**Assessing the Impact of Transitional Justice on Democratization**

**in Post-Communist Countries**

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**Introduction**

It has become both a normative expectation as well as a practical policy recommendation that states should engage in context specific transitional justice measures to repair the state and society following a conflict or an authoritarian transition.[[1]](#footnote-1) Transitional justice describes a broad set of measures by which society confronts the wrongdoings in its past with the goal of obtaining some combination of truth, justice, rule of law, and durable peace for the future.[[2]](#footnote-2) The very process of transitional justice, replete with conflicts and compromises, helps to develop a new understanding of justice on which to rebuild and repair the state and society.[[3]](#footnote-3) Scholars and practitioners claim that transitional justice can deter future human rights abuses, reduce corruption, foster trust, facilitate development, instill a respect for rule of law, repair society, promote reconciliation, and in particular, support democratization.[[4]](#footnote-4)

O'Donnell and Schmitter’s seminal work on democratic transitions reflects the centrality of transitional justice as a mechanism for safeguarding and supporting new democracies.[[5]](#footnote-5) They warn that the presence of past abusers in the new regime could thwart democratic consolidation. Transitional justice prevents this type of abuse of power by forcing symbolic and institutional changes to the remnants of the *ancien* *régime*.[[6]](#footnote-6) Holding individuals accountable for crimes committed under the previous regime allegedly builds democracy by demonstrating a commitment to democratic principles, such as respect for rule of law and justice. ‘Prosecution is necessary to assert the supremacy of democratic values and norms and to encourage the public to believe in them.’[[7]](#footnote-7) Additionally, scholars argue that punishing human rights violations prevents future abuses and therefore safeguards the fledgling democracy.[[8]](#footnote-8) The assumption that transitional justice benefits both a state and its society is so strongly held that international actors will step in to design and even implement measures when a state is unable or unwilling to do so.[[9]](#footnote-9)

However, testing the relationship between transitional justice and democracy promotion poses methodological and normative challenges, resulting in both contradictory findings and many assumptions that remain empirically underexamined.[[10]](#footnote-10) Based on the recent culmination of their Transitional Justice Database project, Olsen, Payne and Reiter concluded that truth commissions were associated with less democracy and less attention to human rights and the effects of trials and amnesties were inconclusive.[[11]](#footnote-11) Snyder and Vinjamuri found that neither trials nor truth commissions was associated with more democracy and could even exacerbate conflict and human rights violations.[[12]](#footnote-12) Barahona De Brito, Gonzalez-Enriquez, and Aguilar found, ‘there is no clear link between transitional truth and justice and democratization.’[[13]](#footnote-13) Thoms, Ron and Paris summarize the state of the discipline: ‘Given the paucity and contradictory nature of the empirical findings to date, there appears to be an urgent need for more sustained, systematic, comparative analyses, and for greater attention to fact-based rather than faith-based claims.’[[14]](#footnote-14) The empirical contradictions and resulting uncertainty in the transitional justice literature has engendered a new turn toward more impact assessment scholarship. The *International Journal of Transitional Justice*’s 2010 special issue devoted to impact assessments reflects this turn, highlighting a breadth of possibilities for future impact studies.[[15]](#footnote-15) Van der Merwe, Baxter, and Chapman’s edited volume *Assessing the Impact of Transitional Justice* paves the way for multi-method impact assessments and challenges scholars and practitioners to explore *how* transitional justice affects states and societies in practice.[[16]](#footnote-16)

This paper takes up this empirical challenge, examining the effects of transitional justice measures on democratization in post-communist countries. Specifically, have lustration laws, a regionally specialized set of employment vetting policies with moral cleansing features, had an impact on post-communist democratic consolidation? Policy makers and academics alternately contend that lustration promotes democratization, has no impact on democratization, or could undermine democratization. As we near the twenty-fifth anniversary of the revolutions in Central and Eastern Europe, sufficient time has elapsed for us to examine what the post-communist experience tells us regarding the impact of lustration measures on democratic consolidation.

Lustration is the dominant form of post-communist transitional justice in Central and Eastern Europe (CEE) and parts of the Former Soviet Union (FSU). As a specialized form of employment vetting, lustration primarily involves ‘the banning of communist officials and secret political police officers and informers from post-communist politics and positions of influence in society.’[[17]](#footnote-17) However, the meaning of lustration as practiced in the post-communist space is substantially broader, including an explicit moral cleansing component. Vojitech Cepl, the author of the Czech constitution and former judge on the Czech Constitutional Court, described lustration as a ‘ritual purification’ means of restoring the social order, with an important role in transforming the ‘moral culture’of citizens in Eastern Europe.[[18]](#footnote-18) Lustration connotes ‘the purification of state organizations from their sins under the communist regimes.’[[19]](#footnote-19) It is the dual symbolic and bureaucratic change elements that together are expected to promote democratization.

Lustration has been relatively understudied compared to other types of transitional justice mechanisms. Thoms, Ron and Paris’ recent review of the state of the discipline documents the lack of systematic research on vetting or lustration.[[20]](#footnote-20) Olsen, Payne, and Reiter exclude lustration from their study of the impact of various types of transitional justice mechanisms on democracy and human rights.[[21]](#footnote-21) Kritz recently commented:

noncriminal sanctions, such as purges, lustration, and public access to security files, are a critical piece of transitional justice programs and have been featured in one combination or another, in almost every transitional justice case, yet they continue to get short shrift in the research literature… They are more important for the democratic reform element and arguably for the peacebuilding element. Research must evaluate how effective these efforts have been.[[22]](#footnote-22)

Recent studies of lustration have provided much needed details about the various forms of lustration across the post-communist region, and have helped to mainstream discussion of lustration as possible extra-regional transitional justice choices. However, the studies have primary been richly detailed, small n cases, with less attention to assessing the impact of the measures than explaining the origins and varied structures of the measures.[[23]](#footnote-23) For example, Stan’s fine grained examination of Romania’s transitional justice efforts is an outstanding example of new scholarship on lustration and accompanying reforms.[[24]](#footnote-24) Stan shows both an absence of reforms and continued problems with democratization, corruption, and development in Romania, but the single country study limits the impact claims that are possible. Nalepa’s three country comparison of lustration and transitional justice in Poland, Hungary and the Czech Republic examines how complicity affects negotiations between autocrats and the opposition but does not focus on the differential impact resulting from those settlements.[[25]](#footnote-25) David’s recent experimental vignette work on lustration’s effects on trust in government in the Czech Republic, Hungary and Poland is a notable exception.[[26]](#footnote-26) However, his three country comparison focuses on the vanguard lustration efforts in the region and therefore limits the generalizablity of these insights across the post-communist space. Stan’s 2009 edited volume reviewing all transitional justice measures across the post-communist space comes closest to providing a cross-regional impact assessment of transitional justice with its compilation of country case narratives. The volume’s contributions trace the creation and implementation of transitional justice mechanisms across the region and allude to possible impact assessments, but the separate treatment of each country limits the cross-national linkages and lessons.[[27]](#footnote-27)

More cross national impact assessments could support the single case studies and small n comparative analyses that are the norm in lustration studies thus far, and advance our understanding of broader trends related to this regionally dominant form of transitional justice and democratization. This paper steps into this debate asking: does lustration support democratization? Drawing on comparative historical data, fieldwork, archival documents and personal interviews, I construct an original lustration typology to classify types of lustration across twelve countries in the post-communist space. This qualitative categorization of lustration compares the scope and intensity of the measures across a range of country experiences. Using this original dataset, I employ quantitative regression techniques to demonstrate a robust democracy boost from lustration policies. In particular, more extensive and more punitive lustration policies have the biggest magnitude of effect on democracy. The cross-national, time series findings help to control for a variety of political, social and economic factors in order to tease out a direct and positive relationship between extensive and compulsory lustration and more democratic consolidation.

**Lustration Controversies—Promoting or undermining democracy?**

Lustration is a legislatively mandated and legally constrained process by which the backgrounds of certain public and some quasi-public/private officials are ‘lustrated’ or examined to determine whether those individuals were members of, or collaborators with, the secret police, or if they held certain positions in the former communist regime. In some countries the consequences from this collaboration or involvement could entail removal from office or position, in other cases only lying about the nature of that collaboration is grounds for removal.[[28]](#footnote-28) Stan notes that lustration can refer to vetting procedures with two very different approaches, namely employment exclusion or punishment versus confession based approaches without inherent job loss.[[29]](#footnote-29) Although the method of screening individuals and the consequences for collaboration can differ substantially across the region, these divergent approaches are all under the lustration umbrella. The lustration typology developed in this paper attempts to categorize countries across this range of lustration experiences.

Lustration is a type of employment vetting, however it is more than simply employment vetting. Critical to any definition of lustration is the inclusion of an explicit moral cleansing and symbolic change element—the ‘ritual purification’ components.[[30]](#footnote-30) Symbolically, lustration sheds light on the past—it *lustrates* the past. There is an inherent revelatory component to lustration that represents a form of accountability and acknowledgement.[[31]](#footnote-31) Revealing information about the previous regime’s abuses, or citizen complicity, or the content in secret police files are just some of the ways that lustration reveals information about the past. It is argued that through these revelations, there will be a catharsis or a moral cleansing of past ‘sins.’ Purification through revelation of information is an important element of the symbolic politics of lustration.

The combination of institutional and symbolic changes inherent in lustration laws differentiates the CEE experience from other vetting experiences. As the Humanitarian Law Center’s program for Documentation and Memory emphasized, ‘Even though there are certain similarities between the process of lustration implemented in some Eastern European countries and vetting, the differences between them are still quite significant.’[[32]](#footnote-32) Debathification in Iraq, or denazification in post-war Germany, or the removal of generals from positions of power in 1990 Argentina are examples of vetting but not examples of lustration.[[33]](#footnote-33)

Lustration laws are controversial transitional justice mechanisms because of their structure and function, as well as the way they reveal unpleasant details about past regime complicity by both citizens and their government with the communist system of oppression.[[34]](#footnote-34) Regional leaders and policy makers feel compelled to justify the use of lustration in order to overcome domestic and international opposition, framing lustration as a democracy and justice promoter among many of its other alleged elixir qualities.[[35]](#footnote-35)

The fact that domestic politicians justify lustration as a means of enhancing democracy could be discounted as simple politicking if not for the many confirmatory legal voices. The Council of Europe’s resolution on *Measures to Dismantle the Heritage of Former Communist Totalitarian Systems* endorsed the use of lustration to support democratic principles and the transition from communism to democracy.[[36]](#footnote-36) The European Court of Human Rights (ECHR) echoed this belief, upholding a state’s right to use lustration to support democratization.[[37]](#footnote-37) In a particularly telling historical analogy, the ECHR argued that ‘The Fall of the Weimar Republic was due among other things to the fact that the State took too little interest in the political views of its civil servants, judges, and soldiers as a result of a misunderstanding of liberal principles.’[[38]](#footnote-38) The ECHR applied a similar logic in its confirmation of the post-communist governments’ right and duty to safeguard democracy by guaranteeing the loyalty of the civil service through lustration or employment vetting practices. The national courts in CEE, including the Czech Republic, Poland and Latvia, similarly described the rational for lustration as a means of democracy protection and promotion.[[39]](#footnote-39)

The ability to use lustration to secure a democracy is not without end. The ECHR ruled that while lustration laws were acceptable rule of law compromises during periods of extraordinary politics early in the transition*,* they lost their appropriateness, legality, and utility over time.[[40]](#footnote-40) Rule of law derogations should be the exception, rather than the rule, and must be phased out when the transition is over.[[41]](#footnote-41) Similarly, the Polish Constitutional Tribunal addressed the temporal limitations of lustration, arguing that ‘lustration measures should cease to take effect as soon as the system of a democratic state has been consolidated.’[[42]](#footnote-42) In sum, both national and international actors have framed lustration measures as democracy promoters.

While there are many pro-transitional justice voices, there is a critical counterpoint questioning or rejecting altogether the alleged positive benefits.[[43]](#footnote-43) Lustration laws could potentially or actively violate individual rights, liberties, and legal guarantees.[[44]](#footnote-44) There is a danger of selectivity, by which some but not all perpetrators of past abuse are punished, thereby creating a sense of biased justice.[[45]](#footnote-45) Retroactive justice could violate due process and statute of limitation provisions. Opponents of lustration argue that if a new government is willing to transgress rule of law concerns in order to pursue justice, this could signal a lack of commitment to the principles of democracy. Politicization of transitional justice could also undermine the legitimacy of the measures. Political parties have used lustration to remove or discredit their rivals.[[46]](#footnote-46) The danger of political manipulation of the measures threatens the foundations of a legitimate democracy.

Additionally, the widespread complicity evident in the post-communist cases complicates approaches to transitional justice because it lays some of the blame on society.[[47]](#footnote-47) Lustration procedures use information in secret police files to shed light on the past. Those files contain information documenting how neighbors, friends, co-workers, and even relatives might have informed on you. There is a potential for such revelations about the scope of the interpersonal and institutional betrayals to undermine social trust and civil society.[[48]](#footnote-48) Revelations, affecting a substantial portion of the population, could undermine rather than enhance the goals of strengthening civil society and democratization.

In sum, it is possible that lustration could support, have no direct impact or even undermine democratization. The next section examines the possible mechanisms by which institutional and symbolic changes associated with lustration could support democratization.

***Mechanisms of democracy promotion***

With respect to democracy promotion, lustration involves a mixture of acts of symbolic politics and bureaucratic changes that affect citizen perceptions of the trustworthiness of government, their public and social institutions, and each other, thereby supporting the foundations for democracy. Separately and together, symbolic changes and institutional changes associated with lustration could support democracy.

Institutionally, lustration programs involve employment screening of office holders in public and semi-public positions.[[49]](#footnote-49) There is a key expectation of bureaucratic turnover or renewal in most lustration programs, which is supportive of democratization in a variety of ways. First, lustration removes individuals in positions of public trust whose morals, values, and commitment to the new democratic regime might be compromised by their previous beliefs, affiliations, and actions. A former justice of the Czech Constitutional Court explained, ‘In the case of lustration, the object was to exclude known communists from holding political office because they cannot be trusted to exercise it consistently with democratic principles.’[[50]](#footnote-50) Stan notes that changing the composition of the political elite is a central tenant of lustration.[[51]](#footnote-51)

Second, by removing individuals from positions of power, lustration breaks up the patronage networks that existed under the communist system and continue to dominate many areas of economic and political life. Lustration involves not simply the removal of bureaucrats from positions of power, but through their removal it breaks down the social networks of patronage and cronyism that impede institutional reform in many post-communist societies.

Third, the visible changes in the bureaucracy signal to citizens that there is a real change in leadership and commitment to democracy. Lustration changes perceptions of the trustworthiness of the new government by changing the composition of the government.[[52]](#footnote-52) Rose-Ackerman highlights a need for bureaucratic change in order to develop accountable governments and public participation in post-communist systems. ‘These countries [CEE] inherited top-heavy bureaucratic states that were viewed with hostility and distrust by their citizens.’[[53]](#footnote-53) To get citizens to reengage with their government, they need signals that the new government is accountable and trustworthy. A central way to stimulate citizen engagement with government is to show a demonstrable change in the composition of government. If the bureaucratic changes appear fair and just, this contributes to citizen perceptions that government is trustworthy and encourages active citizen engagement. As citizens engage with their government, they fortify the constitutive elements of democracy, including the creation of a vibrant civil society, freedoms of media and speech, and open and fair elections. This creates a positive feedback loop to support democratic consolidation.

Finally, lustration has been theorized and alleged to deter future abuses and function as democracy safeguards because individuals recognize the consequences for possible future actions.[[54]](#footnote-54) Lustration could prevent a reestablishment of the previous old guard or the previous ideology, thereby fortifying the foundations of democracy.

There are important symbolic change mechanisms in many lustration programs as well, that can complement or substitute for the overt bureaucratic change components. In particular, the truth telling and public revelations catalyzed by lustration constitute a form of moral cleansing that supports democracy. This is done through a combination of public and/or individual access to information in secret police files, public disclosures of former secret police agents and collaborators, publication of lists of collaborators, or personal confessions by collaborators to the public in a quasi-voluntary/quasi-coerced structure.

There are several ways that information revelation is alleged to impact democracy. First, truth-telling has also been framed as a way of building trust in public institutions and quasi-public institutions because increased transparency realigns the values of citizens and their institutions.[[55]](#footnote-55) The Council of Europe described this as ‘a transformation of mentalities (a transformation of hearts and minds).’[[56]](#footnote-56) Even if individuals are not forcefully removed from office, the truth telling and acknowledgement process of lustration compels individuals to accept responsibility for their past behaviors, thereby also changing their understanding of appropriate motivations for the remaining office holders. The act of acknowledgement combined with the creation of a new moral compass through lustration effects a solid foundation for democracy. Second, a new regime that addresses retroactive justice concerns is demonstrating to its citizens a commitment to justice and fairness, which might improve perceptions about the trustworthiness of the national government in general and the strength of democracy particularly.

Third, the truth revelations aspect of lustration also includes an important indirect institutional change dimension that complements the direct employment vetting elaborated above.[[57]](#footnote-57) Even in those lustration programs in which there is no compulsory removal from certain positions, public disclosures of former regime complicity can result in bureaucratic change. Public office holders might be forced to confess their background or risk public disclosure, or in some cases the background of all office holders is simply made public. To avoid the publicization of past collaboration, officials may voluntarily resign or select out by simply not applying for positions. In the event that an individual fails to voluntarily resign or opt out, voters can decide about the electability of former collaborators when the information is publically disclosed. As a result, truth telling is an indirect mechanism for bureaucratic change as well. Combined the symbolic and institutional change mechanisms are thought to support the foundations of democracy.

If these mechanisms hold, we should see differences within the post-communist countries based upon the degree to which they relied on institutional and symbolic changes as parts of their lustration programs. The next section develops a lustration typology of cases across the post-communist space, highlighting differences in institutional change mechanisms and symbolic changes. It establishes categories of lustration--—from more extensive to largely symbolic—thereby allowing us to test for a relationship between the scope and implementation of lustration and democratization.

**Lustration Typology**

In order to explore the effects of lustration on democracy, I develop a lustration typology focusing on twelve countries in the post-communist space that have either opted for or rejected lustration policies and/or transitional justice programs as part of their post-authoritarian transitions. ***[[58]](#footnote-58)*** These include Estonia, Latvia, Lithuania, the Czech Republic, Hungary, Poland, Slovakia, Albania, Bulgaria, Romania, Russia, and Ukraine. The placement of each country within the typology reflects a distillation of case specifics, using comparative historical analysis, archival materials and personal interviews. The sample includes countries with a variety of approaches to both transitional justice in general and lustration in particular, as well as a range of socioeconomic and political conditions. There are countries that were and were not part of the USSR and are or are not currently EU members, thereby providing variation in country groupings and historical and current political alliances. Critically, it includes cases of no-lustration and cases of maximal lustration. It is important to have the non-cases included as points of comparison in order to improve the reliability of our findings.

Table 1 provides country specific details to support the construction and placement of countries within a lustration typology, in which the programs are organized according to whether lustration was **Compulsory and Wide** (4), **Narrow and Voluntary** (3), **Largely Symbolic** (2), or **Non-existent** (1). There are many factors used to determine the categorization of the countries along these criteria, including the degree to which the laws are wide or narrow in scope, fairly and consistently implemented, subjected to politicization or manipulated by political parties against their opponents, overturned by parliaments, Constitutional Courts, and/or presidents, and actually implemented in a manner reflecting their design and purpose. While no single factor trumps all the other considerations, the degree to which the laws force compulsory institutional change as opposed to limited or voluntary change is a primary factor. Augmenting the institutional change factors are symbolic change measures and moral cleansing practices, as discussed in the previous section. The focus is on creating a relative categorization strategy, comparing the regional experience with lustration and emphasizing institutional and symbolic change measures. Appendix 1 provides additional details regarding laws and policies to legislate lustration and public disclosures across the region. –**insert table 1--**

The ***Wide and Compulsory Lustration*** category focuses on expansive and compulsory bureaucratic change programs, such as the Czech Republic, Estonia and Latvia. Collaboration with the secret police, either in the form of actual full time employment or part time informer status, resulted in disqualification from certain categories of positions for a period of between five to ten years. Countries in this category adopted a wide scope of positions to be vetted, across a range of national and local level public sector positions. The Czech Republic’s early lustration law took a maximal approach, vetting both public and semi-public positions of public trust broadly defined.[[59]](#footnote-59) Latvia and Estonia adopted lustration-like employment vetting procedures, employing a series of overlapping citizenship laws, language requirements, and outright bans on former KGB officials and informers.[[60]](#footnote-60) The structuring of laws that are wide and compulsory in scope and the actual implementation of those laws distinguish this category from a category of narrower institutional change.

All the countries in this category enacted lustration early in the transition, contributing to perceptions about the authentic moral cleansing mission of the laws. All the countries actually implemented the laws they passed, contributing to the overall symbolic legitimacy of the programs. Finally, this category has not had the highly politicized cycles of lustration that are very common in the narrow institutional change category. The consistency of the measures in these countries confers a sense of legitimacy on the laws that is undermined in more politicized programs. *The combination of compulsory institutional change combined with symbolic legitimacy renders these lustration programs the most likely to support democratization.*

The ***Narrow and Voluntary Institutional Change*** category includes countries that enacted programs with voluntary bureaucratic change components, such as Poland, Hungary, and Lithuania. Countries in this category all passed and implemented lustration laws, some even designing laws that mirrored the scope conditions of the lustration legislation enacted by countries in the wide and compulsory change category. However, the passage and implementation of the laws has been more problematic, both limiting institutional change and muddying symbolic cleansing.

Countries in the category opted for voluntary not mandatory bureaucratic change policies in the event of secret police involvement. In the Hungarian case, the names of collaborators who didn’t resign from office would be made public, therefore it was originally assumed that individuals with collaborator backgrounds would resign voluntarily.[[61]](#footnote-61) Public shaming and a sense of personal duty remained the mechanisms to encourage voluntarily bureaucratic change. Poland also eschewed compulsory bureaucratic change, adopting employment penalties only for individuals who lied about their previous regime involvement. In this way, Poland penalizes falsifying the past not collaboration in the past.[[62]](#footnote-62) Lithuania’s lustration similarly penalized individuals for lying about the past.[[63]](#footnote-63) In design a more voluntary, disclosure focused lustration approach could result in a fairer program because it does not violate rules against retroactive justice penalties and does not criminalize the memory of the past. However, in practice this has resulted in limited and narrow bureaucratic change.

There are problems with the political manipulation of the laws in all three cases, which has undermined the *de facto* implementation of the laws and tainted the moral cleansing elements. For example, the overt manipulation of the laws by political actors in Lithuania, including the President and the Constitutional Court, undermined the fair implementation of the laws.[[64]](#footnote-64) Cycles of lustration in Poland and ‘wild’ lustration involving unsanctioned publication of lists of supposed collaborators have sullied some of the process.[[65]](#footnote-65) Finally, countries in this category delayed implementation of early measures, revising and remanding the laws in an elongated process of partial reforms. For example, Hungary’s original 1994 lustration law was amended and revised in 1996, 2000, 2003, and there were proposals for more expansive lustration in 2012.[[66]](#footnote-66) Lithuania passed a new lustration law in 1999, eight years after its original lustration law, and restarted its blocked lustration process, with 2012 seeing renewed calls for lustration. The starts and stops have reduced the legitimacy and consistency of the programs to effect symbolic changes. *We expect the lustration programs in this category to still impact democratization, but the lesser more voluntary bureaucratic changes and slightly tarnished symbolic cleansing will lessen the full impact on democratization.*

The ***Primarily Symbolic Change*** category includes countries with informal lustration through public disclosures, such as Romania, Bulgaria and Slovakia. In this category, lustration programs have been thwarted by overt political manipulation, the laws have been rejected and constitutionally blocked, and direct employment vetting has been limited. Instead, countries pursued truth telling, file access, and/or public disclosures of secret police collaboration as a way of addressing their communist past in the absence of enforceable or implementable lustration laws. Nonetheless their informal approach to lustration through file disclosures has resulted in thousands of individuals being screened for collaboration, and hundreds of individuals publically outed for previous regime collaboration. File access is incomplete, and public disclosures are politicized, but they do exist and they are having a demonstrable impact.

In the case of Bulgaria, the symbolic changes are expansive; the Dossier Commission (the Bulgarian agency overseeing the files) has reviewed tens of thousands of secret police files related to public office holders and publicized thousands of names of officials and collaborators.[[67]](#footnote-67) Romania’s file access agency (the National Council for the Study of the Securitate Archives-C.N.S.A.S.) has circumvented the lack of an implementable lustration law through a process of massive public disclosures. C.N.S.A.S. has reviewed thousands of public and semi-public office holders and publicized the results, continuing a process of reckoning with the past.[[68]](#footnote-68) Slovakia has also relied on limited public disclosures to provoke resignations by office holders, although its program has been much smaller in scope than either Bulgaria’s or Romania’s.[[69]](#footnote-69) Despite the lack of formal lustration legislation, all three countries are using public disclosures as quasi-lustration devices to lustrate the past and provoke bureaucratic change.

Slovakia presents an interesting addition to this category because it is not normally grouped with the underperforming Balkans. It passed formal lustration laws when it was part of Czechoslovakia, however, it did not implement the legislation. The case of Slovakia is an important example of the need to look at the *actual implementation* of the laws when categorizing countries. If one simply coded lustration as the presence or absence of measures this would ignore the limited implementation in Slovakia.

Although there is minimal direct employment removal in this category, public disclosures do effect indirect institutional change. Office holders do resign for fear of public disclosure, promoting more bureaucratic change than no policy at all. Moreover, the disclosures shed light on the past through a process of truth telling and accountability in order to morally cleanse the state and society. *We expect the massive scope of the public disclosures to support democratization efforts. However, since the reforms rest on indirect and symbolic change mechanisms rather than direct institutional change mechanisms, we expect the magnitude of the effect on democracy to be less than the previous two categories.*

Finally, the ***No Change*** category includes countries that either failed to pass lustration laws or had no implementation, such as Albania, Ukraine and Russia. This category depicts countries with no institutional change, meaning no vetting of bureaucracies and positions of public trust, and no credible moral cleansing or symbolic changes in countries in this category. These countries have largely refused to engage with memory politics, either limiting access to the files or sealing the files. Unlike the previous category, where countries avoided lustration and file access for a long time, but in the end adopted limited and late lustration or disclosure measures, there has been a systematic effort by countries in this category to avoid accountability and transitional justice debates and measures.

For example, Albania passed lustration laws but largely ignored implementation, declaring the laws wholly or partially unconstitutional.[[70]](#footnote-70) In Ukraine, lustration was considered and rejected.[[71]](#footnote-71) In the case of Russia, lustration was declared illegal early in the transition and this killed off subsequent attempts to introduce lustration debates.[[72]](#footnote-72) *We expect that the absence of both institutional change and symbolic change mechanisms will undermine democratization.*

This final category –the absence of lustration--is a vital control category, allowing us to consider post-communist countries that rejected lustration altogether. Without the presence of the non-case, the quantitative analysis would be less robust. Given that countries in this category actively chose not to address similar post-communist issues facing the region, it presents an interesting and important category of the non-case—no lustration.

In conclusion, this lustration typology attempts to capture the much needed comparative variation in the quality of implementation of lustration, public disclosure and file access policies across the post-communist region. Cross-national studies often treat transitional justice measures as a dummy variable, when in reality there are important differences in the scope and quality of implementation. It is not just the presence of transitional justice measures that matters, but the quality of them that matters.

In classifying the countries according to the scope and depth of their reforms, there was nothing predetermined about country categories even a decade into the transition. Slovakia was the first case of extensive lustration, and ended up with only limited symbolic measures due to a lack of real implementation. Similarly, Albania passed one of the first transitional justice measures in the region, and also had lustration laws and anti-genocide laws--it simply opted not to implement them. Hungary and Poland were on par to have Czech style programs, but in the end minimized lustration devices by opting for voluntary change programs. Lithuania is not grouped with the other Baltic countries, having succumbed to rampant politicization of the measures. Therefore, the categories reflect the realization of the lustration programs after 25 years of transitional justice.

**Data and Variables**

***Dependent Variable: Democracy***

This paper employs *Freedom House’s Nations in Transit* measure of democracy/democratic consolidation as the dependent variable. The democracy score is a composite of several factors, including assessments of the quality of *National Democratic Governance,* the *Electoral Process*, *Civil Society*, *the Independence of the* *Media*, *Local Democratic Governance*, the *Judicial Framework and Independence*, and levels of *Corruption*.[[73]](#footnote-73) The index focuses on the post-communist transition countries and includes disaggregated and highly detailed measures of the aforementioned constitutive elements of democracy. Therefore, *Freedom House's* democracy scores provide more subtlety to detect shifts in democracy across the post-communist region than Polity IV measures. For example, Polity scores Estonia, Hungary, the Czech Republic, Lithuania, and Poland as exactly the same in terms of democracy (10) in 2008, while Freedom House differentiates across all of these countries.[[74]](#footnote-74) Therefore, this study has opted for the more nuanced measures afforded by Freedom House in order to maximize the possibility of detecting subtle but important differences both between and within countries.

The paper is exploring whether there is a direct relationship between lustration and democracy. We do not expect lustration to explain dips and crests in the data, as that is beyond any single policy change. We are asking are there general trends associated with states that effected lustration? Do we see countries with more expansive lustration having significant improvements in their democracy levels over time? How do those countries compare to states with less expansive lustration policies? Since we have the ability to look at between and within country variation over time, we can tease out the effects of the lustration typology variable in comparison to other independent variables.

***Control Variables: Economic, Political, and Social Factors***

There are obviously many factors that affect democratization. This section presents several control variables that could obviate an impact of lustration on democratization because of their powerful, demonstrated independent effects on democracy in the literature. In particular, this study considers economic change, inequality, perceptions of corruption, and the strength of the political opposition as political, social and economic macrofactors that could affect levels of democratization in a given country.[[75]](#footnote-75) The data sources and transformations are described in Appendix 2.

First, economic growth or decline could affect citizen perceptions of democracy, especially in the post-communist environment in which economic stability is often conflated with democracy. Second, the well documented increase in economic inequality across the post-communist region since 1989 could adversely impact support for democratization.[[76]](#footnote-76) Third, corruption could have a substantial impact on perceptions of democracy.[[77]](#footnote-77) The role of corruption could be so large as to negate the impact, if any, of lustration on democracy.

Fourth, it is possible that the quality of governance and/or trust in public institutions directly affect levels of democracy. Higher levels of trust in public institutions have been shown to support democratization, as do more effective governments.[[78]](#footnote-78) These factors could so overwhelmingly drive changes in democratization that their inclusion in an analysis would obviate an observed relationship between lustration and democratization.

Fifth, the danger of political manipulation of lustration policies could undermine their potential restorative benefits.[[79]](#footnote-79) If citizens perceive lustration policies to be little more than tools of party politics, this would undermine any positive impact. The logic of the political manipulation hypothesis is that political parties will actively use lustration against potential rivals. If political opposition is low, there is little need for the messy politics of lustration. If political opposition is high, lustration could be employed as a tool for political advantaging.

In sum, this study considers possible economic, social and political factors that could obviate or minimize any observed direct relationship between lustration and democracy. While the list is not exhaustive, it captures many of the factors associated with democratic consolidation, which individually or collectively might explain all the variation we see in levels of democracy across the region. We turn now to our primary research question: Is there a relationship between lustration and democracy in the post-communist region?

**Testing the Impact of Types of Lustration on Democracy**

I estimated a series of cross-sectional time series Feasible Generalized Least Squares Regressions on the aforementioned variables. Data is structured by country-year, which allows us to examine variations within and between countries over time. The data cover the period 1997-2012; this is the longest period for which comprehensive data is available across this sample. The longitudinal nature of the data allows us to examine changes in democratization over time and control for year on year changes within a country. The data is clustered by country to ensure that the variables for economic, social and political factors are able to control for changes within a country over time. The time series element is critical to draw out causal claims, allowing us to show whether lustration is more than correlated with democratization.

Table 2 presents the results of a series of regression models.[[80]](#footnote-80) *Model 1* includes the entire period from 1997-2012, providing us with the longest range of data and the biggest sample size. *Models 2-5 include* various economic and political controls that truncate the time periods analyzed. For example, inequality data is available only through 2009 and government effectiveness data is only available through 2008, therefore models that include those controls reduce the total period analyzed and thus the sample size. There are several important findings presented in this table. First, irrespective of the controls or the time periods analyzed, lustration is always a highly robust predictor of democracy, being statistically significant at the p<.001 level. The time series analysis controls for year on year changes within countries, which means we see over time that countries that enact lustration measures have higher levels of democracy over the transition period.

Second, the scope and implementation of lustration affects the overall levels of democratic consolidation. The lustration typology variable is ordinal—it allows us to test if more compulsory lustration affects democracy differentially than more symbolic measures. The models demonstrate that the type of lustration programs—compulsory, voluntary, symbolic—has a differentiated impact on democratic consolidation. Across all of the models more extensive and compulsory lustration is robustly associated with higher levels of democracy. As the lustration programs shifts from more compulsory change to more symbolic change, there is a decrease in its general efficacy to promote democratization. This does not mean symbolic change fails to support democracy; it means symbolic change alone is less efficacious than compulsory bureaucratic changes combined with symbolic changes. The models are run separately to demonstrate the simplest model specification (*Model 1*) yields the same results as the models with more controls.

Third, using predicted value estimations we calculate the magnitude of the effect of the different categories of lustration on democracy based on the specification in *Model 3*.[[81]](#footnote-81) A shift from no lustration (category 1) to symbolic lustration (2) yields an 11% increase in the level of democracy. A shift from symbolic change (category 2) to voluntary and narrow lustration (category 3) yields a gain of 9%, and a shift from voluntary to wide and compulsory lustration (category 4) yields an increase of 9%. Overall the difference in level of democracy between those countries that opted for no lustration and those that chose maximal lustration policies is 31.4%. The models demonstrate that while any kind of lustration is beneficial, in particular, lustration policies that are wider and more compulsory yield the largest overall democracy boost. In sum, more extensive and compulsory lustration provides a significant independent democracy boost.

Model 5 presents a slightly different approach to the question of the relationship between lustration and democracy. It examines just CEE and the Baltics, excluding Albania, Russia and Ukraine. This limits the overall sample size and truncates the lustration categories, leaving out all of the cases of no-lustration. This series of models focuses on how the *quality of lustration* affects democratization among the most successful cases in the post-communist sphere, thereby presenting in some ways a more challenging test of the lustration hypothesis. It also includes a trust in public institutions variable. This variable is consistently important in studies of democratic consolidation and demonstrates an attempt to maximally control for factors that could obviate a relationship between lustration and democracy. Including trust in public institutions as a control variable within the narrower sample of CEE success stories provides an even more challenging test of the lustration hypothesis.

Model 5 is illustrative, because even excluding the countries that have failed to democratize effectively, we continue to see a statistically robust relationship between the quality of lustration and democracy. More extensive lustration programs with compulsory employment penalties evidence the greatest democracy boost.[[82]](#footnote-82) This narrower, intra-CEE analysis demonstrates that the quality and composition of lustration programs affect overall levels of democratic consolidation. It is not simply the presence or absence of lustration that matters, but the scope and implementation of the measures as well.

Turning to the control variables, the models demonstrate that higher levels of corruption systematically undermine democracy, as to be expected. What is important here is that despite the statistical robustness of corruption, we continue to see a strong and consistently independent role for lustration measures as well. Contrary to fears that politicization might undermine the effects of lustration, the strength of the political opposition is not a robust variable, nor does it alter the significance of lustration. Quality of governance affects democracy, but it too does not mitigate the effects of lustration. Finally, a number of economic variables are considered, namely economic growth and inequality measures. In general neither affects the findings with respect to lustration measures. In sum, while these important controls might positively affect democracy in their own right, their causal weight is not so large as to obviate the strong, direct effects of lustration on democracy promotion.

**Conclusions: Reflections on the post-Communist Experience**

Engaging with the growing body of impact literature on transitional justice, this paper tested *whether* lustration measures affected levels of democracy in twelve post-communist states using an originally constructed dataset featuring a new lustration typology. This dataset allows us to test not simply if the presence or absence of lustration affects democratization, but how different types of lustration programs affected overall levels of democracy over time. The paper presented three main findings. First, *lustration strongly supported democratization.* All lustration programs—whether driven by institutional change or symbolic change—positively supported democratization, however there were significant differences in impact based on the scope and implementation of the lustration programs.

Second, the typology illustrates that lustration involving compulsory and expansive bureaucratic change components had the largest impact on democratization. The programs that relied on narrower, voluntary change mechanisms supported democracy but with a slightly diminished impact. Lustration that relied on symbolic public disclosures and moral cleansing also supported democracy but with a weaker impact than the programs focused on bureaucratic change. The scope and implementation of lustration significantly affected the level of democratic consolidation, with more compulsory bureaucratic changes combined with symbolic changes having the largest positive impact on democratic consolidation over time in the region. Given how contentious the forced bureaucratic change element has been in the international legal community and international human rights community, this finding is particularly important.

Third, in terms of *how much* lustration affects democracy, there are significant differences in levels of democracy evidenced across the lustration categories. The more expansive lustration programs had a 9% democracy premium on countries with voluntary lustration programs. Countries with voluntary measures registered a 9% democracy boost compared to countries relying on moral cleansing through symbolic public disclosures. Countries with largely symbolic programs demonstrated an 11% democracy boost compared to countries that rejected lustration. Countries with no lustration versus countries with expansive and compulsory lustration programs register differences in their levels of democracy over time of approximately 30%. Lustration’s benefits are larger with compulsory programs involving a punitive dimension than with states having purely symbolic shaming or moral cleansing mechanisms. The lustration typology allowed us to differentiate the relative importance of institutional change reforms and symbolic change reforms. The magnitude of effect is substantial in the post-communist space.

In sum, these findings demonstrate that despite the many conflicting narratives about lustration’s effects on state building and societal reconciliation, we have strong evidence of the positive benefits of lustration on democratization. While compulsory employment vetting has been the most contentious element of lustration programs because of the punitive nature of the measures, it had the largest positive impact on democracy within this sample. These cross-national impact findings complement case studies that explore in more rich detail the specificities of lustration’s impact in each country. The findings invite continued fine grained research on the causal mechanisms undergirding symbolic changes and institutional changes in promoting democracy in post-authoritarian transitions. They also encourage further exploration into the ways lustration does or does not support other transition goals, such as reducing corruption and promoting civil society, as well as citizens’ evolving attitudes toward lustration. More broadly, the lessons from the post-communist experiences have potentially important policy implications to the extent that they inform the composition of future lustration programs in other post-authoritarian transitions. **APPENDIX 1: Lustration Laws and Related Policies**

|  |  |
| --- | --- |
| **Country** | **Key Lustration and File Access Policies** |
| **Albania** | Law Nr. 8001, 22 September 1995, The Genocide Law.  Law Nr. 8043, 30 November 1995, The Verification Law. |
| **Bulgaria** | Law on Banks and Credit Activity, No. 25 of March 18, 1992.  Panev Law, December 9, 1992.  Bonev Committee, 30 July 1997  Andreev Committee, 28 February 2001  Kostadinov Committee, April 2007-present. |
| **Czech Republic** | Czech and Slovak Federal Republic: Screening (“Lustration”) Law, Act No. 451/1991, October 4, 1991.  Act 279/1992; Act 254/1995 and Act 422/2000 modifies/ extends lustration law.  Act No. 148/1998 Coll., wide declassification of archival materials.  Act No. 107/2002 Coll., Public file access granted.  Act No. 181/2007 Coll. Creates the Institute for the Study of Totalitarian Regimes, the Security Services Archive. |
| **Estonia** | Citizenship Law and Local Election Law, 1992.  Law on Citizenship, Adopted by the Riigikogu on 19 January 1995. |
| **Hungary** | Law on Background Checks—Lustration Law-- Law No. 23 (March 8, 1994).  Constitutional Court verdict 60/1994 reduces screening law.  Act 67/1996; Act 93/2000, and Act 3/2003 modify lustration laws and create Historical Archives. |
| **Latvia** | The Citizenship Law, 1994, amended on 16 March 1995, 6 February 1997, and 22 June 1998.  Article 9 of the Election Law on Cities and Town Councils, 25 January 1994.  The Saeima Elections Law of 25 May, 1995, as amended by March 26 1998 Law of the Saeima, Vestnesis, 6 June 1995, nr. 86. |
| **Lithuania** | Lithuania: Decree Banning KGB Employees and Informers from Government Positions. Decree No. 418 (October 12, 1991).  Law No. I-2115 (December 17, 1991).  Law I-2166/1991 on the Security and Spy Agencies.  Law 23/1994 on the Background Checks of Individuals Holding Certain Important Positions (or the Lustration Act).  Law VIII-1436/1999—Lustration Law  June 2010, Law VIII-1436/1999, removes lustration of private sector positions. |
| **Poland** | The Lustration Act. 11 April, 1997, The Law on Disclosing Work for or Service in the State's Security Services or Collaboration with them between 1944 and 1990 by Persons Exercising Public Functions  [ACT of 18 October 2006—new Lustration Law--On the disclosure of information on documents of state security](http://translate.googleusercontent.com/translate_c?hl=en&rurl=translate.google.com&sl=pl&tl=en&u=http://bip.ipn.gov.pl/portal/bip/2/2/USTAWA_z_dnia_18_pazdziernika_2006_r_o_ujawnianiu_informacji_o_dokumentach_organ.html&usg=ALkJrhjcO84JGOAGZdEOQKc562ga2bxq-A). |
| **Romania** | Law 187/1999 -- “Ticu Law” (December 9, 1999)  Emergency Ordinance No. 149 of November 10, 2005  Constitutional Court Decision No. 51 declaring Law 187/1999 unconstitutional (January 31, 2008)  Law 293 of November 14, 2008—modifying Emergency Ordinance and changing the purview of C.N.S.A.S. |
| **Slovakia** | Act of August 19th 2002 on Disclosure of Documents Regarding the Activity of State Security Authorities in the Period 1939-1989 and on Founding the Nation’s Memory Institute and on Amending Certain Acts (Nation’s Memory Act). 553/2002.  While the 1991 Czechoslovak Lustration act technically applied to Slovakia, after independence in 1993, Slovakia renounced implementation. |

**APPENDIX 2: DATA SOURCES**

**Corruption**—Corruption Perceptions Index (CPI), *Transparency International,* 1997-2012. <http://www.transparency.org/cpi2012>.

* *Transformations include using inverse of CPI scores (10 is transformed to mean more corruption on a scale of 1-10), and square of inverse measure.*

**Democracy--** *Freedom House, Nations in Transit*. 2012 updates. <http://www.freedomhouse.org/report-types/nations-transit>

* *Transformations include using inverse of democracy measure (7 is now more democracy on scale of 1-7), and square of inverse measure*

**Economic Growth**—GDP change. *International Monetary Fund, World Economic Outlook Database*, October 2012 updates. <http://www.imf.org/external/pubs/ft/weo/2011/02/weodata/index.aspx>

* *No transformations, two year lagged GDP change figures.*

**Government Effectiveness-** *International Country Risk Guide*, the PRS Group: includes an assessment of corruption, law and order, and the quality of bureaucracy. 0-1 scale.

* Data from Jan Teorell, Marcus Samanni, Soren Holmberg and Bo Rothstein, *The Quality of Government Basic Dataset*. Version #8, June 2012. University of Gothenburg, The QoG Institute, (2012) <http://ww.qog.pol.gu.se>

**Inequality** –GINI coefficient. Branko Milanovic, *All the GINIS Dataset,* World Bank. Version summer 2012. (Measures between 0-1). Accessed 4 October 2013. <http://siteresources.worldbank.org/INTRES/Resources/469232-1107449512766/all_ginis_Description_dataset.pdf>

* *Lagged two year change figures and absolute numbers.*

**Strength of Political Opposition**—share of opposition vote. Thorsten Beck, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh, "[New tools in comparative political economy: The Database of Political Institutions](http://econ.worldbank.org/external/default/main?pagePK=64165259&theSitePK=469372&piPK=64165421&menuPK=64166093&entityID=000012009_20060203112237)." World Bank Economic Review. 15,1 (2001): 161-176, [http://go.worldbank.org/2EAGGLRZ40. updated December 2010](http://go.worldbank.org/2EAGGLRZ40.%20updated%20December%202010).

* *Transformed into square of share of vote.*

**Trust in Public Institutions**—*Standard* *Eurobarometer* Public Opinion Reports, 2001-2012-- Political parties, parliament, police and the judiciary. Constructed into composite by taking average measure by country, year. Last updated October 2012. <http://ec.europa.eu/public_opinion/index_en.htm>.

* *Transformed into log trustpubinstitutions*

**Table 1: Lustration Typology**

|  |  |  |  |
| --- | --- | --- | --- |
| **WIDE and COMPULSORY INSTITUTIONAL CHANGE**  **Required Bureaucratic Change and**  **Public Disclosures (4)** | **NARROW and VOLUNTARY**  **INSTITUTIONAL  CHANGE**  **Public disclosures with voluntary**  **Bureaucratic change (3)** | **PRIMARILY SYMBOLIC CHANGE**  **Limited and/or Informal Vetting through public disclosures (2)** | **NO CHANGE/**  **SYMBOLIC**  **OR**  **INSTITUTIONAL**  **(1)** |
| * Lustration laws passed and implemented * Some screening of individuals (either public or private sector or both) * Some removal from office or positions * Employment penalty for previous collaboration or regime involvement * Early timing of measures confers legitimacy to their symbolic moral cleansing intent | * Lustration or lustration type laws passed; * Some implementation but limited scope of positions; * Political manipulation leads to implementation problems; * Limited bureaucratic change; * Emphasis on symbolic truth telling, paired with some bureaucratic change; * Limited penalty for disclosures only voluntary removal from office; * In some cases, penalty only for lying about collaboration | * Failure to implement lustration laws that are passed; * Lustration laws passed but repeatedly vetoed, not adopted, or declared unconstitutional; * Minimal removal from office; * If laws in place, emphasis on symbolic truth telling without bureaucratic change * Shaming is only penalty for disclosures of collaboration | * Lustration laws either never passed or passed but not implemented; * Active rejection of lustration; * Files sealed and remain closed; * Even memory politics efforts limited or hindered; * Avenues for revisiting any form of transitional justice are closed; |
| **Czech Republic**—1991- longest and most comprehensive program in region. Police vetting expanded in 2007 and increased file transparency; but active lustration largely ended by 2012. | **Hungary**- early but limited lustration; narrowly focused on president and parliament in practice although laws were broader; some removal from public office and public truth telling; citizen fatigue with lustration concluded use of laws. | **Bulgaria**-several lustration related laws (1992, 1997, 2002), but minimal lustration of public officials and elites; focus on academics and scientific institutions; Public disclosures started in earnest in 2009-present. | **Albania**-several lustration related laws passed (1995, 1998), but no real implementation; 2008 lustration law declared unconstitutional; no *de facto* lustration. |
| **Latvia-**lustration and citizenship laws(1994, 1995); mixture of anti-Russian policies and lustration; actively vetted individuals from local and national elections; vetting for public sector positions. | **Poland**—multiple starts and stops to lustration, caught in cycles of political manipulation (1989, 1992, 1997, 2006); some implementation; expansive round of lustration launched 2006 with implementation; constitutional court rulings block and amend laws; continued calls for vetting. | **Romania-** much lustration debate but no agreement on laws; symbolic rulings but little lustration in practice; 2006 expansive lustration program to enact ‘real’ lustration; Constitutional Court blocks laws 2008; public disclosures policy. | **Russia-**Parliament made lustration a criminal offense in 1991; lustration bill proposed 1992 but set aside. No public identification of KGB collaboration; general file access restricted. |
| **Estonia**-1992 oath of conscience to disclose past; 1995 citizenship criteria used as vetting tool for public positions; truth telling about past complicity becomes forced disclosure of collaboration. | **Lithuania**—several lustration laws (1991, 1999); 1999 grants period of confession with no employment penalties, after grace period then both private and public sector employment bans for lying about past; some individuals removed or prevented from taking jobs; delayed and politicized implementation. | **Slovakia**- 1991 Czechoslovak lustration law expired without implementation; no formal lustration law; 2004 some files published; stormy history of rejecting memory institute; but once institute in place did work to disclose info to citizens. | **Ukraine**—After Orange Rev in 1995, two lustration bills proposed and rejected by both President and Parliament. Secret archives remain closed. 2005 purge of opposition not lustration. No accountability for past |

**Table 2: Lustration and Democracy (12 countries)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***See Appendix 2 for transformations and data details*** | **Dependent Variable: Levels of Democratization** | | | | |
|  | **Model 1**  **1997-2012** | **Model 2**  **1997-2008** | **Model 3**  **1997-2009** | **Model 4**  **1997-2008** | **Model 51**  **2001-2011** |
| **Lustration categories**  **(4 categories)** | 2.67\*\*\*  (.36) | 1.71\*\*\*  (.34) | 2.44\*\*\*  (.38) | 2.00\*\*\*  (.36) | 2.35\*\*\*  (.50) |
| **Corruption levels** | -.32\*\*\*  (.03) | -.20\*\*\*  (.04) | -.35\*\*\*  (.03) | -.19\*\*\*  (.04) | -.25\*\*\*  (.05) |
| **Economic growth**  *GDP change* | -.01  (.06) | .03  (.07) | -.02  (.06) | .06  (.08) | -.36\*  (.15) |
| **Change in Inequality** | --- | --- | 3.29  (2.88) | --- | 2.23  (3.97) |
| **Inequality**  *Absolute level* | --- | --- | --- | -.10  (.07) | --- |
| **Strength of Political Opp** | --- | --- | --- | -.0006  (.0004) | -.0002  (.0006) |
| **Govt Effectiveness** | -- | 26.92\*\*\*  (3.26) | --- | 26.72\*\*\*  (3.56) | --- |
| **Trust in Public Institutions** | --- | --- | --- | --- | -2.32  (1.64) |
| **Constant** | 23.58\*\*\* | 6.42\*\*\* | 25.39\*\*\* | 9.63\*\*\* | 32.25\*\*\* |
| **N** | 184 | 133 | 163 | 125 | 79 |
| **Wald** χ² | 584.70\*\*\* | 731.34\*\*\* | 505.14\*\*\* | 671.13\*\*\* | 80.21\*\*\* |
| Cross sectional time series FGLS regression analyses, clustered by country. All models test for heteroskedasticity and multicollinearity. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed \*p<.05, \*\*p<.01, \*\*\*p<.001  1Model 5 excludes Albania, Russia and Ukraine. It includes the other nine CEE/FSU countries. | | | | | |

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9. Joseph Nevins, *A Not-So-Distant Horror: Mass Violence in East Timor* (Ithaca: Cornell University Press, 2005); and Victor Peskin, *International Justice in Rwanda and the Balkans* (Cambridge: Cambridge University Press, 2008). [↑](#footnote-ref-9)
10. For example, both Snyder and Sikkink examine the impact of trials on democracy but come up with opposite conclusions about the relationship. See Kathryn Sikkink and Carrie Walling Booth, ‘Errors about Trials: The Emergence and Impact of the Justice Cascade” (2007) paper available at <http://www.iilj.org/courses/documents/Session11.Sikkink.pdf>; and Jack Snyder and Leslie Vinjamuri, ‘Trials and Errors: Principle and Pragmatism in Strategies of International Justice,’ *International Security* 28, 3(2003/4): 5-44. [↑](#footnote-ref-10)
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12. Snyder and Vinjamuri, supra n 10. [↑](#footnote-ref-12)
13. Alexandra Barahona de Brito, Carmen González-Enríquez, and Paloma Aguilar, eds., *The Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), 34. [↑](#footnote-ref-13)
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15. IJTJ, ‘Transitional Justice on Trial—Evaluating its Impact,’ 4, 3 (2010). [↑](#footnote-ref-15)
16. Hugo Van der Merwe, Victoria Baxter and Audrey Chapman, eds., *Assessing the Impact of Transitional Justice* (Washington, D.C.: U.S. Institute of Peace, 2009), 1. [↑](#footnote-ref-16)
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20. Thoms, Ron and Paris, supra n 14. [↑](#footnote-ref-20)
21. Olsen, Payne and Reiter, supra n 11. [↑](#footnote-ref-21)
22. Kritz, supra n 2 at 19-20. [↑](#footnote-ref-22)
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33. Ibid. [↑](#footnote-ref-33)
34. Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (Cambridge University Press, 2010). [↑](#footnote-ref-34)
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37. *Rekvényi v. Hungary,* Judgment 25390/94, Eur. Ct. H. R., 20 May 1999; *Case of Ždanoka v. Latvia*, Judgment 58278/00. Eur. Ct. H.R. 16 March 2006 [18, §87]; XXXX. [↑](#footnote-ref-37)
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48. David, supra n 26; and Horne 2009. [↑](#footnote-ref-48)
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50. Vojtech Cepl, ‘The Transformation of Hearts and Minds in Eastern Europe,’ *The Cato Journal* 17, 2 (1997):5. [↑](#footnote-ref-50)
51. Stan, supra n 17. [↑](#footnote-ref-51)
52. Horne 2012. [↑](#footnote-ref-52)
53. Susan Rose-Ackerman, ‘Public Participation in Consolidating Democracies: Hungary and Poland,’ In János Kornai and Susan Rose- Ackerman (eds)., *Building a Trustworthy State in Post-Socialist Transition*. (New York: Palgrave/Macmillan Press, 2004): 9. [↑](#footnote-ref-53)
54. Elster, supra n 8 at 48. [↑](#footnote-ref-54)
55. Cepl and Gillis, supra n 18. [↑](#footnote-ref-55)
56. Council of Europe, supra n 36. [↑](#footnote-ref-56)
57. David, supra n 26. [↑](#footnote-ref-57)
58. This project focuses on post-authoritarian not post-conflict transitional justice, therefore Yugoslavia is beyond the scope of this project. This section draws on the extensive country coding in XXXX book manuscript and is available from the author by request. For details on each country see Rafał Leśkiewicz and Pavel Žáček, eds. *Handbook of the European Network of Official Authorities in Charge of the Secret Police Files* (The Institute for the Study of Totalitarian Regimes in cooperation with the Institute of National Remembrance: Prague, 2013). [↑](#footnote-ref-58)
59. Act No. 451/1991 on conditions for holding certain positions in state bodies and organizations (October 4, 1991), the Screening (“Lustration”) Law. Czechoslovakia. [↑](#footnote-ref-59)
60. See Estonian Citizenship Law and Local Election Law, written oath of conscience (*süümevanne*) for civil service positions, 1992; and The Citizenship Law (Latvia), 1994, amended on 16 March 1995, 6 February 1997, and 22 June 1998. [↑](#footnote-ref-60)
61. Law on Background Checks to Be Conducted on Individuals Holding Certain Important Positions, Law No. 23 (March 8, 1994), Hungary. [↑](#footnote-ref-61)
62. The Polish Lustration Act. 11 April, 1997, The Law on Disclosing Work for or Service in the State's Security Services or Collaboration with them between 1944 and 1990 by Persons Exercising Public Functions; and [ACT of 18 October 2006 on the disclosure of information on documents of state security in the years 1944-1990 and the content of these documents](http://translate.googleusercontent.com/translate_c?hl=en&rurl=translate.google.com&sl=pl&tl=en&u=http://bip.ipn.gov.pl/portal/bip/2/2/USTAWA_z_dnia_18_pazdziernika_2006_r_o_ujawnianiu_informacji_o_dokumentach_organ.html&usg=ALkJrhjcO84JGOAGZdEOQKc562ga2bxq-A). [↑](#footnote-ref-62)
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65. Wojciech Kosc, ‘Poland: Wildstein’s List’, *Transitions Online, Policy Briefs*, 1-7 February 2005, <http://www.ciaonet.org/pbei-2/tol-1/tol_2005/feb1-feb7/feb1-feb7g.html>; Lavinia Stan, ‘The Politics of Memory in Poland: Lustration, File Access and Court Proceedings’, *Studies in Post-Communism Occasional Paper*. No. 10 (2006). [↑](#footnote-ref-65)
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68. Author interview with Dr. Dragoş Petrescu, Chairman National Council for the Study of the Securitate Archives (C.N.S.A.S.), Bucharest Romania October 2012. [↑](#footnote-ref-68)
69. See ÚPN website statement in secret service section, (<http://www.upn.gov.sk/english/mission>, 2012-09-06); and Leśkiewicz and Žáček, supra n 58 at 240. [↑](#footnote-ref-69)
70. Law Nr. 8001, 22 September 1995, “The Genocide Law,” and Law Nr. 8043, 30 November 1995, “The Verification Law”, see <http://www.lustration.net/albania_documentation.pdf>, accessed 2 February 2011. See also Austin and Ellison, supra n 46. [↑](#footnote-ref-70)
71. Alexei Trochev, ‘Ukraine,’ in Stan and Nedelsky, supra n 64 at 490-497. [↑](#footnote-ref-71)
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73. Freedom House, Nations in Transit, http://www.freedomhouse.org/report/nations-transit-2012/methodology. [↑](#footnote-ref-73)
74. These numbers were obtained from Polity IV’s variable for regime type--democracy/autocracy measures that range on a scale of -10 to +10, with 10 being a fully consolidated democracy. See Polity IV Project” Political Regime Characteristics and Transitions, 1800-2010, http://systemicpeace.org/polity/polity4.htm [↑](#footnote-ref-74)
75. Other possible factors that affect the strength of democracy, such as the robustness of civil society, or the freedom of the media, or the independence of the judiciary, are already part of the democracy measure. Therefore, they cannot be included as separate controls. [↑](#footnote-ref-75)
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81. Author calculations using STATA12 predcalc functions. Data logs available from author. [↑](#footnote-ref-81)
82. It would be misleading to calculate the magnitude of effect in comparison to the other reported models since this dataset is less than half the size of the previous models. There is no trust in public institutions data for Ukraine and Russia and Albania, so trust in public institutions cannot be included in the other model specifications with the full sample. See Appendix 2 for data details. [↑](#footnote-ref-82)