Simply we need to tell the current generations and the coming generations about all those women and men, young girls and young boys, who were sacrificed because they did not obey to the dictator, but believed in the miracle of freedom, free speech, in democracy and the rule of law. It is true that 20 years have passed, but the sons and daughters of the 'Mother Party' do not like such a thing. On the contrary they give us lessons on democracy and European integration" (Document of Parliamentary Plenary Session February 2010, 18).

Hence, the center-right representatives present a uni-dimensional understanding of the state socialist regime, which is partly in contradiction with their earlier more structural conceptualization of the repressive regime, putting the responsibility on the dictator. On the other hand, this narrative effaces the initial convergence that existed in the regime transition between the dominating reformed faction of the communist party and the democratic opposition. The social group of the politically persecuted under the state socialist regime is considered as an important constituency for the Democratic Party.

The vocal representatives of the ex-politically persecuted constitute the main social category and group that is involved in the daily work of the Institute. They have expressed a more sophisticated albeit blunt anti-communist normative frame. Their relation to the center right has been ambivalent. They have remained a constituency of the Democratic Party, although they have not had a leading role in the high structures of the party. Due to not being part of the past regime's societal reproduction mechanisms and considered as declasse the opponents of the state socialist regime could not obtain power positions nor complete the revolution. Their concerns have been mostly framed by human right organizations and by

the center-right parties as a social problem in need of integration. Yet the Democratic Party has been closer to this constituency than to the group of liberal-minded public intellectuals. An ex-politically persecuted representative in the Board of the Institute, coming from a family with an anti-communist tradition explains the ambiguous relation of this social category with the political class. "The Albanian society is highly indebted to the social class of the politically persecuted. Very little has been done to make them regain their dignity and place in the society. They have been instrumentalized politically by the political class, whenever it was needed, and they were not supported systematically by a concrete program" (Peshkëpia 2015).

I concentrate on the public interventions made in the print media and in other publications by Agron Tufa. He is one of the main representatives of the Institute as executive director. His articulation of the anti-communist and traditional conservative position of the ex-politically persecuted group is quite comprehensive and sophisticated. In this way, it is possible to delineate the ideological convergence and the institutional coalition formation between the center-right political class and this particular social group. It should be noted that members of the communist party and individuals coming from communist party families who were interned and imprisoned during the period are considered not to have a clear anti-communist viewpoint or ideology. This part of the ex-politically persecuted has not been considered as an ally of the Democratic Party. The executive director of the Institute, being a learned man, a writer intervened in a polemic with regard to a confession of guilt of an Albanian writer in the press. The debate evolved around two dimensions. One being the distinction between the complicity and conformism under the dictatorship on the one hand, and on the need to efface the vestiges and the legacies of the state socialist regime in the current democratic society. The second dimension that ensued from the first related to

the understanding of an intellectual and its position towards power structures. I provide the evidence starting with the latter.

"It is well-known that I endorse and support the right since 1990. ...I am coherent in my positions, without any fissure in my thoughts, albeit the fact that the right does not support my thoughts and ideas. Contrary to the positions on the understanding of an intellectual endorsed by Lubonja [his opposing polemicist suggesting that an intellectual is a critic of power] I am honored to serve my state, to take the responsibility and not to evade it. Insisting to improve the situation and not to throw stones on those who work without ever taking the risk and the responsibility to do something." (Tufa 2011).

Agron Tufa does not shy away from expressing his preference, in practice, of a Gramscian 'organic' intellectual for the social category of the anti-communist ex-politically prosecuted, being closer to and when necessary critical to the Democratic Party. Nonetheless, the actual practices within the Institute and the public positions and even the publications of the Institute indicate a lamentable rift, according to this social category, between the directing team of the Institute and the political class, including the center-right main party. On the other hand, in most of his public interventions in the print media the executive director has showed the same skepticism or consideration on the center-left main party, as the Democratic Party has usually evoked in the 1990, namely, the 'disloyalty' of the left opposition, due to its past, towards the democratic regime.

The initial trigger of the polemic with another public intellectual, Ardian Klosi, who was a frequent contributor to the *Perpjekja* review in 1993 founded by Fatos Lubonja, centered on the idea of a plural civil society critical to power, reveals the ideological convergence with the center-right and the position of Tufa how to understand and address the state socialist past. Ardian Klosi was also one of the contributors to the first independent newspaper "Rilindja Demokratike", established in 1991 and run by the opposition party. In one of his articles he provided an analysis of the socialist dictatorship and suggested the

distinction that should be made between the democratic regime and the state socialist regime.

> "Day by day the pressure of the layman and of the masses, that manifested itself clearly in student movement, is shaking the foundations of the archaic system of division based on family biographies. The desire to be part of Europe is revealing more and more the anomaly of a system that distributed and allocated human rights not according to individual's dignity but according to the family name and the familial circle. For years and even decades the Albanians were divided in Albanians of good repute (good biography) and Albanians of bad repute (bad biography). The Albanian judiciary state (a substitute for the rule of law state) shall not accept any longer the illegitimate division created by the class-warfare. No law can automatically relegate the mistakes, guilt and merits of the father to the son. Less so the laws of Europe where we intend to enter" (Klosi 1991).

In this respect, Ardian Klosi is one of those who have argued for the foundation of a democratic regime that does not repeat the same ruling practices of the state socialist regime. His understanding is based on human rights and individual freedom. Klosi does not make the distinction between inheritors of the state socialist regime and the declasse of the past regime. This kind of distinction is quite present in the discourse articulated by the center-right Democratic Party and the social category of the victims of the past regime. On the other hand, Tufa bases his discursive articulation on a temporal continuity between the two social formations. What unites the post-socialist society with the society under state socialism is the bequeathed inheritance of state socialism that has not been shredded off.

He seems to identify an institutional state-level solution and a more individualized personal solution in confronting the legacy of state socialism. The confession of a renowned Albanian writer, Fatos Kongoli, that he considered himself responsible in contributing to the imprisonment of one of his colleagues in the State Publishing House, brought to the fore the dilemma of individual responsibility and individual actions during the state socialist regime on the one hand, and the individual's response and refashioning of his biography (Mark 2011) in present times towards the past regime, on the other hand. Tufa endorses the idea that the

successors of the state functionaries and of the representatives of the state socialist regime, shall remain inheritors of the past regime, unless they expiate the guilt of their parents. "...he [Fatos Kongoli] reminded them the inability to overcome the past vestiges, and legacies, which they want to present at any rate as dignified and heroic. During these twenty years we have been waiting from them to enunciate a 'mea culpa' of denouncing the evil inside their home and family" (Klosi 2011). Ardian Klosi considers the actions of a writer under state socialism more important and indicative than the post-socialist expiation of guilt. "Meanwhile, the real problem of my ex-colleague at the 'Naim Frasheri' Publishing House, was not that of him getting involved in a denounciation, but (as it is still today), his complete convergence with the ruling regime, and the complete absence of revolt against the authorities. I remember that at that time he did not show any sign of dissidence (probably understanding dissidence as a form of cultural resistance and not necessarily public). His remorse was that when he was accepted as a party member, during the training in the party, his father was condemned, so he could not become for real a communist party member" (Klosi 2011).

The dispute between the representatives of competing types of intellectual interventions and of different normative values indicates the different strategies of factions of the cultural elite in relation to understanding the state socialist past and for the present strategies of regime formation. The first strategy and position is that of a faction of the cultural elite intervening from their social stratum's position characterized by a discursive frame of restorative-traditional kind and a political practice of revolutionary-extensive regime formation. The second strategy of intellectual intervention is characterized by a discursive frame of universalizing-individual kind and suggestive of a political practice of reformist-inclusive regime formation. The first group, which is less numerous in size,

considers as a sign and merit of consistency and coherence of their ideological beliefs, the service rendered by them to the state institutions. The second group considers that the only genuine position of an intellectual is that of criticizing power in the name of shared universal values. It should be noted, as I have explained before, that the concrete position of the social class, whose representatives are part of the first group of the emerging cultural elite, is that of a social group excluded from the field of power. Thus, one can say that, its principles of legitimation are not part of the reproductive mechanism of the current power relations. It is for this reason that the relation between the center-right Democratic Party and the social category of the ex-politically persecuted is ambivalent.

A more sustained and valid proof of the ideological convergence of the center-right parties and the stratum of the victims of the state socialist regime can be found in the depiction made of the center-left Socialist Party (ex-PPSH). Agron Tufa constructs and interprets in this way the members of the party hierarchy of the Socialist Party in his article titled 'The Paradigm of Evil and the Crime Mortgage': "The new communists in the Socialist Party have always had a vertebral linkage with the evolution....And they are not necessarily found only within the party. Their origin is directly from the pyramid of communist power. The family tradition binds them as servants and supporters to the past dictatorship. This group (described as a caste by Tufa) has no relationship whatsoever with democracy, which they dismantled completely in this land since 1945" (Tufa 2011). The present events and processes within a post-socialist society are understood in relation to a previous period. What is not mentioned is the fact that some of the leading representatives of the democratic opposition, including Sali Berisha, used to be communist party members as well.

On the other hand it is true that the Socialist Party in its foundational convents did not explicitly de-linked itself from the state socialist regime. The critique towards the past

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regime was of a different kind. The Socialist Party centered its criticism more on the abuse of power rather than crimes of the past regime. "In the party report, the Socialist Party distanced itself from those that were considered as abuses, privileges, and frauds of the ex-members of the Political Bureau and the Central Committee of the PPSH. In the report it was also mentioned the need to continue the work.... of purging the party from the communist past, that that should be done without radical actions" (Progni 2010, 108). The Socialist Party considered more important to emphasize the gap created between the ruling elite of the state socialist regime and the citizens. On the other hand, the Socialist Party expressed its concern that the emerging regime might lurch to a possible non-democratic regime. "Any attempt to suffocate the democracy within the party, or in society should be condemned. Any attempt to establish a new dictatorship upon the ruins of the old should be condemned too" (Progni 2010, 108).

The center-left chose mostly to safeguard the emerging democratic regime rather than to address the legacies of the state socialist past.

In the next section, I delineate and explain the process of institutional emergence. The conditions in which this concrete institutional formation unfolds are explained. Attention is paid to the understandings and actions of the main agents. The interaction between the political actors and the social groups is presented. On the other hand, I pay attention to any process of bargaining and the expectations of the main agents in establishing the Institute.

4.1.2 Institutional emergence

In the Albanian case of institutional formation there are no clear agents acting as

institutional entrepreneurs. In the case of the Czech Republic one could identify certain individuals or a group of individuals behaving as 'institutional entrepreneurs' directly involved in the process of institutional formation after having a sustained presence in previous organizations and prior institutions. In the Czech case, the debate of creating an Institute of Memory has been a constant and a long debate accompanied by contestation.

Whereas in Albania the process of institutional formation was a rather swift one and few or almost no alternative view, or societal contestation emerged prior and during the establishment of the Institute. The Romanian case offers a more complex context of institutional emergence with competing institutions and coalition formations. As I have mentioned earlier, the existing institutions, including the Institute for the Integration of the Politically Persecuted (IIPP) and the Center for Albanian Studies (QSA), were not considered as an alternative institutional form appropriate for being in charge with these tasks. The previous organizations and units in the bureaucratic field dealing with the vetting process, such as the vetting commissions were no longer operating at the time of the establishment of the Institute. However, I would argue that there exist at the helm of the Institute a cohesive dominant group, albeit not acting as initial institutional entrepreneurs. This dominant group has faced no substantial contestation within the Institute.

I concentrate on the deliberations of the parliamentary permanent commissions with regard to the legal initiative to create such an Institute. The discussions during the deliberations represent the viewpoints of the center-right camp given that the center left decided not to take part in this enterprise and present its perspective. At the same time, the deliberations reveal the dilemmas on the nature of this peculiar institution, whether it can be considered as on equal terms with other state funded independent institutions, or it is closer to academic institutions and centers of research. These deliberations are useful in

understanding the possible field effects on the institutional formation. The past trajectory and the positions of the main agents involved in directing the Institute are also taken into consideration.

The parliamentary commissions' discussion on the law of the Institute show the dilemmas with regard to the nature of the Institute. Certain possible institutional alternatives and institutional analogies have been made. The representative of the government that has initiated the law considers the suggestions made in the deliberations, which compare the Institute to other existing academic institutions as not quite appropriate. The Institute is seen as being more than an academic institution albeit its purported academic and research tasks. The intention of the governmental project was to situate this Institute within the administrative sphere relegating it to the same level as other structures or institutions of the public administration. The members of the leading structures of the Institute have a legal status comparably similar to that of the civil servant. The chair of the Parliamentary Commission for Legal Issues, Public Administration and Human Rights, seeks explanations from the government's representative for not considering this Institute similar to other scientific or research Institutes. "The Civil Service Commission is a court for civil servants, meanwhile this is a scientific Institute. Why have you chosen as an analogy the Civil Service Commission for the position of the director of this Institute and not the position of the director of any research Institute? [The government representative responds:] ….in order to give the director of the Institute a higher status compared to the directors of research Institutes" (Parliamentary Commission's Report February 2010, 10). The prevailing understanding within the deliberations, which is later reflected in the law, is that of considering this Institute as part of the bureaucratic field at least in legal terms. A member of the commissions succinctly summarizes this viewpoint: "As long as we have decided that

the board is the highest leading body of the Institute and its members are elected by the Parliament, then this Institute has, as a consequence, a status different from the status that a History or Philology Institute has" (Parliamentary Commission's Report February 2010, 13). The legal intention of those creating the Institute this way, is in contradiction with the actual practice of the Institute. Firstly, the Institute is expected to have more authority and symbolic capital in comparison with other existing institutions operating in the autonomous cultural field. Secondly, a process of concentration of informational capital and of resources is foreseen by the Institute's law. Yet, the role of bureaucratic practices and organizations on the formation of the Institute is rather weak, not to say nonexistent, in practice.

Another dimension of the nature of the Institute is related to the scientific or better say, scholarly character of the Institute. Those involved in deliberations attempted to emphasize more this facet of the Institute, given its ambiguity. The government representative stresses this facet of the Institute's nature:

"It is conceived as a research, educational and scientific Institute. It is an apolitical and non-partisan institution. It is an institute that will comprised of members drawn from the Academy of Sciences, the Conference of Rectors, civil society and the Institute for the Politically Persecuted. The Scientific Council shall be comprised of seven members, and these shall be: scholars, historians, various sociologists who shall advise the board with regard to its actions and decisions to be taken during its activities" (Parliamentary Commission's Report February 2010, 2).

In order to dispel the uncertainty the representative of the government makes a striking distinction between the scholars sitting in the scientific board and the individuals that were to be involved in daily tasks of the institute at the departmental level. The members of the Parliamentary Commission were suggesting that even the future 'institutionalized individuals' should be trained scholars. A member of the Parliamentary Commission for Economy considers the future denizens of the Institutes as scholars and

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demands a certain care in this regard: "What about the scholars that would be working under the executive director's helm? I am asking this question given that the Institute's archive would need scholars to scrutinize its documents" (Parliamentary Commission's Report February 2010, 12). The answer of the executive's representative is the following: "A common professional cannot be compared with a scholar or an academic who has spent all his life studying history, or certain phenomena in relation to sociology and social or economic impacts that the regime has created" (Parliamentary Commission Report February 2010, 12). It can be surmised that the future possible members of the scientific community that would be part of the Institute could provide a counter-veiling institutional logic, that is endorsing a certain institutional practice compared to those that are drawn from the social category of the victims of the state socialist regime. This relative balance of forces within this particular institutions has been present in the Czech case. However, in the Albanian case of institutional emergence, the autonomous community of scholars has not publicly expressed a vested interest in the Institute. Nor has it explicitly contested it. Apparently the initial expectation of having competing institutional practices within the Institute arising out of different motivations, habitus and trajectories of the institutional agents does not materialize. On the other hand, another expectation could have been the asymmetric power between the competing institutional factions and their attempts to use institutional units or structures as resources in the institutional reconstruction or change. Even in this case, the role of the scientific council or of the members of the Institute positioned in the hierarchy of the Institute, coming from the cultural field is not that vocal or influential as in the Czech or Romanian case. One possible explanation that I can suggest is the overlapping identity of a scholar, given that some of those sitting in the Scientific Council are from the declasse social categories of the state socialist regime. Another less trivial explanation has to do with the

heteronomy of the Institute. Meaning that, the scholars part of the Institute's Board or of the Scientific Council are closer politically to the ruling elite. Therefore, the institutional dominant group, which certain exceptions, is rather cohesive ideologically or sociologically as a class or social group.

A constant concern during the discussions on the institutional blue-print remained the relation of the newly emerging Institute with certain existing institutions. The deliberations and bargaining on the draft law between the representative of the executive and the members of parliament indicate partly the reasons for the government to choose this particular institutional form rather than another. A member of the parliamentary commission raised the issue of possible overlapping between the existing Institute of the Politically Persecuted and the emerging Institute for the Study of Communist Crimes and Consequences of Communism (ISKK). "Secondly, I would like to remind you of the Institute of the Politically Persecuted, which exists and it is a governmental agency. I think that there should be an interaction between these two Institutes so that they can take advantage of the resources of each other, because regardless of what is foreseen in this law, I consider that there still exist certain administrative drawbacks" (Parliamentary Commission's Report 2010, 6). The representative of the government explicates his position and his understanding of the distinction between these two institutions: "Concerning the issue of the interaction of the Institute with the Institute of the ex-Politically Persecuted, it is not by chance that three out of seven members of the board of the Institute, are appointed by the IIPP. We have intentionally decided that a large part of this board shall be representatives ex-politically persecuted" (Parliamentary Commission's Report 2010, 9). The intention to establish an apolitical and non-partisan scientific Institute is in an apparent contradiction with the increasing role of the representatives of the social group of the ex-

politically persecuted. The empirical evidence and the theoretical analysis shows that this social category endorse a certain normative framework closer to the ideology of the center-right. A statement made by the representative of the government reveals the linkage between the center-right party and this social category.

"The effects and consequences of the communist period can continue to be reflected even in the coming years, in relation to the education of the people, or the consequences on social classes, and psychological traumas. This is the reason why this Parliament continues to compensate the people who have suffered. Actually, it is a comprehensive policy package, that provides compensation not only morally and in terms of memory, but also financially. The convention of the Council of Europe seeks the condemnation of the crimes, compensation and rehabilitation, as well as the investigation of the crimes and bringing to court those who committed the crimes against the laws and human rights conventions"(Parliamentary Commission's Report 2010, 9).

In a way, the government representative considers the establishment of the Institute as a part of the total policy that addresses the compensation towards the social category of the victims of the state socialist regime. Nonetheless, the government did not opt for using the Institute for the ex-Politically Persecuted (IIPP) as an institutional prior, whose organizational units, structures or routines and practices could have been used for the creation of the new institute. Nor did the IIPP itself play a role in the process of institutional formation besides appointing three members of the board. The reasons for the distinction between these two institutions are the following: "Bearing in mind the organization and the function of the Institute for the ex-Politically Persecuted (IIPP), as an institute of administrative nature (original words: an institute with a state's dimension) that deals on a day-to-day basis with these issues, we have a clear separation between these two institutions" (Parliamentary Commission's Report 2010, 11). As this statement and other empirical evidence indicates, the issues in relation to this social category are considered mostly as social issues or in need of social policies by the state. Therefore, the separation of the tasks

between the two institutions is based on this premise. This does not exclude the possibility of the institutional entrepreneurs extending the tasks of the IIPP or reconstructing its institutional structures. The ISKK is conceived as an institute resonating in the broader society and partly addressing the type of compensation in relation to the memory of the above-mentioned social group.

Following the institutional template of this particular type of an institution across post-socialist countries, the 'institutional entrepreneurs' placed an emphasis on the Institute maintaining and preserving its archive. The relator of the law in the parliamentary commission of economy explain in this way the role of the archive: "A second important dimension of the draft law for the Institute, which is the most important, is the archival unit that would give the citizens access to the archive. Finally, there will be a central archive and not an archive dispersed in various institutions" (Report of the Parliamentary Commission of Economy, 2010, 4). The representative of the government gives his understanding of the archival unit and its inclusion within the Institute: "Based on what we know and what we have proposed in the law, the nature of this archive is quite specific. Therefore, it is not a usual archive. We are dealing here with sensitive information..." (Report of the Parliamentary Commission 2010, 11). The law on the Institute indicated that any state body, organization, central or local institution in possession of materials and documents necessary for the Institute should be given to the Institute without any unreasonable delay (Law on the Institute 2010). What was intended by the drafters of the law and the final version of the approved law was making the Institute the concentration site of archival materials and enhancing the authority and recognition (the symbolic capital) of the Institute among the existing organizations, institutions or structures within the bureaucratic field with regard to the materials inherited from the state socialist regime. Or at least the Institute could have an

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equal authority or prestige in comparison with the existing administrative apparatus. It turned out rather differently as I explain in the section explaining the institutionalization process.

The organizational structures of the Institute were not determined beforehand. The proponents of the law on the Institute were not clear on the organizational units that would be part of the Institute. "Currently we do not know what would be the dynamics of the activities of this institution, and what department it will have"(Report of the Parliamentary Commission, 2010, second session, 12).

In the next section, I address the processes of institutionalization arguing that the Albanian case study belongs to the category of weak institutionalization. I explain these features of the case delineating the actual practices and processes within the Institute as experienced by the main agents of the Institute. The annual reports provided by the Institute to the Parliament and the semi-structured interviews constitute the main data from which to understand the motivations, discursive articulations and the representation of institutional practices of the agents. The analysis of the institutionalization process is done by situated the Institute within the power asymmetries and linkages with other organizations, structures or institutions of the bureaucratic field. At the same time, the way the Institute's main agents relate to the civil sphere, and more concretely to the other competing institutions, or other social groups is part of the explanatory model. The next section reveals the contradictions between the initial project of this particular institutional form and the actual institutionalization.

4.1.3 The post-authoritarian social formation: the dynamics of struggles and strategies for domination between competing social groups in the political and cultural field

In this sub-section I concentrate mostly on the struggles and strategies of the most pertinent social groups and social categories of the actors aiming to dominate the civil sphere. By the term civil sphere I am referring to the cultural and ideological struggles, broadly speaking, between the contending actors in the non-state sector, namely, the civil society. In this respect, the cultural field becomes the field of struggles. Tracking these struggles becomes important, if one intends to understand the various degrees of authority (symbolic capital) owned by the contending groups in relation to making their understanding on the state socialist past a prevailing one in the cultural field. It is not the intention of this section to provide a detailed and thorough causal explanation of the power games between the contending groups so that one could understand why at a particular time one group was more dominant than the other. This would have required a comprehensive empirical scrutiny of the organizations, institutions and associations from which competing ideologies or discursive articulations were produced. A second step would have required to investigate into the homologies between the cultural field and the ruling class, so to say. What I actually do is to delineate the dispositions and characteristics of the contending actors in the cultural field and on what grounds is this contestation focused (Bourdieu 1984, 73). Although, I provide a balance sheet of the pertinent groups and their perspectives on the past regime and interpretations of it, the sub-section is mostly geared towards providing the context of the role of the politically persecuted social group in relation to other contending social groups or actors. Henceforth, this creates repercussions with regard to the present role of the main

agents of the Institute, and how the Institute is related to other groups or institutions in the civil sphere.

The initial configuration of the civil society in the post-communist period included very few autonomous organizations. One of the organizations of civil society was the Independent Trade Union, and the other was the Forum for Human Rights, later transformed into the Helsinki Committee. The individuals comprising the Forum for Human Rights came mostly from the existing cultural institutions, such as the Academy of Sciences, the Film State Studios, and the State Publishing House. Elsa Ballauri, who was one of the founders of the Forum, albeit from a pre-war bourgeois family, could get her university degree and start working at the State Publishing House a few months before the regime change. She explains in this way the creation of this civic organization and the profile of the actors:

 "I was for the first time in a job, meaning a definite job, in the publishing house 'Naim Frasheri'. While I had two or three months in that job, all these changes happened, which for me and for most and actually for all the Albanians were a miracle. The Forum was created in a spontaneous way. I remember that we were trying to find someone who would help us attain recognition in the minds of the people. We were looking for people that could think differently. For example, Ylli Popa was called because he wrote an article reflecting a different opinion. Arben Puto was involved, for a very important reason, despite the controversies at that time, because he was the only, mind the irony that was a professor of international law. Look in what a miserable situation we were! All of us had an academic background. There was a conservative group, which had its academic background but it was not so clear ideologically such as Ylli Popa, Arben Puto and Kristo Frasheri. This older group was the most conservative and also conservative with regard to radical changes. A part of the younger group made a compromise with the ruling power at that time [meaning the Democratic Party's government] and that compromise hindered them from being more radical. They could not follow their way after the DP came to power" (recorded interview, April 2014).

This understanding of the first years of the transition indicates that the symbolic capital was mostly and effectively possessed by the intellectual elite that was educated during the state socialist regime. This does not mean that the intellectual elite was

completely subdued and servant of the state socialist regime. Paradoxically, it was not the most radical faction of the cultural elite part of the first civic organization, which was also educated under the past regime, that strove to maintain the autonomy of the civic organization but the more conservative part aimed in that direction.

One of the pressing issues for the civic organization and the democratic opposition was the liberation of the political prisoners. This transition moment provided the initial discursive frame used by the incipient civil society on the social category of the politically persecuted. At that time being in favor of this social group was not so politically expedient. The political stance on the victims of the past regime seemed to have marked a cleavage between anti-communist 'radicals' and the reformed ex-communists. "We were anti-communists, such that this political position confounded us with the Democratic Party and we were perceived as associated with that party. We fought to free the imprisoned from prison, I mean the political prisoners. ….the Democratic Party was interested to release the political prisoners. We were interested too" (recorded interview, April 2014). Thus, being anti-communist in the early 1990s meant a different thing from being anti-communist in the following years and decades after the transitory stage. This kind of anti-communism was not congruent with the anti-communist ideology endorsed by the social group of the 'political families' persecuted during the state socialist regime, whose successors direct the current Institute. Elsa Ballauri explains that the main motivation of the individuals involved in establishing the Forum for Human Rights was to do away with the dictatorship. However, this meant different things to different groups in the public sphere. "Those people who initiated that [civic initiative] wanted to separate themselves from what existed" (recorded interview, April 2014). It was not quite clear what is meant by this type of separation from the dictatorship. I can claim that one of the competing forms of separation from the past

regime, was not to reproduce the same mode of domination in a new democratic regime. The other type of separation from the dictatorship, endorsed by the student movement, the ex-politically persecuted, and the restored anti-communist conservative parties was that of not negotiating with the regime's representatives and dismantling the state socialist regime's old structures.

Therefore, the cultural elite that came from the institutions of the cultural field, established during the past regime, to the civil sphere became one of the advocates of the interests of the declasse of the past regime. Explaining the convergence between the civic organization and the Democratic Party on the political prisoners, Elsa Ballauri constructs in this way the response and strategy with regard to that social category:

"It was a huge work. We were engulfed by the work. We went after the people... I made exceedingly many interviews at that time, with those persecuted, with the released prisoners. We went to inspect the places where the internees were living, to see the conditions of their living. It [the convergence between the DP and the Forum on the political prisoners] was the only visible and concrete point of a large wound that had to be repaired. It was inconceivable to support human rights, or for the Democratic Party to govern democratically, when the political prisoners were in prison" (recorded interview, April 2014).

Another colleague of hers in the civic organization, in an interview given to the democratic opposition's newspaper, reinforces the same representation strategy: "A pressing demand and intention of the Forum is the release of all the political prisoners. I think this is an urgent issue not only because a human rights infringement gets mended, but it also sound rather anachronistic for the period we are living" (Baleta 1991). The ex-political prisoners' issues were framed as a human rights issue, based on the internationally diffused human rights discourse. Later on the concerns of this social group were considered as social policy issue by most of the democratic regime's governments.

The ex-political prisoners did not establish their own political party after 1990. Their

most important political projects and tenets included restoration of the private property confiscated by the state socialist regime after the war, the dismantling of the state socialist legacies and the symbolic restoration and recognition of the traditional norms and culture of the Albanian society effaced by the so-called state socialist modernization according to them. Most of them became members of the Democratic Party or of the other small conservative parties. However, the Democratic Party did not opt for complete restoration of confiscated private property and was ambiguous with regard to the 'dismantling' of the state socialist regime. The ex-politically persecuted did establish their own association of the ex-political prisoners as well as their own newspaper. The opposing social category that became frequently a target of criticism on the pages of the newspaper was that of the veterans of the Second World War association. The anti-communist conservative faction of the declasse during the state socialist regime, considered the War of Liberation a civil war which contradicted the description of that war by the ex-partisans and the war veterans. "The red veterans ….became renowned during forty years or so with their killings of the Albanians. I am mostly talking about the warriors of the red aristocracy than about the partisans of ideals and disillusioned partisans. Those idealists were either killed during the war or they are still alive but they have a hammer and a sickle and not a gun!" (*Liria* May 1992, 7). The veterans of the Second World War were one of the main constituencies of the Socialist Party, as were, on the other hand, the ex-politically persecuted for the Democratic Party. Therefore, the political prisoners did not manage to present a political alternative that would contest at elections. Their position in the social space was analogous to the veterans of the Second World War, albeit the opposite in terms of ideology and values.

However, in the mid 1990s the narrative of the anti-communist and nationalist conservative group of the ex-politically persecuted started to prevail in the print and mass

media of the center-right newspapers and in the only public television. The issue raised the question of which social classes were ruling in the post-communist Albania and what was the basis of the legitimation of the new democratic regime. The center-left parties, especially the Socialist Party, presented the view that the country was ruled by the revanchist pre-communist conservative parties, which constituted the social classes demoted after the Second World War. The representatives of this faction of the center-right parties were considered as reactionary by the traditional left-wing ideology emerging from the 1930s and amplified by the communist party. It could be suggested that the anti-communist ideology of the conservative right and the narrative of these social groups was gaining more ground. However, as Eyal (2003) indicates the political elite of the post-socialist regimes was drawn either from the official sphere, in this case the technocrats and the intelligentsia, or from the unofficial sphere, in that case the dissidents. The post-socialist regime in Albania has as a ruling elite the state socialist cultural intelligentsia and the technocrats. Both converted their cultural capital into political capital when they got involved into the political field of the democratic regime. The economic foundations of the new regime were not based on a restitution of the bourgeoisie and the economic capital did not became the main foundation within the field of power, which determines the dominance and rate of exchange of one species of capital compared to the others.

In the case of Albania, there were attempts to appoint individuals coming from the declasse families at the time of the state socialist regime, in the public administration and to allow the younger generation privileged access in education as part of the rehabilitation policies of the democratic regime. One can imagine that through time the social category of the past regime's declasses could have become cultural elite of the new regime or populate the state level administration. In this respect, there was a possibility to de-evaluate the

symbolic capital of the inheritors and replace their positions within the ruling class. Agron Tufa, in the interview taken by the author, a few years ago describes in this way the difference between the early 90s and the current decade: "Some of the reforms that were undertaken at that time, such as the vetting law, the commemoration of the victims killed by the dictatorship, and the dominating and the active role that the association of the ex-politically persecuted with its printing press, and the financial compensation which started to tell the truth...were interrupted in 1997 and 1998, during which the individuals whom I consider as to be sent to the Tribunal, got financial compensation" (Tufa, recorded interview December 2013). The state collapse in 1997 after the rigged elections in 1996 and the fall of the Ponzi financial schemes brought to power the Socialist Party in a broad coalition with liberal and social-democratic parties. Therefore, one could hardly argue that the social category of the ex-politically persecuted was part of the ruling elite. It can be said that after 1992, the legitimating ideology of the new regime became anti-communism more so than the inclusive framework of human rights. In this respect, the political division between ex-communist and anti-communists becomes a demarcating line in the early period of the democratic regime.

Not being part of the dominant ruling class, the ex-politically persecuted social group transposes its struggle for replacing the prevailing discourses in the cultural field. That is in the realm of civil society. From time to time, individuals part of this social group have used the ideological convergence with the Democratic Party, and their status as a political constituency of the center-right, to occupy positions in the state institutions, as it is the case of the Institute. The executive director of the Institute delineates the position of this social category in relation to the opposing camp. He first explains the effect of the state socialist regime on effacing the past traditions and the intention of engineering a new society. "The

totalitarian communist regime alienated the Albanian people in relation to any previously existing memory or tradition, by imposing its own regime of education, through blackmail, impoverishment, terror, executions, imprisonments, deportations and through the propaganda in schools, kholkoses and working places (Tufa 2012, 7). Tufa provides his analysis the current situation: "The dictatorship in such a way appears as restored, re-visioned and not vulnerable: the same people, the same actors managed to be saved and to continue their paths in our polluted space of our freedom. They pursued quietly their own businesses, or continued to direct university departments or ministries. They led diplomatic missions. Each of them was motivated to reach the height of their triumphs" (Tufa 2012, 55).

Tufa as a leading and articulate representative of this social category, constructs the post-communist condition as characterized by an imbalanced and unequal battle between the inheritors of the state socialist inheritance, and the social group he represents. A constant feature of the post-communist Albanian society, according to Tufa, is the domination of the individuals and groups linked to the past regime. The continuous role of these social groups, who were part of the ruling class of the state socialist regime, or belonged to the state socialist's cultural elite, in the post-communist society is discursively articulated as a restoration of the dictatorship. What is sociologically understood as a strategy of conversion of capital of certain groups and categories of the past regime, whose initial species of capital, become devalued in the new democratic regime, is presented by Tufa as a moral issue. Therefore, it becomes a political issue as well. The conceptualization of freedom is not so much based on individual rights and responsibility and non-interference of the government into individual's choices. Rather freedom is understood in moral terms. The public sphere needs to be purified by the vestiges of the past regime. Henceforth, certain institutions of the cultural field, such as Institutes of History, Academy of Sciences and institutions of

education are presented as monopolized by what should have been a defunct cultural elite.

The actions and activities of the social category of the ex-politically persecuted in the cultural field have their source in the associations, or in individual enterprises that are based on individual sensibilities. When mentioning a need to propose a new lustration project after the initial one had been considered anti-constitutional by the Constitutional Court, Tufa criticizes the indifference of the center-right. "All that worries us is the absence of any initiative that would anticipate such obstruction by proposing a new platform; the absence of the concern to cooperate with allies within the civil society or anti-communist associations, as natural and ideological allies of the right. It is even worse the total indifference of the right [meaning center-right parties], when such kind of well-designed and modified platform [on lustration] is offered directly from these associations or institutes, as it actually happened" (Tufa 2012, 55). Henceforth, in the civil society, these associations are closer to the Democratic Party and are considered as articulating a genuine rightist ideology and outlook. The associations with the political field, once the center-right parties are in government, and the similar position-takings, to some extent, on the state socialist past indicates the degree of heteronomy of these associations and the dominance of the political capital. These associations have not obtained a status or authority in the public sphere given that they actually possess little symbolic capital. In this way, the associations, or publishing houses, or Institutes are located at the periphery of the cultural field. Asked in the recorded interview whether civic associations of this social group were involved in the emergence of the Institute, Tufa responds that it was not the case. However, the struggle in the cultural field was conducted with other means: "There existed sensitivities of certain individuals. We published memoirs continuously. The memory has been kept alive in the public sphere. But at that time there was no Institute. It is a war of memories. It continues to be a war of

memories" (recorded interview December 2013). As a consequence, the Institute is situated at the boundary between the bureaucratic field and the civil sphere. This interstitial position has created the sedimentation of different institutional logics (Seo and Creed 2002, 228). The war of memories is presented as having these features: "Our Mnemosyne inspires us to experience and confront two different memories: the memory of the victims that is obliged to reproduce its lamentation, creating an isolated narrative, not accepted in the public sphere, meanwhile the restored memory of the perpetrators creates its dominated narrative together with its pedagogical tools of deceit and alibi, which eliminates the first" (Tufa 2012, 59). The hope for changing the status-quo in the memory field, is located at the new intelligentsia. "The need to deconstruct the communist myths in the daily life of nowadays full of political tension is the obligation of the new intelligentsia, especially when these myths in certain moments pretend to become not only the argument of the day, but also instances of political and public blackmail, and revanchist attempts to gain sacred status" (Tufa 2012, 9). In a way, this statement can be considered as a claim of self-position (Bourdieu 1984, 12) in the cultural sphere as the rising intelligentsia.

The deconstruction of the communist myths were suggested by another more autonomous group within the cultural sphere. The understanding of the communist myths and of the communist heritage is different between the social group of the ex-politically persecuted who endorse an anti-communist conservative ideology and the other faction of the cultural elite, which is more inclined towards liberal ideology. These individuals were grouped in the monthly review called *Perpjeka* founded to create a bridge between the cultural elite, the public intellectuals and the ruling power. Nonetheless it claimed the position of an intellectual critique to power and society. Most of these public intellectuals received international civil society prizes, or were involved in transnational networks of

civic organizations. Whereas the social group of the anti-communist conservatives considered as a legacy or heritage of the state socialist regime dominant presence of the individuals and groups linked with the past regime, the liberal-inclined cultural elite thought differently: "I think that people are categorized according to their political viewpoints and they have the rights event to change them. Only a feudal-communist mentality, based on the lectures of Marx, Stalin and Enver, categorizes people according to the social class in which they belong. Apparently, all of us are influenced by the feudal-communist mentality. It cannot be explained differently the case of a letter that I received by a person who wrote to me saying that: 'Our paths are clearly different and separated. And this is quite natural, because I belong to an anti-communist social class, whereas you have only an anti-communist outlook" (Lubonja 1999, 17). Henceforth, the liberal intellectuals aim to change what they call the feudal-communist mentality and provide the grounds for a peaceful co-existence of different ideological currents, even for those who espouse communist ideas. "The very fact that there are no self-declared communists in Albania shows two things. Firstly, it shows that after those years of anti-fascist resistance, very few real communists (in the sense of communist ideals) have remained. Secondly, the issue is that we are far away from the freedom of thought" (Lubonja 1999, 142). A very clear statement of how to address the state socialist past and the strategy that could be pursued is the following: "My idea which I stressed in the letter sent to the President of the Republic was that the fight for democracy does not mean turning head over heals the balance of forces. On the contrary, the Albanian political forces should be placed on a horizontal relation with each other"(Lubonja 1999, 77).

Whereas the anti-communist conservative political prisoner's associations and their media characterized the cultural elite after 1990 as the inheritor of the state socialist regime,

the liberal intellectuals made a distinction within the state socialist intelligentsia. This position of the liberal intellectuals stems from their different understanding of the state socialist regime, whose negative effects are seen across all the social classes and social categories. "[The dictatorship] did not choose to punish those who had a propensity to obey or to conform. It chose those who were rebels. The dictatorship applied such kind of selection across all social classes: from the earlier declasse to the laypersons, and to the communists and their sons and daughters" (Lubonja 1999, 143). In this respect, the distinction made among the intelligentsia is that between those who conformed to the regime and those who managed to evade conformist behavior. It is this practice during the state socialist regime that is considered by Lubonja as an asset of intellectual integrity and autonomy. These category of people is seen as endangered by the new democratic regime. "Being under a pressure instigated by a moral-political revanchism, the most qualified and the most honest part of the intelligentsia, which survived Hoxha's regime has been removed" (Lubonja 1999, 47). In a way, attempt to implement the initial campaign of 'eradicating communism' is discursively constructed as a moral-political revanchism, which is ideologically motivated. The liberal intellectuals consider that the understanding of the state socialist regime as a repressive regime affecting any individual's life with equal force, which is seen by the liberal intellectuals as an important feature of the regime's mode of domination, makes the post-communist attempts to disqualify certain individuals based on ideological divisions and not on actual their practices and behavior during the state socialist regime, not appropriate, misplaced, nor rational and harmful for democracy.

The social category of the ex-political persecuted did not command a recognition and authority after regime transition. Their representatives and associations have identified the cultural institutions, according to them monopolized by the state socialist cultural elite, as

responsible for sustaining a revision or restoration of the dictatorship given the absence of a complete and revolutionary break with the past regime. This social category was not part of the new ruling class of the democratic regime. Their struggles were mostly concentrated within the civil sphere with encroachments within the cultural field, albeit not possessing symbolic capital. Their attempts were centered on reversing the dominant narrative in the public sphere. Being weak in symbolic capital due to the exclusion from the reproduction mechanism of the post-authoritarian social formation, they have continued their struggle in moral terms. As a consequence, they have chosen to ally with the main center-right party, the Democratic Party, accruing at times more political capital. It remains to be investigated, as I explain in the next section, to what extent their inclusion in the directorship of the Institute changes the actual situation.

On the other hand, it should be noted that the social groups and individuals in the civil sphere and the cultural field, which had more symbolic capital and different projects and understandings on addressing the state socialist past were not included in the center-right political project. However, thinking in a counter-factual manner, these groups could have provided a different response, probably also institutionally, to the issues of concern.

4.1.4 Cohesive internal dominant faction at the Institute devoid of embedded accumulated structures, division of labor and sedimented institutional practices

In this section, relying on the theoretical explanatory model delineated in the theoretical chapter on institutional formation and institutionalization, I provide the reasons for the low degree of institutionalization in the case-study of Albania. An alternative explanation, different to the one I am suggesting, with regard to low institutionalization is

the 'resource-dependent' explanatory model (Zucker 1987). This framework posits that when the institutional formations and the agents on their behalf, obtain an increasing flow of financial, material and human resources then the tasks assigned to the Institute shall be accomplished with little problems. As a consequence, hiring more researchers, experts or employees can facilitate and sustain the division of labor in an institutional formation. Concentrating at the new institutions all the necessary material resources, such as documents, archives, official documents and the rest could also increase the importance of the institution in comparison with other organizations or institutions. It might indicate that the ruling power has a preference towards this particular institutional formation in comparison with other existing institutions. It seems to me that this theoretical framework provides partial explanations on degrees of institutionalization. Resource dependent explanations even when modified by including the dimension of time in the explanatory model of resource flow (Eyal 2003) is premised on explaining the efficiency of an institution formation. It can hardly explain how certain institutional practices and taken-for-granted institutional roles at the micro-level are sustained if not reproduced within the institutions. I would argue that the flow of certain resources and not others can be a result of a diffusion or domination of a certain institutional logic or practice compared to another one. A different alternative explanation, that is less complex, which is mostly suggested by concrete agents within the Institutes, in particular in the Albanian case, is the causal effect of political will. The absence of a political will on behalf of the ruling class results in less effective institutions. This kind of explanation in common sense terms mystifies the process of institutionalization as an outcome of presence or absence of political volition. Thus it seems to indicate the constant dilemma of more or less politicization of the institutional formations. The individuals directing an institute who are using more political capital than cultural capital are blind

towards an Institute being political, whereas those outside of the Institute link the presence of a political volition with politicization.

I have explained in the theoretical chapter the dimensions of the institutionalization process, which comprise accumulated units or structures, institutionalized role, dominance of a certain institutional practice among competing others, and the division of labor in the separation of organizational tasks. My suggested understanding of institutionalization is not premised on the notion of transmission, maintenance that leads to institutional reproduction. The Albanian case-study reveals a process of institutionalization that is weak, haphazard and at the incipient stage. It could have been expected that given the ideological convergence of the social category, which constituted the pool from which the hierarchy of the Institute was chosen, with the center-right government would have helped Institute to utilize the political capital to bring forward the process of institutionalization. The Institute did not embark on a process of concentration nor of organizational extension. By the term concentration I mean accumulation of organizational units, that is of structures from other state institutions or state apparatus. This process of concentration could have included primarily the transfer of the archive of the Sigurimi or other organizational units performing similar or related tasks with regard to dealing with the state socialist past. A process of organizational extension (Zucker 1987) is understood as a multiplication of new departments or sections that follow the enlarged scope of the Institute's activities. However, the aren't many different institutional factions within the Institute that could have instigated a process of differentiation in the organizational structure of the Institute by emphasizing certain institutional logics side by side with the dominant logic or institutional practice. The Institute, as the empirical evidence indicates has a low degree of embeddedness in the bureaucratic field and as a consequence not being transformed in an institutional site in which there is a concentration of symbolic

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capital (of the state). The process of institutional formation in the Albanian case-study reveals that the trajectory and the position of the middle-level employees and of most of the individuals in the hierarchy does not belong to the dominant position in the cultural field, apart from individuals with their own sensitivities, nor are they placed or entrenched in the bureaucratic field. Hence, this formative stage of institutional formation have not constituted a facilitating condition for the next process of institutionalization.

I rely on the yearly official reports of the Institute addressed to the Parliament as one of the empirical data for scrutinizing the concerns and issues faced through time by the Institute during the process of institutionalization. Semi-structured interviews with the individuals directing the activities of the Institute constitute the data material not only for understanding the sequences and steps of the institutionalization process but also the discursive representation of the strategies, practices pursued within the Institute and in relation to other agents, institutions and fields.

The Institute has faced quite a number of issues that are presented in the yearly activity reports as hindrances to their work. "However, the situation of the Institute for the Study of the Crimes and the Consequences of Communism (ISKK) is not that optimistic. We continue to have an absence of understanding or a contradiction between the Institute and the law enforcing state structures, which severely hamper with their inaction the serious completion of our scientific and scholarly activities" (ISKK Annual Report 2013, 2). The report addresses another type of concern that it is termed a contradiction: "Another contradiction, which we are facing, are the tasks foreseen in the law that charges the Institute to accomplish those tasks having a certain yearly budget. In practice such a budget does not help us fulfill our obligations. All these projects that constitute the essence of the activities of the Institute are not taken into consideration in the new budget, which means that they

will not be accomplished putting in doubt the mission of this institution" (ISKK Annual Report 2013, 4). It can be argued, to some extent, given these presented concerns that the Institute has not acquired the authority and recognition compared to other state structures or institutions within the bureaucratic field. According to Bourdiesian terminology, a recognition of authority is indicated by the exertion of the (accumulated) symbolic capital of an individual agent. I would extend this understanding by analogy to the symbolic capital, accumulated or not, of an institutional formation. This theoretical move can be justified given the more abstract level of understanding in Bourdieusian framework, in which the state is considered as a locus of conversion of different species of capital into symbolic capital. At face value, the weakening of the role of the Institute and of its mission can be considered as a resulting from the absence of financial resources. I would consider that this is mostly a symptom of weak institutionalization.

During the period of institutional formation, the Institute did not base its emergence on antecedent units that constitute an accumulated organizational capital of an institution, nor from the units or organizational structures that existed in previous institutional priors or existing institutions. The process of institutional formation was not based on some previous degree of embeddedness in a certain field (e.g., bureaucratic field, cultural field). The degree of embeddedness in a particular field can be understood as effectively influencing the transposition of certain (institutional) practices into the new institutional formation. The accumulated experience in the form of habitus understood as "categories of perception and appreciation" (Bourdieu 1984, 101) of the agents can create the conditions for the involvement of 'institutional entrepreneurs' in the process of institutionalization. However, the process of institutional emergence, as explained in the theoretical framework, does not lead to institutional reproduction and to a path-dependent process of lock-in effects. The

initial not so conducive effect of the institutional emergence in the Albanian case-study could be turned to the advantage of the dominant institutional faction through time. The Institute chose to address the contradictions by playing with certain organizations in the civil sphere such as the Konrad Adenauer Stiftung center in Albania or trying to obtain recognition among the network of such kind of Institutes. "...all these achievements that you will be reading in the next pages were done due to the support and help of foreign foundations, without any contribution from the state budget" (*Yearly Activity Report* 2013, 6).

A feature of the low degree of institutionalization is the absence of the division of labor, understood as separation or specific organizational tasks that through time sustain a certain organizational inertia (Hamman and Freeman 1984, Stinchombe 1965 in Ingram and Clay 2000, 540). "As part of the presentation of the detailed budged in August 2013, the Institute has constantly asked for at least 5 new working places in order to face the pressing needs for research in archives and other scientific activities given the conditions of a very limited personnel" (ISKK Annual Report 2013, 4). The director of the research department, Mrs. Luljeta Lleshanaku, explain in the interview with the author, the intricacies of the day-to-day work within the Institute.

"So, for three years we had to try to find possible cooperating partners. I have been more personally involved doing public relation tasks rather than supervising and controlling the work. Someone has to do that. I have initiated a correspondence with an organization in Gdansk, which on the 31st of August opens an exhibition in Gdansk for the Institutes of Memory. Our Institute will be participating there with all its items, posters, publications. Our Institute will be present even at the L.A. museum. This helps us for recognition. These tasks are more of management kind rather than research. So, we have been working over our capacities" (Lleshanaku, recorded interview, August 2014).

The absence of the 'economies of scales' within an institutional formation are

delineated by the director of the research department in the following statement in the interview: "...the expansion of the Institute's team is urgent. Someone is doing research, someone else is taking interviews. It is rather difficult to accomplish these activities with such a limited staff and with this organization" (Lleshanaku, recorded interview, August 2014). Hence, the tasks within the day-to-day routine of the Institute have not been clearly defined and separated. There is an overlap between different organizational tasks, which has precluded a degree of organizational inertia. On the other hand, the director of the research department of the Institute indicates that the Institute has not yet obtained a recognition or a certain status. The strategy to relate the Institute to other organizations, institutions or networks abroad is a counter-veiling move with regard to the low recognition that the Institute has domestically.

Another dimension of the low or weak institutionalization is manifested by the relation and interaction of the Institute with other state structures, or organizations that pertain to the bureaucratic field. According to the initial institutional formation project, the Institute was about to obtain primacy with regard to the concentration and accumulation of documents and materials already preserved in other structures, or organizations given its mandate as a specific public state institution charged to address a particular area in a rather exclusive manner. Any instance, organizational unit of the state apparatus or of other standard state institutions such as the current intelligence service, the ministry of interior archival units, or the national archive were demanded by the law to provide the necessary materials upon the request of the Institute. It is already mentioned that the Institute and the Institute's main agents do not possess sufficient command (symbolic capital) in the cultural field in comparison with other institutions such as the national museum, the academy of sciences, or universities. This does not mean that the Institute as a site of the production of

cultural goods (memoirs, research, documentaries, encyclopedias) has not been utilized by the main Institute's agents to some extent as an institution for the cultural battle of this social category with the intention to question if not replace what they consider the official discourse or official history. It remains to be explained to what extent the Institute has made inroads within the bureaucratic field. The question to be answered is that of determining which institutional practice is dominating within the Institute.

I have defined the dominant institutional practice as the dominant practice that is diffused and legitimated within the institutional formation. It emerges and is sustained for the below listed causes: a) the entrenchment through time of an institutional formation or existing institution within a particular field (educational field, cultural field, bureaucratic field) b) due to institutional restructuring via conversion or layering during which certain already existing practices considered as legitimate by a new set of institutional entrepreneurs are transposed at the existing institutional formation c) due to a process of bricolage or use of the accumulated capital inherited from previous institutional priors and organizational structures. In any case, institutional practice is understood as the structured ways of doing in an institutional formation resulting from the combined interaction of field effects and main agents' roles.

In the Albanian case study of institutional formation and institutionalization the dominant institutional practice among the different competing ones reflects an ethos and a normative orientation that existed prior to the emergence of the institute and its process of institutionalization. What becomes as a dominant institutional practice is mostly the practice pursued by the social category of the politically persecuted in the civil sphere through the activities of narration, witnessing and documentation of their civic associations. Nonetheless, there exist less dominant institutional practices that are less embedded or that are still at the

early stage. One of this is the institutional practice of scholarly research. The individuals in the position of hierarchy consider useful the analogy of this Institute with other existing institutions such as the Academy of Sciences, or the Ministry of Education. The intention is to initiate a reform in the way the disciplines of knowledge relate the state socialist period."So this reform should not be done only in the history textbook materials, but also in those of sociology and art. So we are dealing with a comprehensive reform. This is all. We have on the one hand the official history and the history produce by the Institute. It requires time for these two histories to be fused into one. We could have been part of the Academy of Sciences, or part of the Ministry of Education for example. Because why do need all this [that the Institute is doing]"(Lleshanaku, recorded interview 2014).

The Institute's representatives appear rather less authoritative when dealing with organizations, units and institutions of the bureaucratic field. The day-to-day work and tasks of the Institute demand that they cooperate with existing units within the bureaucratic field for concrete issues. The weak embeddedness of the Institute in the bureaucratic field makes the kind of institutional practice rather inconsistent at best, or not dominant. The yearly report mentions the actual interaction between the Institute and other state organizations. "The difficulties that we experience in accomplishing our objectives, as we have indicated in the beginning of the report, are related to the absence of official documents on the crimes of communism. The difficulties are also due to the fact of not using all the possible archives (for example the archive of State Intelligence Service)" (ISKK Annual Report 2013, 8). The head of the research department explains in this way the problems faced by the Institute: We do not know, because we have not entered in the archives. We are constrained. It is impossible for us to enter, because we are a very small group. It is so bureaucratic. It has so many procedures. We do not know what to do first. They tell us that we can see the

materials but we cannot copy or use them. We do not even have the right to have our legal archive in which anyone can have access to" (Lleshanaku, recorded interview August 2014).

It could be the case that the restrictions imposed upon the archival access to the representatives of the Institute are based on the law. However, this fact is not sufficient to dismiss the actual process of the relation of the Institute within the bureaucratic field as not important. The discursive framework used by the representatives of the Institute on their experience with other administrative units or related institutions does not indicate that the law restricts their access to these documents. Actually, the emphasis is on cumbersome bureaucratic procedures, which make the Institute rather weak to overcome the problems. Contrary to the having a concentration of the documents, materials within the Institute as the unique site of the bureaucratic field in which a part of a specific informational capital could accumulate, what has happened is a degree of uncertainty and a degree of not being accustomed to the rational-legal bureaucratic practices. The executive director of the Institute, Agron Tufa, states in the recorded interview with the author, an instance of low authority of the Institute over other state units and organizations. The statement is related to the right of access to the documentation and archives. On the one side, it is the Institute that could concentrate all the informational capital of the state in relation to the state socialist regime, on the other side there are state apparatuses and organizations that preserve or maintain in a separate way these type of materials.

"...we could not enter in the SHISH archive where the documents and files of Sigurimi are preserved. In order to enter at this archive, you need to have a permission from a state unit called the directory of classified information, headed by an ex-agent of Sigurimi. We have applied for this permission but it has been refused. The head of this directory has even warned his subordinates in a work meeting: 'Do not allow this person any access because he can publish the files [of Sigurimi]'. It is totally outrageous that an official agent of Sigurimi decides to allow me access or not!"(Tufa recorded interview, December 2013).

It matters little if the story told by the executive director for the real reasons of restricting access to certain documentation for the Institute's representatives is true or not. This institutional conflict is constructed as a legitimacy issue. The inroad of the Institute in the bureaucratic field is presented as rather legitimate for two reasons. The first reason being the specificity of the tasks of the Institute as the main public and state institution in charge of providing an official account on the state socialist past. The second reason indicates the tension between the rising or emerging state functionaries that aim to obtain the monopoly on the documents and materials and the existing functionaries and officials that are presented as inheritors of the state socialist regime. In this respect, the Institute's representatives argue for their moral right, in a new regime, to overrule what they consider as vestiges and inheritance of the state socialist regime still untouched, according to them in the new democratic regime. Other organizations that preserve other kind of archives such as the General Directory of the State Archive and the archival unit of the Ministry of Interior are presented by Institute's main agents as being more flexible but yet not providing open access. The director of the archival department unit at the Institute reiterates the contradiction between the two different institutional logics in the bureaucratic field: "The law on the Institute allows us to consider, inspect and obtain any document. When we reach there [at the other organizational units of the state apparatus and other similar institutions], they present lots of various hindrances, and no one says that it is forbidden for us to have access....with difficulties, lots of difficulties." (Hoxha, recorded interview March 2014).

4.1.5 Porous boundaries: narrative transferal and the civic role

The main institutional practice prevailing at the Institute is closer to the practices

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followed by associations of the social category of the politically persecuted within the civil sphere. The main component of the Institute's character which is emphasized in the report and in the interviews given by the leading team of the Institute is the dimension of conscious-raising or awareness. This particular discursive framework on the Institute is used precisely by the department of research and studies at the Institute. "The Institute for the Study of Crimes and the Consequences of Communism in Albania (ISKK), during the year 2012 continued with the strategy that started a year ago, giving priority to projects that are more urgent. This is so, due to the temporal distance from the period under scrutiny, as well as due to the power of awareness and conscious-raising, including the advocacy power, that these projects represent domestically and abroad"(ISKK Annual Report 2013, 7). During the recorded interview, the head of the department unit of research and studies makes a distinction between other alternative institutions such as those concerned with the declassification of the secret police files, or with legal proceedings and the Institute. The main project or one of the main aims of the Institute is what the executive director calls in the recorded interview: "the project for the memory of those that survived the dictatorship"(Tufa 2013). When explaining the experience of collecting the testimonies of those who suffered under the state socialist regime, the head of the research unit says: "The Institute is not a punitive institution. Its character is more of an awareness-raising institution. It is about awareness" (Lleshanaku recorded interview, August 2014, p.5).

The employees of the Institute and the leading team went through training practices in Germany, in similar institutions such as the Institutes of Memory. The yearly report of the activities of 2014 delineates the training obtained in foreign institutions: "During the year 2013, invited by some German Institutes of Memory, and with the financial support of the political foundation 'Konrad Adenauer', twelve employees of the Institute were trained in the

Berlin archives and in the archives of other cities. This was an important qualification given the specificity of the Institute. Researchers and experts of the Institute were trained in the 'expertise of the event', in archival research, digitalization, in the composition of history via museums. Another issue at the training was the coordination of activities of the Institute with other similar institutions" (2014, 3).

It seems that the training was more focused on the research practices that could be employed in the daily work at the Institute. Given that I did not experience a field-work period within the Institute, it remains difficult to argue to what extent the training has effected the work of the employees in the Institute. It is hard to tell whether the cognitive frame of the middle-level employees changed to some extent after the foreign experience. Nonetheless, following the discursive framework used by the leading team of the Institute during the accomplishment of the working practices at the Institute helps to understand how the team of the Institute conceptualizes their work and their practice.

The main terms used in the discourse articulated by the leading team of the Institute with regard to the institutional practice are: authenticity, reconstruction of history, and sensitivity for the concerns of the social category of the survivors of the past regime. The Institute embarked on a project that they the Museum of the Communist Genocide project. This project together with the project called 'The Memory of the Survivors' is related to what the Institute's report names as the archive. "...the Institute has managed to amass an archive (thus far quite a modest one) of the objects that serve as a significant testimony or mark of the communist period. These objects represent, in one way or another, the victims and they create a striking persuasive context in absence of the direct testimonies of the persecution" (ISKK Annual Report 2013, 16). Another dimension of the Institute's constructed archive which the report deems as the most original include: "video-recorded testimonies or written

and photographed testimonies from the witnesses" (ISKK Annual Report 2013, 16). The scientific value of an artifact or an item for public display is not quite considered as important. What determines the value of an artifact, an object or an item, is the fact that it has belonged to the individual's experience as a politically persecuted category. The testimonies and the objects obtained by this social category are considered as authentic.

The evaluation of the development of the Institute's activities as moving towards a positive direction is based on the cooperation with the politically persecuted stratum, whose testimonies and narratives are collected. In a way, one would argue that this is in part an oral history kind of project that is founded also in other similar Institutes. However, I argue that this is not quite the same. I could observe to some degree, during informal conversations with the leading team and a few employees their concern and their affinity with this social category. In the Czech and the Romanian cases there is some degree of attention given to the politically yet the boundaries between the Institute and the social category are being maintained. More concretely, the institutional practices and the degree of the institutionalization are such that this social category does not take a status of epistemological value. A statement in the report of the Institute indicate this difference: "Besides institutional cooperation, one of the most important indicatives of the performance of the Institute, is the willingness and the voluntary cooperation of the politically persecuted stratum in the Institute's projects. They have offered documents, and have been interviewed as well as have taken an active part in conferences and other public events of the Institute" (ISKK Annual Report 2013, 8).

When asked about the criteria used for nominating the members of the leading team of the Institute, the head of the research unit department mentions besides the criterion of being a public and recognized authority, that of expressing or having a sensitivity or

empathy towards the social category of the victims. "Yes, of course it is the qualification, and the public reputation, and it it is possible belong to this social category so that to display and show sensitivity, empathy...to come from a family that has suffered...not necessarily...Qualification, and what public reputation a person has...to be from the persecuted families, not necessarily. To investigate whether the person has been involved in the structures of Sigurimi, or has been in the executive of that time....a verification is needed. If it is possible to be from this social stratum because he or she that does not come from this social stratum does not have that empathy and the developed sensitivity ....we know....only us know and understand the concerns..." (Lleshanaku recorded interview, August 2014).

Most of the members of the leading team of the Institute indicate surreptitiously yet clearly that the belong to the social category of the survivors or victims of the state socialist regime. This is primarily revealed by using words or tropes that validate a claim such as 'it has happened so in my family'. However, the reference to the criterion of empathy and developed sensitivity towards this social group, indicates something else and of a different kind. The practice and the way in which the 'reconstruction of history' is done in the Institute is that of giving primacy to the testimonies of the witnesses. More concretely, empathy towards this social category seems to have a validating epistemic effect or value. It is for this reason, that I have tentatively termed this epistemic strategy as the epistemic of empathy.

The head of the research department unit acknowledges that the victims of the state socialist regime are not only those belonging to the anti-communist tradition. However, the narrative that is retold and has taken a central part in the institutional projects is that of the so-termed 'political families'. The term political family is used to designate a particular category of the victims or enemies of the state socialist regime. This term does not include those opponents of the state socialist regime that emerged among the communist party

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members or the state functionaries. 'Political families' include only those groups that were traditionally nationalist (patriotic) anti-communist and probably also anti-fascist. Their narrative of the times past and of the state socialist regime is considered has having a documentation not to say scientific value:

"What I wanted to say, which is very important and I am going to say it, is related to the interviews that we have taken. This issue appeared during the interviews. We are supposed to concentrate on the period during which the communist regime is installed until the period in which it breaks down in 1991. It is very interesting because during the interviews the people prefer to talk about where all this thing started, and we have not removed this part! Most of the people belong to the political families, and this explains very well the reason why these people were persecuted. Furthermore, as I said they belong to the political families. If someone has been the son of a minister, Previzi, he tell all the story/history from the First World War. He tells the story/history of his grand-father, and of his father. In a way, a part of the interview serves to understand the background, the background of this genocide and how to explain the pathological hatred of the communists versus this political class. And thirdly, which is useful for the historians, for other aspects of history, not just about the genocide but also about what happened during the period of the monarchy. So you have a confession/narrative of this and a narrative of that one and all these are confronted and together they build the history. According to him or her the archive has been in this way, albeit unconfirmed... archive and we like that it is happening this way. All that the Institute is creating will be serving the historians" (Lleshanaku recorded interview, August 2014).

Distinct from the usual scientific practice, the Institute's leading team pursues a practice that obfuscates the boundaries between a scientific institutional practice and the narrative construction of a community or social group. Based on the epistemic of empathy and the belonging to a certain faction of the declasse under the state socialist regime, the Institute's representatives become involved in the transferal of a particular narrative at the institutional level. The transferal of the narrative of a social group is not a representation or a general preference for a particular understanding of the state socialist past. It is a concrete narrative that is unfiltered and even given certain privileged status.

The authentic dimension of the Institute's 'archive' and of the materials collected is presented as an important facet of the work of the Institute. "...a large part of the activities of

the Institute is based on the testimonies of the victims, or other witnesses, which in this context have a documenting value. In short, if several testimonies converge with each other, we can rightly claim, and consider what is testified as a fact" (Lleshanaku recorded interview, August 2014). The authenticity of the testimony is distinguished from the absence of state materials or what the Institute's representatives call the 'traces'. Comparing nazism and communism, the head of the research department unit of the Institute describes what she considers to be a specific feature of communism, especially in Albania: "Whereas, communism, particularly in Albania, has been even more diabolic because at least from the sources we could explore communism has not left any traces or any documents behind" (Lleshanaku recorded interview, August 2014). Rather than considering the absence of official documentation from the state socialist regime as a consequence of lack of access to the documents, which is also mentioned during the interview, the Institute's representatives construct discursively the state socialist regime as a regime with no traces of its actions. Albeit the fact that certain of the publications of the Institute such as the Encyclopedia of the Victims of Communist Terror, have used certain official documents or archival sources, the privileged status is given to the testimonies of the social category of the politically persecuted. There is a contradiction between the usual explanation given with regard to the expected scientific practice of research and the actual dominant practice and discourse on the state socialist regime. The head of the archival unit of the Institute, gives his idea and his understanding of the files of Sigurimi. He stresses that there has been a hierarchy of responsibility within the past regime starting with the dictator (recorded interview, March 2014). The hierarchy of authority within the past regime is understood as the hierarchy of the responsibility for the crimes. The role of the secret police in understanding the state socialist regime is not emphasized. There is a clear distinction between the victims of the

past regime, the political class allegedly as having ex-collaborators of Sigurimi in its midst, and the multitude of citizens.

"The issue of the files is related to only one thing. The files should be open [access to be provided], so that the people can be released. You cannot any longer control the individuals with something that everybody would know. There won't be any secrets any more. This is the only importance of the Sigurimi files. Look, the victims know very well who imprisoned them, who had beaten them, who informed on them. They may know even those that have files. They know. They know who testified against them in the court. The only that does not know is the mass of people. We do not know if a certain MP has been a collaborator or not. His boss knows. This is the only problem. The files do not hide anything to understand the system (Hoxha recorded interview, March 2014).

The head of the research department unit maintains that Sigurimi has the responsibility for the wrongdoings. The statement is presented in this way: "The institutions that was mostly responsible is Sigurimi like Stasi in East Germany, like Securitate and KGB. These were the mechanisms of terror. The communist regime kept the society under control through Sigurimi" (Lleshanaku recorded interview, August 2014). When introducing in the beginning of the interview the research practice used at the department the head of this unit explains that the research scientific practice is not dominant. "...any of the researchers uses as the first source of information ....each researches uses these sources of information: the state archive, as the first source, the archive of the Ministry of Interior, the archive of the Ministry of Justice. And the most important, this being a specificity of the Institute, and a challenge at the same time, is that the largest part of the information comes from the witnesses, or the direct sufferers of the history because there is no complete documents on the past" (Lleshanaku recorded interview, August 2014). Henceforth, the Institute considers more important the testimonies and role of the declasse social groups during the state socialist regime.

One could argue that the Institute considers as part of its activities and part of its

institutional practices to maintain linkages with the above-mentioned social category. There is a porous boundary between the Institute and this social category or its associations. The Institute lurches to the civil sphere more than being contained within the boundaries of the bureaucratic field. The memory and the narrative that is to be saved and represented is that, which representatives of the Institute name as an island kind of narrative. The leading team of the Institute deems useful its work for concrete effects on this social group. The Institute seems to act as an advocacy center besides its other functions. The head of the research department explains that documents and materials of the Institute can help this social category: "We cannot do anything, they [ex-politically persecuted] may make public those names [names of the persecutors], to document them.   So, they the ex-sufferers have the right to bring a case to court, not us, if they are better organized. We simply provide them with documentation and with facts with which they can open a case. The objective is that through information we can effectively influence the rehabilitation of this stratum, that is firstly a moral rehabilitation, and secondly a historical responsibility" (Lleshanaku recorded interview, August 2014).

4.2 The Czech case: robust institutionalization

4.2.1 Coalition-formation: anti-communist conservatives in alliance with anti-communist state functionaries

The first proponents of establishing a completely different institution, along the other regional models, were a small group of center-right senators. The first suggestions for a separate institution came from representatives of the Christian Conservative Party ODA

around the prominent figure of Václav Benda. In a recorded interview with the author, the former dean of the Faculty of Philosophy of Charles University, Michal Stehlík mentions the initial group of politicians and their idea of a similar institute to the Institute of Memory. "The idea of the institute is a relatively old idea. Persons like Václav Benda or Petr Bratinka, people from the former party ODA and the Catholic Democratic Party. In the 1990s it was very conservative and anti-communist and so on. It was around the Catholic dissent of Václav Benda. The idea was in 1990 to establish an institute on modern history" (Stehlík recorded interview, December 2011, 1). Petruška Šustrová, a member of Charta 77 during the normalization period, and later after the Velvet Revolution one of the deputy ministers of the Ministry of Interior was chosen by the Czech Senate as member of the Council of ÚSTR. She explains in a recorded interview pretty much the same story on the initial projects for establishing such kind of an institution. "...at the end of the 1990s there were a group of senators who argued that another institution was needed that would not focus on repression, but on the suffering of the people under the communist regime"(Šustrová recorded interview 24 December 2014, 1). Therefore, the political projects, in the 1990s, on dealing with the past regime were mostly suggested and defended by influential yet small conservative parties. The idea of an Institute of Memory resuscitated again in 2005. This time from the representatives of the ODS, the biggest center-right party in Czech Republic. The anti-communist ideology that was initially more manifest in the small conservative parties became rather present and prevailing in the second decade among ODS. There was a waning of the liberal dissident thought (Kopeček 2011) in the public and political sphere long after the Velvet Revolution. The prime minister of the Czech government during the period 2006-2009 Mirek Topolánek exhibited a strong linkage with the constituency of the anti-communist political prisoners' association. At the main commemorative events and in other

political gatherings Topolánek expressed his anti-communist view on the state socialist regime. The discourse on the state socialist regime by center-right politicians of ODS, and of Topolánek as well, focused not so much on the victims of the regime rather than heroes or those that resisted the past regime. Another important trope of this ideological understanding of the past regime is related to a uni-dimensional view on the state socialist regime, framed as a totalitarian regime from 1948 till 1989. This discursive framing of the state socialist period is followed by the exclusion or reconsideration of the experience of 1968 Prague Spring and the normalization era of state socialism. "Neither the socialism with a human face nor democratization meant freedom or democracy" (Topolánek Address on Czech Statehood Day 2008). The coming to power of the communists in 1948 is seen as a failure of the democrats to defend their values:

"Communists always lied about their real intentions. They always told lies about their opponents. They always told lies about their governance. They were lying before February 1948, and they were lying after February 1948...Through such a language falsification communists stole our basic value: freedom. Communists could have been averted even in February 1948. But democratic politicians failed" (Topolánek Speech of the Prime Minister in the 60th anniversary of the February events 1948).

Expressing this ideological understanding of the state socialist regime, the Czech Prime Minister   provides his reasoning for establishing a new institute:

"We can do free research on it [February 1948], and it is a positive consequence of the political changes after November 1989. Our decision to establish, on the pattern of Germany and Slovakia, the Institute for the Study of the Totalitarian Regimes is such a consequence as well. Thus archives are declassified and the material conditions for research are improving. Objectivity of historical research is just an illusion, as subjective history is seen from the view of subjective historians. We can and we must ensure the plurality and

competition of different interpretations and opinions. Subjectivity of research concerns only evaluation not historical data themselves. Nobody can doubt that evil arose from communism; those human lives destroyed and the economic damage caused. How to reach high quality results of the research on February 1948? First of all, we must have freedom, not that formal one that we have, but also our internal freedom resulting from our conviction that freedom is the highest value. This is the right point of view; this is the right position for an observer of the totalitarian system" (Topolánek Speech of the Prime Minister at the International Conference 'February 1948 in Czechoslovakia', 2008).

Despite the fact that a politician does not delineate at length and in a more sophisticated way the reasons behind the establishment of a new institution and its intended processes and effects, this part of the speech by the Czech Prime Minister contains certain analytical value. It reveals the contradiction between research and ideological truth that the Institute according to Topolánek the Institute should disseminate. Henceforth, the ambiguity of the Institute. On the other hand, the prominent Czech politician tries to forestall criticism from the academic community claiming that history is subjective and it should be infused with values. The Prime Minister seems to be looking for individuals, researchers, or historians who value freedom more than the inquiry of truth. Therefore, those to be involved in the newly emerged Institute would better share the ethos that is the same as having an ideological conviction not bounded by external standard general practices of research. The understanding of the communist regime as a regime of evil deeds is presented as a fact and freedom is understood as an internal conviction.

This particular normative ethos that I see as originating mostly from an ideological position has been part of the individuals and groups who were involved in previous organizations, institutions or units in the process of dealing with the state socialist past. Here I am referring to civic committees of the 1990s focused on the initial screenings of the public administration, and other state units or organizations such as ÚDV established in 1995 and still existing yet with reduced scope and scale. Prokop Tomèk, one of the

documentarist/historian at ÚDV and later a director of a unit or department at ÚSTR and currently positioned at the Institute of Military History, explains in the interview in detail the characteristics of those individuals or groups involved in these particular organizations of the state. "Many people in ÚDV who were in independent structures during the communist regime, and also people who were before prisoners, political prisoners, former ….very old people. In the time of the ÚDV there were people who used to be active [politically] and this is true" (Tomèk recorded interview, November 2014). Prokop Tomèk mentions briefly in the interview that his family was affected by the communist regime. Patrick Benda, who also worked at ÚDV and later became a member of the Council of ÚSTR reveals during the interview the kind of individuals involved in these processes: "In the 1990s it was mainly historians and mainly people affected by the regime, that's why they wanted to investigate the past" (Benda, recorded interview, 24 November 2011). One could imagine various reasons for individuals with a history education being part of the departments at the state organizations such as ÚDV. It is obvious that not all the individuals were motivated politically by a certain ethos. Nonetheless, as I explain later on in this section the individuals who became involved in the institutional formation were those coming from a long experience in the bureaucratic field at these organizations and at the same time endorsing an anti-communist ethos, rather than that of neutrality and objectivity. In a sense these individuals could be considered as state functionaries with anti-communist ideological convictions or ethos.

It should be mentioned that in the Czech case at the time of the discussions on the emergence of a new institution, the academic field was already quite established and autonomous from political influence. In the early 1990s, just after the Velvet Revolution, historians who had been expelled from the academic institutions during the first years of the

normalization period, returned from exile and established the Institute of Contemporary History (Ústav po Soudobé Dějiny). This Institute became from the very start part of the Academy of Sciences and in the first years conducted research on the Prague Spring, the Velvet Revolution and normalization. At that time run by the head of the exile center of documentation, Vilém Prečan the Institute was closer to the liberal dissidents of the normalization period. Through time the Institute obtained more autonomy and authority in the academic field.

The group of the center-right senators who initiated the bill on the Institute of National Memory, which was the initial name of the new institutional formation, dismissed the arguments that it was no longer useful or important to 'overcome' the remnants of the 'totalitarian' regime as Žáček has framed this policy. Crucial in the political discourse of the center-right on the state socialist regime was the description of the state socialist regime as still lingering and having effects on the present democratic regime. Jiří Liška being one of the main proponents of the draft law on the Institute understands the role of the political project of the center-right in this way: "If we want to really separate, get away from our past and overcome its baleful legacies we must face it" (Liška 2007, 191). This according to the main representatives of the center-right has not been done completely. The repressive dimension of the past regime is emphasized. "It is not and it will not be easy, but it is important that to focus and to write on the system of repression" (Liška 2007, 191). The system of repression is understood as encompassing and involving all the individuals at different levels of authority from the heads of the school organizations of the communist party to those up in the hierarchy of power, to the officers of the Public Security (Veřejne bezpečnosti) and to professional agents as well. (Liška 2007, 191).

There is an ideological convergence between the main center-right politicians of

ODS and the institutional entrepreneurs with regard to the understanding of the past state socialist regime. The importance of undertaking this political project is presented as linked to the support for the rule of law and the democratic regime. "Following this difficult route as diligently as possible as the only thing that will help us to unequivocally restore the rule of law as well as the confidence in the reconstruction of a free and democratic establishment, which is capable of ensuring protection of human rights and the personal integrity of all citizens...." (Crimes of Communism 2010, 21). The previous policies that were used are considered by this institutional-formation coalition as not sufficiently effective. Therefore, according to both of the groups part of this undertaking, the Czech society is facing a recurring dilemma with regard to the past regime, which shall be solved as they claim by creating this new institution. "Unfortunately, twenty years after the fall of communism, we have to state that this has only been achieved in a few isolated cases. Naturally, this has had a harsh impact on all of our society. On the one hand, there is disillusion and lack of trust in democratic institutions; on the other hand there is an ever-growing audacity of both former communists and their present day successors" (Crimes of Communism 2010, 17). The center right representatives and the anti-communist state functionaries emphasize the presence of former communists and their successors as a part of the problem. Thus they create a dividing line between what could be called the 'inheritors' of the past regime and the anti-communists. In the chapter on strategies of regime formation and transition from dictatorship I explain more thoroughly the contradiction in the anti-communist discourse in the Czech case.

The opinions and positions of those who were not in favor of establishing this particular institution, such as the association of Czech archivists, historians of academic institutions and the center-left representatives are presented as the opinion of those aiming to relativize communism. "We cannot look at communism in black and white terms, it brought

many good things. To be a communist was an expression of idealism, not a moral failure or, if you like, a failure of reason. And so on and so forth, until we reach the point where anti-communism (unlike anti-Nazism) has become an incorrect word" (Crimes of Communism 2010, 18-19). In this respect, the main agents in the institutional formation indirectly reveal their main driving ideology, that of anti-communism.

The communist regime, a term used frequently by political actors, is understood as linked to its repressive part. This understanding encompasses the ideology of communism and its reality as well. "A necessary part of reflecting on communism as an ideology and practice must comprise understanding and describing all the evil it committed" (Crimes of Communism 2010, 17). Pavel Žáček, as one of the main institutional entrepreneurs, called by middle-rank employees frequently as a founding father of the Institute, bases his reasoning for finding an institutional solution partly on the inefficiency of the past policies, and partly on the discourse of the moral imperative. Therefore, supporting a new institutional solution is seen as an obligation to extricate from the state socialist (institutional) legacies. "A democratic society should give a clear signal that colluding with evil does not pay off and that it does not want to protect those who actively participated in the oppression of their fellow citizens and in the restriction of their basic human rights, and that it will not do so"(Žáček 2006, 190-191). It seems that even the policies that were initiated in the beginning such as lustration were not quite sufficient according to Žáček. In the second annual report of the Institute in 2008, after the establishment of ÚSTR, the representatives of the Institute advance further their argument: "The establishment and the launch of the operation of the Institute for the Study of Totalitarian Regimes, means among other things, that the Czech Republic has finally moved out of the shadow of the so-called lustration laws from the years 1991 and 1992..."(Annual Report 2008, 9-10).

Maintaining the archive, or part of the archive classified can be understood as a contentious point between the institutional entrepreneurs as part of the institutional-formation coalition and the existing archivists, or individuals in charge of the StB archive in the Ministry of Interior or other organizations. "Certain state officials exploited the situation- maintained the classified status of the files" (Žáček 2006, 187). Colluding with evil, in this respect, seems to mean not making all the files accessible without restrictions. There were already previous laws that regulated access to the secret police archive, one being the law of 1996, which granted access to the victims to read the files and the law on the archive in 2004. "Since 1996 the victims of repression were authorized to read their personal files- where the identity of the informers was blacked out. Thousands of citizens made use of this right- a rate that cannot be measured to the large wave of the ex-citizens of East Germany with regard to the reports of the Stasi, which were accessible since 1992"(Les mouchards des années noires 2003). The subsequent law on archival access is considered as giving more access rights to citizens. Jan Frolík the head of the Archive Department of the Ministry of Interior at that time explains how the access to the archive is regulated by law: "Nowadays, the Czechs can consult almost anything besides the documents of counter-espionage and the military intelligence service. The access is even larger than that in Germany. However there are still restrictions linked to national security or even to the protection of personal data- allowing the victims, if they are alive, or their direct descendents to authorize or not the divulgation of their file" (Les mouchards des années noires 2003). Jiří Šuk, a Czech historian of the Velvet Revolution and democratic transition explains that the Ministry of Interior has permanently been a site of contention in the Czech case: "The Interior Ministry immediately became the focal point for various interest groups whose representatives found themselves within its sphere of interest whether intentionally or by

coincidence. It was a meeting point for different interest with various plans and motivations and until the June elections, neither the OF (Civic Forum) nor the VPN (Public Against Violence) had much influence what was going on there"(Šuk 2006, 19). Probably it was in relation with this initial experience with access to the secret police materials and the various contending groups that the senator Jiřì Liška has in mind when presenting the reasons for finding a new institutional solution:

"The Ministry of Interior interpreted the situation [the approval of a new law on archives] in the following way: open the bundles of those under surveillance- i.e.,those under surveillance and persecuted- to anyone, but almost keep completely closed the personal files of the StB personnel. So, the personnel of StB (not only them) can read without any problem the bundles of their victims, and get the complete materials, including documents on health, transcripts of secret recordings, etc. Whereas the people who were for years followed and persecuted by StB cannot read the documents of their tormentors" (Liška 2005, 26).

Without getting into the legal intricacies of the various laws on archival access, what appears to be interesting in the statements made by the representative of ODS is that they reveal a contradiction between the state functionaries of the Ministry of Interior and their use of this material legacy and those like Jiřì Liška who want to give a different meaning to the StB archive. Giving to the victims to read the secret files produced on them by the repressive apparatus of the state socialist regime by the 1996 law, is considered by the center-right conservative anti-communists as not sufficient. The 'tormentors' should not have still in a new regime, according to senator Jiřì Liška a privileged access.

Alexander Vondra, a founder of OF, and later a prominent member of the ODS governments explains that an important objective for founding the Institute was to give the archive to society, as he puts it. What was at stake, according to him, was the access to the archive as a 'repository of facts' and not to follow any longer the actual practices of archival access and research with regard to the materials of the secret police. "The primary issue was to know the past and to organize the access to the archive in as much transparent way as

possible...to eliminate, to allow the access to the public in fact. Not just to some leading historians, who then would work in a selective basis....some activities putting on the light....others to hide"(Vondra recorded interview, 4 December 2014). The historians are not seen as following a certain research practice or as led by certain scientific practices and inquiries. The historians inadvertently might be hiding what could be seen as important to society, or more precisely those representing the society. Henceforth, the professional community of the historians, especially those part of existing institutions in the cultural field, are not seen as potential allies of the anti-communist conservatives. "From the beginning experts and specialists want to get in charge of these materials. But these materials like in Germany were about the people. They need to get these materials to the people. For the public, for students, for citizens. They [the opposing group] do not understand that this is a part of...dealing with the past, to get out of the totalitarian regime, to understand, to know, to work with it" (Žáček recorded interview 8 December 2014). Two historians of the Institute of Contemporary History (ÚSD), Michal Kopeček and Matěj Spurný that have been critical of the Institute due to the way it was established explain the divisive discursive framing of the politics of memory within the Czech society: "The official politics of memory and of historical interpretation in the first two decades after the fall of communism coincides to a large extent with basic assumptions which lead to a one-sided and dichotomous envisioning of the postwar history differentiated between 'us' and 'them', between 'regime' and 'society', between 'communists' and the 'nation' and between 'wrongdoers' and the 'victims'"(Spurný 2010). Henceforth, the center-right representatives and the institutional entrepreneurs, apart from political expediency reasons, maintain the divide between the 'society/citizens' and the 'regime' that was the initial divide during the initial days of revolutionary fervor. The intention is to popularize the state socialist regime's archives.

The individuals that were part of the institutional formation had already a sustained experience within the previous state organizations, institutions, and unit charged with dealing with the past regime's legacies. Petr Blažek, a historian who worked as head of the research unit within the Department of the Archive of State Security of the Ministry of Interior (Odbor archiv bezpečnostních složek Ministerstva vnitra ČR) and one of the members of the first leading team of the Institute considers rather revolutionary the establishment of a new institution for the following reasons: "If the law is passed and the Institute come into being it will be a revolution. Everything will be in one place- the archives will be worked up systematically using modern technologies. At last the documents will nearly all be taken out of the hands of the intelligence services. ...the communist crimes office (ÚDV) has been deliberately dragging its feet, especially since the left came to power in 1998" (http://www.radio.cz/en/section/ice_special/17th-november-1989-dealing-with-the-complex-legacy-of-the-revolution). The assembling of the archive of the repressive apparatus of the state socialist regime in a single institutional site, in the case of the Czech Republic, does not mean that what the Institute does with the archive is simply that of proscribing rules and regulations of increased access to the citizens. For these group of agents of the state the archive and the Institute have a different meaning. Pavel Žáček considers that: "For us, ABS and USTR it is a very important institution for historical memory. Not just for Czech society, for Slovak society, for every society. I have been working on this issue from 1990s. These guys [critics of the Institute and the current leading team of the Institute according to him] were strongly against it....They do not want to discuss about the secret police files. They do not want to discuss even about the victims of communism"(Žáček recorded interview 8 December 2014). Thus, the assembling of the archive and the establishment of a new institution is considered as part of the historical

memory project focused on the categories of the crimes and victims of the state socialist regime. The notions of victims and crimes are part of the anti-communist discourse of the ODS party. On the other hand, these institutional entrepreneurs articulate a discourse that links the institutional formation with the institutional legacy of the state socialism presented as a continuous struggle to restore a historical memory and make an 'effective' discontinuity with the remnants of the past regime.

The experience at the previous organizations within the bureaucratic field is presented by the institutional entrepreneurs as disappointing. "I was working for the ÚDV...It was secret. We were under paragraph. We worked with many historians, journalists but it was...it was scary what to do. It was no way to open it for the people. We were working against the whole political establishment. When we won in 2007-2008 [at this time the Institute was established] we were not sure for how long it would last. We did it. We opened it. We digitalized it....in the public sphere" (Žáček recorded interview 8 December 2014)

The battle for the archive and for historical memory as Žáček has put it was developed within the existing units and organizations of the Czech state between the administers of the archive and archivists on the one hand and the non-professional archivists who expressed a certain political ideology and political project. Henceforth, the goal to open the archive to the people has been a persistent intention of this faction of state functionaries. On the other hand, in these statements Pavel Žáček talking in second person plural and explaining the position towards the then political establishment indicates the existence of this institutional formation coalition that managed in 2007 to establish the Institute.

Prokop Tomek one of those involved at the ÚDV concedes to the fact that the individuals working within this organization had a privileged access to the archive. That was

mostly due to the symbolic violence possessed by state structures and organizations such as the police units, under which the Office for Communist Crimes was placed. ÚDV was created as a merge and bricolage of previous organizational units of the bureaucratic field: Institute for the Investigation of the State Security Service (1993) and the Center for the Documentation of the Crimes against the Czechoslovak People at the General Prosecutor Office. "It looked that the best way would be to use the possibilities of the police, because the police are more powerful if they ask for some information and help for all parts of the state system. For example if a historian of the Military History Institute....asked the hospital to try to obtain some information about the health condition of a persecuted person, the hospital refuses to give to me such information. If I were an employee of ÚDV it was not a problem"(Tomek recorded interview November 2014, p 2).

Nonetheless the access to the archive was limited. "There was some limitation. For example one limitation was...if some materials maybe let's say classified. Classified was the problem. A lot of the materials from the first administration of the StB was controlled and owned by the modern civil intelligence service. It was called UZI and we had we had problematic access to these materials. We could see it but we had problems with access" (Tomek recorded interview November 2014, p 5).

Thus, the political project for the establishment of the so-called Institute of Memory in the Czech case evolved out of a continuous contestation between a certain group of people, partly state functionaries and partly historians, believing in anti-communist values and ideology and the existing officials of the already existing state organizations and units such as ÚDV and OABS. In the years 2005 and on, the center-right ODS party representatives launched their political project of addressing anew the state socialist past and creating a new institution similar to the existing Institutes of Memory in the region. It is this

coalition between the center-right faction political class and the politically motivated state functionaries of the existing organizations that put forth the project of the Institute at the opportune moment.

In the next sub-section I delineate the alternative institutional forms suggested by contending groups in the political and cultural field. I explicate the strategy of the opposing group with regard to the suggested political project of the center-right. I describe the main points of contention on the Institute as stressed by left-wing politicians in the one hand and by the autonomous associations of professionals such as archivists and historians.

4.2.2 Contestation on the center-right political project by political opponents, associations and institutions of the cultural field: Possible Alternative Institutions

During the initial period when the center-right ODS party presented its blue-print of a Czech Institute of National Memory, the center-left opposition parties did not present their own preferences on a similar institution. The establishment of the Institute was strictly a center-right initiative. At the beginning the opposition parties opposed and criticized the draft bill on the Institute. What actually happened in the parliament was a bargaining between the center-right and the representatives of the Green Party at that time with regard to the name of the Institute and the dimensions of the Institute. The ODS representatives had stressed a long time ago that the model of emulation for them were the Institute of National Remembrance in Poland and the Institute of National Memory in Slovakia. Henceforth, they intended to create a similar institution with a similar name as well. The bargaining in parliament consisted in the center-right party conceding to dropping the initial draft bill terminology of establishing an Institute of National Memory. Instead the Institute was named the Institute for the Study of the Totalitarian Regimes (ÚSTR).

The main concerns and themes that appeared during the parliamentary debate were related to the nature of the new institution, the role of the secret police archive and the possible danger of political instrumentation. The social-democratic left considered the future Institute similar to that of a Marxist institute before 1989. According to them creating such an Institute would lead to the ideological and political research. The Institute was not conceived as a memorial, or a single authority that would assemble the whole archival material from the secret police forces of the state socialist regime. It was also charged to do

research as the article four of the final law on the Institute says: "The Institute shall study and objectively evaluate the time of non-freedom and the time of the communist totalitarian power and investigate the antidemocratic and criminal activity of the state bodies, and its security services in particular and the criminal activity of the Communist Party of Czechoslovakia and other organizations based on its ideology" (Act No.181/2007 Coll on the Institute for the Study of the Totalitarian Regimes and the Security Services Archive, and on the Amendments to some Acts). From the very beginning the Institute had a degree of ambiguity, apparently a feature of any institution as Mahoney and Thelen (2010) argue. It is this initial ambiguity that creates the conditions of contending internal institutional factions that become later agents of institutional reconstruction or change. The wording of the Law on the Institute is rather contradictory. On the one hand the Institute is charged to analyze impartially the period of the past non-democratic regime, and on the other hand that period itself is named totalitarian, which in the Czech context is a rather controversial term.

The social-democratic left characterized in this way the inappropriateness of creating this particular institution: "The Institute of National Memory will be a branch of the ODS in the manner of the Institute of Marxism-Leninism.....The [social-democratic] caucus confirmed that the social-democrats do not support the establishment of this scientific institution, which shall above all research into that period in a one-sided manner and according to the government"(Týden 2007). The social-democrats stress the research dimension of the Institute. It is from this perspective that they based their opposition towards this project: "It is absurd that such an institute that has as scientific objective to given an account of the past, answers to politicians and, which shall be controlled by them.....[the social-democratic representative] suggested that politics does not say to the academy of sciences what it has to research and how to interpret the findings"(Týden 2007). Lubomír

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Zaoralek, a prominent representative of the ČSSD, who was in the beginning of the transition a member of Civic Forum, criticized the establishment of the Institute as divisive: "If this draft law goes through, that will be a disgrace for the Czech Parliament. The draft law introduced an institution of fidelity, of segregation of the citizens in this country. Therein, it will simply count which citizens shall be loyal, which nation shall be loyal and which not"(Novinky 2007).

A more substantial argument on behalf of the center-left opposition is the one that is based on the neutrality of the state in matters of ideology and culture. At least, what can be understood from the parliamentary discussion on the draft bill on establishing the Institute, is whether the government or parliament or any other institution of the state can proclaim or endorse a certain ideological position. The social-democrats, being in this respect closer to the mnemonic pluralists (Bernhard and Kubik 2014) claim that it is anti-constitutional for founding an institute disseminating a particular political ideology. "It is usually said, that the state is not linked any ideology. You want that the law be based on the anti-communist ideology"(Štětina 2007). Considering the Institute as mostly as a research institution and opposing any proclaimed ideological position on behalf of the state, the social-democrats argue that the autonomy of historical research should not be questioned. "The freedom of historical research on all the past already exists. There is no taboo on that. Thus, I do not know why we would create a different instiution, which shall be under ideological tutelage imposing how inquiry is to be done" (Štětina 2007).

The center-right has argued that the establishment of this particular Institute is linked to the education of the younger generation that has not experienced the state socialist regime. The second argument brought in favor of founding this Institute, according to the representatives of the center-right and their allies is that of addressing the repressive part of

the state socialist regime. Daniel Petruška, an MP of ODS explains the importance of the Institute for the young generation: "It is important, and rightly so, for the young generations that they are reminded of these things. And that has not so much to do with the fact that many times there were no bananas or oranges in the market or that nobody could go anywhere outside of the country. It has to do with the fact, that these people should know that the informers, who might have reported even under Hitler and the protectorate, consequently informed on their neighbors, their friends in the streets, because they did not get along with them, or they did not like or envied them" (Štětina 2007).

Independent civic organizations in Czech Republic such as the People in Need organization, (Člověk v tísni) or PostBellum organization long before the emergence of the Institute have been involved in educational projects on the young generation about the state socialist dictatorship. I am bringing in here the perspective of the autonomous civic organization to argue for a shared ideology of anti-communism with various nuances, across the state and the civil sector in Czech society. Although this is not a research on investigating homologies between the civil society and the state, it touches upon existing ideological convergences in order to reveal the distinction between the center-right perceptions and the center-left perception on the state socialist past. The civic organizations that manifest an anti-communist perspective use the discursive trope of totalitarianism and identify inheritors of the state socialist regime present in the public sphere as inappropriate not to say dangerous. The main educational projects focus on repression and the stories of the victims. Kateřina Šaparová, the director of the 'Stories of Injustice' project and 'One world in schools' project explicates the civic organizations' understanding of state socialism, the pitfalls of transition and the importance of the stories of injustice.

"An important thing, important for us. Of course, people are different, and some institutions are changing, maybe the regime uses different ways to connect....but it was still non-

democratic, totalitarian. There were many people in the communist party, 1 million people, so they do not want to open this thing. So, it is easier to say it was what it was, and now we are now. A lot of people was in the communist party and after the revolution they go to business, and establish companies....How they...they were using the communist regime for their own profit, and after the regime they became....they used the democratic regime for their own profit too. They do not want to talk about the past...it is more safe to finish this chapter"(Šaparová recorded interview 8 July 2014).

Henceforth, civic organizations closer to the center-right parties in Czech Republic articulate the same discourse on the state socialist regime and give priority to the repressive part of the state socialist regime. At the same time their understanding of transformation is based on the distinction between the communists and the nomenklatura on the one hand, which remained privileged in a new democratic regime paradoxically according to the center-right, and the anti-communists who want to keep alive the discussion on the state socialist past. Pavel Žáček stresses the same idea that the opponents are not interested to focus on the repressive past. "They do not want to discuss about the secret police files. They do not want to discuss about the crimes of communism. They do not want to discuss even about the victims of communism" (Žáček, recorded interview 8 December 2014).

Therefore, on the one hand there are the anti-communists who use a moral discourse on the past and envision a political project that completes the rupture with the state socialist regime's heritage. On the other hand, the social-democrats and representatives of the autonomous academic institutions, which frame the issue not so much as an aspect of dealing with the past but as an aspect of non-ideological and multifarious scientific research on the state socialist period. The understandings on the state socialist period as a totalitarian regime are considered as inappropriate and not shared by the Czech society according to the center-left. In a way, the social-democratic response to the project for the establishment of the Institute is quite similar to the initially dominating liberal-dissident perspective on the past regime.

The center-left did not propose an explicit alternative institution instead of the Institute envisioned in the draft law proposed by the ODS. They intended to oppose such a project. Nonetheless, a certain bargaining was involved in the end. At that time, certain members of the social-democratic party that did not boycott the voting as most of the social democrats did, bargained to include in the final law of the Institute the period of Nazi occupation and of the Protectorate. A representative of the Greens Party supported the initial draft law on the condition that the Institute moves more towards a historical research institution to study the totalitarian regimes rather than naming it the Institute of National Memory. Despite the effect of the bargaining between political actors in the Czech parliament in modifying the tasks and the law of the Institute, to some extent, the bargaining was not decisive in the process of the emergence of the Institute with regard to its structures and institutional practices. The bargaining process between the center-right conservatives, the greens and a small faction of the social-democrats did not radically change the initial conceptualization of the role of the archive of the secret police, the kind of historical research expected by the Institute and the understanding of a possible risk of politicization. The Greens, which provided a crucial but slightly modified support to the ODS project tried to dispel the concerns of the left and their preferences with regard to such kind of specific institution. Kateřina Jacques, was the main representative of the Czech Greens involved in the bargaining and support of the idea of the Institute from the side of the opposition. "We cannot conceive in what way we can reach [an understanding of the past] unless we present all the aspects of history and the repressive organ is without any doubt part of it"(Strana Zelených 2007). The removal of the archive from the Ministry of Interior, an idea shared with the center-right, is presented as avoiding the continuous political influence: "Currently the political influence on the domain of the security archives is wide and noxious. All the funds

of the archive, and those already not known, being in various institutions, fall into the realm of activities of the Ministry of Interior and informative services. These materials are under the direct influence of political representatives. This is the situation which we have a reason to criticize" (Strana Zelených 2007). With regard to the criticism of the left on the ideological representation of the past Jacques responds that a democratic regime has its ideology. Nonetheless, she seems to confuse conditions for pursuing autonomous non-directed inquiry from the value-laded bases of research. In short, she does not believe in the state staying away from cultural matters: "You really [addressing the social democrat senator Zaorálek] cannot distinguish between the state of historical research and the state of society before 1989 nowadays? You really have serious doubts on the issue that today that we are operating under the democratic system and that the institute, which shall work under the democratic system will not be producing propaganda brochures? I cannot believe that" (Strana Zelených 2007).

It was the community of archivists and historians, which besides opposing the project of the ODS to establish the Institute, did present certain alternative institutions and solutions. Historians and archivists signed a petition against the establishment of the Institute. What appeared to be at stake for this community was the expected challenge by a specific state institution partly located in the bureaucratic field and party in the cultural field. Henceforth the struggle for the exertion of the symbolic capital in cultural field and the possible danger of politicization of research became central to the existing autonomous institutions. "The opponents say that a foundation based on political order does not get along with objective research" (Epravo 2007). The representative of the Association of Czech Archivists is worried about the monopoly on the archives that the Institute shall have: "According to [Daniel Doležal] the archivists 'scream and tear their hairs' when they hear that the administration of the archives shall be under the monopoly of some kind of 'institute'"(Epravo

2007). The historian Vít Smetana of the Institute of Contemporary History, in an open letter considers the establishment of this specific Institute as contrary to the liberal environment in the social and human sciences, because this project is nothing but state paternalism (Smetana 2006). The Institute is termed by Smetana as 'a state body' (organizační složky státu). In its stead, the Czech historian suggests financing the research on 'coming to terms with the past' by grants or creating separate departments in existing institutions (Smetana 2006). These alternative institutions are suggested by those existing institutions that exert symbolic capital in the educational and cultural field. These alternative institutions were not part of the bargaining process or of institutional choice by the main political actors. Henceforth, the process of institutional formation pitted against each other the existing complex of research institutes, professional historians and archivists and the institutional formation coalition comprised of the anti-communist conservative dominant faction of the political class and the anti-communist state functionaries. The process of institutional emergence did not depend much on the negotiations between actors rather than from the asymmetric power of certain groups contrary to others in the playing field.

In the next sub-section of the chapter I explicate the theoretical model for the emergence of the Czech Institute. I trace the process of institutional formation resulting from the interaction between agents and existing or transposed structures situated in a particular field. The formative stage of the institutional emergence in the Czech case differs from the other case studies. It is more complex and entails a combination of embeddedness and accumulation during the institutional formation

4.2.3 Processes of institutional formation: antecedent organizational units, institutional priors, accumulated organizational structures and practices

As I have indicated in the previous sub-sections of this chapter, the criticism and the contestation on the establishment of this particular Institute was quite present in the Czech case. The contentious issues related to the fact whether such an Institute was needed at all, or what kind of profile this institution should have had. The preferences of the center-right representatives initially were to found an Institute of National Memory focused only on what they consider as the totalitarian communist regime. In the draft law of 2005, the period of the totalitarian communist regime was called the 'time of non-freedom'. This changed later in the bargaining between the parties in parliament. The final law on the Institute was entitled the Institute for the Study of the Totalitarian Regimes and the Security Service Archive. The Institute included the Nazi occupation as part of its period of research at the request of the social-democrats who supported the law. In both the first draft law of 2005 and the final law the Institute is asked to cooperate with academic institutions, museums, memorials and universities. In the first draft law of 2005, the Institute is considered as co-equal to the Ministry of Interior in terms of mutual cooperation. "To carry out in cooperation with the Ministry of Interior the evidence of investigative files" (Draft law on the Institute of National Memory 2005). The final law gives more authority to the Institute. On the other hand, the first law makes a distinction between the individuals persecuted by the past regime and those that worked or collaborated with the regime. In a way, there is a distinction between the victims and the perpetrators. Such a differentiation, which reflects the affinity of the center-right with the category of the politically persecuted is omitted in the final law. Despite the changes and modifications between the two draft bills, the foundational documents do not

explicate nor mention how the process of institutional formation is to happen. As a consequence, the foundational documents and even the parliamentary debates provide little or insufficient evidence in this respect.

I hypothesize that the process of institutional formation, according to the theoretical model I have laid out, depends on the existence of certain previous institutions or organizations, which are called institutional priors and the originating field of institutional formation. Thus, the process of institutional formation can be considered as caused by the interaction of a set of agents with existing or transposed units or structures. The process of institutional formation in the case of the establishment of the Institutes, does not seem to follow the standard explanatory models of institution formation, based on the presence of critical junctures, or path dependency effects. The process of institutional formation is incremental and evolutionary rather than abrupt with certain expected long-lasting consequences. The source of the institutional formation in the case of Czech Republic could have been, given the relative balance of forces, a set of institutions, organizations, or research centers such as academic institutions, universities or civic organizations, or the organizations and institutions within the state realm. Given the articulation of the preferences between the various actors in the debate on the Institute, one could expect either not establishing the Institute at all, or creating it on the image of existing units or institutions that were part of the civil sphere, more concretely of the cultural field. The set of actors, including historians, archivists, civic organizations were initially against the creation of such an Institute. Nonetheless, had they amassed sufficient support they could have tilted the balance of forces in the favor of their institutional form. Just to mention it briefly in this sub-section, in 2013 there were proposals by the candidates running for the director of ÚSTR to open up the Institute and to transform it into a foundation, or research center (interview with Adrian

Portman, one of those running for the position of the Institute's director). This proposals on institutional change, especially the one of turning the Institute into a research foundation are typical of the units and organizations that are situated in the civil sphere in between the cultural and the educational field, and not so much appropriate of units and organizations situated in the bureaucratic field. The institutional-formation coalition, which was rather more cohesive and was formed a few years before the establishment of the Institute had more leverage than the community of historians or other groups and associations. It is for this reason that in the originating field of institutional formation is included in the explanatory model. One could argue that the formation of the Institute was due to the sheer power of the state. In this respect, even the institutional entrepreneurs did not have much choice. Nonetheless, such kind of an argument simply explains the asymmetric power that institutional formation coalition had rather than explain the process of institutional formation.

The existing institution or organization that was placed within the bureaucratic field was the ÚDV. This organization was charged with the investigation of the communist crimes and has always been part of the Czech police. It included historians, documentarists, and police officials as well. During the initial debate on the creation of the Institute, the representatives of the ÚDV were rather surprised for the creation of a separate institution instead of the support or the extension of the existing ÚDV. Even Pavel Žáček, as one of the main institutional entrepreneurs, as I have mentioned earlier, had suggested that one of the options was the strengthening of the existing organization. Jan Srb the director of the ÚDV at the time of the debate on the Institute explains his position: "It would be ironic...if the right-wing Civic Democrats, who have long accused the left of trying to sabotage the office's work, end up being the ones who make the decision to dissolve it. The answer would be for us to be reinforced and to bring in more people. But this isn't the reason to set up a new institution...."

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(Vaughan 2006). Thus, what actually happens is that the organization does not get reinforced. On the contrary a process of dispossession happens, which accompanies the process of institutional displacement as a process of institutional change (Mahoney and Thelen 2010). Mahoney and Thelen distinguish two kinds of displacements, one that is radical and abrupt and the other that is slow. "The rapid, sudden breakdown of institutions and their replacement with new ones that accompanies revolutions obviously involves displacement. Yet displacement can also be a slow-moving process. This may occur when new institutions are introduced and directly compete with (rather than supplement) an older set of institutions" (Mahoney and Thelen 2010, 16). This definition of displacement as a mechanism of institutional change is rather apposite to the Czech case. Thus, what transpires is a slow-moving process of displacing ÚDV when the institutional formation of the Institute starts. The actors to be involved in the process are the institutional entrepreneurs like Žáček, who used to work at the ÚDV, but during the initial formative stage is situated within the Department of the State Security Archive at the Ministry of Interior. Together with him as an institutional entrepreneur is Petr Blažek, who has expressed his support for the establishment of the new institution and has expressed his doubts on the work of the ÚDV. "Petr Blažek argues that the communist crimes office has been deliberately dragging its feet, especially since the left came to power in 1998. But this has been vehemently denied by the office and some of the historians working with it"(Vaughan 2006). It is also true that both Žáček and Blažek have worked in academic institutions, yet their involvement in the process of institutional formation is made from the position of historians working as state functionaries in other units within the bureaucratic field. Thus the new institution does not supplement the existing one, as Mahoney and Thelen argue. I would modify the argument of the slow-moving institutional displacement in two points. The first being that the existing institution is

displaced not simply by a change or rules but by a practice of dispossession. By dispossession I understand the removal and the displacement of previous organizational units and departments that used to be part of the institutional prior. As regarding the second point, it is hard to say that the set of individuals involved in the institutional formation were losers of the old institutional structures as Mahoney and Thelen (2010) argue. Most of the individuals that became part of the new Institute had worked before at the ÚDV. I would call them institutional challengers having more power, and being close to the ruling political elite. In short, I understand part of the process of institutional formation in the Czech case as involving, using Mahoney and Thelen's terms, institutional displacement by dispossession.

The institutional entrepreneurs and those that have worked for a long time within the ÚDV compare and contrast the working experience at the prior institution and the expected experience at the new institutional form. In the semi-structured interviews conducted with the individual employees of certain importance, who have worked in both institutions I have tried to capture the continuities and changes of the working practice between the two institutions. The ÚDV is presented as not a complex institution or organization. Its field of activity is considered by the actors as restricted. For Žáček ÚDV was "...a police body, which is responsible to investigate. Žáček explores further the distinction between ÚDV and the new emerging institution. "It was the idea also important In 2006-2007....to establish an institute like IPN....also very important, the voices that were asking me did not want to establish ah this UDV and with lustration office which is still in the Ministry of Interior. I was scared to publish such a powerful institution with UDV, because I know what their activities are....and no body was taking care of the money which were spent in UDV, hundreds of millions of money spent there...and what is the impact....nothing" (Žáček recorded interview, December 2014).

There was a possibility to empower and extend the existing institution. However, this was not pursued further. The prior institution is considered as ineffective. However, Pavel Žáček evokes the experience at the ÚDV that would constitute one important dimension of his working practice at the Institute. "In 1993 [this Office was established two years later] I started to work for the ÚDV with Radek Schovánek and some other people and we got limited access to the material. We were the first people to study these materials. The only experienced people working on...I was at ÚDV. I had plenty of time to study the archives. I was all the time in the archives" (Žáček recorded interview, December 2014). Despite the vested interest in getting involved as an institutional entrepreneur in the emergence of the Institute, Žáček explains that as a member of the ÚDV he was working on the documentation dimension, and focused his work on the archival materials regardless the ineffective access to them. He also explains his experience as a historian at the Institute of Contemporary History for a short interlude. However, this academic experience was not quite dominant compared to the working practice at the ÚDV. Prokop Tomek, another historian by education working for quite some time at the documentation unit of the ÚDV explains his tasks there.

"It is a special kind of institution that still exists today. And it was not an archivists' organization. There are no archives. There were two parts of this organization: investigation and documentation. In the documentation part there were civilians, clerks and any historians. And we as documentarians, we were the support for the investigation. We collected materials and proofs for investigation. And in cases it was not possible to punish the crimes we tried to write historical and documentation texts. Stories of people who were killed on the borders, and people who were executed by the communist regime" (Tomek, recorded interview, November 2014).

This working practice is rather specific and does not resemble fully the working practice of an autonomous researcher. This type of experience at the ÚDV is fused with a certain ethos that is to a lesser extent scientific than it was political. "... it [ÚDV] was not a scientific organization. But we tried to make some research. The first and main task of the

organization was to punish and not research. It was not an ideal area or place for research"
(Tomek, recorded interview, November 2014). The ÚDV contrary to the Institute is not
characterized by institutional ambiguity and layered with different 'institutional logics' that
later the Institute obtains. Nonetheless, as I explain below, the Institute retains certain
working practices transposed from the prior organization. What does change is the movement
of the Institute towards the cultural field by competing with other existing institutions and
producing cultural goods apart from documentation.

Before the formation of the Institute, the Ministry of Interior had launched a
project called 'Open Past' (Otevřená Minulost). I analyze here the main document that
explains the rationale of this project, as well as official speeches or reports by the Czech
Ministry of Interior or institutional entrepreneurs. Up to this point, the Ministry of Interior
was involved in the process of lustration. A central aim of the 'Open Past' project was to
make accessible the archive materials of the secret police of the state socialist regime. On the
other hand the project conceives of a process of organizational restructuring and what it calls
'de-bureaucratization'. The document produced by the Czech Interior Ministry is not a usual
governmental decree or decision. It reflects a concrete ideological framework. The discursive
framework constructed in this officially produced material stresses the distinction between
the popularizing of the archive, bringing it near to the citizens, and the partial, scientific view
on the archive used, according to this official position, by the experts and the historians. "A
complete opening and bringing near of the archival funds to the citizens is not only according
to the requirements of a limited number of historians or archivists, but it interests the whole
society"(Langer 2006). On the other hand, the archive is considered as an important site from
which an understanding of the totalitarian character of the state socialist regime can emerge.
The type of access on the archive, according to this project, differs from the access provided

by the victims so that they know what the repressive apparatus of the state socialist regime collected on them. This kind of access had been provided earlier.

The initial steps for completing this project were conceived in such a way that it involved existing state units and organizations. According to this project the department unit of documentation is removed from the ÚDV and it is considered as a constitutive part of the new unit that was created at the Ministry of Interior called (OABS) the department of the archive of security services. As I indicate above, the ÚDV continued to exist, yet it was degraded and displaced slowly via dispossession of its organizational unit which were transferred in another structure within the bureaucratic field. One would expect that what emerges prior to the formation of the Institute, is a syncretic organizational unit, or institution (Galvan 2004). Galvan defines in this way syncretic institutions: "Institutions that result from deliberate and coherent recombination of administrative forms, rules, habits, or norms from more than one socio-cultural origin" (Galvan 2004 in Sehring 2009, 65). A similar mechanism of change and organizational reconstruction is that of bricolage argued by Stark and Bruszt (1998). Stark and Bruszt investigate the process of transformation of state socialist property that is a consequence of a recombination of different elements whose sources of origin and whose practices are in contradiction. This organizational innovation borrows simultaneously from the private and the state domain. Stark explains in this way the mechanism for the emergence of recombinant property and its main features: "As we shall see, the emerging new property forms in Hungary blur (1) the boundaries of public and private, (2) the organizational boundaries of enterprises, and (3) the boundedness of justificatory principles. To denote these processes of triple boundary blurring I adopt the term recombinant property" (1996, 997). Thus, an organizational or institutional bricolage requires a merging of practices, routines and organizational units from different socio-cultural origins

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or in Bourdieusian terms of different fields. An institutional bricolage is supposed to lead to institutional or organizational innovation, not a mere patchwork or additive recombination (Galvan 2004 in Sehring 2009, 65). Both the ÚDV and the OABS are situated within the bureaucratic field, depended on the Ministry of Interior. In this case instead of a boundary blurring process between organizational units, what transpires is a transferal, incorporation and concentration of previous organizational units in another department within the Ministry of Interior. All these organizations and departments are officially recognized as components of the process of dealing with the state socialist past. The Minister of Interior at that time Ivan Langer, a co-founder of the Cevro Institute, a center right conservative think tank explains the object of the Open Past project: "The aim of the project involves not only the digitalization of the secret materials [of the StB] but also the reorganization of the departments dealing with the communist past" (Langer 2007).

The reconstructed organizational unit at OABS was a temporary unit for the emergence of the Institute. The documentarians and historians that were working at the ÚDV, and that dealt with limited historical documentation and research were transferred to the new transitory unit. A publication unit of the OABS was established. Pavel Žáček had been nominated head of the OABS a year before the formation of the Institute. The Institute was not created on a 'green grass' or as Žáček says on "zelené louce" (Yearly Report 2007, 6). The antecedent organizational units of the Institute were the publication and the documentation department together with the ABS (Archive of the Security Forces), which was conceived in the law of the Institute as a separate unit of the Institute. The process of cumulative concentration and transferal of antecedent units and of the personnel of institutional priors constituted the initial accumulated capital of the Institute at the formative stage. The initial projects that are run by the Institute include the completion of the project 'Open Past' started

by the Ministry of Interior and the documentation of the persecuted citizens by the state socialist regime.

In the next sub-section I deal with process of institutionalization at the Institute after the formative phase of this institutional arrangement. The process of institutionalization is not a consequence of a mechanism of path-dependency such as increasing returns (Pierson 2000), nor of a lock-in effect that ensures institutional reproduction and maintenance. The incremental and evolutionary type of institutional formation does not imply an institutional equilibrium. Nonetheless, the involvement of the same group of state-functionaries/historians who have been part of previous existing institutions and the accumulation of the antecedent organizational units, due to organizational inertia (Hannan and Freeman 1984 in Ingram and Clay 2000, 540) provide certain support for the dominance of a certain institutional logic compared to another.

4.2.4 Explaining robust institutionalization in the Czech case: sedimentation of institutional practice, expected institutional roles, contending institutional faction and division of labor

The set of officials involved in the day-to-day work of the Institute is comprised of various groups. I have made an initial distinction between members of the political class and the institutional entrepreneurs, when they existed as it so happens in the Czech case. Those that acted as institutional entrepreneurs were involved with the establishment of the Institute in leading positions, as head of departments, units or head of the Institute. The second group of individuals involved within the Institute is what I call middle-rank employees. Among these group one can find individuals that are politically motivated and share the normative

ethos diffused by the Institution, as well as individuals that experience a tension with the expected institutional role. The semi-structured interviews with middle-rank employees provide the empirical material and the data for analyzing discursively the congruence or the discrepancy of the middle-rank employees with the institutional role as a researcher/employee at the Institute. The semi-structured interviews with those in the leading positions and the official documents produced by the Institute provide the data material for understanding the dominant institutional logic or practice within the Institute. The Institute is considered in interaction with other institutions such as the Ministry of Interior, Ministry of Defense, Ethical Commission of the Czech Government, and units and departments positioned in the bureaucratic field. The interaction of the Institute with other units, organizations or institutions is part of the explanatory framework in order to understand the authority (concentration of the symbolic capital) or the leverage that the Institute has in confront to other units that are involved in similar activities within the bureaucratic field. The relation and interaction of the Institute with organizations and institutions in the cultural field is also taken into account.

Before embarking on more concrete analysis I would like to clarify the definitions of the terms that I use as dimensions of strong institutionalization. By the term sedimentation of institutional logics, which I borrow from (Seo and Creed 2002, 228), I mean the presence of a competing institutional practices that are diffused and considered legitimate by the internal institutional factions. At certain period in time, a particular institutional practice is dominant. I prefer to use the term institutional practice rather than logic because the features of this logic are empirically grounded in dominant practices. In more concrete terms, the Czech Institute has had through time a divergence or better say, not a complete congruence between institutional practices. A faction of the Institute prefers that the Institute follows more closely

the scientific practice, whereas another faction that was quite dominant for some time prefers an institutional practice that emphasizes productivity, popularization, public impact and acceleration. These latter practices bring this institutional practice closer to the bureaucratic practice. The question remains how the institutional practices emerge and are sustained. I am reiterating here again the possible plausible causes for the presence of an institutional practice that I have indicated in previous sections. An institutional practice can be a result of the field-effect in which the Institute is embedded. The working practice and the habitus of the set of the individuals placed in leading positions of the Institute such as Pavel Žáček and members of his leading team tilts them closer to a bureaucratic institutional practice than towards an institutional practice that one finds in research centers, universities and academic institutions. The anti-communist state functionaries possess and utilize more political capital in order to ground their legitimacy rather than the cultural capital. However it should be kept in mind that even the presence of a dominant institutional practice is at times contested. I prefer to talk about different degrees and shades of the institutional practice.

The individuals involved within the Institute are expected to follow the existing institutional practice by performing a certain institutional role. Here I am referring to the micro-level practices. Based on Zucker's (1977;1987) institutional theories of organizations I define the institutional role in this way: Particular individual level effects of the institution in defining and supporting a certain type of institutional-role expectation by weakening or if possible proscribing other possible or available institutional roles at the micro level. Highly institutionalized formations can be effective in imposing or sustaining a certain institutional role that is characterized by a) acceptance of the legitimacy of the institutional practice, b) low degree of resistance and c) a diffusion of a certain normative orientation. Given the set of the interviews collected from the middle-rank employees of the Institute, I can scrutinize to

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what extent they observe and share the normative framework and the ethos of the Institute.

I use the term division of labor as part of the explanatory framework of degrees of institutionalization in order to mark the institutional complexity and the degree of economies of scale of an institution. The term division of labor is understood in this research as: separation of organizational tasks in various departments, sections or units that are not overlapping and creating a certain degree of 'organizational inertia'. I argue that highly institutionalized formations apart from the specified institutional roles have the possibility to extend the organizational structures and units. The diverse organizational units and the separation of tasks and routines can provide for resources in institutional restructuring.

The process of institutional formation in the Czech case was accompanied by the transferal and concentration of the archival materials from various organizational units of the bureaucratic field into the Institute. As the 'Open Past' project initially started by the Ministry of Interior indicate, the aim was to make all the materials of the state socialist secret police available to the public. These materials which were in the possession and use to the various state units can be considered in Bourdieusian terms as an informational capital of the state. I explain in a separate chapter and section the transformation of the state socialist regime's legacies. Here I would like to mention that the process of institutional formation apart from the accumulation of antecedent units and the transferal of state-functionaries was followed by the concentration of the archival materials. Therefore, in comparison with other Institutes the Czech Institute possesses more symbolic capital. This type of institutionalization can be evidenced in the change or transformation of the inter-relation between the Institute and the various other units in the bureaucratic field in which the Institute is embedded the most. Pavel Žáček explains the transformation of the interaction and the power asymmetries between the various institutions, units and organizations that deal with the state socialist past. He explains

the context of the inter-relatedness: "All the institutions are working on this (archive), the National Security Authority, Secret Services, …. Ministry of Defense on the Anticommunist Resistance" (recorded interview 8 December 2014). Žáček then relates the leverage that he as a representative of the Institute had in comparison with his previous experience prior to the emergence of the Institute. "My experience, including Mrs. Plačnikova, the head of the Department at Na Struze said we do not have enough materials. They told me we do not have it. When I became a director I found it. I was not a private person, I was working for the state. But...it was so strange, she was so powerful, and she said there is nothing" (recorded interview 8 December 2014). When the balance of forces among the contending groups working within the units and organizations of the bureaucratic field on similar tasks tilts in favor of those who embarked on this political project, the influence and the role of the professional archivists dwindles. In the Annual Report (2008), the Institute mentions its increased role in administering and concentrating the archive: "Since the very first day it [the Institute] provided archival services to the lay and expert public which neither the Ministry of Interior nor other archival materials administrators were able to provide in the past (Annual Report 2008, 10).

In matters of competence and privilege or priority within the bureaucratic field, it appears that the Institute concentrated during the institutionalization process more symbolic capital. On the other hand, it should be noted that the leading representatives of the Institute identify themselves as state functionaries. In the Albanian case, the representatives of the Institute were rather powerless in confrontation with other units and organizations, which they interacted with.

In the Institute as I mentioned earlier in the text, there existed different institutional factions. The Council of the Institute has been the site in which the various understandings of

the role of the Institute have taken place. The Council's members are elected by the Czech Senate and the President. The members of the Council come from various positions and experiences. Some of them have been from the broader academic community. Others had been involved in civic associations or in party politics. I concentrate on the positions of the two members of the Council of the Institute which provided a different perspective on the functioning and role of the Institute. These individuals coming from the academic field and civic organizations can be considered as the other pole of the institutional faction. Petruška Šustrová, who comes from the dissident circles, which comprised a full spectrum of ideological positions against the regime, of the normalization period distances itself from the conservative anti-communist Confederation of the Political Prisoners, whose head is the chief of the Institute's Council. "There is an organization of the political prisoners, which represents only one part of the political prisoners. I was also imprisoned. I am not in the organization" (Šustrová recorded interview 24 December 2011). Her understanding of the state socialist regime differs from the totalitarian conception of that regime by the conservative anti-communists. She also stresses the weakness of civil society and the degree of complicity under normalization: "In the sixties it was not, for sure, totalitarian. It was still the communist party and there were some other institutions that had some kind of freedom, such as universities. In the civil society there were people who were collaborating with the regime and those who committed crimes. They had to work with the regime somehow. The majority or most of the people had to live with the regime. So the people were not satisfied because they could not buy what they wanted to buy. But on the 1_{st} of May they took part in the demonstrations and put flags on the windows" (Šustrová recorded interview 24 December 2011). Partly due to her opposition activities against the regime during the Prague Spring and the normalization period, partly due to the actual process of the extrication from

the state socialist regime in the late 80s and early 1990s, Šustrová explains that the understanding of the state socialist regime by the anti-communists is not complete and flawed. Whereas the liberal anti-regime dissident tradition emphasize complicity the anti-communist conservatives emphasize heroes of the resistance against the communist regime. This understanding of the state socialist regime by Šustrová as a member of the Council is followed by her conception of the Institute mostly as a research center that educates the younger generation on the past regime and creates the conditions for public debate in the society. She considers that the assumed monopoly of the Institute on the archive is pretentious. The archive has already been accessible through previous legal measures enacted prior to the establishment of the Institute.

"There should be some academic historical research. ...I think Poland is a good example. There is some research center and a center for education for students and history teachers. In the discussion in the Czech Republic it is stressed that ÚSTR should not be an academic institution. But from the discussions I did not get what was the main focus or issue of the Institute. People say that the main sense of it is to open the archives. Archives are now open without the need of ÚSTR. The Institute has no archive,... no archive funds. They are not the owners of them. ÚSTR is not the owner of the archive it is ABS" (Šustrová recorded interview 24 December 2011).

In 2011 when the interview with Petruška Šustrova was taken, the dominant institutional faction was still the anti-communist one that stressed the specificity of the Institute and considered it as the conclusive step of the long struggle to overcome 'materially, morally and institutionally' state socialism to use Žáček words. Šustrova maintains that the concern with the opening of the archives is misplaced given that the archives have been accessible according to previous laws. On the other hand, she does not consecrate the archive as a memory archive. Rather her priority is research and education. The position of the other faction remained marginal. The intentions and the ideas of Šustrova for making the

Institute similar to an academic institution with a research center and education center started to take shape when a new coalition of institutional change replaced the previous leading team.

Michal Stehlík as a member of the Council shares the skepticism of Šustrová with regard to the anti-communist position. He also emphasizes and prefers to strengthen the academic dimension of the Institute. On the issue of the Archive the position of Stehlík is that of treating it as part of already existing state archives. "In my opinion, it would be better that the Archive is part of the National Archive as a classical archive. Here in the Czech Republic there was not a good experience with the opening of the funds. The opening of the archives at the ABS is a good thing. But the point is that the connection with the political sphere is relatively dangerous" (Stehlík recorded interview 6 December 2011). Thus Stehlík does not share the political project of the dominant institutional formation coalition. The issue of de-politicizing the Institute is considered as important for those individuals within the Council that prefer to transform the Institute closer to the academic or research institutions. Similarly to Šustrová, Stehlík does not fully subscribe to the totalitarian understanding of the state socialist regime. He considers that the state socialist period is presented in black and white terms. "I think there is a problem, because the history in the 1950s is relatively black and white. It is relatively easy to prepare a book about Horáková ...But the problem of the 1970s when the large society was relatively gray and the dissent was relatively small. It is not black and white history. For me it is interesting the science direction, studies, books and so on" (Stehlík recorded interview 6 December 2011). At the same time Stehlík prefers that the tasks of the Institute concentrate on education of the young generations with civic values.

"The history of totalitarianism is a special time and we need a special institute to describe this era and prepare new work for this history. It is only one reason for me for this institute. The classical academic institutes are not available to see these special processes. It is very dangerous, but on the other part, the idea of USTR of the first director Pavel Žáček was strictly linked through the structure of the secret police....but history is not the secret police. The experience of totalitarianism is important for the young generation, for society and so on. This is the reason or the basic of this Institute to upgrade this information about the dangers in society" (Stehlík recorded interview 6 December 2011).

Henceforth, Stehlík with a particular habitus formed within the academic field and positioned as the Dean of the Philosophy at Charles University has a vested interest in de-linking the Institute from the initial political project and yet maintaining it in order to diffuse a civic education on the dangers of totalitarianism. The initial organizational units of the Institute, which were transferred at the formative stage included the publication department, the documentation department and the archive. Most of the listed projects conducted by the documentation department resemble the documentation tasks done at the ÚDV. After the first initial organizational units of the Institute, the Institute expanded by the creation of additional departments or sections. One of those unit was the education department. The latter department focusing on education is considered by some of the informants I interviewed during the field-trips in the Czech Republic and later by some of the members of the new leading team of the Institute as following an institutional practice closer to the research and scientific practices. Vít Sommers a historian/researcher at the Institute during the initial period in an interview with the author in the year 2011 describes in this way the asymmetric power and the balance of forces among the organizational units within the Institute. "It is a huge and bureaucratic institution and the historians are a minority in this institution. It has a department on digitalization, the archive, the documentation department, and the publication department and so on" (Vít Sommers recorded interview 19 December 2011). It seems that these above mentioned departments and their personnel had more

leverage compared to the other units. The first organizational unit such as the publication and documentation department constituted the accumulated capital of the Institute. On the other hand, the personnel of these departments is not positioned in other organizations, institutions or centers in other fields than the bureaucratic field. There might be a few plausible reasons for the congruence of the employees in these organizational units with the dominant institutional practice of the Institute. One could be that these individuals have a long trajectory in the previous organizational units and institutions within the state. The other reason is that these individuals lack sufficient cultural capital. A member of the middle-rank strata of the Institute who has an academic background and has been also head of certain departments through time explains in the interview the peculiarity of the documentation department compared to other units: "Documentation activities are not meant to be at the same level and done as a research. It has a very strong component of acknowledging the victims. You might call it a political or human or social component. The other reason is that the people at the documentation department are not trained historians. The documentation unit in here keeps some of the tasks that could have been done at the ÚDV" (interview 2011).

The employees working within the educational unit of the Institute are described as having links with the academic field. "This group about education are against the theory of totalitarianism...When you read their stories and their publications, they are talking about consensus in the society and very pluralistic. These guys who are doing methods for teachers are against the dichotomy between state and society. For example me and these people within the education unit are in close connection with the Czech historiography"(Vít Sommers recorded interview 19 December 2011). One of the reasons mentioned by the official documents of the Institute, concerning the need for its foundation is the absence of

'appropriate' historical research on the repressive aspect of the state socialist regime. "...creating an institution, which is, by law, concerned with the topics that have until now been avoided by the history community for various reasons" (Annual Report 2008, 9). Thus, during the period in which the dominant institutional practice was that of bureaucratization, the competing institutional practice that stressed plurality, scientific practice and de-ideologization, the educational unit of the Institute remained at the margins. However, as I explain in a separate sub-section, during the process of institutional reconstruction those institutional practices and internal factions that were less dominant before became resources for institutional change. The dominant understanding of the state socialist regime diffused by the dominant faction at the Institute was that of totalitarianism and the resistance of the society to the regime. The ambiguity of the Institute to get involved in historical research places it in relation with the existing institutions in the academic field. There are some references in the official documents of the Institute that indicate a certain bridging or encroachment of the Institute in the academic field. "Despite its different status the Institute has tried and tries to maximally standardize its own internal mechanisms and to get closer to its own partners especially from the academic sphere" (Paměť a dějiny Revue 2012, 132). Nonetheless, the Institute during the dominance of the founding coalition has not transgressed the boundaries to the cultural field.

If I had a more permissive field-work within an Institution which is an organizational unit of the State and providing certain barriers due to its nature and its position, I could have provided a better sense of the internal institutional dynamics including a better understanding of the institutional practices. In the absence of this, I have relied on the interviews collected by members of the leading team and certain members of the middle-rank positions in order to understand their construction of the institutional routines, practices

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and norms. Certain official documents issued by the Institute provide another source of data on this dimension of institutionalization.

The scientific report of the year 2013, which is produced by the Scientific Council of the Institute, that is comprised of renowned researchers of various perspectives evaluated the work of the Institute. The controversy was over the nature of the institute and what kind of themes shall be included or excluded. The report emphasizes the productivity part of the Institutes' activities. It buttresses an institutional practice that values productivity. The Czech Institute is compared to IPN: "Just in the year 2012 the employees/workers of IPN published 876 scientific research ….and 732 popular-scientific publications....IPN in the same year realized 36 new exhibitions, which were presented in the whole Polish territory. As to compare: ÚSTR in the year 2012 published on its own only 26 publications...In the same year it organized or co-organized seven conferences"(Závěrečna Zpráva 2013, 13). At the same time the Scientific Council, which would be the least expected to endorse an anti-communist position, stresses that nostalgia on the totalitarian regime should not be tolerated. In a way, the report reinstates the diffused ethos and normative evaluation element of the Institute when dominant by the initial coalition of institutional formation. The report disqualifies both nostalgia and politicization of the past. "The Scientific Council would have liked to support the Czech Institute to deal with the issues of the everyday life. However the members of the Scientific Council agreed that the fantasies tinged with the nostalgia on the communist and Nazi regime would not do" (Závěrečna Zpráva 2013, 20). The Scientific Council also indicates in the report that the Institute cannot be compared with classical academic institutions.

Pavel Žáček as one of the institutional entrepreneurs of the Institute explains in the interview the practices that the Institute followed that dominated the first period of the

Institute. The main themes that appear in the interview with regard to the features of the institutional practice is that of management and production. The new leading team of the Institute, is considered by Žáček as individuals having no proper conception of managing a state institution. "They are from the NGOs and they have three employees. Now they have such an important institution...We have our position like a ministerium" (Žáček recorded interview 8 December 2014). Thus, the Institute is considered as being similar to a Ministry due to its position in the bureaucratic field, which is also its field of origin, and due to the complexity of the 'economies of scale'. The main practice that dominates or that is considered appropriate according to Pavel Žáček is that of administering or managing the Institute. At the same time he indicates that the Institute was created by institutional entrepreneurs that had more political capital than cultural capital in possession. "For me it is a state institution, and I am glad that the politicians accepted it and we created it" (Žáček recorded interview 8 December 2014). Talking about those that he considers the opponents of the his mandate at the Institute, Pavel Žáček reveals the distinction between those that possess and use political capital and those that possess and use cultural capital: "She is quite professional. She is not a manager at all" (recorded interview 8 December 2014). In this respect the manager of an Institute considered to be similar to a ministry has not much need on the habitus obtained in non-state centers and organizations.

The other dimension that comes out of the bureaucratic institutional logic is that of productivity. The Institute is compared with the Institute of Contemporary History, seen as a competitor in the cultural field, whose practices the Institute under the first period did not follow. A distinction is made between productivity and quality. "When I was leading the Institute I said it in the website, I was trying to recognize how successful was our Institute from the beginning. I mean in the scientific production. But there is one competition, the

Institute of Contemporary History. ÚSD was established in 1990, so I took 2008-2013 and I was trying to compare ÚSTR and ÚSD. I was surprised. There was information from both websites. I was thinking that our production will be little less. But in 2009 we are better better than ÚSD in the production. I cannot, there was no time and place to compare the quality"(Žáček recorded interview 8 December 2014).

Therefore, the Institute gives priority to productivity as it was also mentioned by the report of the Scientific Council. I explain later when focusing on the institutional roles that are expected of the middle-rank personnel when it comes to fulfilling the productivity. The official documents written by Institute's representatives during the first period, indicate the degree of the entrenchment of the bureaucratic institutional practice. "As a result it is obviously bureaucratic measures are necessary, that emerge from out status, including periodic external and internal control procedures" (Paměť a Dějiny Review 01/2012, 132).

The institutional role expected for the middle-rank personnel of the Institute involve the acceptance of a normative framework or an ethos that resembles that of political activism due to a certain ideological position. Those researchers and personnel that have a habitus that goes contrary to the expected institutional role experience a dilemma or a tension.

"In fact some of my basic interpretation framework are in conflict with the interpretive framework of ÚSTR and the law. There are some historians who have something like ideological activities but I think it is necessary to divide divide these two functions of the Institute. The objective of the founders of ÚSTR was to make from ÚSTR something of a politically active of the Institute, which would be involved in debates in Czech society on the communist past. For two years there were some cases, like the Kundera case and later. Nowadays it is like a Ministry of History. It misses its founding aim" (Vít Sommers recorded interview 19 December 2011).

It appears that the dominant institutional practice inculcates an evaluative framework and ethos that is ideological and political. On the other hand, the Institute is administered by a practice that is more bureaucratic than usual. "In my case, these plans for research are not

made by historians, and employees and are fabricated by very difficult process and complicated process between Council and Director and....I work in Academy of Sciences and it is possible to make some meetings and to discuss,....It is mostly on the researchers and try to receive money for projects. The style of managing scientific work is very bureaucratic. It also depends on ….not to be very innovative, not to be provocative. To be be conformed" (Vít Sommers recorded interview 19 December 2011).

Here the middle-rank informant explains the distinction between the institutional practice at the Academy of Sciences and that at the Institute. The accepted normative framework, routine to be followed by the middle-rank personnel is that of combining an ideological conviction with productivity and some degree of conformism. The informant explains that the employees at the Institute experience a dilemma between being a social scientists or a functionary. "It is very often the dilemma of the ÚSTR's employees"(Vít Sommers recorded interview 19 December 2011).

Another informant who prefers to remain anonymous expresses his concern with regard to the tension experienced at the Institute.

"The problematic thing is part of the government thing. That is, one does not have the guarantee of freedom of research within a state institution. It simply cannot be guaranteed. The freedom of research is guaranteed by the law on higher education. Second big difference, concerning academic freedom, is that you cannot be pushed to study certain topics. Principles like peer review should be included, though they are not entirely compatible with the nature of this institution. My first goals and foremost goal is to create an environment that this ambiguity would not be hard to bear for the people. The conflict of these two principles would not restrain and refrain the people for doing their research" (recorded interview November 2011).

Thus this group of people that are at the margins of the Institute approximately during the years 2008-2012, have tried to accommodate their concerns by relying on possible stretching of the rules. Henceforth the institutional role at the Institute is not

compatible with the one of an autonomous researcher that follows the scientific practice. The advent of a new leading team of the Institute in 2013 and later in 2014 due to institutional change creates an incremental process of conversion of the Institute closer to an academic or research Institution.

In the next sub-section I deal with the process of institutional change at the Institute. I delineate the initial projects and steps through which a less dominant institutional practice is initially layered into the prevailing institutional practice to reach a degree of replacement or conversion. In this process a different set of agents of the Institute emerge and a new internal institutional balance. Part of the accumulated organizational structures of the Institute are used in the process of restructuring.

4.2.5 Institutional change: organizational reconstruction, layering of the institutional practice, dislodging the Institute from the bureaucratic field

Due to the Czech senate elections in 2013, which brought a center-left majority the members of the Council that are elected by the Senate changed. A new configuration of the Council of the Institute arose as a consequence. The Council dismissed Mr. Daniel Hermann who was the director of the Institute. He was replaced by Mrs. Foglová, which started a project, which was named as de-ideologicization and de-politicization of the Institute. As I have mentioned in the previous sections of this chapter, the social-democrats considered the Institute to be a political institution and even anti-constitutional in the sense that it infringed upon the expected neutrality of the state in matters of research and culture. The change of the political context can be seen as quite defining for the future of the Institute and its role. "Here the characteristics of both the political context and the institution in question drive the

type of the institutional change we can expect. The political context and institutional form have these effects because they shape the dominant change agent that is likely to emerge and flourish in any specific institutional context, and the kind of strategies that this agent is likely to pursue to effect change" (Mahoney and Thelen 2010, 15). In the Czech case, the political context can be seen as an initial trigger or as a facilitating condition for a change or shift in the coalition formation between a new team at the Institute and the dominant faction of the political class at that time. However, it is hard to say that the change in the majority in the Senate can be seen as a critical juncture or as an exogenous shock that would produce a radical transformation of the Institute. The new institutional entrepreneurs or the so-called dominant change agent do not come directly from the political class.

On the contrary they have been part of the organizational structures of the Institute, albeit marginalized before. Part of the new team, as leading hierarchies of the Institute label themselves, have been involved in the Scientific Council of the Institute, such as Mrs. Muriel Blaive. Another member of the team Mr. Hazdra has been for some time deputy director of the Institute. What is important to mention is that the individuals who replaced the previous leadership have a trajectory that originates and is sustained either in the academic field or in the civil society. A quite often term that has been used unofficially that I have noticed during the period of field work and via correspondence of the author with certain administrative representatives of the Institute, is that of stabilization. This means that the Institute is not yet stabilized or that conflicting or diverging institutional practices, routines and understandings of the role of the Institute are simultaneously present. What actually has happened is a sequential process of conversion and then layering at the Institute. There has not been an institutional displacement for various reasons.

I have shown in the previous sections that the Institute is a sedimentation of

asymmetric institutional practices and organizational units. The bureaucratic institutional practice infused with a certain ideological normative frame has been dominant. As it has also been the case that the organizational units of the Archive, the documentation and digitalization department have been more dominant than the education department. The process of conversion is defined in this way: "Conversion occurs when the rules remain formally the same but are interpreted and enacted in new ways (Thelen 2003 in Mahoney and Thelen 2010, 17). This gap between the rules and their instantiation is not driven by neglect in the face of a changes setting....instead, the gap is produced by actors who actively exploit the inherent ambiguities of the institution"(Mahoney and Thelen 2010, 17). These kind of institutions do manifest institutional ambiguity. The new team of the Institute, even in public discussion prior to getting involved in directing and shaping the Institute, has emphasized the research aspect that is given by the Czech law on the Institute. The one that stipulates objective and impartial study of the period of the state socialist regime, enumerating certain important tasks as well. In this case, the new institutional entrepreneurs intended to argue for a different way of doing research and stressing more the assumed impartiality that the Institute should have. What is of interest is how a certain institutional practice dominates over the existing other. An incipient and even frequent process of conversion has happened within the Institute when organizational units that do not conform to the dominant institutional practice exploit the limits or the gaps of the rules to accomplish their goals and activities.

The agents of institutional change when trying to introduce a different institutional practice employ their accumulated habitus in their originating field and also certain intermediary and probably temporary institutional innovations such as the case of 'the seminar for scientists' held every Thursday at the Institute. This internal institutional

innovation was present during my second field work in fall 2014. The Institute up to the time of the new leading time used to focus more on another type of seminar. "Every Thursday the Institute held expert seminars dedicated to the public, hosted by the Institute's employees and representatives of the partner institutions. Seminars were attended by interesting guest such as the political prisoners, ... The guests presented their own experience with the totalitarian regime"(Annual Report 2008, 34-35). Hence, the new leading team uses the same format by transforming this existing practice into a new goal. The aim is to involve the employees at the Institute to exchange view on the latest developments in the scientific literature and methodology. This indicates an initial conversion within the Institute. Muriel Blaive describes in this way the previous understanding of the seminar by the employees and the previous team: "They still have, many of them still have this naïve understanding that the seminar is there to come and tell you the historical truth. On whatever topic. You do no discuss, and you just take notes" (recorded interview, October 2014). A more substantial mechanism of institutional change is layering. Before the layering of a different institutional practice (a scientific practice borrowed from the academic and cultural field) the organizational units were remaining the same, with the bureaucratic institutional practice still dominant. There is for a time being within the Institute an alliance or convergence between the new team and the educational department. "When you say the Institute is becoming ambiguous, because now the Institute...There are two groups, which group do you mean the Institute?"(Blaive recorded interview 2014). The project of the new leadership becomes completed much later, when the previous organizational units such as the documentation department is displaced, and the department for the study of totalitarian regimes is changed into the department of research and education. The scientific institutional practice is layered alongside the bureaucratic practice for a while and starts to dominate. For

the time being it might have displaced the bureaucratic practice. The institutional change was triggered by a change in the political context and became effective by the strategies of the new team, positioned in a different field, and an incremental redeployment of the existing organizational units. The layering process had a substantial effect: "Such layering can, however, bring substantial change if amendments alter the logic of the institution or compromise the stable reproduction of the original 'core'"(Mahoney and Thelen 2010, 16-17).

4.3 The Romanian Case: factional institutionalization

4.3.1 Institutional formation coalition(s): calling civil society to arms

In this section I present the main different representations of the state socialist regime by the civil society organizations and representatives. The polarized political space in Romania, including the internal competition between two parties of the center-right was the initial trigger for the emergence of the different configurations of institutional formation coalitions.

The early 2000 and especially the electoral year of 2004, in which the coalition named 'Truth and Justice' coalition's candidate won the presidential and the parliamentary elections. This coalition comprised the Liberal Party, which is a historical party in Romania and the Democratic Party of Traian Băsescu (Stan 2005, 5). The Democratic Party was initially a left-wing party under the National Salvation Front organization. During the second decade the Democratic Party and especially Băsescu started to manifest an anti-communist stance. Generally in the Romanian case the most anti-communist parties have been the historical parties including the National Peasant Christian Democratic Party and the Liberal Party. Contrary to the Czech or the Albanian case there is no dominant center-right

party in Romania. Both the Democratic Party and the Liberal Party have competed within the political field for the primacy of the anti-communist identity, discourse and strategy. Initially the Truth and Justice Alliance tried to distance themselves from what is called radical anti-communism. "....Traian Băsescu and Theodor Stolojan had refused the invitation of the mayor Ciuhandu to have a coalition with the National Peasant Christian Democratic Party, with the argument that 'visceral anticommunism does more bad things than good things"(Muşat 2010). At the same time when relating his recollections of the state socialist period Băsescu is credited of saying that he had had a good time during the state socialist regime. There existed certain allegations from the opposing camp that Băsescu had worked for Securitate. According to the CNSAS 'moral certificate' there was no indication that the President had been a collaborator/serviceman of Securitate.

The civic organizations such as the Group for Social Dialogue (GDS), an organization that comprises Romanian public intellectuals and the Association of 21st of December and a few other have always demanded that the Romanian state deals with the state socialist past. The first trails initiated by the National Salvation Front that executed without in a form of revolutionary justice the dictator and his wife were not considered as sufficient for the civic organizations and intellectuals that considered the Ilescu's regime a continuity of the past state socialist regime. The most common used phrase of the association of the political prisoners and other anti-communist civic groups was the 'trial of communism'. The model for this legal measure was considered to be the Nuremberg Trials. It is part of the public discourse of the anti-communist camp, which quite often is used by particular Institutes or pertinent actors. Central to this articulation of the 'trial of communism' is that: "reconciliation with the communist past must be done by officially condemning the defunct regime and its criminal character" (Petrescu and Petrescu 2010,

528). The most frequent position-takings of the civil society organizations towards the political class have been petitions. In 2005, Group for Social Dialogue, Association Pro-Democracy, Civic Alliance and many other supported a petition called 'Appeal for Romania' prepared by Sorin Ilieşiu. The petition demanded the adoption of the lustration law according to the Timişoara Declaration, the condemnation of the communist regime and illegal and criminal, the opening of the archives including the Securitate archive" (Romania Libera 2005). The other social group that presented the anti-communist civic ethos was the Group for Social Dialogue. The individual dissidents and those part of the state socialist intelligentsia that chose the path of 'resistance through culture' established the Group for Social Dialogue that was the first civic organization in Romania after the events of December 1989. Institutional entrepreneurs that were involved in the reconstruction of the IICCMER, and in the foundation of the Presidential Commission for the Analysis of the Romanian Dictatorship came from this civic organization including people like Vladimir Tişmaneanu, Ioan Stanomir and Adrian Cioflâncă.

The public intellectuals grouped within this civic association make a distinction between support for a certain political ideology and being a member of a political party. This distinction is important in order to understand the rationale behind the different configurations of the coalitions in institutional formation and their interventions. Camelia Runceanu explains this distinction that is part of the discourse of the Romanian public intellectuals: "The form of organizing such an association, comprised of (self-proclaimed) intellectuals, which is informal and the absence of topics of real debates on political topics (in the pages of Revista 22) that concerns the process of democratization of society- whose discourses are strongly political, although not clearly militant- shows the absence of a political habitus that is due, to a large extent, to the non-existing mobilization of the

intellectuals against the communist regime before 1989" (Runceanu in Gheorghiu and Lupu 2008, 399-400). Alexandru Gussi closer to the Group for Social Dialogue, although not a member of this association himself describes in the interview the type of anti-communism that defines the civic associations and their understanding of politics: "The sense of this political anti-communism finished with the change in power [referring to the Democratic Convention winning the 1996 elections]. This is why the civic and cultural dimension was really in another sphere, which was linked with the political anti-communism for this aim, and after 1996 became autonomous and diversified from the political point of view"(Gussi recorded interview May 2013). Hence the initial patter of coalition formation on the basis of the anti-communist ideology was set during the mid 1990s when traditional parties cooperated with the public intellectuals that from the beginning had endorsed a civic anti-communism. This civic organization according to Gussi is not a militant organization involved in party politics. That does not mean that they do not do politics. "In terms of political culture it is politics, but in terms of partisanship it is not politics. It is not partisanship. It is a will to influence the education of the people. If that is politics, yes it is politics/policy" (Gussi recorded interview May 2013). In a way, it could be argued that the public intellectuals in Romania tend to get involved in politics by certain public interventions and endorsing or conceiving cultural projects, which still remain political due to their contested value or not being shared by all the sectors in the society. The attempts by the civic associations that have the anti-communist ethos are part of these processes, that in essence remain political.

Another category of the groups or individuals involved in the support for policies dealing with the state socialist past include those that are associated with the traditional political parties such as the National Liberal Party. Of course, these pertinent individual such

as Marius Oprea the first executive director of IICC (Institute for the Investigation of the Communist Crimes) have also cooperated or has been part of the civic organizations that appeal to 'universalism' such as the Group for Social Dialogue. However, these individuals for various reasons tended to move closer to the ideology and positions of the traditional anti-communist parties.

The positions of the center-right political elite in Romania resembles to some extent the positions of the center-right political elite in Albania. In the sense that their ideas of a political project of breaking with the state socialist past are not quite clearly articulated and developed. Henceforth, the congruence between the civic organizations and the factions of the political elite is mostly on the ideological level rather than in a more substantial one. The first to make a strategic move in order to create an Institute that would investigate the crimes of the past regime was Călin Popescu-Tăriceanu the Prime Minister of Romania and leader of the National Liberal Party during the first presidential mandate of Băsescu. In 2005 a few years after the establishment of the CNSAS, the center-right Prime Minister establish by a governmental decree the Institute for the Investigation of the Communist Crimes. The main focus of his representation on the period of the state socialist regime is the category of the victims that constituted the pre-communist cultural and political elite of Romania. Explaining his rationale for establishing IICC, Popescu-Tăriceanu says: "It is a symbolic gesture, one can say, for commemorating the fall of the communist regime in December 1989. I believe that we have a moral obligation towards the victims, towards their families, so that we can bring the truth to the surface" (Faighel 2005). The project for the establishment of IICC acknowledged the influence and the inter-relation between certain representatives of the civic organizations and members of the civil society with the ruling political elite. "According to the Prime Minister the Institute shall be conducted by a

Council comprised of eleven personalities of civil society nominated by the Prime Minister"
(Faighel 2005). Contrary to what transpired in other cases the representatives of the
category of the ex-politically persecuted and ex-politically prisoners were not included as
part of this institutional formation coalition. What has actually happened in the Romanian
public sphere is the fact that the public discourse of the social category of the victims has
been appropriated by the civic anti-communist public intellectuals. "Politically, the most
coherent and the most visible group that promoted anti-communism was that of the former
political prisoners, many of whom were also key members of the so-called 'historical
parties' ...Civically, there were the public intellectuals who epitomized civil society as it
happened before the collapse of communism in Hungary, or former Czechoslovakia (but not
in Poland)" (Petrescu and Petrescu 2010, 513).

After the establishment of the Institute for the Investigation of the Communist
Crimes in December 2005, the President of the Romanian Republic made a strategic move
to respond positively to the appeal of the civil society organizations for condemning the state
socialist regime. Even in this case there was an involvement of representatives of the anti-
communist civic organizations. Prominent individuals from the Group of Social Dialogue
were part of what became in 2006 the Presidential Commission for the Analysis of the
Romanian Communist Dictatorship. This commission was generally known as the
Tismăneanu Commission. The rationale and the public discourse on the Commission
differed from the one used to explain the formation of IICC. While the National Liberal
Party tradition and ideology set the boundaries of the political discourse on the state socialist
past and the normative framework for the establishing of the Institute (IICC), in the case of
the Commission the discourse and the normative framework was set by the public
intellectuals and not by the President of the Republic, who was the main decision-maker.

While the conservative anti-communist parties and even certain public intellectuals like Gabriel Liiceanu had relativized the fascist experience in Romania, the group of public intellectuals that were involved in the Commission expressed a peculiar form of anti-Communism: "We clarified the values of the commission from the beginning. I said that our anti-Communism, which was unambiguous, was not an anti-communism rooted in another extremism. Our position was civic liberal anti-Communism, which is equivalent to civic liberal anti-fascism"(Feffer 2014). As I have indicated earlier, there is a general concept used in the Romanian public sphere that is named as 'trial of communism', which is closely related by the urge expressed in civil society for the condemnation of the past regime. The understanding of this condemnation in the case of the civic, liberal anti-communists differs. This understanding is more global in its scope than the understanding of the representatives or allies of the traditional anti-communism of historical parties and political prisoners. Given that Vladimir Tismăneanu was involved as the head of the Commission and also being one of the main representatives of the public intellectuals it is important to provide the dominant framework of this social group that occupied state positions in the processes of dealing with the state socialist past in Romania.

"The neo-communists have occupied the anti-communist discourse. Remember the action of Ilescu and Roman in January 1990 declaring themselves democrats from time immemorial. They used the vague notion of totalitarianism so they could avoid the political and moral boundaries necessary for the rupture with that past. They close their eyes with regard to Securitate...They established the Institute for the Study of Totalitarianism, which never managed to become what was and still is necessary in Romania: a center for the preservation of memory in relation to the communist terror. Only the actions of Traian Băsescu or of the Alliance for Truth and Justice cannot be considered decommunization. Decommunization has to be of a national scope" (Revista 22, 19 October 2005).

In comparison with the other civic organizations or social groups that are closer to the traditional version of anti-communism, which values the pre-communist period in

Romania, the civic anti-communism concentrates mostly on the actual dictatorship. Both these groups delineate the baleful role of Securitate, yet the liberal anti-communists concentrate their attacks more directly on the inheritors of the past regime.

To conclude, the political initiatives of establishing particular institutions or certain commissions to deal with the state socialist past lacked a shared credibility in the public sphere. In this respect, the permanent campaigns of civic organizations centered on anti-communist discourse provide an increasing degree of legitimacy to the political initiatives of the center-right political class.

4.3.2 Existing institutions, alternative institutional formations and factional institutionalization

In this section, I present the features of the space of Institutes that have been involved in addressing the state socialist past. To some degree, similar to the Czech case, in Romania there existed certain Institutes or organizations that could have been considered as institutional priors for the newly emerging Institute. In the Czech case, there was a displacement and dispossession of an existing organization within the bureaucratic field that preceded the establishment of the Institute. This was not the case in Romania. One of the reasons is that the political class, and in particular the center-right parties have not been cohesive and in cooperation with each other. The existing institutions include the Institute for the Study of Totalitarianism and the organization called The Council for the Study of the Securitate Archives (CNSAS). This organization preserves and concentrates the Securitate archive, administers individual access to the archive, provides according to the law the disclosure of the collaborators/employees of Securitate and is involved partially in research.

The Institute for the Study of the Totalitarianism was founded by the center-left in cooperation with Romanian members of the Academy of Sciences, which the civic anti-communist organizations and the new generation of historians considers as inheritors of the past scientific dogmas and practices of the state socialist regime. Thus, because this institute belonged to or was affiliated with the center-left it was not included or considered in the new institutional formation project. The Council for the Study of Securitate Archives was not displaced or merged either. It became along the way one of the competing organizations to the IICCR. The understanding of the state socialist past according the CNSAS diverges from the understanding provided by the IICCR and later IICCMER.

According to the explicated theoretical model on institutional emergence I have specified that causes of the trajectory of institutional emergence include as structural factors, the presence of certain institutional priors, antecedent units and the originating field of the institutional formation. The agent-based dimensions and factors of the institutional formation are to be found in the presence of certain institutional entrepreneurs and the trajectory and accumulated practice and cognitive frame (habitus) of the main agents of institutional formation. The Romanian case demands that I modify to certain extent the explanatory model. As in the Albanian case one cannot discern a consistent and persistent institutional entrepreneur that advocated the emergence of the Institute for the Investigation of the Crimes of Communism. Marius Oprea, as an adviser to the Prime Minister Tăriceanu, could be considered to some extent as an institutional entrepreneur. Yet, I could not obtain any sustained public articulation by Marius Oprea for the emergence of a particular institutional formation or of strengthening existing institutions for a new purpose. He has been quite vocal in defense of lustration as a key policy, and in the support for the cause of condemning the communist regime not only officially but getting involved effectively in the

'trial of communism'. The originating field of the Institute for the Investigation of Communist Crimes was the state administration. The Institute was placed under the control of the government and directly of the Prime Minister. The official accountability of the Institute and its hierarchical dependence towards the government would involve the diffusion of certain administrative practices. Nonetheless, the absence of an institutional accumulated capital and the absence of entrenchment in the bureaucratic field per se makes me consider that the Institute for the Investigation of the Communist Crimes did not have a proper originating field either cultural or bureaucratic. In this sense I consider that there are certain administrative effects, and administrative practices, which the informants who have worked in the Institute for some time name them as 'bureaucratic'. Adrian Cioflâcă a historian who has had various positions from a member of the CNSAS council to a member of the Wiesel Commission and the Tismăneanu Commission was involved as a director of a department at the IICCMER (a merge between existing IICC and the Institute of the Memory of Romanian Exile). He explains the tension between a researcher that wants to maintain his/her autonomy when working in governmental or state institutions. "The only fact was that they [government officials] were not aware of the specificity of our activity. Because they tended to evaluate our activity from certain criteria and figures which are external to academic research" (recorded interview, 20 May 2013).

The initial organizational units of the IICC were established *de novo*. According to the first annual activity report issued by the Institute these organizational units included: "the department of research and the department of documentation" (Annual Activity Report IICC 2006, 14). The Romanian term for department is a more specific one called biroul (office), which does reflect an administrative or bureaucratic nomenclature. The initial rational behind the activities of the Institute are presented in the Report as: "The

establishment of the Institute is related to the necessity for public condemnation of communism, according to a special law, as well as for the commemoration of victims of communism at the national level" (Annual Activity Report IICC 2006, 3). It can be said that the discourse used by the leading team of the Institute, headed by Marius Oprea during the first years, is a discourse that is found in the civil sphere. It has been articulated mostly by the civic organizations rather than the political class or from other existing institutions. One indication for the absence of the effect of the field and for the lack of the accumulated capital in the formation of IICC is the complaint made by the leading team of the Institute for the tedious bureaucratic procedures of effectively making the Institute operate: "The year 2006 has been for the IICCR a year full of unexpected issues. For bureaucratic reasons the Institute started its work in June 2006" (Annual Activity Report IICCR 2006, 3).

The Institute according to the law could not operate as a unit of the General Prosecutor of the Romanian Republic in the investigation of the crimes. The Institute has promoted, mostly due to the influence of its first director Marius Oprea, the application of forensic archeology in the excavation of the executed victims by the past regime. This kind of working practice has also been utilized in other countries, especially in those of post-authoritarian military juntas. This working practice has not been secluded to governmental agencies but quite diffused among civic organizations of the affected victims or those representing their cause.

Cosmin Budeancă, one of the first employees/researchers to get involved in the IICCR delineates the distinction between two main strategies of dealing with the past regime. The focus is on the victims of repression and on concrete stories of violence:

"The leadership at this period [the new leading team of Stanomir and Tismăneanu that replaced Oprea in 2010] had not conducted these projects [investigation of mass graves and

executions and oral history of the victims] ...we are historians of ideas, they prefer to stay in the office, not to have direct contact, to go to archives...they have not a capacity for a deeper perspective, they do not have direct contact, not to speak with the old people...[the old people being the politically persecuted] have problems, because they do not have rights, not attention"(Budeancă recorded interview 20 May 2013).

These tasks and practices described by Budeancă have been central to the work of the IICCR during the leadership of Marius Oprea. The understanding of the past is focused on the armed resistance to the communist regime in the 1950s and in the concrete victims of the past regime. There is a recognition of the continuity of the ruling elite yet these group of individuals stays away from addressing the Romanian revolution events or the more structural understanding of the dictatorship. Such kind of understanding reflects to some extent the political discourse of the traditional anti-communist parties. Adrian Cioflâncă explains the division between the position of the association of political prisoners on the socialist dictatorship and the position of the scholarly community that is closer to the team of Stanomir and Tismăneanu: "...they imagined the crimes of the regime as a result of an intentional position, a criminal position of the government. Not the result of some cases of individual initiatives or structural factors. They were very intentionalist" (Cioflâncă recorded interview 14 May 2013).

Contrary to the Czech case where within the Institute existed different sedimented competing institutional practices, in the Romanian Institute (at IICCR) there were no clear delineated institutional factions. Rather, it can be said that the Institute has been restructured and reorganized once there was a change in the government and through a process of migration from a certain field of a certain social group to the Institute. In 2010, the people who had been involved in the Presidential Commission on the Romanian Dictatorship, when the Democratic Liberal Party controlled the government, moved to the higher positions of the IICCMER. Most of these individuals had a long trajectory in the educational field and

crisscrossing with the cultural field of public intellectuals. Ioan Stanomir, a university professor member of the GDS explains in an informal talk that the new leading team of the IICCMER wanted to serve the public good. This stance reflects the position of a public intellectual that claims allegiance to universal values and at the same time hiding the political dimension of their project behind the neutrality of non-partisan position, which still subscribed to a certain ideological viewpoint. The annual reports produced by the new leading team of the Institute reflect better the rationale of their normative framework on restructuring the Institute and shaping its tasks. The intention of the new team was to introduce an institutional practice that is closer to the scientific practice. "To assure the necessary conditions in the sphere of scientific research ...To increase the attraction of scientific careers .. To promote the scientific performance in a wider public" (Annual Report IICCMER 2010, 2). However this type of institutional practice has its own political dimension as well. This political dimension reflects the normative ethos of the civic anti-communism. "To examine the manner of organization and functioning of all the institutions responsible for the installation and perpetuation of the communist regime...To analyze the institutional importance of and the main events of the year 1990 in the context of democratization, especially with regard to the infringement of individual rights and freedoms...To increase the awareness of the general public on the acts of violence, crimes and abuses done under the direct command of the Romanian Communist Party" (Annual Activity Report 2010, 3). The other group that dominated earlier the Institute and in 2013 was again reinstalled in the Institute explains that they are not involved in political battles like the historians or researchers of the 1990s : "Within the Institute we did not deal much with the Revolution. We are not involved in the political struggles in the 1990s" (Bosomitu recorded interview 21 February 2014).

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The Institute (IICCR and later IICCMER) has produced a divergent representation and understanding of the past regime in comparison with the CNSAS. One hardly finds a discourse or representation about complicity of the individuals with the regime during the state socialist period in the Institute's publications or official representation. On the other hand, whereas there has been a dimension of organizational expansion and restructuring of the Institute by creating new departments the process of concentration of the material and institutional legacies of the state socialist regime has happened within the CNSAS. This adds to the initial structural factional institutionalization process. From time to time CNSAS and IICCMER have competed in the domain of dealing the state socialist past. Dragoş Petrescu as head of the CNSAS has explained the degree of complicity of the Romnian society with the regime, which is rarely discussed by the traditional anti-communists and the civic anti-communist liberals:

"However, the secret police could not have functioned effectively without the huge supporting network of informants. Consequently, the vision on communism that victimizes almost all the Romanians and implicitly externalizes guilt hardly represents a premise for the process of reconciliation with the past. Such process would also entail acknowledging and assuming the responsibility that each of the survivors had in perpetuating the former regime for decades. It will take much longer than expected to reflect upon the issues of everyday cooperation by and implicit collaboration with the defunct communist regime" (Petrescu and Petrescu 2010, 506 in Troebst and Baumgartl 2010).

To conclude, in the Romanian case there are two main groups that have been active within the civil sphere that have expressed opposing positions with regard to the state socialist past and the actual polices or strategies to be pursued. Contrary to the Czech case in which the cultural field have had more autonomy and was dragged into the debate and contestation with the initial institutional formation coalition, in the Romanian case the representatives of the cultural field have expressed a political vision quite early on based on

what they term civic anti-communist ethos. The absence of the sedimentation of different institutional logics have led to a process of factional institutionalization with the change of leading teams. The existence of a competing institution with divergent perspectives than IICCMER is an indication of institutionalization that does not belong to the weak or robust pole.

Chapter 5: Strategies of Regime formation

5.1 Case study: Albania

5.1.1 The partial congruence between the democratic opposition and the reformed communists

In this section I present the main actors which extricated from the late state socialist regime in Albania and became influential actors during and after the transition. The main social categories involved were the technocrats fashioning themselves as reformers of the economic models, and the university, research centers' professionals and intelligentsia who had gained a considerable autonomy with regard to the regime, and went further in suggesting alternative social orders. The social category to comprise the elite of the democratic opposition was the intelligentsia of the state socialist regime. Most of the political elite of the main opposition party, the Democratic Party (PD) came from the cultural intelligentsia. These individuals possessed more cultural capital than political capital compared with the socialist technocratic reformers. The technocratic economic reformers sided with the close group of reformed communists presented by the ambivalent figure of the First Secretary of the Party. Initially within the democratic opposition there existed two fractions: one, the liberal intelligentsia, who was in defense of the rule of law, market reforms, and universal human rights, and the emerging conservative fraction comprised of anti-communist traditional, which was grouped into the new opposition party and anti-regime student movements (Biberaj, 2000). In the beginning the liberal intellectuals, or at least their

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ideas dominated the opposition party by imposing their understanding of the goals, and ideology of the right of center Democratic Party. The social category of the traditional anti-communists comprised individuals coming from inter-war conservative parties such and from the group of the politically persecuted under the state socialist regime. The social group of the politically prosecuted can be divided into two sub-groups. The first one was imprisoned during the class warfare against the merchant classes, the land-owners, and the pre-state socialist regime's middle level bureaucrats mostly charged of having collaborated with Fascism, and the second were the anti-regime individuals belonging to the upper-class of the state socialist regime persecuted during the early 1970s. During the period 1990-1992, the category of anti-communist conservatives were not dominant in the opposition party. It is precisely at this time, that the former communists' discourse on democratic transition, their normative visions of the emergent democratic regime and the strategies to be pursued in dealing with the state socialist past, partly converge with the understandings, and the preferences of the dominant fraction of the democratic opposition.

The process of regime change did not involve a radical or revolutionary break. The transition to the new political regime involved non formalized negotiations between the students/autonomous cultural elite of the state socialist regime and the First Secretary of the Party, who was at the same time the President of the Socialist Republic. He was balancing between the conservative party bureaucracy and the technocrats. Both contending actors were referring to the democratization process, understood as the establishment of a multi-party system, followed by the foundation of the rule of law, and respect for human rights. The hindrances to the process of democratization were identified by both contending groups as originating from the conservative fractions of the state socialist regime, namely, administrative and secret police intelligentsia and the party bureaucracy. By a legal decree the

anti-communist diaspora was excluded from participating in the first elections.

There were expectations that under Alia's reign the regime would pursue a different path. There was a discrepancy between the concrete steps initiated by the head of the regime and the official public rhetoric. There was some recognition even among foreign analysts that during the late socialist period the regime in Albania did undertake certain tactical or useful, but not quite substantial changes. Elez Biberaj claims that Alia started a process of Albanian style of glasnost that demanded open discussion of complaints and issues within the party and non-party associations officially controlled by the regime (1987). "Alia, two and a half years after assuming power, has put his stamp on the country's politics, revised some of Hoxha's more radical policies and introduced small, but potentially significant innovations (Biberaj 1987, 480)". These small but potentially significant innovations were introduced in the economic policies by demanding decentralized decision-making, and some allocation of private plots for peasants (1987). On the political dimension, two non-trivial steps of possible shifts and changes can be marked. These changes did not initiate an open process of political contestation nor relinquished the political monopoly of the Party. Nonetheless they indicate the realignments within the ruling elite and the configuration of the alliance between technical intelligentsia and the non-conservative fraction of the Party represented by Alia. It also indicates the emergence of a process of recognition by the regime of the autonomy of the cultural field, by granting more primacy to the state socialist intelligentsia (academics, university professors, researchers and associations) to speak more openly than before. "In these [Central Committee] and other senior mid-level appointments Alia has focused on experienced professionals with technical backgrounds (Biberaj 1987, 480)". On the second step of open discussion on problems or concerns, members of the cultural field during the late 1980s, started to advocate and support the regime's style of 'glasnost'.

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"Controversial articles have been published in the official media, which only a few years ago would have been unthinkable. A prominent, sociologist, for example, has called for the intensification of a 'free debate', insisting that debate 'stimulates, democratizes, and revolutionizes the country's entire life' and is a guarantee against 'fruitless doctrinaire thinking and blind conformism'. Other scholars, echoing Alia's encouragement of public debates have called for an expansion of cultural ties with other countries [presumably Western countries- *my note*] and have rejected the use of 'administrative' [presumably coercive methods or methods of social control- *my note*] in dealing with social, particularly youth, problems" (Biberaj 1987, 480).

During the liberalization phase, the state socialist intelligentsia could articulate the relinquishing of the coercive methods of rule, without at the same time disavowing the socialist order. On the other hand, it is useful to mention that the initial steps started by the regime as it understands 'democratization', definitely not as open political contestation, but probably more as limited participation, pits the social category of the cultural intelligentsia against the conformist party apparatchiks and bureaucracy.

The leading figures of the democratic opposition during the period 1990-1992 started to borrow from the ideological terms of the discourse of the main regime's representatives and to provide their own understanding of the transition process. The state socialist regime was not understood by the democratic opposition as a unitary time-bounded regime being similarly the same from its installation in 1944 to 1990. Rather the understanding of the state socialist regime focused on the late period of regime, stressing as such the division between the citizens and the ruling elite. Both the opposition and the state socialist regime considered important the process of democratization, although the understanding on this term was different between the two. Nonetheless, the incumbents of the state socialist regime conceded to the demands of the student movement and the incipient democratic opposition by allowing multi-party competition and gave up on their initial project of including in the political field associations loyal to the regime as ersatz parties. The two contending camps appreciated and

linked democratic regime with the rule of law and human rights. Two remarks need to mentioned. It is during this period that a mutual response, and a shared institutional formation on dealing with the past legacies was considered as a viable option. It could have even endured, had not the constitutional consensus broken down.

As I mentioned earlier, the representatives of the Democratic Party did not draw the dividing line in the society between the communists and the anti-communists. That was about to appear as a cultural cleavage, that was mobilized politically later on. The most represented depiction and analysis coming from the opposition on the nature of the effects of the state socialist regime's rule on the society was that of the division between the privileged corrupted elite (Biberaj 2000, 56; Kadare 2005) and the honest communists having no choice but to obey the regime. Obeying the regime and the conformism that it created, can be seen as a process of normalization within the Albanian society of the state socialist regime after the effacement of the traditional class enemies such as the bourgeoisie in the 50s and 60s. The opposition could even come up with an articulation that provided to some degree an apology or an understanding for the conformism of the citizens under the state socialist regime. The conformism of the citizens was explained as a result of living in a dictatorship (Keko, *Rilindja Demokratike* 1990). As it can be imagined, during the early transitory stage of regime change and the emergent of the democratic regime, there was a competition between the democratic opposition and the ex-communists with regard to who did actually deserve the merits for accomplishing the transformations. It is at this critical moment, when the intelligentsia of the state socialist regime gathered to establish an opposition party (Rosenberg 1994, 86) continuously objected to the claim by the communists for championing the democratic transition by saying:

"Is the columnist ...trying to put the blame to 120,000 communists as being responsible for the 'mistakes' [of the regime- *my note*]? For the destruction of the country? Is it the case that the columnist [of the official Communist party's daily] holds responsible the communist worker for the Stalinist regime? It is obvious, of course, that the members of the Albanian Labor Party (PPSH) were behaving like conformists, and no one is questioning this fact. Yet, this has been a dictatorial conformism. Among the rank and file of the Albanian Labor Party (PPSH) there are tens and thousands of honest people, there a lot of Albanian intellectuals, and thousands of communists who hate the dictatorship and love democracy...people who due to their professional and moral contribution fight against ruin and destruction" (Keko,1991)".

It was hardly possible for the members of the democratic opposition to claim records of dissident. Hardly any of the leaders of the democratic opposition displayed an anti-regime or even an anti-communist profile prior to regime change. I would say that the opposition's positions in the year of the start of the transition 1990 were marked by anti-regime than anti-communist stances. During the spontaneous pulling down of the Enver Hoxha's monument in the center of Tirana by the citizens in February 1991, the Democratic Party compromised with the Communist ruling elite to preserve the monuments across the country and not to instigate turmoil. The democratic opposition continued to recognize the Office of the President of the Albanian Socialist Republic as a legitimate negotiating party at the expense of the party bureaucracy and the administrative and security intelligentsia. During this period neither the regime, nor the democratic opposition were tackling the regime's legacy. The focus was more on building democratic institutions and decoupling the Party from the state. Hence the intention was to make a rupture or discontinuity with the past regime's mode of domination.

In the proclamation of the first concise political platform of the anti-regime student movement, in December 1990, the opposition, recognized explicitly Ramiz Alia as a negotiating partner. They were apprehensive about a conservative backlash in case the opposition radicalized its positions. "We are supportive of the democratic reforms started by President Alia. We demand the acceleration of these reforms. This has been the main aim of

our peaceful demonstrations. We demand political pluralism as the highest level of democracy nowadays" (Fevziu 2011, 40). After the foundation of the Democratic Party, the first minimal program of the opposition was centered on the establishment of the rule of law, multiparty system and human rights (Biberaj 2000, 113). The fractions within the opposition that were arguing for a different strategy, that of no negotiations with the representatives of the regime and a clear break with the past, were those of the representatives of the traditional right inter-war parties, and the ex-politically persecuted social category, and members of the student movement of December 1990. The question was if individuals with a communist past should be allowed to be part of the transformation and should be considered as legitimate players in the new regime. The public position of the cultural and political elite closer to the opposition was that objecting to the (former) communists entering the political field as equals amounted to a Stalinist position (Biberaj 2000, 114). Ismail Kadare a renowned Albanian writer with a constant ambiguous relation with the state socialist regime argued for the equal recognition of communists and non-communists as harbingers of democracy, who should not be excluded or punished: "There were hundreds of communists, as many as the others, not to say more than them, who have fought for democracy in Albania, and have suffered and were punished for that. Excluding the communists from the democratization process means to hinder the democratization process on purpose and as a consequence to increase the enemies of democracy. No good comes out of this Stalinist position" (Biberaj 2000, 114).

The leaders of the Democratic Party precluded the punishments of the communists and instead argued for reconciliation. At the same time after the first free parliamentary elections in March 1991, the communists won the elections due to their support mostly in the rural areas. An independent association close to the democratic opposition such as the Confederation of Free Trade Unions was involved into strikes against the government. After

a few months Fatos Nano's government resigns. A new caretaker government was formed with representatives from both sides. Its mandate was to initiate mostly economic reforms. The liberal fraction of the Democratic Party was represented in the government and not the conservative and anti-communist fraction (Fuga 2008, 216). There was an emerging controversy within the main opposition party regarding the main values and principles that the opposition adopted. One of those contentious principles related to the concept of legality and law. The pressure from the anti-communist fraction to break with the past was mounting within the Democratic Party. Gramoz Pashko, the leading representative of the liberal fraction of the opposition while objecting to the withdrawal of support from the caretaker government, whose member he was argued the following: "We are a democratic party with a clear democratic program. Democracy means law, and equality of all the citizens before the law. Democracy does not mean that the man on the street should rule. It simply means that there cannot be any infringement of the law, and we cannot undertake any action outside of the law (Fuga 2008, 217)". It appears that the demonopolization of the political field, which up to 1990 was dominated by a single Party, followed by the inclusion of human rights, a mutually agreed constitutional package on 29th of April 1991, and the rule of law were considered sufficient features of a democratic transformation for the dominant fraction of the opposition party. Sali Berisha, the leader of the Democratic Party foreclosed the possibility for addressing the legacies of the state socialist regime: "I am totally against political trials. On the contrary, I am for reconciliation. Every communist regime was based on two main pillars: fear and hate. I want to replace fear with freedom, and hate with reconciliation. The high representatives of the regime [conservative members of the Politburo], such as Nexhmije Hoxha, the widow of Enver Hoxha, are the only persons that should be put on trial. They became rich by exploiting the people" (Biberaj 2000, 196). In fact, Nexhmije Hoxha

was arrested at the time when the President of the new Repubic was still Ramiz Alia and the democratic opposition was sharing power with the communists.

The communists who, in June 1991 at the 10th Party congress adopted a new name, and a social-democratic political program started to move closer to the positions of the opposition party. The internal reforms within the Albanian Labor Party (PPSH) consisted in renouncing Stalinism, and in accepting multiparty system, human rights and capitalist economy. "Trying to dispel the Stalinist image that they had, the regime removed the last statue of Stalin in Tirana, and the government promulgated a decree that removed the name of the Soviet dictator from all official and public institutions. The party agreed to a plural political system, and proclaimed itself in defense of human rights, religious freedoms and guaranteed to pursue reforms that would lead to the establishment of market capitalism (Biberaj 2000, 136)". The congruence between the ex-communists and the democratic opposition was manifested in sharing the same principles and on reconciliation with no practice of lustration or trials in view. Nonetheless, it is important to note that the contending groups, which were originally part of the upper class of the state socialist regime, as Eyal (2003) says, but at different positions during the regime transition shared the same strategy of responding to the past.

The main motto of the electoral campaign of the democratic opposition in the anticipatory elections of March 1992, after the fall of the caretaker government was succinctly phrased as : "all of us are co-victims and co-responsible for the communist regime". One could argue that this position of the democratic opposition was constrained by the uncertainty of the transition context and as a result the opposition was trying not to provoke a backlash. The other explanation could be that the opposition intended to create a shared consensus for its own support. "In an electoral appeal that had a wide public resonance

among communists and ex-communists that were afraid of possible revenge, the Democratic party leader promised that there would be no revenge, and that the Albanians were collectively responsible for the situation in which Enver Hoxha committed the crimes" (Biberaj 2000, 208). On the other hand, the ex-communists formulated a similar position on the past that precluded the possibility of overarching accountability. "Many of the members of the Albanian Labor Party, were willing to tackle the legacy of Enver Hoxha, by condemning the dictator and its politics, but Ramiz Alia did not go that far. He agreed that mistakes were done in the past, but Enver Hoxha could not be the only person responsible. All of us, the whole party, is responsible for everything" (Biberaj 2000, 136).

The institutional choice and mechanism for reaching a degree of societal consensus and reconciliation on the past was a Covenant of Reconciliation. The Democratic Party demanded and insisted in the fact that only the social category of the politically prosecuted could arrange and sustain the reconciliation process and not the communists. This institutional mechanism failed to materialize.

The conservative and anti-communist fraction of the democratic party, even though it was not part of the field of power, was emphasizing different issues with regard to the state socialist past. It was also suggesting a different stance, a quite more encompassing one. Part of this group were the small parties of the center right, the students of the December 1990 movement, and the social category of the politically prosecuted. They considered important putting on trial those responsible for genocide against the Albanian citizens, and tackling the issue of the files of the secret police (Biberaj 2000, 239). These groups were demanding complete overthrow of the state socialist regime (Biberaj 2000, 144). The indirect ramifications of this suggested strategy was the emphasis put on the remnant 'old structures' still latent in the process of transition. It demanded a rupture with what was inherited from

the past regime. The response from the leading fraction of the opposition was that of following the Spanish model of transition. "All of us have been responsible to various degrees, for the persistence through time of the dictatorship, if not for anything else, but for the 99.9 percent of the votes we gave to the regime out of fear. But on the other hand we have been victims. This experience of suffering shall unite us in the attempt to create a civilized society as Spain and Portugal did" (Biberaj 2000, 217). The discursive strategies pursued by the democratic opposition in the period 1990-1992 stemmed from their trajectory and experience under the late socialist period, during which the mode of reproduction of the regime via educational institutions and economic modernization was dominant compared to the practices of family socialization and reproduction of the traditional anti-communist groups, which were effaced from the field of power and the public sphere (Jowitt 1993, 28). Hence, the discursive frame used by the opposition overlapped with the one used by the representatives of the regime. On the other hand, it linked the process of transition and regime formation as a response to the period of 'normalization' during late socialism. Henceforth, the understanding of shared victimhood and shared responsibility. Starting from the mid 1990s, a period when the democratic opposition gained its first popular mandate to govern, there is a shift of coalition formation with regard to the past, and a move of the Democratic party's positions closer to that of radical anti-communism. I deal with this period in the following section of the chapter.

5.1.2 Tackling the legacies of the state socialist regime: exclusionary ideological-normative boundaries of the democratic regime

The coalition of democratic opposition including the Democratic party, the Republican Party and the Social-democrats won by a large majority the elections of March 22 1992. This election was considered as an inauguration of a new era by the major political leaders of the coalition. The electoral platform was centered on building a 'genuine' democracy, and the eradication of communism. It also required structural changes in the Ministry of Interior together with financial compensation of the politically prosecuted during the state socialist regime (Biberaj 2000, 191). The democratic opposition forces had identified as responsible and as culprits for stalling the process of transformation a mixture of latent not easily identifiable forces, which included crypt-communists, criminal elements within the members of the Sigurimi (Albanian secret police of the state socialist regime) and ultra-nationalists. The center-right parties did not identify the lawful former communists' party, the Socialist party, as hindering the establishment of a real democracy yet. Nonetheless, it was not difficult to assess a change and shift from the constitutional consensus and inclusive normative framework of the initial transformations of regime transition during the period 1990-1992. The rules of access, as one of the dimensions of the notion of regime, were cast in a universal manner grounded on the idea of human rights. When the center right obtained its first popular mandate in 1992, and especially in the last two years of its mandate, things changed.

During the center-right governing mandate the balance of forces within the Democratic Party shifted from the liberal fraction to the more conservative and anti-communist fraction or better say constituency. Leading members of the liberal fraction of the Democratic Party exited the party in 1993, by either migrating to civil society or by founding an alternative small liberal-democratic party. Meanwhile, within the civil society coalesced a group, that was comprised of autonomous public intellectuals and liberal politicians, which

was positioned often not in opposition to the center-right government, and also doubtful of campaigns for the 'eradication of communism'. This group of individuals operating in the civil society demanded the right of the victims to access the secret police files. On the other hand, representatives of this group objected to personnel discontinuity in the bureaucratic field (Lubonja 1999, 54). The disjuncture with the inheritors of the state socialist regime in the bureaucratic field is juxtaposed with the possibility of the removal being arbitrary and making the democratic regime bereft of experts, who might be at the same time in the category of inheritors (Lubonja 1999, 54). This group of civic-minded, cosmopolitan and liberal-inclined individuals showed skepticism yet not rejection towards the former communists as well. Thus, the social base of the support for the DP changed. The assumed 'democratic revolution' was considered as unleashing a third and a fourth wave of 'revolutionary stage' based on the constituency of the ex-politically prosecuted social category, the man on the street, pseudo-intellectuals clinging to power (Lubonja 1996). The ruling coalition of center-right parties made the anti-communist ideology central to its political project and to its policies addressing the state socialist past. There emerged an awareness that the building of a democratic regime can't co-exist with the constraints put by the assumed disloyal behavior of the personnel of the past regime, still in place in the bureaucratic field of the state. Cleaning the house would safeguard the democratic regime from a possible 'dangerous restoration' of the dictatorship.

The ruling party, in alliance with the social group of the ex-politically prosecuted attempted to establish a process of steps and practices of dissociating the democratic regime from the past regime not only ideologically but also structurally. From then on in the case study of Albania the policies of dealing with the past, and achieving a rupture with the past regime by recognizing its inheritance, or legacies in order to remove them, was a constant

and recurring contentious issue involving social and political actors.

Public intellectuals and civil society activists argued that what was transpiring in Albania in the mid 1990s, was the establishment of a non-democratic government, if not a regime with authoritarian tendencies. The attempt made by the main representatives of the democratic regime to address the state socialist legacies and to provide an ideological or normative understanding of the democratic regime, by reconsidering the rules of access to the public sphere and the field of power, was considered by the dominant representatives of the civil society as a manipulative, unnecessary not to say dangerous process. A polemic emerged in the autonomous journal (*Perpjekja*) that became a platform of alternative thinking of a part of the cultural elite, whether the democratic regime turning into an authoritarian regime was as equally bad as the state socialist regime, with its form of communism. "Nowadays in Albania we can notice certain attempts to create an ideology so that Berisha's clan can manipulate the people and identify its enemies. The attempt is to produce an ideology that mixes together a mystification of democracy and anti-communism. The mystification of democracy implies a presentation of democracy as a triumphant ideology (exactly as the Hoxha regime represented socialism), in which Berisha and his men are presented as heroes" (Lubonja 1996). The political platform of the center-right government to eradicate communism and to guide some of its policies by the anti-communist ideology as a sham and not what is needed by the general public.

"Anticommunism is not producing proper effects, because the Albanians are not so naifs as to believe that the former devils take seriously their new religion. The reason is, above all, that anticommunism requires the destruction of the people named as communists. At the meantime, the majority of the Albanians are aware that the time for this type of destruction is

over, and what they require nowadays is a project that promises construction and unity/unification" (Lubonja 1996).

Henceforth, it appears that the independent civic activists and intellectuals critical of the center-right government suggest as a valid and useful strategy the one that was conceived of in the early stage of transition. On the other hand, this concern of this group of public intellectuals maintaining their autonomy vis-a-vis power, indicates a process mentioned by other scholars of transition studies of Albania.

A few months before the approval of policy measures of dealing with the state socialist inherited practices, and legacies, political representatives of the DP's parliamentary majority highlighted the danger of the 'restoration of dictatorship' if the lawful opposition of the Socialist Party came to power. In the mid-90s, after having lost the popular referendum on the constitutional project, the center-right government was expressing signs of ambiguity concerning the foundational principles of the democratic regime. The state socialist past had not been addressed fully, nor a shared consensus emerged on the main tenets of the democratic regime. The promulgation of the Genocide Law and the Verification Law in late 1995, attempted to correct this ambiguity and redefine the rules, the normative underpinnings and the legitimating formula of the democratic regime. An influential and active, if not authoritative, representative of the DP, Shaban Memia, condensed in a few sentences the shift towards a more intensive rather than extensive understanding and definition of a democratic regime:

"During the slanderous campaigns imbued with a destructive and anti-patriotic and anti-democratic character, the Socialist Party wants to obstruct by all means the consolidation of the rule of law and of the democratic state. The socialist party was not established to defend the ideas of the socialist left in Albania, but to defend the criminals facing the volcano of the democratic movement. Taking advantage of the tolerance that is part of the democratic polity, and of the new (social) order that we are building, and moreover of not having experienced

an Albanian Nuremberg, groups nostalgic of the communist past, and also mixed groups who are part of the Socialist Party and its small allies are trying to restore the dictatorship. Neocommunism constitutes a real danger in the current conditions" (Memia 1995).

The socialist opposition is described as a disloyal party to the new democratic regime. Addressing the past legacies and establishing a distinct normative framework of the democratic regime grounded on the break with the past, was linked to the transferal of the struggle on the past within the political field. The official state policies of the democratic regime on dealing with the past were framed during the period 1992-1997 as policies and practices to safeguard the democratic state and prevent a 'disloyal' opposition from restoring the 'dictatorship'. Initially the campaign to 'eradicate communism' was framed as a civic political obligation of the democratic forces and as broad civic movement in a way (Biberaj 2000, 191). Nonetheless, students of civil society activism in the case study of Albania indicated that there was less civic involvement and inclusion from autonomous non-state actors in the process of dealing with the past (Elbasani and Lipinski 2003, 2). The center-right government had its own group of literati and intelligentsia close to its ideological positions.

5.1.3 The recurring policy on the past: anti-communist narrative and legacy as remnant

The democratic government in the years 2005-2013 after a center-left eight years of governing the country (1997-2005), resuscitated again the policy of dealing with past. The first legal attempts during the first mandate of the democratic opposition were directed towards the technocracy and the administrative intelligentsia that was part of the state apparatus. The vetting law sought to protect the new regime from those categories within the state apparatus that had been part of the party bureaucracy and collaborators of the Sigurimi.

The anti-genocide law was targeting the center-left opposition, most of its members had positions of power in the state socialist regime.

The democratic government in the period 2008-2009 proposed a bill on lustration. This bill was considered anti-constitutional by the Constitutional Court. The second step was the creation of the Institute. The Institute has been run by the representatives of the declasse social categories and social classes during the state socialist regime.

The process of regime transition is considered as a formal fall of the state socialist regime (Tufa recorded interview 2013). The democratic regime is not considered as being democratic but as burdened by the pervasive inheritance of the state socialist regime, according to them. "All that we just said has nothing to do with the fall of the communism as a formal system, as a one-party system. Nor has it to do with the creation of the multiparty system,....and I think this is a feature of a democratic regime, allowing one to move from one system to another, leaving the whole inheritance and the physical, human, political and economic legacy out of the attention and out of remembrance. The consequences that the communist dictatorship left in Albania have not been effaced and removed" (Tufa recorded interview 2013). In a more direct way Tufa says: "The democratic revolution, the democratic reform should have been the discontinuity, rupture or the decommunization of society" (recorded interview 2013). Hence, Agron Tufa advocates a mode of disrupture with the legacies and inheritors of the past regime. The scope of the individuals or social categories linked to the past regime is not restricted only to the notion presented by Eyal (2003) on the categories of the state socialist field of power. The official publications of the Institute consider social categories and groups that "supported the state socialist regime" as privileged classes of that regime (Sadiku 2013, 10). This social category that directs the Institute considers as central the pre-communist tradition and the pre-war capitalist formation. "The

destruction of all the classes that constituted the pre-communist social configuration" (Tufa recorded interview 2013). In the category of social classes on which the state socialist regime committed genocide, according to the dominant faction of the Institute, include the bourgeoisie, the intellectuals, merchants and landowners.

A possible albeit restrictive social transformation by the state socialist regime is considered as a sham. nonexistent or done for ideological purposes: "They made the [literacy campaign] so that people could read Marxist-Leninist ideology. The construction of roads, and the eradication of illiteracy were at the service of the regime"(Hoxha recorded interview 2014). The period under the dictatorship is discursively constructed by relying on the assumed ideological effects of the state socialist dictatorship. The intended positive effects that the state socialist regime claimed are presented in a reverse negative way. "I remember myself that time. The children were taught how baleful is the bey, the German [as occupier] or a rich person is. These were typical of class divisions stemming from Marx and Engels manifesto....Then came the indoctrination. Then you have the youth organization....The fight against bourgeois behaviors....When you reached the age of 25-30 you had the mind of a zombie" (Tufa recorded interview 2013). The anti-regime or non-conformist behavior of the young generations under the state socialist regime in Albania (Pano 1974) are not mentioned. The regime is understood as exercising state terror constantly during its reign: "subduing slavishly the Albanian population to accept, paralyzed as it was, the will of the dictatorial power" (Tufa 2012, 7).

The main projects and strategies to be pursued by the representatives of the Institute are related to the displacing the narrative of the so-called inheritors by representing the narrative of those who suffered under the state socialist regime. "In the budget of the Institute...it is foreseen that memorial plaques shall be placed in those places of internment

and suffering, which are ruined and destroyed, due to the overlapping of agricultural or industrial projects"(Annual Report 2014, 6). At the same time under the notion of de-politicization of the history textbooks, the Institute placed an emphasis on changing the dominant historical narrative in history textbooks "especially of the years 1991-2013" (Annual Report 2014, 13).

The memory of the victims and those who resisted the state socialist regime according to the leading team of the Institute is not to be found in the archives. "All of you know that not everything is found in the archives. You cannot find in the archives the inhumane tortures, disgrace, blackmails and persecutions" (Tufa 2012, 27). The state socialist regime is considered to have left no traces. The Institute's team claims that they have no access to the official materials of the past regime. This structural condition of their work and their social position has made them revert to testimonies of the victims. The institutional legacy of the state socialist regime, the archive of the secret police, has remained dispersed within the bureaucratic field's organizational units. It has not been transferred to the Institute, nor made accessible to the victims of the state socialist dictatorship.

5.2 Czech Case

5.2.1 Inclusive democratic regime, rule of law, proselytizing the inheritors and material legacies of state socialism as inoperative remnants

In this section I focus on the period of the early 1990s, which reveals the dilemmas, strategies and understandings of the main contending actors in the processes of regime formation. The main actors include the dissidents, who operated. At the initial stage of regime transition, part of the dissidents found themselves at the apex of power. The dissidents tried to carry over to the new emerging democratic regime, the practices that they cherished such as civic engagement, political activities outside of traditional representative organizations and a respect for the rule of law and human rights. In a way, the normative framework of the Charta 77 movement seems to suggest that a bottom-up strategy of building a democratic polity based on permanent participation and limitation of the role of the state was the optimal solution to build a democratic regime. Albeit the fact that the dissidents possessed a distinct cultural capital becoming political luminaries within a short period of time, contestations still existed.

These contestations were mostly evident in relation to the strategies that could be pursued when dealing with the state socialist past. One could hardly identify a class-based opposition during the stage of regime transition. Some of the pertinent classes of the state socialist regime no longer had any effect as a social force during the democratic transformations. The working class became mobilized in the last year of the state socialist regime, in 1989, as part of the general strike of the mobilized population against the regime. It should be considered that the process of regime transition was influenced by the features of

late socialism, that is of normalization, in the case of Czechoslovakia. The period of a class warfare between the representatives and remnants of the bourgeoisie on the one hand and the Party as the leading organization of societal change and representation of the working class, was more striking in the early 50s than under the normalization regime. As a consequence, the transition from state socialism to democratic regime leaves us with two main pertinent social groups or status groups that are juxtaposed to the delegitimized and *dis*-credited party apparatchiks in the Czechoslovak case. Therefore, as Eyal (2003) explains the dissidents coming from the unofficial sphere and possessing cultural capital found the technocrats within the official sphere of the state socialist regime as the most convenient allies in the process of regime change with all those contradictions and divergences that came along. I would argue that what appears to be useful from Eyal's argument on the actual processes during regime transition is the grounding of regime transition and the corollary legitimation of the emerging democratic regime on the cultural capital. The dividing line within the post-communist society is not so much based on the class contradictions positing the bourgeoisie against workers, or petite-bourgeoisie rather than on the cultural cleavage predicated on the complicity or distance from the state socialist regime. In short, that of being an inheritor of the past regime or an opponent of it. Here it is how Jiří Šuk, a Czech scholar of the Velvet Revolution describes the dividing line in 1989:"Revolutionary events were triggered by a peaceful demonstration in Prague on November 17, 1989, which was brutally suppressed by the police. Immediately after the police crackdown, university students contacted intellectuals, artists and theater and film actors, and in the ensuing wave of public indignation, they initiated the first active centers of civil unrest. Two days later, the Civic Forum (Občanské Forum) was set up as a political movement bringing together not only dissident groups, but also other dissatisfied and outraged citizens, even some Communists and members of the

National Front parties (Šuk 2007, 13)".

At the start of the transition there is a coalescence of the dissidents, public intellectuals outside of the official sphere and the technocrats facing and partly cooperating with the assumed beleaguered reform communists of the Prague Spring. "In the Czech Republic, the political capital and the reformist discourse were greatly devalued and the right-wing discursive strategy bound together the dominant political actors" (Eyal 2003, 34). Initially, it seems that the new ruling elite of the post-socialist Czechoslovakia, and later Czech Republic, was rather cohesive. Yet this is not the case. What in fact transpired was the emergence of the division within the political field with regard to the state socialist past. "The most symbolic profits could now be made not through usurping the right to make teleological claims about the future, but to being able to impose one's interpretation on the past"(Eyal 2003, 142). Apparently, the contest over the past transformed into a contest on regime formation strategies from the initial symbolic politics division.

The understandings of the main contending political actors and societal groups not only on the past regime, but also on democracy, civil society and rule of law differed. The autonomous organization Charta 77 during the normalization period was itself ideologically diverse. The most anti-communist and conservative factions within Charta 77 moved after the first years of the new democratic regime into a more anti-communist political camp. Henceforth, the battles within the political field can be considered as internal to the Czech center-right. Michal Kopeček (2011) distinguishes two types of liberalism in the Czech context. "The first one is usually referred to as ethical or political liberalism, or 'civil society liberalism'. This gives rise to the emphasis on the 'politics of consensus' as a fundamental base of political community, which allows it to stand up against dictatorship or to carry the weight of democratization process"(Kopeček 2011, 250). I explain further the main tenets of

this kind of liberalism represented in the underground press of the late 1980 and in the main liberal-minded journals after 1990. The second version of liberalism which started to become dominant in Czech Republic, is termed by Kopeček as 'liberal etatism' (2011, 250). The representatives of this kind of liberalism came from the technocracy of the past state socialist regime. "...despite its inborn mistrust of a strong state, [it] prefers -in times of democratic transformation- the state" (Kopeček 2011, 250).

Prior to and in the aftermath of the Velvet revolution, prominent members of Charta 77 and of the nascent democratic opposition like Petr Pithart, Jiří Dienstbier, Jan Ruml presented their views in the pages of Lidové Noviny on future democratic regime and on the approach to the legacies of the state socialist regime. These ideas reflected at that time the dominant faction of the liberal-minded members of the opposition. The central themes of their public interventions were focused on the constitution of the democratic regime, the way to respond to the personnel and legacies of the past regime. Their main stance was forward-looking rather than backward-looking that the anti-communists were advocating. Petr Pithart in his article at Lidové Noviny writes about the future constitutional principles of the Czech democratic regime. "The constitution which does not have an effect on the rule of law, will be a threat, remaining a piece of paper, even when it pays lip service to democratic values" (Pithart November 1989, 4). Petr Pithart attempts to respond to the dilemma about the people who would take up the positions of working in a democratic regime. It is a dilemma that is solved differently by the two major contending groups. It poses the question whether the functionaries of the past regime can be absolved and converted to democrats, or even if the past regime's functionaries are experts they shall be excluded in the new regime. "...however, where shall we take out of a sudden just and independent judges? Where can we find citizens firmly not corrupted and at the same time not to tolerate even the smallest injustice of the

authorities?" (Pithart 1989, 4). His answer to this dilemma is based on the shared democratic convictions and normative framework of the citizens in the current Czech society. "...self-confident citizens, for whom the defense of their own freedom and other freedoms is a basic citizen's duty" (Pithart 1989, 4). It seems that the democratic opposition, at least its dominant group for the time being, does not pose the dilemma by distinguishing between the communists and the anti-communists. Rather any individual of the Czech society that values democratic freedom and is willing to defend it, is worthy of being a 'functionary' of the democratic regime/state. Jiří Dienstbier defends the position that there should no longer be divisions or entrenchments in opposing barricades. "Democracy should be brought about without violence. Violence almost always creates a violent system. The democratic system arises through democratic means. First of all, it is necessary to bring together all who considers the democratic change as the starting point...barricades should be definitively dismantled" (Jiří Dienstbier 1989, 3). The anti-communist position emphasized the dismantling of the 'old structures'.

Reflecting on the lack of support for the liberal centrist parties and movements in Czech Republic after 1990, Petr Pithart argued that the Czech society was expecting the dissidents included to be more harsh on addressing the past. "...because in the eyes of the voters, the party could not find adequate ways to settle with the totalitarian past"(Pithart 1993. 754). The issue on which the dissidents could not concede was their conception of the rule of law, one of whose dimensions is the non-acceptance of the retroactive laws (1993, 754). The opposing group composed of anti-communist conservatives is described by Pithart as a mixture of conservatism and revolutionary methods (1993, 754). At the time when "anticommunism as a basic legitimization topos became a defining element of the emerging Czech political culture" (Kopeček 2011, 257), the liberal dissidents refused to play the game

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and provided their solutions.

The contentious issue among the political groups and parties in Parliament became the lustration bill. The lustration bill is usually framed as a transitional justice mechanisms. I would argue that the controversy on the lustration is the first instance of the opposing strategies on setting the boundaries of the democratic regime. The first draft of the lustration bill, after the initial stages of 'wild lustration' was presented by the federal Czechoslovak government headed by Marián Čalfa, a reform communist, and supported by the liberal dissidents. The initial bill was attacked and later changed by the center-right representatives: "...the right of center politicians almost immediately attacked the bill as being too liberal because of the provision that in order to ban someone for holding a senior-level government post, he had to be identified as a secret police agent, as a secret police collaborator, or a former communist official who had participated in 'suppressing human rights between February 25, 1948 and November 17, 1989"(Pehe, Radio Free Europe Report 1991). The final lustration law did not make individual responsibility for the crimes a criterion of the law. The representatives of the liberal positions in the public sphere stressed the idea of the rule of law and constitutionality as contrary to the lustration mechanism. Their understanding of the legacies of the state socialist regime is closer to the behavioral or ways of doing that were inherited from the past regime. "Post-communist democracy lacks a certain substantive quality since it suffers from a shortage of democratic spirit. In particular, certain elements of society are missing, that is, the deep-rooted respect for the legal state and real civic commitment" (Pehe 1996, 8). "Modern liberal democracies stand and fall with the institution of citizenship. The constitutional anchoring of Human Rights, the possibility of their being judged by a constitutional court, and the opportunity to appeal to them- even against the state: all of these provide the foundation for the politics of constitutional consensus" (Žák 1998,

14).

A central theme of the liberal dissident's public discourse, which differs from their anti-communist opponents is the complicity of citizens under the normalization era regime. Petr Pithart suggests that due to the normalization period the process of identifying the culprit is rather complex and this cannot be done by the state. "Either all the responsibility was 'theirs' assuming 'they' were always clearly identifiable, or those who were implicated with the old regime were so many and the forms of the implication were so infinitely manifold that such identification was impossible. Of course, in the latter case no other remedy is offered than for everyone to settle with his own conscience without absolution from the government which states authoritatively who is the sinner and who is not"(Pithart 1993, 755). Václav Žák describes the normalization period as rather different from the Stalinist time of the 1950 when writing for the Czech liberal review *Přítomnost*: "At the end of the eighties communist regimes were tired oligarchies rather than totalitarian regimes. And many of the regime's victims were communists. So who now should be punished? Members of the leadership of the communist party? All members of the communist party? Citizens who went to vote and gave the regime apparent legitimacy?Or only those who committed criminal acts?" (Žák 1998, 15). Henceforth, the liberal understanding of the state socialist regime is based on the transformation of the state socialist regime mode of domination and its interaction with the citizens. On the other hand, the ideological blueprint of the state socialist regime for creating a totalitarian society is not the proper criterion, for assessing in the post-socialist condition the past regime, according to the representatives of the liberal faction. The temporal basis for coping with the state socialist past, for the liberals, remains the normalization period from which emerged the democratic regime. The memory and narrative of the political prisoners of the 1950, some of them working for the state socialist regime under normalization, is

marginalized in the early 1990s. The liberals make a compelling demand on the Czech citizens: "Should we not rather confess how we coped under the former regime" (Žák 1998, 15).

The democratic regime according to the dissent tradition should not make any ideological distinction between individuals that are part of the bureaucratic field of the new regime. From the very beginning the dilemma whether to exclude individuals who had been part of the structures of the past regime only on this basis is solved in this way by the representatives of the democratic opposition in late 1980: "...not to judge people according to their past membership in these or those organizations, but according to their competence and in accordance of their support for democratic direction" (Dientsbier 1989). Once the lustration law was in effect, the position of the dissidents remained the same on the proselytizing the past regime's inheritors who have not committed crimes. "What troubles me is the fate of those who were forced to leave though they were blameless, many of them were at the top of their profession" (Vrchovský 1996, 12).

However, there is another more nuanced understanding of the state socialist regime which comes from social researchers that can be considered as politically close to center-left ideology. This position probably stems from the fact that they are involved in social history rather than the traditional historical research of the early 90s that was marked by its focus on the Velvet Revolution, Prague Spring and dissent. Their understanding is that the dissidents were not influential in the Czech society (Kopeček 2011; Pullmann 2011). The reason the regime survived for quite some time, is not so much based on complicity, but on the consumerist drive of the citizens and the social contract with the normalization regime. The main question that these researchers dominant within the cultural field, want to explain relates to the legitimacy of the state socialist regime. "We should give up these cliches [the

regime was totalitarian] and agree that people lived considerably a rich life. The stability of the regime up to the end of the 80s was based certainly on a form of consensus. This term does not mean that the people agreed with everything. Disagreement with a thousand things but agreement on the organizing principle" (Deník 2011).

The dissident liberals defended a conception of democratic transition and regime formation based on the discontinuity of the state socialist dictatorship's mode of domination. The legitimacy of the democratic regime according to this social group should be forward-looking and grounded on the rule of law and individual responsibility regardless of past belonging to previous regime's structures or organizations. Circumventing the state and aiming to base the democratic regime upon constitutionality, the institutional legacies of the past regime were not tackled, or at best remained inoperative or not part of the political battles.

5.2.2 Instituting a rupture with the past regime

The dissident liberal's principles were not shared by other groups or members of the anti-communist opposition. The Czech democratic transition has been termed as "reform through rupture" (Munck and Leff 1997. 346). The replacement of the outgoing political state socialist elite of the party bureaucracy and reform communists by the coalition of dissidents and technocrats of the past regime can be considered according to the typology devised by Munck as a reform through rupture. Yet, in a more broader understanding or regime change that includes the dimension of the institutional structure of the state socialist regime, scholars of the Velvet Revolution distinguish a degree of continuity. "A paradoxical situation developed: the OF (Civic Forum), a revolutionary political movement, wanted the president

to be elected by the communist controlled Federal Assembly in line with the communist constitutions, while the communist party, with a specific purpose in mind intended to make a significant constitutional change by establishing a presidential system" (Šuk 2006, 14). And in more concrete terms the effect of negotiations, of the normative framework of the dissidents and transition's uncertainty was that: "Parliamentary democracy was formally restored in Czechoslovakia. The existing constitution and the structure of the state bodies remained in place" (Šuk 2006, 14). The strata of the administrative and security intelligentsia of the state socialist regime remained in the bureaucratic field, until the first attempts to remove these category of individuals through the lustration law emerged. Yet even in these case, the *de facto* application of the lustration did not follow the *de jure* provisions.

The anti-communist group was not dominant discursively in the public sphere until the early 2000, after the end of the opposition agreement between the ODS and the social-democrats. The main center-right party reinvigorated its anti-communism by approaching the category of the ex-politically persecuted as their allies in the *kulturkampf*. In the early 1990s and even during the normalization period the description of the state socialist regime as totalitarian as a consequence of the February coup of 1948 was not present (Šuk 2010, 34-35). As it turned out from the semi-structured interviews the shared discourse, coming from broad anti-communist alliance with roots in civil society and political society, constructed the inheritors of the state socialist regime as "individuals connected with the regime". The complicity and the ambiguous condition of the normalization period was replaced with a more ideological distinction seen from the present perspective. It should be noted that certain representatives of the anti-communist group have been members of state socialist party youth organizations that at 1989 were late-comers in the democratic opposition (Kopeček 2011, 260; Šuk 2006, 16).

The critique of the anti-communist group was focused on the inability or lack of concern of the 'revolutionaries' of 1989 for not understanding that the process of coming to terms with the past and that of completing the revolution has not been finished. Central to the anti-communist group's concerns were the legacies of the state socialist regime and the present influence of the past regime's personnel. The administrative and security intelligentsia of the state socialist regime, which was part of the complex apparatus of secret police were screened by the so-called civic committees (Zeman 2006, 117). Despite this initial revolutionary wave of purges Petr Zeman indicates that the positions of the past state socialist personnel had not been largely effected. "The relationship between new and old members of the service reached a peculiar symbiosis. To put it in a somewhat oversimplified manner, the new recruits were at the helm, the reactivated agents set the policy and the old guard determined the way the things were actually done. The old guard received protection in return for work."(Zeman 2006, 119). This described symbiosis brings to the fore the distinction between professionals and those politically reliable for a new regime. This distinction marks the absence of an effective discontinuity with the past regime.It has been a permanent dilemma of those in influential positions in the new democratic regime. On the other hand, the anti-communist group does not simply expose such a dilemma. They consider that it can be solved by excluding the inheritors of the past regime even if they would remain good professionals for the democratic regime. "...the first steps take after November 1989 failed to deal radically with the legacy of the previous regime. There were various means we could have used to break the continuity with the previous regime's personnel, but we only made use of a few of them and did not thoroughly apply them"(Ruml 2006, 17). Jan Ruml, one of the deputy ministers of the Federal Ministry of Interior and later Ministry of Interior of Czech Republic for a mandate, claims that the revolutionary euphoria obfuscated the danger that the

past regime's personnel posed for the new democratic regime. Following Schmitter's conceptualization of past regime's personnel harming the democratic regime and its transition, it appears that there were no obstruction on behalf of the administrative and security intelligentsia on the democratic transition on the Czech case. One could argue that the personnel of the past regime lingered on even after the lustration effects. However, this is not equal to saying that it has been obstructing the democratic regime. It is for this matter that the process of dealing with the state socialist part and the creation of the Institute is part of the political project of the anti-communist right to refashion the democratic regime.

The representatives of the anti-communist right and civic organizations closer to this ideological position considering the state socialist regime as totalitarian effacing the temporal transformations of the state socialist regime. At the same time this category claims that what matters is the congruence between being anti-communist and being a democrat. If an opponent of the state socialist regime was not consistently anti-communist but anti-regime than this individual is not considered as worthy for the new democratic regime. "There was a totalitarian regime with teeth and a totalitarian regime without teeth, in the late 80s for example, but it was still a totalitarian regime. The communist party had a leading role. It was in the constitution. And the others had to follow. That is one of the key signs of the totalitarian regime" (Vondra December 2014). Henceforth, Alexander Vondra as a representative of the anti-communist right evades the murky reality of the normalization and the different ways of displaying loyalty or circumventing the state socialist regime by emphasizing the ideological blueprint of the past regime. Alexander Vondra constructs the experience of opposing the state socialist regime under the normalization period being simultaneously anti-communist and anti-regime (recorded interview). Karel Strachota, a prominent member of the People in Need civic organization, which leans towards anti-

communist ideology when it comes to the past, expresses his worry for the rise of nostalgia and for people not remembering what should be remembered on the past regime. "As I said people are losing memory. It is better to forget than to ask myself...why I was not able to do something against the regime" (Strachota recorded interview December 2014). What is termed as a process of losing memory can be considered as a euphemism for non-acceptable memories and representations of the state socialist regime according to the center-right anti-communist ideology. Pavel Žáček appears to articulate better the anti-communist position with regard to the people that 'were connected' to the past state socialist regime. "Even if they were dissidents, but before 1968 they were communists. They served the communist regime. Half a million communists were kicked out of the communist party. They became dissidents against the regime. I don't know against the communist idea but against the regime. Who had experience with power? From these people, just the 68-ers. These guys one part of your life you spent in the communist party, and the second half against the communist party. The regime breaks down and who are you: democrat or communist?"(Žáček recorded interview December 2014).

Henceforth, without considering any linkage between the normalization period and the democratic transition, Žáček presents an exclusionary access to the democratic regime based on the criterion of the past belonging of an individual to the communist party or its power structures. The process of the creation of the Institute is presented by the main institutional entrepreneurs as interlinked with process of setting the boundaries of the democratic regime according to the anti-communist center-right. The establishment of the Institute creates the possibility for this group to overcome their initial marginal position of the 1990s when as Žáček says "[we]...were working against the whole political establishment" (recorded interview December 2014). The intention to address the institutional legacies of the

state socialist regime is part of their political project of refashioning the new regime. On the other hand, this fact makes them concentrate part of their struggle within the bureaucratic field. "I was prepared myself that once we establish the Institute and the Archive we would be under the permanent attack from the communist and partially from social-democrats. But these attacks came from the dissidents" (Žáček recorded interview). In a way Žáček recognizes that the Institute was about to be part of the political controversies and struggles between the opposing groups. On the other hand, he appears to be less aware of the differences between the dissident's ideas on the democratic regime and that of the anti-communists.

Whereas the dissidents, could be said, had certain confidence in proselytizing the inheritors and the personnel of the past regime, for the anti-communist right this is not considered an option. Furthermore, the emergence of the Institute constituted for the center-right an internal struggle within the bureaucratic field in the process of extrication from the state socialist legacies. It is in this aspect that they distinguish themselves from the dissident's faction of the democratic regime's field of power."The head of the archive was also a dissident. He was sitting on these materials and was not doing what should have been done. Who were the people working with these materials from the inside? Just former members of the secret police who were verified to work for the new regime. How can you open and study the archive with the old guards? I found eight former StB policemen working in the archive. They were removed after the Institute was established. It took three years for the decision. That was part of the continuity. And the state uses these materials [archive of the secret police] again and again" (Žáček recorded interview, December 2014).

Thus, the anti-communist faction managed to make effective a disjuncture with the past regime's personnel within the bureaucratic field of the democratic regime. It is hard to

assess what was the extent of this effect. It can be said, to some extent, that the initial process of archival access granted by law to the victims of the state socialist regime was based on the notion that the citizens of the democratic regime have the right to know on what the state wrote illegally and secretly on them. For the anti-communist group the archive of the StB, as an institutional legacy of the past regime, becomes a material for remembering the state socialist experience in a particular way.

Initially the ÚDV used the authority of the Czech police to consult the archive of the state socialist secret police in order to document and prosecute crimes committed against Czech citizens during the dictatorship. With the political project of the center right to overcome the institutional legacies of the state socialist regime, the archive is removed from the Ministry of the Interior and concentrated at the Institute, which originated from the bureaucratic field. The initial transformation happens within bureaucratic field itself. The archive which was under the state socialist regime the coercive/informational capital of the state socialist dictatorship is transformed into the symbolic capital of the democratic regime. The inertia of using this institutional legacy of the state socialist regime as an information capital for the democratic state, within certain limits, has been challenged by the center-right Minister of Interior, Ivan Langer, who initiated also the Open Past project. The Minister of Interior presents in this way the aim of the project: "To identify painful spots of our history, analyze and comprehend them, and on this basis to establish other frameworks, means to manifest a responsible approach to the development of freedom in our society. The purpose is to reckon with the StB people and their pretenders as a whole. Seventeen kilometers of the totalitarian legacy, which influences again the thoughts of the contemporaries"(Langer 2007). Therefore, this is the initial undertaken step of transforming this particular legacy of the state socialist regime.

The Ministry of Interior accumulates the StB archive into the OABS making it a site of research. Once the Institute is created the archive is concentrated there fulfilling apart from the lustration a historical memory task. Pavel Žáček explains in this way the role of the archive: "There is no archive like that. It is important for the moral point of view. First to...recognize who was working for the regime and who was not working for the regime. The other problem, to use it for...there is no other way how to recognize, partially, 80 percent...people who resisted the regime, who fought the regime. It is not just the question for the historians" (Žáček recorded interview, December 2014). In a sense, the archive obtains multiple functions and it retains its effect as a legacy even in a democratic regime. The archive that was used as a coercive mechanism of the state socialist regime is being used to honor those who resisted the past regime based on the materials that were collected to repress citizens. The paradox is that the center-right strategy of regime formation by effacing the inheritors and the legacies from the democratic regime structures reproduces the same material of the institutional legacy. I have termed this practice: conversion by reproduction.

5.3 Case Study Romania Piecemeal Transformation of Legacies

5.3.1 Absence of foundational legitimacy of the democratic regime, polarized political field, the inertia of the practice civil society vs. the state

In this section, I present the initial strategies of regime formation by the main political and social actors after the regime transition in Romania. Quite soon after the December events a dividing line emerged between the ex-communists and the opposition, which was comprised of civic organizations, conservative anti-communist parties and public

intellectuals. The two camps presented different strategies and conceptualizations of the state socialist regime.

The Romanian state socialist regime has been categorized as national-stalinist (Tismăneanu 2003), or as a sultanistic regime (Linz and Stepan 1996). The first definition centers on the role of a particular ideology in the Romanian dictatorship, whereas the other provides a typology of the regime. It seems to be a shared understanding that the state socialist regime suppressed autonomous public display of dissent, or those forms did not actually emerge. In this sense, there was no counter-elite in the waiting (Bunce 1999). On the other hand, it appears that there is some difficulty in delineating the social categories or social groups that were part of the state socialist regime field of power, in case the regime is described as neo-patrimonial or sultanistic. However, I would argue that one can distinguish certain categories that were or could have been influential in the state socialist ruling elite. In this respect I follow the categorization by (Konrad and Szelenyi 1979) on the different categories of the state socialist intelligentsia including the administrative and the security intelligentsia. As I have indicated in the theoretical chapter I employ the perspective of Gil Eyal (2003) in order to delineate the configuration of the field of power in the post-communist democracies, Romania in this case. Katherine Verdery explains that the nexus between state and intellectuals in state socialist Romania was present and these social category was more dominant than that of technocracy (1995, 107). Some part of the intelligentsia instead of the service to the regime chose the path of 'resistance through culture' individual dissent or exile. The practice of the symbiosis between the state socialist regime and intellectuals coming from the humanities field is described by Tănasoiu (2004, 94) as a practice that has continued in the democratic regime. The post-socialist ruling elite in Romania that was placed at the helm of the contentious Romanian revolution included

middle and low rank party bureaucracy represented by Ion Iliescu and the emerging public intellectuals. The administrative and security intelligentsia of the bureaucratic field was not at the center of the revolutionary fervor.

A few days after the events of December 1989 the party bureaucracy that had been marginalized by Ceauşescu considered the events of December 1989 a revolution, whereas the public intellectuals, and later anti-communist inter-war parties sided with the Proclamation of the Timişoara Declaration by calling for completing the revolution. The opposition maintained that there was no effective break with the past (Petrescu and Petrescu 2010, 503), whereas the party bureaucracy, having dissolved the Romanian Communist Party, maintained that the revolution has already happened. Most scholars argue that the post-socialist Romania, due to the disputed character of the calamitous events of December 1989, did not manage to have a foundational shared legitimacy of the democratic regime (Petrescu and Petrescu 2010, Siani-Davies 2007). Contrary to the two other cases where there was a certain period of shared constitutional consensus between the social categories that exited from the state socialist regime's ruling elite that still remained influential in the emerging democratic regime in Romania the constitutional consensus was absent. What happened in the early 1990s was a certain inertia of a transposed civil society versus the state dichotomy that had been present in other state socialist regimes prior to 1989. In fact, the civil society organizations mostly led by public intellectuals and the reinvigorated anti-communist conservative parties of the inter-war period "based on a distorted view of reality, equated Iliescu to Ceauşescu and, therefore, granted intellectuals a delayed dissident status" (Tănasoiu 2004, 97). The dilemma whether the ex-communists and those that had been part of the state socialist regime power positions had to be included at an equal status within the democratic transformation has been present in all the three cases. Probably, in the Romanian

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case this issue is more striking. The opposition to the National Salvation Front endorsed a strategy of regime formation based on the mode of disjuncture. The intention had been to exclude from the access to the democratic regime the inheritors of the state socialist regime. This category included in the Romanian case: party bureaucracy, the so-termed nomenklatura and the security intelligentsia. Thus the intention since the proclamation of Timişoara was not to allow these categories to contest in the political field. This has led to a polarized political field and absence of cooperation between the ex-communist left and the coalition of the traditional center right with those endorsing a civic anti-communism (Petrescu and Petrescu 2010, 502).

The strategy of the ex-communists was based generally on forward looking legitimacy by considering the Romanian Revolution as the landmark of a new period. What actually seems to have transpired after the break of the consensus between the ex-communists and the public intellectuals was a coalescence of the units within the bureaucratic field with the new ruling elite. "Once FSN was in control of state institutions...it declared itself on 23 January 1990 a political party heading for the general elections...As a consequence, former dissidents, unwilling to back such a maneuver destined to boost the second- and third-rank communists officials to power in post-communism, left the ruling body, thus opening a period of fierce political confrontations" (Petrescu and Petrescu 2010, 511). Alexandru Gussi, a university professor and second generation member of the Group for Social Dialogue, in a recorded interview with the author explicates simultaneously the political position of the civic anti-communism and the social researcher's understanding of the Romanian transition with regard to the linkage between the party bureaucracy and the state structures:

"In the interior of the party they utilized this moment to legitimize the power of a social group, who was the nomenklatura in fact. They utilized this power to produce another party FNS. It was not in the sense an ideological continuity, but it was a continuity of persons, which used to belong to the communist party. You can understand this continuity if you analyze what happened in the structures of the state. If you compare with the feelings of that time you had an incredible continuity in the state. Revolution, social revolution, but continuity in terms of human resources, state structures, you have only three or four institutions who disappeared. All of them were renamed, like Securitate, the school of the party Stefan Gheorgiu was put in three or four dimensions, and they put these dimensions in different institutions"(Gussi recorded interview May 2013).

Hence, the opposition to the Iliescu's rule considered that the contestation in the political field between the different political forces was not sufficient to set the boundaries of democratic regime. The opposition maintained an exclusionary stance by ideologically supporting a rupture with the past institutional heritage of the past regime. At the same time, it indicates a phenomenon that is closer to the retreat of the party bureaucracy in state institutions (Ganev 2007) qualitatively different from the decoupling of the party and the state (Bunce 2000).

The ex-communists were considered as favoring amnesia rather than reconciliation or break with the state socialist past. They did not renounce easily from certain ideological dimension of socialism that of socialist utopia or the so-framed socialist ideals. On the other hand, nor they explicitly claimed or propagated, as far as I understand, a clear endorsement of a change in the state socialist mode of domination, which one finds in the liberal dissidents and center-left in Czech Republic. Nonetheless they could claim of making the democratic transition as did the reform communists in the Albanian case. "...the revolution is considered by the neo-communists as the 'year zero' the genuine turning point in the Romanian history, when democracy was born under their own guidance" (Petrescu and Petrescu 2010, 536). On the other hand the ex-communists did put certain main representatives or culprits of the state socialist regime. Contrary to the rule of law and

individual responsibility perspective that dominated the liberal-left groups in Czech Republic when dealing with the past, the ex-communists in Romania did not follow nor advocated due process.

The response of the opposition was to pursue the fight against the 'regime' in the civil sphere. The opposition included civic organizations the most prominent of which were the Group for Social Dialogue, the Civic Alliance, and the Association Pro-democracy. The civic organizations remained close to or allied with the conservative anti-communist parties, most prominently in the establishment of the Democratic Convention in 1996. The civic organizations protested against the NSF, which won the first elections in 1990. The University Square in which the protests took place was considered as a 'zone free of communism' by the opposition. The Civic Alliance was founded in November 1990 and its basic ideas were stated as "Civic Alliance claims to fight the new instituted power after the 'revolution'. The war against the 'totalitarian structures' and also against the 'political police' was the main objective of the founding intellectuals....The Romanian society is having a serious crises that can be overcome only with the 'support of the process for the development of the civil society" (Mihai 2010). Henceforth the civic organizations in Romania in the early 1990s, especially those that were endorsing an anti-communist civic ethos, were involved in a dual enterprise. On the one hand, it was the intention to make possible a rupture with the legacies of the state socialist regime and to build a civil society that would make the democratic government more accountable. As a consequence, these were two overlapping and to some extent ambiguous intentions. An important part of the civic organizations, which would later play a role in the support of the political projects of a faction of the center-right in the second decade was the Group for Social Dialogue. This association is comprised of the most renowned public intellectuals of the anti-communist

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liberal conviction. Contrary to the other liberal intellectuals in the case of Albania and Czech Republic, the liberal intellectuals in Romania use a civic anti-communism and are the ones that argue for the break with the past. Probably this contradiction can be explained by their position in the political field since the critical juncture of the Romanian revolution and the discontinuity of the consensus with the NSF. Their discourse is ambivalent in two respects. On the one hand, they argue for a rupture and on the other they argue for "modern liberal state of impersonal procedures and accountability" (Gross and Tismăneanu 2005, 149). Camelia Runceanu explains succinctly the role and the normative framework played by the GDS with relation to the past: "The most notable members of the Group for Social Dialogue (GDS), philosopher-writers, literary critics, and essayists contribute to the construction and imposition of vision, namely, anti-communism, that should influence the way in which to deal with communism" (2010, 336). The review called Revista 22 is the main media outlet of the Romanian public intellectuals that express the anti-communist ethos.

The understanding of these civic organizations centers on the continuity of personnel and structures between the two regimes when it comes to the Romanian post-communist society. Vladimir Tismăneanu explains in an article at Revista 22 how he understands what has actually transpired in Romania: "Which party is in fact the successor of the RCP? The answer can be very simple: the party, which after 22 December 1989 affirmed that Nicolae Ceauşescu has defiles the noble ideals of socialism"(Revista 22). The civic associations of the ex-political prisoners in Romania had also tried to exert their role in the early 1990s in cooperation with the traditional anti-communist parties. They have been demanding what has been usually termed 'the process of communism' similar to the trials on Nazi Germany. At the same time, prominent members of the ex-communist political prisoners such as Constantin Ticu Dimitrescu have attempted many times to follow the injunction of point 8 of

the Timişoara Declaration for a lustration law. No proper lustration law has been approved by the legislature. In its stead only at the end of the first and the last mandate of the Democratic Convention, the center-right coalition established the Council for the Study of the Securitate Archives (CNSAS) that would get involved in less systematic form of lustration, termed as de-conspiring.

In short, during the initial periodization of the Romania democratic regime despite the opposing normative frameworks, public discourse, or strategies used by the actors there was no sustained policy or attempt to either reach a constitutional consensus or accomplish a break with the legacies and the inheritors that remained part of the bureaucratic field.

5.3.2 Tackling the institutionalist legacies of state socialism: a partial transformation

In this section, I deal with the processes that were started by the initial center-right governing coalition to tackle the recurring policy dilemmas of the Romanian political and cultural elite when it comes to legacies of state socialist regime. A recurring issue has been that of lustration. The focus of this section is the institutional response chosen to address the issue and what were its effects. I have made a distinction between the behavioral legacies and the institutional legacies of the state socialist regime. Both in the Czech and the Romanian case there was a 'battle for the archives'. In the Albanian case this particular institutional legacy has remained a fixed remnant substituted by a discourse that belittled the legacy's epistemic value or its lingering influence. The difference in the Romanian case is that the battle for the archive has been mostly framed as an issue of access and less so as an issue of overcoming state socialist institutional legacies as in the Czech case. However as I explain below there is a partial transformation of the legacy that comes about inadvertently.

On the other hand the legal and normative discourse on the archive and the effects of the lustration resemble the normative framework based on human rights and the rule of law that restricts the initial project of regime formation based on the mode of disjuncture. The Romanian law does not foresee a proper lustration. It is rather considered as a law of disclosure (Nagâţ recorded interview February 2014).

The Council for the Study of the Securitate Archives was established in 1999. Initially the archive of the Securitate remained at the SRI (Romanian Intelligence Service). This had made the work of this institution rather ineffective. The role of the Council has been, initially, to make a final decision if a person in public position has been a collaborator of Securitate. This task of the Council was later considered anti-constitutional by the Romanian Constitutional Court. Currently the final decision on any case is taken at the court. At the same time the Council provides according to the law, access to the files to any citizen. During the governing mandate of the Truth and Justice Alliance, due to the political intervention of the President of the Republic, the archive of the Securitate started to be transferred to the CNSAS. "Between 1999 and 2005, the institutional successors of the communist secret police....as well as other institutional archive-holders were unbelievably slow in handing over the documents produced by the Securitate to CNSAS. Such a situation only reinforced the idea that the institutions that took over the Securitate files were attempting at hiding the identity of those responsible for the 'crimes of the past'"(Petrescu and Petrescu 2010, 541). The same issue with the protracted access to the archive was experienced by the Commission for the Analysis of the Romanian Communist Dictatorship. Vladimir Tismăneanu mentions in a detailed published interview on his involvement with the Commission: "Initially the Archives wouldn't give us anything or hardly anything"(Feffer 2014). The contradiction between CNSAS and the Commission with the

bureaucratic units were solved via personal and political authority of the President. Henceforth, it is not a process of contestation and exertion of authority between competing organizations or institutions.

Dragoş Petrescu, head of the CNSAS, explains the way the archival material is treated according to the law on disclosure of collaboration: "...the guiding principle for the activity of CNSAS is that of individual responsibility, and not that of the collective guilt resulted from simple association with the communist secret police. In other words, the Romanian law disqualifies individuals on the basis of what they did...and not according to what kind of position they occupied. Moreover, disqualifications were not retroactive, but triggered only by violations of fundamental human and civil rights..." (Petrescu and Petrescu 2010, 540).

This kind of disqualification is termed discursively as "public exposure of the facts" (Petrescu recorded interview May 2013). In the last years, which also coincided with the period of my field work in Romania, there was a change in the law, which stipulated that collaboration/work for the Securitate is to be decided on two premises: one being the infringement on human rights by providing information illegally or secretly on a person, and also on the basis of denouncing information that contains anti-communist attitudes of the person under surveillance. In the case of Czech Republic the archival material that constituted a part of the coercive capital of the state socialist regime to suppress the citizens was put on the reverse when the same material is used by the democratic regime to show and celebrate the memory of those that resisted the state socialist regime. In the Romanian case, the archive as an institutional legacy is not transformed into a memory archive, into a proper cultural good. Nonetheless there is still a partial transformation.

The partial transformation of the institutional legacy is related to the retreat of this

institutional legacy from the standard legal coercive apparatus of the democratic regime. It has been transferred into an institution that uses it for a different purpose. The purpose is a sort of moral defamation that does not prevent access to the democratic regime to these individuals. CNAS issues an official material that indicates all the files in which the implication of an individual is shown. This is termed as "a certificate of morality" (Petrescu recorded interview May 2013). Petrescu explains further the effect of the 'certificate of morality' issued by a state agency based on the archival material of a past regime: "Moral condemnation- if the person does not, or the case of a given person does not allow the institution to go to the administrative court of justice, the principle of simultaneity is not fulfilled: you have the violation of human rights, but not denunciation of anti-communist attitude, we provide a certificate...We mention in the preamble whatever we have found. We can still judge morally the deeds of a given person signing an agreement with Securitate, providing information" (Petrescu recorded interview May 2013).

Thus the initial principle of rule of law is overlapping with a constructed discourse by an institution of the democratic regime partially transforming the legacy of repression into stories of complicity or collaboration with the past regime. Germina Nagâţ, the head of the investigative unit at CNSAS considers the archive as a treasure and as "a written testimony of abuses, of violations and crimes"(Nagâţ recorded interview February 2014). To conclude, the partial transformation of an institutional legacy from a fixed remnant to a piecemeal transformation has no implication with regard to regime formation. It is hard to trace a process of conversion as in the Czech case. It is could be seen mostly as a discursive or ideological construction.

Conclusion

The thesis has investigated the processes initiated by center-right political actors in the second decade of the post-socialist democratic regimes that were intended to create an effective break or rupture with the state socialist legacies and the inheritors of the past regime. These projects were materialized within specific institutional formations with various degrees of institutionalization. The thesis has tried to make a theoretical contribution in constructing a theoretical explanatory model that distinguishes these processes from the standard understandings put forth by transitional justice literature or politics of memory approach.

In the thesis I have argued that the variance of institutionalization can be better explained by incorporating a historical institutionalist approach that centers on the balance of forces, power asymmetries and incremental change with the Bourdieusian framework of field and capital. The thesis has tried to make a theoretical contribution in a broader perspective by proposing a different understanding of an institution and its formation that differs from the path-dependecy approach or the punctuated equilibrium model.

The thesis has devised a theoretical typology that explains the difference of institutionalization between the three cases under investigation. The Albanian case has represented a case of weak institutionalization coupled by a fixed institutional legacy of state socialism, which is the archive. In this case the weak institutionalization coupled with a fixed legacy has transformed the process of a rupture with the state socialist past into a process of narrative transferal. The regime has still the legacy of the past regime lingering in the bureaucratic field.

The Czech case is explained as a case of robust institutionalization that when not contested is followed by a transformation of the state socialist legacy in the process of resetting the boundaries of the democratic regime. In this case the process of extricating from the state socialist legacies has ended in a paradox, given that the most anti-communist project trying to overcome institutionally the state socialist heritage ends up reproducing it by converting into a symbolic capital of the democratic regime.

The Romanian case is explained as a case of fractioned institutionalization due to a structural condition of the division within the civil and political field and also due to the existence of competing institutions. This type of institutionalization and the piecemeal transformation of the institutional legacy of state socialism has created a partial process.

I argue in the thesis that the strategy of creating a rupture with the past state socialist regime as it is envisioned by the anti-communist conservatives best epitomized in the Czech case has the opposite effect.

The strategy of changing the mode of domination of the state socialist regime, by ruling differently in a democratic regime is premised at its most articulated version in the idea of proselytizing the inheritors through time and in either leaving the legacies as inoperative remnants or removing them from the bureaucratic field by relegating to the National Archive.

Henceforth, the democratic regimes are entangled in a process of an inescapable past for quite some time.

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