OXFORD STUDIES IN DEMOCRATIZATION

BUILDING TRUST AND DEMOCRACY

TRANSITIONAL JUSTICE IN POST-COMMUNIST COUNTRIES

CYNTHIA M. HORNE

BUILDING TRUST AND DEMOCRACY

. . . . . .

OXFORD STUDIES IN DEMOCRATIZATION

Series editor: Laurence Whitehead

. . . . . .

Oxford Studies in Democratization is a series for scholars and students of comparative politics and related disciplines. Volumes concentrate on the comparative study of the democratization process that accompanied the decline and termination of the cold war. The geographical focus of the series is primarily Latin America, the Caribbean, Southern and Eastern Europe, and relevant experiences in Africa and Asia.

OTHER BOOKS IN THE SERIES

Regimes and Democracy in Latin America:
Theories and Methods
Edited by Gerardo L. Munck

Democracy and Diversity:
Political Engineering in the Asia-Pacific
Benjamin Reilly

Democratic Accountability in Latin America
Edited by Scott Mainwaring and Christopher Welna

Democratization:
Theory and Experience
Laurence Whitehead

The Politics of Uncertainty:
Sustaining and Subverting Electoral Authoritarianism
Andreas Schedler

The Politics of Accountability in Southeast Asia:
The Dominance of Moral Ideologies
Garry Rodan and Caroline Hughes

Segmented Representation:
Political Party Strategies in Unequal Democracies
Juan Pablo Luna

Europe in the New Middle East:
Opportunity or Exclusion?
Richard Youngs

Turkey's Difficult Journey to Democracy:
Two Steps Forward, One Step Back
İlter Turan

Foreign Pressure and the Politics of Autocractic Survival
Abel Escribà-Folch and Joseph Wright

Legislative Institutions and Lawmaking in Latin America
Edited by Eduardo Alemán and George Tsebelis

The International Politics of Authoritarian Rule
Oisín Tansey

Building Trust and Democracy

Transitional Justice in Post-Communist Countries

CYNTHIA M. HORNE

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© Cynthia M. Horne 2017

The moral rights of the author have been asserted

First Edition published in 2017

Impression: 1

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2016955202

ISBN 978–0–19–879332–8

Printed in Great Britain by
Clays Ltd, St Ives plc

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

To Max, with love and gratitude.

Acknowledgments

This projected started in 2002 as a co-authored paper with Margaret Levi while we were research fellows at the Collegium Budapest, Hungary as part of János Kornai and Susan Rose-Ackerman's workshop on Honesty and Trust in Post-Socialist Societies. The workshop proved to be a fortuitous crucible to explore ideas about trust-building and post-communist transitions in an environment in some ways actively grappling with the revelations unearthed through lustration. Many Hungarian scholars, such as András Sajó and Antal Orkney, helped to frame the legal and personal dimensions of lustration for us, with attention to post-communist rule of law issues. János Kornai generously shared some of his own reflections on the lustration process and regime complicity, forcing us to think deeply about issues of collaboration and the possibility of blurred lines between victims and perpetrators. Scholars like Bruce Ackerman and Susan Rose-Ackerman thoughtfully pushed us on the legal parameters and possible due process derogations associated with lustration. Bo Rothstein inserted questions about quality of governance, fairness, and equality into our thinking about the processes of transitional justice. Of course Russell Hardin and Margaret Levi were at the forefront of trust-building and trust-undermining possibilities in the post-communist context. The scholars at the Collegium proved a particularly challenging audience for this initial paper, asking many of the questions that would later guide my thinking in this larger book project. Additionally, being part of a working group on post-communist state-building helped me to situate my own exploration of transitional justice more firmly in questions of state-building, trust-building, corruption, and governance, strongly affecting the structure of this larger project. This book benefited in countless ways from the initial idea development made possible at the Budapest Collegium, and the support of Margaret Levi, who pushed me to continue with this project and empirically explore possible relationships between lustration, transitional justice, and trust.

This project was facilitated by research support from a variety of institutions. The Center for the Study of Democracy in Bulgaria provided invaluable support during my time as a resident research fellow in Sofia. The University of Bucharest generously provided research support during my fieldwork in Romania. I was fortunate to present parts of this project on two separate occasions at the University of Warsaw in Poland, giving me invaluable opportunities to present my work to regional scholars and receive thoughtful and often critical feedback. The project owes immense gratitude to the many

regional scholars who guided me toward new data, read early chapters, helped facilitate interviews, and challenged me to think deeply about the causes and consequences of transitional justice in the post-communist space. In particular I would like to thank Claudiu Tufiş and Mirian Ilcheva for their assistance in Romania and Bulgaria respectively. They made all the difference to me on the ground doing fieldwork in a new place.

There are a number of scholars and colleagues whose comments, critiques, and advice have helped me to push this project forward, including Michael Bernhard, Dovile Budryte, James Caporaso, Todd Donovan, Deborah Elms, Joseph Jupille, Csilla Kish, Ursula Sanjamino, and Benjamin Smith. In particular, Lavinia Stan has been an extremely generous scholar and I am particularly grateful that our paths crossed during this project. I was fortunate to meet Alexandra Vacroux at the Collegium at the beginning of this project, starting a friendship for which I am very appreciative on many levels. I would like to thank Western Washington University for providing a number of summer research grants, for granting me a year-long sabbatical to draft the initial version of this manuscript, and for providing a book grant to finalize this manuscript.

Some sections of this manuscript were drawn from earlier article versions: "Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe," *Comparative Political Studies* 45, 4 (2012): 412–46; "The Impact of Lustration on Democratization in Post-Communist Countries," *International Journal of Transitional Justice* 8, 3 (2014): 496–521; and "Silent Lustration: Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania," *Problems of Post-Communism* 62 (May, 2015): 131–44. While none of the pieces were reproduced in their entirety, I want to acknowledge the use of some of the material in these pieces throughout various chapters in this book.

Finally, I am grateful to my close family and friends for enduring endless conversations about lustration and transitional justice. I have tried their patience on more than one occasion. I took my son Max with me to Hungary on the first leg of this project when he was only two, and he has accompanied me on a number of my subsequent trips to the region. Along the way we have made many amazing memories together. Sharing it with him has made the journey through this project all that much more of an unforgettable adventure.

Table of Contents

List of Figures xi
List of Tables xiii
List of Abbreviations xv
Interviews Cited in Book xvii

Introduction 1

1. Trust and Transitional Justice 23

2. Classifying Countries within the Transitional Justice Typology 56

3. Building Trust in Public Institutions 131

4. Trust in Government and Government Effectiveness 187

5. Collaboration, Complicity, and Historical Memory 214

6. Lustration, Public Disclosures, and Social Trust 238

7. Transitional Justice in Support of Democratization 269

8. Conclusion: Evaluating Post-Communist Transitional Justice 291

Appendix 1. Lustration, Public Disclosure, and File Access Laws and Policies 301

Appendix 2. Timeline of Regional Transitional Justice and Lustration Programs (1990–2012) 306

Appendix 3. Data Sources and Transformations 310

Appendix 4. Replications 313

Bibliography 317
Index 339

List of Figures

2.1. Post-transition democracy compared to lustration category 120
2.2. Post-transition economic development compared to lustration category 121
2.3. Post-transition government effectiveness compared to lustration category 121
3.1. Polity IV and Freedom House (inverse) comparisons 151
3.2. Timing of reforms and trust in public and oversight institutions 158
3.3. Timing of reforms and trust in elected institutions 165
3.4. Variation in trust in parliament 169
4.1. Variation in trust in government 191
4.2. Variation in government effectiveness 205
4.3. The timing of reforms and government effectiveness 208
5.1. Requests for file access to the Hungarian Archives 224
6.1. Interpersonal trust index 258
6.2. Interpersonal distrust regional comparisons 259
7.1. Timing of reforms and efficacy: comparison of democracy and civil society 278
7.2. Comparison of Polity IV and Freedom House democracy scores 284

List of Tables

1.1. Trust matrix 26
1.2. A typology of lustration and transitional justice approaches 51
2.1. Transitional justice typology: categorizing countries 57
2.2. Lustration measures variable 116
2.3. Lustration waves variable 118
2.4. Truth commissions variable 119
2.5. EU membership compared to lustration category 123
3.1. Kostadinov Commission's file reviews by lustration category 137
3.2. Initial report to the Bulgarian National Assembly on files reviewed (2007) 137
3.3. Bulgaria—comparison of files reviewed and collaboration rates 138
3.4. Romania—the C.N.S.A.S.'s public disclosure activities 145
3.5. Transitional justice and trust in public institutions (2001–2010) 155
3.6. Transitional justice and trust in public oversight institutions (2001–2011) 160
3.7. Transitional justice and trust in elected institutions (2001–2012) 164
3.8. Transitional justice and trust in the judiciary (2001–2010) 166
3.9. Transitional justice and trust in the police (2001–2010) 168
3.10. Transitional justice and trust in the parliament (2001–2012) 171
3.11. Transitional justice and trust in political parties (2001–2012) 172
3.12. Trust in public institutions 174
3.13. Transitional justice and trust in public institutions (survey data) 178
4.1. Transitional justice and trust in government (2001–2012) 192
4.2. Transitional justice and trust in government (survey wave 1994–1996) 197
4.3. Government effectiveness 206
4.4. Transitional justice and government effectiveness (1995–2008) 207
5.1. Comparison of complicity rates 218
6.1. Transitional justice and trust in social institutions (2001–2010) 249

6.2. Lustration and trust in the church 252
6.3. Lustration and trust in the press (2001–2011) 254
6.4. Bivariate analysis of lustration programs and interpersonal trust 260
6.5. Transitional justice measures and interpersonal trust (1990–2005) 261
6.6. Transitional justice and interpersonal trust (2004) 262
7.1. Transitional justice and corruption (1995–2012) 272
7.2. Transitional justice and the strength of civil society (1995–2012) 276
7.3. Transitional justice and democracy (1995–2012) 285
A4.1. Chapter 4 replications of transitional justice and trust in a variety of individual public institutions and composites (Polity IV measures) 313
A4.2. Chapter 5 replications of transitional justice and trust in government and government effectiveness (Polity IV measures) 314

List of Abbreviations

Allamvedelmi Hatosag (AVH) Hungarian State Security Service

Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.) National Council for the Study of the Securitate Archives (Romania)

Drejtoria e Sigurimit të Shtetit (*Sigurimi*) Directorate of State Security, Albania

European Court of Human Rights (ECtHR)

Instytut Pamięci Narodowej (IPN) The Institute of National Remembrance—Commission for the Prosecution of Crimes against the Polish Nation (Poland)

Komitet Durzhavna Sigurnost (KDS) Bulgarian State Security Service

Komitet gosudarstvennoy bezopasnosti (KGB) Soviet State Security Service

Służba Bezpieczeństwa (SB) Polish Security Service

Sluzhba Bezpeky Ukrayiny (SBU) Security Service of Ukraine

Státní bezpečnost (StB) Czechoslovak State Security Service

Ústav pamäti národa (ÚPN) Nation's Memory Institute (Slovakia)

Interviews Cited in Book (Listed by Last Name)

Dr Gabriel Andreescu, former dissident and now Professor *Şcoala Naţională de Studii Politice şi Administrative*, Bucharest, Romania, October 10, 2012.

Dr Iskra Baeva, Professor, Sofia University "St. Kliment Ohridski," Bulgaria, July 11, 2012.

Dr András Bozóki, Professor, Department of Political Science, Central European University, Budapest Hungary, April 2, 2013.

Dr Georgö Bendegúz Cseh, Deputy Head of Department, Historical Archives of Hungarian State Security, Budapest, Hungary, April 4, 2013.

Dr Adrian Cioflâncă, Member of the Collegium, C.N.S.A.S., Bucharest, Romania, October 17, 2012.

Dr Nenad Dimitrijevic, Associate Professor, Department of Political Science, Central European University, Budapest, Hungary, April 11, 2013.

Maria Doichinova, Center for the Study of Democracy, Sofia, Bulgaria, July 4, 2012.

Dr Evgenia Kalinova, Professor, Sofia University "St. Kliment Ohridski," Bulgaria, July 11, 2012.

Dr Csilla Kish, Transitional Justice Scholar, Budapest, Hungary, April 11, 2013.

Dr János Kornai, Professor Emeritus at the Corvinus University of Budapest, Budapest, Hungary, multiple dates October 2002 and April 8, 2013.

Chairman Evtim Kostadinov at Headquarters of the Dossier Commission, Sofia, Bulgaria, July 12, 2012.

Mr Dimitar Markov, Senior Analyst/Project Director Anti-Corruption and Judicial Reform Unit, Center for the Study of Democracy, Sofia, Bulgaria, July 2, 2012.

Dr Momchil Metodiev, Red House Centre for Culture and Debate, Sofia, Bulgaria, July 9, 2012.

Dr Bogdan Murgescu, Member of the Scientific Council of the Institute for Investigation of Communist Crimes and Memory of Romanian Exile and Director of the Department of History, University of Bucharest, Bucharest, Romania, October 17, 2012.

Dr Damiana Oțoiu, Former Director Property Restitution, Institute for the Investigation of Communist Crimes, Bucharest, Romania, October 8, 2012.

Dr Dragoș Petrescu, Chairman of the Board of C.N.S.A.S., Bucharest, Romania, October 12, 2012.

Dr Octavian Roske, Historian, National Institute for the Study of Totalitarianism, Bucharest, Romania, October 15, 2012.

Dr Ognian Shentov, Chairman, Center for the Study of Democracy, Sofia, Bulgaria, July 13, 2012.

Mircea Stanescu, Historian at the National Archives and formerly with the Institute for the Study of Totalitarianism, Bucharest, Romania, October 10, 2012.

Alexander Stoyanov, Director of Research, Vitosha Research, Sofia, Bulgaria, July 5, 2012.

Dr Claudiu Tufiș, Department of Political Science, University of Bucharest, Romania, multiple discussions, October 2012.

Ingrida Vėgelytė, Lithuanian *Seimas*, multiple communications, September 2012.

Mr Jacek Wygoda, Director of the Lustration Bureau (*Dyrektora Biura Lustracyjnego*), *Instytut Pamięci Narodowej (IPN)*, Warsaw, Poland, July 17, 2012.

Todor Yalamov, Project Coordinator Economic Program and Corruption, Center for the Study of Democracy, Sofia, Bulgaria, July 3, 2012.

Dr Maria Yordanova, Director, Law Program, Center for the Study of Democracy, Sofia, Bulgaria, multiple dates July 2012.

Introduction

A substantial body of literature has developed highlighting the pivotal role that transitional justice measures play in post-conflict and post-authoritarian regime (re)building.[1] While transitional justice is broadly and contentiously defined, it can be understood most basically as the way a society confronts the wrongdoings in its past with the goal of obtaining some combination of truth, justice, rule of law, and durable peace (Kritz 2009, 14).[2] 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 (Auckerman 2002; Hayner 2001, 183). Sikkink, Lutz, and Walling described this as "The Justice Cascade," capturing the idea of a "rapid shift towards new norms and practices of providing accountability for human rights violations" (Sikkink and Walling 2006, 301; Lutz and Sikkink 2001; Sikkink 2011). The recent *Encyclopedia of Transitional Justice* documents twenty-three types of transitional justice across eighty-two countries, showing both a diversity of approaches and a breadth of country experiences (Stan and Nedelsky 2013).

Transitional justice mechanisms are enacted to achieve a combination of political, economic, and social goals, reflecting their myriad forms and purposes. Scholars and practitioners explicitly claim that transitional justice deters future human rights abuses, reduces corruption, promotes institutional and interpersonal trust, facilitates both general development and specifically economic development, instills a respect for rule of law that benefits a state both nationally and internationally, and supports democratization (Arenhövel 2008; Ames Cobián and Reátegui 2009; de Greiff and Duthie 2009; Hatschikjan 2004; Hayner 2001; Huntington 1991; McAdams 1997; Mayer-Rieckh and de Greiff 2007; Stan 2009). There are a host of implicit expectations as well, including "restoring dignity to victims and promoting psychological healing; . . . creating a 'collective memory' or common history for a new future; . . . legitimating and promoting the stability of the new regime . . . and promoting reconciliation across social divisions" (Kritz 2009, 3).

There are a number of both direct and indirect ways that specific transitional justice measures are hypothesized to support state-building and societal

reconciliation. Scholars highlight that by breaking with the past, transitional justice measures could also break cycles of government distrust and signal a fundamental change in the regime's approach (Kritz 1995; Letki 2002). The act of truth-telling is often described as a collectively and individually cathartic means of shedding light on the past in order to move forward in the present (Goldstone 2000; Hayner 2001). Trials might demonstrate government accountability for problems incurred in the past, thereby signaling a commitment to justice, fairness, and rule of law in the future (Kritz 1997; Sikkink and Walling 2006). Transitional justice methods that focus on revealing information in previously secret files could also signal a commitment to transparency and accountability moving forward, as well as improve perceptions about the trustworthiness of the current government. Vetting removes or prevents individuals from taking office or positions of power if their previous regime involvement is believed to render them potentially untrustworthy, with the goal to improve the trustworthiness of public institutions staffed by said screened personnel (David 2011; Stan 2009). Transitional justice measures can be enacted alone or together in order to triangulate an array of transition challenges and regime goals.

Transitional justice is linked to democracy promotion in the democratic transitions literature. O'Donnell and Schmitter warned that the presence of past abusers in positions of power after an authoritarian transition could thwart democratic consolidation (1986). It is argued that transitional justice prevents this type of abuse of power by forcing both bureaucratic changes and symbolic changes to the remnants of the *ancien régime* (Cohen 1995; United Nations 2006). Huntington argued that holding individuals accountable for crimes committed under the previous regime demonstrates a commitment to democratic principles: "Prosecution is necessary to assert the supremacy of democratic values and norms and to encourage the public to believe in them" (Huntington 1991, 213). Elster similarly suggested that punishing human rights violations prevents future abuses and therefore safeguards a fledgling democracy (Elster 2006).

Given the alleged elixir properties of transitional justice, it is not surprising that many countries in Central and Eastern Europe (CEE) and parts of the former Soviet Union (FSU) turned to such measures after their transitions as a way to promote regime change and address the institutional and symbolic legacies of communism. Specifically, post-communist countries embraced lustration, truth commissions, file revelations, and trials as forms of transitional justice with the intention of supporting bureaucratic reform, political and social trust-building, and democratization. Bureaucratic reform of the communist apparatus was a paramount goal at the start of the transitions, requiring the dismantling of the former economic and political networks of

power and the creation of more decentralized economic systems and more democratic political systems. Promoting democracy, improving the quality of government, and establishing rule of law were critical policy goals linked to the process of bureaucratic reform. Trust-building as a goal and a means of achieving these other transition goals was a central policy objective in the post-communist context.

Low levels of institutional trust and a narrow radius of interpersonal trust were widely acknowledged legacies of the communist regimes across the region, permeating all social, economic, and political spheres (Rose, Mishler, and Haerpfer 1998; Rose-Ackerman 2001; Kornai, Rothstein, and Rose-Ackerman 2004). The communist regimes' overt and covert repression and rights' violations created a rational fear of government and generalized political distrust. Mishler and Rose recorded high levels of institutional distrust across all major public institutions: "All of the institutions examined suffer substantial levels of public distrust; none enjoy extensive trust; and the average ratio of distrust over trust is approximately 2:1" (2001, 10). Additionally, communist regimes intentionally created social distrust by forcing collaboration with the secret police, thereby narrowing the radius of social trust. The expansive networks of informers perpetuated widespread fear and interpersonal distrust, thus ensuring primary loyalty to the state. The East German Stasi practiced a policy of *Zersetzung* or decomposition, which meant an active disintegration or subversion of the lives of individuals who would not collaborate.[3] Similarly, the *Securitate* in Romania "used a network of informants and collaborators to foster internalized repression and social mistrust" (Travers and Kanterian 2001). As Rosenberg described:

> The Eastern Bloc dictatorships were conspiracies of all of society. Just as almost everyone was a victim of communism by virtue of living under it, almost everyone also participated in repression. Inside a communist regime, lines of complicity ran like veins and arteries in the human body.... Their complicity was hidden, even from themselves, by the fact that every ordinary citizen behaved the same way (1995, 138).

The post-communist revelations of both the size of the secret police file archives and the scope of betrayals by friends, colleagues, family, and spouses demonstrated a rational basis for distrust both during and after the communist period. Ingelhart noted very low levels of social trust in the post-communist sphere, showing that the lowest levels of subjective well-being ever recorded were in the post-communist space (Ingelhart 1999, 108–9). Some have even suggested that a culture of distrust plagued these societies. "One of the hallmarks of communist rule... was the perversion of civic society. In place of a sense of community, these 'societies' were instead marked by a mutual

distrust between the state and its people, and between the people themselves" (Gibney 1997, 95).

Many problems in the post-communist space, from high corruption, to ineffective governance, to incomplete democratic consolidation, were linked to continued low levels of institutional and interpersonal trust. Trust is theorized and empirically shown to be an important factor contributing to the development of effective and capable democratic governance (Hardin 1998; Tilly 2005). Trust in national government, trust in public institutions, trust in social institutions, and interpersonal trust or social capital are all theorized to contribute to democratization (Sztompka 1999; Fukuyama 1995; Putnam 2000). A lack of trust in these realms is often blamed as an impediment to good governance, democratic consolidation, a robust civil society, as well as economic development. Therefore, it is not surprising that policymakers and academics linked post-communist transitional justice measures with trust-building and democratization goals, suggesting transitional justice reforms "instill trust in the new system and hence democratic stability" (Grodsky 2010, 15). Justice and reconciliation are framed as trust-building experiences, creating the "soil in which democracy takes root" (Sarkin and Daly 2004, 700). Stan captured the assumptions built into the post-communist transitional justice literature:

> Transitional justice rebuilds trust among citizens and between citizens and the state, and in doing so allows the community and the state to come together and solve the problems of the nation. Trust, in its turn, leads to the accumulation of rich social capital reserves, the formation of vibrant voluntary associations, and the rebirth of a strong civil society able to hold the state accountable for its actions (Stan 2009, 3).

Durable assumptions that transitional justice builds trust and supports democratization informed policies in post-communist states. After more than twenty-five years of experience with transitional justice in the post-communist region, we are in a position to examine rather than assume the actual effects of these measures. In the broadest sense, under what conditions did transitional justice support the processes of political and social trust-building and facilitate democratization? More specifically, how did the structure and implementation of transitional justice affect various transition goals? What were the temporal conditions affecting reform efficacy; in other words, how long does the window of opportunity for reform remain open after a transition? This book theorizes and empirically examines *if, how, and under what conditions* transitional justice affected the ability of post-communist countries to further their transition goals of building trust in public institutions, restoring trust in government, building societal trust, promoting good governance, and supporting democratization. While this analysis focuses on the post-communist

region, it speaks more broadly to the conditions under which transitional justice supports state-building and societal reconciliation.

POST-COMMUNIST TRANSITIONAL JUSTICE

There was a regional clustering of transitional justice choices in the post-communist space, with lustration as the dominant form, often accompanied by secret police file access provisions, public truth-telling exercises, and/or public disclosures of former regime collaboration. At its most basic, lustration can be defined as "special public employment laws [to] regulate the process of examining whether a person holding certain higher public positions worked for or collaborated with the repressive apparatus of the communist regime" (David 2003, 388). In the post-communist context, the backgrounds of certain public and some quasi-public/private officials are screened or "lustrated" using the secret police files 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, and then to ascertain whether there is a need for them to be removed [either voluntarily or through compulsion] from positions of trust based on their competencies, previous actions, memberships or positions in the previous communist regimes (Huyse 1995; Minow 1998; Stan 2009, 11). In some countries, the consequences from collaboration or involvement could entail compulsory removal from office or position. In other countries, only lying about the nature of that collaboration or involvement was grounds for compulsory removal. In still other contexts, public disclosures or threat of disclosure of previous collaboration functioned as catalysts to shame individuals into voluntarily resigning from positions (Letki 2002, 530; David 2003, 388; Williams, Szczerbiak, and Fowler 2003). In all three lustration scenarios, the personnel screening components entail explicit expectations of bureaucratic change.

However, the term lustration has gained traction to differentiate the post-communist experiences from typical vetting procedures and to highlight the broader scope, longer duration, truth revelatory, and symbolic dimensions of lustration measures (Thoms, Ron, and Paris 2008; Mayer-Rieckh and de Greiff 2007). In particular, there is also an important symbolic or moral cleansing component to lustration that makes it substantially broader than employment vetting alone. The term lustrate means "to purify ceremonially," and the act of lustration is defined as "the performance of an expiatory sacrifice or a purificatory rite."[4] The measures confer an atonement element to the process of

transitional justice, reflecting "the purification of state organizations from their sins under the communist regimes" (Boed 1999, 358). The intentional use of the term *sins* evokes a sense of religious purification. Vojtěch Cepl, one of the authors of the Czech Constitution and an appointed judge on the Constitutional Court of the Czech Republic, 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 (Cepl 1997, 2). The Council of Europe's 1996 resolution *On Measures to Dismantle the Heritage of Former Communist Totalitarian Systems* framed lustration in these symbolic terms as a means to facilitate the process by which "old structures and thought patterns have to be dismantled and overcome" (Council of Europe 1996). From this perspective, lustration catalyzes ideational and moral change as well as bureaucratic change, making lustration a much larger concept than employment vetting.

As the dominant form of transitional justice in the region, this project focuses on lustration and the file access provisions, truth-revelation procedures, and public disclosure provisions that accompany and support it. The implementation of lustration has varied across the post-communist countries, both in terms of the range of actionable offenses and the range of government responses to revelations of collaboration. The different types of lustration will be examined in detail in Chapter 2. Although truth commissions have been a lesser used transitional justice choice in the post-communist space because many elements of truth-telling are already embedded in lustration processes, this project examines the regional use of truth commissions as separate and complementary forms of accountability as well. As such, this project examines the use and effects of lustration measures, file access provisions, truth commissions, and public disclosures in the post-communist transitions.

Lustration Debates

Both international and national policymakers situated lustration measures within a trust-building and democracy promotion narrative. The United Nations described the use of lustration as a means of changing citizen perceptions of the trustworthiness of public institutions (United Nations 2006). The International Center for Transitional Justice's sponsored study—*Justice as Prevention: Vetting Public Employees in Transitional Societies*—linked lustration, as a type of vetting, to trust-building. Vetting processes help to reestablish civic trust and to relegitimize public institutions by excluding from them persons who have committed serious abuses in the past and have breached the

trust of the citizens they were meant to serve. Vetting contributes to establishing trustworthy and therefore effective public institutions that respect and protect basic standards (Mayer-Rieckh 2007, 485). Post-communist governments claimed they were using lustration measures to help restore trust in government and trust in society (David 2003). The network of the [secret police] collaborators is like a cancer inside Czechoslovak society. Is it so difficult to understand that people want to know who the former agents and informers are? This is not an issue of vengeance, nor of passing judgments. This is simply a question of trusting our fellow citizens who write newspapers, enact laws and govern our country (Vice Minister of the Interior of the Czech Republic as cited in Lós 1995, 149). Romanian Parliamentary debate reflected the assumed democracy-promoting effects of lustration: "Democracy is but an empty word without lustration and condemnation of communism" (Stan 2010).

Despite the prevalence of the trust-building assumption, it is not a uniform narrative in the transitional justice literature. Lustration is one type of transitional justice that is alternately framed as trust-building and trust undermining, largely due to the centrality of the secret police files to the process. Lustration procedures rely on information in secret police files to assess previous regime complicity, with potential and actual employment and reputational consequences. Public disclosures and file access provisions similarly make public the information in the secret police files, often hurting the reputations of current or future public figures, office holders, and persons in positions of public trust. Because those files contain information documenting how neighbors, friends, co-workers, and even relatives might have informed on you under the previous regime, revelations about the scope of the betrayals might undermine interpersonal trust. There is also a potential to decrease institutional trust, should citizens recoil from current office holders with histories of complicity with the secret police. There is the additional danger that the files and information could be politically manipulated, thereby tainting the overall process and undermining trust in government, political parties, and agents of the government. Finally, there is the ever-present question about the veracity of the files and the appropriateness of using the ill-gotten secret police files to build democracy (Cywinski 1992; Michnik and Havel 1993).

The rule of law and justice balancing required by lustration could undermine rather than enhance governance and the foundations for a strong democracy (Minow 1998, 30; Robertson 2003; Posner and Vermeule 2004, 792). The manner in which lustration and public disclosures are applied could potentially or actively violate individual rights, liberties, and legal guarantees (Sólyom 2003). There is a danger of selectivity, by which some but not all

perpetrators of past abuses are punished, thereby creating a sense of biased justice (Minow 1998, 31; Skapska 2003, 200). 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 process of democratization. The danger of political manipulation of lustration could undermine the goals of good governance and the legitimacy of the new regime (Kiss 2006). If citizens perceive lustration and public disclosures to be little more than tools of party politics, this could undermine the very trust-building goals of the policies. In this sense, outcomes could be sullied by politicized intentions.

Offe argued that transitional justice "may provoke hostile attitudes on the part of those affected or potentially affected by such measures, leading to acts of sabotage, revenge, resentment, and conspiracies on their part. They may even create martyrs, which is even more the case with criminal sanctions applied against key actors of the old regime" (Offe 1992, 198). The structure and implementation of lustration could instigate just such a backlash. Truth-telling could undermine society's efforts at reconciliation, fomenting interpersonal distrust and societal retraumatization (Hayner 2001, 185). Even providing access to information in secret police files could violate personal rights of privacy, and undermine the constitutional guarantees of the new state. As such, there is a potential that well-intentioned lustration measures and truth commissions could still undermine trust networks. The many potential problems and adverse consequences associated with transitional justice processes led several prominent dissident voices to call for a thick line to be drawn between the past and the present in order to avoid these dilemmas altogether (Michnik and Havel 1993).

Competing arguments about the benefits or potential dangers of lustration measures have remained empirically under-examined. Lustration studies have primary focused on richly detailed, small-N comparisons, tracing, and in some cases explaining why and how a country (or a small group of countries) adopted certain lustration programs, but have devoted less systematic attention to assessing the conditional effects of the measures across the region over time. Notable examples of scholarship focused on lustration include: Stan's fine-grained examination of Romania's complex experience with transitional justice (2012); Nalepa's three country comparison of the politics surrounding the adoption of lustration measures in Poland, Hungary, and the Czech Republic (2010); and David's examination of the effect of lustration programs on citizen perceptions of trust in government in Hungary, Poland, and the Czech Republic (2011). These pieces contribute to the growing body of literature explaining both the origin of transitional justice and the politicization surrounding its implementation, and are suggestive of the effects of such measures in these country contexts. However, a research design focused on a

single case or the three regional vanguard cases limits the inclusion of controls needed for more comprehensive impact assessments. As Thoms, Ron, and Paris stated, "While this detailed analysis of [these] lustration processes suggests that lustration has positive effects, causality in these cases is difficult, as the research design does not include similar control cases . . . it is also unclear whether another, underlying factor could have led to the improvements in human rights and democratic stability" (Thoms, Ron, and Paris 2008, 37–8).

This project aims to fill this gap in the literature by examining the effects of transitional justice on political and social trust and the larger process of democratization across twelve countries in Central and Eastern Europe and parts of the Former Soviet Union over the period 1989–2012. Specifically, the project examines the use of lustration policies, file access procedures, truth commissions, and public disclosures as a constellation of transitional justice reforms across Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Slovakia, and Ukraine.[5] There are three central and related research questions. First, under what conditions has transitional justice supported trust-building and democratization in the post-communist sphere? Second, how does the structure, implementation, and timing of reforms affect the perceived efficacy of the measures? In particular, are there temporal constraints on the implementation of effective transitional justice programs? Third, why might similar measures evidence differential effects across regime goals both within and between countries?

In contrast to the dichotomous claims about the benefits or problems with lustration measures, I argue that lustration and accompanying file access and public disclosure procedures have differentiated and conditional effects. Lustration involves both institutional change components and symbolic change elements, which affect different types of political and social trust relationships differently. In practice this means lustration should have differentiated effects on trust in political institutions, trust in government, trust in social institutions, and interpersonal trust. More expansive and compulsory institutional change mechanisms will register the largest effects, with limited and non-compulsory mechanisms having a diminished effect, and more informal and largely symbolic measures having the most attenuated effect. In this way, the structure, scope, timing, and implementation of lustration condition outcomes in the political and social realms. These differentiated effects are also noted in the way measures support government effectiveness and democratization, two transition aspects that can be directly targeted for reform through bureaucratic change mechanisms, but have indirect effects on more diffused transition goals, like reducing corruption. The next section lays out the central argument and previews the key findings, highlighting the research design and mixed methods used to triangulate these research questions.

LINKING TRANSITIONAL JUSTICE TO TRUST-BUILDING AND DEMOCRATIZATION

Lustration processes involve both institutional/bureaucratic change elements, as well as symbolic/revelatory elements. These two dimensions of lustration and public disclosures have different potential political and social trust effects. Moreover, given the possibility of divergent effects on trust-building, we should also expect transitional justice to have different effects on some broader transition goals, including democratization, the reduction of corruption, and support for good governance. Additionally, truth commissions are largely acts of symbolic accountability, which will condition and possibly constrain effects on trust-building and democracy promotion as well.

Political trust involves trust in the public sphere, and can be particularized on specific public institutions, such as the judiciary or police, or it can be generalized across the government as a whole. Perceptions of the trustworthiness of political institutions whose employees are directly targeted for lustration, like the judiciary or the police, could thus be positively and directly affected by lustration and/or public disclosures of the backgrounds of personnel. Because trust in government is a more generalized form of political trust affected by employment vetting as well as a host of other economic, social, and political considerations, the effects from lustration should be positive, albeit attenuated. In this way, the institutional change and symbolic change elements of lustration should positively affect political trust, although the magnitude of effect between particularized or generalized political trust objects should also differ. By contrast, truth commissions are largely symbolic accountability measures and do not force changes in public institutions. Therefore, they might have no discernible impact on particularized political trust and might have only slight or indirect effects on overall perceptions of generalized trust in government. In other words, lustration measures and public disclosures should affect trust in political institutions and trust in government differently.

Conversely, social trust involves personal and semi-public relationships. Like political trust, it could be particularized, meaning focused on specific social institutions like unions and the church, or generalized across society in what is known as interpersonal trust. Social trust has the potential to be adversely affected by the secret police file revelations associated with lustration and the truth-telling dynamics of truth commissions. These revelations shine light on the manner in which neighbors, colleagues, and friends, or organizations like the church, actively collaborated with the communist regime, and in so doing, they highlight the personal betrayals among previous social trust networks. Thus, they have a potential to undermine trust in directly targeted

social institutions, with more attenuated negative effects on general interpersonal trust levels.

In sum, lustration measures and public disclosures could have possibly divergent effects across social and political trust, with different effects on trust in public institutions, trust in government, interpersonal trust, and trust in social institutions. Each type of trust will receive individualized treatment in the book in order to unpack the concept of trust, and highlight similarities and differences in the relationships between different types of trust and different types of transitional justice.

Trust-building is a transition goal as well as a means to promote other higher order goals, such as a reduction in corruption, the promotion of good governance, support for civil society, and democratization. Some of these ultimate transition goals might be more directly and more positively (or negatively) affected by the institutional and symbolic changes associated with lustration and public disclosures than other goals. For example, good governance and democratization are expected to be directly and positively affected by lustration and public disclosure measures, due to the manner in which these measures target public institutions that support governance, rule of law, and democracy. By comparison, the strength of civil society might be more affected by the expected divergent social and political trust effects of lustration and public disclosures, and therefore could yield more mixed effects. Additionally, although lustration is often described as a corruption corrective, there are few mechanisms specified as to how public disclosures and truth-telling exercises might directly affect informal networks. Even if lustration measures removed individuals from political positions, lustration would still not necessarily upend social and economic networks of privilege, and therefore might at best have indirect effects on corruption. This project engages these four broad transition goals and possible relationships with transitional justice measures in the post-communist context, again highlighting the possibilities for divergent effects.

I further argue that it is not simply the presence or absence of lustration programs or truth commissions but the design and implementation of transitional justice mechanisms that condition outcomes. I argue that more extensive measures focused on wide and compulsory bureaucratic change will effect more institutional/bureaucratic change than limited and noncompulsory lustration programs, or even largely informal measures relying on symbolic changes. Therefore, more compulsory bureaucratic change should evidence the largest political trust-building effects and the greatest support for government effectiveness, democracy, and civil society. Informal policies focused on symbolic changes should still support the process of institutional reform, but with diminished magnitude of effects. Drawing on this argument, I develop a

transitional justice typology, comparing differences in the scope and implementation of programs. Mapping this analytical typology onto the trust literature generates a set of testable hypotheses linking the trust and transitional justice literatures, which are explicated in Chapter 1. This allows me to first theorize and then empirically examine the relationships between different types of lustration programs and the different types of trust, namely trust in public institutions, trust in government, interpersonal trust, and trust in social institutions, as well as goals associated with corruption, governance, democracy, and civil society.

Turning to an empirical examination of these relationships, I code twelve post-communist countries' experiences with lustration, file access procedures, and public disclosures, as well as truth commissions, drawing on a combination of interview materials, primary documents, and historical materials. National level and survey datasets employing this new typology are used to statistically test each of the aforementioned trust and transitional justice relationships, while introducing a range of economic, political, and social controls. This approach allows me to introduce timing considerations, and model the effects of temporal conditions on the efficacy of transitional justice measures.

To complement the statistical analyses, comparative case studies of four transitional justice programs—Hungary's, Romania's, Poland's, and Bulgaria's—explicate trust-building dynamics, with particular attention to the limited and noncompulsory change category (Hungary and Poland) and the informal and symbolic category of reforms (Romania and Bulgaria). The case details include original interviews with the directors of the national lustration agencies and file repositories in each of the four countries. The cases focus on the middle categories in the typology and illustrate several transitional justice dilemmas, such as the effects of late lustration policies, the problems surrounding regime complicity of the population with the communist regime, the way historical memory can be negatively impacted by transitional justice, and the resurgence of nostalgia in the face of continued economic and political problems. The qualitative case studies combined with the quantitative analyses empirically support the theoretical arguments linking transitional justice to trust-building in transition.

Main Findings

To preview the main findings, lustration, public disclosures, and related reforms were strongly and consistently associated with a range of reform goals. There was a robust relationship between lustration and political trust,

government effectiveness, strong civil societies, and democratic consolidation in post-communist countries. However, the relationship between lustration and social trust was more mixed. While lustration did not appear to undermine interpersonal trust, it also did not appear to support it. However, lustration was negatively associated with trust in social institutions. Revelations of societal complicity with the previous communist regime affected social trust networks, but in a manner particularized or linked to specific social institutions not generalized across society. On the other hand, truth commissions were negatively associated with trust-building and democracy promotion in this set of post-communist cases. The different effects of lustration and truth commissions in the same set of cases highlight the importance of cross-national impact assessments, because even good policies could have a range of potentially conflicting effects. In sum, in terms of *whether* lustration, file access, and public disclosures affected reform goals, I find that these measures had generally positive effects but were not the elixirs they were touted to be. Depending on the goal, the results could be very positive (as was the case with trust in political institutions), indirect (as was the case for corruption), or even negative (trust in social institutions).

Second, in terms of *how* transitional justice affected outcomes, more extensive and punitive lustration programs, including a variety of compulsory bureaucratic change measures, were associated with the highest levels of political trust, democracy, and government effectiveness. Contrary to worries about punitive lustration measures, stricter and broader measures including an explicit punitive component—whether symbolic shaming or forced bureaucratic change—were associated with the most democratic consolidation and highest levels of political trust. The act of truth-telling without consequence did not support the transition goals in the same way, and in the case of truth commissions was negatively associated with most transition goals. These findings complicate our understanding of what makes for an optimal transitional justice approach by demonstrating that wide and compulsory programs with potential rule of law problems appeared to be the most efficacious.

Third, it was possible to model the effects of timing on reform efficacy. Contrary to expectations that only reforms enacted at the start of the transition were beneficial, there was a relatively wide window of opportunity for enacting reforms, even a decade or more after the post-communist transitions, with similar efficacy results. In fact, delayed reforms appeared more efficacious in many models. Critically, the magnitude of the effect of timing on reform goals was generally small compared to the importance of well implemented transitional justice measures, except for the case of the most highly politicized public institutions. In terms of *when* reforms were most beneficial, delaying reforms until the regime was more consolidated might prove most efficacious,

although in general well implemented reforms mattered more than temporal considerations.

In sum, the findings provide more precise explication of *whether*, *how*, and *under what conditions* transitional justice generally and lustration specifically affected trust-building and democracy promotion in the post-communist sphere. Lustration affected different objects of trust differently: appearing to support trust in political institutions and weaken trust in social institutions. These empirical findings support the theoretical arguments linking the transitional justice and the trust-building literature. Moreover, lustration and public disclosures were strongly associated with stronger civil societies and more consolidated democracies. The effects on macro-goals like democratic consolidation must be weighed against some of the smaller but potentially negative effects on social trust. In essence, lustration was neither the danger to transitions threatened by critics, nor the panacea for problems championed by advocates. The theoretical contributions to the field of transitional justice combined with the new empirical evidence about the differential impact of lustration measures, the timing of reforms, and the problems associated with regime complicity inform our understanding of democratic consolidation in transitional societies.

Research Design Considerations

The focus on the post-communist experience with transitional justice has several built-in research design benefits. First, lustration measures provide an example of a relatively narrow and nuanced transitional justice mechanism, albeit one with significant intra-regional variation in terms of the scope, timing, severity, and duration of the laws. This variation in the design and actual implementation of lustration measures allows for the creation of a relative coding scheme—or a lustration typology—to assess how different types of lustration programs affected transition goals. This project thus moves beyond the dichotomous representation of transitional justice—presence or absence—and considers how the severity and scope of reforms affected outcomes.

Second, all of the countries in this study considered lustration measures, but only some countries adopted them while others limited or rejected them. This provides for an examination of similarly situated post-communist cases and non-cases. The presence of the non-case—or the country that could have adopted lustration and rejected it—provides a critically under-examined point of comparison required to advance our understanding of reform

outcomes. This is something most studies that focus only on exploring one or two cases of transitional justice are unable to accomplish.

Third, all of the countries began their transitions at approximately the same time—1989–1991—but not all of the countries adopted lustration at the same time. The cases allow for an examination of the possible temporal effects of reforms, comparing countries with early measures, later measures and no measures at all. By modeling the timing of reforms, I draw from the public policy community's scholarship in order to introduce an under-examined temporal component to transitional justice studies.

Fourth, there are some regional similarities that function as inherent research controls. All of the cases were post-authoritarian, post-communist transitions, thereby minimizing variation in the nature of the transition.[6] All of the countries were part of the Warsaw Pact and experienced decades of communist rule that started and ended at nearly the same point in time. Therefore, one is able to control for the duration of the regimes and the possible influence of geopolitics at that moment in world historical time (Gerschenkron 1962). One of the hallmarks of the communist transitions was the widely shared complicity by all citizens who abetted the work of the secret police or the communist regime. The diffusion of responsibility for the communist regime to society differentiates communist transitions from other types of post-authoritarian transitions (Rosenberg 1995), and therefore constitutes an important regional control.

Fifth, there are also important differences in the levels of economic, political, and social development across the region, presenting significant variation in both pre- and post-transition conditions and outcomes. For example, the Hungarian mixed economy known as "Goulash Communism," or the strong *Solidarność* labor movement in Poland, presented different domestic economic contexts for the implementation of lustration (Ramet 1998). The peaceful Velvet Revolutions in Czechoslovakia, the violent and public killing of Ceauşescu in Romania, and the negotiated power sharing arrangement in Poland (Ramet 1995) presented different domestic political contexts for enacting lustration. These intraregional differences could have affected the implementation and impact of transitional justice measures, and therefore provide necessary variation across key control variables, such as the level of economic development, degree of democratization, and level of corruption. Previous impact assessments have not actively considered how these economic and political factors changed and affected trust and democracy levels from 1989 to 2012, both within and between countries.

Finally, there was no direct role for international or external actors in designing or implementing lustration. Lustration was a nationally based initiative that continued even when international institutions, such as the

European Court of Human Rights (ECtHR) and the International Labour Organization, questioned the possible rights violations associated with the laws (Horne 2009a). There was no direct role for the European Union (EU) in the design or implementation of lustration. Most countries adopted lustration laws prior to starting EU membership talks, many continued to implement measures after becoming EU members, others enacted lustration laws while trying to become EU members. As such, the influence of external actors on the possible impact of transitional justice was minimized, which differentiates lustration from other hybrid or international justice measures.

In sum, lustration was regionally concentrated but differentiated across countries, temporally demarcated but long enough in duration to observe an impact. This research design presents us with an unusual combination of variables and controls to facilitate an examination of possible relationships between transitional justice, trust, and democracy.[7] It is important to note that lustration as a form of transitional justice is not just a post-communist phenomenon; the transitional justice database project lists more than forty examples since 1970.[8] Kritz has noted the involvement of vetting or employment reviews or file access procedures in a range of transitional justice programs. 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. (2009, 19–20)

As such, although the focus of this study is on post-communist transitions, the conclusion will discuss how some of the insights from this study could carry over into other transitional justice cases.

WHY THEORIZE AND EVALUATE IMPACT?

The first wave of research on transitional justice was dominated by *what* and *why* questions: what are the determinants of transitional justice, and why did countries adopt certain kinds of programs? Scholars concentrated on explaining the design, structure, and anticipated function of transitional justice mechanisms in a variety of historical contexts (Šimonović 2004; Offe 1992, 1996; Huyse 1995; Elster 2004). Others investigated how the type of democratic transition affected the choice of a transitional justice method

(Huntington 1991; Moran 1994; Welsh 1996), or how the pre- or post-transition environments conditioned the range of possible choices (Nedelsky 2004; Nalepa 2010; Olsen, Payne, Reiter 2010). A second wave of transitional justice research is turning to questions concerning *whether* and *how* transitional justice affects democratization, human rights, governance, and trust.

Research focused on questions regarding the conditions under which transitional justice supports state-building and societal reconciliation has not always confirmed the widely held assumptions about transitional justice. In fact, the initial impact assessments have generated mixed results, with some studies supporting and others refuting the alleged benefits of transitional justice. Barahona De Brito, Gonzalez-Enriquez, and Aguilar asserted, "We do not find any direct correlation between the implementation of policies of backward looking truth and justice and the global functioning of democracies. . . . Trials and truth commissions do not have a determining impact on the quality of the new democracy, when observed some years after the transition" (2001, 312). Put even more bluntly, "there is no clear link between transitional truth and justice and democratization" (Barahona De Brito, Gonzalez-Enriquez, Aguilar 2001, 34). Analyzing the Transitional Justice Database, 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 (2010). Thoms, Ron, and Paris argued

> most studies find that transitional justice makes either moderately positive or no contribution at all. Only a few studies find harmful effects. However, our primary conclusion is that existing empirical knowledge about the impacts of transitional justice is still very limited, and does not support strong claims about the positive *or* negative effects of transitional justice across cases. (2008, 31)

There is growing awareness of the need to both theorize and assess the effects of transitional justice choices. Thoms, Ron, and Paris's review of the state of the discipline found a dearth of impact assessments capable of evaluating widely recommended transitional justice measures (2008; 2010). Van der Merwe, Baxter, and Chapman similarly raised awareness of the discipline's need for more careful attention to impact, as well as the possibilities that these assessments might contradict assumptions about the elixir qualities of transitional justice (2009). The *International Journal of Transitional Justice*'s 2010 special issue devoted to impact assessments highlighted the need for more explicit theorizing about impact, providing a breadth of possible research approaches that could inform future impact studies.[9]

There are a variety of methodological reasons why there have been relatively few impact assessments, and related reasons why there is substantial disagreement about what we *know* about the utility or disutility of transitional justice

measures. First, conceptually there are many possible and overlapping transition goals; some might be recursive or even at odds with each other. Unidimensional and monocausal arguments about the benefits or problems with certain transitional justice methods have failed to disaggregate possibly competing transition goals, or to theorize the possible conditional effects of measures. In other words, clearly specifying transition goals and then formalizing them into a measureable dependent variable have created theoretical and analytical challenges.

Second, there are challenges operationalizing and conceptualizing the key independent variable, namely mechanisms of transitional justice. A simple coding scheme that captures the presence or absence of trials or truth commissions, in dichotomous terms, might be more widely useable in a cross-national assessment, but it cannot capture variation in the quality, scope, or intensity of programs. Having laws and procedures in place is not the same as actually implementing and enforcing those procedures. Hayner cautioned against such an approach and the resulting conclusions:

> While the number of truth commissions is now fairly significant, we should be sober in our assessment of what this means. The numbers do not tell the greater part of the story. A few of the forty truth commissions that have existed to date have not been successful, by any measures; others have had some but relatively limited impact.
>
> (Hayner 2011, 6)

As such, studies that do not measure the quality or completeness of implementation poorly capture impact and might render misleading conclusions about the efficacy of transitional justice approaches.[10]

Third, causal mechanisms remain underdeveloped in impact studies, with a host of correlations having causality ascribed to them (Thoms, Ron, and Paris 2008, 27–8). A lack of control variables renders the findings suggestive at best, introducing problems of endogeneity and omitted variable bias. There are limited efforts to include change functions or time series controls, which could reverse the causality ascribed to some transitional justice measures. For example, just because there is a strong correlation between peacekeepers and conflict does not mean peacekeepers *cause* conflict. Cross-sectional data assessments at a single moment in time (one country year) using a single country's experience are constrained in the extent to which they can tease out causal mechanisms (Thoms, Ron, and Paris 2010, 339). More attention to the timing of programs and dynamic changes in society, combined with a range of economic, political, and social control variables, would help to better explicate possible causal relationships between transitional justice mechanisms and hoped for outcomes.

Fourth, case selection poses its own set of challenges. Studies that focus on a single country or a single type of transitional justice might be richly detailed,

but have limitations on portability. There is a tendency to research the big cases, such as South Africa's Truth and Reconciliation Commission (TRC) or Chile's commission (Thoms, Ron, Paris 2008, 27). While these cases are important, they are single and often singular cases, such as the individualized amnesty component of South Africa's TRC (Hayner 2001, 5; Gibson 2009). The absence of non-cases in these studies also biases the sample, and impedes the use of counterfactual reasoning in the development of casual mechanisms. In order to better understand the effects of transitional justice, we need cases of similarly situated countries that both opted for measures and those that rejected similar measures as points of comparison.

Drawing on some of the problems assessing impact outlined in this section, this study focuses attention on conceptualizing and operationalizing the dependent and independent variables, triangulating research questions using multiple research methods, intentionality in case selection and case categorization, and the inclusion of controls in order to advance theorizing and analysis of the mechanisms linking reforms to outcomes. Impact assessments have potentially enormous theoretical and empirical implications for the study of transitional justice and comparative democratization, with substantial power to upend normative assumptions. Roht-Arriaza's introduction to the edited volume on new approaches to transitional justice scholarship challenged scholars to explore the impact of oft-recommended transitional justice choices, even asking, "Are we too professionally invested in the very processes we are seeking to evaluate?" (Roht-Arriaza 2009, ix). This book responds to Roht-Arriaza's challenge, seeking to both understand and evaluate the recent post-communist experience with transitional justice. While it cannot change the trajectory of what transpired in the post-communist region, the study's findings and the arguments made about the conditional effects of transitional justice measures should be interpreted with future transitional justice programs in mind.

OUTLINE OF THE BOOK

This book is organized around the four main types of trust presented in this introduction: trust in public institutions, trust in government, trust in social institutions, and interpersonal trust. Chapter 1 explicates in more detail the differences between the four types of trust, explaining salient differences between social and political trust and highlighting trust-building and/or trust-depleting tendencies of each. Chapter 1 then presents the theoretical

argument, linking the institutional and symbolic change functions associated with lustration, file access provisions, and public disclosure processes to different forms of political and social trust-building. Drawing on the insights from the transitional justice literature, a transitional justice typology is developed and then mapped onto a two-by-two matrix of different trust-building goals. This mapping of the transitional justice and trust literatures informs a series of hypotheses linking lustration and public disclosures to political and social trust and related transition goals, thereby theorizing how lustration might differently affect political and social trust objects.

Chapter 2 reviews the transitional justice reforms across the twelve country cases in this project, from the start of their transitions until approximately 2012, in order to categorize each country within the transitional justice typology. It is this placement of the cases into the typology that will facilitate an examination of the trust-building or -breaking effects of the measures over time. In particular, Chapter 2 explores the differences in scope and implementation of lustration processes across the post-communist space, with attention to the timing and duration of measures. The historical details presented in Chapter 2 are the basis for the country coding decisions, which inform the subsequent analyses of how differences in the timing, implementation, and scope of measures potentially affected trust-building and democratization.

Chapters 3 and 4 consider political trust. Chapter 3 focuses on trust in public institutions, both individual institutions, like the judiciary and parliament, and composites of institutions, such as oversight institutions and highly politicized institutions. In this way, Chapter 3 attends to a variety of institutions that have been subjected to lustration processes in order to assess possible trust-building effects. The effects of informal lustration programs, which depend on more symbolic measures like public disclosures, are also explored through the cases of Romania and Bulgaria. Chapter 4 turns to trust in government, considering a range of economic, political, social, demographic, and even ideological controls that might affect trust assessments. Trust in government is paired with an analysis of government effectiveness, explaining why effectiveness is more directly affected by the types of institutional change reforms associated with lustration than government trust. Chapter 4 raises questions about late lustration programs, drawing attention to temporal considerations as they affected reform efficacy in the case of Poland.

Chapters 5 and 6 focus on social trust. Chapter 5 examines historical memory issues and the way regime collaboration affected the framing and acceptance of transitional justice. File access procedures are highlighted, drawing on the cases of Romania, Bulgaria, Poland, and Hungary, in order to historically contextualize the social trust challenges associated with truth-telling as accountability. Chapter 6 explores whether lustration processes and

public disclosures have trust depleting effects on both social institutions, like trust in the church and trust in unions, and interpersonal trust. There are many reasons to believe that public disclosures about personal betrayals could undermine interpersonal trust. Similarly, the public outing of clergy members, public figures, and unions through lustration processes could also undermine trust in those targeted social institutions, with potential implications on civic engagement. Chapter 6 raises these issues, using both survey level data and aggregated national level data to examine the complex relationships between transitional justice and social trust.

Chapter 7 turns to the conditions under which larger development issues of democratization, civil society, and corruption were affected by transitional justice. Chapter 7 compares the indirect effects of lustration processes on corruption with the more direct effects on the strengthening of civil society and democratization. Chapter 7 links the political trust-building associated with lustration and public disclosures with democratization, highlighting the importance of compulsory institutional change in the processes. In this way, both the social and political trust findings earlier in the book are brought to bear on three macro-transition goals. Finally, the Conclusion reflects on transitional justice in the post-communist space, reviewing how some of the insights from this study might inform future, extra-regional transitional justice programs.

In terms of methodology, each chapter is a mixture of quantitative and qualitative research. The four country cases highlighted in this project, two examples of lustration with noncompulsory bureaucratic change (Poland and Hungary) and two examples of informal lustration (Bulgaria and Romania), provide illustrative case details throughout the empirical chapters. While the statistical analyses largely provide macrolevel analyses of the determinants of trust, the cases attend to the microlevel processes of late lustration, regime complicity, nostalgia, historical memory, and public opinion. Together they tell different parts of the same narrative about the differentiated and conditional effects of lustration, public disclosures, and file access provisions on the process of trust-building and democratization in the post-communist transitions.

NOTES

1. Olsen, Payne, and Reiter's 2010 book, resulting from their work creating the Transitional Justice Data Base project, cited 2300 books and articles on transitional justice, demonstrating the recent explosion of interest in the topic (Olsen, Payne, Reiter 2010, 2).

2. Working definitions of transitional justice are affected by the context and cases under analysis. The International Center for Transitional Justice's definition emphasizes the scope of rights violations: "Transitional justice refers to the set of judicial and nonjudicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses." See http://www.ictj.org/about, last accessed May 9, 2016. Olsen, Payne, and Reiter's short definition emphasizes violence: "a set of mechanisms and approaches to address past violence" (2010, 9). Stan's definition reflects the post-communist context: "the wide range of inter-related processes of coming to terms with the recent dictatorial past . . . an effort to envision a better future and to navigate an uncertain present as much as to investigate, reevaluate, and redress the mistakes of the ancient regime" (2009, 1). In this project, I adopt the definition used by Neil Kritz, which allows for a broad reckoning with the past that could include offenses not traditionally understood as massive rights abuses or ones not focused on violence alone.
3. See www.ddr-wissen.de/wiki/ddr.pl?Zersetzung, last accessed 18 October 2011.
4. Merriam-Webster's online dictionary, http://www.merriam-webster.com/dictionary/lustrate, accessed July 30, 2014.
5. Only post-authoritarian transitions are considered, thereby excluding the post-conflict cases of the former Yugoslavia.
6. This is part of the rationale for excluding the post-conflict cases of Yugoslavia in which a mixture of conflict and authoritarian transition dynamics would need to be considered.
7. Chapter 2 includes an extended section on design controls and possible endogeneity issues.
8. Transitional Justice Database Project, University of Wisconsin, http://www.tjdbproject.com/, accessed May 15, 2016.
9. See "Transitional Justice on Trial—Evaluating its Impact," *International Journal of Transitional Justice* 4, 3 (2010).
10. For example, Payne, Olsen, and Reiter's recent assessment of the impact of transitional justice on human rights adherence and democracy across 161 countries treated all trials or all amnesties or all truth commissions as the same, coding the presence or absence of measures (2010).

1

Trust and Transitional Justice

TRUST DEFINITIONS AND MECHANISMS

There are many definitions and varied accounts of trust, creating much debate in the trust literature about its origins and possible effects (Newton 2007, 356). Levi captures the ambiguity of the term when she asserts "trust is, in fact, a holding word for a variety of phenomenon that enable individuals to take risks in dealing with others, solve collective action problems, or act in ways that seem contrary to standard definitions of self-interest" (Levi 1998, 78). The *Annual Review of Political Science* says trust "involves an individual making herself vulnerable to another individual, group, or institution that has the capacity to do her harm or to betray her" (Levi and Stoker 2000, 476). Warren's definition in *Democracy and Trust* suggests trust "involves a judgment, however implicit, to accept vulnerability to the potential ill will of others by granting them discretionary power over some good. When one trusts, one accepts some amount of risk for potential harm in exchange for the benefits of cooperation" (1999, 1). All of the definitions hinge on an element of risk-taking, or the possibility that the other might not act in your interest. If institutions guarantee an outcome, there is no risk-taking involved, and therefore one is not talking about trust (Tilly 2005, 12). Drawing on these definitions, this project assumes that trust is a rationally based belief to make oneself vulnerable to another individual, group, or institution on which one relies for something (Gambetta 1998, 160).

If one trusts a person, a group, or an institution, those objects of trust are described as trustworthy (Levi and Stoker 2000, 476). Assessments of trustworthiness can be a function of both/either moral and dispositional factors and/or interest and incentive based factors (Levi and Stoker 2000; Braithwaite and Levi 1998; also Cook, Hardin, and Levi 2005). For example, trustworthiness can have normative or moral foundations; assessments of trustworthiness could be grounded in shared understandings, values, morals, dispositions, or even experiences (Yamagishi 2003, 354; Hardin 2003, 84). Dispositional propensities to trust, learned from parents and previous experiences, affect assessments of trustworthiness (Uslaner 2002). Shared social networks can also provide reputational

information and clues about trustworthiness (Putnam 2000; Fukuyama 1995). Offe suggests, "We trust our fellow citizens due to the fact that we share a significant institutional space with a sufficiently strong meaning so as to make the overwhelming majority of strangers among my fellow citizens worthy of being trusted because I anticipate them to be appreciative of that meaning" (1999, 71). Shared meanings and shared values foster trust in this dispositional account, with individuals' propensities for trust conceptualized as durable, albeit still capable of being changed (Ingelhart 1999).

By comparison, a strategic or interest-based account views trust largely as an assessment individuals make of the interests and capabilities of others in order to determine whether to engage in a social, political, or economic exchange (Hardin 1998, 2002; Levi 1998; Gambetta 1998). From this perspective, one decides to trust fellow citizens, or the government or public institutions, after weighing available information, considering past actions, future interests, iteration, and institutional constraints. An encapsulated interest account slightly modifies this by suggesting assessments of trustworthiness could be a function of competence combined with either shared moral values, shared interests, or personal care for the trustor (Levi and Stoker 2000; Hardin 2003). "*We trust you because we think you take our interests to heart and encapsulate our interests in your own*" (Cook, Hardin, and Levi 2005, 5, *italics in original*). In either an encapsulated interest account or basic strategic account, when information about the object of trust changes, trust assessments also change (Sztompka 1999, 71; Cook, Hardin, and Levi 2005, 31–8). Critically, the capacity to change trust assessments, either through dispositional/moral changes and/or strategic/interest-based changes, is at the heart of any inquiry into the effects of transitional justice on trust. Without an ability to change trust assessment, it would not be possible to link transitional justice measures to trust-building (or breaking).

Trust Cleavages: Differentiating Objects of Trust

All objects of trust are not analogous; one doesn't evaluate the trustworthiness of a friend or neighbor in the same way that one evaluates the trustworthiness of the judiciary. Similarly, all institutional trust propensities are not the same; political institutions, like the police and the judiciary, do not have the same structure and function as voluntary social institutions, like the church and soccer clubs. Trust propensities and trust assessment will therefore vary depending on the object of trust. This section engages with two possible cleavages or organizing rubrics with which to conceptualize trust objects: namely, social versus political trust and generalized versus particularized trust.

A very basic distinction can be drawn between social trust and political trust based on the dynamic of the trustor/trustee relationship, namely whether it is vertical or horizontal (Newton 2007, 344). Social trust is called horizontal trust to describe the trustor/trustee relationships individuals have with colleagues, friends, neighbors, and fellow citizens, which are more level in comparison to political trust relationships. These relationships can be a function of direct personal information, or a function of moralistic or dispositional linkages, such as ties to culture, community, or social groups. Interpersonal trust and trust in social institutions are both types of social trust. Interpersonal trust captures the propensity for individuals to trust others in a general sense (Ingelhart 1999). Trust in social institutions has a narrower or bounded community understanding of trust, in which knowledge and linkages between individuals within the organization cement the social trust (Putnam 2000).

Political trust is described as vertical trust, because it captures the hierarchical relationships and power asymmetries inherent in the relationship between trustee and trustor (Newton 2007, 344; Mishler and Rose 2001). Political trust can be particularized, or focused on a particular public institution, such as the parliament or the judiciary, or it can be generalized broadly across institutions, such as trust in government. Unlike social trust, there is a lack of personal knowledge about the individuals that make up the organization, or institution, or the government, therefore, the trustor makes assessments about the trustee through indirect methods (Levi and Stoker 2000). Importantly, political trust is not the same as institutional trust; one could trust political institutions and one could trust social institutions, but the different nature of social and political trust would render differences in trust propensities and assessments across these institutions (Kaase 1999).

A second main organizing rubric is the distinction between particularized and generalized trust (Levi 1998, 83). Particularized trust is a specified or targeted trust, sometimes called "thick" trust, while generalized trust is a more abstract trust, sometimes called "thin" trust (Newton 2007, 344). Particularized trust tends to be more closely linked to specific issues or bounded by a certain organization or community than generalized trust (Uslaner 2002, 68). One speaks of trust in a specific political institution rather than all political institutions, for example. Particularized trust cues off of information that is directly relevant to a trust object (such as a certain political institution) in rendering assessments of trustworthiness (Uslaner 2002, 28).

Generalized trust is diffused and it is described as thin because of this abstraction from specific knowledge about trustworthiness. Newton's summary in the *Oxford Handbook* explains: Particularized social trust "is based on personal, first-hand knowledge of individuals," and generalized social trust is based on "more general information about social groups and situations"

(Newton 2007, 344). Generalized trust is most commonly understood as the propensity of individuals (the trustors) to trust others in their society, in the absence of direct knowledge or information about the trustee. Broad affiliations are used as proxies in such general trust assessments, such as ethnicity, nationality, education level, or gender. It can also refer to very broad objects of trust, such as those encompassing multiple issue areas, like trust in government or trust in one's country. Trust in government is a function of both competing and complementary information about a government's capacity and actions across social, political, and economic issue areas, resulting in a more diffused or abstracted trust assessment than that seen in more issue bounded trust objects, like trust in the police or trust in the judiciary. These differences between particularized and generalized trust objects could have a marked impact on the manner in which they are affected by transitional justice measures.

Drawing on the cleavages between social and political trust and generalized and particularized trust, Table 1.1 presents a two-by-two matrix of ideal trust types: particularized political trust, generalized political trust, particularized social trust, and generalized social trust. These trust properties map onto actual objects of trust: trust in political institutions, trust in government, trust in social institutions, and interpersonal trust. While there is certainly overlap between some of these categories, separating political and social trust and by extension trust in political institutions from trust in social institutions will not only reflect their theoretical separation in the trust literature, but will also reflect their empirical distinction in survey instruments like *Eurobarometer* and the *World Values Survey*. In short, drawing on two main cleavages presented in the trust literature, this rubric allows us to construct some theoretical trust parameters in order to gain empirical traction over the concept of trust. Each of these four trust categories has been targeted by or affected by lustration, file access, and/or public disclosures. The following sections preview each of the objects of trust in turn, explaining some of the trust assessment and change propensities typical of each category.

Table 1.1. Trust matrix

	Particularized/targeted trust	Generalized/diffused trust
Political Trust	**Public Institutions** • **Parliament** • **Judiciary** • **Police**	**Government**
Social Trust	**Social Institutions** • **Unions** • **Church**	**Others/Citizens—Interpersonal**

Particularized Political Trust: Trust in Public Institutions

Trust in public institutions is classified as a type of particularized political trust. Public and semi-public institutions, such as parliament, the president, the police, the judiciary, and elected or appointed office holders constitute the objects of trust in this category, and are so coded in the *Eurobarometer*'s classification scheme. Broadly speaking, the focus is on institutions of government, namely political institutions, although that can be expanded to include a wider range of semi-public institutions that exercise authority over citizens. The type of trust is particularized, or focused narrowly on assessments of the trustworthiness of each institution. In other words, trust in one political institution is not necessarily generalized across other political institutions, because trust assessments are a function of the capacity, interests, and behaviors of that institution. Therefore, if one trusts the judiciary, one does not necessarily trust the police, and vice versa (Hardin 2004, 3).[1] In practice, this means that even if one can improve trust in parliament using transitional justice measures, this might not affect the levels of trust in other political institutions or levels of societal trust more generally.

Harré and Patterson think of institutional trust as a special case of trust in persons, in which the individuals working in an institution have internalized the ethics and normative expectations of that organization or operate under the shared set of rules within that organization, and therefore organizations vouch for the integrity of individuals operating within them (Harré 1999; Patterson 1999). Assessments of the trustworthiness of public institutions focus on the interests, incentives, and morality of the office holders in that institution, as well as the demonstrated record of objectivity and fairness of that institution. Sztompka argues that institutional trustworthiness is a function of assessments of the reputation, performance, appearance, credentials, and member base of certain organizations (Sztompka 1999, 72–4). Therefore, one can look to the interests, morals, and incentives of officials within public institutions to assess the trustworthiness of the institution. In practice, this means that lustration processes could potentially change perceptions of the trustworthiness of targeted institutions.

Generalized Political Trust: Trust in Government

By contrast, trust in government is a form of generalized political trust. It describes the assessment citizens make of the credibility, fairness, transparency, compliance, and in some cases, effectiveness, of the government across social, political, and economic issue areas. In this sense it is less particularized or focused on a specific issue or a specific public office than trust in a public

institution. It is not an assessment of trust in the parliament, or the president, or trust in the cabinet; it represents a holistic assessment of government effectiveness and fairness across organizations of government and across issue areas. Perceptions of trust in government are generalized from information or actions of specific institutions and bureaucrats to create umbrella-like assessments of the trustworthiness of government as a whole (Sztompka 1999).

Trust in government can be both built and lost. In this way, citizens trust in government is affected by changing information about the effectiveness and fairness of the government, as well as the history and capacity of the government to make credible commitments (Levi 1997, 21–2; Cook, Hardin, Levi 2005, 152). Conversely, "revelations of falsifications, incompetence, corruption, or promise breaking may erode citizen confidence in government" (Levi 1998, 95). This means that new information about government actions or leaders could affect perceptions of trustworthiness. For example, new information, like the release of the secret police files through the process of lustration, could reveal duplicitous behavior by individuals currently or previously in positions of power and therefore undermine perceptions about the general trustworthiness of government. As Hardin demonstrated, distrust can become generalized in a way that trust does not. "Far more than could be true of trust, I might distrust a large number of people with respect to virtually everything" (Hardin 2004, 3). In practice, this means that transitional justice revelations associated with the secret police files could generalize distrust across government.

It is important to note some disagreement in the literature surrounding whether individuals actually *trust* government and institutions (Hardin 1998; Seligman 1997). This perspective contends that while government may be "trustworthy," one cannot *trust* government because trust is a term reserved for personal relationships (Hardin 2002). From this perspective, one should more accurately say individuals have *confidence* in institutions, and individuals *trust* other individuals (Cook, Hardin, and Levi 2005, 5; Hardin 2002, 152). Even if one were to use the term *confidence* instead of *trust*, it would in practice be capturing the same empirical phenomenon, such as that captured by the World Values Survey or Eurobarometer. Therefore, in keeping with the nomenclature across international trust surveys and the *Annual Review of Political Science*, this project assumes we can use both a *trustworthy government* and *trust in government* to capture the same sense of political trust.

Generalized Social Trust: Interpersonal Trust

Interpersonal trust is defined as the propensity of individuals to trust others, in the absence of specific personal knowledge about an "other."[2] The *Oxford*

Handbook entry on "Social and Political Trust" explains that generalized social trust is based on "more general information about social groups and situations" (Newton 2007, 344). Interpersonal trust propensities are therefore not a function of personal knowledge of all members of a community, but result from generalized norms about the behavior of people, defined broadly in terms of society, community, or country. Uslaner suggests that such generalized trust is based on morals and collective experiences across society (2002, 26), although there is much debate in the interpersonal trust literature regarding the manner in which interpersonal trust is learned and socialized.

Interpersonal trust is a primary component of social capital (Luhmann 1979, 64; Coleman 1998), and sometimes social capital is even defined in terms of this generalized social trust. "Social capital has been defined as generalized trust. …The attitudinal aspects of the concept, such as generalized interpersonal trust, are the most important part of social capital" (Rothstein and Stolle 2008, 441). Uslaner suggests "trust is the core component of social capital" (Uslaner 1999, 135). There is a central role ascribed to interpersonal trust in supporting both civil society and democratic consolidation. Public disclosures, truth commissions, and file access procedures reveal the scope of societal complicity with the communist era secret police, possibly demonstrating betrayals by family, friends, and co-workers. Such forms of transitional justice could affect generalized levels of interpersonal trust (or distrust), and by extension the strength of civil society.

Particularized Social Trust: Trust in Social Institutions

Social institutions are a form of particularized social trust, because the object of trust is narrowly targeted at a specific social institution. Social institutions refer to public and semi-public institutions that provide opportunities for civic engagement, such as community-based, church-based, and work-based forums for voluntary civic participation (Fukuyama 1995; Putnam 2000). Unions, churches, clubs, and Putnam's famous bowling leagues are oft-cited examples of such social organization and related social networks (Putnam 2000, 49). The media and the press are sometimes included under social institutions, due to the manner in which they facilitate information flows, provide venues for citizens to voice opinions, and function in an informal oversight capacity over public institutions. To measure trust in social institutions, citizens are asked to assess their propensity to trust a single social institution, thereby concentrating the locus of trust.

Social institutions provide voluntary opportunities to build social networks, which in turn are alleged to augment social capital and generalized trust. Coleman focuses on the role of shared social norms, the expectations and

obligations found in social networks, and the information channels provided by these social institutions in the building of social capital and societal trust (Coleman 1998, S95). From this perspective, social capital can be affected by the density of social interactions, primarily those in voluntary institutions and organizations, as well as the changing patterns of civic engagement and opportunities for social networking and community involvement (Stolle 2007). Trust in social institutions like the church, or sports clubs, or unions could be affected by post-communist revelations of regime complicity made transparent through the lustration and public disclosures processes. As alternates to official government channels, these social institutions provided valuable resources and support to citizens under communism. Therefore, public disclosures of untrustworthy behavior could affect citizens' perceptions of these social institutions in the post-communist environment.

In sum, this section compared some of the features associated with particularized political trust, generalized political trust, particularized social trust, and generalized social trust, and put actual actors and institutions in these trust categories. These constitute four ideal types, recognizing that there is overlap across actual objects of trust with some mutually recursive relationship. However, by disaggregating the hydra-like concept of trust into more discrete agents, we gain traction in setting up an empirical inquiry into the conditions under which transitional justice measures might affect different types of trust-building in the post-communist space differently. Moreover, this conceptualization of trust is consistent with the way trust is measured in the dominant international trust surveys, thereby providing an empirical basis for analysis in subsequent chapters.

LUSTRATION AND PUBLIC DISCLOSURE MEASURES

The word lustration was used by the Czechoslovak Secret Police (*StB*) under Communism for conducting checks on citizens' loyalty to the Communist Party (Cohen 1995, 27). In an ironic repurposing, post-communist Czechoslovakia used the term lustration (*lustrace*, meaning mirror or light) to describe the vanguard regional process of removing members of the former Communist *nomenklatura* and other Communist era collaborators from positions of power (Bertschi 1995, 436; Nalepa 2013, 46). The initial use of the term *lustration* thus evoked both the employment screening elements of the measures, as well as its moral purpose of shining light on the past: derived from the Latin *lustratio*, meaning purification by religious rites, especially spiritual or moral (Oxford English Dictionary 2016).

The Encyclopedia of Transitional Justice states:

> lustration—a form of vetting—describes the broad set of parliamentary laws that restrict members and collaborators of former repressive regimes from holding a range of public offices, state management positions, or other jobs with strong public influence (such as in the media or academia) after the collapse of the authoritarian regime. (Nalepa 2013, 46)

This definition is broad enough to include a variety of types of lustration processes, and does not include elements that would limit the definition to the post-communist experiences. The *Encyclopedia* further describes lustration in terms of an array of possible procedures. "Lustration laws can be described by three parameters: All persons in set *X* are screened for committing action *Y* in the past, and if the screening procedure finds a person in *X* responsible for engaging in action *Y*, she/he faces sanction *Z*" (Nalepa 2013, 47). In this case *X* captures a range of political and social positions possible for screening. "*Y* describes the type of collaboration that constitutes the subject of screening, including membership or leadership in the Communist Party and working as a part-time informer or full-time officer of the communist secret political police" (Nalepa 2013, 47). *Z* describes the consequences for such collaborative behavior, which include a range of possibilities from compulsory employment expulsion to truth-telling without direct employment consequence. This project engages lustration measures across this range, and utilizes a lustration typology to capture some of the differences in scope and implementation of the measures in practice.

Evolution of the Term

Disagreements in the transitional justice literature over the definition of lustration have resulted in a refinement of the term over time (Hatschikjan 2004; Letki 2002). This section reviews some of these disagreements, highlighting the evolution of the definition of lustration. In so doing it explains some of the problems associated with older or more regionally specific definitions of lustration, and justifies the working definition of lustration to be used in the classification of countries in Chapter 2.

First, the vanguard measures in Czechoslovakia became the benchmark case around which expectations and initial definitions converged. Šiklová's early piece on lustration was even entitled "Lustration or the Czech Way of Screening" (1996). Since the initial Czech measures focused on public officials and office holders, this became part of many definitions of lustration.[3] David defined lustration as "specific public employment laws[to] regulate the process

of examining whether a person holding certain higher public positions worked or collaborated with the repressive apparatus of the communist regime" (David 2003, 388), or "lustration, [is] the vetting of public officials in Eastern Europe for links to the Communist-era security services" (Williams, Szczerbiak, and Fowler 2003). These "public official" scope conditions led some to think that lustration could not or should not include a range of social and semi-public positions, and that there was something problematic about programs that thus expanded the scope of lustration measures.

However, over time many countries expanded the scope of lustration beyond high-level public office holders, including later Czech measures. Lithuania's law included both public and private sector positions, and Poland's 2006 reforms expanded to include broadly defined positions of public trust. Romania's 2006, 2010, and 2012 lustration bills also included a range of semi-public positions. Lustration in practice included the screening of politicians, academics, cultural directors, bankers, school teachers, and persons in broadly defined "positions of public trust" (Horne 2009b; Nalepa 2013). In some cases that included the clergy, the media, and the head of the national railways, hardly high-level office holders. Once lustration experiences expanded to encompass broadly defined public service positions, semi-public positions and positions of public trust, the scope conditions of lustration needed to evolve beyond the original Czech-inspired definition. To put it in terms of the definition from the *Encyclopedia of Transitional Justice*, the set of persons in category *X* was broader in practice than the Czech case suggested, and therefore definitions also needed to be broader.

Second, the criteria for and consequences of lustration have taken on a greater number of permutations than the Czech case initially suggested. While employment screening in the Czech case was originally based on secret police affiliation or collaboration, this was not the case for other lustration programs in the region. The Estonian and Latvian cases used affiliation with the Communist Party as lustration criteria, as well as citizenship and language requirements (Stan 2009; Wezel 2013). Therefore, focusing on secret police affiliation or collaboration as the primary lustration criteria would also fail to capture alternatives across the region. Consequences of collaboration were also not confined to compulsory employment penalties, like the Czech case. In places like Poland and later Lithuania, removal from positions was a function of lying about collaboration, not the act of collaboration itself (Nalepa 2010). Public disclosures, like the kind seen in Romania and Bulgaria, relied on shaming with no compulsory employment component (Horne 2015). Stan noted that lustration could refer to screening procedures with two very different approaches, namely employment exclusion/punishment or confession-based approaches without inherent job loss (Stan 2012b, 84). Therefore, working

definitions of lustration needed to take into account a range of possible lustration criteria and consequences, in other words, a range of conditions *Y* and a range of sanctions *Z*, in the parlance of the *Encyclopedia of Transitional Justice* (Nalepa 2013, 47).

Finally, terms like decommunization, purges, vetting, screening, and lustration have been used interchangeably, thereby muddling the significant differences in scope, legality, and intent between these types of transitional justice (Elster 2004; Welsh 1996; Weschler 1992; Smith 2006). In clarifying what lustration was not—such as a purge—scholars and practitioners attempted to distance lustration from communist era purges and extra-legal connotations (Mayer-Rieckh and de Greiff 2007). Even terms like decommunization were also seen as inappropriate because they did not suggest legally prescribed and proscribed transitional justice procedures (Letki 2002; Lós 1995).[4] Moreover, clarifying the ways in which lustration was legally situated within transitional justice helped to combat some of the international and domestic legal challenges to the measures (Horne 2009a).

Distinctions between vetting and lustration have largely been driven by scholars working on lustration in an effort to highlight the manner in which the broader scope, longer duration, and moral cleansing intentions of the post-communist measures went beyond traditional vetting measures (Stan 2011a; David 2011). For example, the vetting of the police and the judiciary in post-war Bosnia or Security Sector Vetting in El Salvador and Liberia are significantly different from the multi-decade, multi-sector truth-telling, employment vetting, and public disclosure measures seen in lustration programs (Humanitarian Law Center 2011; UN 2006; Mayer-Rieckh and de Greiff 2007; de Greiff 2007). 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" (2011). In other words, while lustration is a form of vetting, this project will not treat all vetting as lustration.

Acknowledging the evolution of the term lustration and the normative implications of any definition, this project defines lustration as a process that authorizes legally constrained government actions against individuals who were complicit with the previous communist regime, defined in terms of secret police affiliation, secret police collaboration, active abetting of the communist regime, and/or possible Communist Party affiliations. The government action can include soliciting information about individuals, investigating said individuals, and disqualifying those individuals from public and semi-public positions of trust, or publicly disclosing information about those individuals with the ultimate goal of furthering the process of democratization

and public trust in transitional societies. In this way lustration's consequences can range from public exposure, to self-initiated truth-telling, to formal employment banning. The goal is to effect bureaucratic and symbolic change in the transitional society. This definition builds on the parameter-driven definition offered in the *Encyclopedia of Transitional Justice*, offering additional specifics about *X*, *Y*, and *Z* to aid in the classification of countries in Chapter 2. As a point of clarification, lustration as a legally authorized process is codified and authorized through lustration laws and/or public disclosure laws. Therefore, lustration/public disclosure laws and lustration will be used interchangeably in this project, in keeping with the use of these terms in the literature.

How Does Lustration Catalyze Change?

At its essence lustration, and accompanying file access provisions and public disclosures measures, attempt to shine light on the past and in the process address past wrongs through a combination of bureaucratic and symbolic changes. While the goals of lustration are to build trust and support democratization, these are *goals* not *facts*. It is important to recognize that lustration measures are controversial forms of transitional justice, criticized by domestic and international actors and institutions for possible due process derogations and rule of law violations, which could undermine rather than facilitate democratization (Offe 1992; Michnik and Havel 1993; Minow 1998; Horne 2009a). As previously mentioned, early in their use they were routinely described as purges, with the accompanying pejorative connotations about how they might negatively affect trust-building and societal reconciliation (Garton-Ash 2000; Halami and Scheppele 1997; Varga 1997; Boston Globe 2007). There is a real possibility that lustration could have no discernible effect or worse could negatively affect perceptions of interpersonal trust, trust in government, or larger goals like democratization. This section engages with both the trust-building and trust undermining possibilities associated with lustration and accompanying measures, focusing on potential changes catalyzed by lustration's bureaucratic and symbolic reform mechanisms.

Changing Perceptions of Trustworthiness: Bureaucratic/ Institutional Change

In post-authoritarian societies, citizens might be unwilling to trust institutions (or a government made up of those institutions) that employ or continue to employ perpetrators of former regime abuses. If citizens do not see a change in

personnel in public institutions or fail to see the enforcement of new standards for personnel, they are unlikely to engage in the risk-taking required for trusting behaviors. "The very presence of members of the defined categories [categories of people to be lustrated] may undermine people's trust in the institutions of the new democratic state, especially in the judiciary, administration and police" (David 2004, 795). Rose-Ackerman similarly highlighted a need for bureaucratic change in order to overcome citizen distrust of, and hostility toward, government, and foster public participation in post-communist systems (Rose-Ackerman 2004). Therefore, in order to change perceptions of public institutions and the government, one possibility is to change the composition of personnel.

Changing the constraints on government and public institutions could also alter perceptions of their trustworthiness by altering their internal accountability mechanisms. If individuals make trust assessments by weighing available information, considering past actions, future interests, and the institutional constraints on others (either individual or organizational), to change perceptions of trust, one can change the institutional constraints on an object and/or change available information about the object (Hardin 1998, 2002; Levi 1998; Gambetta 1998; Raiser, Rousso, and Steves 2004). Changing institutional constraints reconfigures perceptions of both the competence of the institution as well as the interests of individuals within that institution. Constraints can also make an institution more effective at doing its job (Levi 1998; Raiser, Rousso, and Steves 2004; Hardin 1998). Effective institutions have been demonstrated to improve perceptions of trust, with some evidence for this in the context of post-communist societies as well (Uslaner and Badescu 2004). Moreover, fair institutions are perceived to be more trustworthy (Rothstein 2011). Sajó suggested a need for neutral institutions to foster a trustworthy state in post-communist societies (2004). In particular, neutral oversight institutions, such as the media and an independent central bank, could positively contribute to the functioning and trustworthiness of government by displaying fairness and neutrality. Drawing policy implications from these insights, if one can make institutions more competent, neutral, and fair, then one can improve the trustworthiness of both institutions, as well as the government more generally.

By changing the composition, competency, and constraints on political and social institutions, there are a number of specific ways that lustration could affect perceptions of trust. First, lustration involves an explicit bureaucratic change component. 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. Even if individuals are not removed but simply unmasked as former collaborators,

this also changes the understanding of appropriate motivations for individuals in positions of public trust. A former justice of the Czech Constitutional Court wrote: "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" (Cepl 1997, 5 of 6). By catalyzing visible change in the personnel and composition of institutions, either voluntarily or compulsorily, lustration strives to create a formal bureaucratic break with the past, with possible trust effects.

Second, the removal of former communist officials and their replacement with new public leaders and officials could affect perceptions of the competence of political institutions. Individuals who were previously trained to administer the communist economic and political system might lack the competence to implement capitalist democratic norms and laws. Since assessments of trustworthiness are a function of assessments of the competence and motivation of others (Cook, Hardin, and Levi 2005, 21; Hardin 1998; Gambetta 1998), changing perceptions of the competence of individuals who work in these institutions will affect the perceived trustworthiness of the institutions, and by extension perceptions of government effectiveness.

Third, lustration could also change the interests of individuals in positions of power. The lustration and public disclosure processes highlight the moral turpitude of individuals who collaborated with or worked directly for the secret police and security apparatuses, thereby condemning those previous behaviors. Individuals who remain in positions of power or who accept new positions of power would be constrained to align their interests with the mandate of the new regime. In particular, their personal interests are theorized to be more in line with the stated interests of the bureaucracies, in which they are expected to pursue economic, political, and social policies furthering the goals surrounding liberal democratic transitions. This could build citizen trust in specific institutions targeted for lustration, and government more broadly, by encapsulating the interests of the new personnel or aligning the old personnel with the new regime's democratic interests (Hardin 1998; Levi 1998).

Fourth, improving institutional fairness fosters trust (Cook, Hardin, and Levi 2005, 57; Uslaner 2002). Lustration involves not simply the removal of bureaucrats from positions of power, but through their removal a breaking down of the social networks of patronage and cronyism. Perceptions that economic institutions are unfair or not neutral will reduce citizens' formal economic transactions, thereby undermining economic reforms in the transition and overall government effectiveness (Yamagishi and Yamagishi 1994; Cook, Rice, and Gerbasi 2004; Raiser, Rousso, and Steves 2004). A failure to break up clientelistic networks based on secret police ties was cited as a leading cause of economic and political corruption in post-communist states (Tupy

2006; Stan 2012a). The use of lustration processes to intentionally deconstruct social networks based on *nomenklatura* cronyism could promote economic exchange by removing unfair advantages that accrued to individuals under the previous regime, and thereby potentially opening up economic opportunities to individuals based on merit. Breaking up unfair social networks could demonstrate to citizens that the government is working to improve fairness in economic and political exchanges, and thereby potentially promote political trust as well. Moreover, fairness is an essential component of government effectiveness, therefore efforts to improve fairness could positively contribute to overall effectiveness (Rothstein 2011).

Fifth, the bureaucratic changes associated with lustration demarcate a formal break from the previous regime. From this perspective, transitional justice does not necessarily create trust so much as it breaks pervasive distrust by demonstrably breaking with the past, and thereby creates a window of opportunity for subsequent trust-building (Letki 2002). This resonates especially in Central and Eastern Europe where velvet revolutions resulted in soft transitions. Hardin highlights that breaking distrust and creating trust are actually separate concepts, therefore there is a possibility that lustration could serve as both/either distrust breaking and trust promoting (Hardin 2004).

Changing Perceptions of Trustworthiness: Information Changes

New information can also affect trust assessments (Braithwaite 1998). This can happen when a citizen obtains new information through experience and then cognitively updates perceptions of trust (Montinola 2009). Alternately, in the absence of personal experiences, perceptions about the trustworthiness of an other can be facilitated with transparency measures and access to new information. The absence of information can also provoke a response: "When the evidence is merely there is no evidence, there are often tendencies toward paranoid cognition or negative assessments of the other's attitude, which can provoke distrust" (Cook, Hardin, and Levi 2005, 65–6). Lacking information, citizens might make trust calculations based on the probability that the worst information could be true.

File access, truth-telling, truth commissions, public disclosures, and lustration shed light on the past; they *lustrate* the past. 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. It is argued that these revelations could promote catharsis and a moral cleansing of "sins" of the previous regime (Boed 1999). As explained by a Romanian Member of Parliament, "The law [lustration] seeks to unmask the servants of

evil who stole decades of our history. Nobody will send them to prison, they will simply become known to us" (Stan 2012b, 283). New information revealed through lustration, file access, and public disclosure processes could therefore catalyze changes in perceptions of the trustworthiness of affected parties.

There are several ways that this revelatory aspect of lustration is alleged to affect trust. First, in some lustration programs there is no compulsory bureaucratic turnover; truth-telling is the major transformational component. After acknowledging previous regime complicity, individuals are permitted to stay in their positions. Sometimes the threat of truth-telling compels an individual to resign or not take a position out of fear of public exposure, thereby constituting a type of bureaucratic change similar to that seen in lustration with compulsory employment penalties. Alternately, truth-telling also has the potential to change the interests of individuals in positions of public trust. Those "lustrated" individuals are forced to confront their own complicity with the old regime and to realign their personal interests with those of the values and goals of the new regime. In this way, even public disclosures, file access, and lustration with "voluntary" removal procedures can still affect trust perceptions by catalyzing bureaucratic change and reforming the personal interests and motivations of individuals in positions of power.

Second, a new regime that addresses retroactive justice concerns is demonstrating to its citizens a commitment to justice and fairness, which might improve perceptions of the trustworthiness of the government in general. Tyler demonstrated that the motives of officials were more important than the outcomes as trust builders (Tyler 1998, 290). If citizens are treated fairly and with dignity and respect, this signals the well-intentioned motives of government officials with possible trust-building properties. Revealing information about the previous government is a way to demonstrate a commitment to new policies in the future, and could help to underline a true regime transition, especially in the case of negotiated settlements in which regime demarcation is less clear. Therefore, these revelatory acts of symbolic politics can facilitate trust in government. Truth commissions in particular are most known for this revelatory power.

Third, confessing sins associated with the past, such as through truth commissions or public disclosures, could build a new shared social identity. "The demand for truth revelation is not self-serving but has an important forward looking dimension of helping to establish trust in society" (David 2003, 407). Truth revelations are also alleged to provide a sense of justice and closure for the victims (Elster 2006, 38), and therefore positively contribute to individual calculations of the trustworthiness of others more broadly. Addressing justice concerns associated with the past signals the interests of the new government, thereby encouraging reassessments of the trustworthiness of the

new government. By coming clean about the past, society could build new social connections and pursue a renewed collective social identity around that rejection of the past. "In the context of groups with which people have social connections, people's trust judgments become more strongly linked to identity concerns, and less strongly linked to resource exchange" (Tyler 1998, 289). Therefore, these acts of symbolic openness, revelation, and repentance for the past constitute potential ways to reconstruct a new morally cleansed social identity for society.

Fourth, the truth-telling component of transitional justice—either through truth commissions or lustration's public disclosures and file access provisions—might be empowering to citizens. This empowerment could facilitate their ability to take risks and better assess the trustworthiness of political and social trust objects. Increasing transparency about the past is thought to normalize regular activities and build societal trust. Empowering citizens to take risks and engage in exchange activities could remove the incentives for individuals to engage in extralegal exchange, and promote the development of legal markets and democratization as well.[5]

However, there is also a concern that truth revelations, even more than the bureaucratic/employment screening elements, could foment distrust. Lustration procedures focus on access to information in secret police files, such as information documenting how friends, colleagues, and even relatives might have betrayed you. Such revelations about the scope and depth of personal betrayals have the potential to undermine trust by sabotaging value congruence or respect for others necessary to foster interpersonal trust. "*Transitions significantly modify what people know or believe about each other, and therefore their perceptions of who is trustworthy or reliable*" (emphasis in original, Cook, Hardin, and Levi 2005, 167). Bringing to light information demonstrating that people who you thought were trustworthy were in fact capable of betrayal could generalize a new fear of trusting others. This is the case in any transition, but is particularly relevant in the post-communist context due to the pervasiveness of secret police collaborators. Since distrust is more easily generalized than trust (Hardin 2004), these revelations could negatively affect interpersonal trust. It remains important to note that more information about the past has the potential to both increase certain kinds of trust as well as undermine others.

In sum, the bureaucratic or institutional change components to lustration and public disclosures as well as the symbolic or truth-telling aspects of lustration, file access procedures, public disclosures, and truth commissions—both separately and/or together—could change perceptions of the trustworthiness of government, public institutions, social institutions, and fellow citizens. The construction of new institutional safeguards and constraints and the breaking

up of unfair and possibly corrupt social networks could change the competence of institutions, the motivations and interests of individuals in positions of power, and perceptions of the fairness of the institutions, thereby affecting perceptions of both social and political trust. Lustration could also support democracy and government effectiveness, as well, through these improvements in fairness, trust, transparency, and institutional accountability. "The removal of former agents and collaborators of the security services from important state functions, together with the enactment of legal measures to prevent them from assuming such functions in the future, is a basic requirement of justice and an essential condition for the safe development of democracy in Poland" (Bertschi 1995, 446). However, these measures could also undermine certain kinds of trust, particularly social trust and interpersonal trust. The next section turns to these possibilities, linking transitional justice measures with specific trust-building transition goals.

LINKING LUSTRATION AND PUBLIC DISCLOSURES TO TRUST

Possible trust-building or -breaking propensities of lustration, file access procedures, and public disclosures can be framed in terms of testable hypotheses. While the transitional justice literature has largely assumed an undifferentiated and generally positive or negative relationship between lustration and trust, this project suggests a differentiated trust impact, and one that might be *both* positive and negative. Due to the differences across political and social actors, as well as differences between generalized and particularized trust propensities, both the directionality and the magnitude of the effect of lustration on trust should vary across the four main objects of trust highlighted at the beginning of this chapter.

First, lustration directly targets political institutions and public office holders and secondarily targets semi-public and social institutions. Political positions received the most attention in terms of positions to be lustrated, and remained the subject of lustration for the longest. Political institutions are directly subjected to bureaucratic change procedures, as well as the symbolic public reckoning with the past. Overall, political trust objects should be more susceptible to changes effected by lustration than social trust objects.

Additionally, particularized trust is bounded and has been shown to be more malleable to changes in information and institutional structures than generalized trust. In other words, perceptions of the trustworthiness of particularized trust objects are likely to change more quickly and more extensively

than generalized trust objects. The focus of lustration on certain political institutions, such as the parliament, the judiciary, and the presidency, concentrates the bureaucratic personnel changes and information revelations on specific public institutions, thereby possibly catalyzing the greatest effects. Therefore, the objects of particularized political trust should be most amenable to the trust reassessments effected by lustration and public disclosures.

Lustration's targeted bureaucratic screening combined with the increased information transparency about political institutions should have a positive impact on trust-building. These expectations were explicitly stressed by the Council of Europe in the rationale for the use of lustration as a way to reassure citizens that they could trust their political officials and public institutions (1996). The United Nations High Commission on Human Rights in its vetting handbook for post-conflict states similarly stressed that the primary goal of personnel screening and removal was the re-establishment of trust and the promotion of legitimate public institutions (2006, 4). Well-executed lustration programs could thus be viewed as a means to promote political trust, and we have some preliminary support for this relationship in the lustration literature (Horne 2012; David 2011). If there is an observed relationship between lustration and trust-building, the magnitude of the effect of lustration on trust in political institutions should be the greatest of all the objects of trust. It is important to note that more bureaucratic turnover forced by lustration could undermine trust rather than enhance trust. If institutions are denuded of competent staff through the process of lustration, it could undermine the competency of the institutions and therefore negatively affect assessments of trust. This alternative will also be explored as a robust alternative hypothesis in Chapter 3's treatment of political institutions.

H_1: *Lustration builds trust in political institutions (particularized political trust).*
H_{1a}: *The magnitude of the trust effect will be the largest of the objects of trust.*
Alt H_1: *Lustration undermines trust in political institutions.*

Second, lustration should affect generalized political trust differently than particularized political trust. If there is real change in the structure of government, the demonstrated fairness of government, and the competency of individuals working in government, these bureaucratic changes effected by lustration could build trust in government. However, because the trust is diffused, it is partially a function of the performance of government as well. Therefore, lustration is predicted to build trust in government, but not with the same magnitude of effect as lustration has on trust in public institutions. It is possible that the effect on trust in government is more indirect than that observed with bounded political institutions because the factors affecting perceptions of

government trustworthiness are more varied. Of course, it is also possible that lustration has no impact on trust in government, or that the effects are too attenuated or diluted by other factors associated with government assessments to register in this study. These competing hypotheses will be explored in Chapter 4's treatment of trust in government.

H_2: Lustration builds trust in government (generalized political trust).
H_{2a}: The magnitude of the effect will be weaker than that observed with public institutions, and may be only indirect.
Alt H_2: Lustration has not effect on trust in government.

Third, although political trust objects were prioritized in lustration measures, social institutions were included in lustration laws as well. Unions, professional organizations, academics within universities, the media, and the church, to name a few, were included in various types of lustration programs. There has been little forced personnel turnover of these social institutions, with the focus more on information revelations about individuals in social leadership positions. This resulted in some voluntary resignations, however, the scope of change was much more limited, and there were few obvious changes in the competency and interests of individuals in positions of power across these institutions. Therefore, any observed impact from lustration is likely to be indirect and smaller than that observed with political institutions.

Social institutions are particularized, membership based, delineated organizations, and are guided by both formal and informal rules of inclusion. They help to create trust networks linking members within the group rather than generalized across society; what Putnam calls bonding versus bridging trust (2000, 23). Within a communist system these social networks, such as those binding religious communities or professional networks, provided economic, political, and social support. Revealing intra-group complicity could undermine the trust in these social institutions, especially since the in-group dynamic previously played such an important role in reducing uncertainty and increasing transactions under communism. Information revelations about the lack of trustworthiness of members within a social network, without actual changes in membership or leadership of the social institutions, could foment distrust. This is a different trust dynamic than that observed with respect to public institutions, where both the nature of bureaucratic change as well as the forced aligning of interests of individuals within institutions are more likely to promote trust than provoke distrust.

Therefore, there are two contradictory hypotheses possible with respect to lustration and trust in social institutions. If there are personnel changes to a social institutions, or a general moral cleansing of members through truth-telling, it is possible that trust in social institutions could be improved through

transitional justice. But it is also possible that a generalized lustration program without targeted personnel changes could undermine trust in social institutions by exposing the scope and depth of secret police complicity within previously trusted social spaces. These hypotheses will be explored in Chapter 6.

H_3: Lustration and/or truth-telling without consequence undermines trust in social institutions.

H_{3a}: The magnitude of effect will be smaller than that seen with political institutions due to the lesser attention focused on lustrating social institutions.

Alt H_3: Lustration promotes trust in social institutions.

Fourth, lustration does not directly target interpersonal trust. File revelations and public disclosures can indirectly affect interpersonal trust, but lustration is not primarily nor even secondarily designed to improve interpersonal trust, despite contentions by some scholars and policymakers. Given what we know about differences between the objects of trust, the impact of lustration on interpersonal trust is not expected to be positive due to the social and generalized nature of the trust propensities. Information that undermines existing social networks, such as complicity revelations, could increase uncertainty about the future and therefore undermine social trust.

In particular, the complicity levels in post-communist countries suggest information revelations about others will be taken quite personally. Moreover, informal social networks played an especially important role in communist countries, when citizens couldn't rationally trust their government. Finding out that those interpersonal networks were never trustworthy threatens to undermine citizens' general confidence in rendering trust judgments and further diffuse uncertainty about others. These hypotheses will be explored in Chapter 6.

H_4: Lustration and accompanying file access provisions do not support interpersonal trust and could undermine it.

H_{4a}: The magnitude of effect will be attenuated due to the generalized nature of trust and regional delays in file access provisions.

Lustration and Distrust

There is a strong alternate narrative, alluded to in some of the alternative hypotheses specified above, that retroactive justice measures, such as lustration, might undermine trust. If a new government is willing to transgress rule of law concerns in order to pursue lustration, this could signal that a

government should not be trusted to adhere to the law in the future in other issue areas (Sólyom 2003; Boed 1999; Posner and Vermeule 2004, 825; Minow 1998). Transitional justice might create resentment and exacerbate low levels of interpersonal trust. Offe suggested that transitional justice measures could provoke acts of revenge or sabotage by the individuals impacted by the measures, or even create martyrs, thereby undermining the trust one is trying to create (Offe 1992, 198). As such, the assumption that trust-building will result from well- intentioned transitional justice measures is problematic.

In particular, problems with the design or the implementation of lustration programs could undermine trust rather than enhance it (Kaminski and Nalepa 2006). Lustration, file access, or public disclosures that are overtly manipulated by political parties for personal advantage or used as acts of revenge politics, such as has been documented in both Hungary and Albania, could undermine citizen trust in political parties, public institutions, and government (Kiss 2006; Austin and Ellison 2008). The information problems and transparency issues associated with lustration could undermine the legality of the outcomes (Michnik and Havel 1993; Varga 1997). The potential that differential access to information could be used to blackmail politicians or people in positions of power creates legitimacy problems with this form of transitional justice (Naegele 2002; Nalepa 2010). Such blackmail possibilities could prevent the adoption of lustration altogether, or distort the implementation of measures, thereby sullying possible effects (Nalepa 2010). Compulsory removal of individuals in positions of authority could denude the government of competent bureaucrats, resulting in less institutional competency and therefore less trustworthy public institutions and government. Expanding or elongating the time period for lustration beyond the initial transition period could inspire citizen fatigue with the measures and undermine their legitimacy and trust-building properties. All of these problems with lustration and public disclosures, be they because of the nature of the laws or simply the implementation of the laws, could undermine both political and social trust.

The Timing of Reforms

Related to but separate from the expected relationships between lustration and public disclosures and trust-building, is the extent to which these possible effects are conditional on the timing of reforms (Šimonović 2004). Lustration involves a mixture of backward- and forward-looking justice mechanisms, both redressing wrongs in the past and building an effective state and society for the future (Offe 1996). Because of the backward-looking elements,

policymakers and academics have assumed that reforms should be enacted as quickly after the transition as possible to be efficacious.[6] There is a worry that late reforms could undermine the forward-looking transition goals by getting mired in the past. Lustration and public disclosures are interesting types of transitional justice mechanisms with which to explore the question, how late is too late to enact measures that are designed to be future oriented?

There are several justifications for the early or not at all approach to lustration and public disclosures. First, lustration measures are framed as reform mechanisms possible, necessary, and maybe only beneficial during periods of *extraordinary politics* at the start of the transition (Balcerowicz 1995).[7] Once that early extraordinary transitional environment has passed, the appropriateness and utility of lustration becomes questionable (Sólyom 2003, 141). Lustration entails some legal compromises, in particular the prioritization of justice concerns over strict rule of law or due process adherence (Boed 1999; Posner and Vermeule 2004). While these compromises are potentially appropriate for a short period early in the transition, they become less viable or appropriate later in the transition. Second, although the danger of politicization of the laws is possible at any point in time, even at the initial moment of regime break-up (Nalepa 2010), as the time period from the transition stretches out there is a perception of increased opportunity to manipulate the laws for political gain. Blatant instrumentalization of the laws could undermine their legitimacy and therefore sabotage the goals of state-building and democratization.[8] From this perspective, lustration measures must be timed early in the transition to prevent a loss of legitimacy and minimize opportunities for political manipulation.

Third, policymakers argue that if lustration comes too late it is no longer a practical means of removing communist collaborators from positions of power. The focus here is on the age of those to be lustrated and the feasibility and costs of such choices.

> Only those who were 40–45 years old in 1989 are still active [in politics]. Those who were younger did not reach leadership positions [under communism], those who were older are close to retirement. We must look forward toward the future. Those whom lustration can ban are too few, and the price the society would pay to marginalize them is too high. (Stan 2012a, 290)

In sum, late lustration might not catalyze the promised personnel changes and therefore could be an ineffective bureaucratic reform tool.

This conceptualization of lustration as a policy best used early in the transition is evident in the short expiration dates included in the first laws. For example, the Czech law (Act No. 451/1991) was originally designed to last for five years.[9] Similarly, the Hungarian lustration law (Law No. 23/1994)

was designed to expire after six years, and Latvia's Election Law was designed to expire after ten years (Latvian Constitutional Court 2005). Temporal constraints were also placed on the time period for which employment penalties would be in place. For example, Lithuania's law (Decree No. 418: October 12, 1991) included employment bans for five years. Albania's Verification Law (Law Nr. 8001 and Nr. 8043) barred individuals from serving in certain public positions for seven years. In Poland, individuals who lied about their background during the lustration process would be banned from positions for ten years (Ellis 1997, 193). In sum, the design of the laws focused on early lustration, implicitly suggesting declining necessity or appropriateness or efficacy of late reforms.

National and international legal authorities were more explicit in their arguments about the benefits of early and temporally limited reforms only. The Council of Europe's lustration guidelines included suggestions that measures should only be taken in the first decade of the transition, and should "preferably end no later than 31 December 1999" (Council of Europe 1996, §g). The ECtHR 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 (ECtHR 2006, 21§100). Rule of law derogations should be the exception, rather than the rule and must be phased out when the transition was over (ECtHR 2004, §115; ECtHR 2007, §69). Similarly, the Polish Constitutional Tribunal addressed the temporal limitations of lustration in its 2007 judgment on the constitutionality of the revised 2006 lustration law. Although it did not specify a number of years after which lustration would be inappropriate, it suggested that, once a minimum level of democracy was established, lustration should be terminated.

Lustration measures should cease to take effect as soon as the system of a democratic state has been consolidated. In this way, the temporal scope of the Lustration Act's binding force and application shall be specified by a criterion that determines the attainment of minimum democratic standards by the State (Polish Constitutional Tribunal 2007).

In sum, there is a dominant, inverse relationship hypothesized between timing and efficacy, with early reforms assumed to be both the most efficacious and the most legally appropriate. As time from the transition increases, not only are reforms considered less legitimate but they could also undermine the goals of the transition. In particular, since lustration is designed to fortify the fledgling democracy, once democracy has been established there is an assumption that lustration is no longer legally justified.

Other scholars and policymakers argued that the focus on timing minimized the cognitive as well as organizational importance of exposing collaborators and removing them from political life (Posner and Vermeule 2004, 808).

This perspective contends that the quality of reforms matters more than the speed of the measures (Cioflâncă 2002). In particular, the presence of collaborators in positions of public trust demoralizes citizens and erodes the legitimacy of the new state (David 2003). The low bureaucratic turnover and high penetration of former collaborators in positions of authority across many countries in CEE elevate this issue politically, socially, and economically (Grigorescu 2006; Tupy 2006). Alternately, later measures might be more effectively designed and therefore be more trust-building than measures hastily passed and implemented early in the transition. From this perspective, timing is less important than correcting the problems associated with the past, especially since these problems continue to undermine effective governance in the present and for the future (Stan 2012b).

There is some regional evidence to support this perspective, as most countries changed the initial temporal limitations placed on early lustration measures. The Czech Republic's original five year expiration date was extended for an additional five years, and then extended indefinitely in 2000.[10] Hungary's lustration law was extended in 2000 (Act 93/2000) for an additional four years, and file access in Hungary remained active and even expanded more than twenty years after the transition.[11] Poland, Bulgaria, and Romania all re-engaged actively with public disclosures late in the transition, expanding the scope of individuals subjected to employment vetting (Horne 2009b). Despite the initial assumption that lustration should be enacted immediately after the transition and only until a democracy was consolidated, countries continued to find utility in new and renewed lustration and disclosure policies much later in the transition. Therefore, with respect to the timing of reforms, there are competing claims about the importance of the timing of reforms on trust-building across the objects of trust: either early lustration yields the most beneficial outcomes, or the timing of reforms is not important to the overall trust effects.

H_5: Early reforms will have the most beneficial trust-building effects.
H_{5a}: Later reforms could undermine trust-building.
Alt H_5: The timing of reforms does not materially affect impact.

Truth Commissions: Complements and Substitutes for Regional Lustration Reforms

Across the post-communist region, few countries employed truth commissions as a way to address their communist past. While this might appear puzzling given how much scholarly and policy attention is devoted to truth

commissions, there was already an explicit truth-telling component to lustration. Some lustration programs, such as Poland's, were designed with a truth-telling element evocative of truth commissions. Therefore, in many ways, lustration, file access, and public disclosures replicate some of the functions of truth-telling found in truth commissions. Nonetheless, separate truth commissions were enacted by several CEE countries. The mixing of transitional justice measures reflects the transitional justice literature's assumptions about the complementarity of measures, as well as the perceived benefits of having more transitional justice triangulating problems rather than less (Kritz 1997; Cohen 1995). Given the worldwide attention to truth commissions as a beneficial form of transitional justice (Hayner 2001; Minow 2008), this project also explores the extent to which truth commissions have furthered transition goals in the post-communist space either alone or in conjunction with lustration measures.

"Truth commissions are official bodies set up to investigate a past period of human rights abuses for violations of international humanitarian law" (Hayner 1994, 598). They focus on the past in general not a specific event, are temporary in structure with a defined purview and period of investigation, and are typically vested with the authority to obtain information not generally available (Hayner 1994, 604). Especially in environments in which that truth has been obscured, manipulated, or hidden altogether, truth commissions may be able to uncover information about the past (Minow 2008). Truth commissions have a non-punitive, truth revelatory function similar to the truth-telling aspects of lustration.

There are a host of reasons given to pursue truth commissions either instead of or in conjunction with other forms of transitional justice. Truth commissions might be less bureaucratically disruptive than lustration measures. In particular, their non-punitive nature is lauded, since it does not criminalize the past and therefore is considered more forward looking and restorative (Minow 2008, 175). Foregoing the wholesale condemnation of individuals who participated in the previous system is framed as both more legally fair and more restorative than the singling out of individuals for blame associated with lustration (Hayner 1994, 608). It is possible they may be more cathartic and less divisive than lustration, especially in societies with high levels of regime complicity, and therefore problems ascertaining guilt and innocence (Minow 2008, 175). The process of truth-telling is described as a form of acknowledgement of the past, which helps to rebuild the state and society (Cohen 1995; Kritz 1997, 142).

Impact assessments of truth commissions are limited, but thus far, results are mixed. Olsen, Payne, and Reiter examined both post-conflict and

post-authoritarian transitions and found that truth commissions were associated with less democracy and less attention to human rights, with trials and amnesties proving inconclusive for improvements in democracy or human rights (2010, 153). Wiebelhaus-Brahm's study of the relationship between truth commissions and human rights and democracy also found no positive relationship. "In general, human rights violations actually tend to increase in the aftermath of a truth commission…in general, truth commissions do not have a statistically significant effect on democracy" (2010, 21). Olsen, Payne, Reiter, and Wiebelhaus-Brahm (2010) identified some conditions under which truth commissions might support human rights, largely requiring that truth commissions be bundled with other types of transitional justice. Reconciliation measures focused on truth-telling have also not yielded the hoped-for results. Backer's survey of victims in South Africa demonstrated a declining satisfaction in victims' attitudes toward transitional justice, particularly amnesties in South Africa's Truth and Reconciliation Commission and related programs (2010). As such, the literature on truth commissions suggests positive, negative, and neutral effects on transition goals.

With respect to the post-communist transitions and trust-building, because truth-telling does not target public institutions, it is unlikely that truth-telling would have a concentrated impact on trust in political institutions. However, it is possible that governments that engage in truth-telling will demonstrate their commitment to transparency and accountability and increase their trustworthiness in general. According to the logic of truth commissions, the act of coming to terms with the past through truth-telling—and its implicit apologies—has a positive effect on democracy and society (Ames Cobián and Reátegui, 2009; Hayner 2001, 24). This is also possible in the context of post-communist truth-telling. However, high collaboration rates pose particular challenges in the post-communist environment. This is especially the case if the truth-telling exercise does not involve some recompense for victims. Since truth commissions are only acts of symbolic politics with no explicit informal institutional change component, this has the capacity to undermine societal trust and the overall strength of civil society. The possibility that truth-telling without accountability could undermine rather than enhance social and/or political trust will also be considered.

H_6: *Truth commissions support trust in government.*
H_{6a}: *Truth commissions could undermine social and political trust.*
H_{6b}: *Truth commissions support regime transitions when packaged with other transitional justice measures.*

A TRANSITIONAL JUSTICE TYPOLOGY

It is not simply the presence or absence of lustration, public disclosures, and file access procedures that is hypothesized to affect trust-building; it is the quality of reforms. Considering differences in the structure and implementation of programs across the post-communist region provides additional theoretical leverage over the question of whether, how, and under what conditions lustration and accompanying measures affected political and social trust-building and democratization in CEE and parts of the FSU. Table 1.2 presents a four-category transitional justice typology, representing different approaches to lustration, public disclosures, and file access procedures.

I specify lustration programs across two primary dimensions, namely institutional change elements and symbolic change elements. These elements correspond to the bureaucratic/institutional change and symbolic/truth-telling change components hypothesized to affect perceptions of trust in this chapter. First, the nature of institutional or bureaucratic change could be compulsory, limited, informal, or there could be no explicit change. The focus here is on whether the personnel change dimension was mandatory or whether there were options for individuals to remain in positions of power even if they were known collaborators. The scope of positions actually affected by lustration measures in the initial laws is also considered, as scope impacts potential bureaucratic change. Second, there are symbolic or moral cleansing components to lustration programs. Programs have permitted greater or lesser access to the files, kept information private or alternately focused on public disclosures, and/or implemented "oaths of conscience," thereby intentionally including truth-telling as a form of accountability for the past. All of these truth-telling features and symbolic accountability mechanisms could affect perceptions of trustworthiness. Of additional consideration, the degree of overt political instrumentalization of the laws by political parties and leaders will be an auxiliary factor considered in the symbolic change elements, as this could affect the perceived legitimacy of the measures as authentic moral cleansing instruments.

Using these criteria, I present four categories for comparison in Table 1.2: *Compulsory Lustration* programs with mandatory and wide institutional and symbolic change elements; *Limited Lustration* programs with noncompulsory employment penalties and narrower scope parameters; primarily *Informal Lustration* using public disclosures to instigate voluntary bureaucratic change and relying on largely symbolic measures; and *No Lustration*, or programs with an active rejection of transitional justice measures.

Table 1.2. A typology of lustration and transitional justice approaches

COMPULSORY LUSTRATION	LIMITED LUSTRATION	INFORMAL LUSTRATION	NO LUSTRATION
Mandatory employment consequences for previous regime involvement	Noncompulsory employment consequences for previous regime involvement	Public disclosures of previous regime involvement as catalyst for employment change	Rejection of measures
(4)	(3)	(2)	(1)
• Lustration laws passed and implemented • Mandatory employment penalty for previous collaboration or regime involvement • Some removal from office or positions for collaborators • Wide scope of positions vetted • Early timing of measures confers legitimacy to their symbolic moral cleansing intent	• Lustration laws passed but some problems with initial implementation • While lustration is required, employment penalty is not • In some cases, penalty only for lying about collaboration • Emphasis on truth-telling, paired with limited (largely voluntary) bureaucratic change • Focus on public disclosure of the past through lustration • Political manipulation creates some implementation problems and delayed measures	• Lustration laws passed but repeatedly vetoed, declared unconstitutional, or unimplemented • Political manipulation of laws by parties, president and/or courts • Lack of compulsory employment consequences for collaboration • Informal measures used in absence of formal lustration • Public disclosures of collaboration to shame employment changes • Very late transitional justice	• Lustration laws actively rejected altogether • Files sealed and remain closed • Even memory politics efforts impeded • Avenues for revisiting any form of transitional justice are closed

Compulsory Lustration includes mandatory employment consequences for previous regime involvement. This means that lustration or screening of individuals was required *and* individuals were removed from office or positions of public trust should they be found guilty of collaboration. The scope of positions screened was wide, covering a range of political and social positions of public trust. The implementation was not overtly politicized, helping to affirm the credibility and legitimacy of the measures. *Limited Lustration* programs all passed and implemented employment screening, however these

programs did not have mandatory employment consequences. In other words, while lustration was mandatory in all of these countries, employment removal was not. These programs relied on voluntary not compulsory personnel removal in the event of a revealed history of collaboration; only individuals who lied about their collaboration would be compulsorily removed from positions. These programs emphasized truth-telling as a form of accountability. The implementation of these programs was narrower in the initial phases and more politicized than the first category. *Informal Lustration* programs relied on public disclosures as personnel reform mechanisms. There was a general failure to pass and implement lustration laws in these countries, with repeated political manipulation and rejection of the laws. Despite the lack of formal lustration programs, these countries employed informal personnel reform measures relying on public disclosures of previous collaboration to shame individuals and catalyze voluntary employment change. The egregious political manipulation of the laws affected perceptions of legitimacy. The focus on file access and public disclosures turned these measures into largely symbolic and informal change mechanisms. Finally, *No Lustration* is reserved for cases that considered and actively rejected either formal or informal lustration measures. Even file access, public disclosures, and other memory politics efforts have been systematically thwarted in these cases. These categories will receive extended treatment in Chapter 2, where specific country details will be applied to each category in the typology.

While the trust literature predicts that institutional and symbolic changes both affect trust-building and democratization, more expansive and compulsory programs should have greater magnitudes of effect on outcomes. Countries with wide and compulsory change elements are hypothesized to effect more actual bureaucratic changes and by extension more trust-building and democratization than countries with more limited change functions. With that same reasoning, programs relying on noncompulsory/voluntary institutional change will have a lesser impact than compulsory change. Informal and largely symbolic changes are hypothesized to have a positive effect on trust-building, but with a lesser impact when implemented without compulsory institutional change elements. This ordinal scale allows consideration of differences across the scope and implementation of the programs in the post-communist region. In general:

> *H_7: More extensive and compulsory programs will have the largest magnitude of effect on trust-building and democratization.*

This lustration continuum augments the trust hypotheses generated in this chapter by creating hypotheses regarding the magnitude of effect of different

types of lustration programs on each object of trust within the two-by-two matrix in Table 1.1. This continuum will also be used to examine possible effects of lustration measures on corruption, the strength of civil society, and democratization in Chapter 7.

CONCLUSION

This chapter provided the theoretical roadmap for this project. First, there are observed differences in political trust and social trust noted in the trust literature, as well as differences across particularized and generalized trust objects. Combining these trust cleavages into an operationalizable matrix (Table 1.1) allowed for the conceptual separation of four different types of trust: trust in political institutions, trust in government, trust in social institutions, and interpersonal trust. Transitional justice measures could potentially affect each of these types of trust differently. Second, this chapter defined and reviewed the structure and expected function of lustration laws, file access provisions, public disclosures, and truth commissions. There are both bureaucratic change and symbolic change components in these transitional justice measures, which could affect perceptions of trust. In particular, this chapter explained why each of the four objects of trust could be differently affected by lustration and accompanying measures. Third, drawing on differences in the structure, implementation, and scope of lustration processes, this chapter presented a transitional justice typology consisting of four types of programs: compulsory lustration, limited lustration, informal lustration, and no lustration. It is not simply the presence or absence of lustration, but the quality, scope, structure, and implementation of lustration that is expected to affect trust. The typology categorizes programs according to the institutional/bureaucratic and symbolic/truth-telling change elements expected to affect transition goals like democracy and trust-building.

Finally, by mapping this typology onto the trust matrix, this chapter suggested that, contrary to traditional transitional justice assumptions about the undifferentiated impact of measures, lustration, public disclosures, and file access measures might affect different objects of trust differently. Additionally, we expect different magnitudes of effect; more extensive and compulsory programs should have greater impact than noncompulsory or informal programs. The relationship between lustration programs and each of the four objects of

trust is individually considered in the ensuing empirical chapters, with each cell of Table 1.1 constituting the main dependent variable per chapter.

Chapter 2 turns to a historically thick examination of country-specific transitional justice details in order to situate each post-communist country within the transitional justice typology. While the focus of this book is on the post-communist experience, because this typology reflects the underlying logic of institutional and symbolic transitional justice measures, it could be used to examine other non-communist cases as well. Possible extra-regional implications will be considered in the final chapter.

NOTES

1. Mishler and Rose (2001) argued that there was generalized distrust across all political institutions in the post-communist sphere. This statement would still be consistent with Hardin, who argued that while trust is individualized, distrust can be more easily generalized across institutions. For a discussion of why distrust is not the inverse of trust see Hardin 2004.
2. It is captured by the standard World Values Survey (WVS) question, "*Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people*?" Question A165 for most WVS waves, http://www.worldvaluessurvey.org/. Accessed September 18, 2010.
3. While the original Czechoslovak lustration law included a range of positions to be lustrated, a Constitutional Court case and parliamentary debates clarified that in practice lustration would focus initially on screening top public officials (Kritz 1995d; Kritz 1995e; Kritz 1995g; David 2003).
4. Similarly, de-Ba'athification in Iraq would fail to be considered lustration, veering more toward purge (Sissons and Al-Saiedi 2013).
5. Ledeneva (1998) discusses the incentives for informal exchange and *blat* networking in socialist systems.
6. Pettai and Pettai explicitly engage in timing considerations in their review of transitional justice in the Baltics, considering reforms during various stages of the transition (2014).
7. Leszek Balcerowicz (1995) famously coined this phrase to describe the period of time early in the transition in which unusual reforms are possible and necessary. Although he was referring to Poland's shock therapy reforms, the same timing analogy has been used with respect to transitional justice measures.
8. This sentiment is widely held by scholars in CEE, and was oft repeated in personal interviews with the author in Hungary, Bulgaria, Romania, and Poland during field research on the topic, 2012–2013. For example, interview with Dimitar Markov, Senior Analyst/Project Director Anti-corruption and Judicial Reform Unit, Center for the Study of Democracy, Sofia, Bulgaria, July 2, 2012; Interview with Dr János

Kornai, Professor Emeritus at the Corvinus University of Budapest, Budapest, Hungary, April 8, 2013; and Interview with Dr Gabriel Andreescu, Professor, Școala Națională de Studii Politice și Administrative, Bucharest, Romania, October 10, 2012.

9. See Appendix 1 for details about the lustration laws in each country.
10. See Act 254/1995 and Act No. 422/2000 and 424/2000.
11. Interview with Dr Georgö Bendegúz Cseh, Deputy Head of Department, Historical Archives of Hungarian State Security, Budapest, Hungary, April 4, 2013.

2

Classifying Countries within the Transitional Justice Typology

Chapter 2 situates twelve post-communist countries within the transitional justice typology developed in Chapter 1. First, country case specifics are presented, detailing in brief each country's experiences with various types of transitional justice since the beginning of their regime transitions, in order to justify the categorization of each country. Table 2.1 presents a summary of the historical details used to situate the countries relative to each other, highlighting both unique national features and general regional trends. Appendix 1 lists the most salient lustration, file access, and public disclosure laws and acts by country, and Appendix 2 presents a timeline of regional reforms, documenting the scope and timing of measures by country.[1] Second, this chapter takes these theoretical categories and country case specifics and operationalizes them into testable lustration and truth commission variables. This lays the foundations for an examination of *whether*, *how*, and *under what* conditions lustration and accompanying measures affected trust-building and democratic consolidation in the remaining chapters.

COMPULSORY LUSTRATION: THE CZECH REPUBLIC, LATVIA, AND ESTONIA

There are three distinctive features of countries in this category: they passed and *implemented* lustration laws with compulsory bureaucratic change elements; the scope of the positions was broadly framed from the start, covering a wide range of public and semi-public positions that in some cases even expanded with time; and the laws were consistently applied from the start of the transition, without cycles of politically induced starts and stops to the measures. First, various forms of collaboration with the repressive activities of the previous communist regimes, either in the form of actual full-time employment or part-time informer status, resulted in disqualification from

Table 2.1. Transitional justice typology: categorizing countries

COMPULSORY LUSTRATION Mandatory employment consequences for previous regime involvement (4)	LIMITED LUSTRATION Noncompulsory employment consequences for previous regime involvement (3)	INFORMAL LUSTRATION Public disclosures of previous regime involvement as catalyst for employment change (2)	NO LUSTRATION Rejection of measures (1)
• Lustration laws passed and implemented • Mandatory employment penalty for previous collaboration or regime involvement • Some removal from office or positions for collaborators • Wide scope of positions vetted • Early timing of measures confers legitimacy to their symbolic moral cleansing intent	• Lustration laws passed but some problems with initial implementation • While lustration is required employment penalty is not • In some cases, penalty only for lying about collaboration • Emphasis on truth-telling, paired with limited (largely voluntary) bureaucratic change • Focus on public disclosure of the past through lustration • Political manipulation creates some implementation problemsand delayed measures	• Lustration laws passed but repeatedly vetoed, declared unconstitutional, or unimplemented • Political manipulation of laws by parties, president and/or courts • Lack of compulsory employment consequences for collaboration • Informal measures used in absence of formal lustration • Public disclosures of collaboration to shame employment changes • Very late transitional justice	• Lustration laws actively rejected altogether • Files sealed and remain closed • Even memory politics efforts impeded • 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.	**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; focus on academics and scientific institutions; no real lustration of political elites. Public disclosures started in earnest in 2009.	**Albania**—several lustration-related laws passed (1995, 1998) but no real implementation; 2008 lustration law declared unconstitutional; no de facto lustration.

(*continued*)

Table 2.1. Continued

COMPULSORY LUSTRATION Mandatory employment consequences for previous regime involvement (4)	LIMITED LUSTRATION Noncompulsory employment consequences for previous regime involvement (3)	INFORMAL LUSTRATION Public disclosures of previous regime involvement as catalyst for employment change (2)	NO LUSTRATION Rejection of measures (1)
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 in practice; expansive round of lustration launched 2006; multiple constitutional court rulings block and amend laws; continued popular calls for vetting.	**Romania**—much lustration debate but no agreement on laws; symbolic rulings by CNSAS but little lustration in practice; 2006 expansive lustration program to enact "real" informal lustration; Constitutional Court blockage of laws 2008; continued citizen support for laws.	**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 denied but since 1991 selected individuals have access.
Estonia—1992 oath of conscience to disclose past; election criteria; 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 and prevented from taking jobs; delayed lustration; 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 about citizens and complicity.	**Ukraine**—After Orange Revolution 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.

certain categories of positions for periods of between five and ten years. In other words, there was a mandatory and substantial employment penalty based on previous regime complicity, or in some cases, affiliations. The nature of the penalty was considered severe enough to prompt judicial review of the constitutionality of the measures at times, including ECtHR cases involving reviews of lustration in Latvia and the Czech Republic and International Labour Organization reviews as well (Horne 2009b).

Second, countries in this category adopted a wide scope of positions to be screened, across a range of national and local level public sector positions. While wide screening can also be seen in other categories in this typology, this group of countries did it both early and consistently as part of their regime transitions.[2] For example, the Czech law included elected government officials, high-level positions in the state administration, such as the Army, the Ministry of Defense, the Security and Information Service, and the police, as well as all judges, assessors, prosecutors, investigators, and state notaries and semi-public positions that supported the state institutions, such as the public media, management positions in state-owned enterprises, and academic officials. In many ways the Czech Republic's punitive approach to lustration would represent a benchmark against which other later programs in CEE would be compared. Latvia and Estonia adopted lustration and lustration-like employment screening procedures, employing a series of overlapping citizenship laws, election laws, language requirements, and outright bans on former KGB officials and informers, in order to lustrate broadly across the civil service and elected positions at all levels of government. A wide scope of positions from the start of the transition characterizes the three countries in this category, although we will see that other categories in the typology would eventually adopt varying degrees of wide lustration programs as well.

Third, this category did not have the highly politicized cycles of transitional justice that were very common in the other categories in this typology. The consistency of the measures conferred a sense of legitimacy on the laws that was undermined in more politicized transitional justice programs. Legitimacy and consistency function as symbolic change vehicles, reducing the possibility that the lustration measures could be sullied or minimized in cycles of political manipulation. Countries in this category instituted measures very soon after their transitions, thereby also contributing to perceptions about the authentic moral cleansing mission of the laws. The timing of lustration, the consistency of the measures, meaning they were not repealed or revoked when there was a change in political incumbents, distinguishes this category from the others. Consistent and authentic measures are hypothesized to have a greater effect on citizens' perceptions of trust and therefore remain critical factors for consideration in categorizing transitional justice efforts.

Czech Republic

The Czechoslovak secret police, *Státní bezpečnost* (*StB*), oversaw a system of control and repression under communism, creating a network of informers like the other secret police agencies across the region. Former dissident Vaclav Benda estimated that there were between 60,000 and 80,000 secret agents in the security service, and about 60,000–80,000 members in the People's Militia (David 2011, 75), although Nedelsky put the figure at approximately 30,000 informers and about 9000 active agents during that time period (Nedelsky 2013, 433). As of December 31, 2012, the Czech Archives had in excess of 145,000 *StB* investigation files spanning the period 1948–1990, with an additional 16,498 dossiers on subjects of interest and 33,246 dossiers on counter-intelligence targeting (Leśkiewicz and Žáček 2013, 114–15). "In total, the operative agenda (dossiers on *StB* collaborators, dossiers on targeted persons, agent-search dossiers and dossiers on subjects of interest; not including dossiers of the Surveillance Directorate and the Intelligence Technology Direction) contain 154,849 inventory units" (Leśkiewicz and Žáček 2013, 117). It is estimated that 30 percent of the files were destroyed so these file figures underestimate the size of the actual network (European Network of Official Authorities 2009, 23). Given a population of approximately 15.5 million people in 1989 and what are estimated to be ratios of one officer per 1200–1700 persons (Nedelsky 2013, 433), this would suggest a significant network of active agents and informers.

Lustration Policies

All political parties competing in the first parliamentary elections in June 1990, except the Communists, asked the Ministry of Interior to screen candidates for possible *StB* connections (Boed 1999, 367). The Federal Assembly adopted a screening resolution in 1990, calling for the screening of all deputies, state officials, judges, and prosecutors (Boed 1999, 368). The measures were largely ineffective because they were optional and information was not made public. In February 1991, the names of deputies who appeared in files—but already resigned—were read publicly in a careless approach to screening. Growing demand from the populace to broaden the scope of the screening of secret police agents and collaborators, fear of a possible Communist revival, and recognition of the need for a more legalized approach to screening contributed to the adoption of a formal law late that year (Boed 1999, 368; Cohen 1995).

Act No. 451/1991 *On Conditions for Holding Certain Positions in State Bodies and Organizations*, also known as the Screening ("Lustration") Law,

was adopted October 4, 1991 and later augmented by Act 279/1992 *On Certain Additional Prerequisites for the Exercise of Certain Positions Filled by the Assignment or Appointment of the Members of the Police of the Czech Republic and Members of the Prison Service of the Czech Republic* (Kritz 1995d). The 1991 lustration law set out conditions for screening certain elected, assigned, or appointed positions in state bodies and organizations, and later acts (nos. 279/1992, 422/2000, 424/2000) established the criteria for excluding members and collaborators of the *StB*, People's Militia, military counterintelligence and pre-November 1989 members of the Communist Party from certain top state positions (European Network of Official Authorities 2009, 17). Both file access procedures and the process of lustration were regulated by the Department for the Documentation and Investigation of State Security Service Activities at the Federal Ministry of the Interior, created pursuant to that Ministry's Order No. 95/1991 (European Network of Official Authorities 2009, 17). The Ministry of the Interior was charged with both file access and lustration until 2007, at which point Act No. 181/2007 Coll. created the Security Service Archives under the Institute for the Study of Totalitarian Studies in order to manage the archives. The law was originally designed to expire after five years, but was extended for an additional five years in 1995 (Act 254/1999) over Havel's presidential veto (Ellis 1997, 182), and modifications in 2000 extended the law indefinitely (Acts 422/2000 and 424/2000).

There were both forward- and backward-looking justice dimensions to the Czech lustration law. Future public and semi-public positions were subjected to compulsory lustration, hence the forward-looking justice dimension. Specifically, Article 1 of Act 451/1991 required background checks for positions with the state administration, the Federal Security Information Service, the Federal Police Force, the Presidency, the Federal Assembly, the National Council, the Constitutional Court, the Supreme Court, and the Presidium, as well as the print media, television and press agencies, state enterprises, state organizations where the majority shareholder was the state and state banking institutions. The law also defined categories of communist era positions and collaborators who would be lustrated, such as members of State Security Services, collaborators at specified levels with State Security, High Communist Party officials at district level and above, and members of higher party departments in political management section of the Corps of National Security (David 2004, 793), hence the backward-looking dimensions. Information about collaborators remained secret though, so the focus was less on disclosure and truth-telling, and more on compulsory, bureaucratic employment change.

In *Czech and Slovak Federal Republic: Constitutional Court Decision on Screening Law (November 26, 1992)*, the Constitutional Court ruled on the

constitutionality of lustration, formally rejecting claims that lustration inherently violated rule of law concerns.

> A democratic State has not only the right, but also the duty to assert and protect the principles on which it is based. It cannot be inactive in the situation in which the leading posts on all levels were staffed on the basis of political criteria. A democratic State has the duty to endeavor to eliminate unjustified preference of a group of citizens, based on the principle of their membership in a certain political party, as well as to eliminate the discrimination against other citizens. (Kritz 1995e, 350)

It should be highlighted that the Czech experience was somewhat anomalous here. Not only did it enact the first and most punitive lustration law in the region, but the Constitutional Court affirmed the logic and implementation of the law within the larger goals of state-building and democratization, thereby narrowing some of the avenues for political instrumentalization seen in other countries in the region. The clear verdict of the Constitutional Court distinguishes the process in the Czech Republic from other CEE experiences, particularly those of Romania, Poland, and Bulgaria, where constitutional courts repeatedly, and often instrumentally, weighed in on the legality of the laws, sometimes in a manner revealing the judges' own personal biases against laws that might remove them from positions of power (Polish Constitutional Tribunal 2007).[3]

The lustration law required that an employer terminate an individual's employment or otherwise demote him/her to a position, which remained unspecified by the Act, in the event of an affirmative lustration investigation (European Network of Official Authorities 2009).[4] The screening process was broad and ongoing, although slowing down by 2014. As of 2004, 402,270 lustration certificates were issued, and of those 302 were unfavorable and would therefore result in forced removal from office, although no final confirmation on employment removal was available (Priban 2007, 315). Nedelsky found that between October 4, 1991 through November 2005, the Ministry of Interior issued 451,000 lustration certificates, with approximately 2.03 percent of them positive for collaboration (Nedelsky 2009, 49). Through March 2009, David reported that 473,398 lustration certificates were issued, resulting in 10,325 positive lustration decisions (approximately 2.18 percent of the total) (2011, 76). All of the figures point in the same direction—the lustration process was active and approximately 2 percent of the population received positive lustration certificates. Certificates did not detail the extent of collaboration; they simply captured the presence or absence of material collaboration with the *StB*, in other words, collaboration that violated the human rights of the victims. In 2008, the Security Service Archive processed more than 23,000 requests by the government for information on specific persons as

part of the lustration process. In 2009, the Archives provided information to screen 24,124 persons, in 2010 it processed 22,580 screening requests, in 2011 the number fell to 16,118 screening requests, but was back up in 2012 to 20,425 screening requests (Leśkiewicz and Žáček, 2013, 131).

The compulsory employment change resulted in more bureaucratic turnover in the Czech Republic than other CEE countries (Stan 2011a). In terms of bureaucratic change, it is estimated that 10,000 people lost jobs as a result of lustration, although again exact figures are difficult because one can't count non-cases—individuals who might have applied for a job but who never did due to fear of lustration. There were some early high-level cases that resulted in politicians resigning positions of power prior to being unmasked, again hinting at the power of lustration to prompt resignations. In sum, despite the difficulty ascertaining the exact number of individuals who were forced from positions of power or dissuaded from applying for said positions, relatively speaking,the compulsory employment change dimension of lustration in the Czech Republic resulted in more bureaucratic change than other countries in the region.

File Access and Other Transitional Justice Measures

File access and file transparency were more delayed in the Czech Republic than would be expected given its early use of lustration laws. It wasn't until five years after the start of lustration in April 1996 that Parliament passed Act No. 140/1996 Coll, which opened up a limited number of the total files—approximately 60,000 files—although only to Czech citizens, and sensitive material was blacked out (European Network of Official Authorities 2009, 17). In 1998 Parliament passed Act No. 148/1998 Coll. on secret information, under which most of the archival materials from the former Central Committee of the Communist Party Archive and the Archive of the Ministry of the Interior were declassified as of 1999. In 2002, Parliament amended its 1996 law with Act No. 107/2002 Coll., widening the range of accessible files and comprehensively changing the approach to *StB* documents such that wider public access was granted.

In terms of institutional management of the files, until 2007 the Ministry of the Interior both held the files and administered the lustration procedures. Although not unheard of to have the two tasks administered by the same agency, having separate agencies charged with file management and lustration increased the transparency of the measures, as was seen in the German model and later Polish program.[5] In 2007 Act No. 181/2007 Coll. created the Institute for the Study of Totalitarian Regimes and the Security Service Archives underneath it. This act transferred the job of managing the archives and

controlling access to the files from the Ministry of the Interior to this independent state body, which became operational in 2008. This was designed to increase file transparency provisions and provide for a formal National Memory Institute.

The Institute for the Study of Totalitarian Regimes—The Security Service Archive was active from its inception, studying, preserving, archiving, processing, and providing information to the government and the public on the communist period of repression, the work of the *StB*, and the Nazi period as well (Leśkiewicz and Žáček 2013). It must be noted that the 2007 Act was highly controversial, going through several iterations before finally being passed. Citizen support was mixed with approximately one third approving, one third disapproving, and one third unsure about the file access changes (European Network of Official Authorities 2009, 18). This is an important point—even in the country with the most far-reaching lustration program in the region, there was uncertainty about the utility and necessity of full file transparency.

In addition to lustration and file access laws, the Czech Republic passed several rehabilitation acts, and provided judicial rehabilitation as well as compensation for former political prisoners.[6] The Czech Republic had an extensive property restitution program, with both a "small restitution law" and a "large restitution law" (Kritz 1995f). The Czech Republic also pursued trials as a form of transitional justice. By 2008, investigation of ninety-seven cases concerning 123 persons were completed, with thirty persons sentenced, eight of whom received prison sentences and twenty-two received suspended sentences with a probation period (David 2013, 136). In sum, the Czech Republic pursued a comprehensive transitional justice program, combining both punitive and symbolic measures together to address legacies of the communist past.

Conclusion

Originally enacted in 1991 by Czechoslovakia, the Czech Republic continued to implement this lustration law (Law Act No. 451/1991) after the split with Slovakia in 1993 (Kritz 1995d). The Czech Republic presents an example of lustration policies that were enacted right after the transition, implemented for more than twenty years, and resulted in both bureaucratic change and symbolic change. Hundreds of thousands of files were vetted, across a range of public and semi-public positions. David estimated that this resulted in approximately 10,000 individuals being removed from office or dismissed from office as a result of secret police work or collaboration (2011, 76). Lustration laws were extended in scope and duration over time, meeting changing needs and political expectations of the public and policymakers.

File access started out narrower, and gradually expanded in scope and transparency, again reflecting evolving perceptions about the importance of information about the past. As such, the compulsory institutional change component combined with complementary acts of both symbolic recognition of the past and punitive measures against those who committed wrong-doings make the Czech Republic an example of wide and punitive transitional justice in CEE.

The history of transitional justice and lustration in the Czech Republic has not been without problems or attempts to thwart the policies. Following the enactment of the Lustration Law in 1991, an unofficial and incomplete list of 200,000 collaborators was released in the "Uncensored Newspaper" in 1992, reminiscent of the wild outings of collaborators seen in Poland and Hungary (Stan 2011b; Nedelsky 2009, 51). The 1995 extension of the lustration laws was twice vetoed by President Havel only to be overridden by Parliament (Ellis 1997, 182; RFE/RL 2000, September 22). The Constitutional Court also struck down a motion in 2001 by the Social Democratic Party to abolish the lustration law, and a 2002 request by the Communist Party of Bohemia and Moravia to repeal the law (RFE/RL 2001, December 13; RFE/RL 2002, July 1). Thus, the Czech Republic is similar to the other countries in the region in facing attempts to politically manipulate the laws, and/or terminate the laws early. The Constitutional Court also actively shaped the design and implementation of the laws. Therefore it is important to remember that lustration laws are potentially politically volatile with the possibility of being manipulated, even in an environment committed from the beginning to a policy of lustration. Additionally, there are many criticisms of the harshness and extralegality of the Czech law, demonstrating both the good and the bad associated with the wide and compulsory process (Bertschi 1995, 437; Garton-Ash 2000; Schwartz 1995).

Estonia

Estonia was the first and only post-communist country to incorporate a mandatory lustration measure into their Constitution (Pettai and Pettai 2014, 134). The Constitution of the Republic of Estonia Implementation Act (1992), with attention to §6 and §7, stipulated a special "written oath of conscience" (*süümevanne*) requirement for all civil service positions and elected public offices at the local and national level to remain in force for a total of nine years until December 31, 2000 (Vello Pettai 2013, 163; Pettai and Pettai 2014, 135; See Appendix 1).[7] Further details were provided in the *Law on the procedure for taking the oath, written oath of conscience (süümevanne) for civil service positions* (1992) and *Amendments to the Oath of Conscience*

Submission Act (1994) (see Appendix 1). The oath of conscience required individuals to disavow participation in past repression, namely assert that he/she did not work for and was not complicit with either the *Komitet gosudarstvennoy bezopasnosti* (KGB) or the Nazi security services. The oath applied to both new officials and those in offices when the oath was codified. If a person was complicit with the state security organs, or military intelligence or counter-intelligence services, or was a collaborator with these services, or was involved in the surveillance or repression of fellow citizens, then he/she was not eligible for public employment. In the event that an individual filed an untrue certificate, a person could face removal from his/her position. This constitutes a compulsory bureaucratic change aspect that went beyond the truth-telling of the Polish case. In this sense, the *Implementation Act* within the Constitution "would symbolize their [Estonian politicians'] desire to not let this level of institutionalization for lustration pass" (Pettai and Pettai 2014, 134).

Oaths of Conscience and Citizenship Law as Lustration Process

By the end of the first year (1992), thousands of individuals submitted oaths of conscience, however the bureaucratic change associated with these measures has been described as gradual (Pettai and Pettai 2014, 135). Some of this is a function of the limited institutional capacity to investigate fraudulent certificates, due to the fact that Estonia did not create an agency charged with examining suspicious oaths. Instead, contested oaths were adjudicated in the court system with some early confusion over which courts even had jurisdiction to hear complaints about the veracity of oaths, later clarified in the 1994 *Amendment to the Oath* (Pettai and Pettai 2014, 135). There were a number of high-profile cases in which oaths of conscience were contested, but in the end there was only one conviction of a "lustration liar" before the measures expired (Pettai 2013, 164; Pettai and Pettai 2014, 137). The deterrent effects and resignations associated with the measures are hard to measure and not reflective of the court cases (Pettai and Pettai 2014, 135).

The 1995 *Citizenship Law*, in which citizenship and related civil sector employment was contingent on forced disclosure of regime collaboration (Government of Estonia 1995), added a compulsory employment removal dimension to Estonia's approach to transitional justice. Article 21 of the *Citizenship Law* specified that citizenship would be denied to individuals who "have acted against the state of Estonia and its security" (Article 21, Section 3) and "who has been employed or is currently employed by the intelligence or security service of a foreign state" (Article 21, Section 5; Vello Pettai 2013, 164). In effect, the *Citizenship Law* constituted an employment ban

on individuals who worked for or collaborated with the KGB, the Soviet military intelligence agency, or any of its predecessors; in effect a lustration process.

The 1995 *Disclosure Act* accompanied *the Citizenship Law* (see Appendix 1) and established procedures to both identify and make public the names of individuals who worked for or collaborated with the KGB or Nazi security services operating in Estonia from 1940 to 1991, thereby adding a shaming element to the lustration procedures in the *Citizenship Law*. The *Disclosure Act* required individuals to register and disclose past KGB involvement in the form of a written affidavit by April 1, 1996, ranging from operating an apartment for KGB use to full-scale agent status, in what amounted to a self-reporting law (Pettai and Pettai 2014, 140). The Estonian Security Police Board oversaw the procedures. In the event that an individual failed to register and disclose his past, his name would be publicized in the *Riigi Teataja* (State Gazette) "as a past agent or accomplice of a foreign occupier" (Vello Pettai 2013, 164). In this way, public disclosure of either previous employment or previous collaboration with the security services would be the consequence for failure to comply. Only 1153 people came forward by the deadline, prompting the Board to initiate is own investigations, and as of June 1996 a total of forty-one people were refused residence or work permits as a result of their past KGB record (Stan 2009, 235). From 1998 to 2008, the Board publicly disclosed 616 people who worked for the KGB. However, the total number of individuals subjected to public disclosure was relatively small compared to other CEE countries due to the self-reporting focus of this second Estonian lustration policy.

Complementary Transitional Justice Measures

Estonia faced enormous problems with file availability (Stan 2009, 235). Starting in 1989, sensitive KGB files were removed from the Baltics and taken to Russia, and after the anti-Gorbachev coup there were reports of files being burned and destroyed in Tallinn (Pettai and Pettai 2014, 126). Under Yeltsin, approximately 29,000 criminal files were returned to Estonia, however this still limited the ability of Estonia to lustrate based on information in the files (Pettai and Pettai 2014, 129). Estonia permitted file access for individuals as part of the *Procedure for Registration and Disclosure of Persons* (see Appendix 1). Individuals could request to see information related to themselves or relatives, should they be deceased, and citizens did make use of these provisions to see their own files (Pettai and Pettai 2014, 140).

The absence of significant troves of files limited the ability to lustrate based on information in the files, as was used throughout CEE. Lustration using citizenship criteria did not rely on files and also allowed the previous regime's

repression to be externalized on a proximate other—namely, Soviet immigrants, largely Russians, in Estonia. Some scholars suggested that more expansive lustration regulations were not required because the citizenship laws already automatically excluded Soviet-era immigrants and many who were part of the Soviet repressive regime, resulting in a de facto lustration process (Stan 2009; Jaskovska and Moran 2006; Letki 2002; Ellis 1997), although Pettai and Pettai hold a different interpretation of the relationship between citizenship laws and vetting.[8]

Estonia embraced a variety of transitional justice measures, including what might be the most extensive program of property restitution and compensation across the post-communist space. In June 1991, the Estonian Supreme Council adopted the *Bases for Property Reform Act*. This Act returned approximately 5000 buildings to previous owners, more than 200,000 land plots, and issued 8.27 billion Estonian Kroons (US $600 million) worth of compensation vouchers (Vello Pettai 2013, 163). This policy also had an anti-Russian or anti-Soviet subterranean motive, ensuring that former "Estonians" received land and houses that were appropriated by the *nomenklatura* dominated by Russians. Estonia used criminal legal trials against many Stalinist era perpetrators as well, employing a broad definition of war crimes and genocide to engage in retrospective justice (see Table 3.1 in Pettai and Pettai 2014, 85). In addition, various decrees and laws were enacted in order to rehabilitate all individuals convicted for political crimes during the Soviet era. Finally, various memorialization measures and campaigns were established to clarify the past and preserve an Estonian memory narrative for the future.

Conclusion

Estonia's transitional justice measures started early—1992—when Estonia instituted "oaths of conscience" for the civil service, thereby codifying lustration provisions in their Constitution. Individuals that abetted the repressive activity of the previous regime were expected to leave public office, not simply tell the truth about their previous involvement, demonstrating the compulsory bureaucratic change component of these measures. Additionally, the citizenship laws accomplished goals similar to lustration; they shed light on the past by disclosing information about individuals who actively collaborated with the secret police and denied citizenship to those people based on loyalty grounds. In short, the citizenship law was a de facto lustration tool. Individuals in positions of power who were complicit with the KGB would not be able to work in positions of public trust under the new state, hence forcing compulsory bureaucratic change. The scope of the proceedings was wide, the oaths of conscience were mandatory, public registration and disclosure of the past was

mandatory, and meeting citizenship criteria for employment was also mandatory. The employment consequences of the disclosures were also mandatory. This places Estonia's bureaucratic review policies within a compulsory change category.

Estonia's citizenship laws sharpened the focus of lustration on Russians in Estonia. The laws were clearly designed to punish Russians and individuals complicit with the Soviet occupation (Jaskovska and Moran 2006). Since Estonia was in a process of state-building simultaneous with a process of transitional justice, the processes converged around the internal/external enemy—the Russians/Soviets—removing a substantial amount of the agency from Estonians for their years of communist repression.[9] Pettai and Pettai suggest "the overarching victimhood paradigm has allowed Baltic policymakers to project issues of culpability on to an 'other,' thus externalizing questions of moral accountability for the wrongs of the previous Communist regime" (2014, 63). While this is a populist tool for state-building, it is dissimilar from the political party manipulation and cycles of lustration seen in countries in the limited lustration category. Nonetheless, this tendency to externalize blame for the Soviet repression complicates the case of Estonia, as well as its neighbor Latvia, and distinguishes the Baltic experience from that of the other CEE countries. In sum, the compulsory nature of Estonia's bureaucratic changes, the wide scope of the public positions to be screened, and the complementary moral cleansing measures place Estonia within the category of compulsory institutional change.

Latvia

Unlike the other Baltic states, Latvia actually had control over some information related to the secret police activities after independence, facilitating its own lustration process. Latvia was able to seize two bags of KGB registry cards from the KGB headquarters in August 1991 (Pettai and Pettai 2014, 126). These burlap bags, containing approximately 4,500 KGB agent registry cards, came to be known as the "Cheka's bags" (*Čekas maisi*) (Eva-Clarita Pettai 2013, 27).[10] In a population of approximately 2.65 million people in 1991, this was relatively large compared to its neighbor Lithuania with an estimated 1,800 full time agents in a population of 3.7 million citizens (Latvian Constitutional Court 2000; Latvijas Statistika 2012). Wezel reports that 6923 alphabetical cards containing the names of agents and informers were left, although the cards did not specify the nature of collaboration (Wezel 2013, 274).[11] In addition, three ledgers logging information about individuals and registry numbers were recovered, with recorded entries on 12,000 different

people (Pettai and Pettai 2014, 127). This trove of documents created the possibility of lustration based on secret police files in a way that was not as feasible for Estonia and Lithuania.

Like Estonia and Latvia, there was systematic file destruction and loss, so the full record of secret police activity cannot be fully known. A 1990 law allowed the destruction of documents pertaining to secret informers and agents who no longer worked for the KGB, hence the record of inactive agents was destroyed before lustration even started (Wezel 2013, 274). Moreover, the files of party members were regularly destroyed as preventative file cleansing, and transfers of sensitive files from Latvia to Russia were reportedly starting in 1989.[12] Nonetheless, the 4500 agent index cards represented people active in the late 1980s, and therefore the ones most likely to be relevant for lustration in the1990s (Pettai and Pettai 2014, 128). Over time Latvian officials managed to piece together agent reports on up to 80,000 people monitored by the KGB from an electronic database called "Alfa" (Pettai and Pettai 2014, 128). By 2013, information on 35,656 former KGB informants was compiled, including more than 8000 deciphered reports (Pettai and Pettai 2014, 128). The documentation work revealed that the ledgers matched the cards and the card catalogue, thereby confirming the completeness of the cards but still not indicating the level of collaboration of the individuals named on the cards (Pettai and Pettai 2014, 128). In a word, information about previous collaboration was still imperfect but much richer in Latvia than the other Baltic states. Pettai and Pettai argued that "inevitably these materials [the files] would become the main focus of lustration policy in the country" (2014, 143).

Lustration Via Election Laws

As early as 1992 Latvia established lustration protocols as part of its election procedures. In 1992 the Latvian Supreme Council decided that candidates for the June 1993 parliamentary elections would submit affidavits, similar to the Estonian "oath of conscience," to confirm that they had not been an employee or collaborator of the Soviet or Latvian KGB (Pettai and Pettai 2014, 143). Latvia established a Commission for the Investigation of Totalitarian Regime Crimes to oversee the files (Pettai and Pettai 2014, 143) and over time more formalized lustration procedures. In total, Latvia adopted fourteen different kinds of legal acts that together served as a proxy for lustration and transitional justice procedures (Zake 2010, 394; Latvian Constitutional Court 2000).

Article 9 of the *Election Law on Cities and Town Councils, District Councils and Pagasts Councils of 25 January 1994* banned former Soviet secret agents and members of the Communist Party from running in state and local

elections (Wezel 2013, 275; Stan 2009, 234). Articles 5.5 and 5.6 of the *Saeima (Parliament) Election Law of 25 May 1995* banned from national or local elections, those individuals who "belong or have belonged to the salaried staff of the USSR, the Latvian SSR or another country's state security, intelligence or counterintelligence services" and "after January 13, 1991 have been active in the CPSU (Communist Party of Latvia), Working People as International Front of the Latvian SSR, the United Board of Working Bodies, Organization of War and Labor Veterans, All-Latvia Salvation Committee or its regional committees" (*The Saeima Election Law* 1995, Articles 5.5 and 5.6).

In practice, the 1995 law prevented individuals who were Communist Party members on the date of Latvian independence (January 13, 1991) from being nominated to and from holding elected positions, thereby directly linking Communist Party membership with a lack of loyalty to the new Latvian state. The *Election Law* also required a Central Election Commission to publicly disclose collaboration information about candidates. Both election laws amounted to the removal of KGB agents and Communist Party members from political office. The original law was set to expire in 2004, but it was renewed for ten years and its extension was upheld by the Constitutional Court (Latvian Constitutional Court 2005).

There were a number of restricted jobs or elected positions that could trigger an investigation of an individual's background. Positions for which lustration was required included public and administrative positions at the state and municipal level, internal affairs positions, customs, the state prosecutors, the courts, the foreign service, internal auditors, national financial institutions, national railways, communications, and law or notary positions (Zake 2010, 395). Collaboration was determined on a case-by-case basis, with both elected positions and a variety of civil servant positions triggering an investigation. In addition to the ban on elected officials in state and local government, Latvia passed laws to lustrate the police, such as the *Police Act of 1999*, explicitly banning former KGB operatives and collaborators from the police. This was one of a constellation of laws based on the assumption that collaborators occupied many positions of power and public service and that those positions needed lustration.

There were several high-profile examples of individuals affected by the election laws. For example, Deputy Ādamsons was removed from the 2002 general election list due to his former KGB affiliations. He appealed the lustration decision banning him from running for elected office and challenged the public disclosure of information (Stan 2009, 234). The Latvian Supreme Court upheld the decision, and Ādamsons then appealed to the ECtHR to reconsider the legality of sections 5(6) of the *Elections Law*. Specifically the law barred individuals based on past KGB or party affiliations—a

collective not individually based criterion. The ECtHR heard his case along with the case of Ždanoka, another individual excluded from running for political office because of past involvement in the Communist Party (ECtHR 2008; ECtHR 2006). In both cases, although the ECtHR questioned the blanket employment bans on former Latvian Communist Party members it upheld the Latvian lustration provisions.[13]

There were problems with implementation and enforcement of the election laws. For example, the 1994 *Law on the Preservation and Use of Documents of the Former State Security Committee and the Determination of Individuals' Collaboration with the KGB* required individuals to self-assess their degree of contact with the KGB to determine election eligibility. This probably allowed some people to slip onto election lists with collaborator backgrounds. There were resource limitations on investigation and punishment of lustration liars, with the "Cheka five" controversy emblematic of problems with assessment and implementation of the laws (Pettai and Pettai 2014 147).[14] While the exact number of individuals prevented from taking office is unknowable, what is known is that the laws required mandatory bans from public office as a forced bureaucratic change mechanism (Zake 2010, 396; OSCE/ODIHR Final Report 2007).

Lustration Via Citizenship Law

As early as 1991, Latvia began to discriminate against non-Latvians in terms of citizenship rights, with employment and bureaucratic change implications. The *Resolution on the Renewal of the Republic of Latvia Citizens' Rights and the Fundamental Principles of Naturalization of 15 October 1991* led to the temporary exclusion of 700,000 residents, mostly Russian-speaking migrants who arrived in Latvia during Soviet times (Wezel 2013, 275). *Latvia's Citizenship Law* (1994) also limited the ability of non-Latvians to participate in political life. There were explicit lustration-type limitations on naturalization, forbidding the naturalization of individuals who propagated communist ideas, or "have been employees, informers, agents, or safe house keepers of the U.S.S.R. (L.S.S.R. [Latvian Soviet Socialist Republic]) KGB [*Komitet Gosudarstvenno Bezopastnosti*], or of the security service, intelligence service or other special service of some other foreign state" (Chapter 2, Section 11 (6)). Or, "after 13 January 1991, have worked against the Republic of Latvia in the C.P.S.U. [Communist Party of the Soviet Union] (L.C.P. [Latvian Communist Party]), the Working People's International Front of the Latvian S.S.R., the United Council of Labour Collectives, the Organization of War and Labour Veterans, the All-Latvia Salvation of Society Committee or their regional committees or the Union of Communists of Latvia" (Chapter 2, Section 11

(8)). Only individuals who were citizens before June 17, 1940 (prior to Soviet annexation) and their descendants automatically received Latvian citizenship.[15] Others could potentially become citizens if they passed naturalization tests, involving demonstrating Latvian language proficiency as well as history and loyalty tests. The citizenship requirements were de facto lustration laws, restricting the ability of individuals who were secret police officers or informers from obtaining citizenship, and therefore limiting their right to vote and participate in politics. They are similar to Estonia's citizenship restrictions based on previous positions and communist party affiliations and involvements.

Approximately 27 percent of Latvia's population was Russian at independence. Citizenship requirements were targeted at the foreign Russian presence in Latvia, mirroring the anti-Soviet and anti-Russian nature of the legislation in Estonia. This resulted in a substantial portion of the population without citizenship and without voting rights in Latvia. Approximately 250,000 people of voting age were classified as "non-citizens" as of 2007, and therefore lacked the right to vote in any Latvian elections (OSCE/ODIHR Final Report 2007, 7). As with Estonia, the citizenship laws and election laws were meant to lustrate a very narrow past—the Soviet occupation and the Russian role in that. Latvian complicity in the repression was minimized through the structure of the laws. The targeting of non-Latvians for transitional justice sullies the process of authentic reckoning with the past, despite being upheld by the ECtHR, but appears to be a salient state-building narrative.

Conclusion

Latvia debated a formal lustration law, and several lustration proposals were both debated and drafted in parliament. In 2000, 2003–2004, and again in 2006 lustration laws were proposed in the *Saeima* and some even passed, although all were struck down by repeated (and unprecedented) presidential vetoes (Zake 2010, 401–2; Pettai and Pettai 2014, 152). Since Latvia had an array of quasi-lustration policies, it is not clear that an additional lustration law would have addressed the implementation problems associated with the constellation of other related laws. Latvia had limited file access in general (Wezel 2013, 276), and the secret files that did exist remained closed until 2014. Although the *Saeima* on two occasions formally voted to publicize the list of names on the cards from the Cheka's bags, the president vetoed both attempts (multiple times) (Zake 2010, 397–8; Pettai and Pettai 2014, 151–2).[16] As such, the most complete list of file names that Latvia possessed remained closed as of 2014.

Although Latvia lacked a single formal lustration law, its *Election Laws* and *Citizenship Law* included lustration provisions, used the secret police files and/

or functioned as de facto lustration laws. Latvia's citizenship and election requirements banned former KGB agents, informers, and anyone who assisted them from running for national or local elected positions. The citizenship requirements limited the inclusion of non-Latvians, defined in part according to previous regime complicity or collaboration with the secret services, from many aspects of the public sphere. Since public service positions required citizenship, the citizenship laws de facto created a wide scope in their application. The Election Commission did publish the names of collaborators, but there was less of a focus on truth-telling as a form of accountability. More effort was placed on preventing certain individuals from participating in post-transition politics through generalized bans. This makes Latvia an example of wide and compulsory lustration, with additional symbolic cleansing dimensions.

Finally, Latvia did not engage in cycles of reform driven by party politics, but instead pursued its transitional justice policies relatively consistently, irrespective of the changing political environment. This is not to suggest that Latvia's lustration laws were not politicized; they were used against Russians and as a way to externalize blame for the Communist excesses on Russians in Latvia. In some ways this anti-Russian component was a convenient populist tool to garner public support, mirroring the Estonian case (Jaskovska and Moran 2006, 501). However, this type of politicization does not look like the cycles of party politics observed in Poland, Lithuania, and Hungary in the next category.

LIMITED LUSTRATION: HUNGARY, POLAND AND LITHUANIA

There are three features of countries in this category: lustration programs eschewed compulsory employment penalties for collaboration relying instead on voluntary employment resignations; the political instrumentalization of the laws affected citizen perceptions of the legitimacy and effectiveness of the measures; and the lustration laws were initially limited in scope and/or implementation. In two of the three cases in this category, the laws were significantly delayed by the rounds of political manipulation, and in the other case it resulted in the early termination of measures. Therefore, in all three cases the timing and/or duration of the measures were limited by the attempted political instrumentalization of the measures.

First, countries in this category opted for lustration laws with voluntary not mandatory bureaucratic change policies in the event of secret police involvement. In other words, while lustration was mandatory, there were no compulsory

employment penalties for individuals that participated in or collaborated with the former communist secret police. For example, in the case of Hungary, it was assumed that individuals with secret police backgrounds would voluntarily resign from positions or refrain from running for elected positions. If they did not resign, their names were publicized, although there was no mandatory removal from office. Therefore public shaming and a sense of personal duty remained the mechanisms in place to encourage voluntary employment resignations. In theory a more voluntary, "truth-telling" lustration approach could result in a fairer program because it would avoid problems with determining individual guilt, would not violate rules against retroactive justice penalties, and would not criminalize the memory of the past. However, in practice it limited employment consequences and thereby limited actual bureaucratic change.

Second, there were problems with the political manipulation of the laws in all three cases, which undermined the implementation of the laws. The overt manipulation of the laws by political actors, such as political parties, the president, the prime minister, or the constitutional court, limited the scope and implementation of the laws. Lustration laws were halted, reformed, revised, and expanded or contracted, depending on the preferences of the party in power at the time, thus reducing their perceived legitimacy. In sum, the cycles of political manipulation tainted perceptions about the consistency and authenticity of the motives behind the lustration.

Third, there were limitations on the conditions of the lustration laws adopted by countries in this category. Hungary took an early but a narrow and limited approach to lustration, delimiting the scope of positions to be screened to the president and parliament. While Hungary started lustration early, it was also one of the earliest to formally close the lustration process, thereby truncating the process compared to others in the region. Poland and Lithuania blocked and delayed lustration initially after the transition, thereby resulting in a shorter time period for screening and bureaucratic change once they reengaged with the measures. For example, Poland enacted delayed lustration only starting real screening in 1997, and Lithuania's lustration was delayed in real implementation until 1999, eight years after its original and unimplemented lustration law. In sum, there were limitations on the scope and conditions of the lustration laws in this category, setting these cases apart from the wide and compulsory lustration category.

In conclusion, countries in this category all passed and implemented lustration laws. Therefore, despite problems with implementation, they cannot be considered the same as countries in the *Informal Lustration* category, in which formal laws were blocked to the point of little actual implementation. However, the passage and implementation of the laws has been more problematic than that seen in the *Compulsory Lustration* category, therefore they also

cannot be used as examples of consistent and effective lustration. As a result of limitations on compulsory employment consequences and limitations on the scope and implementation of measures, countries in this category are described as cases of *Limited Lustration*.

Poland

Poland's secret police, *Służba Bezpieczeństwa* (SB), operated much like the others across the region. It was designed "as an instrument of terror," in which "people were recruited to be broken" and as a means of "humiliating people, creating an aura of fear…a way to keep people dependent" (Stan 2006, 4). It is estimated that in 1985 there were 25,600 full-time agents in a population of around 37 million people (Stan 2006, 4). The size of the informer network stayed high until the fall of communism, with 98,000 informers in 1988. This puts the penetration of the secret police network on par with Latvia but much lower than Bulgaria and Romania. One of the unusual features of complicity in Poland was the degree to which the *SB* penetrated dissidents, a factor affecting the compromises in the negotiated post-communist settlement (Nalepa 2010).

"Light" Lustration

From the very beginning, Poland had a complicated relationship with its lustration laws. Early in its transition Prime Minister Tadeusz Mazowiecki famously explained in a speech in August 1989 that Poland would draw a "thick line" between the past and the present by not pursuing retroactive or retributive justice measures, thereby embracing a Spanish solution or one focused on truth-telling (Horne and Levi 2004; Walicki 1997). This thick-line approach protected the parties at the Roundtable Agreements, both dissidents and political leaders alike, who might be compromised by evidence of collaboration with the secret police. While the nature of the negotiated settlements, and the degree of regime complicity clearly affected the decision to eschew transitional justice and lustration laws early on, they did not quell subsequent calls for lustration generated by both society and the government (Nalepa 2010).

In 1989 the first parliamentary motion on lustration was passed, and in 1992 the first lustration attempt was made. The initial focus was on the judiciary because of its importance in effecting the transition as well as the assumed high rates of collaboration. Judges and prosecutors were required to provide confessions of their past activities, and although the confessions remained private, false declarations would result in dismissal. Of 3278 prosecutors, approximately 10 percent or 311 were dismissed, despite assumptions of substantially higher levels

of collaboration within the judiciary (Stan 2006, 11–12; Czarnota 2007, 252). Following a public scandal in which the names of sixty-four persons who were allegedly collaborators with the *SB* were released—including *Solidarność* (Solidarity) leader Lech Wałęsa—the lustration process became mired in political battles between the parties. When the Constitutional Court ruled against the constitutionality of lustration in June 1991, the process was blocked (Czarnota 2007, 228).

Six lustration bills were subsequently debated, but none passed. It wasn't until 1996 that the *Sejm* (Parliament) began work on a comprehensive draft law, and in August 1997 a screening law finally entered into force (Boed 1999, 447; Bertschi 1995, 444; and Ellis 1997, 192). The lustration program concentrated on screening rather than vetting people for collaboration with the secret police services, so people were not removed from positions unless they were shown to have lied on their lustration certificates.

The law created a Lustration Court to verify the declarations of top officers, and to punish in the event of false statements. As Czarnota explained, "the only sanction for an untrue lustration declaration is the loss of moral qualification to hold public office and a ban on holding one for ten years" (2007, 237). In other words, the rationale for vetting was that individuals who lied about previous regime involvement were too morally compromised to remain in their positions. Some public officials resigned over collaboration allegations, but largely there was limited bureaucratic turnover (The Warsaw Voice 2006). The Institute of National Remembrance (*Instytut Pamięci Narodowej*-IPN) was also created in 1998 and charged with managing the file archives. The IPN was to assist with the lustration process by verifying the background of public office seekers and providing information on collaboration claims (Stan 2006, 29–30).

The implementation of the 1997 lustration laws was criticized as being highly politicized, incomplete, non-systematic, and arbitrary, exacerbated by the lack of will on the part of the courts to implement the law (Czarnota 2007; Owen 2007). It was not even possible to recruit the twenty-one judges required to sit on the Lustration Court, thereby effectively stalling the implementation of the laws. By 1999, only 300 of the 2000 public officials required to provide lustration certificates had admitted collaboration with the *SB* in what was assumed to be underreporting (Stan 2006, 20). By 2006, less than one hundred of the 23,000 individuals who submitted lustration certificates were found to be lustration liars, and even fewer were removed from their public positions (Stan 2006, 46). Stan argued, "I would go as far as saying that the Polish lustration was no lustration at all, since it stopped short of removing the officials and collaborators but rather punished individuals who chose to give false declaration" (Stan 2006, 46). As such, the truth-telling approach minimized bureaucratic turnover.

In 2005, as a result of the frustration with the slow pace and lack of results of the lustration process, a journalist stole an IPN unofficial list of up to 240,000

"collaborators," nicknamed "Wildstein's List," and posted the information on the internet (Stan 2011b). The list was not credible, proved highly inflammatory, and was timed to coincide with the 2005 round of elections.[17] At this point, the original truth-telling nature of the program had become sullied by electoral politics. When Lech Kaczyński decided to make "building a new moral order" Law and Justice Party's platform in 2005, the unpredictable and at times arbitrary nature of the previous lustration programs had undermined the credibility of the laws.

Renewed Lustration

In November 2006 a new lustration plan was ratified, and it went into effect on March 15, 2007. The new program substantially expanded the scope of previous lustration efforts, but it still did not include compulsory employment penalties for previous regime collaboration. The legislation included provisions for the screening of fifty-six categories of workers or persons in "positions and professions of public trust," including teachers, academics, journalists, state company executives, school principals, diplomats, lawyers, police, and other broadly defined civil servants.[18] Moreover, it set out various positions for which file review was compulsory—such as the IPN, the Board of the Polish National Bank, MPs at the European Parliament, the President, and managerial positions in the state. The goal of the legislation was to determine conscious and secret cooperation with the security services during the period July 22, 1994–July 31, 1990 (see Article 3A of the law). As such, in some ways the expanded legislation addressed some of the limited scope aspects of earlier incarnations of lustration, however, it still did not require compulsory employment removal.

The new laws also increased the transparency of the lustration program. The original lustration laws shielded information from publication for thirty years, with information being declassified on January 1st of each year (Ellis 1997, 193). Under the new law, the security service files would be published on the internet, thereby shifting the program to one more focused on public disclosures. Employers were also required to verify that they had screened their employees. This expanded the locus of responsibility from the individual alone to the individual and the employer. Key articles of that law were judged unconstitutional by Poland's Constitutional Court (Constitutional Tribunal of the Republic of Poland) on May 11, 2007, but in the end the Court ruled that the law itself was constitutional and required only certain semi-public categories to be removed from the vetting list, including the media and academics. The Court left most other positions including local level positions of public trust (Polish Constitutional Tribunal 2007).

Lustration responsibilities were transferred to the Vetting Office within the IPN.[19] An estimated 500 individuals were fired or prevented from taking positions due to these new lustration procedures. As of 2012, the IPN estimated that it might need ten to fifteen more years of lustration, and maybe twenty years to finish the work of the IPN. This suggested a mandate designed to address the initial limitations on the scope and implementation of earlier lustration measures. Since the IPN holds over 90 km of various documents and files, there was substantial information yet to be uncovered (Leśkiewicz and Žáček 2013, 162).[20] File access rules also accompanied lustration procedures, thereby demonstrating a commitment to truth-telling as accountability.

With respect to other forms of transitional justice, there were several trials, but these acts of retrospective justice targeted functionaries of the Stalinist Security Police between1944 and 1954, thereby focusing on acts in the distant past (Walicki 1997, 221–3). Despite several attempts, no restitution law was implemented in Poland. The president vetoed the *Reprivatization Law* of 2001 because it was believed this would have bankrupted the country (Nalepa 2013, 389). Aside from lustration, Poland did not turn to the extensive use of other transitional justice methods.

Conclusion

Despite a relatively late start to lustration, as compared to its regional neighbors Hungary and the Czech Republic, Poland passed and implemented mandatory lustration. Poland's final laws mandated the screening of public and semi-public office holders and individuals in positions of public trust, however there were no mandatory employment consequences. Unlike countries in the compulsory change category that penalized individuals for their previous regime involvement by removing them or preventing them from taking positions of public trust, Poland's lustration relied on self-resignations. Poland's employment penalties only resulted from being caught as a lustration liar, in all other cases, Poland's lustration relied largely on voluntary resignations or self-removal from positions of power in order to avoid being publicly disclosed. The truth-telling focus of lustration, without compulsory employment penalties, resulted in more limited bureaucratic change. The Director of the Vetting Office explained that individuals rarely withdrew an application for a position on their own, but waited to see if they were forced out of their positions through the legal process and the courts.[21] Therefore, although Poland's final lustration laws were similar in terms of lustration categories and definitions of collaboration to those adopted by the Czech Republic, the voluntary nature of bureaucratic change differentiates Poland from the programs in the compulsory change category.

This is not to suggest there was no bureaucratic change—the bureaucratic change was simply more limited. The Director of Lustration in Poland asserted there was an important, albeit more limited, bureaucratic change element to the Polish truth-telling approach to lustration.[22] Therefore, although the mechanisms for voluntary removal or for truth-telling resulted in less bureaucratic change than a compulsory approach to lustration, there remained bureaucratic renewal elements in this limited lustration approach. Moreover, the truth-telling dimension included an important, and much praised, symbolic cleansing component to the lustration process. To the extent that accountability for the past promotes trust, there could be powerful trust-building aspects to a truth-telling approach.

Various rounds of failed lustration proposals, several leaked lists of collaborators, and cyclical repudiation of lustration and then adoption of laws, sometimes timed with the rise and fall of political parties, created a morally discordant and logistically haphazard approach to lustration (Stan 2011b; Stan 2006). Although Poland had early lustration attempts, it was not until 1997 that its first lustration law was implemented, and the expanded scope of the measures wasn't implemented until 2007. Poland's highly politicized and delayed lustration process in some ways eroded legitimacy, with potential trust implications. Despite the limited lustration at the start, by 2014 Poland had reviewed thousands of files and expected at least ten more years of lustration. Poland sits between compulsory lustration and informal lustration, embracing a mixture of symbolic truth-telling and noncompulsory bureaucratic change.

Hungary

In terms of the extent of the secret police network, it is estimated that 50,000 people worked as agents of the state security service or *Allamvedelmi Hatosag* (AVH) (previously named *Allamvedelmi Osztaly* or AVO) by 1989, and 170,000 people were under surveillance (Kiss 2013, 230). Since the total population was approximately 10.4 million, this means that approximately 0.5 percent of the population was working with the secret police and 2 percent of the population was under surveillance. By comparison, the rate of secret police collaboration was estimated at 0.25 percent in Poland, 0.30 percent in Latvia, 1 percent in Bulgaria, and 3 percent in Romania. The secret police remained active right up to the official declaration of independence on October 23, 1989, identifying 2029 in the first half of 1989 and still continuing their surveillance of the opposition even after the fall of communism (Stan 2009, 108). Exact numbers of agents and informers are unknown, but the

Deputy Head of Department of the Historical Archives of the Hungarian State Security speculated that complicity rates were high because of the ubiquity of economic and social favors distributed by the Kádár regime, which often came at the price of collaboration.[23]

Delimited Lustration

Early calls for lustration in 1990 were rejected and delayed, and many former communists were reelected as mayors or appointed to public positions of trust in banks, hospitals, and schools (Kritz 1995, 649). Hungary seemed to eschew a punitive approach to former secret police collaboration early in the transition, partially due to the negotiated nature of its transition in which Communist Party members were assured they would not be punished after the transition and could continue to participate in politics.[24] However, the identity and inclusion of former informers continued to dominate public discussion, leading to the adoption of a screening law in 1994 (Williams, Szczerbiak, and Fowler 2003).

Law No. 23 On Background Checks to be Conducted on Individuals Holding Certain Important Positions (1994) called for the screening of individuals for positions across a range of public and semi-public sectors including: parliament, government offices, state banks, managers of state controlled enterprises, high-level military and police officers, executives of state media, editors of newspapers and magazines, department heads, and offices of state controlled universities (Kritz 1995h; Boed 1999, 363). The law established procedures by which public officials were to be screened by a three-judge Screening Committee to determine if they carried out any activity related to domestic intelligence, were members of the Second World War-era fascist Arrow Cross Party or the law-and-order militia squads in 1956/1957, or were Communist Party or government officials who had received information from state security services. Those found to have belonged to the above categories were called on to resign, and if they refused, their names were to be publicly disclosed. The law was designed to operate on a voluntary basis with an element of public disclosure in the event of failure to comply. If an individual was found to be a collaborator, he or she could resign from the position without public disclosure of the collaboration. If the individual refused to voluntarily resign, information about the collaboration would be made public. However, there was no compulsory removal from public positions.

The *1994 Background Checks Law* originally included between 10,000 and 12,000 officials across twenty-five different categories of positions for lustration (Oltay 1994). However, the four-year delay between the drafting and the

adoption of the law hints at the contentious politics surrounding final approval. Despite the original design for a wider lustration program, Constitutional Court verdict (60/1994) ultimately ruled that parts of the law were unconstitutional and restricted screenings to high-level public persons only, thereby excluding lower ranked positions such as judges and university professors, and narrowing the scope of positions to be lustrated (Halami and Scheppele 1997, 172). The Constitutional Court's ruling significantly shaped an understanding of what constitutes rule of law and the appropriateness of transitional justice in post-transition Hungary; this would have lasting implications in thwarting efforts to reengage with lustration in the future.[25] An amended version of the lustration law (67/1996) further restricted screening to an even narrower group of public officials—those who took an oath before parliament or the president. The 1996 changes to the Hungarian law narrowed lustration to only the highest elected officials. Following the modifications, the lustration process was largely limited in scope and purely voluntary, with threat of disclosure as the sole method of accountability.[26]

Additional amendments and modifications to the law once again changed the scope and duration of the measures, reflecting political forces at work instrumentalizing the measures. In 2000, the lustration law was extended for another four years (93/2000) and included mandatory screenings for journalists and leaders of political parties receiving budget funds. The amendment increased the number of people to be screened from 900 to 17,000, and included provisions for the lustration of other categories of positions, including judges, prosecutors, and national and local party leaders (Stan 2009, 112; Kiss 2013, 234). In 2002 the government amended the law again to allow information from all secret service divisions to be used in the screening process,[27] although lustration was again restricted in scope to top leaders, the highest courts, the Central Bank, the Ombudsman, the State Audit Office, the Prosecutor General's office, and mayors or town with more than 10,000 residents (Stan 2009, 114).

While the lustration screening component of the law was mandatory, there was no compulsory employment change or no prohibition on public employment in the event of a positive finding of collaboration. For example, revelations about Gyula Horn, the leader of the Hungarian Socialist Party, did not prompt him to resign nor did it affect his electability. Even when a panel of seven judges asked thirteen top politicians, including Prime Minister Gyula Horn, to resign because of past collaboration, Horn refused saying the public knew this when he was elected (Kiss 2013, 234). In 2002 Prime Minister Péter Medgyessy was revealed as a secret officer of the former counterintelligence service, under the code name D-209. Medgyessy defended his role as a patriotic act to prevent Soviet agents from harming Hungary's efforts to join

the IMF, and he refused to resign his position (Naegele 2002). These high-profile cases revealed weaknesses both in the process of lustration, namely which files and counterintelligence divisions would be accessible, as well as in the hope that revelations would lead to self-resignations. Knowledge of previous regime collaboration did not prompt voluntary resignations by leaders and did not appear to affect citizens' voting decisions. As such, the bureaucratic change element of this limited lustration with noncompulsory employment consequences was limited.

Overt Politicization

There was political instrumentalization of the laws by political parties to secure votes, and critics charged these 2000 and 2003 amendments were simply politically motivated attempts to discredit or disadvantage the opposition by the dominant political party (Kiss 2006; Tomiuc 2002). A series of political scandals, information problems, political intrigues and accusations, media leaks of confidential information, and manipulation by political parties all contributed to the perception that lustration was "running politically amok and trampling on people's dignity and solid reputations" (RFE/RL 2002, 30 August). In 2003, the newspaper *Magyar Hirlap* publicized an unregulated and unverified list of public officials with alleged ties to the secret police, in a Wild West process similar to rogue public outings in Poland (Stan 2009, 115). The political manipulation of the laws adversely impacted public perceptions of the legitimacy and efficacy of the laws.

From 1994 to 2005, Screening Committees were in charge of the lustration process (Leśkiewicz and Žáček 2013, 152), but their work officially ended in 2005 thereby closing the period of active lustration (European Network of Official Authorities in Charge of the Secret Police Files 2009, 38). As of 2013, there was no lustration law in place and no formal system of public disclosures. Proposals were made for a renewal of the lustration process in 2012, when Prime Minister Viktor Orbán said he would support both the establishment of an expert committee to deal with file access issues as well as a renewed "lustration law" (Hodgson 2012). However Orbán's proposal was largely perceived as political rhetoric and prior attempts to renew lustration did not gain traction. Hungary is an example of a country that chose to end the process of lustration, limiting not only the scope but the duration of measures.

Hungary enacted other transitional justice measures, including a law voiding convictions for crimes committed against the state from 1963 to 1989 (Law 11/1992), a law providing for financial compensation for unlawful deprivation of life and liberty (Law 32/1992), rehabilitation measures (Law 23/1991),

property restitution measures (Law 24/1992), and compensation laws (Law 25/1991) (Neff 1992; Paczolay 1992; Platt et al. 1992). The compensation law differed from other CEE approaches in that Hungary did not return property or offer financial compensation for the lost property, instead offering indemnification vouchers based on a percentage of the value of the property (Neff 1992). Hungary also presented citizens with a very narrow legal window to file claims (ninety days), thereby limiting claims and truncating the process. This resulted in several compensation cases being brought before the courts, but final rulings confirmed that the state did not have a legal obligation to compensate victims. Once again, the courts were instrumental in shaping the approach and structure of transitional justice in Hungary.

Conclusion

Hungary is an example of a lustration program limited in scope, duration, and implementation. Despite substantial lustration debate early on, and an initial 1994 law that mirrored the more expansive lustration scope of its neighbor Czechoslovakia, the lustration law that was implemented reduced the scope of positions lustrated to just the president and parliamentary positions and did not include compulsory employment penalties. Collaborators were expected to resign or face disclosure, but ultimately employment change was voluntary. This resulted in practice with what Stan refers to as "mild" or "weak" lustration (2009b, 102–3).

Despite the problems with Hungary's program, Hungary did engage in lustration from 1994 to 2005. Barrett, Hack, and Munkácsi estimated that 7872 individuals were screened over the first ten years of the process, resulting in 126 positive cases of collaboration (2007, 277). The 2002 Mécs Commission investigated the background of all post-communist ministers and public officials, revealing the extent to which the top leadership was engaged in collaborative activities with the communist authorities. All secret service positions were included in the 2003 version of the law, thereby expanding the possible pool of files from which one could determine regime collaboration. In terms of bureaucratic turnover, it is estimated that 500 individuals were fired or prevented from taking positions due to lustration procedures (Stan 2011a). Therefore Hungary's transitional justice approach is not an example of the absence of formal lustration; it is an example of problematic or flawed lustration.

With respect to file access, Hungary privileged individual privacy over public disclosure and imposed constraints on file access, thereby additionally narrowing transitional justice measures. Although files were accessible as of 2016, Hungary's approach to limiting access to information in the files will

be explored in more detail in Chapter 5. The politicization of the process decreased perceptions of the law's fairness and objectivity. The Screening Committees officially ended their activities in 2005, limiting the time period for active lustration from 1994 to 2005, although lustration efforts continued in other countries in the region. Both the structure of the laws, their short time period, and their weak implementation limited bureaucratic change, although it did include various symbolic accountability measures. In the context of this typology, Hungary's lustration is best described as limited.

Lithuania

It is estimated that between 1940 and 1991 the KGB employed approximately 25,000 secret service agents, across 4500 categories of agents and informers, and collaborated with 118,000 individuals (Vėgelytė, 2005; Anušauskas 2011). The KGB kept an estimated 525,000 secret files on Lithuanian residents who corresponded with people abroad over this time period (Budryte 2013, 287). Exact numbers of informers or agents are difficult to verify given both file destruction at independence and the fact that Lithuania only held some of the files, although it was able to negotiate additional file transfer from Russia in 1992 and 1994 (Pettai and Pettai 2014, 129). Nonetheless, the volume of files kept on Lithuanian citizens helps to better estimate the size of the secret police network in Lithuania prior to independence, and therefore the scope of potential lustration.

Lithuania's Russian population was relatively small compared to the other Baltic countries, constituting a little less than 10 percent of the total population at the time of independence, in comparison to 35 percent in Estonia and 27–30 percent in Latvia (Department of Statistics Lithuania 2005; CIA World Fact Book 2009). Lithuania did not use citizenship requirements like Estonia and Latvia to limit the inclusion of Russians in public life, instead granting citizenship to all persons permanently residing and wishing to reside in Lithuania after the break from the Soviet Union.[28] This affected the lustration options in Lithuania compared to Latvia and Estonia.

Lustration Interrupted

Upon declaring independence from the Soviet Union in March 1990, the Supreme Council ruled that cooperation with the KGB and its agents constituted activities that hurt the interests of independent Lithuania. If collaborators had committed no serious crimes and discontinued collaboration with the KGB, the Council pledged that individuals would face no moral or legal consequences

(Budryte 2013, 289). In 1991, Parliament passed *Decree No. 418 Banning KGB Employees and Informers from Government Positions*, which applied to local and national government positions for five years (Kritz 1995i). In addition, *Law No. I-2115 (1991) Law on the Verification of Mandates of Those Deputes accused of Consciously Collaborating with Special Services of Other States* required individuals holding positions of power in local and national governments to disclose their past work or collaboration with the secret services (Kritz 1995k). The inherent untrustworthiness of individuals who served in these positions was highlighted in the preamble:

> The Soviet State security agencies, in an effort to organize divisive activities against the Lithuanian State and its institutions, created a wide net of secret collaborators into which deputies of various levels may have been taken. It is the opinion of the Supreme Council that, should the secret collaboration by deputies with the KGB and other special services become clear, it would be the basis for questioning good faith in them by the voters. (preamble, Law No. I-2115)

The law set out the conditions for the creation of a Commission to implement the lustration of current deputies and public officials. The Gajauskas Commission revealed that five prominent political leaders failed to disclose they were former collaborators, resulting in their removal from official positions (Kritz 1995, 767–8; Pettai and Pettai 2014, 130). However, lustration policies were effectively blocked when the author of the lustration bill was himself identified by the press as a former KGB agent, and the successor to the Lithuanian Communist Party won the 1992 parliamentary elections (Stan 2009, 231; RFE/RL 1998, June 29). As a result, despite the formal public disclosure rules and formal employment bans associated with lustration, they remained unimplemented in practice.

The 1998 presidential election brought renewed interest in lustration after presidential candidate Landsbergis was accused of being a KGB informer by several former KGB officers (Stan 2009, 231). On July 16, 1998 *On the Assessment of the U.S.S.R. Committed of State Security (NKVD, NKGB, MGB, KGB) and Present Activities of the Regular Employees of this Organization* (see Appendix 1) was passed, banning former employees of the KGB from employment in a range of political institutions and public positions for a period of ten years until December 31, 2008 (Pettai and Pettai 2014, 154). Aspects of this law were challenged by President Adamkus, who refused to appoint the necessary review board to oversee the process and asked the Constitutional Court to both review the constitutionality of the laws and postpone implementation (Pettai and Pettai 2014; RFE/RL 1998, July 10; RFE/RL 1999, January 5). Despite having just passed lustration legislation, Lithuanian lawmakers backed the president's request to reexamine lustration

in a vote of 101 to one, overwhelmingly agreeing to delay lustration (RFE/RL 1998, July 17). In particular the ten-year employment ban and the lustration of private sector positions were reexamined by the Constitutional Court. The Court eventually confirmed the constitutionality of lustration, clarifying and modifying aspects of the provisions, but allowing the start of lustration (Constitutional Court of the Republic of Lithuania 1999).

The revised 1999 lustration law—the *Law on Registering and Confession* (VIII-1436/1999) was passed in November 1999 and required former KGB collaborators to formally disclose collaboration within six months of the law's publication (by June 8, 2000) to a five-member Lustration Commission (Republic of Lithuania 1999). The law explicitly granted the "right of the State to apply the principle of loyalty and trustworthiness to State officers and employees of State government and administration, local government…" as well as a host of related state and civil services (Article 1 §1 of Law VIII-1436/1999). The related semi-public and private sector positions included educational institutions, banks, "strategic businesses" (in communications), and private intelligence and security companies. The law also clarified the creation and functions of a Lustration Commission to facilitate the review of the lustration applications for evidence of collaboration (Pettai and Pettai 2014, 155).

The law had a symbolic truth-telling element and an employment ban element. In terms of truth-telling, individuals would have to publicly disclose past collaboration if they chose to become a candidate for president, the *Seimas*, local government, judges, or prosecutors (Article 8, §3 of Law VIII-1436/1999). Therefore, for the highest level positions, full confession of past involvement was a mandatory requirement to run for office. These procedures were not the same as the compulsory employment removal positions seen in Latvia and Estonia. The Lithuanian procedures only required that candidates for elected positions inform voters of the nature, scope, and duration of collaboration. The lustration procedures did not prevent individuals from running for office. It was imagined that these disclosures would negatively impact electability. For lower level positions, if an individual confessed voluntarily to collaboration, this information would be held as a state secret (Article 8, §1 of Law VIII-1436/1999). However, in the event of lying about collaboration or failing to meet the six-month deadline to come forward, information about the collaboration could be publicly disclosed (Article 8, §4 of Law VIII-1436/1999), and individuals could be banned from positions for ten years. The law required employers to immediately fire individuals who failed these tests, thereby effectively instituting a general employment ban on lustration liars. To support these measures, the cabinet approved an amendment to the criminal codes to fine employers who refused to fire former agents and collaborators (RFE/RL 1999, January 15).

To summarize, there were two planned phases for implementation of this lustration law. During the first phase, the focus was on disclosure not exclusion from public office, with promises of secrecy for those who came forward and admitted collaboration. Therefore, in the first phase of implementation, employment penalties would be levied only in the event of lying about collaboration, resonating with the Polish approach. By the end of the first phase in August 2000, approximately 1589 Lithuanians registered themselves in a kind of self-lustration, and employment restrictions were placed on eighty-seven people who worked for or collaborated with the KGB out of approximately 300 cases (RFE/RL 1999, November 18; RFE/RL 2000, August 8; RFE/RL 2000, August 16). In general, the number of compulsory employment changes was relatively small.

During the second phase, compulsory disclosure and possible employment removal resulted for individuals who did not self-lustrate during phase one. In phase two, the Lustration Commission was tasked with disclosing the names of individuals in public and private positions, but it struggled to carry out its mandate (Budryte 2013, 289–90). The Lustration Commission had tepid political support, lacked resources, and the staff was voluntary and unpaid (Anušauskas 2011). File access issues, data reliability problems, and high information hurdles to legally prove collaboration posed substantial burdens on the resource strapped Commission (Vėgelytė 2009). Moreover, they were tasked with implementing lustration cases against high-profile individuals in positions of power with significant financial resources (Vėgelytė 2009).[29] All of this hindered the work of the Commission, which initiated a total of only two cases over the first five years (2000–2004), despite a media campaign in 2005 alleging that 5000 former agents were still politically active and as many as 15,000 agents were still living in Lithuania (Stan 2009, 233). In essence, lustration ground to a standstill for five years after the passage of the law. Following a change in the leadership of the Commission, driven by Dalios Kuodytė, and changes in Parliament, the Lustration Commission became more active, opening seventy-eight cases in the first seven months of 2005, with thirty-one of those cases admitting KGB ties and fourteen names publicly disclosed in the Official Gazette (Vėgelytė 2005). All of this took place within a highly politicized context.

Political wrangling over lustration provisions continued and in 2005 the *Seimas* developed lustration provisions to include KGB reservists, after public information came to light about reservists in elected positions. Two versions of this amended lustration legislation were vetoed by President Adamkus, and then subjected to Court review, which in the end ruled in favor of the president, thereby suspending the new lustration provisions (Pettai and Pettai 2014, 159). All of these political machinations interrupted the lustration process and left it open to public and legal criticism.

In 2010, parliament amended Law VIII-1436/1999, following a series of ECtHR rulings that rejected the lustration of private sector positions but upheld the continued duty of the state to lustrate civil servants and public officials (ECtHR 2004; ECtHR 2005; ECtHR 2009). Parliament also pushed for the transfer of KGB materials to the Commission to facilitate the lustration process, empowering the Lustration Commission and thus helping them to move through their case backlog in 2012 (Pettai and Pettai 2014, 161). In anticipation of the October 2012 elections, the media investigated and publicized the backgrounds of candidates with collaborator ties, reporting that four political parties self-purged candidates with compromised backgrounds.[30] Nonetheless, two candidates remained on the ticket, despite acknowledging their KGB past, demonstrating that the power for institutional change resides with voters in a voluntary program. In the end, the total amount of bureaucratic change forced by the Lustration Commission was limited and much narrower than the original letter of the law suggested. The Lustration Commission was originally scheduled to expire in 2012, and in 2013 it put forward a formal proposal to the *Seimas* to formally end the process (EN.15MIN.LT 2013).

Additional Measures

With respect to secret police files from which to draw information for lustration, Lithuania did have physical custody of some of its files. This differentiated Lithuania from the other Baltic cases with more limited files upon which to base a traditional lustration program. It is estimated that 36,000 files on agents were destroyed before independence, rendering any file repository by definition incomplete (Budryte 2013, 289; Anušauskas 2011). Official file transfers from Russia started in 1992, and the first shipment of files contained 31,241 screening files and 11,558 interrogation files (Stan 2009, 230; Kritz 1995, 765). However, transferred files remained with the State Security Department—the Lustration Commission never had control over the files and lacked jurisdiction to request files for review until very late in the process.[31] As of 2015, the Genocide Center remained in control of the transferred files, and it estimated that it would take ten years to archive and make them accessible on the internet. In general, file access and reliability issues limited the access to information about current public officials and the potential power of disclosures.[32]

Several additional transitional justice measures were adopted in conjunction with lustration. Property restitution measures were passed, however, problems with documentation obstructed implementation in many cases (Kritz 1995j). Rehabilitation measures and reviews also had minimal impact, with three cases opened since 1991 (Budryte 2013, 292). In sum, the additional

transitional justice measures mirrored the dilemmas faced by lustration legislation; often laws were passed, however, implementation was incomplete, delayed, or suspended.

Conclusion

Lithuania presents a challenging case to classify because of its rather complicated, interrupted experience with lustration. Lithuania not only passed early lustration laws but passed more expansive laws over time, being one of the first in the region to explicitly establish laws to ban former collaborators from private sector employment positions. In these ways, Lithuania appears to be a case of wide, early, compulsory lustration. However, the detailed discussion of the implementation of lustration in Lithuania does not support that conclusion.

The implementation of Lithuania's 1991 lustration law was blocked in 1992. Therefore, although the law remained on the books legally, it was not implemented. The 1999 lustration law reinvigorated support for lustration and expanded the scope of positions to be lustrated. However, it was not a compulsory employment ban, penalizing individuals only for failure to comply with the law and/or lying about the past. Moreover, the publication of information about the background of presidential candidates or elected individuals in state and local government was a public disclosure exercise, not a compulsory employment ban. Individuals could voluntarily withdraw their candidacy in the event that they would prefer to have their background remain secret, and voters could judge the merits of a candidate based on full information. Lithuania enacted a lustration process relying on voluntary and quasi-voluntary disclosures, yielding a delayed, limited, and more problematic lustration than its formal laws suggested.[33] The case of Lithuania highlights the importance of considering not only the passage of laws but their *implementation*.

The total number of individuals removed from office due to the direct lustration process was approximately fifty, although this number has also been disputed. It is not possible to measure the number of possible candidates that were deterred from office as a result of possible exposure.[34] Still, fewer than fifty individuals represents relatively limited levels of forced institutional turnover. Moreover, Dr Arvydas Anušauskas, chairmen of National Security and Defense Committee in the Lithuanian Parliament, criticized the ubiquitous "amnesia" of office holders who "forget" about their past collaboration until reminded of it through public disclosures of the files (Anušauskas 2012). In this way a voluntary self-lustration process has provided limited official bureaucratic change.

Lithuania looks more like Poland and Hungary in terms of categorization than the other Baltic countries. Lithuania is similar to Poland's program in

which employment penalties resulted from lying or trying to hide collaboration, not the act of collaboration itself. Implementation in Lithuania suffered from the politicization of the law by competing political parties, very similar to the cycles of political manipulation evidenced in Hungary and Poland, however, in the end, lustration laws were both passed and implemented. Lithuania removed individuals from office and prevented others from taking office, showing a process of formal lustration. For these reasons, Lithuania stands with Hungary and Poland as examples of limited lustration in practice. All of these cases look different from the lack of formal lustration in the next set of countries.

INFORMAL LUSTRATION THROUGH PUBLIC DISCLOSURES: BULGARIA, ROMANIA, AND SLOVAKIA

There are three main features of countries in this category: lustration measures were heavily politicized and repeatedly thwarted from both passage and implementation by domestic political actors; the absence of formal lustration measures led to the adoption of informal lustration mechanisms relying on public disclosures; and the final measures were significantly delayed in terms of the transition and lacked compulsory employment elements. First, while lustration laws were debated and even passed, they were not implemented against the top political office holders and civil servants. Both the passage and repeal of lustration legislation were overtly manipulated by a host of political actors, including political parties, the constitutional courts, and the office of the president. The countries in the previous category also had political manipulation of the laws, but in the end, laws were passed and implemented, while the countries in the last category rejected all lustration entirely. However, in this category, domestic political forces actively debated lustration but managed to propose, pass, alternately veto, and/or thwart implementation of formal lustration laws.

Second, despite the lack of formal lustration, these countries passed public disclosure measures and file access policies that mimicked lustration. In essence, the disclosures were designed to publicly reveal individuals that held positions in or abetted the previous communist regime using information from the secret police files with the intention of instigating employment changes across institutions of public trust. The screening provisions covered a range of political and social positions, revealing the former regime complicity of many current bureaucrats, office holders, business leaders, and public

personalities. The public disclosure processes were not legally codified lustration, as there was an explicit prohibition on lustration in Bulgaria and an equally explicit Constitutional Court prohibition in Romania. Nonetheless, the public disclosures resembled a process of informal lustration, with the Chairman of the Dossier Commission in Bulgaria dubbing the process a type of "silent lustration."[35] While these public disclosures lacked a compulsory employment change dynamic, in structure and function they strived to effect the type of bureaucratic, moral, and historical memory accountability seen in other regional lustration programs through shaming and truth-telling.[36]

Third, in terms of the timing of reforms, the countries came to reforms very late in the transition compared to others CEE countries. Prior to 2006, there was little in the way of even informal lustration, however, over time the breadth, depth, and transparency of the public disclosures marked a substantial shift in transitional justice approach across this category. As such, countries in this category started to authentically implement truth-telling measures at the time that other countries had either concluded lustration (Hungary) or had been engaged in lustration for fifteen years (Czech Republic). This affected the credibility of the measures in the eyes of citizens, with trust-building implications.

In sum, countries in this category differ from the limited lustration categories because they did not implement formal lustration programs. The heavily politicized measures resulted in both a *de facto* and *de jure* rejection of formal lustration measures. Nonetheless, these countries did engage in a regularized and systematized use of public disclosures as both symbolic truth-telling mechanisms and informal institutional change mechanisms. The public disclosures drew on the information in secret police files, and in some ways mirrored the shaming mechanisms seen in the limited lustration category cases. These cases expand our understanding of lustration measures, suggesting an informal variant of the dominant regional approach to lustration.

Bulgaria

It is estimated that the State Security Service, *Komitet Durzhavna Sigurnost* (KDS)—Bulgaria's Secret Police—employed 250,000–300,000 full-time officers over the course of the communist period, and by the end of 1989, approximately 75,000–80,000 part-time informers and 15,000–20,000 full-time officers in a population of approximately nine million (Metodiev 2013, 74). This is a lower rate of complicity than other countries in the Balkans, albeit higher than the norm in the Visegrád countries. Despite this, there was still a 10 percent rate of complicity found in the files of political office holders

and civil servants that were screened in 2012, suggesting that KDS informers disproportionately made up top positions even twenty years after the transition (Sofia Echo 2012, March 8). This highlights the ongoing challenge of addressing legacies of the communist past in Bulgaria, even several decades after the transition.

Silent Lustration

There were several limited lustration laws early in the transition that included provisions to ban officials from targeted employment positions, so in their design they embodied the traditional punitive employment component resonant of other regional lustration policies (see Appendix 1). However, these laws were narrowly focused on low-ranking public servants, had limited implementation, and avoided high-level political office holders. For example, the 1992 *Law on Banking and Credit* banned from bank management positions anyone who served in the *nomenklatura* during the previous fifteen years, however, it was declared unconstitutional in 1992, never implemented, and abolished by Parliament in 1997 (Kritz 1995b; Kritz 1995a). The 1992 *Panev Bill* targeted academics and scientific institutions, and banned informers, individuals who planned or executed the Revival Process, and former Communist Party leaders at both the central and local levels from certain academic leadership positions (Kritz 1995c). It was upheld by the Constitutional Court and in force until 1995. Additionally, the 1998 *Law on Public Radio and Television* prohibited State Security officers and informers from being elected as members of the Council for Electronic Media (Metodiev 2013). It survived a Constitutional Court appeal and members of the Council were forced to leave positions on the basis of KDS complicity (Hristov and Kashumov 2012, 285). As such, there were several early transition examples of very limited employment vetting, however, none rose to the level of a lustration program.

The same systematic avoidance of transitional justice was evident with Bulgaria's initial approach to file access procedures. In 1990 the Socialist Parliament created a Special Parliamentary Commission on the State Security Archives chaired by Socialist Party member Georgi Tambuev to oversee the opening of the file archives (Metodiev 2013). A scandal involving the publication of a list of informers in parliament undermined this Commission, resulting in no file access in practice. In 1997 President Petar Stoyanov announced that the time for lustration had passed and that, seven years after the transition, Bulgarian society needed to look to the future not focus on the past (Hristov and Kashumov 2012, 285). This captures the political resistance to lustration measures in Bulgaria during the initial transition period.

In 1997, the Union of Democratic Forces (UDF—a coalition of anti-communist parties) won a landslide victory allowing them to form their own government. The reformist Parliament passed the *Law on Access to the State Security Documents* in 1997 (and amended in 2001 and 2006) renewing a commitment to open the files and authorizing the appointment of a series of dossier commissions/committees to review the background of officials in positions of power for evidence of communist-era secret police employment or collaboration (European Network of Official Authorities in Charge of the Secret-Police Files 2009). The dossier commissions would have no employment penalty capabilities, but could make their findings public; in this way, the focus would be on public revelations of collaboration. The commissions included: the Bonev Committee (1997–1999), the Andreev Committee (2001–2002), and the Kostadinov Commission (2007–2017 expected).[37] Despite the potential for real accountability, even this truth revelatory function was minimally implemented at first. The Bonev Commission announced the collaboration of only twenty-three individuals in high-ranking positions, including fourteen MPs (Metodiev 2013, 78). The Andreev Commission completed approximately 7000 investigations during the year in which it was active, revealing 517 collaborators in public positions. The revelations resulted in no discernible institutional change though, with little bureaucratic turnover and minimal public electoral response to the file disclosures.

The Socialist Party coalition-led government passed *Law for Access and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and Intelligence Services of the Bulgarian National Army* in 2006, and appointed Evtim Kostadinov to head the so-named Kostadinov Commission (European Network of Official Authorities in Charge of the Secret-Police Files 2009; Law for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army 2006). Between April 5, 2007 and December 1, 2012, the Commission reviewed more than 100,000 individuals, including prime and deputy ministers, MPs, employees in the presidential administration, mayors, and municipal councilor candidates for local elections.[38] In addition to these public positions, the Commission also disclosed the collaboration of academics, with several more categories of individuals remaining in the file access law and others such as credit millionaires contemplated. Bulgaria's Kostadinov-led Dossier Commission explained its mandate as one of reviewing public office holders or those "carrying out or performing public service" (Law for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army 2006, Article 12). However, only public office holders appointed after 2006, when the law was

passed, are eligible for screening, which left a vast number of political officials ineligible for vetting.

Despite the lack of a formal lustration law, file access and public disclosure policies were codified and implemented, resulting in the public screening and disclosure of collaborators and secret police agents in an array of political and social trust positions. The scope of the screening was wide; in 2013, Kostadinov announced that close to 200,000 individuals were screened by the Commission (Dossier Commission 2013). Bulgaria is an interesting case of no formal lustration, but what can be called a "silent" lustration program driven by a huge late file access and public disclosure program designed to "lift the veil" on the past.[39] While there were no enforceable employment consequences for revealing previous KDS collaboration, the broad scope of the measures across positions of political and social trust combined with the extensive truth-telling and file access provisions constituted real acts of symbolic accountability with potential indirect institutional change elements. The empirical chapters engage whether and how this type of informal lustration, relying heavily on truth-telling and symbolic change mechanisms, affected political and social trust, in comparison to the other types of formal lustration programs.

As of 2013, the Dossier Commission held over 1000 linear meters of files and over 100,000 archival units and continued to process and make public information (Leśkiewicz and Žáček 2013, 8). As such, it did not suffer from the file access problems noted in the Estonian and Latvian cases, although, as with all of the post-communist cases, there remained questions about file veracity and completeness. The work of the Commission continued as of 2014, with several high-profile revelations of former collaborators, including a deputy minister in the energy sector.[40] Moreover, in 2014 the Commission launched a new repository website called "The Register of Employees of State Security and Intelligence Services" to enable the public to search the archives for the names of individuals with collaborator backgrounds in an effort to increase information availability and transparency.[41] In addition, the Defense Information Service, Bulgaria's military intelligence, handed over its dossiers to the Commission in 2015 and this information was made public in January 2016, furthering transparency efforts.[42] These measures constituted a significant file access and transparency program, albeit almost twenty-five years after the transition.

Additional Transitional Justice Measures

Bulgaria enacted several transitional justice measures, including a rehabilitation law—*Law for Political and Civil Rehabilitation of Repressed People* (1991, amended 2010) and the *Amnesty and Restoration of Confiscated Property Act*

(1991) (Kritz 1995). In 2000 Bulgaria passed a law condemning the communist regime and proclaiming it criminally guilty of "national catastrophe" and "the deliberate destruction in Bulgaria of traditional values of European civilization, for the conscious violation of rights and freedoms," among other offenses (Hristov and Kashumov 2012, 288).

Bulgaria also had several high-profile criminal investigations of *nomenklatura* members, including charges against former President Todor Zhivkov, the former Prime Minister Georgi Atanasov, and the former Interior Minister Dimitar Stoyanov (Hristov and Kashumov 2012, 278). Zhivkov was investigated on economic grounds, similar to the case of Albania, and sentenced to seven years for embezzlement (Engelbrekt and Perry 1992). Despite the high-profile nature of the conviction and the fact that it was the first trial of a former communist leader after the regional transitions, the narrow focus on economic grounds and the intentional omission of political or moral wrongdoings again demonstrated a failure of transitional justice. Additional criminal investigations regarding crimes committed under the communist regime were regularly stymied because the cases exceeded the twenty-year statute of limitations on criminal proceedings (Hristov and Kashumov 2012, 279). There was more success prosecuting economic crimes and crimes more proximate to the transition. For example, several high-ranking interior ministry officials were investigated and prosecuted for organizing and ordering the destruction of State Security Service dossiers (Hristov and Kashumov 2012, 282). Therefore, there was a decidedly mixed record on the use of criminal trials in Bulgaria.

Conclusion

Bulgaria was late to pursue transitional justice in earnest. Despite debating and passing two early lustration style laws, the laws were declared unconstitutional and/or failed to be authentically implemented. The limited vetting that did take place avoided political office holders, instead nominally screening semi-public positions like academics. Bulgaria later eschewed altogether the adoption of a lustration law that could screen public officials when a constitutional amendment was passed forbidding lustration (Leviev-Sawyer 2012a). It was not until 2007 that real work started on public disclosures of collaboration and more open file access policies, which in scope and practice resembled informal lustration.

Despite the prohibition on lustration, in practice, the public disclosures constituted a form of informal lustration, mirroring both the use of secret police files and the scope of positions screened in other regional programs. In some ways Bulgaria's disclosure of this information on regime collaboration

went beyond many of the lustration programs in the other categories, throwing open the door to truth-telling. The Kostadinov Commission's program of "silent lustration" focused on the power of truth revelations to both catalyze self-resignations and impact citizen electoral tendencies.[43] Some intellectuals and policymakers in Bulgaria saw this informal system of lustration as a transparent way of creating a new elite—a gradual process but one with a moral mandate.[44] Looking at Bulgaria's approach to transitional justice, and considering the problems with its early failed lustration attempts and the late transition focus on public disclosures as mechanisms of symbolic and institutional change, Bulgaria can be best described as a case of largely informal lustration.

Romania

Romania's vast secret police—the *Securitate*—and collaborator network were believed to be the largest in Eastern Europe. An estimated 600,000–700,000 people in a total population of 23 million were involved in secret police activities (Stan 2002, 55). The size of the Communist Party was also substantial, with an estimated four million members at its height, or roughly one third of the adult population (Stan 2002). Collaboration was pervasive and not easily blamed on *Securitate* agents alone. Many collaborators were drawn from intellectuals and the cultural elite, namely individuals who were respected and trusted by the general population. Based on available information, an estimated 39 percent of collaborators had university educations, 37 percent high school educations, 18 percent were engineers, researchers or scholars, 17 percent were professionals, and 19 percent public servants (Stan 2002). The involvement of the *nomenklatura*, the *Securitate* agents, and the network of collaborators across the demographic spectrum meant that transitional justice efforts would affect all sectors of current society and contributed to the population's hesitancy for a comprehensive program of accountability.

Thwarted Lustration

Calls for lustration were generated early in Romania's transition. In March 1990, the Proclamation of Timişoara (Article 8) requested the banning of former *nomenklatura* members and party activists from public office, thereby initiating a lustration debate. Stan argued that the failure of the Timişoara Declaration left an "indelible mark" on lustration, because "it was felt that to launch the lustration process the country had to condemn communism, a step

few Romanians were willing to take" (Stan 2012b, 91). It should be noted that Bulgaria's lustration efforts were similarly undermined by an unwillingness to condemn communism early on. While all parties could agree that the Soviet occupation and forced communist system should be condemned, there was "silence" regarding what to do about the Romanian communist legacy from Ceaușescu.[45] Stan noted that resistance to lustration came from all political parties and could not be simplistically blamed on the Social Democrats (nationalists and former Communist Party) (2012b, 92). From 1990 to 1996 both the ruling government and the opposition effectively blocked any movement on lustration policies.

In 1999, Law 187/1999 *Regarding the Access to the Personal File and the Disclosure of the Securitate as Political Police* was passed after six years of political wrangling, creating the National Council for the Study of the Securitate Archives—C.N.S.A.S.[46] An original version of the law was proposed in 1993 by Ticu Dumitrescu, the leader of the Association of Former Political Prisoners and an outspoken advocate for file access and transparency. The original 1993 proposal was rejected by the left-dominated parliament, but when Dumitrescu proposed it again in 1996, the center-right government was more amenable (Maxfield 2013). In 1999 a significantly amended version of the law was finally passed (more than one hundred amendments), surviving attempts by senior members of Dumitrescu's own National Peasant Party to block the legislation, catalyzing speculation that members of his party would have been revealed as *Securitate* collaborators (Stan 2012b, 92). The resulting law kept classified the files of current secret service officers for an additional thirty years, thus perpetuating the secrecy of the *Securitate* and its massive network. Dumitrescu referred to this as "the law of covering up the *Securitate*" because its mandate was so compromised by the continued secrecy surrounding the files and opposition from his own party (Travers and Kanterian 2001). The law established voluntary guidelines for self-lustration. The hope was that collaborators would voluntarily step down, thereby relying on disclosures to shame individuals into leaving public positions or refrain from seeking public office (Maxfield 2013; Stan 2002, 54). In practice it resulted in very limited self-lustration, a pattern seen in many CEE countries that tried voluntary removal programs.

In 2006 Parliament modified the existing "lustration" law, increasing the scope of positions to be lustrated and covering a range of public and semi-public positions of public trust.[47] Implementation of the new expansive lustration law was thwarted until finally in 2008 the Constitutional Court struck down all aspects of the ordinance as well as the original 1999 law (Iancu 2010). Another renewed lustration effort in 2010 resulted in the resurrection of aspects of the 2006 law (Parliament of Romania 2006). The law was highly controversial, went through several iterations, and enjoyed the support and

the condemnation of political parties across the spectrum before being struck down by the Constitutional Court (Romanian Constitutional Court Decision No. 820/2010).[48] In February 2012, a new lustration law was passed, to "temporarily limit access to some functions and public dignity for people who were part of power structures and the repressive apparatus of the communist regime," but it too was struck down by the Constitutional Court.[49] A legislatively activist Constitutional Court strongly affected lustration efforts (Iancu 2010).

Public Disclosures as Informal Lustration

As part of the 1999 lustration provisions, the C.N.S.A.S. was established to manage the files, provide file access, disclose the former agents and collaborators, as well as expose the repressive actions of the former communist system; it was designed to enable a lustration of the past.[50] Officially, its mandate was to disclose previous collaboration, not to prevent collaborators from taking public office. However, since the C.N.S.A.S. initially had no direct access to the files when it was created, it was hampered from moving forward independently with the process of disclosures. Moreover, the politicization of lustration, replete with file access problems, file veracity problems, thousands of missing files, and many top officials protected from lustration, all resulted in C.N.S.A.S. being highly criticized for a failure to authentically screen officials (Stan 2012b).

The C.N.S.A.S.'s lustration mandate was officially stripped in 2008, but ironically this is when the real work of the agency began to change.[51] Starting already in 2007, the C.N.S.A.S. stepped into a more expansive, and many would argue more authentic, public disclosure role, similar to that seen in Bulgaria. The scope of the file reviews and screening encompassed individuals in elected positions, economic positions, political institutions, educational institutions, and social institutions, such as the Romanian Church, to name a few. For example, in 2005 before the change the C.N.S.A.S. reviewed 1690 files and revealed forty-nine informants, but in 2010 the C.N.S.A.S. reviewed 16,868 files and publicly disclosed information on 847 informants (Horne 2015).[52] While the disclosures could not force compulsory employment change, they did result in some bureaucratic replacement and marked a shift in Romania's approach to the legacies of the communist past. Chapter 3 explores in more detail the case of Romania, highlighting the scope and transparency of the disclosures program, providing details on the thousands of individuals that were screened through this informal lustration process. In addition to the formal disclosure programs, the C.N.S.A.S. oversaw file access for citizens, with hundreds of thousands of files released to the public between

2006 and 2012.[53] While late in the transition, the C.N.S.A.S. started a process of public disclosure about the communist past.

In structure and function, the C.N.S.A.S. functioned as the Romanian equivalent of the Bulgarian Dossier Commission, charged with public disclosures and employment vetting of individuals in certain public and semi-public positions of power who worked for or collaborated with the *Securitate*, although both agencies lacked a formal "lustration" mandate. Like Bulgaria where lustration was banned, the Constitutional Court in Romania foreclosed lustration as a possibility. The use of disclosures as informal lustration marked a legal method of getting around the bans on lustration, constituting a less compulsory and more symbolic form of lustration. As of 2016, the C.N.S.A.S. was still active and its 2015 report indicated continued engagement with file disclosures.[54]

Other transitional justice measures were considered and in some cases legally passed, however, their implementation has been problematic as well. Legislation was passed in 1990, 1992 and 2001 to allow some property restitution, however, in practice, many of the court approved property restitution cases were rejected by Romanian authorities, with very few properties returned to the original owners in a familiar cycle of failed reforms (Stan 2006b).[55] The official reason given by the then ruling party (Social Democrats), was a desire not to reproduce the inequalities that existed prior to communism, but it was thought that the real reason for the lack of property restitution was how it would have removed assets from current individuals with *nomenklatura* legacies.[56] Romanians appealed to the European Court regarding property restitution problems, and have been awarded millions of lei in damages. Nonetheless, by 2010, only 4000 of 63,000 property return claims that were officially filed with the National Agency for Property Restitution were resolved (Maxfield 2013, 400).

A truth and reconciliation commission—the Tismăneanu Commission—was set up in the Spring of 2006, and asked to report on the period of communist repression by the end of the year (Tismăneanu 2008). Although it was a short time period, the Commission did produce a report, albeit one that was criticized for being largely academic, very expensive, and without real impact.[57] The final results were somewhat tainted by the inclusion of two *Securitate* members on the truth commission (Maxfield 2013, 403). As a result, the potential for real accountability through a truth and reconciliation commission remained unrealized. More recently the *Law to Amend the Criminal Code of Romania* and the Law 286/2009 on the *Criminal Code* were passed, removing any statute of limitations on the criminal prosecution of genocide, crimes against humanity and war.[58] This opened the way for possible criminal trials of individuals for human rights abuses during the communist period, providing an additional avenue for accountability should there be political will (Tismăneanu 2012).

Conclusion

Romania's attempts at transitional justice in general, and lustration more specifically, were erratic, and for the first fifteen years of the transition highly politicized. While Romania's Parliament passed several lustration laws, in general the laws were not implemented, and often declared unconstitutional by the Constitutional Court soon after passage. Some critics argued that Romania has had no lustration whatsoever, but that would ignore the use of disclosures that functioned as informal lustration mechanisms, similar to the process seen in Bulgaria. While formal lustration laws were minimally used to remove individuals from positions of trust, public disclosures of collaboration did result in some bureaucratic change across a range of public and semi-public sectors. The C.N.S.A.S. reported that fear of public disclosure did in fact cause parties to self-lustrate potential candidates before placing them on electoral tickets, thereby demonstrating an institutional change function to disclosures. Although delayed transitional justice, public disclosure policies addressed the continued presence of the *Securitate* in positions of economic, political, and social power (Radio Romania International 2006).[59]

In classifying Romania within a lustration typology, Romania cannot be placed in the limited and noncompulsory lustration category due to its lack of systematic and regularized bureaucratic change mechanisms and problematically inconsistent use of lustration. Of the countries in this study, Romania's approach to the past is most similar to Bulgaria's. Both Romania and Bulgaria pursued late-transition public disclosure measures as forms of informal lustration, hoping that they would affect public perceptions of candidates and force institutional change or promote voluntary resignations. Both countries evidenced some institutional change, across high-ranking political office holders and more ancillary positions in the semi-public sector, as a result of the disclosures or threat of public disclosures. In both cases, file revelations were important symbolic efforts to come to terms with the past and resonated with citizens. These features differentiate Bulgaria, Slovakia, and Romania from the final category of countries in which there has been an active rejection of both symbolic and institutional changes altogether.

Slovakia

Slovakia presents an interesting addition to this category because Slovakia was part of the original Visegrád countries (Hungary, Poland, and Czechoslovakia) and formal lustration laws were in place when it was part of Czechoslovakia

(1991–1993). Upon its split with the Czech Republic in 1993, Slovakia inherited the infrastructure to implement transitional justice, including a comprehensive lustration law, and shared a similar and peaceful transition from communism with the Czech Republic.[60] Despite these structural conditions relatively conducive to transitional justice, Slovakia actively blocked the implementation of its existing lustration laws, and when existing laws expired, it also blocked the passage of any new legislation. There was a strong general tendency against transitional justice across party lines. Despite all the efforts to thwart accountability, Slovakia did open limited file access in 2004 and expanded that access subsequent to the creation of a Memory Institute. In 2007 the Memory Institute started to use its disclosure capacity in a manner similar to Romania's and Bulgaria's in order to effect informal and indirect political changes through the power of public disclosures. Therefore, although Slovakia was late to address its past, it cannot be considered an example of no transitional justice. In keeping with countries in this category, it is an example of late and informal lustration, albeit more limited in scope and intensity than the expansive approach to informal lustration adopted in Romania and Bulgaria.

Aborted Lustration

In 1991, both the Czech Republic and the Slovak Federal Republic were obligated by Act No. 451/1991 *On Conditions for Holding Certain Positions in State Bodies and Organizations* (Kritz 1995d). However, Slovakia did not seriously enforce lustration when it was part of Czechoslovakia, and the Vladimír Mečiar led government tried to get the Slovak Constitutional Court to declare the law unconstitutional in 1994 following its break with the Czech Republic in 1993 (Nedelsky 2009, 48). Although his petition was rejected, the newly independent Slovakia failed to invoke the law, allowing it to remain dormant until the original lustration procedures expired in 1996 (RFE/RL 2001, June 7).

Prime Minister Mečiar was personally against lustration. There were allegations that while serving as the Slovak Minister of Interior in 1990 (while still part of Czechoslovakia) he and his staff made certain files disappear in order to be able to "manipulate Slovak politics to their advantage" (Nedelsky 2009, 47–8). Mečiar was found guilty of file manipulation as well as personal collaboration with the *StB*, and removed from his position as prime minister in 1991. Nonetheless, Mečiar went on to serve several terms as prime minister in independent Slovakia, and substantially influenced Slovakia's turn away from transitional justice. It should be noted that post-Mečiar governments also failed to pursue or revisit transitional justice measures, therefore, the absence of

lustration or transitional justice in Slovakia cannot be solely blamed on Mečiar (Nedelsky 2009, 49).

Slovakia waited nearly a decade to pass a file access bill, finally passing a National Memory Bill in 2002 that allowed file access for citizens and created a National Memory Institute. Even in 2002 file access remained contentious, requiring a parliamentary override of the president's veto (RFE/RL 2002, 21 August). Act no. 553/2002 Coll. established the Nation's Memory Institute—(Ústav pamäti národa—ÚPN), and charged it with managing the secret police files, disclosing documents in the files, providing information to victims of communism, and publicizing information on the persecutors and their activities under the communist regime (European Network of Official Authorities 2009, 66–7). It is estimated that there were approximately 60,000 files on former *StB* agents and informers (Nedelsky 2009, 55). The focus of the act was on disclosures and access to those files.

In what was termed "lustration without legal consequences," Prime Minister Ján Čarnogurský, a strong advocate for file access, thought that disclosures would prompt voluntary demotions or removals (Nedelsky 2009, 56). Once public ministries and offices knew about the identities of their workers, Čarnogurský believed they would unofficially lustrate them by removing the *StB* agents and collaborators from public positions. This hoped-for voluntary bureaucratic change element did not transpire on the scale that would constitute a limited lustration program; nevertheless, there were some changes. The first official internet publication of *StB* names prompted a few prominent resignations in a kind of self-lustration process of some MPs and religious figures (Nedelsky 2009, 56). There were also many rebuttals and refusals to leave positions, combined with justification for *StB* collaboration.

The ÚPN faced major impediments to its work; it was not given office space, had its lease revoked on building space, and twice faced parliamentary actions to dissolve it (European Network of Official Authorities 2009, 66–7). The ÚPN blamed the delays and impediments on obstructionist political forces, suggesting "[the problem] is mainly connected with the fact that several of the politicians employed in the present political life have been confronted with disclosure of their former collaboration with the State Security Service."[61] The ÚPN struggled to fulfill its mandate, consistent with its previous history of thwarted reform, although since 2007 there were marked improvements in file access and transparency. As of 2013, the ÚPN had over 2100 meters of files, with approximately 62,000 files consisting primarily of ŠtB investigative files (Leśkiewicz and Žáček 2013, 239).

Starting in 2004 and continuing with an expanded approach in 2007, the ÚPN advanced a disclosure-based approach to lustration, similar to that in Bulgaria and Romania, albeit more limited in power and purview. While

Bulgaria's Dossier Commission was required to publicly disclose information about known collaborators across an array of public and semi-public positions, the ÚPN had a more limited mandate. The Institute could supply copies of the records of people registered as collaborators to anyone—including the press, which is how the ÚPN provided public disclosure information (European Network of Official Authorities 2009, 72). In 2009 alone the ÚPN provided access to 225,350 pages of archived materials in its research room (Leśkiewicz and Žáček 2013, 240). This circuitous method reveals how many impediments remained in place to both file access and public disclosures. According to the ÚPN, "Nevertheless, the ÚPN's operation has virtually been instrumental in raising public awareness so that disclosure of the said past usually comes along with political embarrassment, and pressure of public opinion seeking and resulting in the resignation of the person concerned" (European Network of Official Authorities 2009, 68). As such, the ÚPN framed its own work in terms of informal lustration through public disclosures. The newfound role of the ÚPN as an informal "unmasker" of collaborators in positions of power occurred late in the transition and was tenuous in terms of its legal mandate as of 2013.

Allegations were periodically raised that *StB* agents were still running for elected positions, or were in positions of authority, but such allegations did not appear to materially impact elections or provoke widescale vetting (RFE/RL 2002, August 16; RFE/RL 2002, January 31). The president, cabinet members, parliamentary deputies, judges, and prosecutors were exempt from vetting, as well as town mayors, thereby already narrowing the scope of positions screened. NATO expressed dissatisfaction with the lack of vetting of Slovak officials with access to information, yet again, this failed to prompt expansive bureaucratic change.

Public opinion polls indicated low levels of citizen interest in lustration measures. Nedelsky cited a series of Central European University surveys over the period 1992 to 1996—early in the transition—showing generally low levels of interest in "the goal of removing former communist from positions of interest" (Nedelsky 2009, 50). There was also little broad societal support for file access measures (Nedelsky 2013, 437). More recently, citizen behavior also suggested a lack of interest in the issue, with the ÚPN reporting declining citizen interest in file access, with only 405 requests for files over the course of 2008 down from 6216 requests for files in 2004.

Additional Transitional Justice Measures

There were few additional transitional justice measures adopted by Slovakia, although the *Law on the Immorality and Illegality of the Communist Regime*

(125/1996) was passed laying the groundwork for prosecution of crimes committed under the previous regime, however, there was little support for actually pursuing criminal charges (Nedelsky 2009, 60; Nedelsky 2013, 436). On July 9, 2002, the parliament adopted a law to provide compensation to political prisoners and their surviving relatives (RFE/RL 2000, October 2; RFE/RL 2002, July 11). Therefore, there was movement on financial compensation for living political prisoners and their families. In many ways, the larger approach to transitional justice mirrored the problems with implementation seen for lustration and file access. While the laws might have legally passed, there was little motivation to implement them and little public pressure for compliance.

Conclusion

Slovakia's approach to transitional justice in general and lustration more narrowly was unexpected. Slovakia demonstrates that neither the nature of the transition (violent or velvet), nor the timing of reforms (early or late), nor the timing of EU membership, nor proximity to the former Soviet Union (closer or further from the influence of Western Europe) can simplistically explain transitional justice choices or outcomes. Slovakia is unexpectedly grouped with the Balkans in terms of the scope and implementation of its informal lustration programs, although its program was more anemic than either Romania's or Bulgaria's.

Slovakia has no lustration law on the books; similar to Romania and Bulgaria, all three countries both passed lustration laws and also rejected formal lustration legislation. This distinguishes these cases from those of countries in the outright rejection of lustration category. There has been enough change in leadership to suggest Slovakia's approach to the past was not exclusively a function of Mečiar, since even Prime Minister Mikuláš Dzurinda announced in 2000 that Slovakia had more pressing economic and political issues to address than lustration (Nedelsky 2013, 436). Slovakia engaged in minimal debate about memory politics, and was reluctant to support truth-telling and file access. Slovakia was late to establish a national memory institute and make file access possible, and even then implementation was delayed and systematically impeded. However, it is not a case of no lustration. Starting in 2007 the Memory Institute took a more interventionist role, and the Institute itself is part of the consortium of "European Network of Official Authorities in Charge of the Secret-Police Files."[62] This consortium was dedicated to both securing the files and providing access to the files in order to promote regime accountability. The ÚPN described its own mission as one of informal lustration via the mechanism of public disclosures.

Therefore, despite the fact that the institutional setup of the ÚPN was weaker than that of C.N.S.A.S. and the Dossier Commission, it is similar in its efforts and draws on the work of the other memory institutes in this consortium. As such, Slovakia's late disclosure approach to lustration places it within this category of informal lustration through public disclosures. The measures in Slovakia were tepid compared to the other countries in this category, however, when compared to the cases of Russia, Ukraine, and Albania to follow, it is clear that Slovakia cannot be included in a category of absolutely no lustration.

NO LUSTRATION: ALBANIA, UKRAINE, AND RUSSIA

Countries in this category either summarily rejected any type of lustration (both formal and informal), such as Russia and Ukraine, or in the case of Albania, were successful in thwarting the implementation of any measures that did pass. In the case of Albania, lustration laws were either ignored or declared wholly or partially unconstitutional by the Constitutional Court and therefore not implemented. In the case of Ukraine, lustration was considered and rejected. In the case of Russia, even lustration debates were foreclosed when lustration was declared illegal early in the transition. In the *Informal Lustration* category, there were many domestic political hurdles to lustration, and both Bulgaria and Romania even legally foreclosed formal lustration avenues. However, in the absence of lustration laws, informal lustration measures, public disclosures, and files access provisions constituted alternative forms of accountability for countries in the *Informal Lustration* category. These alternates were not adopted in countries in the *No Lustration* category; by contrast, these countries largely refused to engage with memory politics, either limiting access to the files or sealing the files. There was a systematic effort by countries in this final category to reject both transitional justice debates and measures. Therefore, this category constitutes cases that rejected both institutional and symbolic change mechanisms.

This category is important as a point of comparison to the other categories; it plays the part of the foil. For the countries in this category, lustration was a real option. All of the post-communist countries are geographically proximate and were aware of the programs of the others; many were influenced directly by their neighbors. All of the post-communist countries essentially transitioned around the same time period, therefore lustration was a temporally current possibility. While Ukraine and Russia are examples of countries that did not implement lustration, they engaged in a choice to reject lustration—it was not a non-issue even in these countries. Both explicitly rejected proposals

presented before Parliament, demonstrating that there was pressure to consider a vetting of the communist institutions in these states. Therefore, these cases present important counterfactual opportunities to compare the path not taken in post-communist transitions.

Before delving into the details of the cases, an aside regarding the applicability of these cases in the larger comparative project is required. There is an exceptionalism argument in the post-communist literature on Russia. As the core and driving economic and ideological force behind the Soviet Union, Russia is singular in so many ways—too big, too central, too resource rich—that some argue it does not readily or credibly lend itself to comparisons with the other post-Soviet/post-communist experiences.[63] Similarly, there is a narrative about Baltic exceptionalism. This narrative argues that the Baltics cannot be treated like other post-Soviet republics and should be classified more appropriately with the experience of Central and Eastern Europe, selectively dismissing their decades of inclusion in the Soviet Union and long history of Russian occupation prior to the First World War.[64] Although this project acknowledges the singular role of Russia and the ways in which the Baltics differed from other Soviet states, I do not subscribe to these strains of exceptionalism within the context of comparative analysis.

This decision to include the range of communist experiences in a broad analysis of transitional justice and trust is consistent with recent work, such as Stan (2009), Kornai and Rose-Ackerman (2004), and Barahona de Brito, González-Enriquez, Aguilar (2001). All of these volumes compared Russia to similarly situated post-communist transitions in the region, with direct reference to transitional justice and trust-building issues. Grodsky compared transitional justice choices in Uzbekistan, Poland, and Croatia, showing a trend toward mixing post-Soviet and post-communist experiences in comparative inquiry (2010). As such, in keeping with newer comparative work that includes Russia and Ukraine in regional post-communist studies, this project also embraces a comparative approach to post-communist transitional justice questions. Including Russia and Ukraine adds an important element to this study—the case of *no lustration*—which in many ways can be as illustrative for an evaluation of the impact of lustration on regime goals as the case of full lustration.

Albania

Under the Communist leadership of Enver Hoxha, Albania was described as the most repressive regime in the CEE region, and "one of the most tightly closed societies in the world" (Kritz 1995, 723). Hoxha punished political opponents with imprisonment in forced labor camps and/or death. Albania's

Directorate of State Security (*Drejtorija e Sigurimit te Shtetit*) or the *Sigurimi* (secret police) was substantial, with an estimated 10,000 full time agents with military rank, and a vast secret police network penetrating all segments of society (Austin and Ellison 2008, 377). Human Rights Watch estimated that one in four Albanians collaborated with the secret service, or approximately 25 percent of the adult population (Austin and Ellison 2008, 376–7). This was substantially higher in percentage terms than even Romania, which was estimated to have the largest absolute network of informers in Eastern Europe (Stan 2002). In addition to the secret police and its network of informers, there were approximately 122,000 party members or 3–4 percent of the population. Given the degree of complicity of the population in both the party and the state security apparatuses, a lustration program would have materially impacted all sectors of society.

Lustration Run Amok

Albania debated and even passed a lustration law, but in the end failed to implement lustration. The 1993 Law *On the Creation of a Commission to Re-assess Licenses for the Exercise of Advocacy* was an attempt at targeted employment lustration of the legal profession (Imholz 2004a). It prohibited certain categories of collaborators or officers with the State Security agency (*Sigurimi*) as well as members of the Party of Labour of Albania (the Communist Party) and their central, district, and regional level officers from work as lawyers for a period of five years. The Constitutional Court struck down this limited lustration law in May 1993, arguing that several articles violated parts of the constitution (Imholz 1993). Following this lustration attempt, two more general lustration laws were passed in 1995, popularly known as *The Genocide Law* and *The Verification Law* (see Appendix 1 for full names; Imholz 2004b; Imholz 2004c). *The Verification Law* provided for the screening of potential and actual members of the government, police, judiciary, educational system, and media in order to determine affiliations with communist era government organs and/or state police (Imholz 2004c). The law created a Verification Committee with exclusive rights over the secret police files, which immediately barred 139 people from participating in elections. Unfortunately the Verification Committee was largely made up of the Democratic Party members and those barred were from opposition parties, thus rendering lustration a tool of political manipulation more consistent with a purge of the opposition than a lustration program (Austin and Ellison 2008, 388). In 1997 the Democratic Party lost power in a huge scandal requiring international intervention to restore stability. The Socialist Party that took power reduced the scope of the

Verification Law to include only members of the Politburo, former agents of secret police or foreign intelligence agencies, and individuals convicted of crimes against humanity (Austin 2013, 11). The *Genocide Law* was similarly rolled back and the Supreme Court acquitted all those accused. In essence, despite the formal lustration laws, there was little implementation in practice and both measures expired in 2001. The overt political manipulation of the laws, smear campaigns against opposition parties, and informal allegations published in newspapers, combined with a lack of citizen access to the files, resulted in no lustration in practice.

In 2008 an expansive late lustration law—*The Law on the Cleanliness of the Character of High Functionaries of the Public Administration and Elected Persons* (the "Clean Hands Bill")—was passed. It was a self-declared moral cleansing bill to verify the background of individuals across a wide range of public offices, so it had the potential to be an actual lustration measure (Balkan Insight 2008). The Council of Europe's Venice Commission condemned the wide scope of the measures, and it was declared unconstitutional before going into effect (Austin 2013). Although there was no file access for Albanians, there was also little public support for the files to be opened (Austin and Ellison 2008, 396). As such, while Albania actively debated and passed a lustration law, it was declared unconstitutional. Unlike Bulgaria and Romania, Albania did not pursue informal lustration as a way to circumvent the constitutional court ruling.

Purges and Trials as Politicized Bureaucratic Change

The Communist Party practiced routine purges across all segments of the Party, society, intellectuals, and the military before 1991, and Albania continued this purging style of change after independence (Kritz 1995, 723). When the *Sigurimi* was abolished in 1991, its membership was purged by 70 percent before being resurrected as the National Information Service (SHIK) (Austin and Ellison 2008, 379). Albania purged its public sectors in 1992, replacing bureaucrats with party loyalists (Austin and Ellison 2008; Austin 2013). Similarly, Austin and Ellison documented the "massive purge of the state sectors" following independence (2008, 382). Some estimates suggested 250,000 people lost their jobs in employment purges after the 1992 general election. Clearly, this was a substantial change in the bureaucratic composition of the secret police and state structures, however, this highly politicized approach to bureaucratic change was not transparent, consistent, or legitimate, and did not include general secret police file access. Therefore, these extralegal political purges cannot be assumed to have the same trust-building effects as transitional justice measures that are legally prescribed measures.

As highlighted in Chapter 1, the difference in structure and intent of purges and lustration render them distinctly different bureaucratic change measures.

Albania initiated criminal trials early in the transition, with seventy former communist officials and members of the *nomenklatura* put on trial between 1992 and 1994 (Kritz 1995, 724). The focus of the trials was on economic crimes, highlighting the luxurious spending of the communist elite, not their political wrongdoings. It was not possible to focus on political crimes, as this would have included individuals who were part of the then current government. "As former President Sali Berisha noted, there were practical reasons for choosing mundane economic issues over serious political ones" (Austin and Ellison 2008, 380). However, the narrow focus on the unfair economic privileges of the *nomenklatura* ignored political abuses, and therefore minimized serious transitional justice efforts. In sum, both the use of purges and the focus on economic crimes and away from political crimes negated any authentic transitional justice mechanisms in post-transition Albania.

Conclusion

Although Albania passed several lustration laws, they were either declared unconstitutional or were not implemented. The minimal bureaucratic change that took place was highly politicized and used as a tool against the opposition, looking more like selective purging than lustration and resulting in little to no institutional change. In essence, Albania avoided multiple attempts at lustration, intermittently wielding measures as tools against the political opposition.

Albania is not a case of lustration because extralegal purges are not lustration measures. Due to the lack of file access and lack of public disclosures, one cannot even suggest that Albania took an informal approach to its lustration program. Like Slovakia, Albania is a case of a country that had lustration laws on the books, but failed to implement them, but unlike Slovakia, Albania eschewed even informal attempts at screening, lustration, and public disclosures. This highlights once again the importance of considering the actual implementation of measures in any transitional justice coding scheme, as simply focusing on the passage of laws could lead to misleading conclusions about the actual lustration process.[65]

Ukraine

In 1991, Parliament abolished the KGB and banned the Communist Party (Trochev 2013, 493). Both of these were efforts to condemn the communist past, without assigning blame or demanding accountability. The Security Service of Ukraine (Служба Безпеки України, *Sluzhba Bezpeky Ukrayiny*,

SBU) was created when the KGB was abolished in 1991. Approximately one third of officers left, either voluntarily or by force; however, the SBU "retained the KGB chiefs in most regional SBU offices and kept other KGB officers and its network of informers intact" (Trochev 2013, 493). Similarly, the Communist Party (CPU) reconstituted itself in 1993 and it merged with the old CPU in 2002, thereby recreating a strong Communist Party network. As such, both the Communist Party and the secret police remained strong holdovers from the previous system, and both opposed lustration.

There are several reasons why Ukraine might have chosen not to pursue either retributive or restorative justice measures after 1991. First, there was minimal political turnover in 1991 when Ukraine became an independent state; its current leaders were in positions of power under the Soviet system. Opening the files would have demonstrated the degree to which current leaders were complicit with the KGB and secret police networks. There was little political support among Ukrainian leaders for lustration measures, which in effect would have resulted in self-vetting.

Second, logistically speaking using the files was problematic. A substantial portion of the KGB files were taken to Moscow in 1991 or destroyed by the Ukrainian successor to the KGB out of fear of self-incrimination (Trochev 2013, 494). While Ukraine did have physical custody over some of its files, in 2010 it was estimated that only two percent of the classified documents related to the post-1953 period remained in the hands of the Ukrainian authorities (Trochev 2013).[66] Ukraine did have a file agreement with Russia that would have assisted with file sharing and transfers in theory, but in practice there was a lack of political will to do so.

Third, Ukraine has salient East–West divisions, which could have been electrified by transitional justice measures. There was more collaboration in the Russian friendly Eastern section of Ukraine than the Western half. The Eastern half was always more sympathetic to Russia and more heavily populated with Russian nationals than the Western half (Stan 2009, 238). Therefore, there was a fear that singling out perpetrators for punishment might exacerbate the divisions between Eastern and Western Ukraine and unravel the newly independent country.

Lustration Rejected

After the Orange Revolution in 1995, two lustration bills were proposed but rejected by both the president and Parliament (Stan 2009, 239). President Viktor Yushchenko announced that the time for lustration had passed, arguing that regime legitimacy was demonstrated by the popular mandate conferred on his administration by the Orange Revolution and the ouster of President Leonid Kuchma. Yushchenko's administration purged the former

Kuchma bureaucrats and supporters in government offices and agencies at both the local and national levels. The purges were wide, personalized, and not consistent with the legalized or transparent nature of lustration measures. The Orange Revolution provided a window of opportunity for lustration, and although twice proposed, it was rejected (Woehrel 2005). In 2009, lustration reappeared again on the political agenda when the head of the Ukrainian Security Services, Valentyn Nalyvaychenko, announced "the launch of a Ukrainian version of lustration" in which previously confidential documents about the "crimes of communism" would be released, although the time period for those documents was pre-1950 (Kuzio 2009). Therefore, even the proposed "Ukrainian lustration" would not have touched current leaders.

Following the events of 2014 and the removal of President Viktor Yanukovych, renewed calls for a lustration of public office holders and political institutions resurfaced from citizens, NGOs, and the government alike (Piasecka 2014). The Ukrainian Parliament passed a law to lustrate the judiciary in April 2014 aptly called the *Restoration of Trust in the Judiciary* (Supreme Court of Ukraine 2014). A broader lustration bill called The *Law on Government Cleansing* (Lustration Law) was signed into law on September 25, 2014 (Law of Ukraine No. 1682-VII 2014). Human Rights Watch criticized the laws for potential rights violations and because they lacked appropriate consultative oversight from the Council of Europe (Human Rights Watch 2014). In 2015, the Venice Commission also criticized the lustration law, highlighting problems with its structure and intention, although in the end ruling on its admissibility(European Commission for Democracy through Law 2015; Ukraine General Newswire 2015). Critics worried that the instrumental manipulation of lustration could undermine any future trust-building potential (Popova 2014). While these lustration measures constitute potential real attempts to use transitional justice measures, they fall outside the temporal scope of this book project. For example, the lustration of the judiciary was focused on the period between November 21, 2013 to February 21, 2014, focusing on breaches of ethics and fairness under Yanukovych (Law of Ukraine No. 1188-VII 2014). Moreover, the *Law on Government Cleansing* was just starting to be implemented by 2015, therefore as of 2016 it is not possible to assess impact. As such, these are important laws to consider for future research, but they do not change the classification of Ukraine as a country that rejected attempts to deal with its communist past up through 2013.

File Access Limitations Refocus Debate on Distant Past

Limited file access provisions were instituted for victims and scholars (see Law 962-XII/1991); however, individuals were prohibited from seeing information

that might portray someone else negatively. Law 3814-XII/1993 instituted a seventy-five-year ban on the release of confidential files, thereby substantially minimizing file access in general. When file access was available, it focused on the less politically salient pre-1953 period. This period was considered less controversial because most of the leaders responsible for atrocities were deceased and because Stalinist excesses and the *Holodomor* (Great Famine) genocide are now widely accepted facts (Conquest 1986).[67] The Ukrainian Institute of National Memory (Law 376-V/2006) similarly focused on the victims of the *Holodomor* (Trochev 2013, 494–5). In a word, efforts at accountability focused on the crimes of Stalinism, constituting a diluted retrospective justice but no transitional justice.[68] In conclusion, Ukraine is an interesting case because of its active contemplation and rejection of lustration, thereby demonstrating that rejecting lustration was an intentional choice.

Russia: Foreclosing Lustration Options

The Russian Parliament made lustration a criminal offense in 1991, both banning the exposure of KGB agents and protecting the status of collaborators (Ellis 1997). This effectively thwarted efforts to vet the successor to the KGB—the FSB (Федеральная служба безопасности Российской Федерации, *Federal'naya sluzhba bezopasnosti Rossiyskoy Federatsii*) its network of informers, or high-level office holders at the national or regional levels (Stan 2009, 228). It was estimated that the KGB had a network of approximately 2.9 million informers across the Soviet Union, and that the KGB itself had 720,000 full-time officers at its height (Stan 2009, 225). This vast network of agents and informers remained in positions of public trust across public institutions and semi-public institutions. This agent and informer network perpetuated the power of the *siloviki (*силовики́), referring to the networks of former KGB and security service personnel who retained positions of power.

Despite an official ban on lustration, a lustration bill was written and informally circulated in 1992 by Galina Starovoitova, a human rights advocate and member of the opposition political party Democratic Russia (Human Rights Organization 2012). She was infamously assassinated in her apartment building in 1998, allegedly because of her continued criticism of the government, organized crime and FSB networks (Myers 2002). Her lustration proposal did not move forward after her assassination. Arias-King also suggested that Boris Yeltsin considered lustration twice, but withdrew his last proposal under pressure from the *siloviki* who would have been vetted from positions of power (Amsterdam 2008). In sum, lustration was contemplated and rejected in the Russian case.

Symbolic Justice Thwarted

Yeltsin instituted rehabilitation measures, and limited property restitution and compensation for victims of political repression. These measures embodied the original approach by Mikhail Gorbachev early in the reform process—"address the victims and the crimes, without acknowledging culpability, or admitting *who* or *what* was to blame" (Adler 2013,408; Gorbachev 1987). The grassroots organization Memorial (Мемориал) was established in 1987; its original goal was to reveal and preserve the memory of the victims of the Great Terror and the Stalinist reign of terror, thereby focusing on the distant past. Memorial prepared *Books of Memory* including the names of hundreds of thousands of victims of the successive waves of terror (Stan 2009, 222), and in 2007 read aloud the names of more than two million victims of state terror at the Day of Victims of Political Repression commemoration (Adler 2013,409). Memorial's efforts to shift from a focus on the distant past to more proximate issues were hampered by Putin's suppression of the work of NGOs and grassroots organizations.[69]

In sum, Russia turned away from formal lustration measures, although they were suggested for both public and semi-public office holders and individuals in broadly defined positions of public trust. Making lustration illegal closed the door on forced institutional change, and left open only symbolic accountability measures. General file access was technically available but limited in practice (Stan 2009, 229). Moreover, a virulent nostalgia for the past—even Stalin—has meant society did not always (if at all) support authentic historical accountability efforts.

In conclusion, Russia, Ukraine, and Albania are more than examples of no lustration. They are examples of the active and intentional rejection of lustration. Lustration was on the table for debate in all the countries multiple times, and it was rejected under different political leaders and at different moments in the transition. Therefore, these three countries constitute important cases of the active rejection of lustration, adding depth to the lustration typology.

Summarizing Country Placement within the Typology

To summarize, there are four types of lustration and transitional justice measures presented in the typology: Compulsory Lustration, Limited Lustration, Informal Lustration, and No Lustration. This chapter presented country case details about the structure and implementation of lustration policies, file access provisions, and public disclosures in order to categorize twelve

post-communist experiences with transitional justice within this typology. The cases are not designed to explain *why* a country chose a certain lustration program; these summaries are designed to describe *how* a country effected or failed to effect lustration policies. While each country case is of course unique in its own way, the countries are necessarily compared to each other in order to develop an ordinal scale of lustration measures across the post-communist region. In this way, the resulting relative typology can be used to test the conditions under which lustration measures and their complementary transitional justice programs affected political and social trust-building and democratization during the post-communist transitions.

There are many factors used to determine the categorization of the countries, including the degree to which the lustration laws were 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. Appendix 1 summarizes the main laws and legal decisions by country, and Appendix 2 provides a comparative timeline of measures to support these thick country descriptions. While no single factor trumps all the other considerations, the typology focuses on the intersection of institutional changes and symbolic changes in each lustration and public disclosure program. The degree to which the lustration and public disclosure laws force compulsory personnel change as opposed to voluntary personnel change, or alternately are effected through informal change mechanisms is presented as a primary factor. Augmenting the bureaucratic change factors are many types of symbolic change measures, such as file access provisions and public disclosures, reflecting the important truth-telling goals of the laws. The combinations of bureaucratic and symbolic change measures evidenced in the post-communist space create a lustration and transitional justice typology into which the twelve countries considered in this study cluster and can be compared.

MEASURING TRANSITIONAL JUSTICE

This book engages with three primary questions related to lustration and accompanying measures: under what conditions has lustration supported trust-building and democracy?; what is the mechanism(s) by which lustration affects trust-building?; and how does the timing of reforms affect trust-building and democracy? Building on the lustration typology presented in this chapter,

this section specifies how lustration will be operationalized in order to facilitate an exploration of these questions in the subsequent empirical chapters. Additionally, the basic coding of truth commissions is presented in order to test their impact both individually and as complements to lustration measures.

Lustration Measures

Table 2.2 presents the condensed version of the Transitional Justice Typology, and specifies the ordinal ranking of the lustration categories in the typology on a scale from 1 to 4. Compulsory lustration is coded as 4, limited lustration is coded as 3, informal lustration is coded as 2, and the absence of lustration is coded as 1. These four types of lustration fall along a continuum, from maximal to minimal measures, based on the structure and implementation of measures. The countries are necessarily coded in relation to each other along this ordinal scale. This variable is named the *lustration measures* variable and countries within each category are coded accordingly.

At its most basic, this coding facilitates an exploration of *the conditions under which lustration* affected transition goals. Additionally, the ordinal ranking of lustration measures is conceptually more nuanced than dummy variable categories or dichotomous relationships (presence or absence of lustration laws), and therefore facilitates the testing of several other possible relationships between lustration reforms and trust-building and democracy such as, *how lustration affected outcomes*. This question involves the design of lustration programs, such as the optimal size, scope, duration, and severity of lustration programs. Should bureaucratic change be compulsory or voluntary? Does institutional change have a larger magnitude of effect on trust-building than symbolic measures alone? Or perhaps institutional change could even be counterproductive? As such, by comparing the types of reforms, namely the mixture of symbolic and institutional reforms, one can tease out the mechanisms by which lustration affected trust-building and other transition goals. Finally, the ordinal coding allows an estimation of the magnitude of effect of each type of lustration program on outcomes, something not possible with

Table 2.2. Lustration measures variable

Compulsory Lustration (4)	Limited Lustration (3)	Informal Lustration (2)	No Lustration (1)
Czech	Hungary	Bulgaria	Albania
Latvia	Poland	Romania	Russia
Estonia	Lithuania	Slovakia	Ukraine

lustration variables that code simply the presence or absence of the laws. In this way, one can explore *the strength* of the relationships between different types of lustration programs and trust-building and democratic consolidation.

Temporal Conditions: The Timing of Reforms

In order to explore the possible impact of timing on reform efficacy, I propose two different variables. First, timing can be most simplistically measured as a function of the years that passed after independence before lustration policies were passed. For this measure the focus is on the start of reforms, understood as the moment when the first law was passed. In some cases, the passage of the laws equates with actual implementation. However, some countries delayed implementation. For those countries, there remain symbolic elements associated with the passage of the laws that must be considered. Therefore, measuring timing as a function of the passage of the first major lustration law takes into consideration the fact that lustration is a catalyst for both symbolic and institutional changes.

For this first timing measure, timing is recorded as the difference between the year of the first lustration policy and the earliest possible start of a lustration program, meaning the year of regime change.[70] Exact dates used in determining timing are presented in Appendix 1. Once lustration was enacted it remains coded as "active" for the duration of the time period considered. The literature suggests a linear relationship between timing and efficacy, with efficacy declining with time.[71] This assumption can be tested by including a variable for the timing of lustration and a variable for timing squared, in order to test for the possible presence of a nonlinear relationship between timing and efficacy. In sum, the first *timing of lustration variable* uses the dates the laws were passed to explore possible temporal factors affecting lustration measures.

However, it is not really the timing alone that scholars and policymakers think has the greatest impact on trust and governance; actual implementation is paramount. Are lustration programs *actually implemented when legislation is passed?* Therefore, I developed a second timing measure to capture the regional *waves of reforms*. The waves of reform do not focus exclusively on lustration policies, but also include file access and public disclosures as informal lustration policies. This alternative measure of timing captures the essence of what policymakers and academics mean when they say "timing" matters—holistic reforms, implemented at different time periods in the process of transition. It is difficult to determine the exact moment of reform implementation of each country. The margin of error in any such variable would be too great to be used with any confidence, and the coding too contentious, however, one can see waves of reforms swept across the CEE

Table 2.3. Lustration waves variable

First Wave (1) 1989–1996	Second Wave (2) 1997–2005	Third Wave (3) 2006–
Albania (1995)	Hungary (2000–)	Bulgaria (2006–2012)
Czech Republic (1991)	Poland (1997–present)	Lithuania (2005–2012)
Estonia (1995)	Slovakia (2002–2008)	Romania (2006–2012)
Latvia (1994)		

region. Appendix 2 illustrates a distinctive clustering effect observed in the implementation of reforms. This resulted in overlapping but clearly discernible periods: First Wave 1989–1996, Second Wave 1997–2005, and Third Wave 2006–present reforms.

This *lustration waves variable* focuses less on the exact year of the passage of the lustration laws, and more on when the main discourse on transitional justice was translated into concrete policy actions. This alternative timing variable could result in very different conclusions about the relationship between the timing of reforms and their efficacy. For example, Bulgaria's first *Law on Banking* was passed in 1992, although never implemented, with public disclosures gearing up fifteen years later. Hungary passed its first lustration laws in 1994, but only engaged in a committed lustration and reform process during the second wave period. Table 2.3 summarizes the *lustration waves variable*, capturing the main period of time in which reforms were actually implemented.

Countries for which there are no lustration laws—Russia and Ukraine—are not included in the *lustration waves variable* due to the absence of lustration policies. To include these countries as a 0 would distort the ordinal nature of the coding scheme, therefore, any analysis of lustration waves will exclude those countries. Since *Eurobarometer* data already excludes these country cases, this variable—lustration waves—will primarily be used with the *Eurobarometer* trust data. The alternative measure of timing will be used in samples that include all the country cases. In sum, both measures of timing complement each other. One focuses on the moment the laws were passed and the second measure focuses on the primary implementation period. Together and separately they serve to assess *if and how the timing of reforms affects efficacy*.

Truth Commissions

Although the region largely eschewed truth commissions as a way of addressing the past, the five post-communist countries with truth commissions are listed in Table 2.4. Romania's truth commission engaged with the most recent

Table 2.4. Truth commissions variable

No truth commission (0)	Albania	Czech Republic
	Poland	Slovakia
	Bulgaria	Hungary
	Russia	
	Ukraine	
Truth Commission (1)	East Germany (1992)	
	Estonia (1998)	
	Latvia (1998)	
	Lithuania (1998)	
	Romania (2006)	

communist past (Maxfield 2013), but the Baltics employed truth commissions focusing exclusively on the Nazi era and pre-Soviet period. Given the paucity of cases, and the lack of a focus on truth-telling about the Soviet period in several of them, it is not possible to assess how the quality of the truth commissions might affect communist legacies. Therefore, a simple dichotomy—presence or absence of truth commissions—is included in the models in order to take a first cut assessment of possible relationships between truth commissions and transition goals.

In conclusion, this section outlined four different ways to operationalize lustration and transitional justice. I proposed a lustration measures variable (Table 2.2), a timing of reforms variable (dates in Appendix 1), a lustration waves variable (Table 2.3 and Appendix 2), and a truth commissions variable (Table 2.4).[72] Each of these variables, except for truth commissions, represents an original coding scheme. These variables are designed to be complementary and maximally triangulate the concept of lustration and public disclosures in practice. They will comprise the primary method of coding lustration and related transitional justice measures in the ensuing empirical chapters.

Endogeneity Concerns

This chapter evaluated twelve post-communist countries according to their lustration and transitional justice choices and placed them in the Lustration and Transitional Justice Typology. However, what if this categorization was really a function of an unspecified endogenous factor or factors? Since lustration is a policy choice emanating from within a country—it was not imposed on any of the countries in this sample—it is necessarily a function of factors endogenous to the domestic environment. The question then arises is there a factor(s) that explains the choice of lustration and therefore is a potentially

more accurate explanation of changes in trust and/or democracy? What attention has been paid to endogeneity concerns in the development of this lustration typology? The focus is on conditions that predate lustration choices, such as domestic factors in the immediate transition environment, which could explain lustration outcomes. As the previous literature review highlighted, factors proposed as possible explanations for the choice of lustration programs include: the initial levels of democracy, the nature of the transition, the initial levels of government effectiveness, the potential for EU membership, and the initial geopolitical environment, to name a few. As scholarship on the post-communist states has illustrated, none of these factors explains lustration policy choices.

First, as Figure 2.1 illustrates, countries with similar levels of democracy at the start of the transition chose different lustration programs.[73] Czechoslovakia is a case in point, where both the Czech Republic and the Republic of Slovakia chose very different lustration paths despite starting at similar democracy points. In the end, despite Slovakia's relatively strong democracy scores at the start of the transition, it chose a minimal lustration path similar to Romania and Bulgaria—two countries with relatively low initial democracy scores. Furthermore, Hungary, Poland, and the Czech Republic looked similar with respect to democracy levels at the moment they started lustration, but again chose different approaches. Ukraine's democracy score was the same as Estonia's at the start of the transition, but Ukraine and Estonia present opposite ends of the lustration spectrum. In sum, countries with higher levels

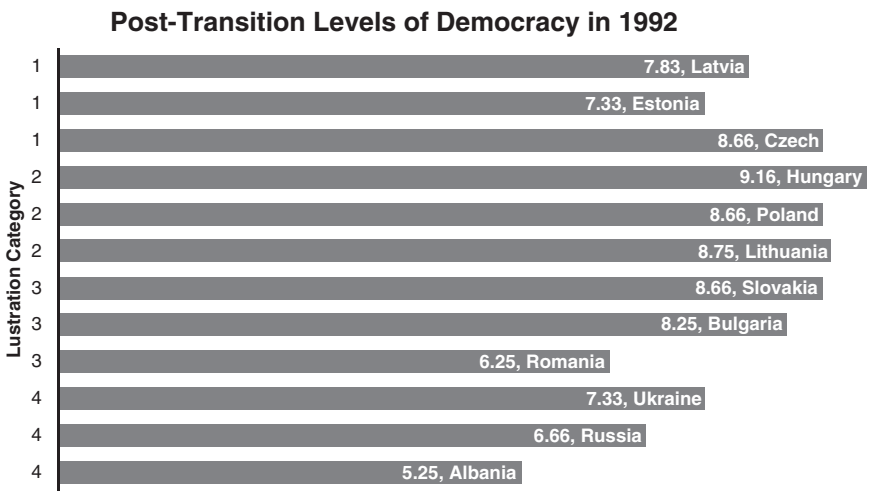

Figure 2.1. Post-transition democracy compared to lustration category

Source: Polity IV

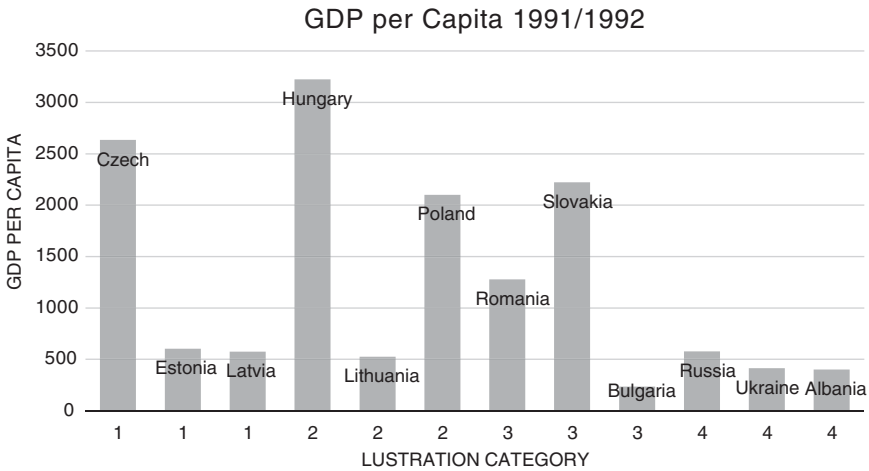

Figure 2.2. Post-transition economic development compared to lustration category
Source: IMF

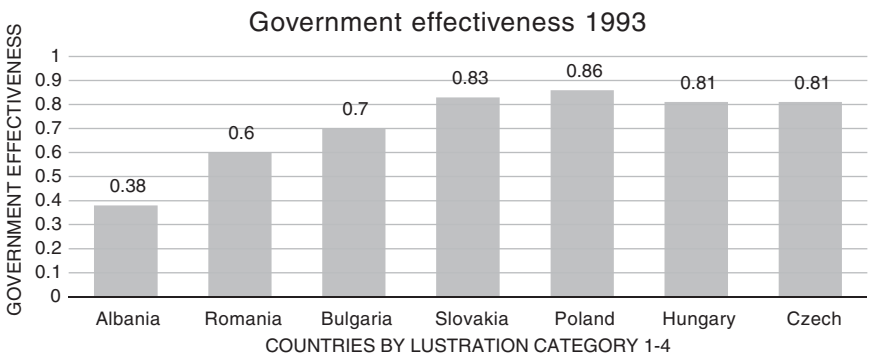

Figure 2.3. Post-transition government effectiveness compared to lustration category
Source: Teorell et. al. QOG

of democracy did not necessarily choose more extensive lustration or even lustration at the start of their transitions.

Second, as Figures 2.2 and 2.3 show, countries with higher levels of government effectiveness or higher levels of economic development also did not select the most compulsory or extensive lustration programs. Estonia and Latvia are examples of relatively low regional economic development yet they are in the most compulsory lustration category, and Romania scored in the middle in terms of economic development yet opted away from extensive lustration. Similarly, initial levels of government effectiveness did not determine lustration

choices.[74] Poland and Slovakia had the highest levels of government effectiveness early in the transition, but they opted for different forms of lustration; Slovakia ended up with informal lustration and Poland opted for delayed and more limited lustration. In sum, the highest initial levels of democracy, government effectiveness, or economic development cannot explain the lustration choices, especially across lustration categories one through three.

Third, there is significant variation both between and within the typology categories not readily explained by any other geopolitical, economic, or social factor. Post-Soviet countries or CEE countries are not slotted into single categories—there is a mixture across the categories. Countries can be grouped into the Visegrád Four, Baltic, Balkan, and post-Soviet categories, however, these categories do not simplistically map onto the lustration categories. Mapping country grouping from west to east creates an ordinal ranking of the country groups, as has been suggested by some who argue that geostrategic location explains a lot about country reform choice. However, the correlation between these geopolitical groupings and lustration is weak. In other words, simple geopolitical classifications are not substitutes for lustration categories.[75]

Fourth, external constraints or incentives, such as EU membership, have been suggested as possible factors influencing the choice of transitional justice. EU membership (or the promise of membership) affects levels of democracy and economic development, therefore it could potentially affect lustration choices. However, EU membership does not cleave along lustration categories, as is illustrated in Table 2.5. It is particularly salient that none of the countries were EU members when they passed initial lustration measures. Moreover, it wasn't until more than a decade later that the first EU accession wave began, clearly decoupling EU membership from the passage and initial implementation of lustration laws. Additionally, the EU has been critical of the potential rule of law excesses of lustration; it has not been an external advocate nor made membership conditional on them. Within the lustration categories there are both EU and non-EU member countries, and countries which implemented lustration before becoming members and after becoming members—EU membership is not a proxy for lustration.

Fifth, the nature of the regime transition is also not easily mapped on to the typology. Romania's violent revolution and Slovakia's Velvet Revolution fall under the same lustration category. Poland's negotiated settlement is in the same lustration category as Lithuania's break from the Soviet Union. Although transitions necessarily affect the political landscape of the new regime, the nature of the transition did not determine the transitional justice choice in the post-communist space and definitely did not determine placement in the lustration typology.

Table 2.5. EU membership compared to lustration category

	EU accession year	Lustration Category (date first lustration law)
Czech Rep	2004	1 (1991)
Poland	2004	2 (1997)
Slovakia	2004	3 (1991/2002)
Hungary	2004	2 (1994)
Lithuania	2004	2 (1991)
Latvia	2004	1 (1994)
Estonia	2004	1 (1992)
Romania	2007	3 (1999)
Bulgaria	2007	3 (1992)

Sixth, political elites affected lustration laws, but political elite composition did not determine lustration choices in a simplistic manner. As the country descriptions illustrated, lustration laws were both proposed and rejected by parties across the political spectrum. Bulgaria's Socialist Party (the successor to the Communist Party) both rejected and later proposed lustration, even appointing Kostadinov as the Dossier Commissioner from their own ranks (Horne 2015). Nalepa's work on Poland highlighted how such successor parties could alternately propose and reject lustration measures (2010). Legendary dissident leader Václav Havel was against lustration in Czechoslovakia (Michnik and Havel 1993). There is no clear relationship between certain kinds of political elites or coalitions in the immediate post-transition environment and lustration choices that would substitute for this proposed lustration typology. As discussed in the literature review in Chapter 1, there are no systematic explanations yet for when or what types of lustration a country will choose a priori; therefore, there is no compelling endogenous factor to point to as a potentially omitted variable or driver of a particular lustration policy choice.

The absence of an obvious omitted variable does not rule out possible endogeneity problems. Attention is paid to data selection, measurement issues and statistical robustness tests in order to minimize the problems that have affected other impact assessments detailed in the Introduction. For example, all of the analyses include controls for economic, political, and social factors that could function as omitted variables, otherwise masking endogeneity problems (see Appendix 3). By looking at panel data with changes in programs over time and lagging the variables there is an element of dynamism to the models that helps to reveal the possible effects of lustration on democratization and trust-building, something missing from typical cross-sectional

analyses. The use of multiple datasets reveals similar lustration trends and effects, showing that the results are not highly dependent on narrow measurement choices or model specifications either. For example, individual level survey data results complement the national level panel data, further triangulating questions regarding the relationships between lustration and outcomes.

Finally, the qualitative case material engages political dynamics in four countries in particular, focusing on the middle categories of the lustration spectrum. The qualitative materials provide important causal details, further addressing endogeneity concerns in the narrative. In conclusion, while one cannot obviate possible endogeneity concerns entirely, the research design and variable specifications, the combination of qualitative and quantitative research methods, and the focus on measurement issues—both in the lustration typology and the datasets—have attended to some of the *a priori* endogeneity issues.

NOTES

1. Appendix 1 provides additional specifics about the timing of legislation in each of the countries, with details on key laws, constitutional court decisions, and parliamentary acts to support the classifications.
2. Because East Germany merged with West Germany it is not possible to separately assess the impact of transitional justice on its process of state-building. If included, it would be classified as a case of wide and compulsory lustration, with very open file access provisions. See Schwartz (1995) and Moran (1994).
3. In the case of Poland, the Constitutional Court weighed in eight times on the legality or illegality of aspects of lustration, see http://www.trybunal.gov.pl/eng/index.htm for lists of cases (last accessed June 5, 2016). For information on Bulgarian Constitutional Court blockage of the lustration law, and how Bulgarian constitutional court judges are suspected of being collaborators themselves see Leviev-Sawyer, 2012a February 17; Bivol 2011; and Bulgaria: Constitutional Court Decision on the Panev Law, (Kritz 1995a). For an example of the Romanian Constitutional Court thwarting lustration efforts see Ciobanu, 2008. For a critique of the motives of the Romanian Constitutional Court see Stan 2004.
4. The Office for the Documentation and the Investigation of the Crimes of Communism Police of the Czech Republic provides detailed information on the lustration, including age, position, and offense of individuals, see http://www.policie.cz/docDetail.aspx?docid=21858229&doctype=ART, last accessed June 5, 2016.
   The Institute for the Study of Totalitarian Regimes and Security Services Archives provides details about the law and date of adoption on its webpage, see http://www.ustrcr.cz/en, accessed June 5, 2016.

5. Interview with Dr Dragoş Petrescu, Chairman of the Board of C.N.S.A.S., Bucharest, Romania October 12, 2012.
6. See Act 119 on Judicial Rehabilitation (April 1990); Law 87/1991 on Extra-Judicial Rehabilitation; and Act 198/1993 on the Illegality of the Communist Regime and on the Resistance against It; as well as additional rehabilitation laws from 1993–2009, including Government Directive 165 (1997); Act 261/2001 compensated persons interned in military labor camps; and Government Directive 102/2002 compensated persons in military camps of forced labor, to name a few. See David 2013, 132–3 for a list of additional rehabilitation provisions.
7. The Estonian Constitutional Assembly proposed a harsher decommunization measure, but the Supreme Council moved forward with this milder version (Pettai and Pettai 2014, 116).
8. Pettai and Pettai (2014) do not think that citizenship laws constitute lustration laws per se, although they acknowledge that many scholars describe them as such and they even argue that they understand the rationale for considering them together (2014, 61, 132). Pettai and Pettai's typology of twelve types of retrospective and transitional justice required the theoretical distinction between citizenship laws and lustration laws (2014, 32). While they make a thoughtful theoretical argument about the typological differences between the approaches and suggested the "raison d'être for this legislation" was different (Pettai and Pettai 2014, 132), functionally the measures were similar. In practice, Pettai and Pettai themselves combined discussions of lustration measures and citizenship measures in their case study chapters. In particular, Chapter 4's treatment of "purges, bargains and exposure of wrongdoing" mixed lustration and citizenship laws together, resulting in the de facto empirical merging of these categories (something also acknowledged by Pettai and Pettai in this chapter). Therefore, I will group them together in this analysis as they were in the Pettai and Pettai treatment of these measures, and consistent with their treatment by other post-communist scholars.
9. Interview with Dr Dragoş Petrescu.
10. The Cheka were the former Russian secret police.
11. Wezel (2013) lists the number of agent cards at 4819 in the *Encyclopedia of Transitional Justice*.
12. Interview source cited in (Pettai and Pettai 2014, 126).
13. The Constitutional Court of Latvia ruled that it was appropriate and necessary for a democratic state to "be protected against individuals who are not ethically qualified to become representatives of a democratic state at political or administrative levels" (ECtHR 2006, §62). The ethical breach in question was her previous high-ranking involvement in the Communist Party of Latvia. In this case, the ECtHR supported the state's right "to defend democratic values" and to make assessments about the political loyalty of its bureaucracy based on former Communist party membership or involvement with the secret police (ECtHR 2006, §100).
14. Pettai and Pettai documented the case of five elected deputies whose collaboration with the KGB came to light; the so-called "cheka five" (2014, 145–6). What is most

interesting about these cases is the involvement of the media in bringing the accusations to light, and the creation of investigatory and oversight committees to review the files in conjunction with the *Saeima* and the courts. Rather than being a case of the oversight of justice, it appears as a case of multiple layered inquiries into the background of these individuals in a true lustration fashion.

15. See Chapter 1, General Provisions, Section 2 (1) of the Citizenship Law, 1995 amendments.
16. Pettai and Pettai described the series of events in detail in their recounting of Latvia's experience in chapter 4 (2014, 151).
17. For a copy of the list see http://www.humanrightshouse.org, accessed October 2007.
18. See ACT of October 18, 2006 on the disclosure of information on documents of state security in the years 1944–1990; and Amending Act of February 14, 2007. http://www.ipn.gov.pl/portal/en/31/328/Act_on_the_Disclosure_of_Information.html, accessed September 17, 2012.
19. For additional information on the IPN and the Vetting Office's roles see, https://ipn.gov.pl/en, last accessed October 24, 2016.
20. This measure is based on a measurement of the physical space occupied by the boxes of files.
21. IPN and the Vetting Office, fn. 19.
22. Ibid.
23. Current figures suggest that Hungary had 50,000 informers. However, if there were 110,000 recruitment files, of which 100,000 were lost, this would put the percentage of the population actively involved in collaboration closer to 1 percent of the total population. Again, since it is not possible to ascertain the exact number of files, these are simply illustrative numbers to contextualize the degree of regime complicity. Interview with Dr Gergő Bendegúz Cseh.
24. Interview with Dr András Bozóki, Professor, Department of Political Science, Central European University, Budapest Hungary, April 2, 2013. Dr Bozóki participated at Hungary's Roundtable negotiations and was a former Minister of Culture as well as advisor to the Prime Minister.
25. Personal conversation with Dr Nenad Dimitrijevic, Associate Professor, Department of Political Science, Central European University, Budapest, Hungary, April 11, 2013.
26. Barrett, Hack, and Munkácsi provide a detailed review of the lustration process, including the makeup of the Commission, what constitutes collaboration, the length of the proceedings, and the publication of findings, see 2007.
27. The Organizational Chart of the Former State Security Service (Ministry of the Interior Section III) had five divisions, which means five possible sources of files for vetting. Main Division III/I (foreign intelligence), Main Division III/II (counterintelligence), Main Division III/III (internal protection), Main Division III/IV (Military counterintelligence), and Main Division III/V (operative techniques) see Varga 1997 for an excellent review of the structure.

    Controversially, files from only some of the divisions were to be opened for lustration, protecting the secrecy of other divisions and therefore protecting

former state security officers in some divisions from detection. This is how Medgyessy avoided detection. His file was under Division III/II Counterintelligence, and those files were not covered by the lustration law. Therefore Medgyessy had no obligation to reveal his background, and it remained secret until it was published by the newspaper *Magyar Nemzet*. See Kiss 2006.

28. *Law on Ethnic Minorities 1989*, as amended through January 29, 1991. Note, Article 1 of the Law on Ethnic Minorities 1989 states "The Lithuanian SSR, adhering to the principles of ethnic equality and humanism, shall guarantee to all ethnic minorities residing in Lithuania the right to freely develop, and shall respect every ethnic minority and language. Any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity shall be prohibited and punished under the procedures provided by the laws of the Lithuanian SSR." See http://www.cilevics.eu/minelres/NationalLegislation/Lithuania/Lithuania_Minorities_English.htm, accessed September 9, 2012.
29. Email exchanges with Ingrida Vėgelytė, Lithuanian *Seimas*, September 2012.
30. Personal email exchanges with Ingrida Vėgelytė, Lithuanian Seimas, September 2012.
31. Ibid.
32. See http://www.genocid.lt for information on the KGB files housed in Lithuania, last accessed June 6, 2016.
33. I am grateful to Dr Dovile Budrytė for helping to clarify the complicated nature of the Lithuanian case.
34. Vėgelytė said that no one had been removed from office as a result of lustration. Given the problems verifying who was vetted and if there were employment consequences, this also remains a possibility. Personal email exchanges with Ingrida Vegelyte, Lithuanian *Seimas*, September 2012.
35. Interview with Chairman Evtim Kostadinov at Headquarters of the Dossier Commission, Sofia, Bulgaria, July 12, 2012.
36. Interviews with Bulgarian Chairman Kostadinov and his counterpart in Romania, Dr Dragoş Petrescu.
37. In 2012 he was re-elected for a second five-year term, and as of June 2016 remained in the position of President. There were ongoing attempts by the Bulgarian Socialist Party (БСП) to shut down the Dossier Commission, therefore there is an element of uncertainty about the Commission. See "Bulgaria MPs to Discuss Closure of Commission Looking for Ex-Security Agents," *Novinite.com*, April 15, 2016, http://www.novinite.com/articles/174039/Bulgaria+MPs+to+Discuss+Closure+of+Commission+Looking+for+Ex-Security+Agents, last accessed June 7, 2016.
38. For additional information on the mandate and structure of the Dossier Commission, see http://www.comdos.bg/p/language/en/, last accessed June 7, 2016. Chapter 3 and Chapter 6 provide additional details on the Dossier Commission.
39. This framing of Bulgaria's program as a "silent lustration" program comes from the Chairman of Bulgaria's Dossier Commission, personal interview with Chairman Kostadinov.

40. All of the file revelations and press releases are available on the Dossier Commission website, http://www.comdos.bg. For a press release on the controversial outing of the Deputy Minister of Energy see "Bulgarian Official Firm Deputy Minister was Communist Spy," *Novinite.com*, April 11, 2013, http://www.novinite.com/articles/149471/Bulgarian+Official+Firm+Deputy+Minister+Was+Communist+Spy, accessed June 7, 2016.
41. Регистърът на сътрудниците на Държавна сигурност и разузнавателните служби на БНА (The Register of Employees of State Security and Intelligence Services) can be accessed at http://agentibg.com/index.php/bg/, last accessed June 7, 2016.
42. This information is available at opendata.government.bg. See "Bulgaria Military Intelligence to Open Up its Communist-Era Archives," *Novinite.com*, May 28, 2015, http://www.novinite.com/articles/168855/Bulgaria+Military+Intelligence+to+Open+Up+its+Communist-Era+Archives; and Bulgaria Publishes Information on Former State Security Agents in Open Data, *Novinite.com*, January 4, 2016, http://www.novinite.com/articles/172494/Bulgaria+Publishes+Information+on+Former+State+Security+Agents+in+Open+Data, last accessed June 7, 2016.
43. Hristov and Kashumov similarly referred to these measures as a type of "voluntary lustration" (2012, 286).
44. Interview with Dr Ognian Shentov, Chairman, Center for the Study of Democracy, Sofia, Bulgaria, July 13, 2012; and interview with historian Dr Momchil Metodiev, Red House Centre for Culture and Debate, Sofia, Bulgaria, July 9, 2012.
45. Interview with Dr Bogdan Murgescu, Member of the Scientific Council of the Institute for Investigation of Communist Crimes and Memory of Romanian Exile and Director of the Department of History, University of Bucharest, Bucharest, Romania, October 17, 2012.
46. For the text of the law, see http://lege5.ro/Gratuit/gmzdqnzthe/law-nr-187-1999-on-the-access-to-the-personal-file-and-the-disclosure-of-the-securitate-as-a-political-police, accessed January 25, 2014.
47. See Emergency Ordinance No. 16, February 22, 2006.
48. The Constitutional Court argued that the collective guilt components of the proposed law violated the constitution. The Court also suggested a lack of proportionality between the laws and the offenses, arguing that twenty-one years after the transition was too late to engage in these kind of employment bans. See also "Analysis: Lustration law and the Constitutional Court Decision," *CityNews.ro*, Bucuresti, June 19, 2010.
49. Paragraph 1, Chamber of Deputies, legea lustrartiei 2012.
50. To access additional information on the Consiliul Național pentru Studierea Arhivelor Securității (CNSAS), see http://www.cnsas.ro/, last accessed June 10, 2016.
51. Interviews with Members of the Collegium, C.N.S.A.S., Bucharest, Romania, October 2012 highlighted the increased freedom of the agency to pursue disclosures at that time.
52. *Raport de activitate privind anul, various years.* C.N.S.A.S., http://www.cnsas.ro/rapoarte.html, accessed June 6, 2016.

53. Ibid.
54. The 2015 Annual Report from C.N.S.A.S. can be found http://www.cnsas.ro/rapoarte.html, last accessed June 6, 2016.
55. See LEGE Nr. 10 din 8 februarie 2001. Republicată privind regimul juridic al unor imobile preluate în mod abuziv în perioada 6 martie 1945–22 decembrie 1989. Available at http://www.cnsas.ro/documente/Legea%2010-2001/Lege%2010_2001.pdf, accessed June 8, 2016.
56. Conversation with Dr Damiana Oțoiu, Former Director Property Restitution, Institute for the Investigation of Communist Crimes, Bucharest, Romania, October 2012.
57. Interview with Mircea Stanescu, Historian at the National Archives and formerly with the Institute for the Study of Totalitarianism, Bucharest Romania, October 2012.
58. Available at http://www.cnsas.ro/documente/Legea%2010-2001/Lege%20221_2009.pdf, accessed June 6, 2016.
59. Interview with Dr Dragoș Petrescu.
60. See Huntington (1991) and Moran (1994) for explanations that focus on how the nature of the transition affects the transitional justice options and choices. Nedelsky (2004) argued that the primary explanation for the divergent paths of the Slovak and Czech Republics was the difference in legitimacy of the communist regime and repression between the republics.
61. See ÚPN website statement in secret service section, http://www.upn.gov.sk/english/mission, accessed June 9, 2012.
62. See http://eureconciliation.wordpress.com/national-institutions-responsible-for-the-investigation-and-archival-of-communist-crimes/ for additional information on participating countries. Accessed August 15, 2014.
63. For a slice of this debate see Bunce 1995 and Schmitter 1994.
64. Although Pettai and Pettai do not argue that the Baltics cannot be compared to other post-communist experiences, they do not compare the transitional justice experience in the Baltics with other countries and their narrative emphasizes the extraordinary historical circumstances of these countries and their unique communist legacies (2014).
65. For example, the Transitional Justice Database codes Albania as an example of lustration due to the passage of laws, http://www.tjdbproject.com/#, last accessed June 8, 2016.
66. Stalin died in March 1953, and hence this is the date used to mark the changes in the Soviet system. Khrushchev's Secret Speech denouncing the Stalinist cult of personality wasn't until 1956, but there were already marked changed in Russia and the Soviet Union after Stalin's death in 1953. See Khrushchev 1970.
67. The memorial organization Holodomor 1932–33 demonstrates the current and active work to remember this period in Ukrainian history through truth-telling. See http://holodomorct.org/index.html, last accessed December 6, 2012.
68. Pettai and Pettai classify justice measure along temporal dimensions, distinguishing justice associated with events in the distant past—retrospective justice—from

justice associated with events more proximate to transitions—transitional justice. By distinguishing retrospective justice from transitional justice, they clarify differences in motivations and possible effects (2014).

69. See the Memorial website for details regarding its current and past mandates, regional offices, and affiliates, http://memo.ru/eng/memhrc/index.shtml, last accessed December 7, 2012.
70. The coding of the timing of lustration reflects standard practices used in similar policy models. See Donovan, Tolbert, and Smith 2009. I am thankful to Todd Donovan for helping me with this initial variable construction and for suggesting the introduction of a nonlinear functional representation for time. See Appendix 3 for details.
71. The effects of lustration might vary unpredictably with time. Potential vacillations in citizen support are not possible to model in this timing variable. The literature assumes a negative linear relationship between timing and efficacy and that is the assumption I am testing with this timing variable.
72. The different lustration measures are moderately correlated. Lustration measures and lustration waves have a -0.35 ($p<0.001$) Kendall Tau-b correlation, and lustration measures and truth commissions have a 0.41 ($p<.001$) Tau-b correlation. This demonstrates that the variables are capturing different dimensions of the same set of processes.
73. Polity IV scores are used because they are available for 1991 and therefore can capture the immediate post-transition environment. Freedom House scores do not start until 1995.
74. Government effectiveness data for the Baltics is not available for the immediate transition period.
75. This results in Visegrad (1), Baltic (2), Balkan (3), and post-Soviet Union (4) country group rankings. Using Kendall's Tau-b we see that country groupings and lustration waves are correlated at $T=0.19$ ($p<0.01$), and the correlation between country groupings and lustration measures is $T=-0.34$ ($p<0.001$). This means that although the country coding and transitional justice typology coding are related, they still evidence significant variation.

3

Building Trust in Public Institutions

LUSTRATION AND TRUSTWORTHY PUBLIC INSTITUTIONS

Advocates of lustration argue that it improves trust in public institutions directly through personnel reform and bureaucratic change. Hence, natural linkages were made by both policymakers and academics between the political trust deficits in post-communist countries and the potential political reform properties of lustration measures. Before exploring whether, how, and under what conditions lustration has affected trust in public institutions in the post-communist space, several first order questions must be addressed. First, what does it mean to say one *trusts* an institution? Second, why does trust in public institutions matter?

Officially public institutions are juridical entities, supported by public funds, and controlled by or substantially influenced by the state. Public institutions are sometimes used to broadly describe the administrative institutions of the state. The positions can be appointed or elected; the mode of job placement is not a key factor in the definition. Public institutions traditionally include the parliament, the judiciary, the police, the army, the president, the prime minister, and other supporting political office holders at the national, regional, and local levels. Semi-public institutions, like the media, press, and internet news are supported but not controlled by the state, hence they are often described as both quasi-public and quasi-social institutions.

Offe explains that

> "trusting institutions" means something entirely different from "trusting my neighbor": it means *knowing* and recognizing as valid the values and forms of life incorporated in an institution and deriving from this recognition the assumption that this idea makes sufficient sense to a sufficient number of people to motivate their ongoing activities in support of the institution and the compliance with its rules. (Offe 1999, 70)

Citizens determine the trustworthiness of public institutions by assessing the reputation, performance, effectiveness, and fairness of both the institution itself and individuals working in said institutions (Sztompka 1999, 46). Risk

assessments are derived and perceptions formed based on prior interactions as well as new information. As an object, trust in public institutions is particularized, or focused on assessments of the trustworthiness of a specific institution. Trust of one political institution is not necessarily generalized across other political institutions, although related institutions might be considered together, such as oversight institutions, rule of law and order institutions, or politicized institutions.

While trust-building might be a laudable goal in its own right, the reason one wants to improve the trustworthiness of public institutions is because of their assumed importance to good governance and democracy. In some cases a direct relationship is postulated between the trustworthiness of public institutions and democracy (Warren 1999; Cleary and Stokes 2006). Others show more indirectly how trust in public institutions can broadly expand the sphere of trust and thereby facilitate democracy. For example, Offe argued that institutions can promote truth-telling (honesty), promise keeping (honoring contracts), fairness, and solidarity, thereby reducing risk and promoting interpersonal trust and good governance (Offe 1999, 73). Ingelhart suggested that political institutions contribute to building a culture of trust (Ingelhart 1999, 88). Rothstein and Stolle demonstrated that trust in public "order" institutions like the judiciary, the police, and the army were correlated with more interpersonal trust, namely as trust in these public order institutions increased (or decreased), interpersonal trust also increased (or decreased) (Rothstein and Stolle 2008, 456). Drawing on these findings, Sztompka reasoned that a critical way to rebuild civil society in post-communist CEE was to restore the trustworthiness of public institutions:

> If we are correct in the claim that the culture of trust is fundamentally beneficial for the social system, then it would be good to know how it can be shaped…. There is only one conceivable indirect measure: making people and institutions accountable and raising the costs of breaching trust…thus the only area open to purposeful, political efforts directed at raising trust are the *structural, contextual conditions of a society*…. There is one general direction of policy which, as we have argued, is of paramount importance. This is institutionalizing and implementing democratic institutions.
>
> (Sztompka 1998, 30, italics in original)

Lustration presented itself as one avenue for direct structural reform of post-communist public institutions. Improving public institutions was so central to the original goals of lustration that initial definitions of lustration even framed the measures in terms of the screening of personnel in public institutions (David 2003). The vetting aspect of lustration promotes bureaucratic turnover, with the hope that a change in bureaucratic staffing improves the performance of the institution. Lustration also has a moral cleansing component in which

the reputations and integrity of public office holders and officials are allegedly purified through the process of truth-telling, public accountability, and in some cases atonement for the past. The impact of lustration on trust in public institutions is expected to be direct—institutions themselves are changed in terms of their bureaucratic staffing and composition. The hope is that these restructured public institutions are perceived as more trustworthy by citizens.

Each category in the lustration typology, except for the cases of no-lustration, includes provisions for the screening of public institutions. The lists of positions to be screened are actually very similar across the categories, with the primary difference in implementation. The first lustration law in the region—*the Czech and Slovak Federal Republic's Lustration Law of 1991*—focused on public institutions and electable public office holders, including: "the Office of the President…, the Office of the Federal Assembly…the Office of the Government…the Office of the Constitutional Court…the Office of the Supreme Court" etc. (Article 1, Section d) (Kritz 1995d). Hungary's *Law on Background Checks* (1994) echoed the provisions of the Czech law, including an elaborate list of positions for which background verification was required, starting with:

> 1) Members of Parliament, 2) All individuals elected by the Parliament and required to take an oath, 3) Members of Government, 4) The President of the Hungarian National Bank, 5) The political, honorary, and administrative assistant secretaries of the state, and the government officials of identical legal status, 6) The mayor of the capital; 7) Ambassadors, and 8)…the directors of national public agencies…(§2, Law No. 23) (Kritz 1995h)

Poland's lustration law emulated in many ways the lists of public positions enumerated in the Hungarian and Czech laws, although it later expanded the scope of positions in the 2006 lustration law revisions to cover "a person occupying a managerial standpoint position of the State within the meaning of the Act of 31 July 1981" (ACT of October 18, 2006).[1] Lithuania's lustration regulation issued a formal decree simply banning KGB employees and informers from government positions (Kritz 1995i).

The informal lustration category's list of public institutions for screening mirrored those in the compulsory lustration category. Bulgaria's Dossier Commission screened "people registered by the electoral commissions to participate in presidential and vice-presidential elections, National Assembly, and European parliament members, and mayors and municipal councilors elections; people who occupy public positions from 10 November 1989 through the start of the law…"[2] Romania's first comprehensive law—*Law 187/1999: Law Regarding the Access to the Personal File and the Disclosure of the Securitate as Political Police*—"empowered the Board of the C.N.S.A.S. to check holders of, and candidates for, public offices and assess whether they

were involved in the activities of "the Securitate as political police" (European Network of Official Authorities 2009, 57).[3] Even Albania, a case of no lustration in practice, passed a lustration law that prioritized the vetting of public institutions. Article 1 of Law Nr. 8043 "*On the Control of the Moral Figure of Officials and Other Persons Connected with the Protection of the Democratic State*" outlined the positions to be vetted, starting with "the President of the Republic, those elected by the parliament and those appointed by the President of the Republic (Section b); and c) members of the government, secretaries of state, their deputies, the general directors and directors of directorates of state offices, as well as those on the same level with them in other state structures" (Section c)" (Imholz 2004c). Although Albania did not follow through with implementation, the letter of the laws clearly targeted public institutions in much the same way as the other lustration laws across the region.

In sum, the primary difference across the categories was in the *implementation* of the measures, with all lustration laws similarly naming public institutions for screening. Once again this highlights the importance of looking beyond the laws and to the actual scope and implementation of measures. Before turning to an evaluation of the effects of lustration on trust in public institutions, the next section examines in more detail two of the informal lustration categories. The cases of Bulgaria and Romania shed additional light on the manner in which public disclosures were designed to engineer bureaucratic change in the absence of formal lustration laws.

PUBLIC DISCLOSURES AS INFORMAL LUSTRATION

Because public disclosures, as used in Bulgaria and Romania, took place in the absence of a formal lustration law, there is often the assumption that the countries did not have a lustration policy.[4] Such an assumption would ignore the legally prescribed work of the secret police file repository agencies in Romania and Bulgaria, who, starting in earnest in 2006/2007, began a process of reviewing the former secret police files of tens of thousands of current public and semi-public officials and employees and publicly disclosing the information. The disclosures covered a range of political and social positions, revealing the former regime complicity of many current bureaucrats, office holders, business leaders, and public personalities. Although the public disclosure processes were not legally lustration, both Bulgaria and Romania explicitly called their disclosure policies forms of lustration, highlighting their important

symbolic and institutional change components. The Chairman of the Dossier Commission in Bulgaria dubbed the process "silent lustration" because the explicit lustration components lacked formal authority.[5] The use of public disclosures as a type of informal lustration bears further consideration due to the way in which these measures expand our understanding of lustration in practice.

Public disclosures are not unproblematic ways of shedding light on the past. There have been several unauthorized, unverified, and politicized public revelations of selected secret police files in order to purge the opposition or shock the government in CEE. Stan captured the taint associated with these measures in her piece aptly titled "vigilante justice" (Stan 2011b). For example, in Poland an unverified list of more than 160,000 "collaborators"—Wildstein's list—was secretly copied and leaked by a reporter (Kosc 2005). In Hungary, the newspaper *Magyar Hirlap* published an unverified list of collaborators in order to force the government for more transparency and lustration, and even the Ministry of Interior of the Czech Republic published an unverified list of secret police informers on its website (David 2013, 131–8).[6] These unauthorized disclosures relied on unverified information and lacked legal safeguards, potentially violating rule of law provisions and due process safeguards. Unlike these programs, public disclosures in Romania and Bulgaria were legally prescribed, included due process elements, and were formally administered by legally empowered file repository agencies. This section reviews why the processes in Bulgaria and Romania more closely resembled lustration than the aforementioned examples of public disclosures as Wild West justice measures.

Bulgaria: The Dossier Commission

In 2006 the *Law for Access and Disclosure* (2006) empowered an expansive file access and disclosure program and Evtim Kostadinov was elected to chair the Dossier Commission.[7] Although subsequent to the *Law for Access*, Bulgaria constitutionally banned lustration, arguing both that the laws were unconstitutional and that Bulgaria no longer needed lustration, the massive and expansive public disclosure program started in 2007 under the Kostadinov Commission flourished. This public disclosure program would replicate many aspects of lustration seen in other CEE countries (Leviev-Sawyer 2012a).

In structure the post-2006 Dossier Commission consisted of nine people, appointed by the National Assembly for periods of five years, and empowered by Parliament.[8] In function, the Commission reviewed the backgrounds of

public office holders or those "carrying out or performing public service" for evidence of collaboration with the KDS, and in the event of collaboration, "the announcement of the affiliation of Bulgarian citizens, public office holders or [those who] perform public activities to the authorities."[9] In practice, this required the verification of the background of all public officials who worked for the post-communist legislative, executive, and judiciary at the national level, the members of local government state agencies, leaders of intelligence services, and the opinion makers (owners, managers, and journalists of all private and public media). The inclusion of "opinion makers" allowed for an expansive interpretation of the categories subjected to lustration. In this way the scope of the review mimicked that seen in other regional lustration programs. To reduce the possibility of bias, political parties were not allowed to initiate an examination of people in other parties or organizations. No parliamentary party could appoint a majority of positions on the Commission with similar party affiliations. These constituted safeguard mechanisms on political instrumentalization of the late lustration process, especially in light of some of the problems faced by overt manipulation of lustration in the past.

Chairman Kostadinov described the Commission's mission as one of "raising the curtain" on the past, including an explicit moral and symbolic mandate.

> It is not a lustration law by nature. Its application has a moral meaning. History is the best teacher for the future. But only when the society finds out the truth—be it pleasant or unpleasant.…Our task is to raise the curtain. Then the audience will be the one to choose whether to applaud or to hiss at the actors that were directed by the former secret services. Like every other show, this also has its good and bad actors. Let us leave it for everyone to make his own choice. We believe that the society will be the best judge because it has the right to know all about itself.[10]

Scope of Disclosures

There were various examples presented in Chapter 2 of lustration and lustration-like laws being enacted, but a lack of implementation rendered them dormant or useless. This was not the case with the Kostadinov Commission, which actively pursued and even pushed the boundaries of its mandate. From April 5, 2007 to December 1, 2011, the Commission reviewed 112,445 files, and of those files identified 6377 informers released information publicly on 5782 individuals (Sofia Echo 2012, March 8; Bulgarian Dossier Commission 2012). Table 3.1 presents comparative figures to show the number of candidates verified in public positions and local elections by year. The files were made publicly available on the Dossier Commissions' website, facilitating more ease of

Table 3.1. Kostadinov Commission's file reviews by lustration category

Persons registered for elections—Verification (Article 26, Para.1)		Persons in Public Positions—Verification (Article 21, Para 1, Sections 1–2)	
Year 2007	15,700	Year 2007	2311
2008	30,829	2008	6641
2009	3486	2009	8443
2010	56	2010	11,810
2011	13,764	2011	12,593

Source: Author compiled from Bulgarian Dossier Commission, 2012b. "Summary of Activities 5 April 2007–1 December 2011 (Обобщени данни за дейността на КРДОПБГДСРСБНА от 5 април 2007 г. до 1 декември 2011 г)."

Table 3.2. Initial report to the Bulgarian National Assembly on files reviewed (2007)

Positions Screened	Files reviewed	Collaborators revealed
European Parliament candidates	144	6
Constitutional Court	36	3
Supreme Judicial Council	148	15
President and vice president	8	2
Employees presidential administration	105	21
Bulgarian national TV and radio executive managers	18	None
National Assembly	1794	140
Mayoral and municipal level candidates	4400	1360
Prime minister and deputy prime minister offices	673	117

Source: Author compiled from Bulgarian Dossier Commission, 2007. Report to the 40th National Assembly.

public access to information than seen in other regional programs at that time. The verification process revealed the sizable penetration of collaborators across national and local, public and semi-public positions.

The first round of verifications in 2007 included the prime minister, deputy prime ministers, lower level ministers, and deputy ministers (see Table 3.2). 673 people were examined at the ministerial level, and collaboration was announced in the case of 117 people, roughly 17 percent of ministers. In the National Assembly, 1794 MPs were examined and collaboration was announced in the case of 140 people or 8 percent. In the presidential administration, 105 employees were examined resulting in verified collaboration of twenty-one

Table 3.3. Bulgaria—comparison of files reviewed and collaboration rates

Year	Files reviewed	Collaboration found	Files actually publicized
July 20–Dec 20, 2010	4763	777	683
Dec 20, 2010–July 20, 2011	10,914	921	771
July 1, 2011–Dec 19, 2011	22,602	790	648
Dec 19, 2011–July 1, 2012	14,048	495	426
July 1, 2012–Dec 1, 2012	20,274	650	603

Source: Author compiled from Bulgarian Dossier Commission 2012a, Bulgarian Dossier Commission 2012b, and various annual reports by the Bulgarian Dossier Commission, http://www.comdos.bg/Доклади_пред_Народното_събрание

people, or 20 percent of the presidential administration. At the local level, registered mayor and municipal councilor candidates for local elections were reviewed with 3 percent of individuals found to have collaborated or 1360 people (Bulgarian Dossier Commission, various years). Table 3.2 presents the actual number of files reviewed by position during the first year of the Kostadinov Commission's work.

The number of files reviewed did not abate after the presentation of the initial findings. Table 3.3 lists the number of files reviewed in a given six-month time period, and compares the rate of collaboration found to the rate of collaboration revealed to the public. From July to December 2012 the scope of reviews was similar to previous periods. The Commission reviewed 20,274 Bulgarian citizens who registered in the election, finding 661 persons or 3 percent of candidates had a Security Service background. Additionally, the Commission reviewed 5303 persons holding public office or public activities and of those 161 had security service backgrounds, constituting approximately 3 percent of public office holders (Bulgarian Dossier Commission 2012). In 2012, the Commission reported a 10 percent rate of complicity among political appointees and office holders, which was disproportionate to the 1 percent of the population that were estimated to be official informers (Sofia Echo 2012, March 8). This suggests that former collaborators or KDS employees enjoyed disproportionate benefits in the political system even late into the transition. It is worth noting that all of the names were not formally announced to the public. As Table 3.3 shows, 80–90 percent of cases of collaboration were publicized during each six-month time period, with extenuating circumstances cited as reasons to withhold publication.

The scope of the lustration encompassed a broad range of institutions. As of 2012, more than 150 agencies established verification relationships with the Commission, and more than 300 agencies were verified by the Commission.[11]

The level of analysis even penetrated subunits in organizations. For example, the State Agency for Bulgarians Abroad, the State Agency for Child Protection, the State Agency for Youth and Sport, the Commission on Commodity Exchanges and Wholesale Markets, and the Water and Gas and Electricity companies were all subjected to employment verification.[12] This type of regularized employment screening was a significant shift in approach to lustration.

In 2010–2012 the Commission engaged in a series of high-profile targeted public disclosures, aimed at institutions with unusual penetrations of secret police informants and important social and or political power. In particular, in 2010 the Dossier Commission disclosed that the Foreign Service had the highest proportion of former collaborators employed as current staff of any other government agency. Of 593 people who were investigated, approximately 200 collaborators were announced, or about 35 percent of files reviewed (Sofia Echo 2011, March 17). The revelations included the Head of Bulgaria's mission at the Organization for Security and Co-operation in Europe and forty-two active senior diplomats across London, Madrid, Berlin, Rome, Beijing, Moscow, and Tokyo, many with formal KGB training (Bivol 2011). Foreign Ministry spokeswoman Tcherneva explained:

> About half of Bulgaria's most senior diplomats abroad had worked with State Security, and the situation created large-scale distrust of them on the part of the ministry's leadership and in the communities in which they were working. Their presence harmed the legitimacy of Bulgaria's conduct of foreign policy within the EU and NATO, two organizations of which Bulgaria is a member. (Leviev-Sawyer 2011c)

A heated debate ensued over what to do about the revelations, prompting a 2011 Parliament Special Resolution—*Law on Diplomatic Service*—(Leviev-Sawyer 2011a), in which Parliament asked for the removal of collaborators from senior posts and continued lustration of job applicants (Sofia Echo 2011, July 29). President Purvanov vetoed the resolution, a highly controversial move given his own known collaborator background, but it was overridden by a Parliamentary vote, and then struck down by the Constitutional Court (Bivol 2011; Leviev-Sawyer 2011b).

This was an interesting case for several reasons. First, the revelations by the Dossier Commission demonstrated the continued presence of secret police collaborators in highly ranked political positions. This was assumed for some time in Bulgaria but was difficult to prove without the formal file disclosures. Second, the revelations prompted calls for actual employment penalties associated with the collaboration. Although permanent lustration measures were overturned, Bulgarian ambassadors were called back from their foreign posts and replaced with other vetted officials, thereby forcing a limited but real change in personnel in top international diplomatic positions. Third, the active

involvement of the president, Parliament, and the Constitutional Court in this series of decisions demonstrated the continued political importance of issues of collaboration. The numbers of former collaborators in that Constitutional Court and the president's cabinet led to the perception that a rejection of lustration at that time was partially self-interested—some Court members or cabinet members would have been removed from their positions in the event of lustration.[13]

In terms of general file access provisions, citizens have access to information about themselves, their deceased spouses and/or relatives, and researchers also have access to documents (Leśkiewicz and Žáček, 2013, 9), in addition to that which is published on the Commission's website regarding public persons. Individuals are allowed to directly examine the documents, ask for copies, and learn about the identities of persons who provided information in the file, with some privacy safeguards regarding third party identities. This level of direct file access is much more open than that in Hungary, with potential social trust change dimensions to be explored in Chapter 5.

As of 2015 there remained limitations on the vetting process with only those public office holders appointed after 2006 eligible for lustration, which left a vast number of political officials ineligible for vetting.[14] Nonetheless, both the numbers of files reviewed as well as the scope of positions vetted constituted a systematic attempt to lustrate individuals in public and semi-public positions of trust and perceived importance. As of 2016, it remained uncertain how long the Dossier Commission would have its mandate, but Chairman Kostadinov envisioned the Dossier Commission continuing the process of public disclosures until a younger generation came to dominate the political circles of power.[15]

Bureaucratic and Symbolic Changes

Given that Bulgaria took a primarily informal approach to lustration, this begs the question: in the absence of compulsory employment penalties for collaboration, have public disclosures resulted in bureaucratic change? While there are no clear statistics showing the number of individuals removed from positions of power as a result of the public disclosures, the Commission noted several mechanisms by which there was bureaucratic change as a result of actual or potential file revelations.

First, recruiting and employment efforts within government agencies were influenced by the work of the Commission, with agencies working to limit the involvement of former collaborators in public office. Actual employment changes were possible if agencies pre-screened candidates for evidence of collaboration before they were hired and therefore before the formal verification process even began. The Commission noted this allowed for the circumvention

of the judiciary, which could block employment vetting based on past collaboration on the grounds of unconstitutionality. In particular, the Commission cited that the Ministry of the Interior, the Ministry of Culture, the Ministry of Health, and the Ministry of Justice made preliminary background checks on individuals before filling positions, and removed individuals from positions of power.[16]

Second, with respect to political parties, the Dossier Commission argued that fear of public disclosure had prompted political parties to pre-screen their party lists more and they were less likely to bring known secret service agents or collaborators forward for elections as had happened in the past.[17] The Commission also highlighted the power of citizens to use this information about the KDS past of candidates in their voting decisions, citing a noticeable political electoral edge to "clean candidates."[18] Although technically it remains up to the political incumbent to decide to run for elected positions or take public positions, since lustration is formally forbidden, these decisions are affected by public disclosures both directly and indirectly.

Third, the 2006 law also prompted some public confessions from politicians and businessmen. Much like the use of confessions in the Hungarian and Polish cases, the public confessions had mixed efficacy in terms of catalyzing voluntary bureaucratic change. Some individuals either denied knowing that they worked for the KDS or announced they were proud of their KDS involvement, and in both cases would not step down (Kostadinov 2009; Metodiev 2013).[19] Historian Dr Iskra Baeva also suggested that shaming might not be as effective in the Balkans because collaboration with the KDS was not inherently shameful.[20] In either scenario, the focus on shaming and public confession tapped into the moral and symbolic component of lustration more than the institutional change element.

In sum, despite the lack of a formal employment penalty, the wide and transparent public disclosure process in Bulgaria catalyzed change.[21] The scope of change possible with informal lustration measures is more limited than other types of formal programs, especially those with compulsory employment change components. How this affects trust in public institutions will be examined in more detail later in this chapter.

Romania: The National Council for the Study of the Securitate Files—C.N.S.A.S.

In current structure and function, the National Council for the Study of the Securitate Files (*Consiliul Național Pentru Studierea Arhivelor Securității*—C.N.S.A.S.) is an informal lustration agency like the Bulgarian Dossier

Commission, however, it was not always conceived in this way. Its mandate and scope of activities shifted over time as both its legal parameters and the political environment in Romania changed. The C.N.S.A.S. was created in 1999, under the *Law regarding the access to the personal file and the disclosure of the Securitate as Political Police* (No. 187/1999), and charged with employment screening and public disclosure of individuals in certain public and semi-public positions of power for evidence of collaboration with the *Securitate*. It was also charged with management and regulation of file access for citizens and institutions, as a related and complementary mandate. In this way, although it was not charged with employment removals like lustration agencies in the compulsory lustration category, its original configuration resembled other regional lustration agencies.

However, the C.N.S.A.S.'s independence and ability to fulfill its mandate were hobbled from the beginning. It lacked direct access to the secret police files, and the files of then current Secret Service officers—*Securitate*—were sealed for an additional thirty years (Stan 2012b, 92). In addition, there were substantial politically induced delays appointing council members, problems funding the agency, and difficulty giving it a building in which to work (European Network of Official Authorities 2009). Some of the problems with the workings of the C.N.S.A.S. rested with the process and the external constraints placed on it, such as a lack of control over the files and the lack of power to force removal of exposed collaborators, and some were a function of the politicization of the process within the C.N.S.A.S. itself (Stan 2002). Since members were politically appointed, they lacked guaranteed autonomy for decision-making.[22] During the first year, the C.N.S.A.S. released the names of seventy electoral candidates, parliamentary deputies, and party leaders with informant backgrounds, and cleared hundreds of other political figures (Stan 2002, 54). In the first national election in which the C.N.S.A.S. reviewed the background of candidates, thirty-eight individuals resigned voluntarily or were asked to step down by their parties as a result of revelations of collaboration (Travers and Kanterian 2001). This suggests that while the C.N.S.A.S. effected some limited bureaucratic change early in its existence, the politicization of the process of lustration, replete with file access problems, file veracity problems, and credibility problems on the part of C.N.S.A.S., all resulted in very limited real lustration in practice.

The landscape started to shift in 2006 with a series of domestic and international political changes. In 2006, the National Liberal party pushed forward an expansive lustration law that passed in the Senate. The Tismăneanu Report was prepared in 2006 and published in December, formally documenting and condemning aspects of the communist dictatorship. The timing was designed to allow President Traian Băsescu to receive the Tismăneanu Report and formally condemn the communist regime in 2007 while embracing EU membership (Maxfield 2013). President Băsescu supported the

lustration initiative with a forced transfer of 60,000 files to the C.N.S.A.S (Leśkiewicz and Žáček 2013, 226; Maxfield 2013, 7–14). For a short while the C.N.S.A.S. had both files and a legal mandate for lustration, until the Constitutional Court struck down the law in 2008 (Iancu 2010). Even more devastating, the Court ruled that aspects of the work of the C.N.S.A.S. were unconstitutional, arguing that by issuing verdicts on collaboration the C.N.S.A.S. was acting with judicial powers for which it was not vested (Leśkiewicz and Žáček 2013, 226; Romanian Constitutional Court 2008; Sofia Echo 2009, September 4). The ruling was highly politicized, contradicted seven of the Court's earlier decisions, and the widely known collaborator background of one of the judges did not lend it credibility.[23] In the end, it was accepted and resulted in the invalidation of all the verdicts of the C.N.S.A.S. and the removal of its power to issue lustration verdicts (Stan 2012b, 96). The revocation of case authority came as a surprise to C.N.S.A.S., in what was widely described as an attempt to take away its independent lustration power.[24]

The C.N.S.A.S. was not dissolved, but was stripped of its ability to issue decisions regarding the status of collaborators or agents. The C.N.S.A.S.'s new mandate was "to conduct ex-officio verification of the people who run for, or have been elected or nominated to public offices, such as the President of Romania, the Prime Minister, members of the cabinet, members of the Romanian Parliament or the European Parliament" (European Network of Authorities 2009, 59–60). In addition, the C.N.S.A.S. was tasked with taking verification requests from employers, NGOs, businesses and interested parties across a range of public and semi-public sectors, and reviewing the files of employees or potential employees. The C.N.S.A.S. was able to initiate an investigation into anyone serving in one of the public or semi-public positions covered by the law. In this way, the C.N.S.A.S. fulfilled an investigative function, verifying the background of individuals, publicly disclosing the information, and submitting the evidence to the Administrative Section of the Bucharest Court of Appeals, which was charged with adjudicating the case and rendering formal lustration decisions (Leśkiewicz and Žáček 2013, 220–30). While the C.N.S.A.S. could not make official lustration decisions as it once did, it continued to have the power to verify the files and make public the resulting information on collaboration. In this way, the role of the C.N.S.A.S. changed over time into an agency more closely resembling the Bulgarian Dossier Commission and with similar informal lustration powers.

Scope of Disclosures

When the Romanian Constitutional Court blocked a series of lustration provisions and ruled significant components of lustration violated the constitution in

2008, it appeared that Romania was foreclosing lustration options (Romanian Constitutional Court 2010). Ironically, after the 2008 ruling, the C.N.S.A.S.'s role as an informal lustration agent really expanded. The C.N.S.A.S. continued to manage the file repository and remained responsible for screening the background of public and semi-public positions and publicizing the information. By focusing only on the public disclosure function the new ruling had the odd effect of empowering C.N.S.A.S. in some ways and improving its functionality. For example, the C.N.S.A.S.'s new operating authority under Law 221/2009 changed the rules enough to prompt a significant increase in requests for employee verification. Between 2009–2010, there was a 455 percent increase in requests for lustration with almost 40,000 file verification requests submitted to C.N.S.A.S. in 2010 as compared to the 8771 requests in 2009 (C.N.S.A.S. 2010, 15). Commissioner Petrescu and Commissioner Cioflâncă explained that the C.N.S.A.S. was better able to avoid the media spotlight and therefore the investigations remained less sensationalized, something especially important given the previous problems.[25]

Over time the scope of the positions verified widened and the number of public file disclosures increased, speaking to the possibility of change from this informal lustration process. Table 3.4 shows the marked increase in the number of files reviewed over time. According to the C.N.S.A.S., by 2009 it verified 52,546 individuals, which gave it a file disclosure function similar to the work of Bulgaria's Dossier Commission. For the 2012 elections, C.N.S.A.S. screened 6423 candidates for local elections and 2362 candidates for Parliamentary election rolls (C.N.S.A.S. 2012, 15). In terms of the degree of collaboration revealed through the lustration process, figures provided by Dragoş Petrescu, President of the C.N.S.A.S. archives, suggested that a total of 1355 *Securitate* officers and 2000 informers were disclosed between 2000 and 2010, and of these revelations, 773 officers and 189 informers occupied public positions (Stan 2012b, 98). As Table 3.4 illustrates, there were significant increases in the number of files reviewed and the number of informants publicly revealed over time, demonstrating a substantial file revelation aspect to Romania's transitional justice program.

C.N.S.A.S. reported that as of 2012 it held twenty-four linear kilometers of archival materials, and estimated that less than 60,000 files remained classified and not transferred (C.N.S.A.S. 2012, 5).[26] It is estimated that 78,227 files were destroyed between 1989 and 1993 (Stan 2002, 56), although again the extent of the file destruction is difficult to verify. Additionally, the most prominent communist leaders had no *Securitate* files, since the Communist Party decided in 1969 that Party members would not officially work for the political police (Stan 2002, 58). Therefore, files do not exist that could "unmask" top-ranking communist leaders. Despite file destruction, *Securitate* archives contain 25 km (15.5 miles) of files on those informed upon, 4 km (2.5 miles) on informers, and 6 km (3.7 miles) on denunciations (Stan 2002, 56).

Table 3.4. Romania—the C.N.S.A.S.'s public disclosure activities

Year	Number of files reviewed	Number of informants revealed
2005	1690	49
2006	2715	270
2007	17,734	341
2008	14,268	610
2009	13,097	739
2010	16,868	847
2011	n.a.	867
2012	6423 local election candidates 2362 parliamentary candidates	858

Source: Author compiled from Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2010; Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2011; and Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2012 *(Annual Activity Reports).*

The C.N.S.A.S. continued to get access to more files over time and received files from other Romanian agencies, thereby expanding its potential purview despite the lack of official lustration authority (C.N.S.A.S. 2012, 31). In 2012, 1205 archives were retrieved from the Romanian Intelligence Service, totaling 2056 volumes and 1533 rolls of microfilm which together correspond to 87,763 archival pieces. In 2012 a total of 3456 documents were transferred to the C.N.S.A.S overall. There was also extensive digitization of the files, with more than a half a million files digitized in 2012. The digitization both preserved the files and facilitated their online access for citizens and researchers in a process that encouraged transparency.

Bureaucratic and Symbolic Changes

As of 2016, the C.N.S.A.S. only had informal lustration authority; there were no direct, punitive employment dimensions to screening and/or public disclosures. Nonetheless, there were several ways that the process of public disclosures could potentially catalyze bureaucratic change. First, in addition to the official positions and political candidates that the C.N.S.A.S. was charged with screening, it could initiate an investigation into anyone serving in one of the public or semi-public positions covered by the law, including the media, the clergy, and academics. Therefore, the screening scope of C.N.S.A.S. was wide and potentially powerful. The C.N.S.A.S. could pressure candidates to voluntarily resign positions through the issuance of a "preamble." Specifically,

the C.N.S.A.S. could issue a statement or a "preamble" documenting the degree and type of collaboration discovered in the files, even though it might not be sufficient evidence for a formal judicial adjudication of the case by the Bucharest Court of Appeals.[27] The use of preambles allowed information about collaboration to be publicized on the C.N.S.A.S. website and/or included in the Official Gazette and prompted employment reviews by employers. It promoted what Commissioner Petrescu called a "moral condemnation" of collaboration, preventing individuals from hiding collaboration that might not be technically actionable by the Court of Appeals.[28] There was a noticeable aversion to having one's reputation tainted by the stain of collaboration. The C.N.S.A.S. President cited the significant number of trials in which individuals legally contest allegations of former regime collaboration because they did not want their legacies marred.[29] Despite a mandate disallowing formal employment dismissal, the Commissioner of the C.N.S.A.S. argued that significant bureaucratic change resulted from the C.N.S.A.S.'s threat of disclosures.

Second, as with the Bulgarian case, political parties vetted their party lists more and refrained from bringing known secret service agents or collaborators forward for elections in order to avoid public disclosures. It is not possible to determine which political candidates opted to stay out of public office for fear of disclosure, but this awareness of potential disclosure reverberated through the political parties.[30] Third, the C.N.S.A.S. also accepted verification requests from employers, NGOs, businesses, and interested parties across a range of public and semi-public sectors and screened the files of employees or potential employees. One Collegium member commented, "as soon as an NGO applies for verification of its employees, the employment resignations start coming."[31] Therefore both political parties and employers changed their behaviors as a result of the screening and disclosure processes.

The Chairman of C.N.S.A.S. stressed that removal from office was not the only goal of lustration. Public disclosures are also potentially important moral and symbolic cleansing mechanisms. Truth-telling, public accountability, and documentation of the past are all part of a national process of moral cleansing and atonement. These processes might not have the same level of forced bureaucratic change witnessed in other CEE countries, but they remain mechanisms for change. How long this process could continue in Romania was unclear. In 2012, the Chairman of C.N.S.A.S. estimated that the disclosure process could continue for an additional 15–20 years.[32] However, the highly activist Constitutional Court and the instability of laws in the Romanian system left the work of C.N.S.A.S. on unstable grounds (Stan 2012b, 101).[33]

Conclusion: Informal Lustration in Bulgaria and Romania

Both the Romanian and Bulgarian file repository agencies explicitly lacked the legal authority to engage in formal lustration. Nonetheless, the structure of public disclosures, from the type of individuals targeted for screening, to the scope of positions screened, to the transparency of the processes, mirrored the bureaucratic change and moral change elements found in other post-communist programs. In particular, the use of shaming and/or the threat of disclosure to prompt voluntary employment resignations bore a strong resemblance to the cases of lustration in Hungary and Poland. Therefore, despite the absence of lustration laws in Bulgaria and Romania there was and is an informal lustration process going on. The cases expand our conceptualization of public disclosures as a form of "silent" lustration in the face of legal limitations on lustration. Public disclosures, like lustration measures, file access policies, and truth commissions could affect perceptions of trust in public institutions.

A cautionary remark about informal lustration is in order. Since the lustration processes in both Bulgaria and Romania were mired by political manipulation in the past, it is important that extralegal substitutes for lustration remain bound by rule of law considerations and due process safeguards in order to prevent a sullying of the disclosure procedures in the future. The "informal" nature of their mandates creates a possibility for manipulation, if not carefully administered and legally bound. The good intentions of the agencies might be insufficient if not legally accountable and tethered to rule of law practices.

TESTING FOR A RELATIONSHIP BETWEEN TRANSITIONAL JUSTICE AND TRUST IN PUBLIC INSTITUTIONS

Trust data does not exist for all public institutions targeted for lustration, therefore this section focuses on those institutions with the most available, comprehensive data through 2012: the parliament, the judiciary, the president, the army, the police, political parties, and the press.[34] I draw national level trust data from *Eurobarometer* and individual level trust data from the *New Europe Barometer (also New Democracies Barometer)* studies (Rose 1998; Rose 2010). The trust data capture the percentage of citizens who responded that they trusted a specific public institution in a specific year, hence *perceptions of*

trust in public institutions. All data is not available for all countries at the national and individual levels of analysis. In particular, the national level *Eurobarometer* trust data exclude Albania, Russia, and Ukraine—all the countries in the zero lustration category. By excluding the category of poorest performing cases, it forces one to assess how the quality of lustration affected trust, which presents a much higher explanatory threshold than simply looking at the presence or absence of lustration. All of the countries are reincorporated into the individual-level data analyses using the *New Democracies Barometer* trust data, including Russia and Ukraine. Combined, the national and individual-level datasets contribute to the impact assessments of lustration on trust in public institutions.

There are several dependent variables associated with trust in public institutions considered in this chapter. Individually, I examine possible relationships between lustration measures and trust in the judiciary, due to its important role in supporting democratization, as well as trust in the parliament, because of its important role as an elected public institution.[35] I also constructed several institutional composites to better capture variations in trust across categories of public institutions. *Trust in public institutions* describes trust in those public institutions directly and consistently targeted in lustration laws and employment vetting policies, namely parliament, political parties, police, and the judiciary. *Trust in elected institutions* focuses on two highly politicized public institutions—political parties and the parliament—which receive more media coverage and more sensationalized popular attention than other public institutions. Having a separate institutional composite for these elected not appointed institutions serves as a point of comparison with the vetted but less politicized public institutions. *Trust in oversight public institutions*, namely the judiciary, the police, the army, and the press, includes the least politically sensationalized institutions of the composites. These oversight institutions play powerful roles checking deviations from rule of law practices in new democracies. By excluding political parties, this model captures the more commonly understood meaning of public institutions (see Appendix 3 for details). The composites also help to control for some of the noise surrounding trust perceptions and to minimize the effect of any one institution or an event associated with an institution on broader trust trends. In an effort to attend to robustness concerns, there is overlap with some of the composites in order to test if different groupings of public institutions yield similar results, and some public institutions are treated individually. In sum, there are several complementary dependent variables measuring aspects of trust in public institutions engaged in this chapter.

With respect to transitional justice measures, there are two lustration variables, a set of timing variables, and a truth commissions variable. The

lustration measures variable (Table 2.2) provides an ordinal ranking of the scope and implementation of lustration programs. The *lustration waves variable* (Table 2.3) provides a categorical ranking of the main period during which lustration and related measures were implemented, with the focus on whether reforms were implemented earlier or later in the transition. The lustration measures variable is lagged; this means trust in time period t is examined with respect to lustration in time period t-1. The lustration waves variable is not lagged as it is a categorical descriptor. Separate *timing variables* are also included in the models, capturing when lustration laws were first implemented. They do not appear in models with the lustration waves variable, as this would overspecify timing considerations in the models. Although truth commissions do not directly target public institutions, they might have indirect effects and are included individually and as complements to lustration policies (see Table 2.4 for measurement). There is no lag with the *truth commissions variable* because there is insufficient data to include a dynamic aspect to truth commissions; in other words, the dataset looks at the presence or absence of truth commissions as part of the transition, not the timing of truth commissions.

Many factors are hypothesized to affect trust perceptions, and a number of these variables are included as controls in this study: economic change, level of economic development, inequality, change in inequality, level of democratization, government effectiveness, perceptions of corruption, the judicial framework, the strength of civil society, and the strength of the political opposition (see Appendix 3 for variable specifications and transformations). These variables constitute controls as well as alternatives to the lustration hypotheses and will be treated as such in the statistical models.

First, *economic growth* or decline could affect citizens' perceptions of institutional trustworthiness, especially those institutions with some control over economic policies. While material conditions often affect perceptions of political parties and the parliament in particular, a feeling of economic despair or elation could shift trust perceptions more generally. Various studies related to the *New Democracies Barometer* project argued better economic and political performance would increase trustworthiness (Mishler and Rose 2001; Rose, Mishler, and Haerpfer 1998, 159). In other words, citizens could translate improvements in material well-being, measured in terms of changes in GDP and GDP per capita, into more trust in government and/or certain public institutions.

Second, *inequality* could affect citizens' perceptions of public institutions. Citizens could lose trust in a government and its institutions when inequality is rising (Uslaner 2008, 65; Rothstein and Uslaner 2005). There was a well-documented increase in economic inequality across the post-communist region after 1989, constituting a potentially important influence on political

trust (Paczynska 2005). This project examines both change in inequality and levels of inequality to capture static and dynamic measures of inequality.

Third, *democratization* could affect citizens' perceptions of trust. The more society operates on rule of law principles and the more citizens enjoy personal liberties and freedoms associated with democracy, especially in the context of post-communist transitions, the more citizens might trust public institutions. While there are many democracy measures available, this project needed a thick definition of democracy in order to capture the process of democratization across the region (Bollen and Paxton 2000).[36] Freedom House's *Nations in Transit* series focuses on the post-communist transition countries and includes considerations of judicial independence, civil society, rule of law, the independence of the media, and the strength of local governance, in addition to more standard assessments of the electoral process and national governance structures.[37] This measure is better able to capture the process of democratic consolidation in the post-communist region and provides the more longitudinal coverage of the post-communist region (1995 to present) than other similar measures of democracy.[38]

Thin measures of democracy obscure changes both within and between states. For example, Polity IV, a democracy data workhorse due to the breadth and coverage of the data, codes 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.[39] As Figure 3.1 shows, Polity IV registers no change in the quality of democracy in Hungary under Viktor Orbán, while Freedom House records the various erosions of press freedoms, freedom of association, and individual rights under his leadership as the prime minister. With respect to Ukraine, Figure 3.1 shows that Freedom House and Polity IV lines are correlated, although the degree of change is muted by Polity IV. Hadenius and Teorell (2005) show that most democracy measures correlate between r=0.75–0.95, and the correlation between Freedom House and Polity IV matches this, suggesting the choice of Freedom House will maximize the available data on democratization while not compromising the degree of measurement comportment with other datasets.[40] Although Freedom House's thick measure of democracy is better suited to an analysis of democratic consolidation, Polity IV's democracy scores are also reported in robustness tests of the models in this project. Replication models run with Polity IV instead of Freedom House appear in Appendix 4 and in Chapter 7, and are sometimes reported in the main tables as points of comparison. To preview the findings, Polity IV and Freedom House yield the same results, registering no effect on the statistical significance of transitional justice variables. In the interests of correct measurement, Freedom House's democratic

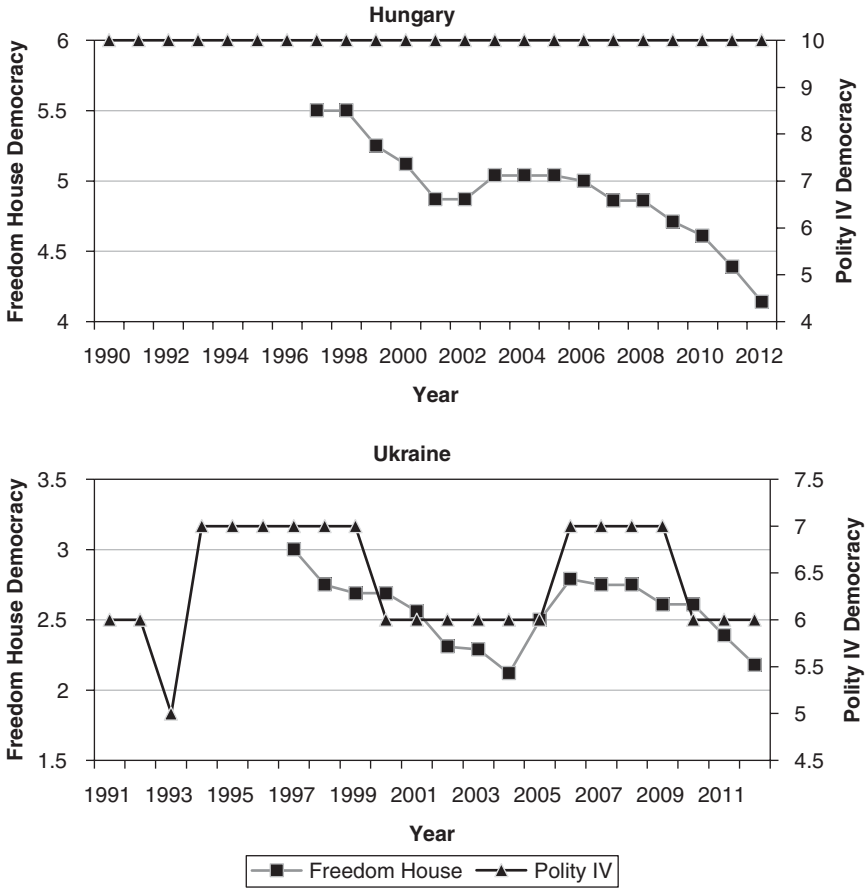

Figure 3.1. Polity IV and Freedom House (inverse) comparisons

consolidation figures are reported as the primary democracy measure in the main tables (Chapters 3–7).

Fourth, *effective governance* is also theorized to positively affect trust perceptions both separate from and complementary to democratization (Rothstein 2011). Rothstein goes so far as to suggest that quality of governance or government effectiveness might better reflect what we think of as good governance than even democracy (2011). Effective governance might be so powerful an explanatory variable in its own right as to obviate any discernible effects of lustration on political trust. Fifth, *corruption* could have a substantial effect on perceptions of institutional trustworthiness. It is likely that the more

corrupt a country and its public institutions are perceived to be, the less trusting citizens will be of those institutions. The role of corruption could be so large as to negate the impact, if any, of lustration on trust in public institutions. *Transparency International's Corruption Perceptions Index (CPI)* was used to capture perceptions of corruption across the post-communist region.[41]

Sixth, the quality of the *judicial framework*, with consideration of the degree of judicial independence, is introduced as a control for models in which trust in the judiciary is the dependent variable or part of the composite dependent variable. The quality of the judicial framework reflects the ability of the courts to make fair, legally prudent decisions, independent of government pressure. Fair and impartial courts have demonstrable effects on levels of trust. Raiser, Rousso, and Steves demonstrated that impartial courts were directly associated with inter-enterprise trust, thereby contributing to economic exchange in post-communist Russia (2004, 68). Uslaner and Badescu also found a relationship between confidence in the legal system and more interpersonal trust in the post-communist sphere (Uslaner and Badescu 2004, 47). Adding this control increased the rigor of the test of lustration's possible effects on trust in the judiciary in particular.

Seventh, the danger *of political manipulation* of lustration policies could undermine the goals of trust-building. Political parties have been shown to use lustration against their political rivals in order to remove individuals from positions of power, and discredit rivals in the eyes of the public (Kiss 2006; Austin and Ellison 2008). If citizens perceived lustration policies to be little more than tools of party politics, this would undermine citizen perceptions of the trustworthiness of public institutions. While political manipulation might pose a real problem with the perceived legitimacy of lustration measures, actually measuring this political manipulation is much harder. The *Database of Political Institutions* suggests a measure of the right, left, or center orientation of the largest government party as a proxy for party fractionalization (Beck et al. 2010). While this might work in traditional OECD political landscapes, using party nomenclature to determine the degree of party fractionalization is problematic for post-communist countries, where "social democrat" does not credibly lump together with communists and socialists.[42] Moreover, we have examples of former communists both rejecting and proposing lustration laws, therefore party affiliation alone does not determine attitudes toward transitional justice (Nalepa 2010). This study incorporates the possibility of political manipulation of the laws in two ways. 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 advantage. Therefore, the strength of the political opposition, measured as its voting share in government, is employed as a control variable (see Appendix 3). This does not link the political opposition to lustration, it simply controls for the possibility that a strong political opposition could put pressure on the majority party/coalition to resort to lustration as a tool of party policies. A more indirect way of capturing political manipulation, but one that does link lustration to political parties, is to include considerations of politicization in the lustration measures variable itself. The *lustration measures variable* includes a politicization element to lustration programs, with the overt manipulation of the laws highlighted in the limited and informal lustration categories in particular. Using both the direct and indirect measures help to capture the possible effects of politicization on perceptions of the legitimacy of lustration measures.

I constructed a panel dataset of the aforementioned dependent variables and lagged independent variables, covering approximately twelve years of data (2001–2012).[43] The data are clustered by country, and cover nine countries due to the lack of information on Albania, Ukraine, and Russia in the national level analyses. The exclusion of all the cases of no lustration raised the level of difficulty in demonstrating that lustration affected perceptions of the trustworthiness of public institutions. When the non-cases are excluded, one is testing whether the *quality* of lustration was associated with trust-building, not whether the presence or absence of lustration was associated with trust-building. This pushes the national level analysis beyond correlations between lustration and trust, providing more robust explanatory leverage over the relationship between lustration and political trust-building. In general, the tables display models estimated using feasible generalized least squares regression analysis, with fixed and random effects noted as applicable.[44]

Trust in Public Institutions Composite

The dependent variable for the first series of models was trust in public institutions, operationalized as a composite of trust in political parties, the parliament, the police, and the judiciary (Table 3.5). The models test the extent to which there was a relationship between lustration measures, waves of lustration, and/or truth commissions and citizens' perceptions of trust in a

composite of the main public institutions over the period 2001–2010. Models 1, 2, and 3 in Table 3.5 show that lustration measures remained consistent and significant predictors of trust in public institutions across the different model specifications. More extensive lustration programs involving compulsory and wide institutional change had a larger, positive association with trust in public institutions than limited lustration programs, or informal lustration programs. Model 3 presents fixed effects results as a point of comparison to the random effects results shown in Model 2, with similar results. In particular, Model 3 illustrates that there was a relationship between lustration measures and trust in public institutions both within countries and between countries. The R-squared for within-country variation is 0.26 and the R-squared for between-country variation is 0.21, while the overall R-squared for the models is 0.22, suggesting that the models explain slightly more variation in levels of trust in public institutions within countries than between countries.[45] The combined findings lead to the assertions that lustration was positively associated with more trust in public institutions. These findings held for changes within countries and for comparisons between countries.

It is possible to estimate the approximate effect of lustration on trust in public institutions, using predicted value calculations and holding the other variables constant at their mean values. Using the most basic model (Model 1), a shift from informal lustration (lustration measures=2) to compulsory lustration programs (lustration measures=4) was associated with a 10.4 percent increase in trust in institutions. Each incremental shift across lustration categories (informal, limited, and compulsory) is associated with an increase in trust in public institutions of approximately 5 percent. Countries that enacted informal changes showed smaller trust-building effects than countries that enacted limited lustration, and countries with compulsory lustration programs showed the highest levels of trust in public institutions, with changes both within and between countries showing improvement. Even with more elaborate models, including controls for inequality, government effectiveness, judicial independence, and truth commissions, all types of lustration measures still evidenced a significant positive relationship with higher levels of trust in public institutions. These trust shifts represent the differences between the types of lustration programs; the absence of lustration or the *no reform* category is necessarily excluded from this sample due to lack of data.

Model 4 and Model 5 include lustration waves as the alternate measure of lustration, explicitly incorporating temporal factors into the coding decisions.[46] The negative sign indicates that earlier lustration programs were associated with higher levels of trust in public institutions than later programs. Using predicted value estimators to calculate the magnitude of the effect of timing, each successive wave marked a decline in the level of trust in public

Table 3.5. Transitional justice and trust in public institutions (2001–2010)

Trust in public institutions political parties, parliament, police, judiciary	Model 1[1]	Model 2	Model 3 (fixed effects)	Model 4	Model 5
Lustration measures	0.19***	0.09**	0.23***	—	—
	(0.04)	(0.03)	(0.07)		
Lustration waves	—	—	—	–0.11**	–0.12***
				(0.04)	(0.04)
Timing of lustration	0.05**	—	—	—	—
	(0.02)				
Timing lustration squared	–0.002*	—	—	—	—
	(0.001)				
Truth commissions	–0.23***	–0.12	–0.22*	—	–0.13*
	(0.06)	(0.07)	(0.10)		(0.06)
Corruption	–0.02***	–0.01***	–0.004	–0.01***	–0.02***
	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)
Democracy[a]	–0.02**	—	–0.02	–0.02*	—
	(0.007)		(0.01)	(0.008)	
Polity scores	—	–0.05	—	—	—
(democracy control)		(0.04)			
Economic growth[b]	–0.0005	0.002	–0.002	–0.002	–0.001
change GDP	(0.004)	(0.009)	(0.003)	(0.01)	(0.009)
Change in inequality	—	0.05	0.12	0.04	—
2 yr lag		(0.23)	(0.14)	(0.24)	
Level of inequality	—	—	—	—	0.01*
					(0.007)
Strength of political opposition	—	—	0.00004	0.00003	0.00004
			(0.00003)	(0.00003)	(0.00003)
Government effectiveness	—	0.74*	—	—	0.37
		(0.38)			(0.45)
Judicial framework[c]	—	–0.01**	—	—	–0.01***
		(0.004)			(0.004)
Constant	3.50***	3.93***	3.09***	3.88***	3.79***

(*continued*)

Table 3.5. Continued

Trust in public institutions political parties, parliament, police, judiciary	Model 1[1]	Model 2	Model 3 (fixed effects)	Model 4	Model 5
N	90	79	87	78	79
Waldχ^2	55.69***	45.34***	F=12.73***	33.69***	53.26***

Note: Cross-sectional time series FGLS regression analyses, clustered by country, except model 3 as noted. Variables lagged one year on dependent variable, unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed.

*p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV model replications can be found in Appendix 4. There was no change in the significance of lustration measures or truth commissions. Model 2 reported here to demonstrate no effect on lustration.

[b] Economic growth measured as change in GDP or change in GDP/capita yield similar results, so only one is reported here. Level of economic development also yields similar results. Models with economic development are reported in the robustness tests and replications tables in Appendix 4.

[c] Judicial framework and independence is a constitutive element of the democracy measure by *Freedom House*, therefore they cannot be used in the same model together.

institutions by 3.5 percent. This suggests that early lustration programs (the first wave) had a greater impact than later lustration programs, with the difference in trust-building between wave one and wave three lustration programs approximately 7 percent.[47] In a word, earlier programs appeared better at trust-building than later ones, which could be a function of the longer duration of the programs and/or the composition of the programs. Since the lustration measures variable was robust, this suggests that both the quality of the program and the timing of measures affected trust-building.

Temporal factors can be more finely qualified with a variable marking the year of the passage of the first lustration law. A *timing of lustration* variable and a *timing of lustration squared* variable are included to test for a potential nonlinear relationship between timing and trust in public institutions.[48] These timing measures do not necessarily capture the implementation of lustration laws, something already captured in the *lustration measures* and *lustration waves* variables. Both *timing* and *timing squared* were robust in Model 1; timing was positively signed and robust and timing squared was negatively signed and robust. This suggests a nonlinear relationship between the timing of lustration and trust in public institutions. Timing can be represented as a negative or inverted parabola, put more simply, as a modified inverted U shape. The relationship between lustration and trust in public institutions rose over time, and then declined after reaching a critical tipping point. In other words, there were unequal changes in x and y along the curve or an

unequal slope function along the curve, which shows that we cannot plot the relationship between time and trust along a straight line. The line is better represented by a curve, in which there is a vertex point representing the point at which the axis of symmetry bifurcates the parabola. The vertex is the point at which the curvature of the parabola is the greatest. Algebraically, the quadratic functional form for a parabolic relationship is:

$y=ax^2 + bx + c$, where a and b represent two of the slope coefficients of the quadratic equation, **x is timing** and **x^2 is timing squared**, and **c is the constant** term (y-intercept).

Plugging the coefficients for *timing*, *timing squared*, and the constant term derived from Model 1 (Table 3.5) into the quadratic equation, results in the following equation.

Trust in public institutions: $y=-0.002x^2 + 0.05x + 3.50$

A negative slope for the x^2 term indicates a downward sloping parabola. This curve is illustrated in Figure 3.2, in which the timing of reforms and trust in public institutions are graphed as an inverted parabolic relationship. As can be seen from the diagram, the trust-building rises over time to a vertex point labeled as (12, 3.8). This vertex point is the peak trust point, and is clearly delayed from the start of the transition (represented as the time from the y-intercept or when the parabola crosses the y-axis) by approximately ten years. The trust effect stays largely unchanged six to eighteen years after the transition, which means lustration measures passed within that timeframe have approximately the same trust-building effect.[49] The trust difference between the peak time (twelve years) and twenty years after the transition is approximately 3 percent.[50] As can be seen from the very small slope coefficient of the parabola (m=–0.002), timing has an effect on trust-building, but the effect is rather small and spread out over time.

This is an important finding and suggests two things. First, timing cannot be thought of in linear terms; there was no simple, negative relationship between the timing of reforms and trust-building. Second, the timing for optimal policy measures was delayed from the start of the transition. A clustering of later lustrating countries had higher political trust measures than the earliest lustrators. Third, there was a rather wide window of opportunity for enacting lustration. Programs six to eighteen years after the transition had negligibly different trust effects on public institutions. Additionally, the benefits from policies continued even after that window of opportunity, with the trust levels from reforms even twenty years after the transition relatively similar to reforms started early in the transition. Contrary to

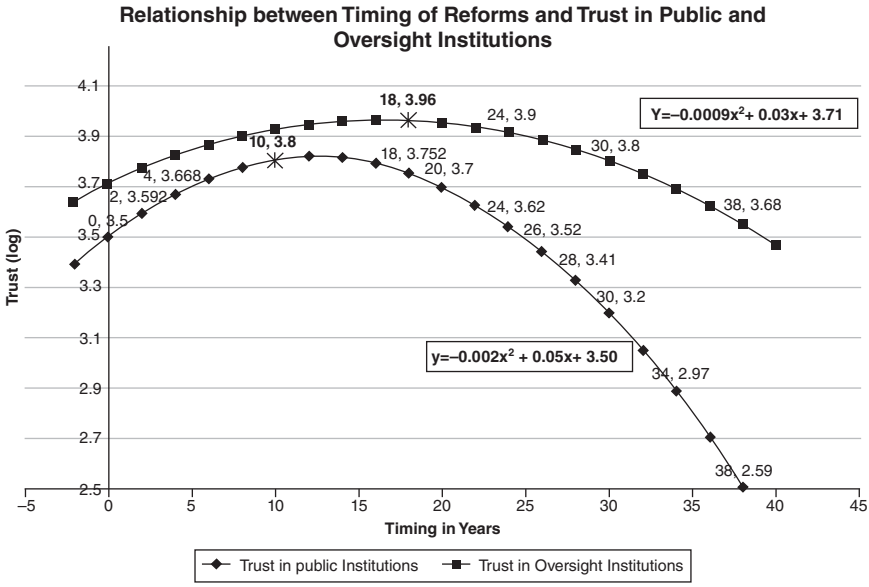

Figure 3.2. Timing of reforms and trust in public and oversight institutions

traditional assumptions about the necessity of earlier reforms or no reforms, this finding suggests that late lustration could also be an effective trust builder, depending on the quality of the program.

The absence of a truth commission was associated with more trust-building. Some studies have suggested that truth commissions alone might be associated with less democracy, more human rights violations, and less stability (Wiebelhaus-Brahm 2010), but combined with other forms of transitional justice might support a variety of positive goals (Olson, Payne, Reiter, and Wiebelhaus-Brahm 2010). This study did not find that truth commissions combined with lustration measures supported trust in public institutions. While this lustration dataset is limited in total number of cases, this finding bears further consideration.

Of the control variables, higher levels of corruption were consistently robust predictors of lower trust in public institutions. Neither declining nor improving economic conditions, nor changes in inequality, had consistent or significant effects on citizens' assessments of the trustworthiness of public institutions. Surprisingly, government effectiveness demonstrated only a fragile relationship with more trustworthy public institutions. Importantly, government effectiveness did not obviate the robust relationship between lustration and trust in public institutions. Finally, the strength of the political opposition was also not robust in the models, suggesting that politicization had no

measured effect on trust in public institutions. Democracy was statistically significant in only some of the models, and was negatively signed (the same holds for Polity IV replications—see Appendix 4 and the Model 2 permutation); less democracy was associated with more trust, although not robustly or consistently so. Given the democratic deficit often described in the post-communist context, this finding is unfortunate but not altogether surprising (Demeš, 2010; Zakaria 1997). The quality of the judicial framework was also associated with less trust in public institutions. This is consistent with the negative relationships observed between democracy and trust. While we cannot conclude that democracy and an independent judiciary *caused* low trust, neither appeared to improve perceptions of trust in this composite of public institutions.

Trust in Public Oversight Institutions

The trust in oversight institutions composite includes perceptions of trust in the army, the police, the judiciary, and the press, from 2001 to 2011 (see Appendix 3). All of these institutions are theorized and empirically shown to support an effective state guided by rule of law principles. Excluding political parties from this institutional trust composite removes some of the taint of party politicking that could negatively affect perceptions of the trustworthiness of public institutions. Since the controls on political manipulation of lustration are limited, focusing on the less politicized institutions serves as another way of controlling for their possible effects.

Table 3.6 reports the results of a series of models analyzing the relationship between lustration and trust in public oversight institutions. Model 1 demonstrates more extensive and compulsory lustration programs were associated with higher levels of trust in oversight institutions. Even when additional controls are added (Models 3 and 4), there continued to be a positive relationship between *lustration measures* and trust in oversight institutions across the various model specifications.[51] Using predicted value calculations based on the specification in Model 1 and holding the variables at their mean values, a change from informal lustration policies to limited lustration marked an increase in trust in public oversight institutions by 3.3 percent, and a shift to compulsory lustration marked an increase in trust by an additional 3.5 percent for a total trust difference between the categories of 6.7 percent. This suggests that the core public institutions were materially affected by compulsory lustration, as hypothesized in Chapter 1. Model 2 considered the *lustration waves* variable, and also demonstrated a strong and significant relationship

Table 3.6. Transitional justice and trust in public oversight institutions (2001–2011)

Trust in oversight public institutions press, army, police, judiciary	Model 1	Model 2[1]	Model 3	Model 4	Model 5
Lustration measures	0.13***	—	—	0.04*	0.03*
	(0.02)			(0.02)	(0.02)
Lustration waves	—	–0.07***	–0.09***	—	—
		(0.02)	(0.02)		
Timing of lustration	0.03**	—	—	—	—
	(0.01)				
Timing lustration squared	–0.0009*	—	—	—	—
	(0.0005)				
Truth commissions	–0.09**	–0.005	–0.03	—	–0.03
	(0.03)	(0.03)	(0.04)		(0.03)
Corruption	–0.006***	–0.004**	–0.004*	–0.003	–0.004*
	(0.002)	(0.002)	(0.002)	(0.002)	(0.002)
Democracy[a]	–0.01**	–0.006	—	—	—
	(0.004)	(0.004)			
Polity score	—	—	—	–0.002	–0.02
(democracy)				(0.02)	(0.02)
Economic growth	–0.0002	–0.0002	–0.003	–0.002	—
change GDP	(0.002)	(0.002)	(0.005)	(0.005)	
Economic development	—	—	—	—	–0.0004
GDP/capita					(0.0009)
Level inequality	—	—	0.003	–0.002	—
			(0.004)	(0.004)	
Strength of political opposition	—	—	—	0.00002	—
				(0.00002)	
Government effectiveness	—	—	–0.20	0.02	—
			(0.21)	(0.20)	
Judicial framework[b]	—	—	–0.004	–0.003	—
			(0.002)	(0.003)	
Constant	3.71***	4.22***	4.26***	3.93***	4.00***
N	99	99	88	88	99
Wald χ^2	51.76***	28.95***	25.35***	16.31*	17.77**

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Variables lagged one year on dependent variable, unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. *p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV model replications can be found in Appendix 4. There was no change in the significance of lustration waves or truth commissions.

[b] Judicial independence is a constitutive element of the democracy measure by *Freedom House*, therefore they cannot be used in the same model together.

between *lustration waves* and trust in oversight institutions, with earlier lustration waves associated with the highest levels of trust in oversight institutions. Using the variable specification in Model 2, predicted value calculations estimated a 4 percent trust premium for earlier lustration waves. To rephrase, the findings did not say only early lustration was good. The findings suggested that while early lustration was associated with the highest levels of trust in oversight institutions, which is partially a function of the duration of the measures, all lustration programs evidenced positive relationships. In other words, timing mattered but the quality of implementation mattered more.

As with the previous dependent variable, it was possible to more precisely consider the effects of timing on building trust in oversight institutions. The *timing of lustration* and the *timing squared* variables remained robust; timing was positively signed and timing squared was negatively signed. This indicated a similar nonlinear, parabolic relationship between timing and trust. Using the coefficients and slopes derived from the regression analysis in Model 1, the parabolic quadratic equation for trust in oversight institutions can be expressed as:

Trust in Oversight Institutions: $y=-0.0009x^2 + 0.03x + 3.71$

This equation was also graphed in Figure 3.2, illustrating that the efficacy of lustration gradually rose over time and then started to decline after approximately twenty years. The effects of timing were very gradual with respect to trust in oversight institutions (note the very small slope, $m=-0.0009$), as compared with the steeper sloped curve in the case of trust in public institutions. Because the slope of the curve was so gradual, we can see that timing did not have as substantial an impact on trust in public oversight institutions. The negative implications from starting lustration programs very late in the transition were quite minimal, and were projected to start approximately thirty-five years after the transition. As can be seen marked on the parabola in Figure 3.2, there was a broad window of time ranging from two to thirty years over which there were similar trust-building effects from lustration measures on trust in public oversight institutions.[52] The timing variables qualify slightly the findings from the lustration waves variable, suggesting positive benefits from delayed and late lustration programs. In general, more compulsory bureaucratic change and earlier lustration measures had stronger relationships with final levels of trust in targeted oversight public institutions, meaning the army, the police, the judiciary, and the press, but the quality of the programs mattered more than the timing.

However, truth commissions were not stable predictors in these models. Moreover, when truth commissions were statistically significant (Model 1), they were negatively associated with trust in oversight institutions. The instability of the variables suggests truth commissions were not strongly associated with trust in oversight institutions, although there was evidence of a possible negative relationship. Finally, the control variables evidenced similar trends to the previous public institutions aggregate. Corruption was a robust and consistent predictor of trust in all of the model permutations. The quality of the judicial framework and judicial independence were not statistically significant, and levels of democracy were unstable but weakly associated with less trust in institutions. Polity IV democracy scores were included to demonstrate no effect on the significance of lustration (see Appendix 4 for additional replication models). In general, inequality, level of economic development, strength of the political opposition, and government effectiveness were not stable or credibly significant, and importantly they did not reduce the salience of lustration in this analysis of trust in oversight institutions.

Trust in Elected Institutions

In many ways the attempt to politically manipulate lustration laws to advantage some political groups and disadvantage others represents the worst of lustration. It was most on display when political parties used disclosures as tools of electoral politics, vying for popularity, positions in parliament, or dominance within the main political coalitions. The use of lustration as political retribution compromises its legitimacy and might even foment distrust on the part of citizens toward their public institutions. This is one of the primary arguments against lustration—the real possibility of destructive political manipulation of the past. Treating elected public institutions separately from other public institutions sheds light on whether and how lustration affected highly politicized public institutions. In this series of models, the elected institutions' variable is operationalized as a composite of trust in political parties and parliament.

Table 3.7 presents the results of a series of regressions with trust in elected institutions as the dependent variable. In Models 1, 4, and 5, *lustration measures* were not statistically significant.[53] Given the robust relationships between lustration measures and trust in public institutions and trust in oversight institutions, this was a marked departure. However, the *lustration waves* variable was significant. Models 2 and 3 indicated earlier lustration

policies were associated with more trust in public institutions than later programs. In Model 1, the *timing of lustration* and *timing squared* variables were significant at the $p<0.10$ level allowing for the graphing of the following equation related to timing:

Trust in Elected Institutions: $y=-0.05x^2 + 1.05x + 33.36$

Figure 3.3 illustrates the role of timing with respect to trust in elected institutions. The parabola has a steep curve compared to the relationships modeled in Figure 3.1. There was a noticeably shorter window of opportunity, approximately eight to fourteen years after the transition, in which to pass and implement lustration measures for maximal positive effects, compared to the much wider windows of opportunity seen for trust in public and oversight institutions.[54] Although the vertex point for the trust in public institutions and trust in oversight institutions parabolas was approximately the same time period—about a decade after the start of the transition—the slopes of the curves were very different. The slope of the curve for elected institutions was $m=-0.05$ while the slope of the curve for trust in oversight institutions was $m=-0.0009$; more than fifty times greater. In other words, later lustration laws did not appear to significantly support trust in elected institutions. Later programs might even undermine trust, as was suggested by the relatively steep slope of the curve combined with the fact that lustration measures were not robust in the models in general. This supports the findings from the *lustration waves* analysis, namely that timing mattered quite a bit with respect to citizens' perceptions of trust in elected institutions.

Finally, truth commissions were negatively correlated with trust in elected institutions, either in conjunction with lustration (Model 1 and 5) or considered separately (Model 2). This resonates with the findings from the previous two analyses in which truth commissions were statistically significant predictors of lower levels of trust. Again, this does not suggest that truth commissions caused a decline in trust, but truth commissions were consistently associated with lower political trust levels.

In conclusion, early lustration programs are often perceived to be more authentic tools of policy renewal than later programs. As more time passes from the regime transition, many critics have highlighted the tendency for the lustration laws to become corrupted from their original moral and institutional cleansing purpose. These models suggest that the timing of reforms does condition the possible trust-building propensities of lustration measures. Unlike the other public institutions composites, which included less politicized institutions like the police and the judiciary, the timing of lustration appeared to have greater conditional effects on trust in more politicized institutions like parliament and political parties. One possible explanation is that lustration

Table 3.7. Transitional justice and trust in elected institutions (2001–2012)

Trust in elected institutions political parties, parliament	Model 1	Model 2	Model 3	Model 4[a]	Model 5
Lustration measures	0.35	—	—	–0.57	–0.31
	(1.29)			(0.93)	(0.89)
Lustration waves	—	–2.16*	–0.97*	—	—
		(0.98)	(1.18)		
Timing of lustration	1.05†	—	—	—	—
	(0.61)				
Timing lustration squared	–0.05†	—	—	—	—
	(0.03)				
Truth commissions	–3.61*	–3.17*	—	—	–3.63*
	(1.60)	(1.36)			(1.71)
Corruption	–0.37***	–0.35***	–0.17*	–0.26**	–0.35***
	(0.09)	(0.08)	(0.08)	(0.09)	(0.09)
Democracy[a]	–0.37†	–0.50**	—	–0.39*	—
	(0.22)	(0.20)		(0.23)	
Polity IV (democracy)	—	—	—	—	–2.41*
					(1.08)
Economic growth	0.15	0.16	0.30	0.27	—
change GDP	(0.13)	(0.13)	(0.27)	(0.26)	
Economic development	—	—	—	—	–0.02
GDP/capita					(0.05)
Level of inequality	—	—	–0.21	—	—
			(0.20)		
Change in inequality	—	—	—	—	1.25
2 yr lag					(5.77)
Strength of political opposition	—	—	0.001	0.001	—
			(0.001)	(0.001)	
Government effectiveness	—	—	–3.05	17.60†	—
			(12.43)	(11.13)	
Constant	33.36***	43.86***	28.98*	21.18**	53.21***
N	107	107	79	81	88
Wald χ^2	24.80***	26.31***	13.58*	17.66**	19.29**

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Variables lagged one year on dependent variable unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV model replications can be found in Appendix 4. There was no change in the significance of lustration.

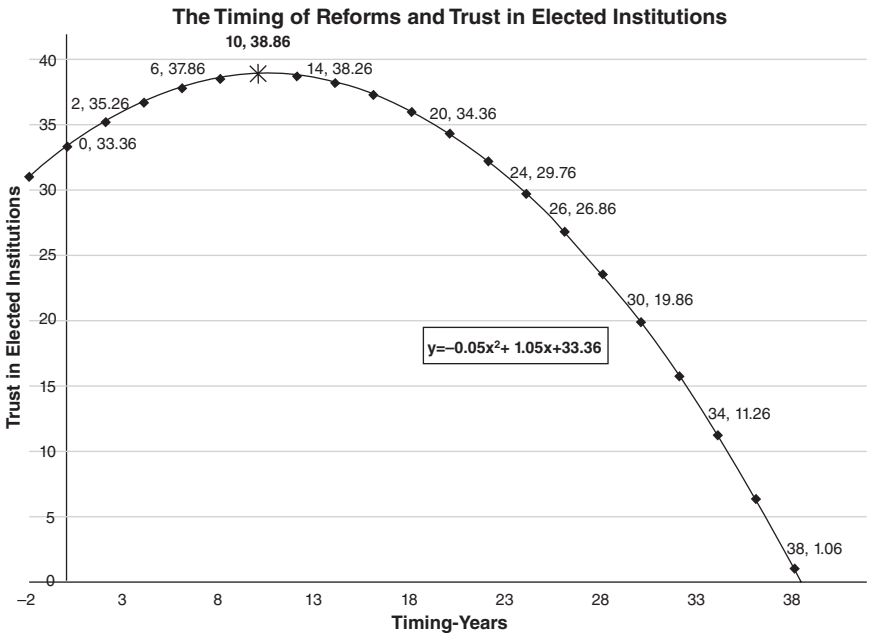

Figure 3.3. Timing of reforms and trust in elected institutions

measures have been wielded by political parties, thereby undermining their perceived utility. The trust in elected institutions variable is a useful foil to the other trust composites, demonstrating that different objects of political trust can be differently impacted by the same policy measure. Lustration is not a policy panacea, but instead has previously unexplored conditional effects.

Trust in the Judiciary and the Police

Trust in the judicial system is directly linked to a host of important citizen behaviors in both the political and social realms. Since judicial trust is central to both democratic consolidation and good governance, lustration's potential impact on trust in the judiciary merits individualized attention. Trust in the police as a credible and effective oversight institution also directly supports governance and democracy. Table 3.8 presents a series of models testing lustration's relationship with trust in the judiciary from 2001 to 2010. The models show that irrespective of the controls or the specifications, lustration

Table 3.8. Transitional justice and trust in the judiciary (2001–2010)

Judiciary					
	Model 1[a]	Model 2	Model 3	Model 4[a]	Model 5
Lustration measures	5.74***	—	4.45***	—	4.24***
	(1.41)		(1.20)		(1.21)
Lustration waves	—	−5.38***	—	−4.87***	—
		(1.28)		(1.46)	
Timing of lustration	1.10	—	—	—	—
	(0.73)				
Timing of lustration squared	−0.03	—	—	—	—
	(0.03)				
Truth commission	—	−1.04	−0.63	0.93	−1.07
		(1.80)	(2.32)	(2.23)	(2.30)
Corruption	−0.47***	−0.50***	−0.52***	−0.55***	−0.51***
	(0.11)	(0.11)	(0.11)	(0.12)	(0.12)
Democracy[b]	−0.21	−0.21	—	—	—
	(0.26)	(0.25)			
Polity IV (Democracy)	—	—	—	—	−0.85
					(1.35)
Economic growth[c]	−0.07	−0.02	−0.05	−0.05	—
change GDP	(0.16)	(0.16)	(0.33)	(0.33)	
Economic development[c]	—	—	—	—	0.07
GDP/capita					(0.09)
Government effectiveness	—	—	31.64*	18.26	36.64*
			(14.24)	(16.37)	(15.28)
Judicial framework and independence[b]	—	—	−4.76**	−4.25**	−4.52**
			(1.70)	(1.71)	(1.73)
Constant	29.54***	63.68***	39.27***	68.24***	46.81**
N	90	90	81	81	81
Wald χ^2	72.02***	73.23***	72.38***	67.86***	73.97***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. All variables lagged one year unless indicated otherwise. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. *p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV model replications can be found in Appendix 4. There was no change in the significance of lustration.

[b] Judicial independence is a constitutive element of the democracy measure by Freedom House, therefore they cannot be used in the same model together.

[c] GDP/capita and change in GDP do not affect the statistical significance of lustration measures. Only one model reported to illustrate the lack of change.

measures were robust and significant predictors of more trust in the judiciary.[55] Moreover, in all of the model permutations both *lustration measures* and *lustration waves* were consistent and robust. Earlier waves of lustration were associated with more trust in the judiciary, and more compulsory lustration programs were associated with the highest levels of trust. Predicted value calculations, estimated based on Model 1 and holding the independent variables constant at their mean values, indicated that a shift from informal lustration measures to limited lustration measures was associated with an 18 percent increase in trust in the judiciary. A shift from informal measures to compulsory lustration yielded an increase of 30 percent. These findings are especially robust, and suggest that the judiciary was particularly affected by lustration and related measures. However, truth commissions were not robust predictors of trust in the judiciary, similar to the findings presented for other public institutions.

The robust lustration waves variable ($p<0.001$) indicates that earlier programs had greater associations with trust in the judiciary than later programs. In particular, using predicted value estimators, the trust difference between first wave and third wave countries was approximately 14 percent. This should be considered in conjunction with the fact that the *timing of lustration* variables were not statistically significant. Unlike other political institutions, the judiciary appeared less sensitive to the timing of lustration measures. Taking into account the two different timing variables, earlier programs with *longer durations* had more of an impact on trust in the judiciary than simple temporal conditions alone.

As recorded in Table 3.9, these same strong, positive, and consistent relationships held true for lustration's relationship with trust in the police. In all of the models with trust in the police as the dependent variable, lustration was a significant predictor of more trust in the police, with more compulsory lustration associated with the most trust. Like trust in the judiciary, the timing variables were not statistically significant, demonstrating that the models were not highly sensitive to the timing of reforms. While earlier lustration waves were associated with more trust, all lustration measures were associated with trust in the police. Even controlling for levels of corruption and the quality of the judicial framework, more extensive and compulsory lustration programs appeared to have a substantial trust-building effect on trust in the police. Informal measures were also associated with more trust in the police, but similar to trust in the judiciary, the magnitude of effect was smaller. Like the other models, truth commissions were associated with less trust in the police. Altogether, these findings were consistent with expectations that forced bureaucratic change in oversight institutions makes them appear more trustworthy to citizens. Moreover, it also suggests that compulsory

Table 3.9. Transitional justice and trust in the police (2001–2010)

Trust in police					
	Model 1	Model 2	Model 3	Model 4	Model 5
Lustration measures	0.24*	—	0.33***	—	0.31***
	(0.11)		(0.09)		(0.09)
Lustration waves	—	–0.37***	—	–0.28**	—
		(0.11)		(0.11)	
Timing of lustration	–0.01	—	—	—	—
	(0.06)				
Timing of lustration squared	0.001	—	—	—	—
	(0.003)				
Truth commission	—	–0.77***	–0.67***	—	–0.68***
		(0.17)	(0.17)		(0.17)
Corruption	–0.03***	–0.04***	–0.04***	–0.04***	–0.04***
square inverse	(0.008)	(0.008)	(0.008)	(0.009)	(0.008)
Democracy	–0.01	–0.02	—	—	—
square inverse	(0.02)	(0.02)			
Economic growth	–0.03**	—	—	–0.08***	–0.06*
change GDP	(0.02)			(0.02)	(0.02)
Strength civil society	—	—	–0.01	—	—
			(0.01)		
Inequality	—	0.05**	—	0.04*	0.05**
		(0.02)		(0.02)	(0.02)
Government effectiveness	—	–1.36	–1.24	0.58	0.04
		(1.20)	(1.09)	1.18)	(1.03)
Judicial independence	—	—	—	–0.33**	–0.27*
				(0.13)	(0.12)
Constant	7.29***	8.26***	7.99***	8.66***	7.20***
N	90	79	81	79	79
Wald χ^2	51.94***	53.91***	48.89***	46.47***	69.56***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. All variables lagged one year on the dependent variable. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

change might in fact make public institutions like the judiciary and the police more credible and capable and therefore more worthy of trust.

Trust in Parliament and Political Parties

Given how sensitive trust in elected institutions was to the timing of reforms, this section gives separate attention to the relationship between lustration programs and trust in parliament and trust in political parties. Figure 3.4 illustrates the variation in trust in parliament both within and between post-communist countries from 2001 to 2012. There were no clear positive trend lines, and some countries, like Romania, Hungary, and Lithuania, evidenced

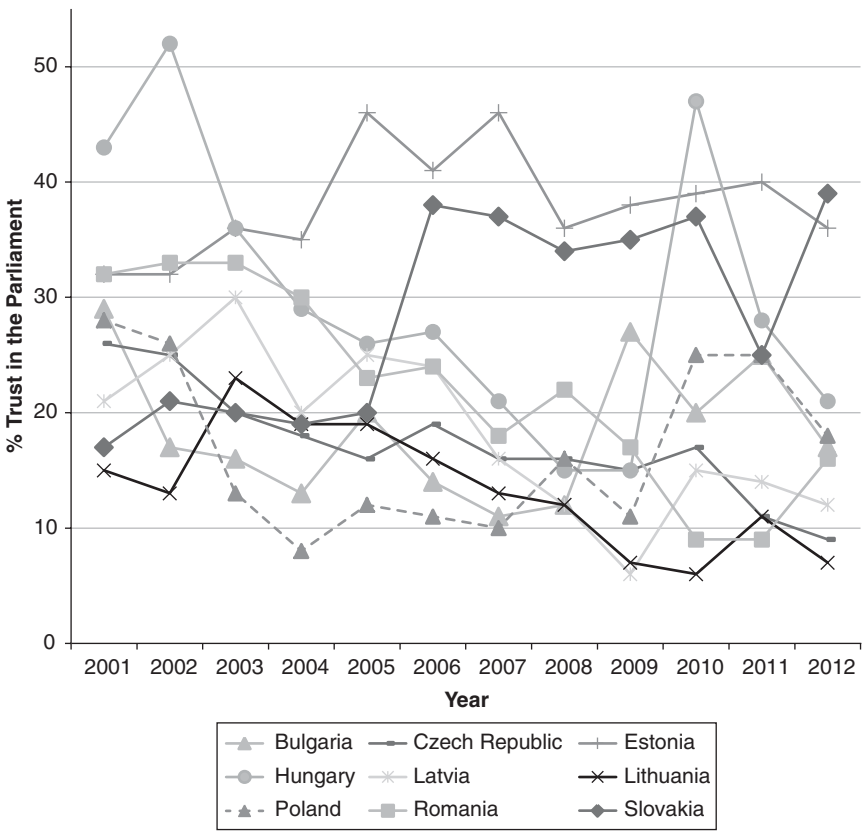

Figure 3.4. Variation in trust in parliament

Source: Eurobarometer Public Opinion Surveys

negative trend lines. Hungary demonstrated the highest single value for trust in parliament in 2002, when 52 percent of citizens said they trusted parliament. This was in comparison to Latvia's low point of 6 percent trust in parliament recorded in 2009. Most measures of trust in parliament fell below the 45 percent level, demonstrating relatively low levels of trust overall.

Table 3.10 presents a series of models with trust in parliament as the dependent variable. *Lustration measures* were neither consistently signed nor consistently significant in the models. *Lustration waves* were significant and negatively signed in only one of the models, but the *timing of lustration* and *timing squared* variables were also not statistically significant. The inconsistency of the models suggested weak and possibly conditional effects of early lustration on trust in parliament, but again this relationship was statistically tenuous. Table 3.11 presents the regression results for trust in political parties and they mirrored those for trust in parliament; in none of the models was lustration a significant predictor of trust in political parties. To rephrase, trust in politicized public institutions had no clear relationship with lustration. Unlike trust in general public institutions, trust in highly politicized institutions appeared unresponsive to lustration. Once again these models suggested a correlation between truth commissions and less trust, as per the other analyses. Considering truth commissions alone or with other reforms made no difference in the models; truth commissions were not associated with building trust in public institutions. As predicted in the comparative literature, higher levels of corruption were associated with less trust in parliament and less trust in political parties, suggesting that trust in parliament and political parties in post-communist countries were in fact affected by some of the traditional factors found in the literature.

In sum, the findings in this section demonstrate the importance of thinking about the possible differential effects of lustration on different objects of trust both within and between trust categories. Analyses of elected institutions like the parliament and political parties presented the first support for critics' concerns that late lustration programs could undermine trust, if the programs became susceptible to political manipulation. These findings highlighted the potential dangers of politically instrumentalized lustration on public trust, something afforded greater possibility with later lustration programs but in no way exclusive to late programs. This is an important caveat on the consistently robust finding that lustration measures appeared to support political trust-building. It also reinforces the importance of considering possible temporal scope conditions on reform efficacy.

Table 3.10. Transitional justice and trust in the parliament (2001–2012)

Parliament				
	Model 1	Model 2	Model 3	Model 4[a]
Lustration measures	–0.18	—	0.08	—
	(0.17)		(0.16)	
Lustration waves	—	–0.38**	—	–0.26
		(0.15)		(0.19)
Timing of lustration	0.08	—	—	—
	(0.09)			
Timing lustration squared	–0.005	—	—	—
	(0.004)			
Truth commission	—	–0.42*	–0.44	–0.19
		(0.21)	(0.26)	(0.27)
Corruption	–0.04***	–0.05***	–0.05***	–0.03*
	(0.01)	(0.01)	(0.01)	(0.01)
Democracy	–0.02	–0.07*	–0.04	—
	(0.03)	(0.03)	(0.03)	
Economic growth	0.03†	0.04*	0.04	—
change GDP	(0.02)	(0.02)	(0.02)	
Economic growth	—	—	—	–0.02
change GDP/capita, 2 yr lag				(0.01)
Change in inequality	—	—	0.51	—
			(0.89)	
Government effectiveness	—	—	—	–1.94
				(2.12)
Strength political opposition	—	—	—	0.0002
Squared				(0.0002)
Constant	6.51***	8.28***	6.80***	7.31***
N	107	107	87	81
Wald χ^2	17.30**	24.85***	15.05*	12.59*

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Variables lagged one year on dependent variable unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. *p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV model replications can be found in Appendix 4. There was no change in the significance of lustration waves or truth commissions.

Table 3.11. Transitional justice and trust in political parties (2001–2012)

Political parties				
	Model 1	Model 2	Model 3	Model 4
Lustration measures	0.12	—	0.02	—
	(0.12)		(0.09)	
Lustration waves	—	–0.16	—	–0.10
		(0.11)		(0.13)
Timing of lustration	0.09†	—	—	—
	(0.06)			
Timing of lustration squared	–0.004†	—	—	—
	(0.003)			
Truth commission	–0.51***	–0.18	–0.26	–0.37*
	(0.15)	(0.17)	(0.18)	(0.16)
Corruption	–0.04***	–0.02**	–0.02*	–0.02**
squared inverse	(0.008)	(0.009)	(0.008)	(0.008)
Democracy	–0.06**	–0.05*	—	—
squared inverse	(0.02)	(0.02)		
Economic growth	0.006	—	0.04	0.03
change GDP	(0.01)		(0.03)	(0.03)
Government effectiveness	—	0.27	–0.92	–1.20
		(1.25)	(1.04)	(1.16)
Inequality	—	–0.01	–0.03†	—
		(0.02)	(0.02)	
Strength political opposition	—	—	0.0002*	0.0002†
Squared			(0.0001)	(0.0001)
Constant	5.27***	5.76***	4.85***	4.49***
N	107	79	79	81
Wald χ^2	25.47***	13.96*	13.71*	12.76*

Note: Cross-sectional time series FGLS regression analyses, clustered by country. All variables lagged on dependent variable. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95 percent confidence interval, two tailed. †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

DOES LUSTRATION AFFECT INDIVIDUAL ATTITUDES TOWARD PUBLIC INSTITUTIONS?

The national-level trust data analyses generally demonstrated a direct positive relationship between more extensive and compulsory lustration measures and more trust, although this was conditional on the degree of politicization of the public institutions.

This section asks do we also see a relationship between lustration measures and trust in public institutions at the individual level? Controlling for basic demographics like age, gender, or education level, as well as attitudinal factors such as overall life satisfaction or optimism about the future, is there still a positive association between lustration and trust in public institutions? As explored in Chapter 1, various trust theories highlight the role of the family, education, and income in shaping trust propensities, as well as attitudes about government or nostalgia for the past. This section examines these individual level considerations in order to assess the degree to which they explain variation in political trust propensities. It also provides a test of whether the aggregate-level analyses and individual-level analyses of the relationship between lustration and trust-building comport with each other.

It is especially important to consider individual level characteristics and attitudes in the post-communist context because we know that different age groups and education levels experienced the economic, social, and political transitions differently. For some groups, especially the young, it opened up many new possibilities, fueling an initial sense of optimism. For others, it brought significant economic deprivation, shutting individuals out of previous career tracks and undermining economic security. Knowing that groups might be differently impacted by the transition dynamics forces us to consider whether demographic differences systematically affected trust propensities in the post-communist context.

The *New Europe Barometer* is a unique compilation of surveys of citizens in post-communist countries from 1991 to 2007, providing details about their attitudes toward each other and their political institutions immediately after the transition and for almost fifteen years (Rose 1998; Rose 2010).[56] It is invaluable in capturing both the post-transition euphoria, replete with all the communist institutional legacies, through a series of political, social, and economic changes. Using this dataset as a foundation, I added lustration variables and national level control variables to test the relationships between lustration measures and individual perceptions of political trust. This dataset is substantially larger than the *Eurobarometer* data previously analyzed, covers both Russia and Ukraine, and provides a different perspective from which to test the robustness of the relationship between lustration programs and political trust.

Table 3.12 presents a series of comparative mean scores of citizens' assessments of trust on a scale of 1 (no trust) to 7 (high trust) of several public institutions in 1993 and 2004 (Rose 2010, Question A4a-A4j).[57] 1993 was the first year for which data was available for all of the countries and 2004 was the last year for which comprehensive trust data was available. These time periods are fortuitous because the first year of available data was very proximate to the transition, capturing the sense of trust in public institutions individuals felt in the post-transition wave of optimism. The last year with available data, 2004, was late enough to capture evolving citizen attitudes toward institutions in the wake of economic, social, and political changes. Additionally, since more than a decade elapsed between these two measures, it allowed for an evaluation of both intra-country and cross regional changes in trust.

First, as was evident in the national-level analyses, political parties enjoyed the lowest levels of trust of the public institutions. In every case except Ukraine, trust in political parties decreased over the course of the transitions. What started out as low but optimistic levels of trust in political parties

Table 3.12. Trust in public institutions

Trust in Public Institutions: Individual Level Survey Results
Mean of Trust in Institution: Comparison of Years 1993/2004
To what extent do you trust the following public institutions?
(Scale 1–7, 7 most trust)

	Parliament	Courts	Police	Army	Political Parties	Press
	1993/2004	1993/2004	1993/2004	1993/2004	1993/2004	1993/2004
Bulgaria	2.16/2.22	2.75/2.63	2.85/3.69	4.61/3.75	2.52/2.14	3.99/4.18
Czech Republic	3.65/2.93	4.02/3.60	3.88/3.64	4.06/3.72	3.69/2.89	5.13/4.41
Estonia	4.1/3.18	4.31/4.21	3.85/4.18	4.39/4.57	3.13/2.66	4.45/5.10
Hungary	3.18/3.42	4.3/4.22	4.17/4.17	4.31/3.98	2.77/3.10	5.04/4.54
Latvia	3.94/2.95	4.23/3.81	3.67/3.90	4.26/3.95	3.17/2.63	4.79/4.32
Lithuania	3.99/3.13	3.99/3.58	3.83/3.72	4.16/4.89	3.3/2.83	4.71/4.94
Poland	3.48/2.41	3.85/3.20	4.12/3.74	4.78/4.73	2.63/2.03	3.1/3.92
Romania	3.22/2.74	4.06/3.29	3.83/3.57	5.5/4.76	3.02/2.44	4.11/4.05
Russia	3.12/2.81	3.52/3.31	3.21/3.08	4.2/3.93	2.68/2.61	3.34/4.47
Slovakia[a]	3.43/2.78	3.78/3.36	3.66/3.48	4.46/4.32	3.1/2.63	3.54/4.13
Ukraine	2.57/3.33	3.21/2.92	2.76/2.51	3.76/3.78	2.34/2.92	2.65/4.21

Note: Population size varies by country and year from approximately 800–1272 observations.
Author calculations of *New Democracies Barometer I–XV Trend Dataset, 1991–2007.*
[a] Slovakia is 1995/2004 comparison.

eroded over time to the lowest observed trust levels across the countries and institutions. Second, the army earned uniformly high ratings for public trust in all the countries included in this sample. Trust in the army was seconded only by high levels of trust in the president. Two of the oversight institutions registered relatively high levels of trust within the region; a trend that resonated with the previously presented national level analyses of oversight institutions (Table 3.6). Third, Table 3.12 highlights significant differences in perceptions of trust across public institutions. Citizens were not conflating their trust assessments, but differentiated perceptions of trustworthiness between the public institutions. This trend held for all of the countries in the region. This strongly rejects a hypothesis that trust is generalized across these institutions (Mishler and Rose 2001), or an argument that citizens are somehow unable to make institutional trust assessments. In sum, the individual-level survey results in Table 3.12 resonate with the tendencies observed in the national-level data.

Trust Variables and Demographic Controls

To address the extent to which lustration can explain some of the variation in levels of trust in these public institutions, I turn to a statistical analysis of this data. I constructed a composite of *trust in public institutions*—the dependent variable—taking into account perceptions of the trustworthiness of the courts, the police, the army, parliament, and political parties. In this way, it mirrors that of the composite from the national-level analysis (see Appendix 3 for data details). The *New Europe Barometer* is longitudinal but not panel data, therefore I selected year 2004 to analyze the survey data cross-sectionally. There are several reasons why 2004 is a good snapshot of the region. First, 2004 is the only year for which data was available across all the eleven countries in this analysis, both in terms of institutional and interpersonal trust measures. Including as many countries as possible in the analysis is a priority, especially since the *Eurobarometer* data analysis could not include Russia and Ukraine. Second, 2004 is within the time period analyzed at the aggregate level, so it allows for symmetry in the comparison of the results from the individual and country level data. Third, by 2004 there was a possibility of detecting a cumulated impact of lustration on trust. In the absence of longitudinal panel survey data, which would have permitted a time series dimension to the data, 2004 permits an examination of both late as well as early lustration effects. Additionally, 2004 allows one to hold constant the larger geopolitical conditions in the international system. As such, there are a

number of reasons to think 2004 is a representative and in some ways optimal year, given the parameters of the data available.

The dataset included controls for a variety of individual-level variables that remained outside the parameters of the national-level analyses. First and most basically, demographic variables, such as gender, age, and education, were included as possible explanations for some of the variation in trust in public institutions. More educated citizens or younger citizens could evidence different trust propensities. Second, citizens' attitudes about the past, present, and future were also included. Individuals with more optimistic views of the future are more trusting in general and display higher levels of institutional trust. Conversely, individuals with less economic security or more nostalgic views of the past might show less trust in current public institutions. The degree to which individuals were satisfied with the present or nostalgic about the communist past could systematically affect trust propensities. Third, life satisfaction has been demonstrated to affect perceptions of trust, with greater life satisfaction associated with more trust (Ingelhart 1997; Uslaner 2002). Fourth, perceptions of government fairness and efficacy affect perceptions of institutional trustworthiness. Rothstein demonstrated an important role for perceptions of fairness on citizens' perceptions of trust in government and public institutions (Rothstein 2011; Rothstein and Uslaner 2005). Government effectiveness affects trust, with more reliable and effective government appearing more trustworthiness (Levi 1998; Braithwaite and Levi 1998). Including these controls allows for a particularly robust test of a range of traditional variables that have been shown to affect trust in public institutions.

Fifth, the relationship between social and political trust constitutes a core debate within the trust literature. Uslaner argued they must be treated separately and one should not expect there to be predictable spillover effects between the different types of trust (Uslaner 2002, 7–8; Newton 2007). Other scholars have presented evidence that individuals who are more trusting in general, meaning those that have higher levels of interpersonal trust, also have higher levels of trust in public and social institutions (Ingelhart 1999; Kaase 1999, 1; Rothstein and Stolle 2008, 454–6). Whether the recursive social and political trust relationships seen in other countries also hold for the post-communist sphere is hotly contested. Rose-Ackerman argued that the causal relationship could go in either direction, citing cases with low interpersonal trust but high institutional trust and other cases with high institutional trust but low interpersonal trust (2001, 421). Uslaner was more emphatic, using trust data to show that institutional trust and interpersonal trust did not move together in post-communist countries (2008, 153). However, Rothstein and Eek used experimental research to show a direct relationship between trust in authorities and social trust in Romania and Sweden (2009, 106). Therefore,

there is a possibility that these trusting dynamics could travel to the post-communist space. Rather than making *a priori* assumptions about the relationship between social and political trust in the post-communist space, I included several social trust variables in this dataset in order to test possible relationships. In particular, several questions from the *New Europe Barometer* could be reconfigured into social trust variables. *Interpersonal trust* was derived from the question "Do you trust most people?," resonating with the traditional World Values Survey measure. I constructed a *social trust composite* variable by averaging the survey results from the only two available social institutions, unions and the church. This section leaves the relationship between social and political trust open for testing, given the mixed findings in the literature. These relationships will receive additional attention in Chapter 6.

Testing Relationships between Transitional Justice and Trust in Public Institutions

Table 3.13 reports the results of a series of cross-sectional OLS regression analyses, in which the survey setup clusters the data by country.[58] The dependent variable in the models was trust in public institutions, and the year analyzed was 2004. Unlike the previous *Eurobarometer* analyses that excluded cases of non-lustration, this dataset included Russia and Ukraine. This introduces much more inter-country variability into our eleven country data analysis and widens the scope of applicability of the findings.

First, in all of the models, *lustration measures* were statistically significant predictors of trust in public institutions. The models reconfirmed the findings from the previous aggregate level analyses of trust in public institutions, namely lustration was a positive predictor of trust in public institutions. Moreover, more compulsory lustration was associated with the most trust. Second, the relationship between truth commissions and trust in public institutions was not stable. Unfortunately, the weak evidence demonstrated a trust-undermining propensity, with truth commissions associated with less institutional trust. Truth commissions and lustration affected trust in public institutions very differently, but the differential impact mirrored that seen in the previous aggregate data analyses in this chapter.

Third, turning to the social trust variables, higher levels of interpersonal trust and social trust were associated with higher levels of trust in public institutions. Given how contended this relationship is in the transitions literature, this provides preliminary evidence that the post-communist countries might look similar to non-communist countries in terms of the

Table 3.13. Transitional justice and trust in public institutions (survey data)

Composite of perceptions of trust in political parties, courts, police, army, and parliament					
	Model 1	Model 2	Model 3	Model 4	Model 5
Lustration measures	0.09*	0.07†	0.08*	0.08†	0.12*
	(0.03)	(0.03)	(0.03)	(0.04)	(0.05)
Truth commissions	—	—	−0.27*	−0.07	−0.17
			(0.10)	(0.14)	(0.13)
Interpersonal trust	0.18***	0.16***	0.18***	0.16***	0.16***
	(0.01)	(0.02)	(0.01)	(0.02)	(0.02)
Social trust composite	0.23***	0.21***	0.25***	0.22***	0.23***
(unions and church)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)
Age	−0.002	−0.001	−0.001	−0.001	−0.001
	(0.001)	(0.001)	(0.001)	(0.001)	(0.001)
Gender	−0.04	−0.04	−0.04	−0.04	−0.05
(male=1/female=2)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Education	0.02	0.004	0.02†	0.01	0.003
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Citizen perceptions of government fairness	—	−0.25***	—	−0.26***	—
		(0.02)		(0.03)	
(1=fair, 4=not fair)					
Corruption			−0.15***	—	—
			(0.03)		
Life satisfaction	—	—	—	−0.24**	—
(1=satisfied, 4=not satisfied)				(0.06)	
Nostalgia	0.14***	—	—	—	0.04†
(not nostalgic for communist past)	(0.02)				(0.02)
Opinion of current regime	—	0.004***	—	—	0.004***
		(0.001)			(0.001)
Views of future	—	—	−0.11***	—	−0.07***
(1=positive, 4=negative)			(0.01)		(0.01)
N	10087	9434	9000	9663	8193
(observations subpopulation)					
R-squared	0.25	0.31	0.27	0.31	0.30

Note: OLS Regression Models Using Survey Dataset Specification across eleven primary sampling units (countries). All countries included except Albania due to lack of data.

Standardized regression coefficients (b) reported, with linearized standard errors in parentheses. 95 percent confidence interval, two tailed. †p<0.1, *p<0.05, **p<0.01, ***p<0.001.

relationship between social and political trust. Additional data analyses will weigh in on this contentious topic in subsequent chapters. Fourth, the traditional demographic controls were not robust predictors of trust in public institutions. Younger people were not more trusting nor were more educated people, as is often predicted. As such, the inclusion of demographics did not change the final assessment of the potential importance of lustration as a political trust builder.

Fifth, an array of quality of life variables related to life satisfaction and optimism were included in the models. As can be seen in Models 3 and 5, more positive views of the future were associated with more trust in public institutions. In general, individuals who reported more life satisfaction and more positive views of the future also had higher levels of trust in public institutions (note the negative sign is associated with higher life satisfaction). Sixth, nostalgia for the past was also included as a control variable. Nostalgia for the communist past might affect the way an individual assesses the trustworthiness of new capitalist/democratic public institutions. Survey question A3a asked "Should we return to Communist rule?" and provided a series of responses from 1 (strongly agree) to 4 (strongly disagree).[59] Models 1 and 5 demonstrated that individuals with less or no nostalgia for the communist system had higher levels of trust in public institutions. This was consistent with an expectation that individuals who were less advantaged by the previous communist system would be happiest about the regime transitions, although this relationship became more fragile in Model 5. Models 2 and 5 showed that individuals with a more positive view of the current regime reported higher levels of trust in public institutions. As expected, these traditional life satisfaction and optimism variables also affected post-communist citizens' trust perceptions.

Finally, Models 2 and 4 demonstrated a consistently positive relationship between perceptions of government fairness and trust in public institutions. Individuals who perceived the government as more fair had higher levels of trust in public institutions. These findings supported the similar findings of Rothstein and Stolle (2008) and Rothstein and Uslaner (2005) regarding the importance of fairness to perceptions of institutional trustworthiness. Importantly, the models demonstrated that nostalgia for the communist past, or lack thereof, was not as critical as actual government performance perceptions. These variables combined support an understanding of trust perceptions as a function of new information and assessments of individual interests; as perceptions of government fairness and effectiveness increased, so too did assessments of institutional trustworthiness.

In sum, the findings from the survey data augment and affirm the findings from the aggregate level analyses in this chapter. Lustration measures

were consistent and significant predictors of trust in public institutions. Unfortunately, with respect to other transitional justice measures, there was evidence that truth commissions did not build trust, and at worst could undermine trust in public institutions. These findings shed light on the differential impact of transitional justice measures. Simple demographic variables could not explain variation in trust in public institutions, however, perceptions of government fairness, government effectiveness, lower corruption, and optimistic views of the future were associated with more trust. As citizens perceived higher levels of government performance, they found public institutions to be more trustworthy. This suggests that trust might be intentionally supported through policies that change the competency and interests of public institutions. Importantly these findings point to a relationship between social and political trust in the post-communist space: a contentious relationship meriting continued exploration in the social trust chapters.

CONCLUSION

Chapter 1 argued that particularized political trust, like the kind associated with public institutions, should be positively and directly affected by lustration measures due to the bureaucratic change dynamics associated with lustration and public disclosures. Personnel vetting of public institutions should change the public's perception of the capabilities, incentives, and interests of those institutions, and thereby affect perceptions of trustworthiness. Moreover, compulsory change was hypothesized to register larger effects than voluntary changes or informal changes. This chapter empirically tested these hypothesized relationships across a number of public institutions targeted by lustration laws, such as the judiciary, the police, and the parliament, as well as institutional composites, such as oversight institutions and elected institutions. At both the national and individual levels of analysis, there were significant and positive relationships between lustration measures and more trust in public institutions. More compulsory lustration measures were associated with the highest trust levels as well.

The strong and consistent relationships between lustration measures and trust held for all public institutions except highly politicized institutions like political parties and parliament. In marked contrast to the other public institutions, lustration measures had no effect, or if any, a negative effect on trust in elected institutions. In particular, elected institutions were quite time

sensitive, with later reforms associated with less trust. The potential negative effects of lustration on these more explicitly politicized institutions, concurrent with the positive effects of lustration on non-politicized institutions, suggest that attempts by political parties to manipulate lustration to their party's advantage undermine trust. This is also consistent with the observed political cycling associated with later lustration policies. The quality and legitimacy of reforms are critical to changing citizens' perceptions of political institutions. Reforms that appear politically manipulated or instrumentalized for narrow political gains would be unlikely to support trust-building. The differentiated effects of lustration on politicized and non-politicized public institutions further support the causal argument that the quality of implementation matters for trust-building.

Importantly, individuals appeared to cognitively update their trust propensities when there were concrete changes to the structure, function, and personnel in a public institution. Politicized lustration of political parties did not appear to build trust. Lustration of the police and judiciary did appear to build trust. Mishler and Rose argued that citizens in post-communist countries have a generalized trust or distrust of institutions, and that individuals were unable to distinguish between public institutions with respect to trust (2001, 43). The evidence did not support this assertion. There was substantial variation between perceptions of trust in different types of institutions, and individuals responded to new information about those institutions. These differentiated effects further support an argument that lustration changed perceptions about the competency, interests, and constraints of individuals working in public institutions. Moreover, this section contributes evidence to the debate about possible reticulated relationships between social and political trust in the post-communist space. Despite some earlier studies that suggested a relationship did not exist (Uslaner 2002; Rose-Ackerman 2001), this chapter provided evidence of a positive relationship between social and political trust. This relationship will be further explored in Chapter 6, as the findings from this study materially weigh in on what we think we know about political and social trust in post-communist countries.

While all forms of lustration were positively associated with political trust-building, more extensive and compulsory programs registered the largest relationships. Lustration measures involving less punitive changes, such as the limited and largely voluntary bureaucratic changes in Hungary, were associated with smaller trust-building effects. Romania and Bulgaria, examples of informal lustration, also registered positive trust effects but of a lesser magnitude than the more formal lustration approaches. These findings demonstrate that it is not just the presence or absence of reforms that matters. The type of lustration program also affected outcomes, with a premium on

the widest and most punitive programs. While this has been assumed by proponents of lustration, it has not yet been demonstrated systematically. In this way, the typology allows us to start to speak to *how* lustration measures might affect trust-building, shedding light on the centrality of bureaucratic change to improve perceptions of trustworthiness. It is the removal of individuals from office more than the symbolic cleansing aspects of lustration that were associated with the highest levels of trust in political institutions. Symbolic measures obviously supported trust-building, since they were consistently significant predictors in the models, but the apparent benefits from compulsory bureaucratic change overshadowed the efficacy of programs relying on informal and symbolic changes.

With respect to *when* lustration, or how the timing of lustration affected trust-building, there has been much speculation that only early lustration was efficacious and later lustration or public disclosure programs could be detrimental to trust. However, the models presented in this chapter did not support those assumptions, suggesting instead that timing presents a much more complex nonlinear relationship with trust. Delayed measures rather than the earliest measures were associated with higher levels of trust. Reforms initiated around a decade after the start of the transition showed some of the highest trust in public institution levels. In fact, the judiciary and the police were not particularly sensitive to the timing of reforms at all, benefiting from both early and late lustration measures. Additionally, the window of opportunity for starting effective reform programs was wider than generally assumed, presenting countries with options for starting potentially beneficial programs later in their transitions. There was declining utility over time to the use of lustration measures, with much later reforms associated with declining trust dividends. Therefore, the relationship between the timing of reforms and trust-building was much more complicated than generally assumed. In most of the models, both lustration variables—*lustration measures* and *lustration waves*—were similarly associated with trust-building. The *lustration waves* variable reflects both the timing and the *duration* of measures; earlier measures have longer periods to register impact. Therefore, the combination of findings associated with the *lustration waves* variable and the *lustration measures* variable demonstrated that while timing mattered, it *conditioned* not *determined* outcomes. In other words, late reforms were not harmful by definition; the quality of reforms was the primary factor affecting trust-building. The following chapters explore the extent to which other transition goals—such as democracy and corruption—were also sensitive to the timing of reforms.

Finally, there was preliminary evidence that truth commissions were associated with less trust, which was a finding that unfortunately has been supported by other analyses of truth commissions around the globe. While these

findings are only preliminary because the sample of truth commissions was small, they provide support for the argument that lustration did not have to be accompanied by other transitional justice mechanisms in order to have positive effects. Moreover, they demonstrate that all truth-telling or transparency measures are not benign and could have negative unintended consequences. The effects of truth commissions on trust in government will be examined in the next chapter.

NOTES

1. ACT of October 18, 2006, see Appendix 1.
2. Article 12 of the Law for Access and Disclosure of the Documents, see Appendix 1.
3. See *Consiliul National pentru Studierea Arhivelor Securitatii* (Romania) webpage for updates on positions subject to vetting reviews. http://www.cnsas.ro/, accessed October 12, 2016.
4. Parts of this section are modified from Horne 2015.
5. This framing of Bulgaria's program as a form of "silent lustration" comes from author interview with Chairman Evtim Kostadinov.
6. Interview with Dr András Bozóki.
7. See Dossier Commission, http://www.comdos.bg/, accessed June 6, 2016.
8. As of 2016 the Dossier Commission was still active and still headed by Kostadinov, who was elected for a second term in 2012 and expected to serve until 2017. It is not clear when the Commission will be disbanded and if another Commissioner will be appointed in 2017. "Members of the Committee," Dossier Commission, http://www.comdos.bg/Състав_на_комисията, accessed August 20, 2013.
9. See Article A2 and 12 of the *Law for Access and Disclosure of the Documents*.
10. See Letter from *Chairman of the Committee: Evtim Kostadinov*. On Dossier Commission website, Bulgaria. http://www.comdos.bg/media/Nashite%20izdania/spisanie-2-final-(9).pdf, accessed October 12, 2016.
11. For a list of the screened agencies both with and without established affiliations with the Commission see, the Dossier Commission's website, "Checked Institutions," http://www.comdos.bg/provereni-institutsii, accessed August 16, 2013.
12. See Dossier Commission Decision No. 37, (10/06/2008), http://www.comdos.bg/, accessed October 12, 2016.
13. At the time of the Bonev Commission 40–60 percent of the Court were known collaborators, and the limited turnover in the Court means the percentage of former collaborators remained high. Interview with Momchil Metodiev and with Dimitar Markov.
14. Interview with Chairman Evtim Kostadinov.
15. Ibid.
16. Interview with Chairman Kostadinov.

17. Ibid.
18. Ibid.
19. Distinguishing *active* collaboration from *passive* collaboration remains the subject of debate. With questions regarding file veracity, it was possible for active collaborators to feign ignorance.
20. Interviews with Dr Iskra Baeva and Dr Evgenia Kalinova, at Sofia University "St. Kliment Ohridski," Bulgaria, July 11, 2012.
21. Interview with Momchil Metodiev.
22. Interview with Gabriel Andreescu.
23. Interview with Dr Adrian Cioflâncă, Member of the Collegium, C.N.S.A.S., Bucharest, Romania, October 17, 2012.
24. Ibid.
25. Interviews with Dr Dragoş Petrescu and Dr Adrian Cioflâncă, C.N.S.A.S.; See also the C.N.S.A.S.'s website at http://www.cnsas.ro for additional details on files available and reviewed. Last accessed October 12, 2016.
26. Interview with Dr Dragoş Petrescu.
27. The 2008 legislation changing the responsibilities of the C.N.S.A.S. also changed the burden of proof to demonstrate collaboration. One needed to prove that the collaboration both violated human rights and that the acts were anti-regime, meaning in some way they also violated the norms of the regime at the time. While it is relatively easy to show that collaboration violated someone's human rights, such as the right to privacy, it is much harder to demonstrate the second prong of the test. Therefore, the new law in some ways shielded individuals from positive collaboration determinations because many cases didn't technically violate the norms of the Ceaușescu regime. Interview with Dr Petrescu.
28. Ibid.
29. In particular, the C.N.S.A.S. noted that media magnates and business leaders spent significant sums hiring the top legal firms to contest collaboration allegations in trials that can last seven years. Ibid.
30. Ibid.
31. Interview with Dr Adrian Cioflâncă.
32. Interview with Dr Dragoş Petrescu.
33. Interview with Dr Adrian Cioflâncă.
34. As a point of clarification, *Eurobarometer* classifies political parties as political institutions and classifies the judiciary as a social institution. Political parties are not traditionally considered public institutions—political parties serve in public institutions but do not define public institutions. As a compromise, the models in this analysis use political parties within institutional aggregates in order to minimize the impact this single variable has on measures of public institutional trust. The judiciary is generally considered a public not a social institution, therefore, it will be treated as a public institution in this chapter. Finally, the press is a semi-public oversight institution and a social oversight institution. It will be grouped with other oversight institutions in this chapter, reflecting its somewhat ambiguous classification, and will be examined separately in Chapter 6 on *Social Institutions*.

35. Appendix 4 includes individual results for trust in the police and political parties as well.
36. Schumpeter's famous "thin" definition of democracy focuses on procedural elements leaving out a range of personal freedoms and liberties found in thicker definitions (Schumpeter 1942).
37. See Freedom House's Nations in Transit series for a complete breakdown of the constitutive elements of their "democracy" measures. Freedom House 2012.
38. There are other data sources on democratization, but their coverage of the post-communist space was limited as of 2014. The V-Dem project did not have democracy data available on this region as of 2014, https://v-dem.net/en/. The Coppedge and Reinicke democracy data only covered 1950–2000, thereby cutting off the last decade of changes in the post-communist region (Coppedge 2009). The Bollen democracy data also covered 1950–1990, again missing the entire transition period (Bollen 2001).
39. 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 http://systemicpeace.org/polity/polity4.htm, last accessed June 15, 2016.
40. The exact correlation between these two measures for the post-communist region from 1995 to 2012 is r=0.74, author calculations.
41. Freedom House's corruption measures were too highly correlated with its democracy scores to use both measures together (Pearson's r= 0.87). Treisman (2007) discusses dilemmas associated with measuring corruption.
42. Beck et al. are transparent about the myriad problems coding post-communist countries, and the lack of fit of these measures to the post-communist political landscape (2010).
43. During database construction in 2012 and 2013, all available data were used, resulting in some of the models covering 2001–2010 and others covering 2001–2012. No systematic data was available earlier than this. Time periods are noted for each model.
44. Before running feasible generalized least squares (FGLS) regression analyses, Hausman tests were conducted to ascertain the appropriateness of using fixed effects or random effects. Only trust in public institutions was appropriate for both. As a note, the lustration measures variable was not substantially affected by the use of either a fixed or random effects estimator, yielding similar substantive results.
45. Hausman tests for fixed and random effects models pass the Chi-squared statistical test of significance, thereby validating the use of both fixed and random effects estimators. Author calculations using STATA 12, cross-sectional time series, xtreg, fe models.
46. Note, timing variables are not included in lustration waves models because that would constitute three different measures of the same timing concept. While the models show that timing is statistically significant, models with such overlapping measurements could create collinearity problems.

47. Predicted calculations estimated with STATA 12, using the most basic model including corruption, democracy, and economic growth variables held at their mean values.
48. A timing cubed variable was also tried, but it was not statistically significant and was dropped from the models. The timing squared variable is simply the timing value squared (see Appendix 3).
49. The coordinates for the x and y axis are (6, 3.72) and (18, 3.75) showing that over the time period between 6–18 years after the transition there is a negligible change in the value of y. Calculated by author.
50. Coordinates are (20, 3.7) as compared to the vertex of (12, 3.8).
51. The sample size dropped for Models 3 and 4 due to data limitations with some of the control, such as government effectiveness, the strength of the political opposition, and the level of inequality. Note, the models do not pass the Hausman test for fixed-effects models (the Chi-squared is not significant), therefore, no fixed-effects model specifications are included for this dependent variable.
52. These correspond to the x, y coordinates (2, 3.77) (30, 3.88). As is clear from the graph and the coordinates, there is no change in the y value of trust across a range of years.
53. Note, the models do not pass the Hausman test of significance for fixed-effects models. Therefore, only random effects are reported here.
54. The x, y coordinates for this time range are (8, 38.56) and (14, 38.26). Within this time frame the y value changes approximately 1 percent and the x value covers a period of eight to fourteen years after the transition.
55. The fixed-effects models are not robust, failing to meet threshold to pass the Hausman test of significance.
56. The dataset is a result of the compilation of annual *New Democracies Barometer* surveys, although not all countries are sampled each year and there are differences in the questions asked each survey year as well. Therefore, despite the wide time period over which the surveys were conducted, there is limited true data across all the questions and all the countries by year.
57. There was no data available on Albania.
58. I also performed a series of similarly structured multilevel mixed-effects models controlling for both fixed and random effects. After calculating the intraclass correlation coefficients for each of the possible trust dependent variables (trust in public institutions, social trust, interpersonal trust, and trust in government), the intraclass correlation was too close to 0 (0.004, for example) to permit multilevel mixed-effects models. Therefore, OLS regression with survey specifications was recommended, and I set the data with survey parameters and performed all OLS regressions with svy controls in STATA 12.
59. See *New Europe Barometer Trend Codebook* for an explanation of the questions and coding of each variable. UK Data Archive Study Number 5241.

4

Trust in Government and Government Effectiveness

BUILDING TRUST IN GOVERNMENT

Trust in government is a form of generalized political trust in contrast to the particularized or bounded political trust citizens have toward public institutions (Cook, Hardin, and Levi 2005, 11). Citizens' assessments of government are a function of the credibility, fairness, transparency, compliance, and, in some cases, effectiveness, of the government across social, political, and economic issue areas (Braithwaite and Levi, 1998; Kornai and Rose-Ackerman, 2004). In this way, perceptions of a trustworthy government are shaped by a complex constellation of factors spanning different national government agencies, across varied competencies and purviews, with current events having particular influence on perceptions. This differs from the more bounded nature of trust assessments focused on particular public institutions. Because of the generalized nature of trust in government, it should be less malleable to direct change efforts than particularized trust. As Chapter 1 hypothesized, transitional justice measures should therefore affect perceptions of the trustworthiness of government, however, the effects should be more indirect or attenuated than directly targeted public institutions, and they might be more temporally conditional as well.

Building trust in government is important for transitional states because of the way trust in government is thought to support democracy and government effectiveness in the comparative politics literature (Braithwaite and Levi 1998; Brehm and Rahn 1997; Warren 1999; Tyler 1998).[1] Cleary and Stokes summarized some of the possible linkages between trust in government and democracy in the case of Latin America, such as the way in which trust could directly legitimize democratic institutions (2009, 310–12). Trust in government is also linked to government effectiveness, both as a complement to democratization and as a goal in its own right. Tyler and Huo demonstrated that fair and trustworthy government agents engendered increased citizen compliance and fostered better governance (Tyler and Huo 2002, xiv). Good governance has been shown to affect economic growth and development,

subjective happiness, citizen support for government, incidence of civil war, and democratic stability (Rothstein 2011, 7; Collier 2007; Moyo 2010). Because of the centrality of good governance to a host of developmentally desirable outcomes, current scholarship highlights the importance of good governance as a desirable goal on its own and as a complement to democracy. Although a trustworthy government could be one that is effective and an effective government could be trustworthy, trust in government and government effectiveness are conceptually and empirically distinct. As such, this chapter examines the conditions under which lustration, public disclosures, and related measures affected both government effectiveness and trust in government as separate but complementary transition goals.

The expectation that lustration improves trust in government is so durable that "the general justification for the Czech lustration practice was a desire to restore the trust of the people in their government" (Boed 1999, 383). There are several ways that lustration, public disclosures, and truth commissions might affect perceptions of trust in government. First, to the extent that a government can legally change its structure or composition and establish procedures and constraints that improve the competency of its personnel and/or the fairness of its procedures, a government is capable of directly improving perceptions of its trustworthiness (Braithwaite and Levi 1998, 377). Lustration potentially effects these sorts of changes through its bureaucratic and symbolic change components. By removing individuals from positions of power who are believed to lack the necessary skills and integrity due to their previous ties to the secret police and communist regime, the bureaucratic change component of lustration could improve perceptions of government competency and credibility. Lustration's commitment to a moral cleansing of the past also signals to the population that the government is purging itself of elements from the *ancien régime*, in keeping with the promises of the post-communist transitions. The lustration and public disclosure provisions in many CEE countries included sweeping categories of state employees, broadly capturing wide swathes of the national government. As Chapter 3 detailed, the Czech, Hungarian, and Polish lustration laws broadly targeted the state administration, members of government, and persons in positions of public trust. Lithuania's lustration regulation covered all position in the national government.

In practice, lustration measures target individual institutions that comprise government, since there is no single entity, not the parliament nor the cabinet, which constitutes "the government." As a result, lustration is expected to impact trust in the national government to the extent that lustration vets numerous public institutions across large swaths of the national government. However, the effect of lustration on the whole government should be more

indirect than trust in public institutions, due to the generalized nature of trust assessments and the fact that assessments of the trustworthiness of national government are not simply a function of the staffing of the institutions of government. The magnitude of the effect of lustration on trust in government should be commensurately smaller than that seen with specific public institutions or more bounded institutional composites, such as oversight institutions. If lustration and public disclosures had a positive impact on trust in government and government effectiveness, more extensive and compulsory programs should have a greater impact than less extensive programs. In particular, public disclosures as a form of informal lustration should also support trust in government, although the magnitude of effect might be diluted compared to more extensive and punitive programs.

Second, symbolic truth-telling exercises could affect perceptions of government trustworthiness. File transparency could be translated into trust in government if citizens perceived general file access programs were a sign of future government transparency and credibility. However, more information about the extent of the secret police penetration of the personal lives of citizens could easily foment a rational distrust of government in general. File access provides information that was most deeply personal to citizens about family, friends, and colleagues. To the extent that these revelations undermine interpersonal trust or social trust, we would not expect positive effects on trust in government. The relationship between file access and interpersonal trust will be explored in more detail in Chapter 6. For the purposes of this chapter, file access alone is not hypothesized to have a strong, demonstrable relationship with trust in government but, in conjunction with lustration measures, could support perceptions of trust in government.

Third, truth commissions are public-level truth-telling exercises without any direct employment penalty possibilities. In CEE, truth commissions were not public trials, as was sometimes the case in other regions, but rather official commissions charged with investigating, documenting, and reporting the historical record, especially crimes of the previous regime. They did not target individuals per se, did not have a trial component, and did not entail individual penalties. Truth commissions in CEE focused on generating an authentic historical narrative as part of the nation-building process. This is an important task, but not one with immediate institutional implications. Truth commission could have no impact on trust in government, a small positive impact, or worse yet, undermine trust in government by exposing the extent of previous government duplicity without redress. The fear in the case of CEE is that more information about regime betrayal and complicity with the secret police without accountability mechanisms could undermine trust in government.

In sum, since trust in government is a diffused type of trust, the relationships between the various forms of transitional justice and trust in government should be weaker and more indirect than those observed with respect to public institutions. In keeping with the hypotheses generated in Chapter 1, more compulsory programs should be associated with more trust-building than less compulsory programs, and more extensive programs should evidence stronger relationships than more limited programs. Moreover, programs that focus on truth-telling and transparency without accountability should have a lesser impact or no clear relationship, if any. Across the range of transitional justice forms, one expects to see positive, albeit somewhat more indirect effects on trust in government and government effectiveness in the post-communist sphere, with potential differential effects based on the nature of the lustration program.

ASSESSING RELATIONSHIPS BETWEEN LUSTRATION AND TRUST IN NATIONAL GOVERNMENT

This section tests the claim that transitional justice helps promote trust in government, specifically engaging *how* and *under what conditions* lustration affected trust in government in the post-communist transitions. Figure 4.1 presents the *Eurobarometer* comparative trust in national government data from 2001 to 2012 across CEE.[2] There was substantial intraregional variation, with a high of 66 percent trust in government in Estonia in 2006 and a low of 7 percent in Poland in 2004. These trust figures constituted the dependent variable for the first set of statistical analyses to follow.

Even if there are subterranean mechanisms at work linking lustration to trust in government, they may be indiscernible or outweighed by more proximate political and economic conditions, such as a scandal, economic downturn, pressing social concerns, or political deadlock. Therefore, a variety of political, economic, and social controls from Chapter 3—change in inequality, level of inequality, level of economic development, economic growth, level of democratization, corruption, and the strength of the political opposition—will also be included in the following analyses of the relationship between transitional justice and trust in government.

Table 4.1 presents a series of models with trust in government as the dependent variable. The time period under analysis was 2001–2012 for Models 1, 2, and 4, with truncated time periods for Models 3 and 5 due to data limitations with control variables.[3] Models 1, 2, and 3 demonstrate that

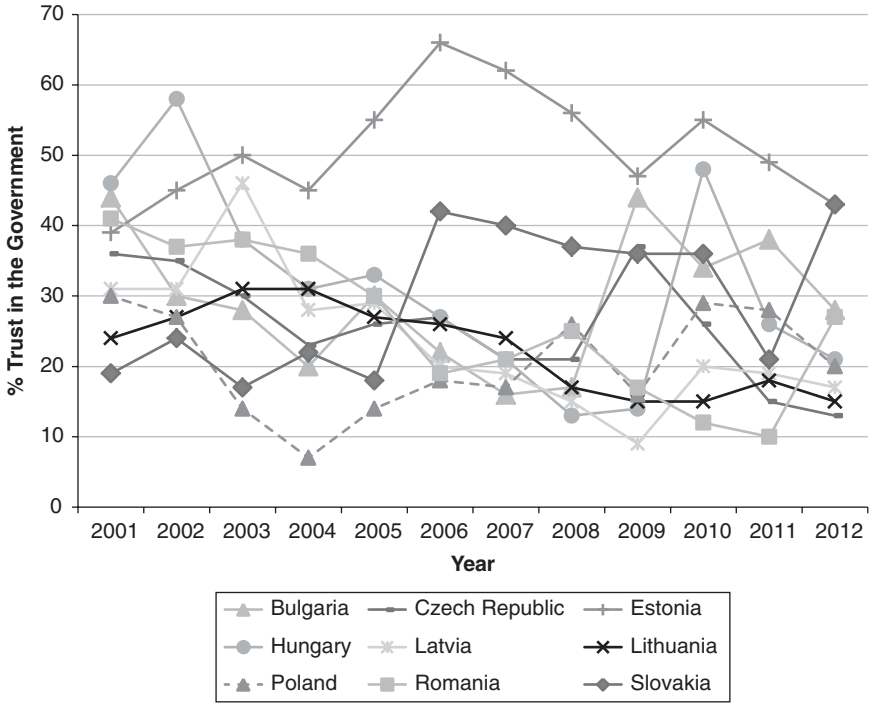

Figure 4.1. Variation in trust in government
Source: Eurobarometer Public Opinion Surveys

lustration measures did not have a statistically significant relationship with trust in national government. Models 2 and 3 are essentially testing the same set of variables using fixed- and random-effects estimators to try to maximally assess whether a relationship exists between lustration measures and trust in national government, yet no relationship was evident.[4] In contrast, the *lustration waves* variable was a significant predictor of trust in government in Model 4. More specifically, Model 4 suggests that earlier lustration programs were associated with more trust in national government under certain model specifications. Based on Model 4, the timing of the measures appeared to affect their efficacy, but how much? Using predicted value estimations based on Model 4, first wave lustration programs were associated with 12 percent more trust in government compared to second wave lustration programs, and second wave programs showed 13.5 percent more trust compared to third wave programs. In total, there was an approximate 24 percent trust in government difference between early lustration programs and third wave lustration programs. This was very substantial compared to the other timing effects observed in Chapter 3.

Table 4.1. Transitional justice and trust in government (2001–2012)

Trust in national government					
	Model 1[b]	Model 2 (fixed effects)	Model 3	Model 4	Model 5[b]
Lustration measures	0.11	4.56	1.66	—	—
	(2.20)	(3.73)	(1.62)		
Lustration waves	—	—	—	–4.20**	–3.07
				(1.67)	(2.14)
Timing lustration	0.47	—	—	—	—
	(1.04)				
Timing lustration squared	–0.05	—	—	—	—
	(0.05)				
Truth commissions	–1.55	–18.75**	–4.55	–1.49	–3.50
	(2.73)	(5.86)	(2.72)	(2.32)	(3.48)
Corruption	–0.60***	–0.006	–0.66***	–0.62***	–0.43**
	(0.15)	(0.17)	(0.14)	(0.14)	(0.15)
Democracy[a]	–0.64[†]	0.04	—	–0.97**	—
	(0.38)	(0.55)		(0.34)	
Polity IV[b]	—	—	–1.48	—	—
Democracy			(2.07)		
Economic growth	0.37	0.17	—	0.39	0.83
change GDP	(0.22)	(0.18)		(0.22)	(0.48)
Economic development	—	—	–0.03	—	—
GDP/Capita			(0.08)		
Inequality[c]	—	—	—	—	0.08
					(0.38)
Government effectiveness	—	—	—	—	–19.25
					(22.92)
Strength of civil[1] **society**	—	—	–0.85**	—	—
Inverse squared			(0.28)		
Strength of political opposition	—	—	0.004*	—	0.003
			(0.002)		(0.002)
Constant	60.57***	21.41	78.07***	76.63***	50.84*
N	107	107	90	107	79
Wald x^2	28.98***	F=8.98***	42.35***	30.17***	19.62**

Note: Cross-sectional time series FGLS regression analyses, clustered by country, with random effects except Model 2. All variables lagged one year, unless otherwise indicated. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

[a] Democracy was too highly correlated with civil society (r=0.93) to include in the same models.

[b] See Appendix 4 for models with Polity IV. There were no changes in significance of lustration or truth commissions.

[c] Change in inequality yields similar results so only level of inequality reported here.

Combining the information about timing and lustration measures, Table 4.1 suggests important temporally conditional effects of lustration on trust in government. First, *lustration measures* in general were not statistically significant, but early *lustration waves* were significant. This highlights the possible benefits of lustration, but only for early programs. Second, when specific timing considerations were included in Model 1, timing was not statistically significant.[5] However, this measure of timing captured the date a law was passed, not the primary period of *implementation*. By comparison, when the timing of actual implementation of the measures was included—as was the case with the *lustration waves* variable—the timing of *implementation* was statistically significant. This again points to a temporally contingent, albeit very sensitive, relationship between lustration measures and trust in government. These findings for trust in government are consistent with the conditional effects seen with elected political institutions in Chapter 3. Politicized or instrumentalized lustration laws could undermine trust in government, as citizens become fatigued with government manipulation or inauthentic implementation of the procedures. This leads to the conclusion that early lustration measures might contribute to building trust in government, but the effects are highly, temporally conditional and might be eroded over time as the laws become more susceptible to politicization. These findings provide some preliminary support for the concern voiced by critics that later lustration measures could become corrupted from their original mandate and undermine or fail to support the goals of political trust-building.

Truth commissions were not robustly significant across the model permutations. As with the findings from Chapter 3 on trust in public institutions, the findings for truth commissions were neutral or negative, falling far short of the hoped-for generalized trust-building propensities. As was hypothesized, purely symbolic measures with no formal accountability did not catalyze trust-building in the same way as measures involving some formal accountability. In terms of the control variables, lower corruption was associated with higher trust in national government, as hypothesized. Neither measure of democracy was associated with more trust in government, illustrating the consistency across the two different measures. Weaker civil societies were associated with more trust in national government, and stronger civil societies were associated with less trust.[6] This could suggest that as civil society becomes stronger it is better able to check the powers of government and introduce a healthy distrust of government, something theorized by Levi, Hardin, and Cook both together and separately (Levi 2000, Hardin 1999, 2004; Cook, Hardin, and Levi 2005). Government effectiveness was not associated with trust in government, reconfirming that both trust and effectiveness capture different aspects of government performance, meriting individualized attention. Material conditions like level

of economic development, economic growth, level of inequality or change in inequality did not affect the robustness of lustration and they were not significant in their own right.

In sum, there was limited and conditional evidence that lustration measures supported perceptions of trust in government in the post-communist sphere, but no evidence of possible trust-building from truth commissions. While this falls far short of policymakers' promises of trust-building from lustration, this was more realistically consistent with an understanding of trust in government as a holistic perception; citizens' assessments of the trustworthiness of government are generalized and therefore contingent on a host of proximate political, economic, and social factors. The temporally conditional effects resonate with critiques both about the diminishing returns of lustration late in the transition, as well as arguments that as the period of initial transition euphoria fades, so too does any unmerited trust in government that might have accompanied the period of "extraordinary politics." Finally, although lustration's relationship with trust in government was limited and conditional, that does not mean that lustration's relationship with other measures of governance must necessarily be so attenuated and indirect. Trust in government and good governance are not synonymous. As such, later in this chapter I will return to a separate treatment of the relationship between lustration and government effectiveness, as a complementary dependent variable related to assessments of government.

INDIVIDUAL-LEVEL DETERMINANTS OF TRUST IN GOVERNMENT

An individual's assessment of trust in government might be systematically affected by dispositional and/or attitudinal factors. For example, gender or age could affect trust propensities, with older people being potentially less trusting of government given their previous experiences under communism. Alternately, the young might be more buoyed by the transitions in general and therefore more inclined to trust the post-communist governments. Opinions about communism or capitalism could affect perceptions of government. Residual communist nostalgia might affect perceptions of the trustworthiness of the post-transition government. If citizens think the government should play a strong role in managing the market, as seen in a command economy, they are likely to be less inclined toward the new capitalist structures brought about by the transitions. Similarly, if citizens think that democratic, capitalist structures represent the best form of government, they are likely to be more trusting of

the post-transition government. Although nostalgia for the past was not especially robust in predicting trust in specific public institutions, generalized political trust in government might be more easily affected by overarching normative beliefs about the past, present, and future. As such, the survey analyses tested the degree to which demographic factors and individual attitudes related to communism explained variations in trust in government.

Using the survey data available from the *New Europe Barometer* project, the dependent variable was trust in government, based on individual responses to the question, "*To what extent do you trust government? Do you trust them completely, or somewhat trust, or somewhat distrust or completely distrust?*" (Rose 2010). This question was asked in only one survey—the 1994–1996 survey wave, and only for Estonia, Latvia, Lithuania, and Russia. Therefore, this analysis used all the available country data from the *New Europe Barometer* on trust in government.

Despite the data limitations, there are several reasons why both this group of countries and this time period were interesting and useful for the purposes of this project. First, this sample of countries is focused narrowly on the experience in post-Soviet states. Some scholars argued that the experience in CEE was so different from the states in the USSR that it is difficult to compare them. Focusing on the trust-building experiences of a snapshot of former-Soviet states facilitates an evaluation of that claim. Is trust-building in the former USSR comparable to CEE? Second, the time period analyzed was quite proximate to the transitions from communism, 1994–1996. Unlike the survey-level analysis of trust in public institutions in Chapter 3 that examined 2004, this time period concentrates on early reforms. As such, it provides a complement to the late transition dynamics previously analyzed and helps to indirectly introduce a time element into the otherwise cross-sectional analysis. Moreover, the national-level data suggested a temporally contingent effect of lustration measures on trust in government. This time period early in the transition explores whether these early trust-building properties were also evidenced in individual-level assessments of trust in government.

Third, the countries included in the analysis represent three of the four lustration categories; there is representation across the lustration spectrum from maximal lustration (Latvia and Estonia), to limited lustration (Lithuania), as well as no lustration (Russia). All of the countries that were going to pass lustration measures or related employment measures had already done so by 1996. The sample provides for enough intra-country variation in lustration programs to allow a test of the possible relationship between lustration and trust. In particular, the inclusion of Russia substantially adds to the understanding of the way a lack of lustration does or does not affect trust in government.

Finally, the post-communist legacies are often considered more durable and politically salient in countries that were part of the Soviet Union as opposed to those countries that were under the umbrella of the Warsaw Bloc. Focusing exclusively on countries that were part of the USSR tests the saliency of communist party membership and nostalgia for the past in the cases with the most direct experience with communism. In particular, this dataset included a number of questions to gauge a citizen's degree of nostalgia for the communist past, current opinions about the regime in comparison to the previous regime, and measures of the degree of personal affiliation with the Communist Party, framed in terms of whether the individual or a close family member was a member of the Party. This behavioral indicator of support for the Communist Party, combined with the attitudinal variables related to support for communism, provided a unique opportunity to analyze if and how communist ideology might have affected citizens' perceptions of trust in government. This survey instrument is one of the few available in the period directly following the initial transition euphoria, providing information about communist nostalgia combined with trust assessments. Communist regime attitudes and nostalgia are especially interesting with respect to lustration, because individuals who were complicit with the communist regime and therefore most likely to be lustrated or to have their family members lustrated might be more likely to oppose these policies. These variables could have interesting interaction effects with lustration, possibly obviating a relationship with lustration and trust in government altogether.

Testing Relationships between Transitional Justice and Trust in Government

Table 4.2 reports the results of a series of models with trust in government as the dependent variable.[7] First, *lustration measures* were positive and significant predictors of citizen trust in government (Models 2–5). In other words, more extensive lustration was associated with more trust in government. Second, there was a strong relationship between trust in public institutions and trust in government. Citizens who were more trusting of the range of public institutions, including trust in the courts, the police, the army, parliament, and political parties, also reported higher levels of trust in government. The R-squared for Models 3, 4, and 5 shows that the *lustration measures* and *trust in public institution* variables explained approximately 35 percent of the variation in trust in government. This demonstrates that if lustration measures do improve trust in particularized political institutions, as was suggested in Chapter 3, then the more diffused political trust—trust in government—could

Table 4.2. Transitional justice and trust in government (survey wave 1994–1996)

Trust in government (Scale 1–7, most trust)					
	Model 1	Model 2	Model 3	Model 4	Model 5
Lustration measures	—	0.19***	0.19***	0.19***	0.19**
		(0.01)	(0.01)	(0.01)	(0.02)
Trust public inst composite	—	0.76***	0.76***	0.77***	0.69***
(Political parties, courts, police, army, and parliament)		(0.04)	(0.04)	(0.04)	(0.05)
Age	0.003*	0.001	—	—	—
	(0.001)	(0.002)			
Gender	0.05	—	—	—	—
(male=1/female=2)	(0.07)				
Education	0.05	—	—	—	—
	(0.05)				
Former member Communist Party	—	—	–0.05	—	—
			(0.03)		
Nostalgia	—	—	—	0.05	—
(not nostalgic for communist past)				(0.04)	
Opinion of current regime	—	—	—	—	0.005*
					(0.001)
N	3578	3579	3552	3462	3327
(number observations subpopulation)					
R-squared	0.002	0.356	0.355	0.364	0.378

Note: OLS Regression Analysis, survey data specification across four primary sampling units (Latvia, Lithuania, Estonia, and Russia). The clustering of country data reduces the degrees of freedom, despite the large sample size, resulting in fewer possible independent variables per model. Robust F-tests for all models reported.

Standardized regression coefficients (b) reported, with linearized standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

also be indirectly affected by such measures. This points to both direct and indirect trust-building effects from lustration.

Third, while age, gender, and education are typically cited as demographic variables with possible systematic effects on general political trust propensities, they lacked explanatory punch in this set of countries. Although age was statistically significant in the very limited Model 1, the R-squared was so low

as to be nearly 0, suggesting age was not important in explaining variation in trust in government. Fourth, attitudinal and behavioral factors related to the previous communist regime assessed if nostalgia for the past affected perceptions of the degree of trustworthiness of the post-transition government. As Model 4 in Table 4.2 demonstrates, nostalgia for the communist past was not a significant predictor of trust, either positively or negatively. Whether an individual or a family member was active in the Communist Party was also not a predictor of trust. However, positive assessments of the current regime were associated with more trust in government. Attitudes about the past were less salient than assessments of the present and future in predicting perceptions of trust in government. This resonates with the findings regarding trust in public institutions from the previous chapter. These findings are particularly interesting because they speak to dynamics early in the transition, when it is often assumed that previous regime complicity would make citizens less supportive of lustration. While this still could be the case, these attitudes did not affect citizens' capacity to assess levels of trust in government.

In sum, this series of analyses explicitly focused on lustration measures in the post-Soviet states early in the transition. The findings demonstrated that more extensive lustration was associated with higher levels of trust in government. Additionally, more trust in public institutions was a positive predictor of trust in government. Demographic considerations and communist nostalgia or past Communist Party involvement did not affect trust propensities. Trust in government was affected by more current assessments of government, including current opinions of the regime and current levels of institutional trust. As the government's composition and behavior changed, so too did citizen perceptions of government. This points to the potential of certain types of transitional justice reforms to effect positive change.

There are some limitations to this dataset that should be considered when drawing conclusions. There was no data available on citizen perceptions of government fairness or corruption, nor were there questions pertaining to interpersonal trust or life satisfaction. Therefore, data limitations prevented the consideration of other possible individual-level factors affecting trust. That said, the findings from the cross-sectional analysis of individual-level perceptions of government comport with the time-series analysis of national-level trust data. The individual-level analysis focused on the early lustration period (1994–1996) showed a robust relationship between lustration and trust-building. This directly supports the national-level finding that early lustration waves were associated with more trust in government. To rephrase, both analyses demonstrated that lustration positively affected trust in government, but the direct effects were sensitive to the timing of policies. In addition, lustration policies and trust in public institutions explained 35 percent of the

variation in individual perceptions of trust in government. Given the already strong relationship between lustration and trust in public institutions demonstrated in Chapter 3, this suggests an indirect relationship also existed between lustration measures and trust in government as hypothesized in Chapter 1. The next section turns to a detailed country case study of late lustration in Poland, engaging more directly with how timing could affect the efficacy of lustration measures.

LATE LUSTRATION IN PRACTICE: THE CASE OF POLAND

The findings from this chapter highlighted possible temporal constraints on the efficacy of lustration and public disclosure measures. To engage issues of timing and lustration in more depth, this section turns to the case of Poland as an example of a country with delayed and late reforms.[8] Most notably, Poland enacted a renewed and expanded set of lustration policies in 2006, almost twenty years after the start of the transition. The multiple rounds of lustration and relatively late lustration program could have undermined the legitimacy of its measures. This section examines late lustration in Poland, highlighting the work of the Institute of National Remembrance (IPN) to promote a transparent and legitimate lustration program to counteract potential charges of political instrumentalization. While Poland is emblematic of the challenges countries face with late transition reforms, it also demonstrates that the quality of reforms appears to matter more than the timing of the measures.

Changing Lustration Authority

There were multiple agencies charged with administering parts of the lustration process in Poland. The original 1997 lustration law tasked the Public Interest Spokesman's Office with responsibility for screening procedures and created a Lustration Court to verify the declarations of top officers, and to punish in the event of false statements. The Institute of National Remembrance (IPN) was created in 1998, and started work officially in 2000. It was charged with archive custodial functions over the secret police files, as well as responsibilities to assist with the review of collaboration claims and background reviews of public office seekers (European Network of Official Authorities 2009, 48). Authority over aspects of lustration was thus divided across three authorities, an initiator of proceedings, archival oversight and

file management, and finally judicial arbitration. The separation of archival oversight from vetting authority was similar to that seen in the Czech Republic, but different from the Hungarian, Bulgarian, and Romanian cases.

The passage of the new lustration law in 2006 changed many aspects of the lustration process and fundamentally changed the implementing agency.[9] Starting in March 2007, vetting responsibilities were transferred to the Lustration Bureau/Vetting Office within the IPN, and it began administering the process of lustration in 2008 once the secret police files were transferred. As of 2016, the IPN still managed the archives, and the Lustration Bureau within the IPN administered the lustration process (Leśkiewicz and Žáček 2013).[10] In particular, the Vetting Office:

> maintains the register of lustration statements; analyzes lustration statements and collects information necessary for its correct assessment; prepares lustration procedures; notifies the respective bodies about non-performance by non-judicial bodies of obligations in accordance with this Law; and prepares and publishes catalogues of documents containing personal data…in connection with their activities as a secret informant.[11]

The creation of a Lustration Bureau was designed to improve the process and reduce political influences on its activities. In effect, it constituted a way to try to insulate lustration from political influences.

In addition to the administrative changes, the 2006 lustration law extended the scope of positions that the Lustration Bureau would be responsible for screening. In effect, fifty-six categories of persons in "positions and professions of public trust," including teachers, academics, journalists, state company executives, school principals, diplomats, lawyers, police, and other broadly defined civil servants were specified in the law, across local and national levels of government.[12] Although the expansive nature of the law was initially challenged, Poland's Constitutional Court ruled that the law itself was in fact constitutional, requiring the removal of a few categories of positions but leaving the law in place (Polish Constitutional Tribunal 2007).[13] By December 2012, the IPN had approximately 90,000 meters of documents in its archives, distributed over regional archival facilities. The last period of major file transfers was in 2003 with the last round of "opening the boxes" of files completed in 2005, albeit with some continual file transfers from government agencies (Leśkiewicz and Žáček 2013, 165). The vast majority of the files needed for lustration were in the possession of the IPN by the start of the new lustration measures (Instytut Pamięci Narodowej 2012, 65–7).

The new law increased the transparency of the lustration program. The original lustration laws shielded information from publication for thirty years, with information being declassified on January 1st of each year.[14] Under the

new law, the Security Service files would be published on the internet, one of the responsibilities of the bureau. Employers would also be required to verify that they had vetted their employees. This expanded the locus of responsibility from the individual alone to the individual and the employer.[15] It increased the public nature of the laws and provided a built-in enforcement mechanism. In effect, the new Lustration Bureau/Vetting Office was made the purveyor of a broader more transparent and seemingly accountable lustration program, with projections that 300,000 positions might need to be verified. Once again, this constituted one possible avenue to limit possible instrumentalization of the process by external political actors or political parties. One of the most challenging components of the Lustration Bureau's responsibilities was demonstrating individual collaboration. The definition of collaboration was *active* involvement or abetting of the secret police, requiring the Bureau to prove with both documents and witness verification that an individual was an active, not simply a passive, collaborator with the *SB*.[16] The high threshold for demonstrating active collaboration constituted another safeguard against the Lustration Bureau trying to manipulate the files to advantage select political actors.

While public authorities, institutions, and organizations always had general access to files, individual file access was originally limited to "aggrieved persons" in order to safeguard privacy (Leśkiewicz and Žáček 2013, 206). However, this changed in 2006–2007 when a Constitutional Court ruling and several legal changes opened general file access to all individuals.[17] Subsequent to the legal changes, all individuals had the right to access the original, non-redacted documents in the institute's archives, which meant individuals had the right to the unanonymized documents (Leśkiewicz and Žáček 2013, 207). Individuals could request information on themselves, or documents on employees or officers of the state Security Services, or current public functionaries, or even information on vetting cases that resulted in positive collaboration determinations (European Network of Official Authorities 2009, 53). In general, Poland's file access laws were relatively late but were both open and expansive.

File Reviews and Bureaucratic Change

The Polish program privileged truth-telling as a form of accountability over forced bureaucratic change. Poland's lustration process had a noncompulsory bureaucratic change element, which meant that employment penalties only occurred in the event that an individual lied about his collaborator background.

Even acknowledging the limitations on compulsory employment change, at the beginning of Poland's lustration program in 1997, the program's implementation was criticized for the scope of its file reviews (Stan 2006). This changed substantially with the work of the Lustration Bureau. By 2007, 23,000 files were investigated, and by September 2011, a total of approximately 30,000 files were reviewed. The Bureau was actively engaged in the vetting of candidates for elections. In 2011 there were 141,151 new lustration declarations, 137,477 of those for local election candidates and 1335 for parliamentary elections, and 2339 current office holders (Instytut Pamięci Narodowej 2012, 161). In terms of the total declarations submitted by individuals in public positions, 290,857 declarations were submitted as of July 2012, and of those, 19,005 cases were examined, with 2560 confirmed collaborators. This suggests approximately 14 percent of the files contained evidence of collaboration. Approximately 207 cases of lying about involvement triggered full lustration procedures as of 2012, and of those, forty-seven were declared false after judicial review.[18] In essence, nearly 25 percent of the cases heard by the lustration court resulted in lustration liar penalties. Looking at 2011 alone, 7548 cases of possible lustration were reviewed, with eighty-seven of these files considered suspect and forwarded to the courts for review, and thirty-eight deemed lustration liars; this was a much higher figure of 44 percent. The number of files reviewed in 2011 was almost twice as large as the number of cases reviewed in 2010 (Instytut Pamięci Narodowej 2012, 158), indicating the active work of the Vetting Office in the lustration process. The Lustration Bureau estimated that 300,000 files were left to verify as of July 2012.

The 2006 Act required that information related to file revelations be publicly available on the IPN website. As of 2013, information was available on 14,922 individuals in former managerial positions in the Communist Party and the state, the identities of 5500 public officials with details about their past, and information on more than 32,000 individuals with managerial or senior background in the state security agencies.[19] This list was constantly updated as more files were verified and more evidence of collaboration (or lack thereof) determined. Additionally, there was information on more than 7000 "*rozpracowywanych*" or individuals about whom information was collected by the security services, providing even more details about the scope of the secret police network and activities.[20] The number of names publicized gives a real sense of the scope of transparency of the lustration process in Poland. While this could not eliminate the possibility of politicization of lustration, the transparency of the process mitigated some of the danger of this happening.

Despite a lack of compulsory bureaucratic change, the Director of the Lustration Bureau suggested that there were a number of ways that verification-based

lustration catalyzed bureaucratic change. First, the information publicized directly by the IPN affected citizen perception of officials, especially officials in high public office. This could affect voting patterns. Second, the media magnified some of this information, creating a political awareness of the complicity of key public office holders and therefore shaming some individuals to refrain from taking public positions. Many bureaus and organizations did not want the bad press associated with media revelations of the collaborator backgrounds of their personnel and might vet individuals themselves or remove them from public positions. As an example of bureaucratic change, the Chairman highlighted that in 2012 the IPN revealed the former collaborator background of a recent undersecretary of finance, which then prompted his removal from the position.[21] In terms of bureaucratic turnover, it was estimated that 500 individuals were fired or prevented from taking positions due to lustration procedures, although the exact number was unknown as individuals who did not take positions out of fear of disclosure would remain uncountable. As of 2012, the Director of the Vetting Office estimated that it might take ten to fifteen more years to complete the lustration process and perhaps twenty years to finish the work of the IPN in terms of documenting and archiving a record of the past.[22]

In general, individuals did not voluntarily lustrate themselves or voluntarily engage in bureaucratic turnover.[23] It was only in the face of court review and possible employment punishment that bureaucratic change took place. As the figures in this section illustrated, there were significant numbers of lustration liars who waited until the courts forced them out of a position. Key public offices and election rolls might pre-screen individuals before appointing them to positions, but if an individual was lying about collaboration then only a court order could force them to leave a position. In general, a lustration program focused on voluntary confessions like Poland's entailed significantly less bureaucratic change in practice than compulsory lustration programs.

Conclusions about Late Lustration in Poland

The first Polish lustration law was finally passed in 1997, which was already late by regional standards. The law was alternately amended, rejected, accepted, implemented, ruled constitutionally problematic, modified, and finally expanded in 2006 law. In addition to the new agency charged with implementing lustration in 2006, the very scope of lustration was changed quite late in the process. In some ways, this presented a perfect storm of possibilities for political manipulation. However, the demonstrated work of the Lustration Bureau and the institutional constraints put in place regulating

the working of the Bureau all pointed to a late lustration program with safeguards, transparency, and accountability mechanisms. Late lustration need not necessarily equate with politically instrumentalized lustration.

The Director of the Vetting Office suggested the expansion of the lustration act in 2006 so late in the transition was necessary "to clean out public space and public life of people who were complicit with the communists system."[24] This suggests that Poland believed this late lustration process could positively support bureaucratic turnover and institutional renewal. It is also an indicator that Poland imagined this process of coming to terms with its past via lustration and public disclosures could continue very late into the transition—more than twenty-five years after the fall of the Berlin Wall. The case of late lustration in Poland was not without problems but should not be seen as *de facto* problematic, provided the laws were implemented fairly and consistently. Poland's reforms modify the temporal conditions highlighted in the previous section, hinting at how effective implementation might be as or more important than the timing of reforms for trust-building.

LUSTRATION AND GOVERNMENT EFFECTIVENESS

Trust in government was influenced by transitional justice, but there were many competing factors affecting perceptions of trust that conditioned and somewhat obscured direct relationships. These findings point to the utility of examining an alternative and complementary dependent variable, namely government effectiveness. Government effectiveness might be less sensitive to mercurial public opinion than the generalized nature of trust in government, and therefore better able to capture possible direct and long-term effects of lustration reforms. Since government effectiveness is a first order transition goal for post-communist countries, one could argue that improvements in government effectiveness might actually be a more appropriate way to assess the success (or failure) of lustration and transitional justice reforms. This section turns to the questions: how was government effectiveness affected by lustration, and were the effects as sensitive to timing considerations as trust in government?

Government effectiveness is a measure of the quality of governance understood as an ability to control corruption, preserve law and order, and support an effective bureaucracy.[25] It captures the sense that the government is creating an impartial, competent, and effective environment to facilitate the provision of goods and services to citizens (Rothstein 2011). Data on government effectiveness cover

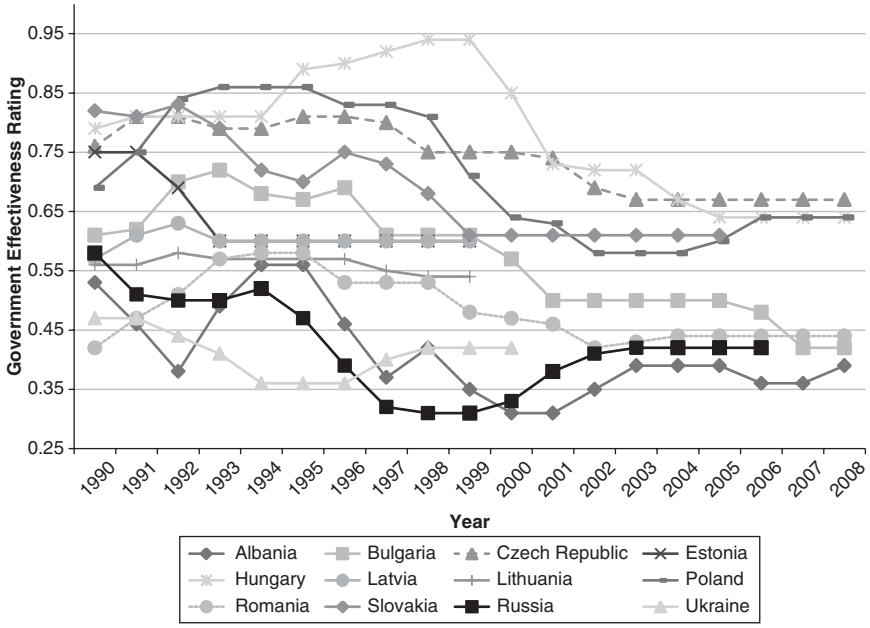

Figure 4.2. Variation in government effectiveness
Source: Intl Country Risk Guide

all twelve of the countries in this study from 1995 to 2008. Because this dependent variable includes data on Russia, Ukraine, and Albania, unlike the previous *Eurobarometer* trust analyses, these statistical analyses examine cases across all four of the lustration measures categories. The data also span a longer period of time than the previous analyses, thereby bridging the findings from the individual- and national-level studies. In some ways the data for this dependent variable present the most comprehensive test of the relationship between lustration and government.

Figure 4.2 graphs the comparative government effectiveness measures across the twelve countries from 1990 through 2008. There is a leveling out of government effectiveness measures in many countries post-1998. Table 4.3 presents simple descriptive statistics of government effectiveness as ranked by country in order to further illustrate the trend lines. Figure 4.2 and Table 4.3 demonstrate substantial between- and within-country variation in government effectiveness over time.

Table 4.4 presents the results from a series of regression analyses that included all twelve countries, across all four lustration categories, and considered government effectiveness as the dependent variable. There was a robust relationship between *lustration measures* and government effectiveness across the models.

Table 4.3. Government effectiveness

Descriptive statistics		
	Mean	2008–latest available
Czech Republic	0.74	0.67
Hungary	0.78	0.64
Poland	0.71	0.64
Slovakia	0.69	0.61
Estonia	0.64	0.6
Latvia	0.6	0.6
Lithuania	0.54	0.56
Bulgaria	0.57	0.42
Romania	0.48	0.44
Russia	0.42	0.42
Ukraine	0.42	0.41
Albania	0.41	0.39

Even controlling for a variety of factors that typically affect assessments of the quality of governance, such as levels of corruption, economic growth, level of economic development, changes in inequality, and level of inequality, the positive relationship between lustration and government effectiveness persisted. More extensive and compulsory lustration programs were associated with the highest levels of government effectiveness over time. The magnitude of the relationship can be estimated with predicated value calculations, holding the values for corruption, timing, timing squared, and economic growth at their mean values. A shift from no lustration to informal lustration was associated with a 5.2 percent increase in government effectiveness. A shift from informal lustration to limited lustration was associated with a 5 percent increase in government effectiveness, and a shift to wide and compulsory lustration increased effectiveness an additional 4.9 percent. In other words, there was a difference of approximately 15 percent in overall government effectiveness between cases of no lustration and cases of extensive lustration. Lustration measures appeared to have a significant impact on the effectiveness of government across the post-communist space.[26] However, with respect to other transitional justice measures, truth commissions were statistically significant in all of the models, but they were negatively associated with government effectiveness. This comports with the hypotheses regarding the potential negative effects of purely symbolic measures with no accountability on trust or effectiveness outcomes.

Table 4.4. Transitional justice and government effectiveness (1995–2008)

Government Effectiveness				
	Model 1	Model 2[a]	Model 3[a]	Model 4
Lustration measures	0.04***	0.05***	0.03***	0.03***
	(0.01)	(0.01)	(0.009)	(0.009)
Timing lustration	–0.03***	0.004	—	—
	(0.008)	(0.006)		
Timing lustration squared	0.001***	–0.00009	—	—
	(0.0003)	(0.0002)		
Truth commissions	—	–0.09***	–0.07***	–0.08***
		(0.02)	(0.02)	(0.02)
Corruption	—	–0.007***	–0.007***	–0.005***
		(0.0007)	(0.0008)	(0.0008)
Polity IV[a]	—	—	—	0.01
				(0.006)
Economic growth	–0.005**	–0.008***	—	—
change GDP	(0.002)	(0.002)		
Economic growth	—	—	–0.002***	—
Change GDP/capita			(0.0005)	
Economic development	—	—	—	–0.002**
GDP/capita				(0.0005)
Strength civil society	—	—	0.005***	—
			(0.001)	
Level of inequality	—	—	—	–0.003
				(0.002)
Change in inequality		—	–0.01	—
2 yr lag			(0.07)	
Strength of political opposition	—	8.40e–06	—	—
		(9.64e–06)		
Constant	0.64***	0.74***	0.58***	0.72***
N	181	128	114	120
Wald x^2	43.20***	306.17***	338.01***	264.40***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. All variables lagged one year, unless otherwise reported. All models test for heteroskedasticity and multicollinearity—no problems with reported models. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

[a] Polity IV replications in Appendix 4 yielded no substantive changes in results.

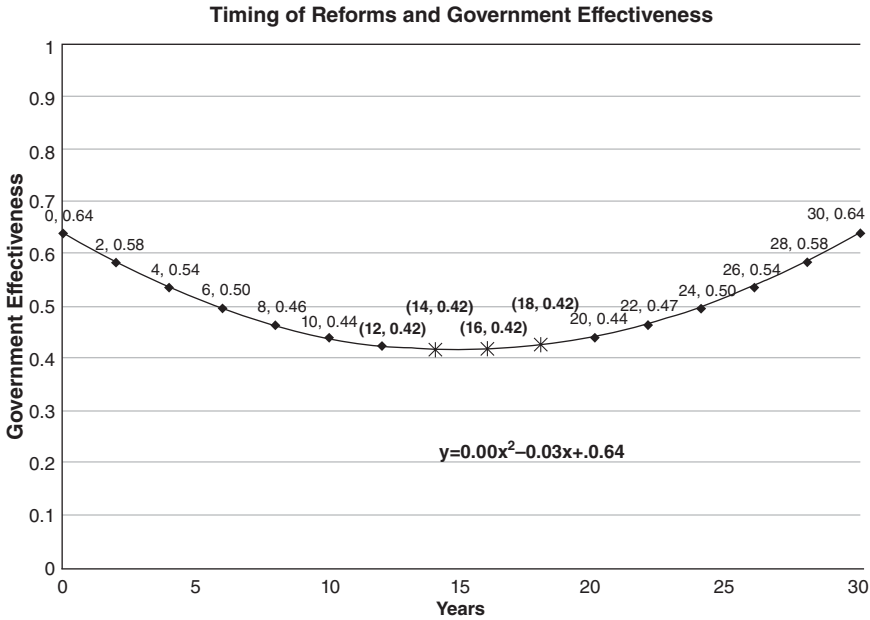

Figure 4.3. The timing of reforms and government effectiveness

There was some evidence that the timing of lustration affected government effectiveness in Model 1. The *timing of lustration* variable was negatively signed and significant and the *timing squared* variable was positively signed and also significant in Model 1. This indicated a very different timing and efficacy curve than that evidenced in the previous trust in public institutions parabolas in Chapter 3. The relationship between timing and efficacy was still parabolic but it was a positively signed parabola, meaning that, initially, government effectiveness declined with time and then began to rise later in the transition. This is graphically demonstrated in Figure 4.3.

Government Effectiveness Equation: $y=0.001x^2 - 0.03x + 0.64$

Graphing the equation helps to illustrate the weak effects of timing on efficacy. The government effectiveness scale was from 0 to 1, therefore the y-axis represents the full range of government effectiveness measures. The government effectiveness line gradually declined for approximately a decade and a half until reaching a turning point fourteen to sixteen years after the transition, and then slowly rising. There was no difference in government effectiveness between reforms started approximately twelve to eighteen years after the transition, as indicated by the marked points on the parabola, and

there was just a marginal difference between levels of government effectiveness associated with reforms at the beginning of the transition and those more than a decade later. The near zero slope of the *timing of reforms* means that the effects of timing were very weak.[27] In other words, the benefits of lustration measures on overall government effectiveness were not particularly sensitive to timing. Moreover, the line gently turns up, demonstrating a very gradual positive utility of the measures over time. The graphical representation of timing demonstrates that both early and late reforms have potentially positive effects.

In terms of the other explanatory and control variables, a stronger civil society was associated with more effective government. Less corruption was associated with more government effectiveness. These findings were in keeping with expectations of the way that corruption and civil society affect government effectiveness and suggest that dynamics within the post-communist space comport with expectations from the comparative transitions literature.[28] Democracy measures did not affect the significance of lustration, as evidenced by Model 4 and replications found in Appendix 4.[29] Material determinants of government effectiveness did explain some of the variation in government effectiveness, but not necessarily as hypothesized. Economic decline, understood as either negative economic growth or decreases in GDP/capita as well as lower levels of economic development (GDP/capita) were associated with more government effectiveness, suggesting that effectiveness determinations were based on thicker assessments of government than simple short-term material conditions. Economic inequality did not affect government effectiveness. In general, the models were not sensitive to specification, showing how consistently robust lustration measures were in explaining variation in levels of government effectiveness.

In sum, the results from this series of regression analyses suggest that more compulsory and expansive lustration measures were associated with higher levels of government effectiveness. All lustration measures were associated with government effectiveness, but the measures with the most punitive elements and the largest scope parameters had the biggest estimated magnitude of effect. The inclusion of cases across the lustration spectrum, including Russia and Ukraine, helped to illustrate the potential benefits of any type of lustration measure in comparison to no lustration at all. In other words, even informal measures were better than no measures. Moreover, timing mattered little to overall reform efficacy. While lustration measures might have highly conditional effects on trust in government, they appeared to strongly support government effectiveness. These findings reconfirmed both the differences between trust and effectiveness assessments, and the importance of thinking critically about the appropriate specification and measurement of transition goals.

CONCLUSION

This chapter explored different facets of the relationship between lustration measures and government, using three different but complementary datasets covering national- and individual-level data, across the range of lustration experiences, the range of national experiences (post-Soviet and CEE, EU member and non-EU member) and a range of years (from early in the transition through the present). The multiple datasets triangulated questions of *the conditions under which* lustration affected trust in government and government effectiveness, and told a complementary story about the perceived efficacy of lustration on post-communist regime goals. There are several key findings and important qualifiers about the relationship between trust and transitional justice to be drawn from this chapter.

First, the effects of lustration on trust in government were temporally conditional. *Early* lustration was clearly associated with trust in government, however, later in the transition, reforms registered weaker effects on trust in government, if any. These relationships held at both the individual and aggregate levels of analysis, and even within the narrow sample of post-Soviet cases. The nature of the lustration program was not a significant predictor of trust in government. More extensive lustration or harsher lustration measures did not have a marked *direct* impact on trust in government. These findings highlight the importance of timing considerations and transitional justice measures.

Second, trust in government was *indirectly* supported by lustration's positive effects on trust in public institutions. Trust in public institutions combined with lustration measures was able to explain a significant amount of variation in trust in government. An increase in the trustworthiness and competence of public institutions has been shown to augment perceptions of the trustworthiness of government, and Chapter 3 demonstrated generally positive relationships between lustration measures and trust in various public institutions in the post-communist space. Therefore, while early lustration might have been best at directly affecting trust in government, there were possible indirect benefits to late lustration as well. The case study of Poland contextualized some late lustration issues, particularly the potential for political instrumentalization and the possibilities for institutional safeguards to mitigate, but not eliminate entirely, manipulation of the measures. The case of Poland highlighted how the quality of late reforms was paramount for efficacy. In conclusion, consistent with the hypotheses generated in Chapter 1 regarding generalized political trust propensities, the statistical analyses in this chapter demonstrated both smaller magnitude of effects, indirect effects, and temporally contingent effects of lustration on trust in government.

Third, lustration had a direct positive relationship with government effectiveness. Government effectiveness is a function of a government's ability to provide fair, competent, and effective institutional structures for its citizens. Lustration and public disclosures force institutional reforms that are hypothesized to directly support rule of law practices and effective bureaucracies. This chapter provided empirical support for this expected relationship. There was a difference of approximately 15 percent in the overall level of government effectiveness between cases of no lustration and cases of extensive lustration. The type of lustration program affected outcomes; more extensive lustration programs with more compulsory and wider institutional change dimensions were associated with more government effectiveness than limited or informal programs. This provides evidence of the underlying causal mechanisms, showing that more institutional change provided the most support for reform goals.

Finally, focusing on government effectiveness as the dependent variable captured actual government competencies not perceptions of government, thereby weeding out some of the noise that affects citizens' perceptions of trust in government over time. In the end, one cares about building trust in government because it supports government effectiveness. Considering both of these dependent variables added significant depth to the complex and often recursive relationships between transitional justice, trust, and reform goals. These findings once again reinforce the importance of appropriate dependent variable operationalization, a problem raised in the review of previous impact assessment literature in the Introduction. Despite the ubiquity with which trust in government is linked to transitional justice, government effectiveness might be the more appropriate transition goal in order to assess the efficacy of transitional justice in supporting state-building.

NOTES

1. More trust is not always a panacea. A healthy distrust of government could help democracy by encouraging the development of institutions to promote cooperation and compliance (Cook, Hardin, and Levi 2005, 71; and Levi 2000).
2. This is Question 13.2, *"I would like to ask you a question about how much trust you have in certain institutions. For each of the following institutions, please tell me if you tend to trust it or tend not to trust it:"* the (National) Government, Standard Eurobarometer 77, Spring 2012. There was no data available for Albania, Ukraine, and Russia.
3. Inequality data limited the time period to 2009, and government effectiveness data limited the analysis to 2008.

4. The Hausman test indicated that fixed-effects models were appropriate for estimating results (Chi-squared=90.92***).
5. The timing of lustration variables were not included in the models with the lustration waves because that would redundantly capture the same timing concept, creating a risk of multicollinearity.
6. Democracy was not included in all of the models, because it was too highly correlated with the strength of civil society for both to be included in the same models (r=0.93). Polity IV democracy scores are substituted in Model 3.
7. The OLS regression analyses reflect survey specifications for the dataset, and the coefficients are a result of svy command analyses in STATA 12. As with the previous use of this dataset, I also performed a series of similarly structured multilevel mixed-effects models controlling for both fixed and random effects. The intraclass correlation was so close to 0 that there was no significant variation to explain at the country level. Therefore, multilevel mixed-effects models were not the most appropriate statistical tool with which to analyze this data, and OLS regression with survey specifications was used instead.
8. Parts of this section draw on Cynthia Horne, "Late Lustration Programs in Romania and Poland: Supporting or Undermining Democratic Transitions?" *Democratization* 16, 2 (2009): 344–76.
9. See Act of October 18, 2006.
10. For additional information on the IPN and the Vetting Office's roles see, https://ipn.gov.pl/en.
11. See revisions to Chapter 5a of the Act of 18 December 1998 on the Institute of National Remembrance—Commission for Prosecution of Crimes against the Polish Nation (*Ustawa z dnia 18 grudnia 1998 r. o Instytucie Pamięci Narodowej—Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu*).
12. See ACT of October 18, 2006.
13. The media and academics were removed from a list of lustratable positions, and the army was included in the list.
14. See the IPN website under Vetting Office for the most recent list of collaborators publicly disclosed. http://katalog.bip.ipn.gov.pl/main.do?katalogId=4&pageNo=1&, accessed December 15, 2013.
15. Interview with Mr Jacek Wygoda, Director of the Lustration Bureau (*Dyrektora Biura Lustracyjnego*), *Instytut Pamięci Narodowej (IPN)*, Warsaw, Poland, July 17, 2012.
16. Ibid.
17. See Act on IPN of March 15, 2007 and Act of October 18 on the Disclosure of Information on Documents of State Security Agencies, http://ipn.gov.pl/en/about-the-ipn/documents/327,dok.html.
18. Figures provided directly from the director of the Vetting Office, Mr Jacek Wygoda.
19. See Catalogue of the IPN Vetting Office, http://katalog.bip.ipn.gov.pl/main.do?katalogId=3&pageNo=1&.
20. See Catalog of "rozpracowywanych" by the communist state security organs, IPN, http://katalog.bip.ipn.gov.pl/main.do?katalogId=4&pageNo=1&.

21. Interview with Mr Jacek Wygoda.
22. Ibid.
23. Ibid.
24. Ibid.
25. The International Country Risk Guide creates a composite variable for government effectiveness that takes into account these three factors. See the Quality of Government Institute data project from the University of Gothenberg for more details on how to measure and assess the quality of governance. http://www.qog.pol.gu.se/
26. Lustration waves were not analyzed in these models because there was no lustration wave coding for the non-lustration cases (Russia and Ukraine). Additionally, the Hausman test indicated that only random-effects, not fixed-effects, estimators were appropriate for the models.
27. These points are marked on Figure 5.3. Slope of m=0.001.
28. Democracy and civil society were correlated at r=0.93 and could not be included together.
29. Freedom House democracy measures were too highly correlated with government effectiveness (r=0.80) to include it in these models, but Polity IV was substituted as a democracy control.

5

Collaboration, Complicity, and Historical Memory

"SILENCE MEANS SECURITY, SILENCE MEANS APPROVAL"

The Oxford Dictionary of Proverbs explains that the phrase "silence means consent" is often linked to the Latin maxim *Qui tacet consentire*, by which a failure to object to something is taken as an implied approval of it (Simpson and Speake 2008). In Roman law, silence signaled approval of actions or decisions. This meaning survives in several languages, French *Qui ne dit mot*, Dutch *Wie zwijgt, stemt toe* and Spanish *Quien se calla, otorga*, by which the lack of a word or lack of a response is equated with consent. "Silence means security" is a phrase that often accompanies "silence means consent." The United States employed "silence means security" in its Second World War propaganda, to encourage people to be cautious when speaking about war efforts, and in conjunction with strict guidelines to be used by both military personnel and civilians when speaking about the war. "Loose lips sink ships" implies that the consequence of talking could be death. Equating silence against a regime with both consent for the regime's actions and as a way of guaranteeing personal security captures the dynamic of regime complicity under communist systems in Central and Eastern Europe. Issues of passive and active complicity and collaboration blurred some of the distinction between victim and perpetrator; "In a totalitarian system, everyone is to some extent a victim and to some extent a collaborator."[1] Transitional justice measures are at this intersection of complicity, consent, collaboration, and victimhood.

In particular, lustration and public disclosures in some ways collide with reconstructions of historical memory, forcing an accounting for the communist past that implicates both the state and society. Collaboration raises complicated meta-questions about how to assess and understand citizens' engagement with the secret police within this historical narrative. In particular state and societal rebuilding take place without the ability to externalize blame

for problems in the past on an easily targeted "other." If the process is alienating or provokes an unsettling reconstruction of historical memory this could directly affect civil society and social trust. Therefore, this chapter examines the possible implications of collaboration disclosures for trust and the reconstruction of historical memory as initially developed in Chapter 1. In particular, it is motivated by the manner in which truth-telling affects the individual and collective narrative about the communist period. It engages with the ways in which revelations about former regime complicity affect the framing of the historical memory.

One of the more contentious aspects of public disclosures and lustration is the use of the secret police files to ascertain collaboration. Given the problems already presented in previous chapters with selective file destruction, continued classification of some files, and the potential misinformation in existing files, the appropriateness of a process based on the use of such potentially flawed information has been actively debated (Bikont 1992; Cywinski 1991; Smidova 1991). In particular, the files were the primary source of information for assessing collaboration with the secret police, with possible employment implications and social shaming ramifications. This chapter explicates how the files were used to assess collaboration in specific country cases, engaging with the complicated question of what constitutes active collaboration in practice.

The cases of Bulgaria, Poland, Hungary, and Romania are contrasted to elucidate the use of the secret police files to make collaboration determinations. These cases provide comparisons across the limited and largely voluntary lustration category and the informal and symbolic lustration category, highlighting what is similar and different about the middle lustration experiences in the transitional justice typology. The Hungarian approach to balancing file access issues and collaboration dilemmas is presented in slightly extended form. The Hungarian case is an exemplar of the challenges that post-communist countries face both protecting personal liberties, such as the right to privacy and due process, as well as fulfilling their obligations to reckon with the past through transitional justice policies. This extended case details the tradeoffs made in deciding how to use lustration and files in practices, as well as the implications of those decisions on the scope and implementation of reforms. Citizens' attitudes toward file access and the processes of public disclosures and lustration are also compared across four country cases. If the process is to have a trust impact, either in the realm of political trust or social trust, it must resonate with citizens in the post-communist space. In this way, this chapter provides narrative case details to augment the statistical analyses in other chapters.

COLLABORATION WITH THE SECRET POLICE

The dilemmas created by widespread citizen collaboration with the secret police apply to all the post-communist transitional justice programs. All of the countries in the post-communist space cultivated networks of secret police agents and informers, creating a decentralized system of control in all spheres of life. Assigning blame or guilt for the system of totalitarianism and oppression could not be easily consigned to elites, political leaders, or the army, thereby complicating the process of transitional justice and distinguishing the post-communist transitions from the Latin American transitions (Rosenberg 1995; Kritz 1997). Complicity has important implications for political and especially social trust (re)building. It affects how citizens view their collective past, and it also affects their individual willingness to trust in the future. Apart from the obvious moral dilemmas created by issues of collaboration and complicity, two policy-related problems arose in the post-communist space related to issues of collaboration. First, what constituted actionable collaboration or complicity? Second, how should information in the secret police files be used to make collaboration determinations? These decisions affected the perceived legitimacy of the measures and therefore their impact on trust-building and democratization.

Defining and Discerning Actionable Collaboration

Determining what constituted actionable complicity or collaboration proved politically and socially tricky in the post-communist environment, as there were important differences of degree in terms of collaboration that were relevant to the application of lustration and public disclosure measures (Schwartz 1995, 468–9). Some collaboration was coerced and some collaboration resulted in harm to others. Some collaboration materially benefited the informant and some was simply done to protect loved ones and innocents. The reasons for collaboration created important nuances in discussions of guilt and victimhood.[2]

Many countries defined collaboration as secret involvement with, or assistance to, the secret police. Bulgarian law specified "'Secret collaborators' [as] Bulgarian citizens, [who] provided tacit support of bodies under Art. 4. First as a resident agent, proprietor of *yavochni* rooms [conspiracy meeting locations], proprietor of the secret (conspiracy) accommodation, informants, and informants trusted individuals."[3] The Czech Republic clarified "conscious collaboration" as "the citizen concerned…knew he was in contact with a member of

the National Security Corps and was giving him information through the form of clandestine contacts, or was implementing tasks set forth by him."[4] Lithuania law defined various categories of collaboration including, agents, residents, confidants, keepers of conspiratorial quarters, keepers of rendezvous apartments, non-staff operational employees, and other unspecified formers of secret collaboration.[5] The Czech law did something similar, specifying that being "an agent, a holder of a lent-out apartment, a holder of a conspiratorial apartment, an informer, or an ideological collaboration of the State Security" constituted lustratable actions.[6] The key point here was that collaboration was defined as *active* and *secret* assistance to the political control mechanisms of the communist regime, although the degree of collaboration that would make a person "guilty" in the eyes of the state varied across the countries.

As part of larger historical and collective memory efforts, CEE and parts of the FSU struggled to determine the actual scope and depth of collaboration under the communist system. The exact rates of complicity or active collaboration of citizens in each country cannot be known with full certainty due to partial destruction of the secret police files in many countries, missing files in the transition period, ongoing and pervasive file veracity issues, problems with file manipulation, as well as institutional problems with file accountability systems across the post-communist countries. Using the figures available as indicators of general collaboration levels, Table 5.1 illustrates that the networks of informers were substantial.

While the scope of collaboration did not determine a country's approach to lustration, higher national rates of collaboration loosely corresponded to less intensive lustration programs. For example, the active collaboration rates in the cases of countries with informal lustration were significantly higher—approximately six times higher—than the relative complicity rates estimated in countries that adopted limited lustration policies. The figures for Albania demonstrate the staggering level of collaboration observed in a country that *de facto* rejected lustration. Albania's rate of collaboration was almost eight times larger than that in Bulgaria and Romania, two examples of informal lustration. However, one must be cautious in drawing any conclusions about degree of collaboration and resulting transitional justice approaches. The data that would be required to link degree of collaboration to type of lustration program is too incomplete to suggest that there was a deterministic relationship between the two. States with similar levels of regime collaboration—the Czech Republic and Slovakia—adopted very different transitional justice programs. Even places like Poland, with extensive organized resistance movements, recorded high rates of active collaboration with the Security Services and an expansive network of informers. What can be inferred from the data is that the wide scope of collaboration increased the likelihood that lustration and public

Table 5.1. Comparison of complicity rates

Type of lustration	Country	Absolute numbers*	Relative numbers
Rejection of lustration	**Albania**	10,000 full time agents with military rank, and a vast secret police network penetrating all segments of society	Approximately 25% of the adult population is estimated to have worked part-time as informers
Symbolic/ public disclosures	**Bulgaria**	250,000–300,000 full-time officers over course of communist period; it employed 75,000–80,000 part-time informers and 15,000–20,000 full-time officers by end of regime in 1989	1% of population worked with the Security Services in 1989, and 3% of the population over the entire communist period
	Romania	600,000–700,000 people in a total population of 23 million	33% of adult population in Communist Party, and 3% worked as informers
Limited with voluntary employment removal	**Hungary**	50,000 people worked as agents by 1989, possibly 200,000 informants and agents	Secret police network approximately 0.5% of the population
	Poland	25,600 full-time agents in a population of around 37 million people in 1985; 98,000 informers in 1988	Secret police network approximately 0.3% of the population

Note: *Because of the vast number of files destroyed at the end of communism, these figures are at best estimates.

Author compiled from country studies in Stan and Nedelsky (eds). 2013. *Encyclopedia of Transitional Justice*.

disclosure measures would illuminate the depth of societal involvement with the Security Services in any given country, hinting at one reason why some countries might have rejected or minimized lustration approaches to transitional justice.

Collaboration Determinations

Determining if an individual was a collaborator or an agent with the secret police was an involved process; collaboration was not determined by the existence of a file alone. Collaboration determinations required evidence that an individual actively collaborated with the secret police, that an individual signed documents in his/her own handwriting showing real engagement with the Security Services, and evidence that the information caused harm to others. While the type of available file information and size of the remaining

file archives differed across the post-communist space, the dilemma of how to assess collaboration from the files has remained a challenge for all countries.[7]

In Romania, the C.N.S.A.S. handles the files that contain possible evidence of collaboration. Collaboration determinations required evidence of "individual deeds and proof beyond a reasonable doubt concerning the infringement of fundamental rights and liberties," not simply evidence of an association with the *Securitate*.[8] There were four types of files that could be cross-checked for accuracy in collaboration determination cases.[9] In particular, the presence or absence of a file did not confirm collaboration. The files needed to demonstrate the active engagement of citizens with the *Securitate* for personal gain, include written proof, and include contextualizing factors that might qualify why an individual collaborated or if the collaboration was coerced. When these contextualizing factors were considered, the C.N.S.A.S. Vice President Dr. Cioflâncă suggested that perhaps 50 percent of people in the files demonstrated *a lack* of real collaboration with the *Securitate*.[10] In other words, the presence of a file did not automatically result in a positive collaboration determination. The number of files collected in Romania led some to believe that file revelations would expose most of society as active collaborators, but that did not materialize.

In Bulgaria, multiple documents were collected by the Security Services (KDS), including the files themselves, a registration log, and index cards on collaborators. These files and accompanying materials are managed by the Dossier Commission in the archives. All of these sources could be used and cross-checked for accuracy in collaboration determinations. Although many files were destroyed, the registration diary and the index cards remained intact in Bulgaria. The index cards listed basic information about each informer, including name, level of involvement, alias, recruitment date, and personal facts. The registration log documented the meetings and contacts between agents and collaborators, and the files included extensive information about both the informant and the information he/she conveyed to the secret police. The registration diary recovered after the transition had no gaps—it could not be easily manipulated because it did not allow for information that was out of sequence.

In order to determine collaboration, the official number in the file registry was matched to the code name given for each agent or collaborator, and corroborated with the index card and information received in the files, thereby providing a system of cross-checks.[11] The mere presence or absence of a file was not sufficient to conclude collaboration (or lack thereof). Importantly, the registration diary and the index cards allowed the Dossier Commission (public disclosure agency) to have a better idea of which files were destroyed, contributing to the reconstruction of a more comprehensive understanding

of the past. Even if a secret police file was destroyed, there were two other sources of information that could be used to ascertain possible collaboration.[12] Bulgaria allowed the use of multiple types of information to investigate collaboration, which was different from Hungary where only the actual file was permissible evidence.[13]

In Poland, there were five factors specified in Constitutional Court rulings and embodied in the 1997 lustration act that informed the process of collaboration determinations.[14] The 2006 lustration law further specified the actions that would constitute collaboration, and therefore be lustratable, including both secret and open complicity with the Security Services (Act October 18, 2006). In practice, individuals whose job it was to provide information to the Security Services could also be found guilty of collaboration, not simply those who spied on others in secret. The hurdles to positive collaboration determinations in Poland were especially rigorous. The Lustration Bureau/Vetting Office in charge of lustration decisions received the file information from the IPN. Lustratable actions required official documentation of collaboration in the files, information in file registries was not applicable for lustration decisions. In the event of missing files, lustration determinations were not possible.

In addition to the information requirements for collaboration determinations, a living witness needed to corroborate the information found in the files. There were two types of witnesses that could vouch for the veracity of the information: members of the Security Services themselves or the actual victims. In general, the Security Service was not cooperative with the process of collaboration verification or the work of the IPN in Poland. The victims of the collaborators could also serve as witnesses, provided they could remember the events that were found in the files. In the absence of a living witness to verify the information, the file was not actionable. The more time that passed from the transition, the less likely a living witnesses was available and could verify the information in the files.[15] Additionally, the harm done by collaboration had to be material, meaning there was a demonstrated violation of human rights. In other words, all collaboration was not actionable. Ultimately, collaboration determinations required court approval before lustration sanctions could be implemented. The multiple information safeguards and verifications improved the reliability of collaboration determinations in Poland.

In Hungary, in addition to most of the regional safeguards already described, especially high threshold conditions were also enacted to direct collaboration determinations. There were three types of information in the Hungarian Archive related to collaboration: index cards on agents, working files produced by agents, and the official dossier on the agent. The only information deemed admissible to determine collaboration was a formal dossier with a handwritten statement accepting full responsibility as a collaborator. Since so many official

files were destroyed, requiring a dossier with a handwritten statement of collaboration presented a substantial information hurdle. Index cards on agents and working files from agents were not applicable because they were typed not handwritten. It is not surprising that these privacy safeguards and information hurdles resulted in very few cases of confirmed collaboration.[16]

In sum, the use of the files by the file repository agencies and their lustration agencies included cross-checks, information safeguards, and contextualized understandings of collaboration. The use of the files was not without problems, and file veracity questions mired the process. However, collaboration decision-making moved past initial worries that allegations of collaboration could be based simply on the presence of a name in a file.

HUNGARY: PRIVACY SAFEGUARDS AND ACCOUNTABILITY NEEDS

Hungary had more extensive privacy limitations on information accessible in the files than Poland, the Czech Republic, Bulgaria, and Romania. The limited file accessibility was somewhat unexpected in a country with a strong commitment to rule of law procedures, but it was just that adherence to rule of law that justified the lack of file transparency. Constitutional Court interpretations of rule of law procedures limited the transparency of information in the files as a way to preserve the constitutional right to personal privacy and address some of the dilemmas raised in the previous section regarding defining and determining collaboration under the communist regime.[17]

The Historical Archive

Although lustration officially ended in 2005, the process of file access, oversight, and accountability remained active in Hungary up through this writing in 2016. In 2003 file oversight authority was transferred to the Historical Archive of the Hungarian State Security from the History Office in an attempt to improve the functioning of the archives after a series of high-profile political scandals involving file revelations.[18] The Historical Archive is a state-owned special archive, controlled by the president of Parliament, with substantial independent decision-making authority (Leśkiewicz and Žáček 2013, 152). The Archive (as with the History Office) managed the secret police files and supplied information to the Screening Committees to facilitate the lustration

process (European Network of Official Authorities 2009, 38). When the lustration process officially ended, the Archive assumed responsibility to maintain and oversee the files of the former state security organizations from the period 1944–1990, providing information to citizens and preserving and organizing the files.[19] The Archive has no official political agenda and was explicit that "political education and information are not among our tasks given by law and no human resources are available for that" (Leśkiewicz and Žáček 2013, 152). The structure and function of the Archive was designed to be apolitical, reflecting the problems with prior politicization of lustration.

The Archive holds approximately 70,000 investigation files, 15,000 operative files, 5600 recruitment files, 8000 work files, and 4000 other files on economic life. As of 2013, 300 linear meters of files were still held by the secret services and remained classified, but the bulk of files—approximately 4 kilometers—were held by the Archive.[20] It was not possible to determine how many files were destroyed, but by some estimates 100,000 of the 110,000 agent recruitment files were lost (Stan 2009, 118). The Archive continues to digitize, preserve, and process the state security files, as only a fraction of the files—approximately 5 percent—were digitized as of 2010 (Leśkiewicz and Žáček 2013, 158).

The Archive balanced the requirements of making information available with the need to protect personal privacy. The Archives Act captured this dual objective: "In the course of using archival holdings the enforcement of fundamental constitutional rights guaranteeing free access to data of public interest and freedom of scientific research, be realized together with the protection of fundamental constitutional rights related to personality and to personal data" (§1, Act LXVI of 1995). The focus on preserving constitutional rights to privacy as well as the "protection of state secrets" (§1, Act LXVI of 1995), were guiding principles of the Hungarian approach, with the state favoring the need for privacy over the right to accountability.

File Access and Privacy Safeguards

Even the original draft of the 1990 lustration and file access law did not include provisions permitting individuals to access their files. This was later revised for the lustration law implemented in 1994; however, the law allowed limited file access and required that the names of informants be blackened to protect their identities (Tomiuc 2002; European Network of Official Authorities 2009, 38). This minimized the information revealed and remained in place as a privacy safeguard.

File access became more open over time under the management of the Historical Archive, but remained limited by comparison with other CEE countries. While anyone could technically request access to the files, not all

information was made available to all categories of persons. The person who was observed—persons concerned—could access the most data. This person was permitted to read copies of the documents related to himself/herself including information about the security network person that was linked to the file (Leśkiewicz and Žáček 2013, 156).[21] However, outside of directly concerned persons, individuals had access only to documents that did not include personal data. Personal information was protected for thirty years after the death of the person that was the subject of said information. In some cases, sensitive personal data was protected for sixty, ninety, or 120 years after the date of the document. This substantially limited accessible information in a way that was unusual among countries with physical control over their own files, the Baltics being an exception here (European Network of Official Authorities 2009, 44; Leśkiewicz and Žáček 2013, 157). There were special rules related to information on public personalities, although information availability still required approval by the "public personality" (Leśkiewicz and Žáček 2013, 157).[22]

In general, once a file was requested, a copy of the file was made and personal information was redacted. This process of redacting information and compiling a file for public review took approximately three to four months. Anything that the archivists thought might reasonably be considered "private" knowledge was redacted. This included personal facts such as marital habits, health issues, sexual affairs, or addiction problems, to name a few. The redacted copies were available for limited viewing by the individual who petitioned to see the file, although researchers could access the originals with special permission. As the Deputy Head of the Historical Archive explained, it was a challenge to provide an understandable story from the files about secret police collaboration while at the same time redacting private information that could violate privacy safeguards. For example, in many cases individuals were recruited to be network informers because of their vulnerabilities, such as sexual preferences, or addiction problems, or due to the habits of their family members. When this information was redacted it essentially removed relevant social details from the political files that could contextualize recruitment and collaboration, thereby leaving Hungarian historians at a disadvantage in piecing together the historical narratives.[23]

Unlike the IPN in Poland, or the Dossier Commission in Bulgaria, or the C.N.S.A.S. in Romania, the Hungarian Archive does not make information about informers publicly available. The 2002 draft law proposed changes to allow people to know the names of police informers, however the opposition rejected this (RFE/RL 2002, September 12). In 2005, the Constitutional Court ruled that publication of information was unnecessary because individuals had an ability to access information via the Historical Archive (European Network of Official Authorities 2009). As such, unlike the other cases explored here,

Hungary did not have public disclosure of former collaborators. "Only Hungary has kept large chunks of the archive hidden completely from public scrutiny" (Hodgson 2012). Despite the access difficulties, Figure 5.1 documents citizens' information requests, demonstrating citizen interest in information related to previous regime collaboration.

In conclusion, Hungary struggled to adjust its historical record, balance privacy and rule of law concerns, and provide accountability. At times it leaned too far in one direction or another. One egregious example of the attempt to obliterate the record of complicity was the 2010 Parliamentary Resolution 1283/2010 that would have allowed for the removal and possible destruction of archival materials from the collection. The measures were to take effect in 2011–2012, and would have permitted individuals to remove their own original files from the Archive and do whatever they wanted with the materials (Hodgson 2012). Although the measures were not implemented, they are indicative of the conflicted views society had in terms of how to address their own regime complicity. It also raised questions about whether guilt should be assigned to that complicity. Hungary traded transparency measures for privacy safeguards, pushing the problem of collective accountability out thirty years until the statutes allowed general file disclosures. These tradeoffs meant that Hungary opted for less transitional justice than the countries in the compulsory change category. As Chapters 3 and 4 illustrated, this was associated with significantly less institutional trust and lower levels of good governance, thereby highlighting some of the material implications of these decisions in practice.

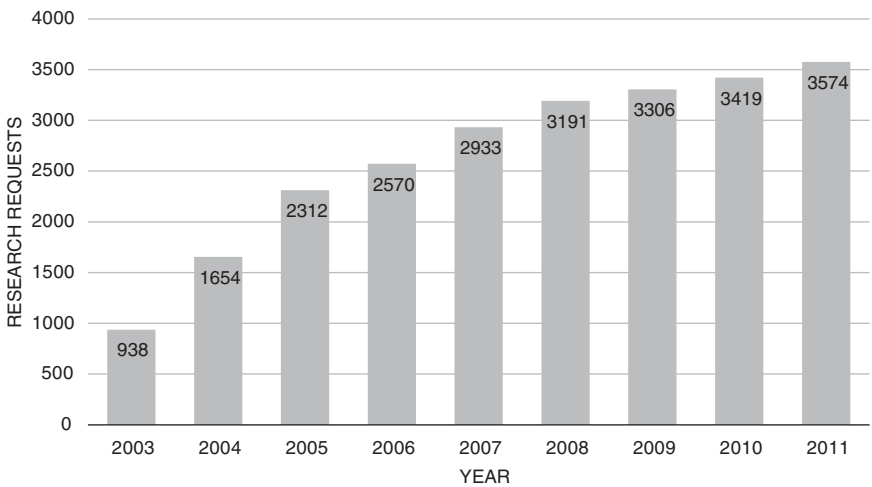

Figure 5.1. Requests for file access to the Hungarian Archives

Source: Hungarian Archives, Annual Reports

COMPLICITY DILEMMAS AND HISTORICAL MEMORY CONSTRUCTION

In addition to the active secret police collaborators, the widespread passive complicity evident in the post-communist cases complicated approaches to transitional justice because it placed some culpability on society. "In a totalitarian system, everyone is to some extent a victim and to some extent a collaborator."[24] This is reflected both in the individuals who actively collaborated with the regime and those that simply remained silent—tacitly accepting the system and its measures (Havel 1985). Actively collaborating and silently acquiescing represent different degrees of collaboration with the communist regime, although both were required to abet the system and both constitute a type of complicity. The scope of both active and passive complicity widened the net of individuals who might be implicated in lustration or public disclosure programs. In such a system, revelations could affect a substantial portion of the population either directly through personal revelation of collaboration, or indirectly should family or friends be revealed as collaborators. The disclosures would reverberate across multiple levels of society, rather than merely narrowly affecting the political elites. Complicity also posed problems for collective memory construction because it implicated society in the communist system of oppression. This was unsettling for some who do not want to demonize the past and difficult for others who might have been personally implicated by the past. For a variety of reasons, many CEE countries tried to normalize and contextualize even harmful collaboration during the communist period in pursuit of a less punitive collective national narrative about the past.

Romania is a good example of the dilemmas associated with historically contextualizing and understanding collaboration. Strong emotions were evoked surrounding revelations of the level of complicity on the part of the general population.[25] The high rates of complicity conflicted with a collective narrative about Romanian victimhood at the hands of communist oppressors. Reconciling the revealed rates of Romanian complicity against a historical narrative that blamed the communist system on Soviet/Russian outside forces provoked cognitive dissonance and forced a historical reframing of the past.[26] Even in a population with a significant level of complicity, the national narrative attempted to differentiate active collaboration from passive collaboration in order to create a group of "guilty" collaborators in contrast to the remainder of the population that neither actively helped nor opposed the system. Creating nuances of guilt was a method of coming to terms with a

narrower slice of the past that didn't require condemning the entire system and all citizens.

Complicity and collaboration presented challenges to collective memory in Hungary for slightly different reasons. Narratives about the soft nature of communism in Hungary and the vibrant civil society possible under this form of mixed socialism distinguished Hungary from other CEE countries during the Cold War and were a source of pride for Hungarians. The perception that Hungary was a form of "soft communism" was reflected in the nicknaming of secret police agents "Coffeehouse Chekists" because they were not so efficient, not so organized and not as strict as other secret police networks.[27] There was a durable perception that Hungarians enjoyed a better life under "goulash communism" than their East European comrades, and that the price they paid was low-level regime complicity (Janos 2000, 295; Brown 1991).[28] In this way, there was a nostalgic view of the past as a time when Hungary was "the happiest barrack in the socialist camp" (Kiss 2009). This went hand in hand with a belief that collaboration was not "real" or materially harmful, as well as a reframing of collaborators as victims themselves in an effort to remove their agency and complicity in the communist system of oppression.[29]

Collective narratives about the soft and relatively benign nature of communism in Hungary did not comport easily with the reality of the secret police network. It was estimated that in the 1960s–1970s, approximately 8000–9000 agents permanently worked in the Security Services and there was a stable network of 200,000 informants. Even in 1989, new agents were actively recruited, with 2029 new targets identified even six months after the revolutions of 1989.[30] This does not suggest an absence of state security, contrary to the historical narrative about "communism light." The widespread myth about the lack of active complicity of Hungarian citizens also strained to account for each new revelation of secret police activity in Hungary. For example, a series of educational films from the Hungarian Ministry of Interior were compiled into a documentary called "Life of an Agent: Secret Police Training Films from the Communist Era," and provided actual footage of the education of Hungarian secret agents from 1958 to 1988. The films instructed secret agents in the ways to plant listening devices in a house, pass notes and information to superiors, conduct a covert search of a house, recruit collaborators, and, if need be, coerce informants through more aggressive recruiting techniques.[31] The actual number of agents and informants, number of files, and evidence of active involvement of the Hungarian Security Services and Hungarian citizens in abetting the communist system belied the collective attempt to sanitize the memory of the past. The Hungarian case highlights the cognitive dissonance when complicity revelations collided with the preferred historical narrative.

In conclusion, communism didn't just happen to a country; it was abetted by the local population. Implementing lustration or other revelatory forms of transitional justice in regimes with secret police collaboration adds to the moral and procedural complexities of the reform process in general, and entails the possibility of significant negative reverberations throughout society. In particular, this section highlighted several ways that complicity might work against efforts to rebuild trust in the post-communist transitions. First, the revelations brought to light by lustration, public disclosures, and file access force an accounting of the past that might rewrite a less idealized historical narrative. Public disclosures often conflict with collective narratives about national resistance to communism and/or totalitarianism. This could catalyze distrust of the process of lustration and its results. These case details foreshadow some of the social trust trends statistically demonstrated in Chapter 6 on trust in targeted social institutions.

Second, the scope and depth of both active and passive complicity mean that file revelations have a potential for more expansive reach across the population than the narrower political vetting of office holders. This suggests a wider effect on social trust than the relatively more bounded trust dynamics seen in the context of political trust. Chapter 6 examines both particularized and generalized social trust implications associated with transitional justice in the region. Third, revelations about betrayals by family members, colleagues, friends, and neighbors are more personalized than revelations about public office holders. While some individual-level collaboration was clearly coerced, the voluntary nature of other forms of collaboration could be perceived as morally egregious. Fourth, societal complicity forces a reconsideration of the past and historical memory that is not easily corrected through bureaucratic change. In this way, although the issue of societal complicity in transitional states might seem secondary to the more traditional vetting of high-ranking office holders in positions of public trust, active collaboration and more passive complicity issues reverberate throughout society, potentially affecting both social and political trust propensities.

PUBLIC SUPPORT FOR LUSTRATION AND HISTORICAL MEMORY

Public support for lustration varied both within and between countries. The four cases explored in this section—Hungary, Poland, Bulgaria, and Romania—evidenced no overarching generalizations about patterns of public support.

There was no clear temporal dimension, meaning support for lustration was not unusually high early in the transition nor did it necessarily decrease later in the transition. Some countries had low levels of support for lustration that remained low, such as Hungary. Some countries had low initial support for lustration that rose over time, such as Bulgaria, while other countries saw cyclical support for lustration, partially affected by perceptions of legitimacy and instrumentalization of the measures, such as Poland. While politicization of the laws did appear to reduce support for the measures across the cases, those patterns could be reversed, as was the case in both Romania and Bulgaria. Citizen engagement with the files demonstrated even strong support and interest in disclosures more than twenty years after the transition.

Uniform across the cases was a discomfort in acknowledging personal agency or complicity with the communist system and a tendency to normalize and even romanticize aspects of the past. In Romania and Bulgaria, in particular, there was a durable rise in nostalgia for the past as the transition progressed. The growing nostalgia was most noticeable in the younger generation who never experienced communism in practice. As economic and social promises after the transitions failed to materialize, many young people longed for an imagined sense of economic stability, political pride, and collective equality in the past. This section explores shifts in public support for lustration across Poland, Hungary, Romania, and Bulgaria, highlighting the way retroactive justice uncomfortably confronted historical memory.

Poland

Public support for lustration in Poland varied, affected by the politicization of the laws and early trouble implementing the procedures. In 1991, only 38 percent of Poles supported lustration. In 1992, 64 percent supported lustration policies, spiking over the one-year period in which there were cycles of presidential intrigue (Letki 2002). From 1994 to 1999, a majority favored vetting key political officials, with only 33 percent opposed to lustration (Stan 2006, 10). Even after several failed rounds of lustration in 2000, 52 percent of Poles thought the lustration of presidential candidates was necessary, with 72 percent saying they thought it was important to know about the past of candidates, and 10 percent thinking that lustration policies in particular did in fact prove the trustworthiness of candidates (David 2003, 426). More recent public opinion polls in 2006 revealed that Poles favored the principle of vetting as "an essential cleansing process" that was not carried out immediately after communism (McLaughlin 2006).

In 2012, concerns remained about the politicization of the IPN and the use of lustration as a cleansing tool in Polish politics. Although the IPN attempted to create an apolitical institution to safeguard and oversee files and access, its work was the subject of heated debates and its closure was regularly called for by the press and various political figures. In particular, the public disclosure of the collaborator past of certain Solidarity movement officials, such as former president and Solidarity leader Lech Wałęsa, was highly controversial and resonated negatively with society (Gentle 2012; PR dla Zagranicy 2012). Despite widespread assumptions of collaboration by Solidarity leaders, dissidents, and the clergy under communism, the revelations were still deeply troubling to society (Nalepa 2010). As the IPN argued:

> One cannot reliably investigate the history of the independence opposition in the 1970s and 1980s without a possibility to confront the facts or witness reports with the contents of documents produced by the secret police. On one hand, the IPN archives include documents that are a testimony to heroism and patriotism, on the other—they record human meanness, disgrace and betrayal.
>
> (Leśkiewicz and Žáček 2013, 163)

However, revelations about key Solidarity leaders inflamed public ire as they forced a re-evaluation of the historical record of Solidarity and societal resistance to Communism. As such, this is a prime example of how uncomfortable revelations about the past could affect attitudes toward lustration. Critical for this analysis, these revelations could catalyze distrust and potentially undermine the process of societal reconstruction.

Hungary

There was a widespread assumption that Hungarian citizens were not as interested in lustration as other CEE transitional countries due to the limited nature of the measures enacted. In 2002, 75 percent of Hungarians thought the lustration commission's work investigating the communist era secret service should end, with 49 percent of the population saying they were not interested in learning which politicians collaborated with the secret service (RFE/RL 2002, September 24). In 2013 the sentiment was similar, with even the Director of the Archives saying, "no one is interested in the background of public figures."[32] The negotiated settlement between the opposition and the government in 1989 was cited as a reason for limited lustration (Nalepa 2010). Others cited the desire of Hungarians to cleave to rule of law safeguards in the construction of its new democratic state, which limited the scope and implementation of lustration and file access provisions. Still others highlighted

citizens' fatigue with overt politicization of the process as a reason for a truncated process (Kiss 2006).[33] Whatever the cause, a general lack of interest in political lustration marked the Hungarian case. Additionally, Hungary is an example of a country that formally ended its lustration program, thereby closing a chapter on active political lustration.

Despite this apparent apathy about the background of political figures, there was interest in seeing personal files and in revelations about key social and cultural figures. Figure 6.1 shows the steady increase in file requests by year from 2003 to 2011, with an average of 3000 new annual requests for files per year. Originally individuals were hesitant to see their personal files, but this changed over time with individuals, relatives, children, and grandchildren asking to read files on relatives. Interest in personal information was on the rise, while requests for information on public figures was relatively low.[34] These numbers do not support the assumption that individuals did not care about addressing the past in Hungary. On the contrary, the chart illustrates that interest in the files for personal reasons differed from interest in the files for political reasons. Moreover, the difference between public opinion polls in Hungary and the actual behavior of citizens in Hungary showed the potential measurement problems associated with gauging citizen support for transitional justice based exclusively on public opinion polls.

Romania

There was mixed information on how citizens felt about the process of lustration and transitional justice in general in Romania.[35] On the one hand, public opinion polls showed low support for lustration. Despite the fact that almost half of people polled in 2006 asserted that Romania had not broken free of the past and 43 percent were of the belief that *Securitate* officials occupied positions of power in politics and the economy, only 37 percent of individuals supported the removal of *Securitate* individuals from positions of power (Stan 2012b, 94). More recent polls completed in 2010 by the *Institute for the Investigation of Communist Crimes and the Memory of Romanian Exile* registered declining support for transitional justice measures. Only 37 percent thought file access was important, and 31 percent supported lustration, while 52 percent thought neither lustration nor file access were important issues.[36] Only 26 percent of those polled thought lustration would have positive effects. The failed rounds of politicized lustration left the process somewhat tainted for citizens. Citizens were focused on current economic conditions and political problems, and in some ways the problem of transitional justice was an intellectual question in the face of real material problems.[37]

There was also a growing nostalgia among citizens and youth for the stability of the past, showing up in favorable public opinion polls about communism and even Ceaușescu.[38] In particular, the economic and social uncertainty remaining after the transition engendered a type of nostalgia for the order of the past among the young who never experienced the cruelty of the former system.[39] In addition to the nostalgia was a normalization or contextualization of collaboration. Collaborators could be seen as victims themselves, because of the many extenuating circumstances that forced some individuals into the role of informant. The strong totalitarianism in Romania meant that many low-level collaborators were forced by necessity into relationships with the *Securitate*. In essence, collaboration did not necessarily equate with guilt and in fact could signal victimization by the process.[40] Moreover, there was an observed framing of the history of totalitarianism in Romania as one without agency, meaning totalitarianism was depicted as an outside force, imposed on and perpetrated by Russians on Romanians.[41] In this way, there was an absence of complicity by Romanians in the historical narrative, as was evidenced in the framing of totalitarianism in the National Peasant Museum in Bucharest.[42] If history is reframed with Romanians as the victims of totalitarianism, there is a normalization of regime complicity as a means of survival under "foreign" totalitarianism. To the extent that lustration and public disclosures fail to comport with the desired historical memory of the past, the process forces the writing and rewriting of history within the context of current debates.

Despite the reframing of the past to reject accountability, the C.N.S.A.S. reported rising citizen interest in the files. From 2009 to 2012, the C.N.S.A.S. processed 17,693 requests for information on individuals in the files, 12,228 request were from individuals, and 5465 were from the courts (C.N.S.A.S. 2012, 15). The C.N.S.A.S. Annual Reports showed continued positive trends in citizens' use of the reading room and in requests for file access. The C.N.S.A.S. reported there were a total of 659 requests for use of the reading room in 2006, with 1011 requests by 2008, and 2088 requests by 2011. In 2012, the reading room for the C.N.S.A.S. logged more than 4000 visits, with more than 18,000 files accessed between both researchers and private individuals (C.N.S.A.S. 2012, 18). This represented a 500 percent increase in requests for access to the reading room. The number of individuals requesting access to their own files in Romania continued to increase, with a total of 816 requests in 2006, 1311 requests in 2008, and 1729 requests by 2011, or a 110 percent increase over six years. In 2012 there were 3653 new requests for documents in the archives, and 1117 new users of the archives. The number of copies requested in 2012 was approximately 100 percent more than the number of copies requested in 2008 (212,614) or 2009 (264,417) (C.N.S.A.S. 2012, 18).

In addition, there were more than 500,000 copies made of files, at the request of both individuals and the courts. The number of copies requested in 2012 was almost twice as large as the number of copies requested in 2008 (212,614) or 2009 (264,417). These figures didn't comport with the alleged lack of citizen interest in transitional justice. In fact, citizen engagement demonstrated continued interest in the files even more than twenty years after the transition.

Bulgaria

Bulgaria had low initial support for lustration that grew over time. The work of the Kostadinov Dossier Commission was met with initial skepticism for a number of reasons. First, Bulgaria had a series of failed attempts at lustration and file disclosures that looked more like politicization of the laws. This delegitimized the work of the Commission before it even started. Second, Bulgaria had many economic, social, and political problems. There was a widespread belief that the government should focus on curbing corruption, building the economy, reducing unemployment and reducing inequality, not chasing the past. There was also a durable assumption that one should not engage with transitional justice measures more than five years after the transition, which held true not just in Bulgaria but in many of the other CEE countries.[43] Third, there was disappointment with the justice measures that were enacted. Post-1989, about half of the military and secret service officers were dismissed from their positions, but the unintended consequence was the transfer of the secret police networks from the public to the private sector, enabling a public–private connection in business activities that has fueled corruption.[44] As such, the use of transitional justice in Bulgaria was, in some cases, perceived as negative. Moreover, file revelations about the president and other top MPs did not result in bureaucratic change. Former President Georgi Parvanov, for example, was a known collaborator and yet was elected president and remained in power despite the revelations (Bivol 2011).[45] Therefore, the Dossier Commission had to demonstrate both that it was objective and transparent and that transitional justice would matter to state-building and societal reconciliation.

The Commission engaged in a massive public relations campaign focused on file access, transparency, and objectivity, set on demonstrating its trustworthiness to citizens.[46] Recent public opinion polls showed that citizens were engaged in the process of transitional justice through file revelations, and believed it matters to the process of state-building. In March 2008, 44 percent said they supported public disclosures about past state Security Service

involvement, rising to 45.3 percent in February 2009, and 50.5 percent in March 2010 (Social Barometer 2013). In March 2008, 58 percent of individuals polled said they did not think persons with secret police pasts should participate in government, rising slightly to 60.8 percent in February 2009, and dropping to 56.1 percent in March 2010.[47] Public opinion polls showed that 50 percent of polled individuals in 2010 believed it was important to have a central archives and historical memory institute.

2012 figures echoed these trends. In February 2012, 57 percent of citizens polled said they thought information about the past secret police service of all public entities should be disclosed. "Data from the last four years show that interest in the Commission's work is permanently higher among those aged between 40 and 60, among those living in the capital and big cities, among educated and wealthy, and among supporters of GERB, Ataka and KS [centrist and right wing groups]" (Social Barometer 2013, section 2). There was also growing interest among younger people in the work of the Commission. In February 2009, only 9 percent of people under thirty cited interest in the work of the Commission, but by 2012 that had risen to 29 percent (Social Barometer 2013, section 3). Demographically, opponents of the dissemination of information accounted for 16 percent of citizens polled, and are often over sixty years old and politically identified as leftist. Additionally, 25 percent of individuals polled wanted to expand the scope of the files to be vetted, suggesting citizens found utility in the lustration of the background of individuals in positions of power (Social Barometer 2013, section 8). The rising interest in public disclosures and support for the work of the Commission ran contrary to assumptions that it was either too late to lustrate or that citizens didn't care about the revelations.

As a counterpoint, there was a growing nostalgia among the young and old. The social equity benefits of the communist system were often lauded by the young, who ironically had never known the system in practice (Baeva and Kalinova 2010; Social Barometer 2013). There was a strong belief that individuals who were assisting the state security forces during the communist period did so out of either necessity or loyalty and therefore should not be considered "guilty" or punished (Baeva and Kalinova 2011).[48] Some individuals remained proud of their former secret police work, arguing they were "doing it for the country's national security," creating a type of heroic framing of the collaboration (Kostadinov 2009). This illustrates the tension over how to create a historical narrative about the past that was authentic but did not burden society with an immobilizing sense of collective guilt. When there were high rates of complicity, balancing blame and atonement for the past posed real challenges.

CONCLUSION

The paired comparisons of limited lustration cases and informal lustration cases illustrated a series of conflicts associated with collaboration issues, complicity, and historical memory rewriting. Popular attitudes about lustration didn't always comport with actual citizen engagement with the process of public disclosure and file access. Moreover, citizen support for the lustration of political figures could differ from their feelings about the lustration of social actors or themselves. Citizens could and did hold conflicting views on lustration that shifted over time. What is important to remember from these cases is that popular support for lustration did not necessarily equate with the actual efficacy of the measures. There could be low levels of citizen support for measures that had positive effects on the state and society. Support could change over time, and was susceptible to changes in the social, political, and economic environment. Therefore, having empirics to both weigh the trade-offs inherent in the measures and demonstrate the actual impact of the measures becomes all the more crucial in helping other countries to choose among the transitional justice options. The microlevel social trust dynamics explicated in this chapter are examined through a more metalevel statistical analysis in Chapter 6 in order to illustrate the divergent effects of similar transitional justice measures on different types of trust.

NOTES

1. October 12, 2002. Conversation in his office at the Budapest Collegium. Professor Kornai provided a lengthy list of examples of individuals whose attitudes towards communism changed over their lifetimes (among this group, he included himself), as well as collaborators who held official positions but did a lot of good, or those who plea-bargained under severe pressure, in order to contextualize complicity.
2. Interview with Gabriel Andreescu. In particular, Dr Andreescu stressed how all informants were really victims of the system, and for the need to review each file individually in order to ascertain the nature of collaboration.
3. Bulgaria, Article 12 § 1 of the Law for Access and Disclosure, http://lex.bg/bg/laws/ldoc/2135540283.
4. Czechoslovakia, Article 2, § 2 of Act No. 451/1991.
5. Lithuania, Article 2, Law No. VIII-1436, 1999.
6. Czechoslovakia, Article 2, § 1(b) of Act No. 451/1991.
7. Management of the secret police files, assessments of collaboration, accountability for the files and publication of the files are all part of the work of the European

Network of Official Authorities in Charge of the Secret-Police Files. As of 2013 there were seven cooperating institutions, constituting an "international organization bringing together the administrators of archival materials and documents that arose in connection with the activities of former Communist security services" (Leśkiewicz and Žáček 2013, 3).

8. An excerpt from law 187/1999, in European Network of Official Authorities in Charge of the Secret-Police Files 2009, 57.
9. The files included information files, network files, documentary files, and penal or criminal files. The network files, in particular, documented persons who collaborated with the *Securitate*.
10. Interview with Dr Adrian Cioflâncă.
11. Interview with Chairman Kostadinov, followed by a visit to the Bulgarian National Archives which included a personal tour and explanation of the various types of files, index cards, and registries used to determine collaboration, 1 Vrabcha Str. Sofia Bulgaria, July 12, 2012.
12. Ibid.
13. Interview with Gergö Bendegúz Cseh.
14. See revisions to Chapter 5a of the Act of 18 December 1998 on the Institute of National Remembrance—Commission for Prosecution of Crimes against the Polish Nation (*Ustawa z dnia 18 grudnia 1998 r. o Instytucie Pamięci Narodowej—Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu*).
15. Interview with Mr Jacek Wygoda.
16. Dr Gergő Bendegúz Cseh, April 4, 2013.
17. Personal conversation with judicial politics scholar Dr Nenad Dimitrijevic, Associate Professor, Department of Political Science, Central European University, Budapest, Hungary, April 11, 2013. Dr Dimitrijevic emphasized the reverence the Hungarian political landscape had for the first Constitutional Court's legal interpretations limiting retroactive justice and privileging rule of law adherence. These early decisions were widely praised by legal scholars, who argued that Hungary was showing a real commitment to democratization by eschewing punitive transitional justice measures. Both Ruti Teitel and Roger Errera emphasized the importance of adhering to rule of law practices in transitional countries in their evaluation of the court's decisions, see Kritz 1995, 658–9.
18. See Hungary, Act LXVI of 1995 on Public Records, Public Archives, and the Protection of Private Archives, and 2003rd Act III. On the Disclosure of the Secret Service Activities of the Communist Regime and on the Establishment of the Historical Archives of the Hungarian State Security created the Historical Archive, http://mnl.gov.hu/angol/mnl/ol/acts_and_regulations.
19. For details about the role of the Historical Archive and its structure and function see http://www.archivportal.hu/en/archives-of-hungary/historical-archives-of-the-hungarian-state-security/.
20. See State Security Historical Archives, http://www.archivportal.hu/en/archives-of-hungary/historical-archives-of-the-hungarian-state-security/. Figures provided by

Dr Gergő Bendegúz Cseh, Deputy Head of Department, The Historical Archive of Hungarian State Security, Budapest, Hungary.

21. Even this person directly concerned must have all information redacted that could be unknown to them or was not publicly known, such as health issues, sexual affairs or issues, or addiction issues. Interview, Dr Gergő Bendegúz Cseh.
22. Research rules and application forms available from the Historical Archive explain in greater detail the information limitations by category of applicant. http://www.archivportal.hu/en/archives-of-hungary/historical-archives-of-the-hungarian-state-security/.
23. Information provided in personal interview with Dr Gergő Bendegúz Cseh. In the interview, the Director presented a file example in which the husband was recruited because his wife had a medical condition requiring morphine to manage pain. This information was redacted for personal reasons, so anyone reading the file would have no information to contextualize the reason for collaboration.
24. October 12, 2002. Conversation with Dr Kornai.
25. Interview with Historian Dr Octavian Roske, National Institute for the Study of Totalitarianism, Bucharest, Romania, October 15, 2012; and Interview with Dr Dragoş Petrescu.
26. This point was stressed by the Chairman of C.N.S.A.S. in a personal interview. There is a strong potential for this to undermine social trust in particular.
27. Interview with Dr Gergő Bendegúz Cseh.
28. Interview with Professor András Bozóki; and interviews at Budapest Collegium, Budapest, Hungary, Fall 2002.
29. Personal interviews in Hungary emphasized the need to either contextualize the reasons for collaboration, or to dismiss collaboration altogether as just another survival strategy used under communism. In particular, Dr János Kornai cautioned that, without contextualization, one could overstate the importance of collaboration. Budapest, Hungary, April 2013.
30. Interview, Dr Gergő Bendegúz Cseh.
31. The film is on display at See Statue Park, Hungary. http://www.szoborpark.hu, Author visited on April 9, 2013. Also available at Candlelight Stories, http://www.candlelightstories.com/2012/01/23/the-life-of-an-agent-hungarian-secret-police-training-films-from-1958-1988/, last accessed July 2, 2016.
32. This apathy of citizens to file revelations was repeated to the author in interviews in 2002 in Hungary and again in 2013 in Hungary.
33. Personal interview with Dr András Bozóki. Dr Bozóki participated at Hungary's Roundtable negotiations and was a former Minister of Culture as well as advisor to the prime minister. This also emphasized by judicial politics scholar Dr Nenad Dimitrijevic.

    A paraphrased quote from former Prime Minister József Antall is often cited to explain the Hungarian approach to peacefully incorporating former communists into the post-1989 political system and rejecting transitional justice. In essence, the sentiment is that, "if you have a revolution than you can have revolutionary justice, but without a revolution the political change must be peaceful." While the

quote remains unofficial, it was repeated to the author several times and has become part of the narrative to justify Hungary's minimal approach to justice.

34. Interview with Dr Gergő Bendegúz Cseh.
35. Parts of the Romania and Bulgaria section appeared in a slightly different form in Horne 2015.
36. Cited in Lavinia Stan's blogspot, "Communist Nostalgia in Romania," December 12, 2010. http://laviniastan.wordpress.com/, accessed October 20, 2012.
37. Mircea Stanescu, Historian National Archives, Bucharest, Romania, October 10, 2012.
38. Multiple discussions with Dr Claudiu Tufis, Department of Political Science, University of Bucharest, Romania, October 2012; Mircea Stanescu, and Dr Bogdan Murgescu.
39. Interview with Dr Octavian Roske.
40. This framing of collaborators as victims was repeatedly stressed to me by Dr Gabriel Andreescu, former dissident and now university professor.
41. The Chairman of C.N.S.A.S., Dr Dragoș Petrescu, stressed the prevalence of this externalization of guilt for communism and refusal to accept personal responsibility for the collaboration. This sentiment impedes a real accounting of the past. Bucharest Romania, October 12, 2012.
42. Professor Damiana Oțoiu commented on the curious framing of history in the National Peasant Museum, Bucharest, in which "no one participated" in the totalitarian system. I am grateful to Damiana for pointing this out to me and therefore compelling me to visit the museum myself and observe the curious lack of agency of the population with the totalitarian excesses. University of Bucharest, Romania, October 8, 2012.
43. Interviews with Dimitar Markov, Senior Analyst/Project Direction, Law Program and Judicial Reform Unit, Center for the Study of Democracy, Sofia, Bulgaria, July 2, 2012; Dr Maria Yordanova, Director, Law Program, Center for the Study of Democracy, Sofia, Bulgaria, July 2012; and Maria Doichinova, Center for the Study of Democracy July 4, 2012; Professor Dr Iskra Baeva and Evgenia Kalinova, Faculty of History, July 11, 2012.
44. Interview with Todor Yalamov, Project Coordinator, Economic Program, Center for the Study of Democracy, Sofia, Bulgaria, July 3, 2012; and interview, Alexander Stoyanov, Director of Research, Vitosha Research, Sofia, Bulgaria, July 5, 2012.
45. Interview with Alexander Stoyanov and Momchil Metodiev.
46. Dossier Commission, Bulgaria, website, http://www.comdos.bg/, last accessed March 5, 2014.
47. Ibid.
48. Interviews with Dr Iskra Baeva and Dr Evgenia Kalinova.

6

Lustration, Public Disclosures, and Social Trust

SOCIAL TRUST

At its most basic, social trust refers to the type of trustor/trustee relationships individuals have with colleagues, friends, neighbors, and fellow citizens, either directly or within an institutional setting.[1] It is characterized by horizontal or individual-to-individual-level trust relationships, in contrast to the vertical trust relationships observed with political trust. Like political trust, social trust can be generalized or particularized. Generalized social trust is typically referred to as interpersonal trust, and is most simply defined as the propensity of individuals to trust others. Interpersonal trust captures the generalized trust propensity of collectives of individuals, loosely bound by community, nation, state, or other intersubjectively understood collective structures to trust each other. Generalized social trust is so associated with social capital that it is often used in place of or to define the concept of social capital itself: "Social capital has been defined as generalized trust" (Rothstein and Stolle 2008, 441). Sztompka elaborated that interpersonal trust is a kind of "pooled cultural capital" (1998, 20) or "culture of trust" (21), capturing the way individual attitudes give way to cultural or social propensities that citizens experience as a collective.

By contrast, trust in social institutions is a type of particularized social trust because it is more narrowly focused or constituted in bounded organizations and associations. Social institutions refer to public and semi-public institutions that provide information, services, and opportunities for civic engagement, such as community-based, church-based, and work-based forums and organizations for civic participation. Social institutions can be more broadly construed to include apolitical organizations funded in whole or in part by the government, such as the media and academia. A key aspect of social institutions is the opportunities these institutions create for the dissemination of information, formation of collective ideals, and creation of social ties between individuals within these bounded groups. Social institutions may either complement or substitute for public institutions in terms of facilitating exchange relations. They provide social stability, especially when the state is unable to

provide or only selectively provides resources and opportunities to certain societal groups.

Because generalized and particularized social trust evidence different trust propensities, this chapter considers them separately. First, based on the trust and transitional justice matrix developed in Chapter 1, I hypothesize that lustration policies, public disclosures, and truth commissions might negatively affect trust in social institutions. In particular, trust in targeted social institutions might be negatively affected by collaboration revelations. Second, a negative but attenuated relationship is expected between truth revelations and interpersonal trust. Because interpersonal trust is a form of generalized trust, and interpersonal trust assessments are based on a mixture of new information, interest-based calculations, and early childhood acculturation, this form of trust should be indirectly affected by the truth revelations associated with the secret police files. In sum, the trust and transitional justice hypotheses suggest a differentiated impact of lustration and public disclosure measures on political and social trust.

Social trust is not necessarily a goal in and of itself so much as a means of fostering democracy and effective government. In *The Civic Culture*, Almond and Verba suggested a direct relationship between cultures of trust and democracy (1963). Putnam and Ingelhart similarly highlighted cultures of trust as facilitators of democratic stability (Putnam 1993; Ingelhart 1999). Ingelhart demonstrated that life satisfaction and interpersonal trust were closely linked with stable democracy (Ingelhart 1999, 117). Tilly linked interpersonal trust networks to the strength of democracy. "If the integration of trust networks into public politics promotes democratization, their withdrawal from public politics weakens democracy" (Tilly 2005, 144). In the edited volume *Democracy and Trust* (1999), Warren argued that democracy depends more on interpersonal trust than on trust in political institutions because interpersonal trust is a key component of social capital (Warren 1999, 8). Similarly, Uslaner suggested that only generalized interpersonal trust contributes to democracy (1999).

While there is a strong and consistent link between interpersonal trust and democratization, the evidence linking trust in and engagement with more narrowly defined social institutions and democracy promotion yields contradictory results. Some studies find no relationship between engagement with social institutions and democracy (Newton 2007; Stolle 2001; Delhey and Newton 2003), some studies find a positive relationship under certain conditions (Putnam 1993, 2000; Uslaner 1999; Fukuyama 1995), and others find possible negative relationships (Levi 1996; Rothstein 2004). Although there remains controversy surrounding the mechanisms by which social trust indirectly or directly affects democracy, this study takes as a starting assumption the importance of social trust to democracy.

Fostering Social Trust

If social trust supports democracy, can it be intentionally fostered? The degree to which interpersonal trust responds to changes in the political, social, or economic conditions in a country also remains the subject of debate in the literature. Uslaner argued that interpersonal trust levels were stable and did not readily reflect changes in society or government performance (1999, 66). Ingelhart also characterized interpersonal trust as durable and defined constellations of cultures of trust that remained emblematic of societies over time, albeit with the possibility of slow change (Ingelhart 1999). Cleary and Stokes questioned the stability of interpersonal trust within countries, showing substantial variability within countries in a way that would not be consistent with interpersonal trust conceptualized as largely immutable to change (2009, 317–18). Other scholars cautioned about the fragility of interpersonal trust, suggesting that it was highly mutable and could easily be damaged or destroyed by changes in the political, social, or economic environment (Dasgupta 1988, 50).

Drawing on scholarship that theorizes a more dynamic conceptualization of social trust creation and destruction, several variables and mechanisms might apply to the post-communist space. First, Offe, Warren, and Ingelhart all demonstrated associations between interpersonal trust and economic security, perceptions of security, optimism about the future, and levels of education (Offe 1999; Warren 1999, 11; Ingelhart 1999). In particular, Ingelhart drew linkages between material well-being and higher levels of interpersonal trust (1997). Delhey and Newton also found evidence to support a relationship between economic well-being and trust, but they argued that subjective measures of well-being and happiness were better predictors of interpersonal trust than objective ones like income and education (Delhey and Newton 2003, 111). Applying these findings to the post-communist transitions, economic gains could have a social trust-building effect.

Second, the literature cites a possible negative relationship between inequality and social trust (Rothstein and Uslaner 2005). Uslaner argued that the level of economic equality in a country had a powerful effect on the level of interpersonal trust, with high inequality decreasing trust (2008). Mishler and Rose found less evidence to support these assertions in CEE; "fairness considerations are less important than freedom considerations in affecting citizens' perception of trust in institutions" (Mishler and Rose 1995, 24). In sum, rising inequality or decreased economic security could adversely affect social trust, irrespective of or even in contradictory ways to transitional justice.

Third, both Ingelhart and Uslaner showed relationships between higher levels of life satisfaction and higher levels of interpersonal trust in cross-national

comparisons (Ingelhart 1999; Uslaner 2008). Whether this applies to the post-communist space remains an open question. Rose, Mishler, and Haerpfer demonstrated that subjective perceptions of well-being did not correlate with actual economic figures in the post-communist space early on, as would be expected, although there was hope they could over time (1998, 170). As such, it is also important to consider whether social trust levels in the post-communist space were affected in whole or in part by material considerations and levels of life satisfaction.

Fourth, institutional competence, fairness, and trustworthiness are also presented as social trust builders in the trust literature. Rothstein and Stolle demonstrated a direct relationship between trust in institutions of "order," meaning institutions like the courts, police, judiciary, and civil service that were tasked with impartial implementation of the law, and generalized trust (2008, 454–6). Offe argued trustworthy public institutions could enhance social trust by creating an institutional space that reduces risk (1999, 71). Although proffering different but complementary mechanisms, Offe, Rothstein, and Stolle suggested that trust in public institutions could have positive spillover effects on interpersonal trust. Levi suggested the state might play an important interpersonal trust-building role because of its capacity to monitor laws, sanction violators, and promote information and guarantees (1998, 95–6). Rothstein's focus was on the role of the state as well, arguing that particular types of state institutions can affect social and institutional trust (2004, 16).

There is no clear evidence that these institutional and social trust relationships hold true in post-communist countries. As previously discussed in Chapter 3, both Rose-Ackerman and Uslaner found little evidence to support a relationship between institutional and interpersonal trust in post-communist countries. Rose-Ackerman argued that the relationship was indeterminate with the causal relationship going in either direction (2001, 421). Uslaner showed that institutional trust and interpersonal trust did not move together in post-communist countries (2008, 153). However, Rothstein and Eek demonstrated a direct relationship between trust in authorities and social trust, even in the case of Romania (2009). The lack of consensus in the literature suggests that the relationship between social trust and institutional trust remains open for testing in the post-communist space.

In conclusion, there are possible direct and indirect methods of improving social trust ranging from changes in material factors and socio-economic factors to changes in institutional constraints. Some of these changes can be engineered directly or indirectly through policy means, which opens up the possibility that transitional justice measures could also have an intentional (or unintentional) effect on social trust.

SOCIAL INSTITUTIONS AND COLLABORATION UNDER COMMUNISM

Although political institutions were the primary targets of lustration, social institutions were explicitly included in most lustration and public disclosure laws. There are several possible reasons why social institutions and "social trust" were targeted for lustration. First, social institutions have political resonance and can potentially influence citizens' behaviors, such as voting preferences. Second, social institutions are institutions of public trust and as such contribute to effective (or ineffective) governance. Third, social institutions are linked to civil society, and to the extent that those linkages provide important supports for democracy and accountability mechanisms, there is an argument for their screening.

Most countries in the region included provisions in their lustration laws to screen religious, economic, and civic institutions and to make public information about how members of these social institutions might have actively abetted the former secret police networks. There were also widespread provisions to vet the media, a quasi-social/quasi-public institution. For example, the Czech Republic's lustration law included provisions in Article 1(e) for the screening of various media organizations, covering broadcasting, television, and the press (Kritz 1995d). Poland included cultural and economic positions in its 2006 law, broadly redefining lustration to capture "positions of public trust" across public and semi-public categories. These categories of positions included public and private school personnel (section 18, 44, 45), authors of journalistic broadcast news (section 19), and regional branch officers of the Farmer's Social Insurance (section 31) (Act of October 18, 2006). Poland quite controversially declined to include the clergy in its lustration laws, due to estimates of both the massive scope of complicity of the Catholic Church with the communist regime and fears that disclosures could undermine the important role of the Church in national culture (Nalepa 2010). Hungary also debated, but in the end rejected, including the clergy in its lustration categories.[2]

Romania and Bulgaria, cases of informal lustration through public disclosures, included provisions for the screening of various categories of social institutions as well. Romania's C.N.S.A.S. investigated and disclosed the background of individuals in NGOs, the media, the clergy, and academics, although the last round of lustration modifications removed the clergy from the list of automatically verified positions.[3] Article 27 (3) of the Bulgarian Dossier Commission's mandate included the verification of "professional, trade, social, religious, scientific and other civic organizations and associations" (Law on Access and Disclosure). In practice, the Kostadinov led

Dossier Commission disclosed the collaboration of academics, the clergy, and the media, with several more categories of individuals in key civic positions under consideration, such as public sports organizations, advertising agencies, and public and private high schools and related organizations.[4] Finally, even Albania, a case of no real lustration, included provisions for the vetting of the media and academics in its Verification Law (Imholz 2004c). All lustration categories, from wide and compulsory, through limited and voluntary to informal measures, had provisions for the screening of social institutions.

There was more variation in the actual implementation of these measures than that observed with public institutions, with many countries passing formal provisions but not actively implementing all of them. Given the economic and political costs required to lustrate public institutions, it was not surprising that the actual lustration of social institutions, although legally stipulated, might have been less intensely pursued. Certainly, high-profile disclosures could have blowback on the social institution as a whole, not simply the individual revealed to have been a collaborator. However, even the inclusion of certain social institutions in the lustration debate is theorized to have an effect by catalyzing public consideration of that institution and the role it played under communism. This could prompt individuals to leave positions or not apply for positions out of a fear of public outing, thereby effecting a similar type of indirect bureaucratic change evidenced in cases of limited lustration relying on voluntary employment change. Or it could simply shine light on the past as a type of symbolic, generalized catharsis. In sum, lustration and disclosures could effect a combination of bureaucratic and symbolic changes capable of influencing perceptions of the trustworthiness of targeted social institutions.

Community-Based, Worked-Based, and Church-Based Social Institutions

Not all social institutions resonate politically in the same way, and not all social institutions have been targeted for public disclosures. I draw on Putnam's work on social trust and democracy to identify a set of social institutions in post-communist countries to examine. Putnam breaks civic participation into three categories of related social institutions, namely community-based, church-based, and work-based institutions (2000, 49). Using this rubric, I examine trust in religious institutions, the media, and unions in order to capture an array of social institutions with important political dimensions as well as opportunities for civic engagement.

There are many important social institutions that remain outside of this study due to a lack of trust data. For example, the potential trust effects of lustration on universities and institutes of higher education would be interesting to examine, if data were available on trust in such institutions. To the extent that previous complicity affected academic framing of the collective historical memory, there was an argument for the vetting of this social institution as part of the larger program of historical accountability. In particular, the authority of professors to engage in a revisionist history of the communist past presented a conundrum, made politically relevant by rising nostalgia among university students for a communist past they never knew (Baeva and Kalinova 2012). In Bulgaria in 2012 the Dossier Commission revealed that forty people who held top posts in three universities were agents or collaborators, including the dean of law, the vice dean of international affairs, and professors in communications, journalism, philosophy, theology, history, Slavonic studies, and information technology (Sofia Echo 2012, March 14). Unfortunately, no trust data is available to assess how such public disclosures affected social trust. As such, this study focuses on trust in the church, the media, and unions because these institutions had available public trust data and were included in lustration provisions, thereby meeting two criteria for consideration in this study.

Trust in the Church

Even under communism, the church played an important, politically relevant role, providing a cultural and political focus for citizens and reinforcing some of the national holidays and customs of the state. The clergy was often actively complicit with the communist regimes, informing on citizens and fellow clergy members alike. Given the assumption that the church provided a community of trust for citizens as an alternative to the totalitarian system, such collaboration with the secret police would constitute a particularly personalized type of betrayal. A number of countries included the church on the list of institutions for lustration and public disclosures, such as Poland, Hungary, Romania, and Bulgaria, although few went through with formal lustration, fearing that revelations could undermine the church's historic role as a repository of customs, culture, and trust. Despite the limited vetting of the clergy across the post-communist space, revelations of regime complicity in Poland, Romania, and Bulgaria resulted in institutional change and shifted citizens' attitudes toward the church.

Poland is a case in point. The Catholic Church has long played a central role in defining Polish society and the state. The historical narrative paints the Catholic Church in Poland, as well as Pope John Paul II more specifically,

as active freedom fighters against Communism (Brown 1991; Huntington 1991). However, it is estimated that one tenth of the clergy were secret police informers (Economist 2007). Although there was widespread knowledge of Catholic Church complicity with the communists, confirming through public disclosures the depth of the complicity was perceived as too damaging to society. As a result, Poland debated and rejected the inclusion of the Church in the formal lustration categories. Public outrage in 2007 surrounding the disclosure of the Archbishop of Warsaw as an informant confirmed fears about how public disclosures could undermine social trust, and provoked a backlash over the lustration of social institutions (Smith 2007). Revelations of widespread regime complicity threatened a historical narrative that painted the Church as a symbol of communist resistance with potential negative implications for social trust.

The Orthodox Church in Romania was actively complicit with the regime as well (Stan and Turcescu 2005). Although Romania was officially a secular state under communism, even communist officials got married in the Church or celebrated important life events with church ceremonies. The Orthodox Church continues to play an important role in post-communist Romania (Stan and Turcescu 2007). The public disclosures of Church complicity in the case of Romania were not surprising, but the depth of complicity still catalyzed a negative response from citizens. The Church was originally one of the lustration categories, but in 2008 the new lustration law removed the Church from the list for compulsory screening. The Church could still be vetted, but the lustration needed to be requested by the Church; lustration could not be done independent of the Church.

Similarly, it was widely known that the Bulgarian Orthodox Church, as well as Catholic, Muslim, and Jewish clergy, were complicit with the communist authorities (Metodiev 2010; Leviev-Sawyer 2012b). However, when the extent of the Bulgarian Orthodox Church's complicity was reveled in a series of disclosures in 2011–2012, it still reverberated throughout society (Sofia Echo 2011, December 16).[5] Eleven of the fifteen top positions in the Bulgarian Orthodox Church's governing body—the Holy Synod—were held by KDS collaborators, including the Patriarch of Bulgaria (Leviev-Sawyer 2012b). This prompted the media to dub the priests the "Agents in cassocks" (Sofia Echo 2012, March 5). The clergy did not file denunciations of laypeople but gathered information and wrote denunciations of other clergy members (Leviev-Sawyer 2012b and 2012c).[6] The clerics' cooperation was voluntary and done for possible career advancement, thereby demonstrating personal gains from collaboration. Aggrieved calls for resignations were met with strong resistance from church officials, who both denied wrongdoing and refused to step down or apologize (Sofia Echo 2012, March 18). Revelations

resonated negatively with the population, and changed perceptions about the trustworthiness of this cultural institution.[7] One report showed approval of the Church fell 17 percent in three months following revelations; 42 percent of the most religious individuals polled thought the clergy should resign (Sofia Echo 2012, March 5). In sum, the role of the church as a nexus of political and social power has made it a social institution for which vetting was considered necessary and important for societal rebuilding.

Trust in the Media

The quasi-public and quasi-private nature of the media, combined with its information dissemination responsibilities, render it an important social institution with political oversight functions and significance. Various forms of the previous state-owned media, both print and broadcast, as well as the subsequent private sector presses, have been the subject of official and unofficial lustration. Stejarel Olaru in Romania's Ministry of Foreign Affairs explained the importance of clearing the media of its connections with the former regime:

> It is extremely important to know as much as possible about journalists who are very much involved in public debates in our post-communist societies. We really need to know what they did prior to the fall of communism. First of all, it is important to know about journalists, because they still work in today's media so their opinion is still very important. If prior to 1989 they were forced to collaborate with the communist regime, we really need to know if this process continues even today, with the new secret services (Najfeld 2007).

This highlights the possible mechanisms by which previous complicity was perceived to undermine the media's post-transition credibility.

Poland's expansive approach to vetting the media, included in their 2006 legislation, touched off a series of protests by journalists and newspapers. The newspapers called for a boycott of the legislation, many worrying about potentially damaging public disclosures (Najfeld 2007). In 2008, several Bulgarian media figures were exposed for their former collaboration with the secret police, including a number of the most prominent journalists from the communist period in the well-respected Bulgarian National Television. The Dossier Commission revealed that thirty-seven of the 484 people examined had collaborator evidence in their files (Kostadinov 2008). 718 individuals were lustrated in the radio media, and sixty-six secret service personnel were revealed to have a secret agent past, including very prominent directors of the Bulgarian National Radio (Iliev 2008). Of the individuals investigated in radio, between 8 and 10 percent had evidence of collaboration, according to

the Chairman of the Dossier Commission. The Commissioner estimated those percentages were consistent across the other forms of media.

The public disclosures of complicity by prominent journalists and media personalities, some of whom were active voices of dissent under the previous regimes, sullied the reputation of many individual journalists and the media in general. It is interesting to note that, late in the lustration process, there was a resurgence of interest in lustration of the media. Since a trustworthy press supports both democracy and good governance, it is possible that this delayed interest in lustrating the media was related to the larger process of democratic consolidation.

Trust in Unions

Unions are work-related social institutions, and therefore more obvious targets for lustration than other purely social organizations, such as sports clubs. There was an important social and political role for trade unions and economic associations, exemplified by the pivotal role of Solidarity (Solidarność) in the anti-communist revolutions in Poland (Brown 1991). Unions were included in early lustration legislation, although there was limited actual direct vetting of unions or union leaders in practice.

The possible blowback from revelations of regime complicity among union leaders was most apparent in the case of Solidarity in Poland. Some Solidarity dissident leaders were accused of active collaboration with the communist regime. Not only did it personally taint the reputations of key individuals in the movement, but it had the potential to sully the national narrative about Solidarity's role in bringing down communism. Lech Wałęsa, the leader of the Solidarity movement and former president of Poland, was repeatedly accused of secret police collaboration, and a file on him was produced containing evidence that he was agent "Bolek" (Bierzańska 2012). Wałęsa, first denied that a file could exist, then argued the file contained falsified information, and in 2012 finally claimed he was "playing a game" with the secret police and never really gave them any information (Gentle 2012). Similarly, Marian Jurczyk, a leader of Solidarity protests in Szczecin in 1980, was revealed as a former secret police agent, although he was later absolved of guilt by a lower court. Nonetheless, the complicity of top Solidarity leaders with the secret police threatened to taint the powerful and heroic narrative about East European dissidents. It was not just individual reputations that were at stake with the revelations, but the credibility of this politically salient social institution.

Due to the lack of direct vetting of unions across a range of countries in this study there was insufficient data to examine them fully on their own. As such, unions will only be considered as part of a composite of social institutions,

in keeping with Putnam's archetypes of work-based, church-based and community-based social institutions.

In conclusion, Chapter 5 highlighted the various ways that lustration and public disclosures collided with complicity dilemmas uniquely in the post-communist environment, potentially undermining rather than enhancing social trust. The church, the media, and unions all played important social roles in society. Demonstrating that they betrayed fellow citizens in the past could undermine perceptions of their trustworthiness in the future. Highly personalized revelations of betrayal by previously important social institutions could foment a rational distrust of current institutions. Drawing on the lustration and trust hypotheses in Chapter 1, I argue that the lustration of social institutions could undermine social trust rather than enhance it. The magnitude of the effect will be smaller than that seen with respect to public institutions both because of the limited scope of the vetting of social institutions in practice and the secondary nature of the lustration of social institutions. Of course, the limited lustration of social institutions in practice combined with data limitations on trust in social institutions could mean no relationship is statistically discernible. The next section turns to an empirical examination of trust in targeted social institutions.

EXPLORING THE EFFECTS OF TRANSITIONAL JUSTICE ON TRUST IN SOCIAL INSTITUTIONS

Work-Based and Religious Institutions

I constructed a composite variable of trust in social institutions made up of measures for trust in unions and trust in the church from 2001 to 2010 (see Appendix 3). Unions and the church represent two of Putnam's three venues for social interaction and network building. As with the other *Eurobarometer* trust data, Russia, Ukraine, and Albania are missing, therefore the analysis is effectively asking *how and under what conditions did* lustration affect social trust, given that the cases of no-lustration were excluded. Timing variables were not included in these models because social institutions were generally not part of the initial lustration implementation phases. Although social institutions were listed as possible objects of vetting in early lustration laws, they were not targeted for screening until later in the transition. As such, it would be inaccurate to test for the temporal conditions of lustration on social institutions, since they were not actively involved in the initial implementation phases. Table 6.1 presents the results of a series of models with this trust in social institutions' composite as the dependent variable.[8] Model 2 covered the

Table 6.1. Transitional justice and trust in social institutions (2001–2010)

Trust in social institutions *Church and unions*				
	Model 1	Model 2	Model 3	Model 4
Lustration measures	−292.80***	−142.40*	−373.60***	−187.27*
	(85.58)	(78.56)	(100.80)	(78.24)
Truth commissions	453.29**	563.51***	494.00**	533.38***
	(173.78)	(145.91)	(195.46)	(150.73)
Corruption	28.79***	27.57***	25.19***	22.83***
	(6.91)	(7.02)	(7.41)	(7.13)
Polity IV[a]	—	—	−148.32	−179.70
Democracy			(115.79)	(108.09)
Economic growth	17.75	—	3.07	—
change GDP	(36.37)		(40.34)	
Economic growth	—	−4.26	—	–1.84
Change GDP/cap		(4.34)		(4.22)
Strength of civil society	−1.78	14.21	6.63	26.20*
	(14.69)	(11.35)	(17.53)	(13.49)
Life satisfaction	16.78*	—	21.16**	—
	(7.05)		(7.95)	
Level of Inequality	48.92**	—	48.92**	—
	(18.10)		(18.10)	
Change in inequality	—	—	—	555.07
2 yr lag				(480.77)
Constant	−1461.66*	405.59	−97.41	2034.63*
N	63	72	54	72
Wald χ^2	51.56***	27.37***	54.30***	31.56***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. All variables lagged one year. 9 countries—no data for Albania, Russia, and Ukraine. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

[a] Freedom House democracy scores were too highly correlated with civil society to be used. Polity IV was used as a substitute. There were Nno substantive change in models with Polity IV scores.

time period from 2001 to 2010, but data limitations for inequality measures limited the time period for the other models to 2001–2009. All models showed a negative relationship between lustration measures and trust in social institutions. Wider and more punitive lustration measures were associated with lower levels of trust in social institutions. Using predicted value calculations

to estimate the strength of the relationship, based on the specifications in Model 1, a shift from largely informal lustration measures to limited lustration was associated with approximately 4 percent less trust.[9] A shift from informal measures to compulsory lustration was associated with a reduction in trust by 7.7 percent. These findings remained robust despite different model permutations and controls for life satisfaction, relative inequality, and the strength of civil society.

Truth commissions were associated with social trust-building. Predicted value estimations based on the variable specification in Model 1 showed the magnitude of the effect of truth commission on trust in social institutions was approximately 8.26 percent. This was a substantial and unexpected finding, since it was contrary to the previous analyses of public institutions that suggested a possible negative relationship between truth commissions and political trust.

Most saliently in terms of the control variables, as corruption increased, trust in social institutions also increased. Additionally, as inequality increased, so too did trust in social institutions. These two relationships suggest a possible substitution effect. Trust in social institutions provided an alternative to political trust in environments in which there was high or increasing corruption and high levels of inequality. The positive relationship between corruption and social networks was also observed in other post-authoritarian or post-conflict environments (Johnston 2006; Collier 2007), and fits with the observed statistical significance of corruption in the public institutions chapter. Here, social institutions presented an alternative means of meeting material and/or social needs in corrupt, unequal societies.

With respect to the control variables, there was a consistently robust positive relationship between life satisfaction and trust in social institutions. This affirmed the relationship between optimism or life satisfaction and social trust highlighted by Uslaner and Ingelhart (Uslaner 1999, 139; Ingelhart 1999, 97). It also resonated with the social capital literature in which life satisfaction was linked to more trust of, and engagement with, social institutions. However, the strength of civil society was not consistently robust. While the literature predicted a relationship between the strength of civil society and more trust in social institutions, there was weak evidence for that in these models. Polity IV measures for democracy were substituted for Freedom House due to collinearity issues, but were neither significant, nor did they affect the significance of lustration measures.

Transitional Justice and Trust in the Church

Turning to another social institution, the *New Europe Barometer* included individual-level data on trust in the church for eleven of the countries in this

project, with only Albania excluded. This expanded the range of lustration experiences examined across all four categories in the transitional justice typology. The only year for which data was available across eleven countries was 2004, as with the previous cross-sectional survey analysis, but this resulted in a large sample size (more than 9000 observations). This section focuses on trust in the church alone, because of data availability and because of the saliency of the vetting of the clergy on social trust. As with the previous examination of trust in the social institutions composite, timing variables were not included. Lustration of the church did not take place early in the transition, and therefore adding timing considerations to this slice of data would be an inaccurate test of temporal conditions. No comprehensive data was available for trust in the media, or it too would have been considered. Table 6.2 displays the results of a series of OLS survey structured regression analyses, stratified into eleven primary sampling units (countries), with trust in the church as the dependent variable.[10] *Lustration measures* were negatively associated with trust in the church, meaning more extensive lustration was associated with lower trust levels. Because public disclosures bring to light information about the past complicity of an institution that was largely considered an alternate social forum for individuals, and certainly a place to mark important events like weddings, baptisms, and funerals, it is not surprising that regime complicity revealed through the process of lustration might have a negative rather than a positive trust effect. These findings support the previous analysis of trust in a composite of social institutions (unions and the church), in which a negative relationship was evident between social trust and lustration. Importantly, this analysis used a different dataset, different time period, and different level of analysis, but arrived at a similar negative relationship between lustration and trust in social institutions.

Truth commissions were also robust predictors of trust in the church, although here it was the presence of truth commissions that had a trust-enhancing effect. The differential impact of truth commissions and lustration measures are poignant reminders that not all transitional justice measures have the same effect even on the same object of trust. It is important to note these differences since transitional justice measures are often grouped together theoretically or packaged together by policymakers when problem solving issues in post-conflict or post-authoritarian societies. Disaggregating the various transitional justice measures helps to elucidate their individual mechanisms.

Other trust variables were included to test whether a relationship existed between social and political trust in the post-communist sphere. A trust in

Table 6.2. Lustration and trust in the church

Trust in the church (survey year 2004; eleven countries)			
	Model 1	Model 2	Model 3
Lustration measures	−0.38***	−0.39***	−0.38***
	(0.07)	(0.08)	(0.08)
Truth commissions	1.32***	1.36**	1.33***
	(0.26)	(0.33)	(0.26)
Interpersonal trust	0.29***	0.29***	0.29***
	(0.05)	(0.05)	(0.05)
Trust in public institutions, composite	0.36***	0.36***	0.38***
(political parties, courts, police, army, and parliament)	(0.03)	(0.03)	(0.03)
Age	0.008***	0.01***	0.009***
	(0.001)	(0.002)	(0.002)
Gender	0.26***	0.34***	0.25***
(male=1/female=2)	(0.05)	(0.04)	(0.05)
Education	−0.14**	−0.15*	—
	(0.05)	(0.06)	
Citizen perceptions of government fairness	—	—	0.06
(1=fair, 4=not fair)			(0.04)
Life satisfaction	−0.006	−0.02	—
(1=satisfied, 4=not satisfied)	(0.04)	(0.04)	
Nostalgia	—	−0.01	—
(not nostalgic for Communist past)		(0.04)	
Views of future	—	—	−0.002
(1=positive, 4=negative)			(0.02)
Church attendance	0.10*	—	0.11†
	(0.05)		(0.05)
N	9564	9278	8348
(number observations subpopulation)			
R-squared	0.30	0.27	0.30

Note: Survey data specification across eleven primary sampling units (countries). All countries included except for Albania for which there is no data. Total number of observations=74,001.

Standardized regression coefficients (b) reported, with linearized standard errors in parentheses. 95% confidence interval, two tailed †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

public institutions' composite made up of perceptions of trust in the army, the police, political parties, the parliament, and the courts (see Appendix 3) was included to assess whether a relationship existed between trust in particularized political institutions and trust in social institutions (the church). Measures for interpersonal trust were also included to assess whether a relationship existed between generalized social trust and particularized social trust in this case. Interpersonal trust and trust in public institutions were strongly and consistently significant predictors of more trust in the church. In other words, more interpersonal trust was associated with more trust in the church and more trust in public institutions was associated with more trust in the church. This is an important finding, as it is something on which the literature on post-communist transitions is currently divided. These results support the work of Rothstein and Eek and run counter to Uslaner, as they provide evidence for positive relationships between social and political trust in the post-communist sphere. The covariation of objects of trust also holds out the optimistic possibility that, should policies or measures help to augment trust in a particularized political sphere, trust could spill over into social trust spheres.

The attitudinal variables did not lend additional explanatory power to the models, and, more importantly, did not affect the saliency of the relationship between lustration and social trust. Neither life satisfaction in the present, nor nostalgia for the communist past, nor optimism about the future was a significant predictor of trust in the church. Citizens' assessments of government fairness were also not associated with trust in the church. With respect to the demographic variables, older individuals were more trusting of the church than younger people, and women were more trusting of the church than men. There was also evidence that less educated people were more trusting of the church than more educated people. As expected, church attendance was also correlated with trust in the church. In terms of behavioral variables, individuals who engaged more in voluntary associations tended to be more trusting of those organizations. This was not so much a finding, as a confirmation that expected tendencies held true with respect to trust in the church in the post-communist space. The fact that demographic and behavioral variables registered expected relationships with trust in the church fortified the credibility of the overall models. While basic demographic variables combined with public trust variables explained a substantial amount of the observed variation in trust in the church, there was a consistent, negative relationship between social trust and lustration.

Transitional Justice and Trust in the Press

The press was analyzed individually in order to take into account its slightly different role as a social oversight institution with quasi-public components. Table 6.3 presents the results of a series of analyses with trust in the press as the dependent variable (*Eurobarometer* measure). Russia, Ukraine, and Albania were excluded due to lack of data, and the time period covered (2001–2011). The time period was especially fortuitous, because it captured

Table 6.3. Lustration and trust in the press (2001–2011)

Trust in the Press			
	Model 1	Model 2	Model 3
Lustration measures	323.59*	296.81*	341.15*
	(150.65)	(154.14)	(159.41)
Timing of lustration	50.48	66.52	57.57
	(78.59)	(80.20)	(79.17)
Timing lustration squared	−0.40	−1.02	−0.57
	(3.71)	(3.71)	(3.67)
Corruption	22.81*	22.71*	22.73*
	(11.31)	(10.67)	(10.73)
Democracy	−5.41	—	—
	(27.66)		
Polity IV (democracy)	—	—	6.35
			(163.43)
Strength of civil society	—	−16.13	−9.41
		(20.44)	(24.84)
Economic growth	33.45	21.06	32.98
change GDP	(17.34)	(17.85)	(17.34)
Strength of political opposition	—	0.27*	—
		(0.14)	
Constant	404.07	335.28	393.79
N	99	90	99
Wald χ^2	14.72*	19.00**	14.90*

Note: Cross-sectional time series FGLS regression analyses, clustered by country (nine total). All models test for heteroskedasticity and multicollinearity—no problems with reported models. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

the late lustration of the media that was noted in Poland, Bulgaria, and Romania in particular. Models 1, 2, and 3 demonstrated that lustration measures were strongly and positively associated with more trust in the press. Because the time period covered all lustration and public disclosure programs across CEE, this was a fairly comprehensive temporal snapshot of a variety of lustration and public disclosure experiences. Timing variables (both the timing of lustration and timing squared) were not significant in the models; the timing of reforms did not appear to affect reform efficacy. Consistent with the social oversight institution results, there was a positive relationship between more extensive lustration measures and higher levels of trust in the press.

More corruption was associated with more trust in the press. This finding was in keeping with the role of the press as an oversight institution, providing informational checks on corruption. The importance of corruption as an explanatory variable was in contrast with the lack of significance of other controls such as democracy (either Freedom House or Polity), the strength of civil society, or economic growth. The strength of the political opposition was the most robust of the control variables, showing that as the strength of the political opposition increased, there was an increase in trust in the press. In general, trust in the press comports more closely with an understanding of the press as an oversight institution than a social institution. These findings supported the results associated with oversight institutions in Chapter 3.

In sum, this analysis of social institutions was limited to two primary social institutions and one quasi-public and quasi-social institution, and therefore the results cannot be generalized across the full range of possible social institutions. However, the results showed trust in social institutions was negatively associated with lustration measures. Wider and more compulsory measures were associated with less trust in social institutions. The findings were consistent across trust data from two different sources, over different time periods and different levels of analysis, and held irrespective of model specification. At best, the findings suggest that lustration did not increase trust in the church and unions, and at worst, there is reason to believe it might have actively undermined social trust. This supports some of the concerns voiced by critics of disclosures and resonates with the hypotheses generated in Chapter 5 related to possible trust blowback from revelations of regime complicity. Curiously, truth commissions were associated with more social trust, an unexpected finding based on the previous negative associations with political trust. This reconfirms the potential for divergent effects from transitional justice measures on transition goals.

LINKING FILE ACCESS AND DISCLOSURES TO INTERPERSONAL TRUST

Unlike social institutions that can be directly targeted for lustration, the generalized nature of interpersonal trust makes it less malleable to direct intervention through transitional justice measures. Nonetheless, personal interviews with individuals in many CEE countries revealed angst associated with file revelations. After reading about the betrayals by family and friends, individuals thought it might have been better not to know in order to more easily move on with their lives. Revelations of betrayal pose a danger of retraumatization, as seen in the case of truth commissions (Hayner 2001). While there is a potential for the transparency and accountability aspects of file access to increase interpersonal trust, it is also likely that increased information about low-level societal complicity with the communist regime and evidence of personal betrayals could foment generalized distrust at the individual level. Chapters 3 and 4 provided evidence that truth revelatory measures alone failed to improve political trust and were correlated with negative outcomes.

Additionally, revelations about the previous regime complicity of revered social figures could negatively affect general social trust. For example, revelations about the collaborator background of István Szabó, an internationally acclaimed director, rocked Hungarian society. When Péter Esterházy, one of the most famous contemporary Hungarian writers, discovered his father was a secret police informer, this captured society in a way that the revelation of collaboration by then Prime Minister Gyula Horn did not.[11] Revelations about Lech Wałęsa also shook Polish society and remained too sensitive for frank public discussions.[12] These types of revelations have a potential to undermine general social trust and create confusion about cultural and historical narratives.

With respect to interpersonal trust, several testable hypotheses arise from considerations of regime complicity raised in Chapter 5. First, file revelations might have no effect on interpersonal trust. Since lustration primarily targeted public institutions, there could be no direct relationship between individual-level trust and the vetting of public office holders. Second, revelations could have a negative impact on interpersonal trust, especially if the revelations went beyond public office holders and political positions and revealed more broadly the complicity of ordinary citizens with the communist system. Third, interpersonal trust might be changed indirectly as a function of changes in institutional trust—either particularized or generalized. Since lustration and public disclosures targeted public institutions primarily and institutions of government most broadly, these measures could at best have a mediated or indirect impact on interpersonal trust. If trust in institutions is positively correlated

with interpersonal trust, it is possible that improvements in institutional trust could have a small, meditated effect on interpersonal trust.

Variations in Interpersonal Trust

One conventional measure of interpersonal trust is the percentage of people who say that "most people can be trusted" on the *World Values Survey* (WVS) standard questionnaire.[13] Responses to this question varied both within and between post-communist states. Lithuania's interpersonal trust measure declined by 19 percent, the Czech Republic's declined by 20 percent, Bulgaria's declined 22 percent, Russia's decreased by 30 percent, Slovakia's declined by 32 percent, and Poland's decreased by 35 percent between 1990 and 2005. This is consistent with Mishler and Rose's findings that there are substantial differences both within and between the post-communist countries in levels of interpersonal trust (2001, 45). The WVS also suggests constructing a trust index by taking the difference between the percentage of people who say "most people can be trusted" and the percentage of people who say "you can't be too careful" with the resulting percentage better able to capture the interpersonal trust dynamic (Medrano 2010).[14] This alternative measure (Figure 6.1) also registered variation in interpersonal trust across the region and within countries, although no clear patterns emerged. Trust in Bulgaria consistently declined, while trust in Russia plummeted and then rose, and trust in Romania both rose and fell. Figure 6.2 presents interpersonal distrust comparisons based on WVS responses to the prompt "Most people cannot be trusted," yet another variant of the traditional interpersonal trust question. Both Figure 6.1 and Figure 6.2 illustrate the degree of variation in responses in the region. Uslaner argued that interpersonal trust was static, and should not be affected by changes in the immediate economic and political environment, however, the figures presented here do not support that conclusion (2002, 26). Since interpersonal trust varied both within and between countries, it can be treated as a dependent variable. This makes it possible to ask: Was there a relationship between transitional justice and interpersonal trust in the post-communist space?

Transitional Justice and Interpersonal Trust

Using the variables presented above, this section examines possible relationships between interpersonal trust and transitional justice. Because of the small sample size, I used a variety of statistical tests to be maximally generous to the

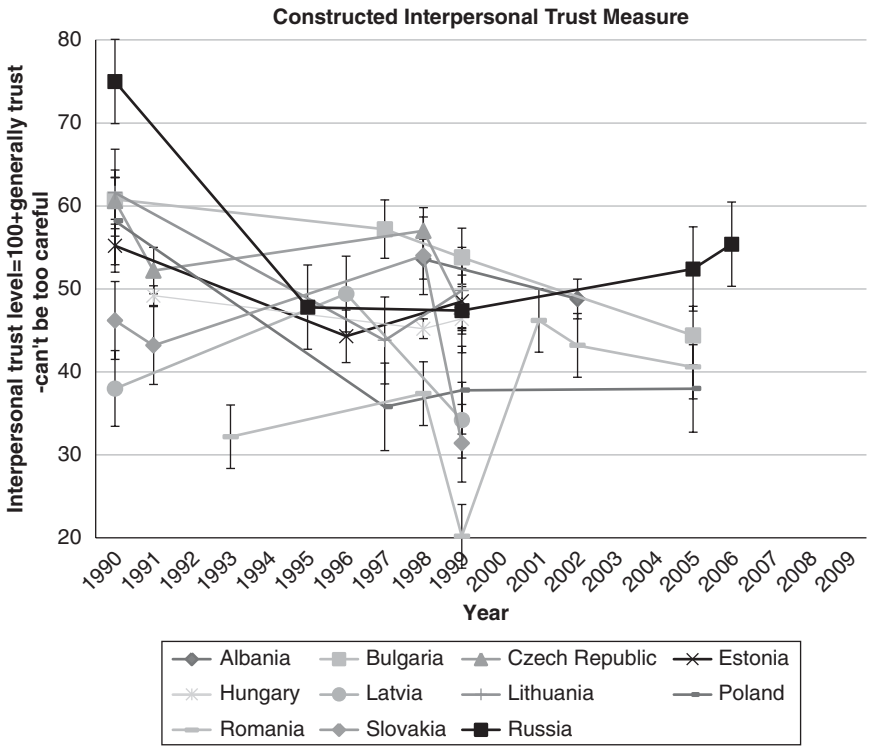

Figure 6.1. Interpersonal trust index
Source: WVS

possibility of finding a relationship—either positive or negative. To examine lustration, I converted the ordinal *lustration measures* variable into a dichotomous variable (0/1). "Zero" (0) recombined the *lustration measure*s categories one and two, which included countries for which there was no lustration induced institutional change. "One" (1) refers to lustration categories three and four, which included countries that had an institutional change component to their lustration laws. This recoding collapsed the lustration measures and created a dichotomous representation of the presence or absence of measures broadly understood as lustration, file access, and public disclosures. The recoded variable *lustrate* had a balanced distribution of observations, with 17/18 country observations per category across the WVS dataset.

First, I examined most basically whether there was a statistically significant difference between the underlying distributions of trust scores and lustration scores using a Wilcoxon-Mann-Whitney test.[15] The test revealed that neither the WVS trust index nor the regular WVS measure of trust yielded a

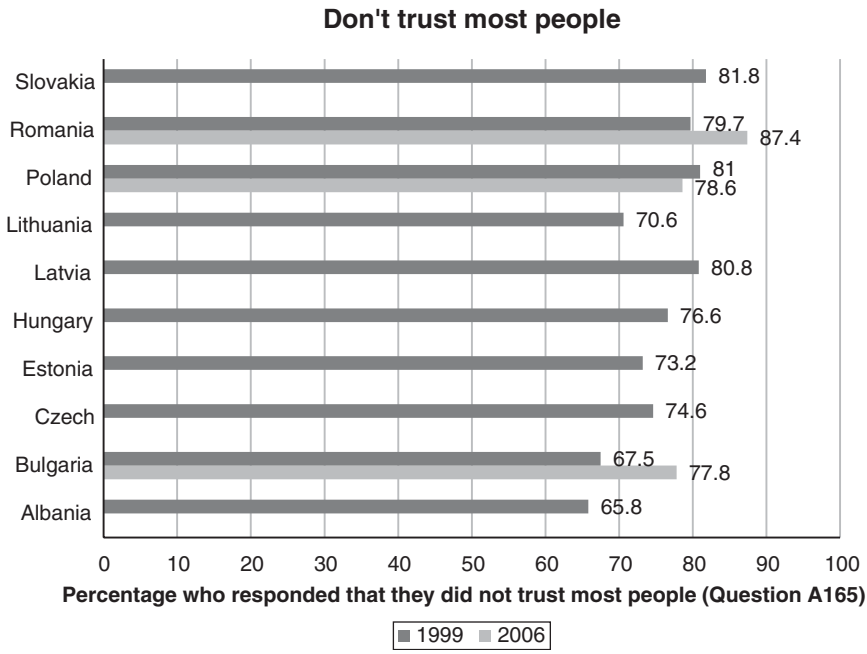

Figure 6.2. Interpersonal distrust regional comparisons
Source: World Values Survey

statistically significant relationship with lustration. Second, a one-way ANOVA (Analysis of Variance) was used to test for a relationship between the dichotomous *lustrate variable* (presence or absence of institutional change) and interpersonal trust. Neither the WVS raw measure nor the index measure showed a relationship between lustration and interpersonal trust.[16] A third way of exploring for a possible relationship between lustration and trust employed simple bivariate analysis methods. I used three operationalizations of lustration: 1) the presence or absence of lustration policies (dichotomous); 2) an ordinal measure of lustration programs—including variations in the scope and implementation of lustration measures (scale 1–4); and 3) a timing of lustration variable, capturing waves of regional reforms (wave 1, 2, and 3). Table 6.4 illustrates that despite the more nuanced operationalizations of lustration, there was no statistically significant relationship between the available interpersonal trust data and any of the lustration variables. These findings are consistent with the generalized nature of interpersonal trust, and the many factors—interest-based as well as acculturated—that affect interpersonal trust propensities.

Table 6.4. Bivariate analysis of lustration programs and interpersonal trust

Variable	Coefficient	Adj R^2
Lustration waves (timing)	−2.36 (N=34)	0.02
Lustration measures (scope and implementation)	−1.10 (N=42)	0.006
Lustrate (presence/absence)	−0.99 (N=42)	−0.02

*p<0.05, **p<0.01, ***p<0.001.

Fourth, limited OLS analysis was possible because of the infrequency of WVS survey waves and therefore the small overall sample size. The inclusion of many controls, such as trust in government, or institutional trust, or even democracy, dropped the sample size too much to permit reliable statistical analyses.[17] Table 6.5 provides the results, using models with simple control variables, and testing for a relationship between lustration measures and interpersonal trust. The models included all twelve post-communist countries in this study, covering the period 1990–2005. In all models, *lustration measures* were not statistically significant predictors of interpersonal trust, and were unstable, switching between positive and negative coefficients. The *timing of lustration* and *timing squared* variables were weakly significant, hinting at possible temporal conditions, but the limited data prevented further examination. Truth commissions were also not robust predictors of interpersonal trust. In general, there was no apparent relationship between transitional justice measures and interpersonal trust evident in the 1990–2005 time period. It is important to note that the time period analyzed did not include the period of massive public disclosures and file access transparency seen in Bulgaria, Romania, Hungary, and Poland, as well as the Czech Republic and Slovakia, since 2005. It is this citizen engagement and revelations of complicity that were theorized to negatively affect perceptions of interpersonal trust, but data limitations precluded analysis at this time. In conclusion, the multiple methods of considering possible relationships between transitional justice and interpersonal trust using WVS data did not find a relationship.

Survey Data and Interpersonal Trust

The *New Europe Barometer (NEB)* survey asked an interpersonal trust question mirroring the benchmark WVS question previously discussed (Question 5f, Rose 2010; see Appendix 3 for data details). This NEB data covered eleven of the countries in this study, spanning all four lustration categories from compulsory

Table 6.5. Transitional justice measures and interpersonal trust (1990–2005)

Interpersonal trust				
	Model 1	Model 2	Model 3	Model 4
Lustration measures	0.44	0.56	−1.07	−1.34
	(1.62)	(1.65)	(1.27)	(1.27)
Truth commissions	−1.64	−2.75	−2.46	
	(6.13)	(2.58)	(6.04)	
Timing	−1.90†	−1.90†	—	—
	(1.06)	(1.10)		
Timing squared	0.08†	0.08†	–	—
	(0.04)	(0.04)		
Inequality	—	—	0.09	—
			(0.32)	
Government effectiveness	—	—	—	1.46
				(10.08)
Economic growth (GDP change lagged)	—	0.15	0.11	—
		(0.34)	(0.35)	
Constant	51.69***	50.96***	46.64**	48.92***
	(7.10)	(7.39)	(11.59)	(7.88)
Adjusted R^2	0.13	0.15	0.04	0.04
N	42	42	41	36

Note: Ordinary Least Squares Regression (OLS) of WVS Trust Index, clustered by country. Twelve countries included †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

lustration to the absence of lustration measures. As a complementary data source for interpersonal trust, it provided a much larger sample size than the aggregate WVS data, and included interesting data on demographic, behavioral, and attitudinal controls. However, the NEB only asked the interpersonal trust question in 2004, limiting the analysis to a cross-sectional regression of the relationship between lustration and interpersonal trust. While data for 2004 is useful because most of the lustration measures were already passed and implemented by then, this data does not capture the post-2005 period of more open file access and public disclosures.

Table 6.6 presents the results of a series of models, using the NEB measure of interpersonal trust as the dependent variable. In none of the models was there evidence of a relationship, either positive or negative, between *lustration measures* and interpersonal trust. Both the NEB and the WVS data tell a similar story: lustration did not undermine interpersonal trust nor did it

Table 6.6. Transitional justice and interpersonal trust (2004)

Interpersonal trust					
	Model 1	Model 2	Model 3	Model 4	Model 5
Lustration measures	−0.002	−0.03	0.008	−0.03	0.02
	(0.06)	(0.05)	(0.06)	(0.05)	(0.07)
Truth commissions	0.06	0.36	0.11	0.37	—
	(0.15)	(0.33)	(0.20)	(0.33)	
Trust in public institutions, composite	0.34***	0.32***	0.33***	0.32***	0.32***
(political parties, courts, police, army, and parliament)	(0.02)	(0.03)	(0.03)	(0.02)	(0.03)
Social trust, composite	0.24***	0.23***	0.23***	0.23***	0.24**
(unions, church)	(0.05)	(0.04)	(0.04)	(0.04)	(0.06)
Age	0.004**	0.005**	0.005*	0.005**	0.007**
	(0.001)	(0.001)	(0.002)	(0.001)	(0.002)
Gender	−0.10**	−0.11**	−0.10**	−0.11**	−0.10***
(male=1/female=2)	(0.03)	(0.03)	(0.02)	(0.03)	(0.02)
Education	0.03	—	—	—	—
	(0.02)				
Citizen perceptions of government fairness	—	—	—	0.006	—
				(0.03)	
(1=fair, 4=not fair)					
Corruption	—	—	0.07	—	0.04
Transparency International-CPI			(0.10)		(0.07)
Inequality	—	−0.06	—	−0.06	—
2 yr lag, national measure		(0.04)		(0.04)	
Life satisfaction	—	−0.10*	−0.13†	−0.11*	−0.11†
(1=satisfied, 4=not satisfied)		(0.04)	(0.06)	(0.04)	(0.06)
Nostalgia	—	0.05*	0.05**	—	0.06**
(not nostalgic for Communist past)		(0.02)	(0.01)		(0.02)
Opinion of current regime	—	—	0.0001	—	—
			(0.0001)		
Views of future	—	—	—	—	−0.01
(1=positive, 4=negative)					(0.03)
N	10,622	9619	9047	9681	8346
(number observations subpopulation)					
R-squared	0.19	0.21	0.20	0.21	0.20

Note: OLS regressions, using survey data specification across eleven primary sampling units (countries). All countries included except Albania. Total number of observations=72,999.

Standardized regression coefficients (b) reported, with linearized standard errors in parentheses. 95% confidence interval, two tailed †p< 0.10, *p<0.05, **p<0.01, ***p<0.001.

improve interpersonal trust through any direct relationships. Truth commissions were also never statistically significant. There was no evidence of a direct relationship between transitional justice and interpersonal trust.

However, there were possible indirect effects through institutional trust. The trust literature suggests that trust in political institutions can spill over into interpersonal trust, either improving or undermining the generalized trust citizens hold for each other. To test this I used a trust in public institutions composite from the *New Europe Barometer* dataset, constructed as the mean value of trust in political parties, the courts, the police, the army, and the parliament. As Table 6.6 shows, there was a consistent and highly significant relationship between trust in public institutions and interpersonal trust. This suggests an indirect pathway for lustration and public disclosures to affect interpersonal trust via trust in public institutions. Moreover, some voices in the trust literature hypothesized a relationship between trust in social institutions and interpersonal trust, with greater trust in and involvement in social institutions alleged to improve generalized interpersonal trust. To test this hypothesis I constructed a social trust composite of unions and the church, taking the mean trust score of each of the social institutions for a given individual in a given country-year.[18] Regardless of the controls included in the models, more trust in social institutions was associated with higher levels of interpersonal trust. The fact that lustration was associated with lower levels of trust in social institutions and higher levels of trust in public institutions means that the trust-building effects and trust-depleting effects of lustration might be at odds with each other in the realm of interpersonal trust, perhaps partially explaining the lack of clear relationships between transitional justice and interpersonal trust.

The relationships between different types of trust have been actively debated with respect to the post-communist space. These models demonstrated that more trust in public institutions and/or social institutions was associated with higher levels of interpersonal trust. Despite arguments to the contrary, social and political trust propensities were correlated in the post-communist space, although the causal or reticulated mechanisms remain unclear. Nonetheless, since it was uncertain if trust propensities in post-communist countries did in fact look similar to trust propensities in other countries, this is an interesting finding on its own. These findings firmly situate the post-communist experiences within the broader comparative literature on trust-building.

Third, basic demographic variables did explain variation in trust propensities. Older people were more trusting than younger people, and males were more trusting than females. Education was not a statistically significant predictor of trust. These findings differed from the political trust analyses, in

which demographics were not robust predictors of trust. Fourth, material factors, fairness, and inequality were also considered as possible explanatory variables. As previously mentioned, Rothstein and Uslaner demonstrated that fairness and inequality affected citizens' trust propensities, with respect to both political and social trust (Rothstein and Uslaner 2005; Uslaner 2002; Rothstein 2011). However, as Model 4 shows, there was no evidence that perceptions of fairness affected interpersonal trust. Corruption perceptions did not affect interpersonal trust propensities, although corruption was a consistently powerful predictor of political trust. Finally, inequality (Models 2 and 4) did not appear to affect interpersonal trust, despite Uslaner's contentions that it was particularly salient in the post-communist sphere (Uslaner 2008). Although demographic variables mattered, material factors, fairness perceptions, or corruption perceptions did not explain variation in interpersonal trust.

Fifth, the survey also included questions on attitudes about the past, present, and future. The trust literature hypothesized a strong positive relationship between life satisfaction and interpersonal trust, and there was support for that in these analyses. Models 2, 3, 4, and 5 demonstrated a weak but consistent relationship between life satisfaction and interpersonal trust, with those reporting higher levels of life satisfaction also reporting more interpersonal trust. However, opinions about the current regime and the future were not predictors of interpersonal trust. Nostalgia was a consistently significant predictor of interpersonal trust, or more specifically the lack of nostalgia for the communist past was associated with more interpersonal trust. In conclusion, there were mixed results from this consideration of attitudinal factors, with most perceptions about the present and future providing no explanatory value in terms of level of interpersonal trust. However, a lack of nostalgia for the communist past and higher levels of life satisfaction in the present were associated with more interpersonal trust.

Inconclusive Conclusions

These interpersonal trust findings cannot speak directly to whether personal file access and individual public disclosures, which are complementary parts of public vetting, negatively affected interpersonal trust. Many countries in the post-communist space were late to provide general file access or to embark on public disclosure programs. Even countries as forward thinking in their lustration of public officials as the Czech Republic delayed general file access. Hungarian regulations on file access limited the extent to which citizens had access to their personal files until the file transfers in 2003, and remained

limited for the subsequent decade. Moreover, it wasn't until 2006 that the massive and expansive file revelations in Romania and Bulgaria started in earnest. Slovakia also embarked on its more general public disclosure policies very late in the transition. Poland finally opened more general file access to citizens in 2006. The file revelations in the case of the Baltics primarily implicated Russians, therefore the negative effects on overall interpersonal trust would necessarily be more bounded in those cases. More concretely, given that the data analyzed in this chapter stopped in 2005, it is unclear if the post-2006 rounds of public disclosures revealing the scope of societal passive and active collaboration with the secret police and communist apparatus negatively affected interpersonal trust in the post-communist space. The impact of personal complicity revelations on interpersonal trust remains in some ways an open research question.

Most saliently for this project, lustration of public office holders and persons in positions of public trust (political trust) did not negatively affect interpersonal trust (social trust) in the post-communist region. The lustration of public institutions was active across the region over the time period for which interpersonal trust data exists; if the lustration of public officials negatively impacted interpersonal trust, there was sufficient data to detect a relationship. Critics of lustration warned about the potential for measures aimed at public institutions to have negative blowback on interpersonal trust. The evidence presented in this chapter does not support this concern. Since, ultimately, lustration is aimed at political trust objects, this remains a positive finding.

CONCLUSION: TRANSITIONAL JUSTICE AND SOCIAL TRUST

Although some advocates of lustration hoped for across-the-board elixir properties, the findings in this chapter cannot support those assertions. Instead, this chapter presented information about the differentiated effects of lustration on political and social trust-building. Although lustration was associated with higher levels of trust in political institutions in Chapter 3 and more government effectiveness in Chapter 4, this chapter provided evidence that lustration might adversely affect trust in social institutions. More compulsory lustration programs were associated with less trust in unions and the church at both the individual and aggregate levels, as feared by critics. Data limitations hindered an expansive quantitative assessment of the impact

of public disclosures on a broader array of social institutions, however the qualitative information on the lustration of social institutions combined with the available quantitative analyses suggested that trust in social institutions was negatively affected by lustration and disclosure processes. The lustration of social institutions in the post-communist space entailed limited forced bureaucratic change, meaning the same individuals remained in most social positions. As Chapter 1 elaborated, trust calculations change when there is new information about the credibility, capabilities, and interests of an "other." Therefore, it is in keeping with trust hypotheses that social institutions would become untrustworthy due to new information about their previous regime complicity. Improvements to social trust would require that the social institutions also change in some meaningful way after the complicity revelations. If institutions have not altered their composition, their credibility, or their interests, distrust would be a rational societal response until both symbolic and institutional changes were forthcoming.

Some policymakers and scholars worried that lustration would unleash a Pandora's box of complicity revelations, fomenting general social distrust. The findings did not support this critique either. Although lustration did not appear to build interpersonal trust, the available data did not show that it unleashed widespread generalized distrust either. It remains to be seen if file access procedures affected interpersonal trust later in the transition, but the lustration measures themselves did not appear to negatively resonate with generalized interpersonal trust tendencies up through the time periods for which data was available. By considering two facets of social trust separately, the chapter also shed light on possible divergent effects from lustration and transitional justice on particularized social trust and generalized social trust as well. In addition, truth commissions had a consistent and significant positive relationship with social trust, contrary to the findings presented in the political trust chapters. This finding is another reminder that the effects of transitional justice can vary according to the institution and method; packages of transitional justice measures might not necessarily be better than carefully targeted single measures. The divergent outcomes could even put multiple trust goals at odds with each other, something unexamined in the policy literature.

Lustration did have a positive relationship with more trust in the press, consistent with predictions associated with public oversight institutions. The press was considered a hybrid institution in the literature, providing oversight to government but also filling certain social functions. As such, the positive but weaker effects of lustration on trust in the press were consistent with this hybrid framing of the press. This chapter demonstrated how different the impact of lustration measures could be on both social and quasi-political/social objects of trust. This further supports an argument about the differential

effects of lustration on political and social trust-building. Moreover, although some scholars have argued that citizens were unable to differentiate their trust assessments in the post-communist space and simply generalized trust or distrust across institutions, the findings from this chapter and Chapter 3 illustrated significant differences in trust assessments. Citizens' perceptions of trust in the church and unions were different from trust in the press. These findings refute assertions about blanket trust propensities, and point to more nuance in citizens' trust assessments in the post-communist space.

The chapter's findings regarding the relationship between political and social trust bear reiterating. More trust in public institutions was associated with more trust in social institutions, and more interpersonal trust was associated with more trust in public institutions. These findings ran counter to some assertions in the post-communist literature that there was no relationship between political and social trust. Not only did a relationship exist, but this positive relationship between social and political trust-building comports with that seen in the comparative politics literature. These significant findings weigh in on the debates regarding the applicability of the post-communist cases to broader comparative studies.

NOTES

1. Parts of this chapter draw on materials published in Cynthia M. Horne 2014. "Lustration, Transitional Justice, and Social Trust in Post-Communist Countries Repairing or Wresting the Ties that Bind?" *Europe-Asia Studies* 66, 2: 225–54. That piece included slightly different lustration categories than those used in this project, therefore the results presented here differ from the results presented in this article.
2. Interview with Dr Gergő Bendegúz Cseh.
3. Interview with Dr Adrian Cioflâncă.
4. See The Dossier Commission's Website for a list of the various possible positions for public disclosure. Dossier Commission Bulgaria, http://www.comdos.bg/media/Nashite%20izdania/spisanie-2-final-(9).pdf, accessed July 25, 2012.
5. Momchil Metodiev recounted in a personal interview both the depth of the complicity of the Church and society's reaction to the disclosures.
6. Ibid.
7. Ibid.
8. The models reported were feasible generalized least squares regression analyses on cross-sectional time series data clustered by country. Hausman tests showed that the fixed-effects regressions were not appropriate for the data. As a result, only random-effects analyses are reported.

9. Note, all other control variables were held constant at their mean values to estimate the predicted values.
10. The intraclass correlations show that mixed level models were not appropriate. The intraclass correlation for social institutions was 0.07, showing how little variation there was between the countries and that most of the variation was at the individual level. As a result, OLS survey data analysis techniques were used, clustered by country (PSU). Because of the inclusion of cases of non-lustration, timing variable could not be included.
11. I am grateful to both Dr Cseh and Dr Kiss for providing these examples of prominent lustration cases and social figures. Personal meeting with transitional justice scholar Dr Csilla Kiss, Budapest, Hungary, April 11, 2013.
    Dr János Kornai also emphasized these examples to me in personal meetings, but reiterated how damaging they were to Hungarian national memory and the reputations of these important cultural figures.
12. Interview with Mr Jacek Wygoda.
13. In general, this is question A165 in most WVS waves.
14. It is represented by the formula: trust index= 100+% most people can be trusted – % can't be too careful.
15. This test does not assume that the dependent variable—trust—is normally distributed across the sample.
16. For the trust index dependent variable, $F(1, 40) = 0.12$ which failed to yield a significant p value. Similarly, the unaltered WVS trust measure did not support a relationship, $F(1, 38) = 0.56$ with an insignificant p value.
17. The sample size for the model that included lustration waves was too small to use reliably since it dropped all of the non-lustration cases. Because the dataset was incomplete in terms of annual coverage of the measures, the inclusion of democracy or strength of civil society as controls dropped the sample to thirty, and the inclusion of corruption dropped the sample to twenty-seven. These sample sizes are too small to provide reliable results, and therefore were not included in this analysis.
18. These are the only two social institutions for which data is available in 2004—the only year with comprehensive interpersonal trust data. I use the egen avg command in STATA, which treats missing variables as 0.

7

Transitional Justice in Support of Democratization

Trust-building is, in many ways, a means to an end rather than an end in itself. The reasons we care about building trust in government, trust in public institutions, or social trust, are related to the alleged relationship between trust and governance, and trust and democratization broadly construed. This chapter sets aside trust as a first order dependent variable and instead examines the relationships between transitional justice and three meta-transition goals: lower levels of corruption, stronger civil societies, and more robust, consolidated democracies.

First, lustration is regularly justified as a corruption corrective. I posit and then test a set of possible mechanisms by which lustration and truth commissions might have affected levels of corruption, using the three different lustration variables as well as the truth commissions' variable. Second, I explore the conditions under which lustration and truth commissions affected the strength of civil society through their social accountability and truth-telling components. Third, I turn to the relationship between lustration and democratic consolidation, examining the conditions under which the bureaucratic and symbolic change components of lustration affected democratization. Temporal conditions affecting the efficacy of reforms are also explored, with attention to possible windows of opportunity for enacting democracy-enhancing measures. To preview the findings, this chapter reaffirmed the differentiated and conditional effects of lustration and public disclosure measures on even complementary transition goals, showing strong and direct support for democratization and the strengthening of civil society, but only indirect effects on corruption.

LUSTRATION AS A CORRUPTION CORRECTIVE

Lustration is framed as a general anti-corruption device, in the way it could prevent abuse of power by vetting or removing from positions of power those whose integrity was compromised by their actions under the previous regime

(Boed 1999; Letki, 2002; Bertschi 1995; Mayer-Rieckh and de Greiff 2007). In particular, the forced bureaucratic change component of lustration was viewed as one way to address corruption rooted in the legacies of former leadership structures. For example, in Romania, corruption was tied to the political elites, within which there was limited turnover during the transition, therefore bureaucratic change was seen as necessary to root out corruption (Stan 2012a, 276). In several countries, including Poland and Romania, lustration laws were debated concurrently with anti-corruption reforms, and even used as substitutes in some places when anti-corruption reforms were thwarted, thereby explicitly linking lustration with anti-corruption efforts.

Additionally, the disbanding of the Security Services in 1989 led to the creation of a pool of unemployed—or unemployable—well-connected, former security personnel, who were incorporated into the post-authoritarian system with their informal contacts and networks in tow.[1] For example, in Bulgaria, the shift of Security Service networks from the public sector to the private sector was attributed to the initial post-communist personnel reforms.[2] Similarly, in Poland, secret police agents who did not make it through the vetting process often successfully ended up in private security companies, business, and the Mafia (Polityka 2006). In Poland many people connected with the previous regime continued to exert influence in the new system, with several of the major corruption scandals involving individuals connected with the communist era secret police (Lós and Zybertowicz 2000; Walicki 1997, 193). Breaking up these types of networks constituted another rationale for lustration as a corruption corrective.

In particular, many late lustration programs, such as Romania's, Poland's, and Bulgaria's public disclosure measures, included specific anti-corruption aspects, targeting the informal networks of former secret police officials in post-transition economic and political positions of power. In Romania, the *Securitate* maintained powerful ties to business elites in the new regime. In 2006, the president of the Institute for the Investigation of the Crimes of Communism summed up the nature of regime change in Romania: "In '89, only Communism was killed, but the former state security and Communist Party chiefs took the economic power" (Smith 2006). As Buzatu argued in the Romanian Parliament, lustration aimed "not to ban former communist leaders [from politics] but to rid economic structures of former *Securitate* agents who continued to exert political influence," and to break the cycles by which "the country's most successful entrepreneurs and businessmen were drawn from among *Securitate* agents" (Stan 2010). The post-2008 C.N.S.A.S. mandate included the screening and disclosure of individuals in current positions of economic and political power, including in related private sector fields.[3] As such, public disclosures were framed as corruption correctives

in the way that they could shed light on these former networks in the post-transition system.

Both Poland and Bulgaria suggested using lustration measures to ferret out unjust economic gains associated with the transition. For example, in Poland, there was interest in having the new lustration laws target past privatizations, including a suggestion to allow the state to take over a company that was built "unjustly or with communist connections" (Wall Street Journal 2007; Boston Globe 2007). Bulgaria included "credit millionaires" in the lustration net, to expose how business elites and oligarchs made their fortunes in the transition. The provision was so popular that Parliament was able to pass the credit millionaire addition to the Dossier Commission's list of verifiable positions by a vote of ninety-one in favor, none against, and one abstention (Sofia Echo 2012, April 4; Sofia Echo 2012, March 8).

There are many plausible ways that lustration and truth commissions might function as corruption correctives. The bureaucratic change components of lustration could force the removal of individuals with Security Service backgrounds from positions of political or economic power. The truth revelations component of lustration, truth commissions, and public disclosures could shed light on these connections in the public and semi-public spheres, forcing institutional change and public accountability. As such, a direct relationship between more extensive lustration measures and lower levels of corruption presents itself as a testable hypothesis. Similarly, there is a possibility that truth commissions could affect perceptions of corruption, by signaling government efforts at transparency and accountability. Additionally, transitional justice measures might indirectly affect perceptions of corruption by strengthening public oversight institutions and rule of law practices, which in turn affect levels of corruption. Both direct and indirect causal pathways are possible, linking transitional justice measures like lustration and public disclosures to lower levels of corruption.

H_1: *Lustration and public disclosures reduce corruption.*
H_2: *Truth commissions reduce corruption.*

Assessing the Impact of Transitional Justice on Corruption

Did lustration and public disclosure measures reduce corruption, and were the effects temporally contingent? Table 7.1 presents the results from a series of models with perceptions of corruption as the dependent variable and *lustration measures* and *truth commissions* as the main independent variables. All twelve post-communist countries were included over the

Table 7.1. Transitional justice and corruption (1995–2012)

Corruption					
	Model 1	Model 2	Model 3	Model 4 (fixed effects)	Model 4a (fixed effects)
Lustration measures	−0.64	−0.44	−0.49	−1.21	2.32***
	(0.95)	(0.87)	(0.81)	(1.39)	(1.14)
Timing lustration	0.11	0.26	—	—	—
	(0.43)	(0.48)			
Timing lustration squared	−0.003	−0.003	—	—	—
	(0.02)	(0.02)			
Truth commissions	−5.64***	−8.12***	−5.87***	−5.62	−7.55*
	(1.51)	(1.76)	(1.61)	(3.23)	(3.32)
Democracy—Freedom House	−1.21***	—	—	—	−0.59**
	(0.11)				(0.21)
Democracy—Polity IV	—	−2.61***	−1.32**	−0.84	—
		(0.56)	(0.53)	(0.83)	
Economic growth	0.04	−0.47**	—	—	−0.52**
Change GDP	(0.12)	(0.17)			(0.15)
Economic development		—	−0.13**	−0.11**	—
GDP/capita			(0.05)	(0.04)	
Level of inequality	—	−0.17	—	0.34	—
		(0.16)		(0.19)	
Change in inequality	—	—	4.00	—	3.96
2 yr lag			(5.66)		(4.87)
Judicial framework and independence[a]	—	—	−5.18***	−4.82***	—
			(1.03)	(1.48)	
Strength of government opposition	—	—	0.001	0.0008	0.0009
			(0.0008)	(0.0007)	(0.0008)
Government effectiveness	—	−44.22***	−24.37***	−12.53	2.49
		(5.74)	(7.43)	(8.48)	(8.41)
Constant	61.06***	94.49***	92.43***	71.31***	44.91***
N	192	136	126	126	128
Wald χ^2	447.37***	436.49***	482.48***	F=4.49***	F=4.36***

Note: Cross-sectional time series data clustered by country (twelve countries). FGLS regression analyses except Models 4 and 4a—fixed effects xtreg. All variables lagged on the dependent variable one year, unless otherwise noted. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

[a] Judicial independence is a constitutive element of the democracy measure, as calculated by Freedom House, therefore, they cannot be included in the same models together. Polity IV scores used as democracy measure instead.

time period 1995–2012, allowing for maximal variation in economic and political conditions and lustration experiences. One of the strengths of this data set was the ability to include the full range of lustration categories in the typology, therefore lustration waves were not analyzed because this timing variable would remove all the cases of no-lustration from the analysis. Due to data limitations with some of the control variables, different models are reported in an effort not to overly truncate the time frame for all analysis.

First, *lustration measures* were not associated with perceptions of corruption. The *timing of lustration* and *timing squared* variables were not significant in any of the models either. Only one of the fixed-effects models showed a significant effect from *lustration measures* (Model 4a), however the significance disappeared under slightly different model specifications (Model 4). There was no clear, direct relationship between lustration and corruption, contrary to hopes for a corruption corrective. Second, truth commissions were associated with lower levels of corruption across most of the model permutations (Models 1, 2, and 3) in which cross-country comparisons were highlighted. However, the fixed-effects model comparison (Models 4 and 4a) illustrated the sensitivity of the variable. In Model 4, truth commissions were only weakly significant at $p<0.10$, not enough to clear the $p<0.05$ threshold. Whether truth commissions *caused* lower levels of corruption was unclear from these limited results, especially since there was no temporal element to truth commissions and the variable was sensitive to modeling. But truth commissions did not abet corruption and, under certain conditions, might have worked to diminish it.

Third, there were four economic factors considered in the models: level of inequality, changes in inequality, level of economic development (GDP/capita), and rate of economic growth (change in GDP). Drawing on the corruption literature, higher levels of inequality might be correlated with higher levels of corruption, and lower levels of economic development, and slower rates of growth might be associated with higher levels of corruption. Lower levels of economic development or higher levels of inequality might encourage individuals to pursue alternative forms of economic exchange, although the causal direction could go in either or both directions. Across the models there was some evidence that lower economic growth rates and lower levels of economic development were associated with more corruption in the post-communist space. However, the lack of significance of economic growth in the models with the largest sample size and longest time period suggested this relationship was weak or conditional. There was no discernible relationship between inequality and corruption; neither changes in inequality nor levels of inequality were statistically significant. In general, lower levels of

economic development and lower levels of economic growth were associated with higher perceived levels of corruption, however, the coefficient size suggested a small magnitude of effect.

Fourth, political factors including democracy, the strength of the government opposition, government effectiveness, and judicial independence were also included as controls. Both Polity IV and Freedom House measures of democracy demonstrated similar results. Lower levels of democracy, regardless of measurement, were associated with higher levels of corruption, and a more effective judicial framework was associated with less corruption. There was a robust relationship between government effectiveness and corruption, with declining government effectiveness associated with more corruption, as expected. The strength of the political opposition was included to introduce an intentional politicization element to the models. However, it did not affect the relationship between lustration measures and corruption, nor did it hold statistical weight in its own right. In terms of political variables, the post-communist cases reflected assumptions about the relationships between corruption and democracy, governance, and judicial independence found in the democratization literature.

Although lustration did not directly and independently tackle the corruption problem as hoped for by policymakers and academics, there remain several reasons to believe lustration indirectly affected perceptions of corruption. In general, the political variables and economic variables aligned with assumptions drawn from the transitions literature. More democracy, more government effectiveness, more economic development, and a better judicial framework were correlated with lower levels of corruption. This suggests that political and economic reforms affected perceptions of corruption in the post-communist sphere. This project demonstrated strong and positive relationships between more extensive lustration and higher levels of trust in political institutions like the police, the judiciary, and other oversight institutions, suggesting one set of causal pathways by which lustration and accompanying measures indirectly affected corruption. This project also demonstrated a strong, positive relationship between more extensive lustration measures and higher levels of government effectiveness, suggesting a second complementary causal pathway. More effective governments are better able to enforce rule of law principles to combat corruption. More effective governments also provide basic needs to citizens, thereby reducing incentives to turn to informal networks to fulfill such needs. The independent causal effects of lustration and accompanying measures on both political trust and government effectiveness suggest that lustration measures did indirectly support corruption correctives, although they were not the corruption elixirs they were touted to be.

LUSTRATION, TRANSITIONAL JUSTICE, AND CIVIL SOCIETY

The importance of a vibrant civil society, both as an advocate for and oversight of effective government, is generally accepted in the democracy literature. Although there is debate in the civil society literature about how weak civil society actually was in the post-communist context, various scholars linked the weakness of civil society with problems of post-communist democratic consolidation (Ekiert and Foa 2011; Bernhard and Kaya 2012; Howard 2002; Rose, Mishler, and Haerpfer 1998). To the extent that lustration supports rule of law principles and a framework for monitoring and enforcing them, these institutional foundations support and strengthen civil society. Through apologies, truth-telling, reparations, and victim oriented measures, transitional justice is also alleged to promote reconciliation at the individual and collective level, as well as the promotion of civil society (Hayner 2001, 24).

> Breaking the cycle of impunity and the social illusion that no justice is available for the destitute can have a paradigm-shift quality to it: if justice can be done and if the powerful can be called to task (even if not properly punished) for their past wrongdoings, then the notion of politics as a realm where "things do happen" can prevail.
> (Ames Cobián and Reategui 2009, 156)

Lustration has just such an explicit truth-telling component, therefore both public disclosure measures and truth commissions, together or separately, could support a robust civil society. Because civil society is strengthened by social networks and civic engagement, the negative or neutral effects of lustration on social trust observed in Chapter 6 could also be apparent in an analysis of lustration's effects on civil society. Revelations of complicity involving key social institutions that support and provide forums for civic engagement could undermine the cohesiveness of civil society. This competing alternative hypothesis is also tested.

H_3: Lustration and public disclosures strengthen civil society
H_{3a}: Lustration and public disclosures undermine civil society.
H_4: Truth commissions strengthen civil society.

Assessing the Impact of Transitional Justice on Civil Society

Under what conditions did lustration support civil society, and were the effects temporally contingent? Table 7.2 presents the results of a series of models

Table 7.2. Transitional justice and the strength of civil society (1995–2012)

Strength of civil society[a]					
	Model 1	Model 2	Model 3	Model 4	Model 5
Lustration measures	3.65***	2.73***	2.61***	3.65***	3.71***
	(0.55)	(0.57)	(0.52)	(0.43)	(0.48)
Timing lustration	1.66***	—	2.23***	1.50***	1.64***
	(0.27)		(0.25)	(0.26)	(0.27)
Timing lustration squared	−0.06***	—	−0.08***	−0.05***	−0.06***
	(0.01)		(0.01)	(0.01)	(0.01)
Truth commissions	−5.00***	−4.37***	—	−3.75***	−4.00***
	(0.92)	(1.19)		(0.78)	(0.89)
Democracy—Polity IV	—	—		2.20***	2.37***
				(0.26)	(0.30)
Corruption	−0.32***	−0.36***	−0.13**	−0.14***	−0.17***
	(0.04)	(0.05)	(0.04)	(0.04)	(0.04)
Economic growth	0.03	0.08	0.20*	0.01	—
change GDP	(0.07)	(0.09)	(0.10)	(0.06)	
Economic development	—	—	—	—	−0.0008
GDP/capita					(0.02)
Change in inequality	—	−1.80	—	—	−1.94
		(4.12)			(2.88)
Level of inequality	—	—	−0.58***	—	—
2 yr lag			(0.08)		
Government effectiveness	—	—	26.71***	—	—
			(3.68)		
Constant	19.91***	31.01***	14.51**	−5.28	−6.73
N	187	143	128	175	143
Wald χ^2	442.18***	230.61***	639.31***	788.17***	627.71***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001. No fixed effects possible, does not meet Hausman test conditions. All variables lagged one year, unless otherwise noted.

[a] The strength of civil society is part of Freedom House's democracy measure, so they cannot be included in the same models. Polity IV scores used as democracy measure instead.

evaluating the possible effects of lustration and truth commissions on the strength of civil society, covering the period 1995–2012. These analyses included all twelve countries in the study, thereby considering all lustration categories across the typology. As with the previous analysis of corruption, lustration waves were omitted because their inclusion selects out all the non-lustration cases. By maintaining all twelve countries, timing variables, and all four types of experiences with lustration, this analysis tackled questions about *whether, how*, and *under what conditions* lustration was associated with the strength of civil society in the post-communist transitions.

As seen in Table 7.2, all models demonstrated a robust and statistically significant relationship between *lustration measures* and the strength of civil society. More extensive and compulsory lustration programs were consistently associated with stronger civil societies across the models, even when considering controls for corruption, government effectiveness, democracy, economic growth, and inequality.[4] It is of note that Polity IV measures of democracy were included in Models 4 and 5, and were also statistically significant. More democracy was associated with stronger civil societies, affirming that the post-communist experience with democracy and civil society comported with expectations derived from the democratization literature. The significance of democracy did not affect the *lustration measures* variable or the *timing of lustration* variables. In particular, the lustration coefficient and significance remained unchanged between Model 1, with no democracy control, and Model 4, with the democracy control. These findings highlight the separate and important effect lustration measures appeared to have on civil society.

Based on Model 1, I estimated the magnitude of the effect of lustration on civil society using predicted value calculations and holding all control variables at their mean values. A shift from no lustration to informal lustration yielded a 10 percent increase in the strength of civil society. A shift from informal lustration to limited lustration with voluntary bureaucratic change yielded an increase in the strength of civil society by 9.0 percent, and a shift from limited lustration with voluntary changes to compulsory and wide institutional changes corresponded with an 8.6 percent increase in the strength of civil society. Overall the difference between no lustration andcompulsory lustration was a 32 percent increase in the strength of civil society. It should be noted that the magnitude of the effect of lustration did diminish over the typology, with the biggest difference seen between cases of no lustration and cases of informal lustration.

Turning to timing considerations, Models 1 and 2 demonstrated that the *timing variable* was robustly positive and the *timing squared* variable was robustly negative. This replicated the familiar nonlinear, inverted U-shaped relationship between timing and the strength of civil society. Using the

coefficients from Model 1, the equation for this relationship is algebraically represented as:

$$\textit{Strength of civil society: } y = -0.06x^2 + 1.66x + 19.91$$

This relationship is visually represented by the parabola in Figure 7.1. A negative slope (m=–0.06) for the x^2 term indicated a downward turned parabola. The graph illustrates several important findings. First, the efficacy of reforms rose with time from the transition, with declining utility after two decades. The vertex point is labeled (14, 31.4), and after this moment in time there was decreased utility to passing lustration measures. Although the utility of measures did start to decline after approximately fifteen years, the graph suggests that delayed lustration could be most efficacious.

Second, there was a range of years over which the passage of lustration measures was predicted to have a roughly equivalent impact on the strength of civil society. As can be visually seen on the graph by the marked points on the curve, there was little change in the y-value (strength of civil society) over the period from twelve to sixteen years after the transition. Over that period the benefits from passing lustration measures were approximately the same, within a margin of less than 0.5 percent.[5] The graph illustrates that the

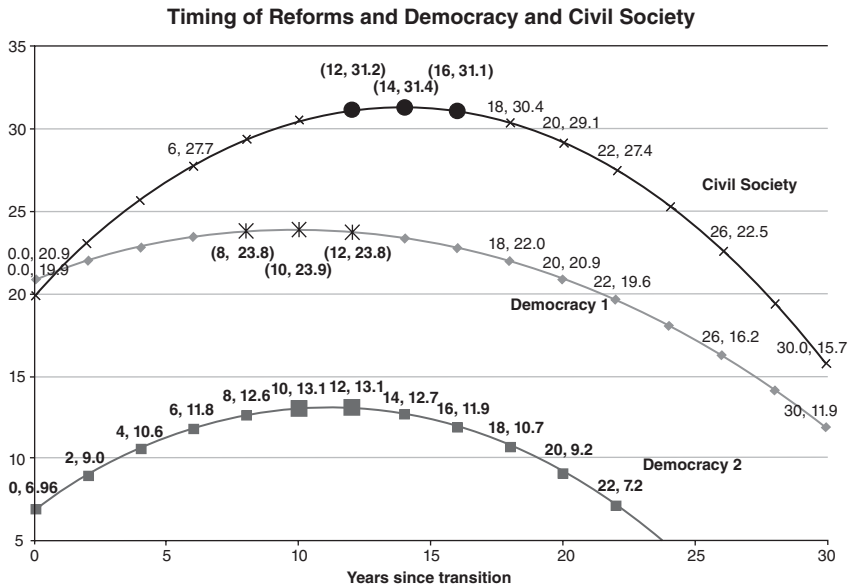

Figure 7.1. Timing of reforms and efficacy: comparison of democracy and civil society

window of opportunity for optimal lustration measures was not a single moment in time. The window of opportunity for passing potentially beneficial lustration measures was much wider and more delayed than suggested in the transitional justice literature. Third, while the graphs provide evidence that later lustration programs were positively associated with the strength of civil society, this does not hold true in perpetuity. After approximately twenty to twenty-five years there was a marked negative relationship between timing and civil society. Countries that *passed* (not implemented) lustration starting twenty-five years after the transition might see a negative effect on civil society. This leads to the tentative conclusion that it might be too late for countries in this sample that haven't embraced lustration, such as Ukraine, Russia, and Albania, to engage with a constructive and authentic process. To rephrase, more expansive and punitive lustration programs were associated with the most robust civil societies. Moreover, delaying reforms slightly might increase overall efficacy, but very late measures could be counterproductive.

The presence of truth commissions was robustly associated with weaker civil societies. Since truth commissions might be used in places with weak civil societies, this did not necessarily suggest that truth commissions *caused* a decline in civil society. Additionally truth commissions might be used instead of other institutional change reforms due to political opposition to wide-reaching transitional justice measures. In this case, truth commissions might be a substitute for extensive reform measures, resulting in minimal change in a political environment in need of reform. This could explain the association between truth commissions and negative outcomes. Irrespective of the underlying causal links between truth commissions and negative outcomes, this finding unfortunately resonated with that of scholars studying truth commissions in other country contexts.

Both corruption and inequality remained significant predictors of the strength of civil society, with higher corruption and higher levels of inequality associated with less robust civil societies. These findings were consistent with the predictions that corruption and inequality undermined the social fabric of society, and provided support for the robustness of the overall models. Government effectiveness was also consistently significant, evidencing a positive relationship with civil society. A more effective government, in terms of the impartial use of power, is associated with the promotion of social capital and civil society (Rothstein 2011). As with the corruption analysis, the civil society findings placed the post-communist experience squarely within the expected relationships seen in the broader comparative politics literature.

In sum, the findings showed a direct, positive relationship between lustration measures and stronger civil societies. The time series nature of the data and the use of lagged variables helped to tease out a relationship between

lustration and the strength of civil societies over time that was more than simple correlation or even reverse causation. Moreover, the inclusion of the democracy control variable in the statistical analyses had no bearing on the lustration measures, suggesting that lustration had an independent effect on the strength of civil society. Given that lustration measures supported trustworthy public institutions, which uphold and safeguard rule of law principles, there were possible causal connections between lustration and public disclosure measures and stronger civil societies.

The negative relationship between lustration and trust in some social institutions seen in Chapter 6 should be qualified with these results in mind. To recap, generalized social trust was not correlated with lustration measures, and lustration measures appeared strongly associated with robust civil societies in this chapter. The combined findings support an assertion that even if targeted social institutions were negatively affected by complicity revelations, that effect was particularized or bounded. This is in keeping with the particularized nature of trust in social institutions (as well as political institutions). While complicity revelations could certainly affect larger social trust propensities, lustration did not appear to undermine civil society, and there were reasons to believe that lustration supported civil societies through its support of political institutions and rule of law procedures.

LUSTRATION, TRANSITIONAL JUSTICE, AND DEMOCRACY

Assumptions about the democracy-promoting qualities of transitional justice measures abound (Arenhövel 2008; Hatschikjan 2004; Huntington 1991; McAdams 1997).[6] It is argued that holding individuals accountable for crimes committed under the previous regime lays the foundation for a democracy committed to rule of law and respect for justice (Huntington 1991, 213). Punishing human rights violations allegedly prevents future abuses under the new system by demonstrating the consequences for such actions (Elster 2006; Lutz and Sikkink 2001). Symbolically, transitional justice is envisioned as a way to create a new foundation for state and society's rebuilding by both reinforcing a break with the past and refocusing citizens on the future (Kritz 1995, xxxi). Other scholars suggest democratization is indirectly promoted by combating corruption and preventing the continued abuse of power by officials associated with the old regime (Letki, 2002; Mayer-Rieckh and de Greiff 2007). To the extent that transitional justice includes security sector reforms, it can prevent future conflicts and improve security, thereby

supporting an environment conducive to democracy (Bassiouni 1996; Huntington 1991, 213; Mayer-Rieckh and Duthie 2009).

Lustration, in particular, was described as a democracy promoter by policymakers, academics, and international and national governments. Domestic politicians justifying lustration as a means of enhancing democracy could be discounted as simple politicking if not for the many external and internal legal voices that reinforced this opinion. The Parliamentary Assembly of the Council of Europe Resolution 1096 (1996) explained in *On Measures to Dismantle the Heritage of Former Communist Totalitarian Systems:*

> …some states have found it necessary to introduce administrative measures, such as lustration or decommunisation laws. The aim of these measures is to exclude persons from exercising governmental power if they cannot be trusted to exercise it in compliance with democratic principles, as they have shown no commitment to or belief in them in the past and have no interest or motivation to make the transition to them now.

The Council of Europe's endorsement of lustration as a means of securing democratic principles was echoed by the European Court of Human Rights in its framing of lustration as a potential safeguard of democracy (ECtHR 1999; ECtHR 2006, 18§87). The right of the state to require and assess the political loyalty of its civil service is grounded in a substantial body of ECtHR-cited precedent (ECtHR 1986a; ECtHR 1986b; ECtHR 1995). In a particularly telling choice, the historical analogy invoked by the ECtHR in these post-communist transition cases was post-Weimar Germany. The ECtHR 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" (ECtHR 1986a, 24–5). The ECtHR used similar logic in assessing the compelling duty of post-communist governments to safeguard democracy by guaranteeing the loyalty of the civil service through lustration or employment vetting.

National courts in CEE, including the Czech Republic, Poland, and Latvia, similarly described the rationale for lustration as a means of democracy protection and promotion. The Czechoslovak Constitutional Court ruled in 1992:

> A democratic State has not only the right, but also the duty to assert and protect the principles on which it is based. It cannot be inactive in the situation in which the leading posts on all levels were staffed on the basis of political criteria. A democratic State has the duty to endeavor to eliminate unjustified preference of a group of citizens, based on the principle of their membership in a certain political party, as well as to eliminate the discrimination against other citizens.
>
> (Constitutional Court Decision on the Screening Law [November 26, 1992], translated in Kritz 1995e, 350)

More than a decade later, the Constitutional Court of Latvia similarly argued that lustration/employment laws were democracy protectors. The Latvian Court reasoned it was necessary for a democratic state to "be protected against individuals who are not ethically qualified to become representatives of a democratic state at political or administrative levels" (Latvian Constitutional Court 2005; ECtHR 2006, 14 §62). Although legally challenged, the ECtHR upheld the ruling and argued for the state's right "to defend democratic values" and to make assessments about the political loyalty of its bureaucracy (ECtHR 2006, 21 §100). The international rulings conferred legitimacy on the authenticity of the motives for lustration, and reaffirmed both the means—transitional justice—and the goals—democracy.

A critical counterpoint questioned or rejected altogether the alleged positive benefits for democracy promotion to be derived from transitional justice. Some scholars warned that pursuing justice concerns over rule of law practices could undermine rather than enhance democracy, or that the possibility for politicized or unfair implementation of measures could further divide fragile societies (Offe 1992). In particular, lustration or vetting laws could potentially or actively violate individual rights, liberties, and legal guarantees (Sólyom 2003; Minow 1998; Skapska 2003). Retroactive justice could violate due process and statute of limitation provisions. Opponents of lustration argued that if a new government was willing to transgress rule of law concerns in order to pursue justice, this could signal a lack of commitment to the principles of democracy. The danger of political manipulation of the measures potentially threatens the foundations of a legitimate democracy. Despite the widespread hope that lustration supports democracy, there is the real possibility that there was no direct relationship between transitional justice and democracy, or even a negative relationship, in the post-communist context.

H_5: Lustration measures support and enhance democratization.
Null: Lustration has no direct effect on democratization.
H_6: Truth commissions support and enhance democratization.

Testing the Impact of Transitional Justice on Democratization

Under what conditions did lustration and accompanying public disclosures measures support democracy in the post-communist transitions? Moreover, what, if any, magnitude of effect could be attributed to transitional justice measures? Finally, did temporal factors condition the effect of lustration on democratization? This section takes up these related questions as the final evaluation of the impact of lustration both in conjunction with and separate

from truth commissions on the meta-goal of the post-communist transitions. Freedom House's measure of democracy was used as the dependent variable because it is detailed enough to capture changes in the quality of democracy across the post-communist region over time, including consideration of such factors as freedoms of association, the independence of the media, and the strength of local governance structures.[7] While procedural democracy can take place with the stroke of a pen, decreeing free and fair elections, the consolidation of democracy is a longer process.[8] Although Polity IV and Freedom House scores share a correlation of r=0.74 for this time period, Figure 7.2 illustrates the problems associated with using Polity IV as a measure of democratic consolidation.[9] As can be seen in the comparative democracy scores, Polity IV is unable to capture the real variation over time in regional democratic consolidation, both within and between countries.

Table 7.3 presents the results of a series of analyses with democracy as the dependent variable.[10] The data for all twelve post-communist countries covered the period 1995–2012, which includes the passage and implementation of both earlier and later lustration policies. The data covered the full range of lustration categories from cases of no lustration (such as Ukraine and Russia) through cases of compulsory lustration (Estonia and the Czech Republic). The time series analyses, using lagged independent variables, facilitated an examination of the changing levels of democratic consolidation over time. *Lustration waves* were not tested as separate independent variables because they selected out all the non-lustration cases. In this way, the structure of this dataset allowed an exploration of *whether*, *how*, and *under what conditions* lustration was correlated with democracy in the post-communist transitions.

First, lustration was a consistently robust predictor of variation in democracy; more extensive and compulsory lustration was associated with higher levels of democratic consolidation. The only other variable that was also as consistently significant at the $p<0.001$ level across the models was corruption. Model 1 included the entire period from 1995 to 2012 and the largest sample size, while Models 3 and 4 compressed the time period to 1995–2008 due to limitations with the government effectiveness data. Irrespective of the controls or the time periods, there was a very strong relationship between *lustration measures* and democratization. Predicted value estimations approximated the magnitude of the effect of lustration measures on democracy. Based on the specification of variables in Model 1 (the longest time period and most comprehensive sample), and holding all of the variables at their mean values, a shift from no lustration to informal lustration yielded a 10.7 percent increase in democracy. A shift from informal lustration to limited lustration yielded a gain of 9.6 percent, and a shift from limited lustration to wide and compulsory lustration

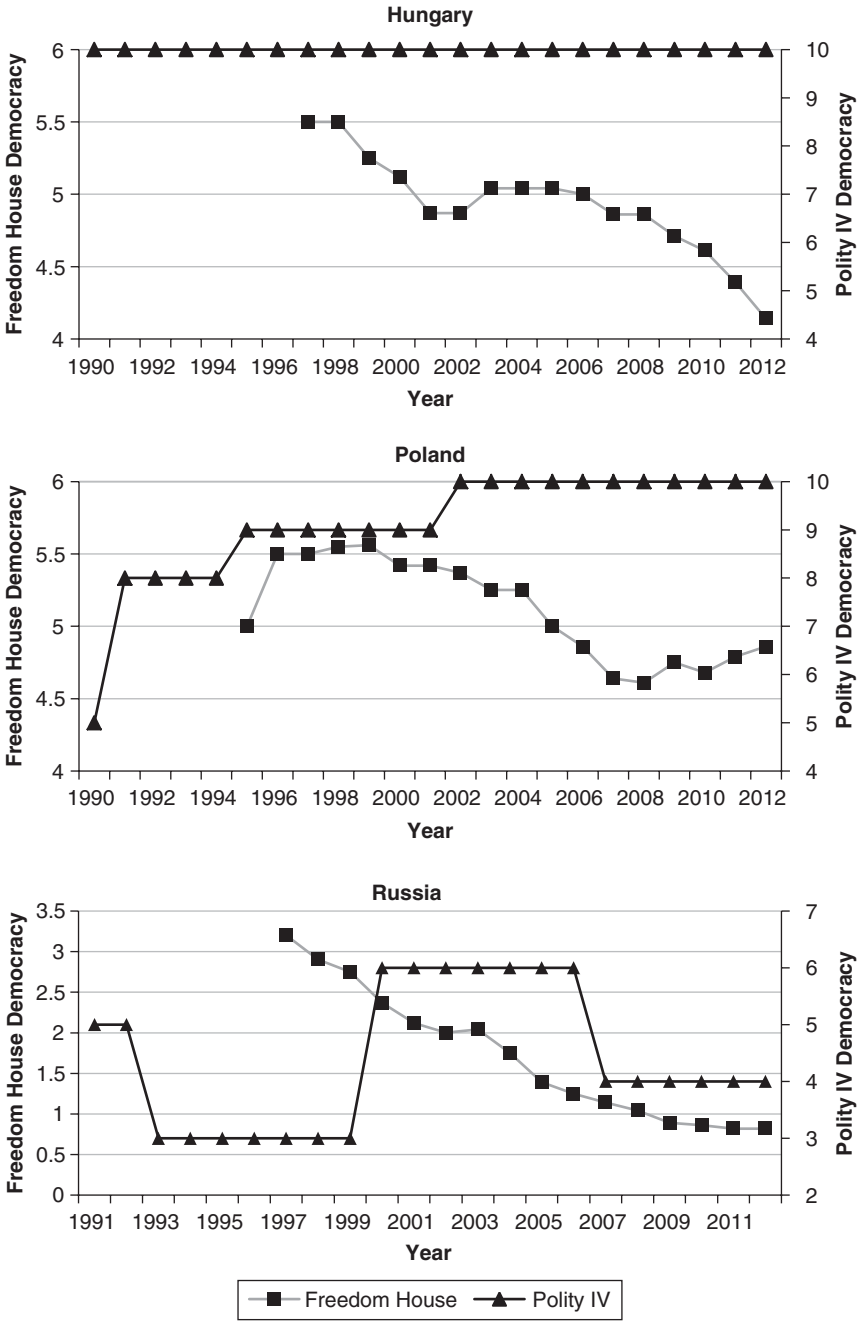

Figure 7.2. Comparison of Polity IV and Freedom House democracy scores

Table 7.3. Transitional justice and democracy (1995–2012)

Democracy				
	Model 1	Model 2	Model 3	Model 4
Lustration measures	2.98***	2.71***	1.62***	1.36***
	(0.45)	(0.43)	(0.42)	(0.37)
Timing lustration	0.60**	—	1.11***	—
	(0.22)		(0.20)	
Timing lustration *squared*	−0.03**	—	−0.05***	—
	(0.01)		(0.008)	
Truth commissions	−2.24**	−0.92	—	0.72
	(0.76)	(0.94)		(0.84)
Corruption	−0.32***	−0.33***	−0.19***	−0.21***
	(0.03)	(0.03)	(0.03)	(0.04)
Economic growth	0.04	0.06	0.01	
change GDP	(0.06)	(0.06)	(0.08)	
Economic development	—	—	—	−0.0008
GDP/capita				(0.02)
Change in inequality	—	2.91	—	—
2 year lag		(3.28)		
Inequality	—	−0.30***	−0.15*	—
		(0.09)	(0.06)	
Government effectiveness	—	—	26.95***	26.36***
			(2.95)	(3.44)
Strength of political opposition	—	−0.0004	—	—
		(0.0005)		
Constant	20.88	34.70***	6.96	7.94*
N	187	143	128	136
Wald χ^2	659.89***	485.88***	898.11***	768.07***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001. All variables lagged one year, unless otherwise reported. Hausman tests reject the use of fixed effects.

yielded an increase of 8.8 percent. Overall, the difference in level of democracy between those countries that opted for no lustration and those that chose maximal lustration policies was 32 percent. The magnitude of the effect was substantial, and the calculations suggested the biggest impact was the shift

from no lustration to a basic informal program. More extensive and compulsory lustration measures were associated with the highest levels of democratic consolidation, with limited lustration and informal lustration also supporting democracy, but with slightly diminished effects.

Second, the findings with respect to truth commissions were conditional on model specification, being negatively signed and significant in Model 1 but not statistically significant in Model 2 or Model 4. Given the sensitivity of the findings, one cannot conclude that truth commissions undermined democratization, but, at the very least, there was no evidence that truth commissions supported democratization. Unfortunately, this was consistent with previous studies showing that in many cases truth commissions failed to support democracy (Olsen, Payne, and Reiter 2010; Wiebelhaus-Brahm 2010). Since the number of truth commissions in this sample was small, definitive conclusions about the relationship between truth commissions and democracy cannot be drawn. Nonetheless, even packaged with lustration measures, truth commissions did not appear to support democratization.

Third, a number of economic and political control variables were considered, but their inclusion did not change the explanatory significance of lustration measures. Higher levels of corruption are shown to undermine democracy in the comparative politics literature. This relationship was expected and held true in the post-communist states as well. Contrary to fears that politicization might undermine the effects of lustration, the strength of the political opposition was not statistically significant in these models and did not affect *lustration measures*. In general, neither economic growth nor level of economic development was statistically significant. Lower absolute levels of inequality were associated with higher levels of democratization. This supports hypotheses drawn from the literature which argue that democratization is enhanced with lower levels of inequality. By reinforcing that economic and material variables had similar effects in post-communist countries, this study validated the utility of situating the post-communist experiences in comparative perspective. This also added to the credibility of the models, and what they suggested about the relationship between more extensive lustration and deeper levels of democratization.

The Timing of Reforms

The statistical analyses indicated that the timing of lustration affected its impact on democratization, displaying a familiar inverted parabolic relationship. In other words, early in the transition lustration policies were positively

associated with democratization, while later in the transition there was a negative relationship between late lustration and democratization. Using the *timing* and *timing squared* variables and their coefficients in Table 7.3 (Models 1 and 3), the relationship between the timing of reforms and democracy can be modeled as:

$$\textit{Equation 1}\ (\text{Model 1}) : y = -0.03x^2 + 0.60x + 20.88\ (\textit{Democracy 1})$$

$$\textit{Equation 2}\ (\text{Model 3}) : y = -0.05x^2 + 1.11x + 6.96\ (\textit{Democracy 2})$$

Equation 1 included controls for economic growth and corruption, representing the most paired down model specification (Model 1), and Equation 2 included inequality, corruption, government effectiveness, and economic growth (Model 3). These two equations were graphed together in Figure 7.1 along with the curve for civil society. The slopes of both of the equations were similar, but they had different y intercepts (the constant terms in the equations above) resulting in one line appearing higher than the other. Despite the differences in model specification, time period, and resulting coefficients, the vertices of the two parabolas were the same. The comparative parabolas demonstrated the similarities despite different model specifications; in essence the models tell the same story about timing and reform efficacy even with slight differences in coefficients and model specifications.

There are two messages to be drawn from these models. First, the timing for optimal policy measures was delayed from the start of the transition. In both curves the vertex position was ten to twelve years after the start of the transition; these points were graphed on the respective parabolas. A decade or more after the transition remained an ideal time to pass lustration laws that could positively benefit democratization. Second, the widow of opportunity for policy measures was much wider than previously assumed in the transitional justice literature. The slope of the parabola near the vertex, either plus or minus, was not steep. There were actually large windows of time for hitting an "optimal" vertex point. As can be seen graphically, the period between six and sixteen years after the transition yielded similar levels of democracy, differing by 4 percent. In other words, the window of opportunity for enacting—not implementing fully—lustration measures was much wider than might appear to be the case given the accepted folk wisdom about the need for early reforms or none at all. While these models cannot pinpoint an exact moment when lustration reforms would be optimal for any single country, the comparative parabolas demonstrated that, even with different model specifications, there was a similar delayed and beneficial time frame for the implementation of lustration measures.

REFLECTIONS ON DEMOCRATIZATION, CORRUPTION, AND CIVIL SOCIETY

This chapter provided empirical tests of the widely claimed relationships between transitional justice and three near universal goals for transitional societies, namely democratic consolidation, a strong civil society, and low levels of corruption. First, *lustration was strongly associated with more democratization and more robust civil societies.* All lustration programs—whether driven by institutional changes, public disclosures, or symbolic changes—were associated with higher levels of democracy and stronger civil societies over time. However, there were significant differences in impact based on the scope and implementation of the programs. In particular, lustration involving compulsory and expansive bureaucratic change components had the largest association with democratization. The programs that relied on lustration with voluntary change mechanisms were robustly associated with democracy, but with a slightly diminished impact. Lustration programs relying on informal measures, such as public disclosures, also supported democracy, but with a weaker impact than programs forcing bureaucratic change. These findings help to unpack the causal mechanisms linking lustration and public disclosure measures to democracy, highlighting the central role for institutional reform. Given how contentious the forced bureaucratic change element has been in the international legal and human rights communities, this finding is particularly important.

Second, in terms of *how much* lustration affected democracy or civil society, there were significant differences in levels of democracy evidenced across the lustration categories. The more compulsory lustration programs evidenced democracy levels 9 percent higher than countries with limited lustration programs by 2012. Democracy levels in countries with voluntary measures were 9 percent higher than countries relying on public disclosures over time. Countries with no lustration versus countries with expansive and compulsory lustration programs registered differences in their levels of democracy over time of approximately 30 percent. The lustration typology allowed us to differentiate the relative importance of institutional change reforms and symbolic change reforms, highlighting the importance of compulsory bureaucratic change. It was not that symbolic changes had no effect, but institutional changes registered with citizens in a way that symbolic measures alone did not. This is an important contribution to the largely theoretical debates in the transitional justice literature, which have been unable to adjudicate claims about the relative merits of symbolic versus institutional reforms. To revisit

initial endogeneity concerns discussed in Chapter 2, the levels of democracy at the start of the transitions did not determine the lustration choices. Countries with similar starting points often chose different lustration paths. Many countries passed their initial lustration laws soon after the 1989 revolutions when they were still transitioning from communism and not yet consolidated democracies. Polity IV measures of democracy in the immediate post-transition environment—meaning the environment in which lustration laws were debated and passed—showed no definitive relationship with lustration choices. While this cannot obviate possible endogeneity issues, we do know that initial levels of democracy did not determine lustration choices.

Third, the findings with respect to the *timing of reforms* provided useful correctives to assumptions about the perceived benefits of early programs only, and the detrimental impact of later programs. Delayed measures appeared to be the most efficacious in terms of democracy support. Lustration too late in the transition might undermine democracy-building efforts, however, *too late* was not the Council of Europe's assumptions of ten years after the transition. Beneficial reforms could be enacted more than a decade after the transition. In particular, the graphs suggested that starting reforms more than two decades after the transition would not have the desired efficacy and could negatively affect reforms, but this still stretched our assumptions about the window of opportunity for possibly beneficial reforms.

Fourth, despite the framing of lustration as a corruption corrective, there was no direct relationship between either symbolic or institutional change lustration measures and levels of corruption, however, there were plausible indirect effects. Given that the benefits from lustration included political trust-building, the promotion of democracy, and support for good governance, lustration might indirectly work to lessen corruption. The findings reinforced the differentiated and conditional effects of lustration and public disclosure measures on reform goals. They also highlighted the importance of empirical work, both to adjudicate claims about transitional justice measures, and to better understand the causal mechanisms linking reforms to outcomes.

Finally, not all transitional justice measures had uniformly positive or negative effects, even acts of symbolic politics. Within the post-communist space, truth commissions did not have the explanatory power of lustration measures. They were statistically fragile variables, and there was evidence of a weak but negative relationship with democracy. While this does not prove that truth commissions undermined democracy, they did not provide a clear democracy dividend either alone or packaged with other transitional justice methods. It is possible that truth commissions could be transitional justice palliatives, enacted instead of more politically disruptive institutional change measures. This would make them transitional justice placeholders, not

harmful but not beneficial. Alternately, they could have negative effects on their own. It is often assumed that truth-telling measures focused on transparency and accountability could not have the same negative implications as retributive transitional justice measures. However, the findings suggested that regime complicity or the lack of recompense for victims could undermine rather than enhance purely symbolic truth-telling programs. More testing of the conditions under which truth-telling builds democracy should be considered in future impact studies.

NOTES

1. The Center for the Study of Democracy in Sofia, Bulgaria has focused on researching the causes and consequences of this type of corruption (Center for the Study of Democracy 2012). In particular, Todor Yalamov's work at the CSD addresses these research questions. Interview with Todor Yalamov.
2. Author interviews with Dimitar Markov and with Alexander Stoyanov.
3. Interviews with Members of the Collegium, C.N.S.A.S., Bucharest, Romania, October 2012.
4. The Freedom House measure of democracy was not included because civil society is a constitutive element in the constructed Freedom House measure of democracy.
5. The coordinates for the equation provide an illustration of the negligible change in y given a change in x over the time period. As can be seen, the y value does not change from 31, but the x value ranges from 12 to 16.
6. Some parts of this section appeared in slightly different form in Cynthia M. Horne. 2014. "The Impact of Lustration on Democratization in Post-Communist Countries," *International Journal of Transitional Justice* 8, 3: 496–521. The literature review is similar, but the data analysis is different, reflecting the inclusion of timing variables in this chapter that did not appear in the article.
7. The *Nations in Transit, Freedom House* scores for post-communist countries do not code economic systems, focusing on a composite including: the electoral process, civil society, the independence of the media, governance, constitutional, legislative and judicial framework, and corruption. See Appendix 3 for a discussion of variable transformations.
8. As previously mentioned in Chapter 4, the V-Dem project did not have democracy data available on this region as of 2014. The Coppedge and Reinicke democracy data only covered 1950–2000 and the Bollen democracy data covered 1950–1990, missing the entire transition period.
9. Author calculated based on the full time period of data overlap. Consistent *Nations in Transit*, *Freedom House* data starts in 1995.
10. Hausman tests showed that fixed-effects models were not appropriate, therefore feasible GLS estimators with random-effects models were used.

8

Conclusion: Evaluating Post-Communist Transitional Justice

This book theorized and empirically examined the conditions under which transitional justice affected the ability of post-communist countries to further their transition goals of building trust in public institutions, restoring trust in government, building societal trust, promoting good governance, and supporting democratization. Contrary to the blanket claims about the benefits or problems associated with lustration and public disclosures made in the transitional justice literature, this project mapped the transitional justice literature onto the trust-building literature in order to argue for a differentiated impact. In particular, the project argued that lustration measures would have different effects on political and social trust-building, as well as differentiated effects across particularized and generalized trust objects. In practice, this means that lustration and related measures should differently affect trust in public institutions, trust in government, trust in social institutions, and interpersonal trust. Drawing on the change dynamics associated with lustration's institutional and symbolic reforms, the book further argued that the structure and implementation of transitional justice measures should systematically affect their magnitude of effect. More extensive and compulsory programs forcing institutional change should register larger trust effects than programs relying primarily on symbolic reforms. This would hold true for both lustration measures as well as truth commissions. Additionally, the temporal claim that only early reforms would be beneficial to transition goals was challenged. Instead of assuming only early reforms would be beneficial to transition goals, the project modeled the relationships between the timing of reforms and a number of trust-building and democratization outcomes. Consistent with expectations that lustration and public disclosure measures would have differentiated effects depending on the transition goal, the project also expected differentiated temporal conditions surrounding reform efficacy. This final chapter both reviews and situates some of the findings from this book within the transitional justice literature, with special attention to what these findings mean for the democratization literature more broadly.

KEY FINDINGS

By focusing on a different dependent variable or set of related variables in each chapter, the structure of the project was designed for maximal theoretical and empirical leverage over a range of state (re)building and societal reconciliation goals, resulting in a number of key findings. First, public institutions directly targeted by lustration measures and/or public disclosures showed higher levels of political trust. This held for most public institutions, except for highly politicized ones, like political parties. Critics of lustration worried that the politicization of measures could undermine political trust, and there was evidence of this in those institutions—parliament and political parties—for which there was significant political instrumentalization of lustration. In general, however, trust in public oversight institutions directly targeted for lustration and employment vetting, like the police and the judiciary, was strongly associated with lustration measures. This was both predicted based on the theory linking particularized political trust-building to institutional reforms, and empirically demonstrated in Chapter 3. In particular, the most expansive and compulsory programs had the strongest associations with positive outcomes, and therefore appeared to be the most beneficial. Since punitive lustration measures were the ones that received the most criticism from the international law and human rights' communities, this is an important finding for the transitional justice field.

Moreover, modeling the relationship between the timing of reforms and efficacy revealed a much wider window of opportunity for implementing possibly beneficial reforms than previously assumed in the transitional justice field. In fact, contrary to assumptions that only early reforms were beneficial, delaying the start of reforms for approximately a decade was maximally conducive to positive outcomes. This time period remained relatively consistent across the different public institutions positively associated with lustration. Although critics worried that delaying lustration would undermine any possible benefits, in the case of the nonpoliticized public institutions, delayed reforms were not necessarily compromised reforms. The scope and quality of implementation mattered more than the timing of the measures.

Second, despite the contention by policymakers that lustration and public disclosures broadly improve perceptions of the trustworthiness of government, the findings in Chapter 4 suggested a weak and temporally conditional relationship. Early lustration waves were positively associated with more trust in government, but this relationship was time sensitive. In this case, the trust-building effects of lustration declined considerably as time elapsed after the

transition. These findings confirmed the expectations regarding lustration and trust in government mapped out in Chapter 1. Trust in government is a generalized form of political trust, reflecting holistic assessments of government across multiple spheres and issues areas. Lustration measures are just one factor affecting perceptions of government trustworthiness. Positive, albeit attenuated, effects were both expected and empirically shown.

However, Chapter 4 argued that trust in government was not the ideal dependent variable to assess the relative efficacy of lustration on the functioning (potential or actual) of government. Lustration and public disclosures remove unqualified or morally compromised public officials from positions of power. Therefore, the institutional change dynamics associated with lustration measures should more directly affect government effectiveness than diffused perceptions of trustworthy government. The evidence presented in Chapter 4 supported these hypothesized effects. The overall effectiveness of government was higher in countries with more expansive and compulsory lustration programs, and this relationship held both within and between countries. In other words, over time those countries with more punitive lustration also had more effective governance. These findings once again speak to the causal mechanisms undergirding relationships between lustration and transition goals. Government effectiveness is partially a function of rule of law institutions and the ability of the state to provide a stable political environment. To the extent that employment vetting can improve the quality of public institutions through both forced bureaucratic change and screening of the remaining bureaucrats, the process of lustration appeared to support government effectiveness. Using this alternate, and arguably more appropriate, dependent variable helped to illustrate *how* transitional justice affected government effectiveness.

The findings from Chapter 4 speak to the challenges the transitional justice literature has faced both conceptualizing and operationalizing transition goals in order to assess the impact of measures. Trust in government captures citizens' perceptions of government, which can fluctuate based on episodic or random noise surrounding the government, its agents, and its decisions at any moment in time. Therefore, it proves harder to evaluate the long-range impact of transitional justice on this type of mercurial perceptional variable. Government effectiveness, on the other hand, focuses on the actual performance of the government, for which there is less random noise over time. Moreover, trust in government is desired as a proxy goal because it supports government effectiveness; it is not necessarily an end in itself. Therefore, focusing on the actual transition goal—government effectiveness—rather than the means—trust in government—might prove more useful for transitional justice assessments in future research.

Third, the theoretical relationships hypothesized between lustration and social trust outlined in Chapter 1 diverged from assumptions in the transitional justice literature. Instead of broadly framing lustration as a trust corrective or alternately predicting widespread generalized distrust as a result of collaboration disclosures, this project hypothesized a differentiated, negative relationship between lustration and social trust objects. Chapter 6 presented evidence of the negative effects of lustration on trust in targeted social institutions, but no direct relationship between lustration and generalized social trust. While complicity revelations might create some fear and distrust, they have not undermined interpersonal trust nor thwarted civil society building in the post-communist sphere. However, truth-telling and public disclosures of collaboration in targeted social institutions, without any punitive dimension aside from shaming, might actually foment social distrust of that particular institution. If social institutions haven't apologized, altered their composition, their credibility, or their interests, distrust is a rational societal response to complicity revelations. This bounded distrust of social institutions differed from the more generalized interpersonal trust dynamics predicted in Chapter 1 and observed in Chapter 6. In sum, lustration had marked, differentiated effects on targeted political and social institutions and across generalized and particularized social trust objects as well.

Fourth, and possibly the most important finding from this study, lustration was directly and strongly associated with more democratic consolidation. More extensive and punitive lustration programs, involving compulsory bureaucratic change measures, file access provisions, and truth-telling components, had the strongest correlation with democracy and civil society. The magnitude of effect between lustration and democracy was significant and one of the largest observed relationships across the dependent variables in this study. There was also a strong relationship between more extensive lustration measures and the strength of civil society, suggesting reticulated relationships between lustration and a number of democratic consolidation elements. Policymakers and academics both theorized and hoped for a positive relationship between transitional justice and democracy promotion, and this study provided empirical support for these relationships. Although lustration was not the corruption corrective that is much theorized in the literature and hoped for by policymakers, there was evidence of indirect relationships between lustration and corruption. Corruption levels are lower when government is more effective, when public institutions uphold rule of law practices, and when there is a more robust civil society in place. Therefore, lustration's positive effects on civil society, trust in public institutions, and government effectiveness should indirectly affect perceptions of corruption. This is not consistent with a corruption elixir narrative, but wholly consistent with the

institutional mechanisms for combating corruption outlined in the democratization literature.

Fifth, much praise has been given to the nonpunitive, truth-telling dimension of truth commissions as a form of reconciliation and accountability. It has been assumed that even if truth-telling did not result in more societal reconciliation, its relatively benign nature meant its effects would not be negative. However, truth commissions were largely associated with less political and social trust and lower levels of democratization. There were no country cases of only truth commissions in this sample, so the singular effects of truth commissions in the absence of lustration measures are unknowable with this set of cases. However, these negative relationships comported with the negative and/or null effects of truth commissions observed individually and packaged with other transitional justice measures more broadly found in the literature. These findings questioned the policy assumption that more transitional justice is better by default, and encouraged explicit consideration of negative possibilities in future impact assessments.

Sixth, the timing of reforms did matter but not in the way assumed in the transitional justice literature. There is an oft-repeated assumption, masquerading as a statement of fact, that late reforms are less legitimate, less efficacious, and possibly counterproductive. This study did not find evidence to support this popularized truism about the timing of transitional justice. In fact, delayed measures were associated with high levels of reform efficacy, across a range of trust-building and democratization considerations. Reforms passed approximately a decade after the transition strongly supported transition goals, which is much longer than the assumed post-transition window of opportunity. There was greater efficacy in first wave reform countries in general, but this speaks to the longer duration of those measures as much as timing. Enacting reforms *after* the initial period of transition instability passed, not necessarily *during* it, *may* prove less disruptive or less compromised in quality, depending on the immediate transition environment. The timing of reforms should be a conditional not a static transitional justice consideration.

Temporal factors also evidenced differentiated and conditional effects according to the dependent variable. Trust in highly politicized institutions and trust in government were the most sensitive to timing. By comparison, trust in oversight institutions was less time sensitive, with the timing of reforms having little effect on reform efficacy in the case of the judiciary. Democratization was not particularly sensitive to the timing of reforms. The difference between reforms passed five years after the transition and those initiated fifteen years after the transition on levels of democracy was approximately 1 percent. To rephrase the findings: earlier reforms did show stronger

and larger associations with transition goals, but the size of the difference in association between earlier and later reforms was not overwhelming and in some cases was very small. These findings force a reconsideration of blanket arguments that only early reforms are beneficial.

The timing considerations also speak to the potential politicization of the lustration process. Critics argued that early reforms would be more authentic and possibly more efficacious because they would be less likely to have been caught in cycles of political manipulation. There was evidence to support this concern based on variation in the temporal conditions associated with trust in politicized versus non-politicized public institutions. The temporal sensitivity of trust in government, political parties, and the parliament, all agents involved in the cyclic manipulation of lustration procedures, supported these concerns. Perceptions of politicized institutions could reflect either possible instrumentalization of measures late in the transition process and/or citizen fatigue with manipulation. Conversely, political institutions with less direct access to the manipulation of lustration measures remained less temporally sensitive. This explanation for different time sensitivities highlights political instrumentalization of the lustration process, but it is only one possibility. These findings have potential implications for future impact assessments, as they encourage explicit consideration of how the politicization of the process of transitional justice might affect overall reform outcomes.

Post-Communist Studies in Comparative Perspective

While there remain features of the post-communist transitions that differ from other post-authoritarian transitions, this study reaffirmed many similarities and attempted to situate the post-communist experience within the comparative democratization literature. In particular, some scholars argued that trust propensities in the post-communist space were so scarred by the legacies of communism and the endemic distrust it fostered that one would not expect to see the same relationships between social and political trust or particularized and generalized trust as seen in other states. However, this project did not find that there was a durable and pervasive "culture of political distrust" as has been asserted in the literature singularizing the communist experience. Citizens were able to differentiate the degree of (un)trustworthiness of institutions, and citizens responded to changes in public institutions over time. There is little reason to believe that post-communist countries are unable to trust or somehow mired in a suboptimal political trust equilibrium. This does not mean that there are no trust problems in the post-communist sphere; it means that trust-building responded to reforms, or the lack thereof,

as seen in other comparative cases. When institutions changed, citizens also changed their trust assessments.

Whether the recursive social and political trust relationships seen in other countries also held for the post-communist sphere was hotly contested (Newton 2007; Uslaner 2008; Rose-Ackerman 2001; Rothstein and Eek 2009). This study contributed to this debate, providing substantial empirical evidence to show a relationship between social and political trust in post-communist countries. Trust in public institutions was a consistently significant predictor of both interpersonal trust and trust in social institutions, and there was a strong correlation between interpersonal trust and trust in social institutions. While it is not possible to argue, given the data, that high interpersonal trust increased trust in public institutions, or vice versa, the strength of the relationships was clear. The findings consistently reaffirmed the interrelated nature of these trust relationships, and encourage a normalization of thinking about trust-building in the post-communist sphere.

POSSIBLE LESSONS FOR FUTURE TRANSITIONAL JUSTICE PROGRAMS

Too often policymakers ascribe broad elixir qualities to transitional justice measures, as if they could combat a host of state and societal ills. The fast and loose promises undermine the credibility of transitional justice measures when they fail to deliver unrealizable goals. The disconnect between transitional justice measures and their actual outcomes begs closer scholarly attention. To that end, this study raises several empirical questions applicable to future assessments of other types of transitional justice measures.

First, decades have been spent defining and measuring democracy in the comparative politics literature. To produce credible impact assessments, more attention must be paid to the definition and measurement of transitional justice measures. Lustration is not any form of vetting, and all instances of employment removal are not lustration. To conflate these concepts is misleading and leads to spurious conclusions about their effects. Therefore, some consensus on operationalizable definitions of the various forms of transitional justice is needed. Definitions that are both portable to other cases, meaning not unique to CEE or any other country/region, yet not so general as to lack clear boundaries, such as suggesting any employment removals are lustration, would advance our collective understandings. In particular, being able to identify similar and different types of transitional justice in various regional contexts would permit more cross-regional impact assessments of measures

and their effects. This holds for the discipline's definitions of truth commissions, purges, vetting, lustration, amnesties, and exiles, to name a few.

Second, with respect to measurement, lustration cannot be captured as a dummy or dichotomous variable. Moreover the existence of a lustration law is not the same as the actual implementation of lustration measures. The same holds true for truth commissions, trials, memorials, and other forms of transitional justice. More attention to measuring transitional justice is required, moving away from bucket categories, such as the presence or absence of laws, and toward more nuanced understandings of the scope and authenticity of implementation. The construction of better measurement rubrics, such as ordinal scales to compare relative differences in the scope and implementation of transitional justice policies, could significantly facilitate our collective ability to assess the actual impact of reforms.

Third, counterfactuals or non-cases must be included if possible in impact assessments. To know whether and how lustration affected goals, one needs cases of countries that contemplated and rejected lustration, as well as countries that implemented lustration. It is the comparison across the range of transitional justice experiences—from maximal through nonexistent but possible—that added nuance to our understanding of the magnitude of effect of measures. To the extent possible, non-cases and the inclusion of counterfactuals would be beneficial to our understanding of whether and how transitional justice affects policy outcomes. To compare the efficacy of truth commissions, amnesties, and trials, for example, one needs to intentionally incorporate non-cases into larger impact assessments. In practice, this means it is no longer sufficient to only look at truth commissions—or any single type of transitional justice—to assess their utility, as this selection on truth commissions already biases the sample.

Fourth, it is not just transitional justice measures that require more measurement attention, but the goals of the measures as well. The current framing of transitional justice as both a necessary and all-purpose reform does a disservice to the discipline and impedes fruitful policy assessments. Worse still, when transitional justice fails to live up to expectations, the policy goals are retrofitted or reduced in scale in an attempt to show some benefits from the measures. If we know what the concrete goals are a priori, we can have a better idea of whether and *how* transitional justice supported these goals. Societal reconciliation or state-building goals actually mean concrete things, which can be operationalized to facilitate impact testing. Moreover, the reality of possible tradeoffs in policy goals must be considered; social trust and political trust-building might be simultaneously incompatible goals using a single type of transitional justice. Once the mechanisms linking measures to outcomes are better understood and empirically demonstrated, we will have

a basis for assessing policy tradeoffs in a manner that is both observable and falsifiable.

In conclusion, the findings from this study have potential implications for transitional justice scholars and policymakers. More transitional justice was not necessarily better at meeting reform goals. More compulsory employment penalty programs with a larger scope, incorporating a mixture of bureaucratic change elements and symbolic change elements were associated with the most positive transition outcomes. If early reforms are not always better and late reforms not always bad, this opens up policy options for countries immediately after a regime transition. Knowing that transitional justice measures could remain effective reform tools for a decade or more after the transition facilitates a careful weighing of policy choices and desired outcomes during the often chaotic immediate post-transition period. The post-communist experiences could inform the applicability, structure, and function of current and future transitional justice programs.

Appendix 1

Lustration, Public Disclosure, and File Access Laws and Policies

Country (year of regime transition in parentheses)	Year first lustration policy enacted	Lustration and File Access Policies (includes vetting, public disclosures, and creation of national memory institutes)
Albania (1990)	1995	Law 7666 of January 26, 1993 On the Creation of a Commission to Re-assess Licenses for the Exercise of Advocacy Law Nr. 8001, dated September 22, 1995, On Genocide and Crimes Against Humanity Committed in Albania during the Communist Regime for Political, Ideological and Religious Reasons (The Genocide Law). Law Nr. 8043, dated November 30, 1995, On the Control of the Moral Figure of Officials and Other Persons Connected with the Protection of the Democratic State (The Verification Law) See http://www.lustration.net/albania_documentation.pdf, accessed June 13, 2012. ***Note: first two laws known together as the Lustration Laws.*** Law No 10034, dated December 22, 2008, On the cleanliness of the figure of Hugh Functionaries of the Public Administration and Elected Persons. (Clean Hands Bill) Declared unconstitutional and not implemented 2009.
Bulgaria (1989)	1992	Law on Banks and Credit Activity, No. 25 of March 18, 1992. Law for Temporary Introduction of Some Additional Requirements for the Members of the Executive Bodies of Scientific Organizations and the Higher Certifying Commission ("Panev Law"). December 9, 1992. Access to the Former State Security Files Act, July 30, 1997, and creation of Committee for Access to the Former State Security Files (Bonev Committee) Law on Public Radio and Television, 1998. Access to the Former State Security and the General Staff Intelligence Directorate Files Act of February 28, 2001, amended and creation of Commission Determining Connections to the Former State Security (Andreev Committee)

(*continued*)

Country (year of regime transition in parentheses)	Year first lustration policy enacted	Lustration and File Access Policies (includes vetting, public disclosures, and creation of national memory institutes)
		Law for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army, December 2006. Committee for Disclosing the Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army (the Kostadinov Committee)—to implement the new law, April 2007. 2011–2012, Dossier Commissions extensive public revelations of collaboration of academics, media, clergy, Foreign Service, cabinet positions, and "credit millionaires" with secret police
Czech Republic (1989)	1991	Czech and Slovak Federal Republic: Screening ("Lustration") Law, Act No. 451/1991 on conditions for holding certain positions in state bodies and organizations (October 4, 1991). Act 279/1992 on Certain Additional Prerequisites for the Exercise of Certain Positions Filled by the Assignment or Appointment of the Members of the Police of the Czech Republic and Members of the Prison Service of the Czech Republic. Act 254/1995 extended lustration for another five years, (September 1995). Act 422/2000 indefinitely extends lustration law (October 2000). Creation of the Department for the Documentation and Investigation of State Security Service (Státní bezpečnost—StB) activities at the Federal Ministry of the Interior, pursuant to that Ministry's Order No. 95/1991. Act No. 140/1996 Coll., limited file access—opens up around 60,000 files from the former counterintelligence service of the StB. Act No. 148/1998 Coll., most of the archival materials from the former Central Committee of the Communist Party Archive and the Archive of the Ministry of the Interior are declassified. Act No. 107/2002 Coll., distinctly widening the range of accessible files and comprehensively changing the approach to StB documents. Public access is granted. Act No. 499/2004 Coll. establishes that the review of archival materials is allowed only for materials more than thirty years old. Act No. 181/2007 Coll. Creates the Institute for the Study of Totalitarian Regimes, the Security Services Archive.

Estonia (1991)	1992	The Constitution of the Republic of Estonia Implementation Act, with attention to § 6–7. Passed June 28, 1992, entered into force July 3, 1992. To remain in force until December 31, 2000. https://www.riigiteataja.ee/en/eli/530102013012/consolide Law on the procedure for taking the oath, written oath of conscience (*süümevanne*) for civil service positions, August 7, 1992. Amendment to Oath of Conscience Submission Act (1994). https://www.riigiteataja.ee/akt/SVS. Law on Citizenship, Adopted by the Riigikogu on January 19, 1995 Proclaimed as Law by the President of Estonia, January 31, 1995. http://www.uta.edu/cpsees/estoncit.htm, accessed January 29, 2010. The Procedure for Registration and Disclosure of Persons who have Served in or Co-operated with Intelligence or Counter-intelligence Organizations of Security Organizations or Military Forces of States which Have Occupied Estonia Act (Eestit okupeerinud riikide julgeolekuorganite või relvajõudude luure- või vastuluureorganite teenistuses olnud või nendega koostööd teinud isikute arvelevõtmise ja avalikustamise korra seadus) "the Disclosure Act," February 6, 1995.
Hungary (1989)	1994	Law on Background Checks to Be Conducted on Individuals Holding Certain Important Positions, Law No. 23 (March 8, 1994). Constitutional Court verdict 60/1994 on the screening law. Act 67/1996 lustration law amended, scope of individuals screened is limited; and History Office (to oversee and consolidate archives) created. Act 93/2000, extends lustration for four years, and increases number of people to be screened. Act 3/2003, created Historical Archives and amended lustration law to include all secret service divisions.
Latvia (1991)	1994	Law on the Preservation and Use of Documents of the Former State Security Committee and the Determination of Individuals' Collaboration with the KGB, May 19, 1994. Article 9 of the Election Law on Cities and Town Councils, District Councils and Pagasts Councils of January 25, 1994. The Citizenship Law, 1994, amended on March 16, 1995, February 6, 1997, and June 22, 1998. The Saeima Elections law (*Saeimas vēlēšanu likums*) of May 25, 1995, as amended by March 26, 1998 Law of the Saeima, Vestnesis, June 6, 1995, nr. 86. May 27, 2004 extension of use of lustration provisions for additional ten years.

(*continued*)

Country (year of regime transition in parentheses)	Year first lustration policy enacted	Lustration and File Access Policies (includes vetting, public disclosures, and creation of national memory institutes)
Lithuania (March 1990—Lithuania declares independence, but not until September 1991 is independence recognized by Soviet Union)	1991	Lithuania: Decree Banning KGB Employees and Informers from Government Positions. Decree No. 418 (October 12, 1991). Law on the Verification of Mandates of Those Deputies Accused of Consciously Collaborating with Special Services of Other States. Law No. I-2115 (December 17, 1991). Law I-2166/1991 on the Security and Spy Agencies. Law I-2477/1992 on Responsibility for the Genocide of the Residents of Lithuania (trials). Law 23/1994 on the Background Checks of Individuals Holding Certain Important Positions (or the Lustration Act). Presidential Decree 159/1998 creates The International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania—truth-telling On the Assessment of the U.S.S.R. Committee of State Security (NKVD, NKGB, MGB, KGB) and Present Activities of the Regular Employees of this Organization (Official Gazette Valstybės žinios, 1998, No. 65–1877). Enforcement of law governed by Valstybės žinios, 1998, No. 65–1878. July 16, 1998. Law VIII-1436/1999 on the Registration and Acknowledgment ("confession") of Those Who Secretly Collaborated with the Soviet Special Services.—Lustration Law. November 23, 1999. June 2010, parliament amended Law VIII-1436/1999, to remove lustration of private sector positions.
Poland (1989)	1997	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 *(ustawa o ujawnieniu pracy lub służby w organach bezpieczeństwa państwa lub współpracy z nimi w latach 1944-1990 osób pełniących funkcje publiczne).* Act of December 18, 1998 on the Institute of National Remembrance—Commission for the Prosecution of Crimes Against the Polish Nation. ACT of October 18, 2006 on the disclosure of information on documents of state security in the years 1944–1990 and the content of these documents.—Lustration Law Amending Act of February 14, 2007 (amendments to Disclosure of Information Act). Statute of the Institute of National Remembrance—Commission for the Prosecution of Crimes against the Polish Nation (IPN Council resolution 11/11 of 18 August, 2011, in force since September 15, 2011).

		Relevant Polish Constitutional Tribunal rulings that have modified or ruled on the Lustration Acts. *-Decision of June 19, 1992 (file Ref. No. U 6/92)* *-Resolution of July 14, 1993 (file Ref. No. W 5/93)* *-Judgment of October 21, 1998 (file Ref. No. K 24/98)* *-Judgment of November 10, 1998 (file Ref. No. K 39/97)* *-Judgment of March 5, 2003 (file Ref. No. K 7/01)* *-Judgment of May 28, 2003 (file Ref. No. K 44/02)* *-Judgment of October 26, 2005 (file ref. No. K 31/04)* *-Judgment of May 11, 2007 (file ref. No. K2/07)* *LUSTRATION*
Romania (1989)	1999	Law 187/1999 Law Regarding the access to the personal file and the disclosure of the Securitate as Political Police "Ticu Law" (December 9, 1999). • Created *Council for the Study of the Securitate Archives* (C.N.S.A.S.) to oversee the secret police files and control public access to this information. C.N.S.A.S. functions as de facto vetting institutions, issuing symbolic rulings. Emergency Ordinance No. 149 of November 10, 2005, regarding the extension of the C.N.S.A.S.' activities, and Emergency Ordinance No. 16 of February 22, 2006—modifies Law 187/1999 to facilitate the work of the C.N.S.A.S. Romanian Constitutional Court issues Decision No. 51 declaring Law 187/1999 unconstitutional (January 31, 2008). Romanian Parliament passes Law 293 of November 14, 2008—modifying Emergency Ordinance and changing the activities of the C.N.S.A.S. New Lustration Law, February 2012, passed by Parliament and declared unconstitutional by Court.
Slovakia (1989)	2002	Czech and Slovak Federal Republic: Screening ("Lustration") Law, Act No. 451/1991 on conditions for holding certain positions in state bodies and organizations (October 4, 1991). Act of August 19, 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 (Ústav pamäti národa) and on Amending Certain Acts (Nation's Memory Act). 553/2002, Government of Slovakia. Coll. http://www.upn.gov.sk/data/pdf/553_2002_en.pdf. Nb: While the 1991 Czech and Slovak Lustration Act technically applied to Slovakia, it was renounced by Slovakia after independence and never implemented. The 2002 Act reflects Slovakia's own efforts at lustration.

Lustration policy refers to the earliest effort to move forward with the process of lustration, which could be either citizen access to secret police files, employment vetting laws, or citizenship requirements.
Note: The dates for the end of the old regime reflect either the year of the "Velvet Revolution," or the breakdown of the communist monopoly hold on power, or the dates of independence from the Soviet Union. Dates obtained from J.F. Brown (1991) and Zielonka (2001).

Appendix 2

Timeline of Regional Transitional Justice and Lustration Programs (1990–2012)

		---	WAVE 1	---	WAVE 1	---	WAVE 1
		1990	1991	1992	1993-1994	1995	1996
			Ruli Report	purges of pol opposition	first attempt at lustration	**Genocide and**	
	Albania		first trials of former regime	no file access	focus on lawyers	**Verification Laws**	
			on eco grounds			**no implementation**	
				Act 279/1992 --minor lustration law		Act 254/1995	
	Czech		**Act no. 451/1991**	unofficial list of collaborators released	Czech and Slovak Republics	extends lustration	some files
	Republic		**Lustration Law**		split	for 5 years	accessibility
			original 5 year duration				
WAVE				**Constitution Of Estonia Implementation**		**Citizenship Law (1995)**	
1	**Estonia**		extensive property restitution	**Act Law on Procedure for**		**Disclosure Act (1995)**	approx 1153 persons
			220,000 claims in total	**taking the oath (1992)**		lustration provisions	registered disclosures
				Commission for the Investigation	**Citizenship Law (1994)**	**new electoral law**	
	Latvia		citizenship and language law	of Totalitarian Regime Crimes	**Election Law (1/25/1994)**	expands prohibitions on	Police Act (1999)
			excludes many Russians	affidavit disclosure requirements for	**"Law on Preservation" 1994**	former KGB collaborators	lustration of police
			from public positions	national elections (1992)	**Law on Judicial Power 1994**	disclosure requiremnets	
					Law 23/1994		Act 67/1996
	Hungary				**Lustration Law-6 yr duration**	parts of lustration law	lustration narrowed
					but delayed implementation	declared unconstitutional	to top positions
		many files destroyed					
	Poland	laws debated					lustration
WAVE		but not enacted					law drafted
2							-1996
			Act no. 451/1991			lustration law remains dormant	
	Slovakia		**Lustration Law**		Slovakia attempts to	until expires 1996	
			part of		repeal lustration 1994		
			Czechoslovakia				
				Law on Banking and Crediting	several trials of former leadership		
	Bulgaria	publication		**passed but declared unconstitutional**	limited scope		
		of unconfirmed	procedures for	**Panev Law—passed,**	guilty verdicts, house arrest		
		list of collaborators	general file access	in forced until 1995—focus on science			
				and academics			
		Proclamation of					
WAVE	**Romania**	Timişoara					
3		calls for lustration					
		not implemented					
			Law I-2166/1991	Gajauskas Commission investigates			
	Lithuania		**Lustration Law bans employment**	former KGB agents in Parliament			
			of KGB and collaborations	lustration halted immediately			
			from govt positions	none in practice			

	WAVE 2		---	WAVE 2	---	WAVE 2	---
	1997	**1998**	**2000**	**2001**	**2002**	**2003**	**2005**
Albania	Govt reduces scope of Verification Law			both lustration laws expire			
Czech Rep.		Act No. 148/1998 Coll. more file declassification	Act No. 422/2000 and 424/2000 extends lustration indefinitely		Act No. 107/2002 Coll. widens range of file access		Act 499/2004 Coll.--the Archives Law only allows review of archival materials older than 30 years;
Estonia	Security Police Board publishes 647 names who gave false info						
Latvia			Latvia's State Civil Service Act				Election law extended for 10 yrs ban on KGB officials in office
Hungary			Act 93/2000 extends lustration for 4 years, increases screenings from 900 to 17,000		Mécs Commission investigates ministers and public officials	lustration law expanded	Act 3/2003 creates Historical Archives centralized files
Poland	**Lustration law passed confessions approach**		Institute of Nat Rememberance (IPN) oversees public file access created 1998, started work 2000	lustration implementation			Wildstein's List unofficial list of 240,000 collaborators leaked discredits the process
Slovakia					**National Memory Bill passed UPN created**	UPN's work blocked	(2004) files published no official lustration law, but file access and public disclosures
Bulgaria	Bonev Committee public disclosures 23 people vetted	Law on Public Radio and Television lustration of media	1999 Constitutional Court limits publication of informers	(Andreev Committee) April 2001-March 2002 7000 individual investigated, 517 collaborators	Classified Information Protection Act repeals access to files		
Romania	President declares lustration over		**Ticu Law(1999)- creates CNSAS and file oversight and file oversight stalled implementation**	limited implementation 70 collaborators revealed 38 candidates resign			1 million files transferred to CNSAS from Romanian Intelligence Service
Lithuania			Law VIII-1436/1999 renews lustration includes public and private sector positions	almost immediately halted no implementation			Lustration Commission renewed activity 449 cases opened between 2005-2010 (by 2012, 600 cases opened)

	WAVE 3	---	WAVE 3	---	---	WAVE 3
	2006	2007	2008	2009	2010	2011-2012
			New Lustration Law	passed but		
Albania			"On Cleanliness"	declared		
			Of the Public Administration	unconstitutional		
		Act No. 181/2007 Coll.				
Czech		increased file transparency	National Memory			
Rep		expanded lustration to police	Institute and Archives			
			created			
Estonia						
	Parliament passes law					
Latvia	to open secret files					
	President rejects					
	files remain sealed					
	talk of lustrating the clergy in 2003					
Hungary	but rejected					
	Lustration law adopted	law goes into effect				by 2012, on-going process
Poland	expanded scope of	vetting moved to IPN's Vetting Office	files transferred to IPN			300,000 declarations submitted
	positions to be vetted	Const Court declares parts of law	Vetting Office starts work			about 30,000 reviewed by 2012
		unconstitutional because too expansive	23,000 people investigated			expects at least 10 more years
		UPN increases file access				
Slovakia		UPN uses disclosure component of				
		law to make public info				
		on collaborator past of public officials				
		2006 Declassification of secret police archives			new calls for	public revelations
Bulgaria		Law for Access and Disclosure			Lustration	on-going
		of the Documents and			collaboration	Media, current cabinet positions
		2007-present, 112, 445 files reviewed			reveled in	credit millionaires
		6377 informers identified through 2011			pub positions	clergy, foreign service
	renewed lustration			power to issue		public revelations
Romania	Emergency Govt Ordinance 16/2006		Const Court rules	collaborator		on-going
	270 informal collaborators		lustration law	decisions taken		2012--lustration law
	revealed		unconstitutional	from CNSAS		declared unconstitutional
					Lustration	
Lithuania	debate over extension	President vetos lustration law			amended	Lust Commisson
	to voluntary lustration	blocking process			eliminates private	to end 2012; but
					sector vetting	continued debate

Appendix 3

Data Sources and Transformations

Civil Society—*Freedom House, Nations in Transit*, 2014 updates. http://www.freedomhouse.org/report-types/nations-transit, last accessed June 20, 2014.

Transformations include using inverse of strength of civil society (so 7 is strongest on scale of 1–7), and square of inverse. One year lagged scores when used as an independent variable.

Corruption—Corruption Perceptions Index (CPI), *Transparency International,* 1997–2012. 2013 data. http://cpi.transparency.org/cpi2013/results/, last accessed June 20, 2014.

Transformations include using inverse of CPI scores (10 is transformed to mean more corruption, on a scale of 1–10), and square of inverse of measures. Lagged effects when used as an independent variable.

Democracy—*Freedom House, Nations in Transit*, 2014 updates. http://www.freedomhouse.org/report-types/nations-transit, last accessed June 20, 2014.

Transformations include using inverse of democracy (so 7 is more democracy, on scale of 1–7), and square of inverse. One year lagged scores when used as an independent variable.

Also Polity IV Project, *Political Regime Characteristics and Transitions*, 1800–2010, http://www.systemicpeace.org/polityproject.html, last accessed July 15, 2015.

Economic Growth—GDP change, *International Monetary Fund, World Economic Outlook Database*, April 2014 updates. Last accessed June 25, 2014. http://www.imf.org/external/pubs/ft/weo/2014/01/weodata/index.aspx. No transformations, one and two-year lagged GDP change figures.

Governance Effectiveness—*International Country Risk Guide*, From Jan Teorell, Marcus Samanni, Soren Holmberg, and Bo Rothstein, *The Quality of Government Basic Dataset*, Version 8, June 2012, University of Gothenburg, QoG Institute, 2012, http://qog.pol.gu.se/data . 0–1 scale.

No transformations, lagged effects.

Inequality–GINI coefficient measures, Branko Milanovic, All the GINIS Dataset. World Bank, Version Summer 2012, http://siteresources.worldbank.org/INTRES/

Resources/469232-1107449512766/all_ginis_Description_dataset.pdf. 0–1 scale, both lagged change figures and absolute levels.

Interpersonal trust—*World Values Survey* (1981–2008) Official Aggregate. v.20090901, 2009. World Values Survey Association (http://www.worldvaluessurvey.org). Aggregate File Producer: ASEP/JDS, Madrid.

Judicial Framework—*Freedom House, Nations in Transit*, 2014 updates. http://www.freedomhouse.org/report-types/nations-transit, last accessed June 20, 2014.

Transformations include using inverse of judicial independence (so 7 is more independent on scale of 1–7), and square of inverse. One year lagged scores.

New Europe Barometer—Source: Rose, Richard. 2010. *New Europe Barometer I–XV Trend Dataset, 1991–2007*. [computer file]. 2nd Edition. Colchester, Essex: UK Data Archive [distributor], July 2010. SN: 5241. The dataset is not balanced, having unequal representation from some countries in a given year, therefore I drew a random sample from the data based on country and year. This balanced the data and reduced the number of observations to approximately 75,000 observations (from 98,000 total) with approximately 7200 observations for each country.

- **Trust in Government**—Question A4f. 1–7 scale.
- **Interpersonal Trust**—QA5f: "Do you trust most people?"
  - The New Democracies Barometer presents two permutations derived from the survey results. I use the 1–7 scale original responses.
- **Social Institutions**—Q A5d—unions and Q A5e—churches. Composite of trust in church and trust in unions—1–7 scale.
- **Trust in Public Institutions**—Q4a-A4j. A composite of trust in the courts, police, the army, parliament, and political parties, original 1–7 scale combined into 1–7 scale—composite constructed by Rose et al.
- **Communism**
  - **Nostalgia**: Question 3a "*We should return to Communist rule?*" —(1 strongly agree, 4, strongly disagree)
  - **Affiliation with the Communist Party,** Q A14: "*Were you or any other person in your family formerly a member of the Communist Party or one of the organizations closely associated with it?*" (Rose 2010). (1–3 scale, 3 is no affiliation).
- **Life Satisfaction**, 1–4 scale, 4 not satisfied
- **Fairness of the Government**—Q A12e1 and A12f1
- **Future Prospects**—Q B3–5, 1–4 scale
- **Current Regime**—QA1 Ranking how our system works –100 worse to 100 best
- **Demographics:** Age (Q E2); Education (QE3, 1–4 scale); Gender (Q E1, Male=1, Female=2)

Strength of Political Opposition—share of opposition vote. From *Database of Political Institutions*. Thorsten Beck, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh, 2001. "New tools in comparative political economy: The Database of Political Institutions," 15, 1: 165–76 (September), World Bank Economic Review. http://go.worldbank.org/2EAGGLRZ40, updated December 2010. Transformed into square of share of vote. One year lagged scores.

Timing of Lustration—The difference between the year of the first lustration policy and the earliest possible start of a lustration program, meaning the year of regime change. Before lustration is enacted, the absence of lustration is coded as the difference between 2012 and the year of regime change. After enactment, timing is coded as the difference between the year of the lustration policy and the year of regime change.

Timing of Lustration Squared—the timing variable is squared.

Trust in Public Institutions, Social Institutions, and Trust in Government—*Standard Eurobarometer Public Opinion Reports*, 2001–2012, http://ec.europa.eu/public_opinion/index_en.htm. Last updated October 2012

Aggregates compiled by author. No imputation of missing data:

- Trust in Public Institutions—mean of trust in political parties, parliament, police, and the judiciary
- Trust in Elected Public Institutions—mean of trust in political parties and parliament
- Trust in Oversight Institutions—mean of trust in press, army policy, and judiciary
- Trust in Social Institutions—mean of trust in the church and unions

Appendix 4

Replications

Table A4.1. Chapter 4 replications of transitional justice and trust in a variety of individual public institutions and composites (Polity IV measures)

Dependent variables (Table and Model reference to original)						
	Trust Public Inst	Trust Oversight Inst.	Trust Elected Inst.	Trust Judiciary	Trust Judiciary	Trust Parliament
	Table 4.5, Model 1	Table 4.6, Model 2	Table 4.7, Model 4	Table 4.8, Model 1	Table 4.8, Model 4	Table 4.9, Model 4
Lustration measures	0.13***	—	–1.36	5.12***	___	—
	(0.04)		(0.90)	(1.22)		
Lustration waves	—	–0.06***	—	—	–5.72***	0.07
		(0.02)			(1.77)	(0.22)
Timing of lustration	0.04*	—	—	0.97	—	—
	(0.02)			(0.70)		
Timing lustration squared	–0.001	—	—	–0.03	—	—
	(0.001)			(0.03)		
Truth commissions	–0.25***	0.002	—	—	1.14	–0.38
	(0.06)	(0.03)			(2.28)	(0.26)
Corruption	–0.01***	–0.002†	–0.27***	–0.45***	–0.51***	–0.04**
	(0.003)	(0.002)	(0.003)	(0.10)	(0.12)	(0.01)
Polity IV—Democracy	–0.10**	0.006	–2.49**	–0.82	1.57	–0.54**
	(0.04)	(0.02)	(0.01)	(0.008)	(1.63)	(0.20)
Economic growth	–0.0007	–0.0004	—	–0.07	–0.07	—
change GDP	(0.004)	(0.002)		(0.16)	(0.33)	
Economic growth	—	—	–0.04	—	—	–0.007
Change GDP/capita			(0.07)			(0.01)
Change inequality	—	—	—	—	2.72	0.41
(2 yr lag)					(8.36)	(1.02)
Strength of political opposition	—	—	0.002	—	—	0.0002
			(0.001)			(0.0001)

(*continued*)

Table A4.1. Continued

Dependent variables (Table and Model reference to original)						
	Trust Public Inst	Trust Oversight Inst.	Trust Elected Inst.	Trust Judiciary	Trust Judiciary	Trust Parliament
	Table 4.5, Model 1	Table 4.6, Model 2	Table 4.7, Model 4	Table 4.8, Model 1	Table 4.8, Model 4	Table 4.9, Model 4
Government effectiveness	—	—	10.17	—	14.62	1.49
			(10.73)		(17.46)	(2.36)
Judicial independence	—	—	—	—	4.81**	—
					(1.75)	
Constant	4.16***	3.96***	3.09***	34.39**	25.26	9.81***
N	90	99	81	90	79	79
Wald χ^2	55.77***	25.73***	20.03**	71.60***	64.19***	21.31**

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Variables lagged one year on dependent variable, unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

There was no change in the significance of lustration or truth commissions.

Table A4 .2. Chapter 5 replications of transitional justice and trust in government and government effectiveness (Polity IV measures)

Dependent variables (Table and Model reference to original)				
	Trust Govt	Trust Govt	Govt Effectiveness	Govt Effectiveness
	Table 5.1, Model 1	Table 5.1, Model 5	Table 5.4, Model 2	Table 5.4, Model 3
Lustration measures	−1.75	—	0.04***	0.03***
	(1.75)		(0.01)	(0.009)
Lustration waves	—	0.11	—	—
		(2.43)		
Timing of lustration	0.38	—	−0.002	—
	(0.98)		(0.006)	
Timing lustration squared	−1.04	—	0.0002	—
	(0.05)		(0.0002)	
Truth commissions	−2.58	−4.44	−0.07***	−0.06***
	(2.81)	(3.38)	(0.02)	(0.02)
Corruption	−0.60***	−0.55***	−0.006***	−0.004***
	(0.14)	(0.16)	(0.0008)	(0.0008)

Polity IV—Democracy	−4.14*	−5.48**	0.02**	0.0009
	(1.85)	(2.22)	(0.006)	(0.007)
Economic growth	0.35	0.84	−0.008***	—
change GDP	(0.22)	(0.47)	(0.002)	
Economic growth	—	—	—	−0.001**
Change GDP/capita				(0.0005)
Inequality	—	−0.04	—	—
		(0.37)		
Change inequality	—	—	—	−0.003
				(0.002)
Strength of political opposition	—	0.003	0.00001	5.48e–06
		(0.002)	(9.33e–06)	(8.61e–06)
Government effectiveness	—	8.44	—	—
		(24.76)		
Constant	91.63***	86.78***	.57***	0.65**
N	108	79	128	115
Wald χ^2	31.38***	27.27***	338.70***	319.36***

Note: Cross-sectional time series FGLS regression analyses, clustered by country. Variables lagged one year on dependent variable, unless otherwise specified. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed *p<0.05, **p<0.01, ***p<0.001.

There was no change in the significance of lustration or truth commissions.

Bibliography

Adler, Nanci. 2013. "Russia," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2.* New York: Cambridge University Press: 404–12.

Almond, Gabriel and Sidney Verba. 1963. *The Civic Culture.* New York: Sage Publications.

Ames Cobián, Rolando and Félix Reátegui. 2009. "Toward Systemic Social Transformation: Truth Commissions and Development," in Pablo de Greiff and Roger Duthie, eds. *Transitional Justice and Development: Making Connections*. New York: Social Science Research Council: 142–69.

Amsterdam, Robert. 2008. "Lustration and the Politics of Memory in Russia," *Amsterdam & Partners LLP*. November 1. https://robertamsterdam.com/lustration_and_the_politics_of_memory_in_russia/, accessed Ocotber 25, 2016.

Anušauskas, Arvydas. 2011."Liustracijos komisija savo darbą padarė (The Lustration Commission Has Done Its Job)" *BNS ir lrytas.lt inf*. May 18, 2011.

Anušauskas, Arvydas. 2012. "Coalition with the KGB" (*Koalicija su KGB), Delfi.lt*, October 1, 2012, http://www.delfi.lt/news/balsuok2012/politikoakimis/aanusauskas-koalicija-su-kgb.d?id=59624659.

Arenhövel, Mark. 2008. "Democratization and Transitional Justice," *Democratization* 15, 3 (June): 570–87.

Auckerman, Miriam. 2002. "Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice," *Harvard Human Rights Journal* 15, 39: 39–97.

Austin, Robert. 2013. "Albania," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice. Vol. 2.* New York: Cambridge University Press: 7–14.

Austin, Robert and Jonathan Ellison. 2008. "Post-Communist Transitional Justice in Albania," *East European Politics and Societies* 22, 2: 373–401.

Backer, David. 2010. "Watching a Bargain Unravel? A Panel Study of Victims' Attitudes about Transitional Justice in Cape Town, South Africa," *International Journal of Transitional Justice* 4 (November): 443–56.

Baeva, Iskra and Evgenia Kalinova. 2010. "Bulgarian Transition and the Memory of the Socialist Past," in Maria Todorova, ed. *Remembering Communism. Genres of Representation*. New York: Social Science Research Council: 57–94.

Baeva, Iskra and Evgenia Kalinova. 2011. "How the Post-1989 Bulgarian Society Perceives the Role of the State Security Service," *Socialism in the Mirror of Transition: East—West*: 391–414.

Baeva, Iskra and Evgenia Kalinova. 2012. "Modern Bulgarian Society and its Notion of the Age of Socialism," *East-West* (Социализмът в огледалото на прехода. Изток—Запад): 415–38.

Balcerowicz, Leszek. 1995. *Socialism, Capitalism, Transformation*. Budapest: Central European University Press.

Balkan Insight. 2008. "Debate Heats Up Over Albania 'Clean Hands' Bill," *Balkan Insight*. December 22. http://www.balkaninsight.com/en/article/debate-heats-up-over-albania-clean-hands-bill, accessed July 20, 2014.

Barahona de Brito, Alexandra, Carmen González-Enríquez, and Paloma Aguilar, eds. 2001. *The Politics of Memory: Transitional Justice in Democratizing Societies*. Oxford: Oxford University Press.

Barrett, Elizabeth, Péter Hack, and Ágnes Munkácsi, 2007. "Lustration as Political Competition: Vetting in Hungary," in Alexander Mayer-Rieckh and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: ICTJ and Social Science Research Council: 260–307.

Bassiouni, M. Cherif. 1996. "Accountability for International Crimes and Serious Violations of Fundamental Human Rights: Searing for Peace and Achieving Justice: the Need for Accountability," *Law and Contemporary Problems* 59, 9: 9–28.

Beck, Thorsten, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh. 2010. "New tools in comparative political economy: The Database of Political Institutions," *World Bank Economic Review* 15, 1: 165–76. http://go.worldbank.org/2EAGGLRZ40. updated December 2010.

Bernhard, Michael and Ruchan Kaya. 2012. "Civil Society and Regime Type in European Post-Communist Countries: The Perspective Two Decades After 1989–1991," *Taiwan Journal of Democracy* 8, 2: 1–13.

Bertschi, C. Charles. 1995. "Lustration and the Transition to Democracy: The Cases of Poland and Bulgaria," *East European Quarterly* XXVIII, 4 (January): 435–51.

Bierzańska, Anna. 2012. "Walesa scorns new informant claim," *PR dla Zagranicy*, 20 February; http://www.thenews.pl/1/9/Artykul/90777,Walesa-scorns-new-informant-claims.

Bikont, Anna. 1992. "Interview with Bogdan Borusewicz: I Don't Believe the Files Were Falsified," *Uncaptive Minds*, translated from *Gazeta Wyorcza* (June 29, 1992) (Summer): 115–22.

Bivol, Alex. 2011. "Bulgarian Constitutional Court repeals lustration of diplomat agents," *The Sofia Echo*, November 24.

Boed, Roman. 1999. "An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice," *Columbia Journal of Transnational Law* 37, 2: 357–402.

Bollen, Kenneth. 2001. *Cross National Indicators of Liberal Democracy*. https://www3.nd.edu/~mcoppedg/QPA/BollenCodebook.pdf, last accessed June 15, 2016.

Bollen, Kenneth and Pamela Paxton. 2000. "Subjective Measures of Liberal Democracy," *Comparative Political Studies* 33, 1: 58–86.

Boston Globe. 2007. "The New Purge in Poland," *The Boston Globe*, April 9.

Braithwaite, Valerie. 1998. "Communal and Exchange Trust Norms: Their Value Base and Relevance to Institutional Trust," in Valerie Braithwaite and Margaret Levi, eds. *Trust in Governance*. New York: Russell Sage Foundation: 46–75.

Braithwaite, Valerie and Margaret Levi, eds. 1998. *Trust and Governance*. New York: Russell Sage Foundation.

Brehm, John and Wendy Rahn. 1997. "Individual level Evidence for the Causes and Consequences of Social Capital," *American Journal of Political Science* 41, 3: 999–1023.

Brown, J.F. 1991. *Surge to Freedom: The End of Communist Rule in Eastern Europe*. Durham: Duke University Press.

Budrytė, Dovilė. 2013. "Lithuania," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2*. New York: Cambridge University Press: 286–93.

Bulgarian Dossier Commission. 2007. Report to the 40th National Assembly, Dossier Commission, http://www.comdos.bg/Доклади_пред_Народното_събрание, accessed August 18, 2013.

Bulgarian Dossier Commission. 2012a. "РЕПУБЛИКА БЪЛГАРИЯ КОМИСИЯ ЗА РАЗКРИВАНЕ НА ДОКУМЕНТИТЕ И ЗА ОБЯВЯВАНЕ НАПРИНАДЛЕЖНОСТ НА БЪЛГАРСКИ ГРАЖДАНИ КЪМ ДЪРЖАВНА СИГУРНОСТ И РАЗУЗНАВАТЕЛНИТЕ СЛУЖБИ НА БЪЛГАРСКАТА НАРОДНА АРМИЯ," (Commission of the Republic of Bulgaria for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army), http://www.comdos.bg/media/Dokladi/doklad–2-2012.pdf, accessed August 15, 2013.

Bulgarian Dossier Commission. 2012b. "Обобщени данни за дейността на КРДОПБГДСРСБНА от 5 април 2007 г. до 1 декември 2011 г). (Summary of Activities April 5, 2007–December 1, 2011). http://www.comdos.bg/Доклади_пред_Народното_събрание, accessed June 15, 2013.

Bulgarian Dossier Commission. Various years. "Reports to the National Assembly." *The Dossier Commission,* http://www.comdos.bg/Доклади_пред_Народното_събрание, last accessed August 16, 2013.

Bunce, Valerie. 1995. "Should Transitologists Be Grounded?" *Slavic Review* 54, 1 (Spring): 111–27.

Center for the Study of Democracy. 2012. "Corruption and Anti-Corruption in Bulgaria (2011–2012)," *CSD Brief* No 35. Sofia, Bulgaria.

Cepl, Vojtěch. 1997. "The Transformation of Hearts and Minds in Eastern Europe," *The Cato Journal* 17, 2: 229–34.

Ciobanu, Claudia. 2008. "Court Suspends Council's Inquiries into Secret Service," *Inter Press Service*. Bucharest, Romania February 11.

Cioflâncă, Adrian. 2002. "Politics of Oblivion in Postcommunist Romania," *Romanian Journal of Political Science* 2, 2: 85–93.

Cleary, Matthew and Susan Stokes. 2006. *Democracy and the Culture of Skepticism: Political Trust in Argentina and Mexico*. New York: Russell Sage Foundation.

Cohen, Stanley. 1995. "State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past," *Law & Social Inquiry* 20, 1: 7–50.

Coleman, James. 1998. "Social Capital in the Creation of Human Capital," *American Journal of Sociology,* 94, Supplement. S95–S120.

Collier, Paul. 2007. *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done about It*. New York: Oxford University Press.

Conquest, Robert. 1986. *Harvest of Sorrows: Soviet Collectivization and the Terror-Famine.* New York: Oxford University Press.

Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2010. *Raport de activitate privind anul 2010 (2010 Annual Activity Report)*. Bucureşti: Romania. http://www.cnsas.ro/rapoarte.html, accessed August 10, 2013.

Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2011. *Raport de activitate privind anul 2011 (2011 Annual Activity Report)*, Bucureşti, Romania. http://www.cnsas.ro/rapoarte.html, accessed August 10, 2013.

Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.). 2012. *Raport de* Bucureşti, Romania, http://www.cnsas.ro/rapoarte.html, accessed August 10, 2013.

Constitutional Court of the Republic of Lithuania. 1999. *On the Compliance of Articles 1 and 2, Part 2 of Article 3 of the Republic of Lithuania Law "On the Assessment of the USSR Committee of State Security (NKVD, NKGB, MGB, KGB) and Present Activities of the Regular Employees of the Organisation*. 4 March 1999." At Constitutional Court of the Republic of Lithuania website. http://www.lrkt.lt/dokumentai/1999/n9a0304a.htm.

Cook, Karen, Russell Hardin, and Margaret Levi. 2005. *Cooperation Without Trust?* New York: Russell Sage Foundation.

Cook, Karen, Eric Rice, and Alexandra Gerbasi. 2004. "The Emergence of Trust Networks under Uncertainty: The Case of Transitional Economies—Insights from Social Psychological Research," in János Kornai, Bo Rothstein and Susan Rose-Ackerman, eds. *Creating Social trust in Post-Socialist Transition*. New York: Palgrave/Macmillan Press: 193–212.

Coppedge, Michael. 2009. *Data Used in Publications on Democratization, http://www3.nd.edu/~mcoppedg/crd/datacrd.htm*, last accessed July 7, 2015.

Council of Europe. 1996. *Measures to Dismantle the Heritage of Former Communist Totalitarian Systems*. Resolution 1096. Parliamentary Assembly. Strasbourg, France: Council of Europe.

Cywinski, Piotr. 1992. "Interview with Joachim Gauck: The Clean-Up Bureau," *Uncaptive Minds*, Summer, translated from *Wprost* (June 14, 1992) (Summer): 123–8.

Czarnota, Adam. 2007. "The Politics of the Lustration Law in Poland, 1989–2006," in Alexander Mayer-Rieckh and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: ICTJ and Social Science Research Council: 222–58.

Dasgupta, Partha. 1988. "Trust as a Commodity," in Diego Gambetta, ed. *Trust: Making and Breaking Cooperative Relations*. Oxford: Basil Blackwell.

David, Roman. 2003. "Lustration Laws in Action: The Motives and Evaluation of Lustration Policy in the Czech Republic and Poland (1989–2001)," *Law and Social Inquiry* 28, 2: 387–489.

David, Roman. 2004. "Transitional injustice? Criteria for conformity of lustration to the right to political expression," *Europe-Asia Studies* 56, 6: 789–812.

David, Roman. 2011. *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland*. Philadelphia: University of Pennsylvania Press.

David, Roman. 2013. "The Czech Republic," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice*. New York: Cambridge University Press: 131–8.

de Greiff, Pablo. 2007. "Vetting and Transitional Justice," in Alexander Mayer-Rieckh and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research Council.

de Greiff, Pablo and Roger Duthie, eds. 2009. *Transitional Justice and Development: Making Connections*. New York: Social Science Research Council.

Delhey, Jan and Kenneth Newton. 2003. "Who Trusts? The origins of social trust in seven societies," *European Societies* 5, 2: 93–137.

Demeš, Pavol. 2010. *Twenty Years of Western Democracy Assistance in Central and Eastern Europe*. Stockholm: International Institute for Democracy and Electoral Assistance. Available at http://www.idea.int/resources/analysis/upload/Demes_low_2.pdf.

Department of Statistics to the Government of the Republic of Lithuania (Statistics Lithuania). 2005. "'Population by some ethnicities by county and municipality (2001 Census)'" http://www.stat.gov.lt/en/lietuvos-statistikos-sistema1, accessed October 25, 2016.

Donovan, Todd, Carolyn Tolbert, and Dan Smith. 2009. "Political engagement, mobilization and direct democracy," *Public Opinion Quarterly* 73: 98–118.

Dossier Commission. 2013. "E. Kostadinov: Doubts Remain if the Commission will close before all of the DS Files are Open," October 12, http://www.comdos.bg/mediite-za-nas/p/page/5/openPost/2639, last accessed June 1, 2016.

The Economist. 2007. "Poland and the Past: Tainted Vestments," *The Economist*, January 13, p. 47.

The Economist. 2014. "The Curse of Corruption in Ukraine," *The Economist*, June 14, p. 49.

Ekiert, Grzegorz and Roberto Foa. 2011. "Civil Society Weakness in Post-Communist Europe: A Preliminary Assessment." *Carlo Alberto Notebooks*, Working Paper No. 198 (January). http://www.carloalberto.org/working_papers.

Ellis, Mark. 1997. "Purging the Past: The Current State of Lustration Laws in the Former Communist Bloc," *Law and Contemporary Problems* 59, 4: 181–96.

Elster, Jon. 2004. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge: Cambridge University Press.

Elster, Jon. 2006. "Retribution," in Jon Elster, ed. *Retribution and Reparation in the Transition to Democracy*. New York: Cambridge University Press: 33–56.

EN.15MIN.LT. 2013. "Lithuania's Lustration Commission proposes ending lustration process," *EN.15MIN.LT*, January 24, http://www.15min.lt/en/article/in-lithuania/lithuania-s-lustration-commission-proposes-ending-lustration-process-525-299844.

Engelbrekt, Kjell and Duncan Perry. 1992. "The Conviction of Bulgaria's Former Leader," *RFE/RL Research Report.* Vol. 1, No. 42 (October 23).

European Commission for Democracy Through Law (Venice Commission), *Final Opinion on the Law on Government Cleansing (Lustration Law) of Ukraine*, Opinion No. 788/2014, CDL-AD (2015)012, Venice, 19 June 2015.

European Court of Human Rights (ECtHR). 1986a. *Case of Glasenapp v. Germany*, Judgment 9228/80. August 28, 1986. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 1986b. *Case of Kosiek v. Germany*, Judgment 9704/82. August 28, 1986. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 1995. *Vogt v. Germany*, Final 7/1994/454/535. September 2, 1995. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 1999. *Rekvényi v. Hungary*, Judgment 25390/94. May 20, 1999. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2004. *Case of Sidabras and Dziautas v. Lithuania*, Final 55480/00 and 59330/00. July 27, 2004. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2005. *Case of Rainys and Gasparavičius v. Lithuania*, Judgment 70665/01 and 74345/01. July 7, 2005. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2006. *Case of Ždanoka v. Latvia*, Judgment 58278/00. March 16, 2006. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2007. Case of Bobek v. Poland. 68761/01. July 17, 2007. Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2008. *Affaire Ādamsons c Lettonie (Requête no. 3669/03) Arrêt, Strasbourg 24 juin 2009, définitif 01/12/2008.* Strasbourg: Council of Europe.

European Court of Human Rights (ECtHR). 2009. Case of Žičkus v Lithuania. Application no. 26652/02. Judgment, Strasbourg: Council of Europe. April 7, 2009.

European Network of Official Authorities in Charge of the Secret-Police Files. 2009. *A Reader on their Legal Foundations, Structures and Activities.* Berlin: Die Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik.

Freedom House. 2012. *Nations in Transit.* http://www.freedomhouse.org/sites/default/files/2012%20%20NIT%20Tables.pdf.

Fukuyama, Francis. 1995. *Trust: The Social Virtues and the Creation of Prosperity*. New York: Free Press Paperbacks Book.

Gambetta, Diego. 1998. *Trust: Making and Breaking Cooperative Relations*. New York: Basil Blackwell.

Garton-Ash, Timothy. 2000. "Trials, Purges and History Lessons in History of the Present" in *History of the Present: Essays, Sketches, and Dispatches from Europe in the 1990s*. Penguin: 294–314, reprinted at http://www.decommunization.org/English/Articles/Ash.htm.

Gentle, Peter. 2012. "Left says state historical institute does 'more harm than communists'," *PR dla Zagranicy,* January 18, 2012, http://www.thenews.pl/1/9/Artykul/83599,Left-says-state-historical-institute-does-more-harm-than-communists.

Gerschenkron, Alexander. 1962. *Economic Backwardness in Historical Perspective*. Cambridge, MA: Belknap Press of Harvard University.

Gibney, Mark. 1997. "Prosecuting Human Rights Violations From a Previous Regime: The East European Experience," *East European Quarterly* 31, 1: 93–110.

Gibson, James. 2009. "Taking Stock of Truth and Reconciliation in South Africa: Assessing Citizen Attitudes through Surveys," in Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman, eds. *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*. Washington, DC: U.S. Institute of Peace: 173–90.

Goldstone, Richard J. 2000. "Reconstructing Peace in Fragmented Societies," *Center for Development Research, ZEF Bonn*, Facing Ethnic Conflicts, December 14–16.

Gorbachev, Mikhail. 1987. *Perestroika: New Thinking for Our Country and the World*. New York: Harper and Row.

Government of Estonia. 1995. Law on Citizenship, Adopted by the Riigikogu on 19 January 1995 Proclaimed as Law by the President of Estonia, January 31, 1995. http://www.uta.edu/cpsees/estoncit.htm.

Grigorescu, Alexandru. 2006. "The Corruption Eruption in East-Central Europe: The Increased Salience of Corruption and the Role of Intergovernmental Organizations," *East European Politics and Societies* 20, 3: 516–49.

Grodsky, Brian. 2010. *The Costs of Justice: How New Leaders Respond to Previous Rights Abuses*. Notre Dame, Indiana: University of Notre Dame Press.

Hadenius, Alex and Jan Teorell. 2005. "Assessing Alternative Indices of Democracy," *Political Concepts Working Paper Series, Committee on Concepts and Methods*. August. http://www.concepts-methods.org/.

Halami, Gábor and Kim Lane Scheppele. 1997. "Living Well is the Best Revenge: The Hungarian Approach to Judging the Past," in A. James McAdams, ed. *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame: University of Notre Dame Press: 155–84.

Hardin, Russell. 1998. "Trust in government," in Valerie Braithwaite and Margaret Levi, eds. *Trust in Governance*. New York: Russell Sage Foundation: 9–27.

Hardin, Russell. 1999. "Do we want trust in government?" in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 22–41.

Hardin, Russell. 2002. *Trust and Trustworthiness*. New York: Russell Sage Foundation.

Hardin, Russell. 2003. "Gaming trust," in Elinor Ostrom and James Walker, eds. *Trust and Reciprocity: Interdisciplinary Lessons from Experimental Research*. New York: Russell Sage Foundation: 80–101.

Hardin, Russell. 2004. "Distrust: Manifestations and Management," in Russell Hardin, ed. *Distrust*. New York: Russell Sage Foundation: 3–33.

Harré, Rom. 1999. "Trust and its surrogates: psychological foundations of political process," in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 249–72.

Hatschikjan, Magarditsch, ed. 2004. *Past and Present: Consequences for Democratisation*. Proceedings of the Seminar Organised within the Project *Disclosing hidden history: Lustration in the Western Balkans*. July 2–4, 2004. Center for Democracy and Reconciliation in Southeast Europe.

Havel, Václav. 1985. *Power of the Powerless: Citizens against the state in Central-eastern Europe*. New York: Palach Press.

Hayner, Priscilla. 1994. "Fifteen Truth Commissions - 1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16, 4: 597–655.

Hayner, Priscilla. 2001. *Unspeakable Truths: Facing the Challenge of Truth Commissions*. New York: Routledge Press.

Hayner, Priscilla. 2011. Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions. 2nd edition. New York: Routledge Press.

Hodgson, Robert. 2012. "Communist-era files in limbo again," *The Budapest Times*, March 23. http://www.budapesttimes.hu/2012/03/23/communist-era-files-in-limbo-again/.

Horne, Cynthia M. 2009a. "International Legal Rulings on Lustration Policies in Central and Eastern Europe: Rule of Law in Historical Context," *Law & Social Inquiry* 34, 3: 713–44.

Horne, Cynthia M. 2009b. "Late Lustration Programs in Romania and Poland: Supporting or Undermining Democratic Transitions?" *Democratization* 16, 2: 344–76.

Horne, Cynthia M. 2012. "Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe." *Comparative Political Studies* 45, 4: 412–46.

Horne, Cynthia M. 2014. "The Impact of Lustration on Democratization in Post-Communist Countries," *International Journal of Transitional Justice* 8, 3: 496–521.

Horne, Cynthia. 2015. "Silent Lustration: Public Disclosures as Informal Lustration Mechanisms in Bulgaria and Romania," *Problems of Post-Communism* 62 (May): 131–44.

Horne, Cynthia and Margaret Levi. 2004. "Does Lustration Promote Trustworthy Governance? An Exploration of the Experience of Central and Eastern Europe," in János Kornai and Susan Rose-Ackerman, eds. *Building a Trustworthy State in Post-Socialist Transition*. New York: Palgrave/Macmillan Press.

Howard, Marc Morjé. 2002. *The Weakness of Civil Society in Post-Communist Europe.* New York: Cambridge University Press.

Hristov, Hristo and Alexander Kashumov. 2012. "Justice and accountability mechanisms in Bulgaria in the transition period (1989–2008)," in Vesselin Popovski and Mónica Serrano, eds. *After oppression: Transitional justice in Latin America and Eastern Europe*. Tokyo: United Nations Press: 273–97.

Human Rights Organization. 2012. "In Memory of Galina Starovoitova." *Rights in Russia. 20 November.* http://hro.rightsinrussia.info/archive/politicians/starovoitova/in-memory, accessed August 14, 2014.

Human Rights Watch. 2014. "Ukraine: New Law Violates Judicial Independence." April 10. http://www.hrw.org/news/2014/04/09/ukraine-new-law-violates-judicial-independence, accessed August 5, 2014.

Humanitarian Law Center. 2011. "Vetting," *Humanitarian Law Center: Documentation and Memory*. http://www.rbf.org/grantees/humanitarian-law-center-documentation-and-memory.

Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.

Huyse, Luc. 1995. "Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past," *Law & Social Inquiry* 20, 1: 51–78.

Iancu, Bogdan. 2010. "Post-Accession Constitutionalism with a Human Face: Judicial Reform and Lustration in Romania," *European Constitutional Law Review* 6, 1: 28–58.

Iliev, Nick. 2008. "66 secret service personnel in Bulgarian National Radio revealed," *The Sofia Echo*. December 18.

Imholz, Kathleen. 1993. "A Landmark Constitutional Court Decision in Albania," *East European Constitutional Review* 2, 3: 23–5.

Imholz, Kathleen, trans. 2004a. Law Nr. 7666 dated 26.1.1993 "On the Creation of a Commission to Re-assess Licenses for the Exercise of Advocacy and for an Amendment

to Law Nr. 7541 dated 18.12.1991 –On Advocacy in the Republic of Albania," http://www.lustration.net/albania_documentation.pdf, accessed July 31, 2014.

Imholz, Kathleen, trans. 2004b. Law Nr. 8001, dated 22 September 1995, "On Genocide and Crimes Against Humanity Committed in Albania during the Communist Regime for Political, Ideological and Religious Reasons" (the Genocide Law), see http://www.lustration.net/albania_documentation.pdf, accessed July 31, 2014.

Imholz, Kathleen, trans. 2004c. Law Nr. 8043, dated 30 November 1995, "On the Control of the Moral Figure of Officials and Other Persons Connected with the Protection of the Democratic State" (The Verification Law), see http://www.lustration.net/albania_documentation.pdf, accessed July 31, 2014.

Ingelhart, Ronald. 1997. *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies*. Princeton: Princeton University Press.

Ingelhart, Ronald. 1999. "Trust, well-being and democracy," in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 88–120.

Instytut Pamięci Narodowej. 2012. *Informacja O Działalności Instytut Pamięci Narodowej—Komisji Ścigania Zbrodni Przeciwko Narodowi Polskiemu*. Warsawa 2012.

Janos, Andrew. 2000. *East Central Europe in the Modern World*. Stanford: Stanford University Press.

Jaskovska, Eva and John Moran. 2006. "Justice of Politics? Criminal, Civil and Political Adjudication in the Newly Independent Baltic States," *Journal of Communist Studies and Transition Politics* 22, 4: 485–506.

Johnston, Michael. 2006. *Syndromes of Corruption: Wealth, Power and Democracy*. New York: Cambridge University Press.

Kaase, Max. 1999. "Interpersonal Trust, Political Trust and Non-institutionalised Political Participation in Western Europe," *West European Politics* 22, 3: 1–21.

Kaminski, Marek and Monika Nalepa. 2006. "Judging Transitional Justice: A New Criterion for Evaluating Truth Revelation Procedures," *Journal of Conflict Resolution* 50, 3: 383–408.

Khrushchev, Nikita. 1970. *Khrushchev Remembers*. Trans. Strobe Talbott. Boston: Little, Brown and Company.

Kiss, Csilla. 2006. "*The Misuses of Manipulation: The Failure of Transitional Justice in Post-Communist Hungary,*" Europe-Asia Studies 58, 6: 925–40.

Kiss, Csilla. 2009. "Transitional Justice—The (Re)Construction of Post-communist Memory," in Ene Kõressar, Epp Kauk and Kristin Kuutma, eds. *The Burden of Remembering*. Helsinki: Finnish Literature Society.

Kiss, Csilla. 2013. "Hungary," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2.* New York: Cambridge University Press: 230–6.

Kornai, János and Susan Rose- Ackerman, eds. 2004. *Building a Trustworthy State in Post-Socialist Transition*. New York: Palgrave/Macmillan Press.

Kornai, János, Bo Rothstein and Susan Rose-Ackerman, eds. 2004. *Creating Social Trust in Post-Socialist Transition*. New York: Palgrave/Macmillan Press.

Kosc, Wojciech. 2005. "Poland: Wildstein's List," *Transitions Online, Policy Briefs*, 1–7 February, http://www.tol.org/client/article/13493-wildsteins-list.html?print, accessed February 4, 2014.

Kostadinov, Petar. 2008. "Communist-era secret agents: Bulgarian National Television journalists exposed," *The Sofia Echo*, November 26.

Kostadinov, Petar. 2009. "Keeping the 'bad' guys out," *The Sofia Echo*, September 4.

Kritz, Neil, ed. 1995. *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes.* Washington, DC: United States Institute of Peace Studies, Vol. 1, 2, and 3.

Kritz, Neil, ed. 1995a. Bulgaria: Constitutional Court Decision on the Panev Law, Constitutional Court Case No. 32, Decision No. 1 (February 11, 1993), In. *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 300–2.

Kritz, Neil, ed. 1995b. Bulgaria: Law on Banks and Credit Activity, No. 25 of March 18, 1992. In. *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 293.

Kritz, Neil, ed. 1995c. Bulgaria: Law for Temporary Introduction of Some Additional Requirements for the Members of the Executive Bodies of Scientific Organizations and the Higher Certifying Commission ("Panev Law"). December 9, 1992. In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 296–9.

Kritz, Neil, ed. 1995d. Czech and Slovak Federal Republic: Screening ("Lustration") Law, Act No. 451/1991 (October 4, 1991). In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 312–21.

Kritz, Neil, ed. 1995e. Czech Republic: Constitutional Court Decision on the Screening Law (November 26, 1992). In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 351.

Kritz, Neil, ed. 1995f. Czech Republic: Law on the Mitigation of the Consequences of Certain Property Losses ("Small Restitution Law") Act No. 403/1990, October 2, 1990; and Law on Extrajudicial Rehabilitation ("Large Restitution Law") February 21, 1991, In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies.

Kritz, Neil, ed. 1995g. Czech Republic: Speech by Petr Toman, Spokesman of the Parliamentary Investigative Commission for the Clarification of the Events of November 17, 1989, to the Czechoslovak Federal Assembly on March 22 1991. In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 307–11.

Kritz, Neil, ed. 1995h. Hungary: Law on Background Checks to Be Conducted on Individuals Holding Certain Important Positions, Law No. 23 (March 8, 1994). In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 418–25.

Kritz, Neil, ed. 1995i. Lithuania: Decree Banning KGB Employees and Informers from Government Positions. Decree No. 418 (October 12, 1991). In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 427.

Kritz, Neil, ed. 1995j. Lithuania: Law on the Procedures and conditions of the Restoration of the Right of Ownership of Existing Real Property, June 18, 1991, In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 770–82.

Kritz, Neil, ed. 1995k. Lithuania: Law on the Verification of Mandates of Those Deputies accused of Consciously Collaborating with Special Services of Other States. Law No. I-2115 (December 17, 1991). In *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes, Vol. 3.* Washington, DC: United States Institute of Peace Studies: 428–31.

Kritz, Neil. 1997. "Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights," *Law and Contemporary Problems* 20, 1: 7–50.

Kritz, Neil. 2009. "Policy Implications of Empirical Research on Transitional Justice," in Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman, eds. *Assessing the Impact of Transitional Justice*. Washington, DC: U.S. Institute of Peace: 13–21.

Kuzio, Taras. 2009. "Ukrainian Intelligence Promotes Lustration in Ukraine," *Eurasia Daily Monitor* 6, 108 (June 5), http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=35090&tx_ttnews%5BbackPid%5D=381.

Latvian Constitutional Court (Satversmes tiesa). 2000. Case No. 2000-03-01, Judgment August 30, 2000.

Latvian Constitutional Court (Satversmes tiesa). Case No. 2004-13-0106, Judgment, March 22, 2005, http://www.satv.tiesa.gov.lv/wp-content/uploads/2004/06/2004-13-0106_Spriedums_ENG-1.pdf.

Latvijas Statistika, Available Tables on Population-Number and Change. http://www.csb.gov.lv/en/statistikas-temas/metodologija/number-population-and-key-demographic-indicators-36808.html, accessed September 12, 2012.

Law for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army. 2006. Bulgarian law portal http://lex.bg/bg/laws/ldoc/2135540283, accessed September 26, 2013.

Law of Ukraine No. 1188-VII, "On Restoring Confidence in the Judiciary in Ukraine," Verkhovna Rada (VVR), 2014, No. 23, st. 870, [in Ukrainian], Act of 8 April 2014. http://zakon4.rada.gov.ua/laws/show/1188-18/, accessed October 14, 2016.

Law of Ukraine No. 1682-VII, "On the Law on Government Cleansing (Lustration Law)," Verkhovna Rada (VVR), 2014, No. 44, st. 2041, [in Ukrainian], Act of April 8, 2014. http://zakon4.rada.gov.ua/laws/show/1682-18/, accessed September 25, 2016.

Ledeneva, Alena. 2008. *Russia's Economy of Favours: Blat, Networking and Informal Exchange*. Cambridge: Cambridge University Press.

Leśkiewicz, Rafał and Pavel Žáček, eds. 2013. *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.

Letki, Natalia. 2002. "Lustration and Democratisation in East-Central Europe," *Europe-Asia Studies* 54, 4: 529–52.

Levi, Margaret. 1996. "Social and Unsocial Capital: A Review Essay of Robert Putnam's *Making Democracy Work*," *Politics and Society* 24 (March): 45–55.
Levi, Margaret. 1997. *Consent, Dissent, and Patriotism.* New York: Cambridge University Press.
Levi, Margaret. 1998. "A State of Trust," in Valerie Braithwaite and Margaret Levi, eds. *Trust in Governance*. New York: Russell Sage Foundation: 77–101.
Levi, Margaret and Laura Stoker. 2000. "Political Trust and Trustworthiness," *Annual Review of Political Science* 3: 475–507.
Leviev-Sawyer, Clive. 2011a. "Bulgaria's Parliament Approves First Reading of Changes to Diplomatic Service Act," *The Sofia Echo*. June 23.
Leviev-Sawyer, Clive. 2011b. "Dispatching Diplomats," *The Sofia Echo*, January 21.
Leviev-Sawyer, Clive. 2011c. "Ringing the Changes," *The Sofia Echo*, January 28.
Leviev-Sawyer, Clive. 2012a. "The Dossiers Dossier," *The Sofia Echo*, February 17.
Leviev-Sawyer, Clive. 2012b. "Eleven out of 15 members of Bulgarian Orthodox Church's Holy Synod worked for communist State Security," *The Sofia Echo*, January 17.
Leviev-Sawyer, Clive. 2012c. "Men in Black: What did Bulgarian Orthodox Church Clergy Do while Spying for the Communist State?," *The Sofia Echo*, January 18.
Lós Maria. 1995. "Lustration and Truth Claims: Unfinished Revolutions in Central Europe," *Law & Social Inquiry* 20, 1: 117–61.
Lós Maria and Andrzej Zybertowicz. 2000. *Privatizing the Police State: The Case of Poland.* New York: Palgrave Macmillan.
Luhmann, Niklas. 1979. *Trust and Power*. Chichester: John Wiley & Sons Inc.
Lutz, Ellen and Kathryn Sikkink. 2001. "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America," *Chicago Journal of International Law* 2, 1: 1–34.
Maxfield, ed. 2013. "Romania," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2.* New York: Cambridge University Press: 7–14.
Mayer-Rieckh and Pablo de Greiff, eds. 2007. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research Council.
Mayer-Rieckh, Alexander. 2007. "On Preventing Abuse: Vetting and Other Transitional Reforms," in Alexander Mayer-Rieckh and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research Council: 482–521.
Mayer-Rieckh, Alexander and Roger Duthie. 2009. "Enhancing Justice and Development through Justice-Sensitive Security Sector Reform," in Pablo de Greiff and Roger Duthie, eds. *Transitional Justice and Development: Making Connections*. New York: Social Science Research Council: 214–48.
McAdams, A. James. 1997. "Communism on Trial: The East German Past and the German Future," in McAdams, ed. *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame: University of Notre Dame Press: 239–67.
McLaughlin, Daniel. 2006. "Thousands may lose job in Polish 'purge'," *Irish Times*, p. 9.
Medrano, Jaime Diez. 2010 "Interpersonal Trust," *World Values Survey Archive and (ASEPJDS)*, 4, available at: http://www.jdsurvey.net/jds/jdsurveyMaps.jsp?Idioma=I&SeccionTexto=0404&NOID=104, accessed July 4, 2016.

Metodiev, Momchil. 2010. *The Orthodox Church and the Communist State in Bulgaria (1944–198)*. Sofia: the Institute for Studies of the Recent Past, Open Society Institute and Ciela Publishers.

Metodiev, Momchil. 2013. "Bulgaria," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2.* New York: Cambridge University Press: 73–9.

Michnik, Adam, and Václav Havel. 1993. "Justice or Revenge," *Journal of Democracy* 4, 1: 20–7.

Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press.

Minow, Martha. 2008. "Making History or Making Peace: When Prosecutions Should Give Way to Truth Commissions and Peace Negotiations," *Journal of Human Rights* 7, 2: 174–85.

Mishler, William and Rose, Richard. 1995. *Trust, Distrust, and Skepticism about Institutions of Civil Society*, Studies in Public Policy No. 252. Glasgow, Centre for the Study of Public Policy, University of Strathclyde.

Mishler, William and Rose, Richard. 2001. "What Are the Origins of Political Trust? Testing Institutional and Cultural Theories in Post-Communist Societies," *Comparative Political Studies* 34, 1: 30–62.

Montinola, Gabriella. 2009. "Proxies and Experience as Bases of Trust in Courts," in Karen Cook, Margaret Levi, Russell Hardin, eds. *Whom Can We Trust? How Groups, Networks, and Institutions Make Trust Possible*. New York: Russell Sage Foundation: 286–307.

Moran, John. 1994. "The Communist Tortures of Eastern Europe: Prosecute and Punish or Forgive and Forget?" *Communist and Post-Communist Studies* 27, 1: 95–109.

Moyo, Dambisa. 2010. *Dead Aid: Why Aid Is Not Working and How There Is a Better Way for Africa*. New York: Farrar, Straus and Giroux.

Myers, Steven Lee. 2002. "A Russian Crime Drama Deepens with Arrests," *The New York Times*, November 21.

Naegele, Joylon. 2002. "Hungary: Prime Minister Says He Was A Counterespionage Agent," *Radio Free Europe/Radio Liberty On-line Reports*, June 19.

Najfeld, Joanna. 2007. "Poland's New 'Lustration' Law Has Some Journalists Nervous," *Polish Radio External Service*, March 12, http://www.freerepublic.com/focus/f-news/1799590/posts, last accessed March 24, 2014.

Nalepa, Monika. 2010. *Skeletons in the Closet: Transitional Justice in Post-Communist Europe.* New York: Cambridge University Press.

Nalepa, Monika. 2013. "Lustration," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice*. New York: Cambridge University Press: 46–51.

Nedelsky, Nadya. 2004. "Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *Theory and Society* 33: 65–115.

Nedelsky, Nadya. 2009. "Czechoslovakia and the Czech and Slovak Republics," in Lavinia Stan, ed. *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*. New York: Routledge Press: 37–75.

Nedelsky, Nadya. 2013. "Slovak Republic," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice*. New York: Cambridge University Press: 433–9.

Neff, Michael. 1992. "Eastern Europe's Policy of Restitution of Property in the 1990s" as excerpted in Neil Kritz, ed. 1995. *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes*. Washington, DC: United States Institute of Peace Studies: 685–7.

Newton, Kenneth. 2007. "Social and Political Trust," in Russell Dalton and Hans-Dieter Klingemann, eds. *The Oxford Handbook of Political Behavior*. Oxford: Oxford University Press: 342–61.

O'Donnell, Guillermo and Philippe Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: The Johns Hopkins University Press.

Offe, Claus. 1992. "Coming to Terms with Past Injustices: An Introduction to Legal Strategies Available in Post-communist Societies," *Archives Européennes de Sociologie* 33, 1: 195–201.

Offe, Claus. 1996. *Varieties of Transition: The East European and East German Experience*. London: Cambridge University Press.

Offe, Claus. 1999. "How Can We Trust Our Fellow Citizens," in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 42–87.

Olsen, Tricia, Leigh Payne, and Andrew Reiter. 2010. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington, DC: United States Institute of Peace Press.

Olsen, Tricia, Leigh Payne, Andrew Reiter, and Eric Wiebelhaus-Brahm. 2010. "Why Truth Commissions Improve Human Rights," *The International Journal of Transitional Justice* 4, 3: 457–76.

Oltay, Edith. 1994. "Hungary's Screening Law." *RFE/RL Research Report*. Vol. 3, No. 15, April 15.

OSCE/ODIHR Office for Democratic Institutions and Human Rights. 2007. Republic of Latvia Parliamentary Elections 7 October 2006: OSCE/ODIHR Limited Election Observation Mission Final Report. Warsaw, Poland, February 8, 2007.

Owen, Gerald. 2007. "A Revolution Purges Its Own," *National Post*, January 12.

Oxford English Dictionary. 2016. "Lustration," On-line version, http://www.oed.com.ezproxy.library.wwu.edu/view/Entry/111398?redirectedFrom=lustration#eid.

Paczolay, Peter. 1992. "Judicial Review of Compensation Law in Hungary," excerpted from *Michigan Journal of International Law* 13, 3, in Neil Kritz, ed. 1995 *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes.* Washington, D.C.: United States Institute of Peace Studies: 652–3.

Paczynska, Agnieszka. 2005. "Inequality, Political Participation, and Democratic Deepening in Poland," *East European Politics and Societies* 19, 4: 573–613.

Parliament of Romania. 2006. *Draft Law on Lustration, the temporary restriction of access to some public functions and dignities of people who were part of the power structures and the repressive apparatus of the communist regime.* Joint Report with Chamber of Deputies. No. 31/463/2006 and No. 25/334/2006, Bucharest, Romania.

Patterson, Orlando. 1999. "Democracy and Social Capital," in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 121–50.

Pettai, Eva-Clarita. 2013. "Center for the Documentation of the Consequences of Totalitarianism/Totalitārisma seku dokumentēšanas centrs (Latvia)," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 3*. New York: Cambridge University Press: 26–31.

Pettai, Eva-Clarita and Vello Pettai. 2014. *Transitional and Retrospective Justice in the Baltic States*. New York: Cambridge University Press.

Pettai, Vello. 2013. "Estonia," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2*. New York: Cambridge University Press: 161–7.

Piasecka, Agnieszka. 2014. Summary of Legislative Work on Lustration Act No. 4359 'On Purification of Government,' The Open Dialogue Foundation, November 19.

Platt, Alexander, Ladak Imtiaz, Goodman, Alan, and Nicely, Matthew. 1992. "Compensating Former Political Prisoners: An Overview of Developments in Central and Eastern Europe," as excerpted in Neil Kritz, ed. 1995. *Transitional Justice*: *How Emerging Democracies Reckon with Former Regimes*. Washington, DC: United States Institute of Peace Studies: 691–2 (original is unpublished paper).

Polish Constitutional Tribunal *(Trybunal Konstytucyjny)*. 2007. Constitutional Court Judgment of May 11, 2007, file Ref. No. K 2/07 LUSTRATION.

Polityka. 2006. "Polish Report Views Impact of Secret Service Reforms, 'Unprecedented Suspicion,'" *Polityka* in *BBC Monitoring European*, November 4.

Popova, Maria. 2014. "Why Kiev's Plans to Purge the Judiciary Will Backfire," *Foreign Affairs*, April 15.

Posner, Eric and Adrian Vermeule. 2004. "Transitional Justice as Ordinary Justice," *Harvard Law Review* 117, 3: 761–825.

PR dla Zagranicy. 2012. "Left Calls for End to National Remembrance Institute," January 16, 2012, http://www.thenews.pl/1/9/Artykul/83444,Left-calls-for-end-to-National-Remembrance-Institute.

Priban, Jiri. 2007. "Oppressors and Their Victims: The Czech Lustration Law and the Rule of Law," in Alexander Mayer-Riechkh and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research Council: 308–47.

Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.

Putnam, Robert. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster.

Radio Romania International. 2006. "The Lustration Law Under Public Debate," May 12.

Raiser, Martin, Alan Rousso, and Franklin Steves. 2004. "Measuring Trust in Transition: Preliminary Findings from 26 Transition Economies," in János Kornai, Bo Rothstein and Susan Rose-Ackerman, eds. *Creating Social Trust in Post-Socialist Transition*. New York: Palgrave/Macmillan Press: 55–70.

Ramet, Sabrina. 1995. *Social Currents in Eastern Europe: The Sources and Consequences of the Great Transformation*. Durham: Duke University Press.

Ramet, Sabrina. ed. 1998. *Eastern Europe: Politics, Culture, and Society Since 1939.* Bloomington: University of Indiana Press.

Republic of Lithuania. 1999. *Law on Registering, Confession, Entry into Records and Protection of Persons who have Admitted to Secret Collaboration with Special Services of the Former USSR, November 23, 1999*, No. VIII-1436, Vilnius. Official Translation. From website of Seimas of the Republic of Lithuania, http://www.parliament.ge/files/437_1262_432392_lustrationlawLithuania.pdf, last accessed June 6, 2016.

RFE/RL. 1998. "Lithuanian Lawmakers Back Adamkus Over Lustration Law," *RFE/RL*, July 17.

RFE/RL. 1998. "Lithuanian Parliament Passes Lustration Law," *RFE/RL Central and Eastern Europe*, June 29.

RFE/RL. 1998. "Lithuanian President Not to Sign Lustration Law." *RFE/RL Newsline*, July 10.

RFE/RL. 1999. "Lithuania Places Job Restrictions on 87 Former KGB Operatives," *RFE/RL Newsline*, November 18.

RFE/RL. 1999. "Lithuanian President Delays Forming 'Lustration' Commission and Lithuanian President to Wait for Court Ruling on Lustration Law," *RFE/RL Central and Eastern Europe*, January 5.

RFE/RL. 1999. "Lithuanian Publishes Lists of Jobs Off-Limits for Former KGB Employees." *RFE/RL Central and Eastern Europe*, January 15.

RFE/RL. 2000. "Czech Lower House Prolongs Lustration Laws," *RFE/RL Newsline*, September 22.

RFE/RL. 2000. "Lithuanians Acknowledge KGB Links," *RFE/RL Baltic States Report*, Vol. 1, No. 28, August 16.

RFE/RL. 2000. "Slovak Premier Says Lustration Behind Country's Problems," *RFE/RL NEWSLINE*, October 2.

RFE/RL. 2000. "Some 1,500 Lithuanians Confess to KGB Links," *RFE/RL Newsline*, Vol. 2, No. 28, August 8.

RFE/RL. 2001. "Constitutional Court Rejects Plea to Abolish Lustration Laws," *RFE/RL*, Vol. 2, No. 49, December 13.

RFE/RL. 2001. "Slovak Official Fears Former Communist Secret Service Agents Employed in Sensitive Positions," *RFE/RL Newsline*, June 7.

RFE/RL. 2002. "Are Former *StB* Agents Running on SNS Lists in Slovak Elections?" *RFE/RL Newsline* Vol. 6, No. 154, August 16.

RFE/RL. 2002. "As Coalition Demands Guarantees on Screening Law," *RFE/RL Newsline*, July 1.

RFE/RL. 2002. "AS Poll Reiterates that Public Doesn't Care," *RFE/RL Newsline*, Vol. 6, No. 180, September 24.

RFE/RL. 2002. "Hungarian Opposition Criticizes Vetting Bills," *RFE/RL* Newsline, Vol. 6, No. 172, September 12.

RFE/RL. 2002. "Hungary's FIDESZ Says Mecs Commission Running 'Politically Amok," *RFE/RL Newsline*, Vol. 6, No. 164, Part II, August 30.

RFE/RL. 2002. "NATO Dissatisfied with Slovak Vetting Process," *RFE/RL Newsline*, January 31.

RFE/RL. 2002. "Slovak Parliament Overrides Presidential Veto," *RFE/RL Newsline*, Vol. 6, No. 157, August 21.

RFE/RL. 2002. "Slovakia Makes Files from Communist and Nazi Eras Public," *RFE/RL Newsline*, Vol. 6, No. 128, July 11.

Robertson, David. 2003. *A Problem of Their Own, Solutions of Their Own: CEE Jurisdictions and the Problems of Lustration and Retroactivity*. Implications of enlargement for the rule of law and constitutionalism in post-communist legal orders, Florence, Italy: European Union Institute.

Roht-Arriaza, Naomi. 2009. "Forward," in Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman, eds. *Assessing the Impact of Transitional Justice:* Washington, DC: U.S. Institute of Peace.

Romanian Constitutional Court (Curtea Constiţutională a României). 2008. Decision No. 51 of January 31, 2008.

Romanian Constitutional Court (Curtea Constiţutională a României). 2010. *Constitutional Court Decision No. 820/2010, on the objection of unconstitutionality of provision of the lustration law,* as published in the *Official Gazette,* No. 420 of June 23, 2010.

Rose, Richard. 1998. *New Democracies Barometer V: A 12 Nation Study*. Studies in Public Policy No. 306. Centre for the Study of Public Policy, University of Strathclyde, Glasgow.

Rose, Richard. 2010. *New Europe Barometer I–XV Trend Dataset, 1991–2007*. [computer file]. 2nd Edition. Colchester, Essex: UK Data Archive [distributor], July 2010. SN: 5241.

Rose, Richard, William Mishler, and Christian Haerpfer. 1998. *Democracy and its Alternatives: Understanding Post-Communist Societies*. Baltimore, The Johns Hopkins University Press.

Rose-Ackerman, Susan. 2001. "Trust and Honesty in Post-socialist Societies," *Kyklos* 54, 2–3: 415–43.

Rose-Ackerman, Susan. 2004. "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: 9–28.

Rosenberg, Tina. 1995. "Overcoming the Legacies of Dictatorship," *Foreign Affairs* 74, 3: 134–53.

Rothstein, Bo. 2004. "Social Trust and Honesty in Government: A Causal Mechanisms Approach," in János Kornai, Bo Rothstein and Susan Rose-Ackerman, eds. *Creating Social Trust in Post-Socialist Transition*. New York: Palgrave/Macmillan Press: 13–30.

Rothstein, Bo. 2011. *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective*. Chicago: University of Chicago Press.

Rothstein, Bo and Daniel Eek. 2009. "Political Corruption and Social Trust," *Rationality and Society* 21, 1: 81–112.

Rothstein, Bo and Dietlind Stolle. 2008. "The State and Social Capital: An Institutional Theory of Generalized Trust," *Comparative Politics* 40, 4: 441–59.

Rothstein, Bo and Eric Uslaner. 2005. "All for All: Equality, Corruption, and Social Trust," *World Politics* 58, 1: 41–72.

Sajó, András. 2004. "Neutral Institutions: Implications for Government Trustworthiness in East European Democracies," in János Kornai and Susan Rose-Ackerman, eds. *Building a Trustworthy State in Post-Socialist Transition*. New York: Palgrave/Macmillan Press: 29–51.

Sarkin, Jeremy and Erin Daly. 2004. "Too Many Questions, Too Few Answers: Reconciliation in Transitional Societies," *Columbia Human Rights Law Review* 35, 3: 661–728.

Schmitter, Philippe C. 1994. "The Conceptual Travels of Transitologists and Consolidationists: How Far to the East Should They Attempt to Go?" *Slavic Review* 53, 1:173–85.

Schumpeter, Joseph. 1942. *Capitalism, Socialism and Democracy*. New York: Harper Colophon Books.

Schwartz, Herman. 1995. "Lustration in Eastern Europe," in Neil Kritz, ed. *Transitional Justice Transitional Justice*. Washington, DC: United States Institute of Peace Studies, Vol. III: 461–83.

Seligman, Adam. 1997. *The Problem of Trust*. Princeton: Princeton University Press.

Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. W.W. Norton & Company.

Sikkink, Kathryn and Carrie Booth Walling. 2006. "Argentina's Contribution to Global Trends in Transitional Justice," in Naomi Roht-Arriaza and Javier Mariezcurrena, eds. *Transitional Justice in the Twenty-First Century: Beyond Truth and Justice*. New York: Cambridge University Press: 301–24.

Šiklová, Jiřina. 1996. "Lustration or the Czech Way of Screening," *East European Constitutional Review* 5 (Winter): 57–62.

Šimonović, Ivan. 2004. "Attitudes and Types of Reaction Toward Past War Crimes and Human Rights Abuses," *Yale Journal of International Law* 29: 343–61.

Simpson, John and Jennifer Speake, eds. 2008. *Oxford Dictionary of Proverbs*. New York: Oxford University Press.

Sissons, Miranda and Abdulrazzaq Al-Saiedi. 2013. "A Bitter Legacy: Lessons of DeBaathification in Iraq," *International Center for Transitional Justice*. March. https://www.ictj.org/publication/bitter-legacy-lessons-de-baathification-iraq.

Skapska, Grazyna. 2003. "Moral Definitions of Constitutionalism in East Central Europe: Facing Past Human Rights Violations," *International Sociology* 18, 1: 199–218.

Smidova, Jana. 1991. "Interview with Stanislav Devaty: The Files Weren't Destroyed," *Uncaptive Minds* Spring: 56–8.

Smith, Craig. 2006. "Eastern Europe Still Struggles to Purge Its Security Services," *The New York Times*, International Section, December 12.

Smith, Craig. 2007. "New Warsaw Archbishop Quits Over Communist Collaboration," *The New York Times*, International section, January 8.

Social Barometer. 2013. The Committee for Disclosing the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and Intelligence Services of

the Bulgarian National Army, 2008–2012. *Social Barometer, National Centre for Public Opinion Survey*, http://www.comdos.bg/Социологически_барометър, accessed August 10, 2013.
Sofia Echo. 2009. "Keeping the Bad Guys Out," September 4.
Sofia Echo. 2011. "Controversy over Bulgarian Orthodox Church Agreement to be Checked by Dossier Commission," December 16.
Sofia Echo. 2011. "Missions Impossible," July 29.
Sofia Echo. 2011. "More Bulgarian Diplomats Outed as Communist Era Agents," March 17.
Sofia Echo. 2012. "Bulgaria Edges Closer to Checking Credit Millionaires," March 8.
Sofia Echo. 2012. "Bulgaria's Dossier Commission Names Academics Who Spied for Communist Secret Services," March 14.
Sofia Echo. 2012. "Bulgarian MPs Vote for Check into Credit Millionaires' Communist Secret Service Links," April 4.
Sofia Echo. 2012. "Media Campaign to Discredit Bulgarian Orthodox Church Is Failing, Plovdiv Metropolitan Says," March 18.
Sofia Echo. 2012. "Mixed Reaction to Disclosures about Bulgaria's Communist-era Spies in the Church, Poll Says," March 5.
Sólyom, László. 2003. "The Role of Constitutional Courts in the Transition to Democracy: With Special Reference to Hungary," *International Sociology* 18, 1: 133–61.
Stan, Lavinia. 2002. "Moral Cleansing Romanian Style," *Problems of Post-Communism* 49, 4: 52–62.
Stan, Lavinia. 2004. "The Romanian Anticorruption Bill," *Studies in Post-Communism*, Centre for Post-Communist Studies, St. Francis Xavier University, Occasional Paper no. 6.
Stan, Lavinia. 2006a. "The Politics of Memory in Poland: Lustration, File Access and Court Proceedings," *Studies in Post-Communism Occasional Paper*, No. 10. St. Francis Xavier University, Centre for Post-Communist Studies.
Stan, Lavinia. 2006b. "The Roof over Our Head: Property Restitution in Romania," *Journal of Communist Studies and Transition Politics* 22, 2: 180–205.
Stan, Lavinia. 2010. "Romanian Parliamentary Arguments for Lustration," March 25, http://laviniastan.wordpress.com/2010/03/25/romanian-parliamentary-arguments-for-lustration-2005-2007/. Last accessed April 20, 2012.
Stan, Lavinia. 2011a. "The Urge to Purge: The Case For and Against Lustration." LaviniaStan blog, https://laviniastan.wordpress.com/2011/03/11/the-urge-to-purge-the-case-for-and-against-lustration/ March 11.
Stan, Lavinia. 2011b. "Vigilante Justice in Post-Communist Europe," *Communist and Post-Communist Studies* 44, 4: 319–27.
Stan, Lavinia. 2012a. "Witch-Hunt or Moral Rebirth? Romanian Parliamentary Debates on Lustration," *East European Politics and Societies* 26, 2: 274–95.
Stan, Lavinia. 2012b. *Transitional Justice in Post-Communist Romania: The Politics of Memory*. Cambridge: Cambridge University Press.
Stan, Lavinia, ed. 2009. *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist past*. New York: Routledge Press.

Stan, Lavinia and Nadya Nedelsky, eds. 2013. *Encyclopedia of Transitional Justice,* Volumes 1–3. New York: Cambridge University Press.

Stan, Lavinia and Lucian Turcescu. 2005. "The Devil's Confessors: Priests, Communists, Spies, and Informers." *East European Politics and Societies* 19, 4: 655–85.

Stan, Lavinia and Lucian Turcescu. 2007. *Religion and Politics in Post-Communist Romania*. New York: Oxford University Press.

Stolle, Dietlind. 2001. "Clubs and Congregations: The Benefits of Joining an Association," in Karen Cook, ed. *Trust in Society*. New York: Russell Sage Foundation: 202–44.

Stolle, Dietlind. 2007. "Social Capital," in Russell Dalton and Hans-Dieter Klingemann, eds. *The Oxford Handbook of Political Behavior*. Oxford: Oxford University Press: 655–74.

Supreme Court of Ukraine. 2014. Proposals of the Supreme Court of Ukraine as to the Draft Law "On Restoring confidence in the judicial system of Ukraine. May 3, 2014. http://www.scourt.gov.ua/clients/vsu/vsuen.nsf/(documents)/20AC4F73C1E1AC95C-2257C94002C29B1?OpenDocument&year=2014&month=03&, accessed August 6, 2014.

Sztompka, Piotr. 1998. "Trust, Distrust, and the Two Paradoxes of Democracy," *European Journal of Social Theory* 1, 1: 19–32.

Sztompka, Piotr. 1999. *Trust: A Sociological Theory*. New York: Cambridge University Press.

Thoms, Oskar, James Ron, and Roland Paris. 2008. *The Effects of Transitional Justice Mechanisms: A Summary of Empirical Research Findings and Implications for Analysts and Practitioners*. Ottawa: Centre for International Policy Studies.

Thoms, Oskar, James Ron, and Roland Paris. 2010. "State-Level Effects of Transitional Justice: What Do We Know?" *International Journal of Transitional Justice* 4, 3: 329–54.

Tilly, Charles. 2005. *Trust and Rule*. New York: Cambridge University Press.

Tismăneanu, Vladimir. 2008. "Democracy and Memory: Romania Confronts Its Communist Past," *The Annals of the American Academy of Political and Social Science* 617: 166–80.

Tismăneanu, Vladimir. 2012. "The Crimes of Communism Can Still Be Judged," http://tismaneanu.wordpress.com, April 13.

Tomiuc, Eugen. 2002. "Hungary: Government Proposes Further Opening of Communist-Era Files," *RFE/RL Research Reports*, June 27.

Travers, Suzanne and Edward Kanterian. 2001. "Casting Light on the Long Shadow of Romania's Securitate." http://lett.ubbcluj.ro/~echinox/caiete1/18.html, accessed May 23, 2005.

Treisman, Daniel. 2007. "What Have We Learned About the Causes of Corruption from Ten Years of Cross-National Empirical Research," *Annual Review of Political Science* 10: 211–44.

Trochev, Alexei. 2013. "Ukraine," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2*. New York: Cambridge University Press: 490–7.

Tupy, Marian. 2006. "The Rise of Populist Parties in Central Europe: Big Government, Corruption, and the Threat to Liberalism." *Development Policy Analysis*. Washington, DC: Cato Institute, Center for Global Liberty & Prosperity. No. 1.

Tyler, Tom. 1998. "Trust and Democratic Governance," in Valeria Braithwaite and Margaret Levi, eds. *Trust in Governance*. New York: Russell Sage Foundation: 269–94.

Tyler, Tom and Yuen Huo. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York. Russell Sage Foundation.

Ukraine General Newswire. 2015. "Venice Commission to provide final conclusion on lustration law in June-Justice Minister," *Interfax*, April 3 [Kiev].

United Nations. 2006. *Rule of Law Tools for Post-Conflict States: Vetting: An Operational Framework*. Office of the UN High Commission on Human Rights, New York, United Nations HR/PUB/06/5.

Uslaner, Eric. 1999. "Democracy and Social Capital," in Mark Warren, ed. *Democracy and Trust*. New York: Cambridge University Press: 121–50.

Uslaner, Eric. 2002. *The Moral Foundations of Trust*. New York: Cambridge University Press.

Uslaner, Eric. 2008. *Corruption, Inequality and the Rule of Law: The Bulging Pocket Makes the Life Easy*. Cambridge: Cambridge University Press.

Uslaner, Eric and Gabriel Badescu. 2004. "Honesty, Trust, and Legal Norms in the Transition to Democracy," in János Kornai, Bo Rothstein, and Susan Rose-Ackerman, eds. *Creating Social Trust in Post-Socialist Transition*. New York: Palgrave/Macmillan Press: 31–51.

Van der Merwe, Hugo, Victoria Baxter, and Audrey Chapman. 2009. "Introduction," in Hugo Van der Merwe, Victoria Baxter, and Audrey Chapman, eds. *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*. Washington, DC: U.S. Institute of Peace: 1–11.

Varga, László. 1997. "Watchers and the Watched," *The Hungarian Quarterly* 38, 146. Excerpted and translated from János Kenedi, *Kis állambiztonsági olvasókönyv* (A Concise State Security Reader). Budapest Magvetõ, 1996. Vols. I–II.

Vėgelytė, Ingrida. 2005. "Liustracijos pagreičiai (Lustration Accelerations)," *Bernardinai.lt*. November 10, http://www.bernardinai.lt/straipsnis/2005-11-10-ingrida-vegelyte-liustracijos-pagreiciai/5692.

Vėgelytė, Ingrida. 2009. "Kas išgirs teisiamus Lietuvos laisvės kovų dalyvius? Kas išgirs teisiamus Lietuvos laisvės kovų dalyvius? Who will hear the trial in Lithuanian freedom fighters participants?" *Bernardinai.lt,* October 8.

Walicki, Andrzej. 1997. "Transitional Justice and the Political Struggles of Post-Communist Poland," in A. James McAdams, ed. *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame: University of Notre Dame Press: 185–237.

Wall Street Journal. 2007. "The Polish Inquisition," *The Wall Street Journal*, April 27, Brussels edition.

Warren, Mark, ed. 1999. *Democracy and Trust*. New York: Cambridge University Press.

Warsaw Voice. 2006. "No Comeback for Gilowska?," *The Warsaw Voice*, July 9–16.

Welsh, Helga. 1996. "Dealing with the Communist Past: Central and East European Experiences after 1990," *Europe-Asia Studies* 48, 3: 413–29.

Weschler, Lawrence. 1992. "The Velvet Purge: The Trials of Jan Kavan," *The New Yorker*, October 19: pp. 66–96.

Wezel, Katja. 2013. "Latvia," in Lavinia Stan and Nadya Nedelsky, eds. *Encyclopedia of Transitional Justice, Vol. 2*. New York: Cambridge University Press: 273–9.

Wiebelhaus-Brahm, Eric. 2010. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. London: Routledge Press.

Williams, Kieran, Aleks Szczerbiak, and Brigid Fowler. 2003. "Explaining Lustration in Eastern Europe: 'A Post-communist Politics Approach'." *SEI Working Paper* 62, Sussex European Institute.

Woehrel, Steven. 2005. "Ukraine's Orange Revolution and U.S. Policy," *Congressional Research Service Report for Congress*. Washington, DC: The Library of Congress. April 1. https://www.fas.org/sgp/crs/row/RL32845.pdf.

Yamagishi, Toshio. 2003. "Cross-Societal Experimentation on Trust: A Comparison of the United States and Japan," in Elinor Ostrom and James Walker, eds. *Trust and Reciprocity: Interdisciplinary Lessons from Experimental Research*. New York: Russell Sage Foundation: 352–70.

Yamagishi, Toshio and Midori Yamagishi. 1994. "Trust and Commitment in the United States and Japan," *Motivation and Emotion* 18, 2: 129–66.

Zakaria, Fareed. 1997. "The Rise of Illiberal Democracy," *Foreign Affairs* 76, 6: 22–43.

Zake, Ieva. 2010. "Politicians versus Intellectuals in the Lustration Debates in Transitional Latvia," *Journal of Communist Studies and Transition Politics* 23, 3: 389–412.

Zielonka, Jan. 2001. *Democratic Consolidation in Eastern Europe*. New York: Oxford University Press.

Index

Introductory Note
References such as "178–9" indicate (not necessarily continuous) discussion of a topic across a range of pages. Because the whole of this work is about "trust" and "lustration," use of these terms (and certain others which occur throughout) as entry points has been restricted. Please look under the appropriate detailed entries. Wherever possible in the case of topics with many references, these have either been divided into sub-topics or only the most significant discussions of the topic are listed.

absence of lustration 50, 53, 106, 116, 148, 153–4
abuse of power 2, 269, 280
accountability 1–2, 49–50, 52, 79–80, 82, 97, 221–2, 224
  mechanisms 35, 50, 189, 204, 242
  moral 69
  public 133, 146, 271
  real 94, 100
  symbolic 10, 50, 85, 95, 114
addiction problems 223
affiliations 26, 32, 35, 59, 108, 136
  party 33, 71, 136, 152
agents 67, 69–70, 80, 85, 88–9, 113, 217–21, 226
  active 60
  secret police 60, 95, 216, 226, 270
  secret service 85, 141, 146
  Securitate 97, 270
Albania 106–10, 114, 116, 118, 205–6, 217–18, 248–9, 251–2
  lustration run amok 108–9
  purges and trials as politicized bureaucratic change 109–10
Allamvedelmi Hatosag (AVH) 80
amnesties 17, 19, 49, 95, 298
analyses 19–20, 175, 195, 198, 251, 254–5, 273, 277
  aggregate level 177, 179
  cross-sectional 164, 166, 168, 171–2, 192, 195, 249, 251
  individual-level 173, 198
  national-level 174–6
archives 61, 63, 144–5, 200, 219, 221–2, 224, 231
  historical 81, 221–3
  archival materials 63, 144, 224
  archival oversight 199–200
army 131–2, 147–8, 159–61, 175, 178, 196–7, 252–3, 262–3
attitudinal variables 196, 253
authoritarian transitions 1–2, 49
AVH (Allamvedelmi Hatosag) 80

Baltics 67, 69–70, 85, 90, 107, 119, 122, 223; see also *individual countries*
Barahona de Brito, A. 17, 107
betrayals 3, 7, 29, 227, 229, 244, 248, 256
  personal 10, 21, 39, 256
bivariate analysis of lustration programs and interpersonal trust 260
Bulgaria 91–7, 99–103, 134–41, 215–21, 227–8, 232, 244–5, 270–1
  additional transitional justice measures 95–6
  Dossier Commission 94–5, 104, 106, 135–41, 143–4, 219, 242–4, 246–7
  KDS (Komitet Durzhavna Sigurnost) 92, 95, 136, 141, 219
  National Army 94
  Orthodox Church 245
  public support for lustration 232–3
  scope of disclosures 136–40
  silent lustration 93–5
bureaucratic change
  components of lustration 140–1, 188, 271
  compulsory 11, 13, 68, 161, 182, 202, 288, 294
bureaucratic turnover 41, 63, 84, 94, 132, 203–4
business leaders 91, 134
  candidates 70–1, 87, 89–90, 133, 136, 138, 144, 228
  political 145–6
  presidential 90, 228

change
  in inequality 149–50, 155, 158, 190, 192, 194, 206–7, 272–3
  information 37–40
  institutional *see* institutional change
  symbolic 9–11, 34, 50, 52–3, 115, 140, 145, 288

church 10, 24, 26, 29–30, 177–8, 248, 250–3, 262–3
  attendance 252–3
  Catholic 242, 244–5
  Orthodox 245
  trust in 244–6, 250–3
citizen engagement 214, 228, 232, 260
citizen interest 104, 224, 231–2
citizen perceptions 6, 8, 149–50, 152–3, 178, 181, 196, 198
citizen trust 28, 36, 44, 196
citizenship, requirements 73–4
Citizenship Law 66–8, 72–4
civic engagement 21, 29–30, 238, 243, 275
civil service 59, 65, 68, 87, 89, 91, 93, 241, 281
civil society 11–12, 14, 21, 192–3, 209, 275–80, 287–8, 294
  robust 4, 275, 279–80, 288, 294
  strength 11, 13, 49, 53, 249–50, 254–5, 276–80, 288
  weakness 193, 275, 279
cleansing, moral 5, 33, 37, 42, 50–1, 59, 109, 132
clergy 21, 32, 145, 229, 242–6, 251
collaboration 31–2, 51–2, 76–7, 81–2, 86–8, 136–43, 146, 214–34
  accuracy in collaboration determinations 219
  active 201, 215, 217, 225, 227, 247, 265
  degree of 144, 217, 225
  determinations 201, 215–16, 218–20
  evidence of 76, 87, 136, 140, 142, 202, 246
  previous 5, 51–2, 67, 70, 99
  public disclosures 51, 96, 101, 294
  rate of 138
  reasons for 216
  secret 86, 217
  with secret police 33, 39, 80–1, 139, 216–21, 223, 225, 227
  and social institutions 242–8
collaborators 60–1, 65–6, 70–1, 77–8, 97–9, 103–4, 218–20, 225–6
  backgrounds 72, 95, 139, 143, 201, 203, 256
  former 35, 47, 86, 90, 95, 138–40, 224
  secret 86, 216
commitment 2, 8, 35, 38, 49, 79, 94, 281–2
comparative politics literature 187, 267, 279, 286, 297
compensation 64, 68, 105, 114
  financial 83–4, 105
  laws 84
competency 5, 24, 35–6, 40–2, 180–1, 188, 210
complicity 3, 66, 92, 203–4, 214–17, 223–9, 231, 233–60
  active 214, 226
  dilemmas 225–7, 248
  passive 225, 227
  rates 81, 218
  regime 12, 14, 74, 76, 214–15, 224, 244–5, 255–6
  revelations 43, 226, 266, 275, 280, 294
compulsory bureaucratic change 11, 13, 68, 161, 182, 202, 288, 294
compulsory change 52, 69, 79, 180, 224
compulsory employment bans 90
compulsory employment change 63, 82, 88, 92, 99, 141, 202
compulsory employment penalties 32, 38, 78–9, 84, 140
compulsory institutional change 21, 65, 69
compulsory lustration 51, 53, 56–75, 114, 116, 159, 167, 283
  programs 50, 154, 159, 167, 203, 206, 288, 293
compulsory programs 13, 52–3, 181, 189–90, 291–2
compulsory removal 5, 44, 81
conditional effects 8–9, 18–19, 21, 163, 165, 170, 193–4, 289
confessions 76, 87, 141, 203
consent 214
consistency 59, 75, 193
consolidated democracies 14, 269, 289
Constitutional Courts 61–2, 65, 75, 77, 82, 86–7, 98–9, 139–40
  Czech Republic 36, 281
  Latvia 46, 69–71, 282
  Poland 46, 62, 78, 200
  Romania 99–100, 143–4
constitutionality of lustration 62, 77, 87
constraints 35, 39, 84, 181, 188
  external 122, 142
  institutional 24, 35, 203, 241
  temporal 9, 46, 199
corruption 10–13, 166–8, 206–7, 249–50, 254–5, 269–74, 276–7, 287–9
  anti-corruption reforms 270
  correctives 269–74
  elixirs 274, 294
  higher levels of 158, 170, 273–4, 286
  perceptions of 149, 152, 264, 271, 273, 294
Corruption Perceptions Index (CPI) 152
Council of Europe 6, 41, 46, 112, 281
country classification 56–124
CPI (Corruption Perceptions Index) 152
credibility 142–3, 187–9, 246–7, 253, 266, 286, 294, 297
crimes 83, 85, 96, 100, 105, 109, 113–14, 270
  economic 96, 110
  political 68, 110

cross-sectional analyses 164, 166, 168, 171–2, 192, 195, 249, 251
Czech Republic 6–9, 59–65, 79, 102, 118, 120, 216–17, 281
  Constitutional Court 36, 281
  file access and other transitional justice measures 63–4
  Institute for the Study of Totalitarian Regimes 63–4
  law 45, 59, 65, 133, 217
  lustration policies 60–3
Czechoslovakia 15, 31, 64, 84, 101–2, 120, 123

data limitations 190, 195, 198, 248–9, 260, 265, 273
Database of Political Institutions 152
democracy 280–8
  consolidated 2, 4, 13–14, 150, 269, 283, 286, 288–9, 294
  control 155, 277
  levels 15, 120, 288
  measures 150–1, 156, 160, 166, 209, 272, 276
  post-transition 120
  principles 2, 36, 281
  promotion 2, 6, 10, 13–14, 239, 282, 294
  stability 4, 9, 188, 239
democratization 1–2, 4, 9–11, 19–21, 52–3, 150–1, 269, 279–89
  effects of lustration on 123, 282
  level 149, 190, 286
  literature 274, 277, 291, 295–6
  process 8–9, 33, 150
  transitional justice in support of 269–90
demographic controls 175–7, 179
dependent variables 152–3, 160–2, 167–8, 170–2, 194–6, 204–5, 211, 292–5
deputies 60, 86, 104, 134, 137, 142
deputy ministers 94–5, 137
direct effects 21, 198, 282
disclosures *see* public disclosure
distrust 3–4, 28–9, 39, 181, 195, 266–7, 294; *see also* trust
  generalized 3, 256, 266, 294
  and lustration 43–4
  rational 189, 248
  social 3, 266, 294
divergent effects 10–11, 234, 255, 266
  differential effects 9, 170, 190

economic crimes 96, 110
economic development 1, 4, 121–2, 156, 160, 272, 274, 276
  level of 149, 156, 162, 190, 194, 206, 209, 273
economic growth 171–2, 190, 206–7, 249, 254–5, 272–4, 276–7, 285–7
economic positions 99, 242
economic power 270–1
ECtHR (European Court of Human Rights) 16, 46, 71–3, 89, 281–2
education 173, 176, 178, 197, 222, 226, 240, 262–3
  levels 26, 173
effective governance 47, 151, 293
effectiveness 20, 27–8, 37, 74, 131, 179, 187, 193
  government *see* government effectiveness
effects
  differential 9, 170, 190
  differentiated 9, 181, 291, 294
  direct 21, 198, 282
  fixed 155–6, 192, 272–3, 276, 285
  indirect 9–11, 21, 149, 190, 210, 263, 269, 289
  magnitude 41, 43, 52–3, 116, 274, 291, 294, 298
  negative 11, 14, 17, 180–1, 206, 279, 289–90, 294
  positive 9, 13, 49, 52, 181, 183, 209–10, 230
  of timing 13, 154, 161, 191, 209
  trust-building 11, 20, 47, 109, 154, 157, 161, 167
  of truth commissions 183, 295
efficacy 46, 117–18, 199, 208, 210–11, 278–9, 289, 292
  reform 4, 13, 20, 269, 278, 287, 291, 295
elected institutions 148, 162–5, 169–70, 180, 193
elected positions 59, 71, 74–5, 87–8, 99, 104, 141
Election Law 59, 70–3
elections 71, 78, 104, 108–9, 137–8, 141, 144, 146
  local 71, 94, 136, 138, 144
  parliamentary 60, 70, 86, 202
employees 70, 72, 94–5, 134, 137, 143, 146, 201
employers 62, 78, 87, 143, 146, 201
employment bans 46, 66, 86–7
  blanket 72
  compulsory 90
employment change 51, 84, 91
  compulsory 63, 82, 88, 92, 99, 141, 202
employment consequences 69, 95
  limited 75
  mandatory 51–2, 76, 79
employment penalties 46, 59, 75, 88, 91, 139, 201
  compulsory 32, 38, 78–9, 84, 140
  noncompulsory 50

employment removals 52, 62, 78, 87–8, 142, 218, 297
employment screening 30, 32, 51, 59, 139, 142
employment vetting 5–6, 10, 33, 93, 100, 141, 148, 292–3
Encyclopedia of Transitional Justice 1, 31–4, 218
endogeneity 18, 119–24, 289
engagement
  citizen 214, 228, 232, 260
  civic 21, 29–30, 238, 243, 275
equation 157, 161, 163, 208, 278, 287
Estonia 56, 58–9, 65–70, 73, 85, 87, 118–21, 195
  codes 150
  complementary transitional justice measures 67–8
  Implementation Act 65
  oaths of conscience and citizenship law 66–7
Estonians 68–70, 74
European Court of Human Rights *see* ECtHR
executives, state company 78, 200
extraordinary politics, periods of 45–6

fairness 27–8, 35, 37–8, 40, 131–2, 176, 187–8, 264
  government *see* government fairness
  perceptions 264
family members 196, 198, 223, 227
file access 37–8, 47–8, 63, 98–9, 103–5, 189, 230, 264–5
  laws 64, 94, 201, 222
  limited 73, 102, 112, 222
  policies 91, 147
  procedures 9, 12, 16, 20, 29, 39–40, 50, 61
  provisions 6–7, 20–1, 34, 39, 43, 53, 106, 114–15
  requests 224, 231
  transparency 260
file destruction 70, 85, 144, 215
file disclosures 94, 100, 139, 144, 224, 232
file management 63, 200
file manipulation 102, 217
file oversight 221
file repositories 12, 89, 135, 144, 221
file revelations 2, 43, 219, 221, 227, 232, 256, 265
file transparency 63–4, 189, 221
file veracity 99, 142, 221
files 83–5, 98–9, 102–6, 136–40, 142–6, 200–2, 218–23, 230–3
  comparison of 138
  KGB 67, 111
  missing 99, 217, 220
  personal 98, 133, 142, 230, 264
  secret 2, 73, 85
  Secret-Police 94, 105
  Securitate 141, 144
  transferred 89
financial compensation 83–4, 105
fixed effects 155–6, 192, 272–3, 276, 285
formal lustration 51, 84, 91, 95, 147, 244
  laws 73, 91, 95, 101, 109, 134
  measures/programs 52, 91–2, 95, 114
Freedom House 150–1, 156, 160, 249–50, 272, 274, 276, 283–4

gender 26, 173, 176, 178, 194, 197, 252, 262
generalized distrust 3, 256, 266, 294
generalized interpersonal trust 29, 239, 256, 259, 263, 294
generalized trust in government 187, 204
generalized political trust 10, 26–8, 30, 41–2, 187, 195, 293
generalized social trust 25–6, 28–30, 238, 253, 266, 280, 294
generalized trust 10, 25–6, 29, 40, 181, 238–9, 241, 267
  objects 26, 41, 53, 291
goals 1–3, 8, 11–13, 34, 36, 38, 187–8, 298
  of lustration 34, 146
  original 114, 132
  regime 2, 9, 107
  of state building and democratization 45, 62
governance 4, 7–8, 10–12, 132, 150–1, 165, 187–8, 194
  effective 47, 151, 293
  ineffective 4
  quality of 151, 204, 206
government 9–12, 24–8, 34–9, 41–4, 187–91, 193–201, 209–11, 291–6
  agencies 139–40, 200
  citizen perceptions of trust in 8, 211
  effective 176, 188, 209, 239, 274–5, 279
  effects of lustration on trust in 189, 210
  generalized nature of trust in 187, 204
  individual-level determinants of trust 194–9
  institutions of 27, 189, 256
  local 71, 87, 90
  national 4, 86, 188–94, 281
  new 8, 38–9, 43, 282
  perceptions of trust in 8, 28, 176, 188–9, 194, 196, 198–9, 211
  post-transition 194–5, 198
  significant predictor of trust in 191, 210
  transitional justice and trust in 190, 192, 196–7
  trustworthy 28, 187–8, 293
  variation in trust in 191, 195–6, 198, 210

government effectiveness 13, 36–7, 121–2, 158, 187–211, 274, 276–7, 293–4
  levels of 120–2, 206, 209, 211, 274
  and lustration 204–9
  variation in 205, 209
government fairness 178, 198, 252–3, 262
  perceptions of 176, 179–80
government officials 38, 81, 133
government performance 180, 193, 240
  perceptions 179
government trustworthiness, perceptions of 189, 293
guilt 48, 216, 224–5, 231, 247

historical accountability 114, 244
historical archives 81, 221–3
historical memory 12, 21, 214–34, 244
  construction 225–7
  and public support for lustration 227–33
  reconstruction of 214–15
honesty 132
Hoxha, Enver 107
human rights 9, 17, 41, 49, 62, 113, 220
  abuses 1, 48, 100
  violations 1–2, 49, 158, 280
Hungarians 15, 133, 141, 188, 200, 215, 226, 229–30
Hungary 74–5, 80–5, 90–2, 120–1, 220–1, 224, 226–8, 230
  delimited lustration 81–3
  file access 222–4
  historical archive 220–4
  overt politicization 83–4
  privacy safeguards and accountability needs 221–4
  public support for lustration 229–30
  State Security 81, 221

implementation 8–9, 15–18, 51–3, 57–8, 74–7, 90–1, 105–6, 133–4
  of lustration 6, 8, 15–16, 53, 90
  of reforms 117–18, 215
incentives 23, 27, 39, 122, 180
independence 69, 73, 80, 85, 89, 109, 150, 156
  judicial 150, 152, 154, 160, 162, 166, 168, 274
independent variables 18–19, 167, 197, 271, 283
  lagged 153, 283
indirect effects 9–11, 21, 149, 190, 210, 263, 269, 289
individual attitudes toward public institutions 173–80
inequality 149–50, 240, 250, 261–2, 264, 277, 279, 285–6
  change in 149–50, 155, 158, 190, 192, 194, 206–7, 272–3
  levels of 155, 190, 192, 194, 206–7, 272–3, 276, 279
informal lustration 50–1, 53, 91–106, 114, 134–5, 206, 277, 283
  categories 75, 106, 133–4, 153
  examples 21, 181, 217
  measures/mechanisms/programs 20, 52, 91, 101, 105–6, 141, 154, 167
  policies 117, 159
  process 92, 99, 144, 147
informal networks 11, 43, 270, 274
informants 99, 139, 144–5, 216, 218–19, 222, 226, 231
information
  changes 37–40
  new 28, 37–8, 132, 179, 181, 239, 266
  revelations 41–3
informers 59–60, 72–4, 85–6, 93, 108, 113, 144, 216–18
  part-time 92, 218
initial levels of government effectiveness 120–1
Institute for the Study of Totalitarian Regimes 63–4
Institute of National Remembrance 77, 199
institutional change 34–7, 97, 101, 110, 115–17, 266, 288, 291
  components 9, 39, 135, 258
  compulsory 21, 65, 69
  reforms 20, 279, 288
institutional composites 148, 180, 189
institutional constraints 24, 35, 203, 241
institutional reforms 11, 116, 211, 288, 292
institutional trust 3, 25, 27, 176–7, 241, 256–7, 260, 263
  high 176
institutional trustworthiness 27, 149, 151, 179
  perceptions of 176, 179
institutions 23, 27–8, 34–6, 40–2, 131–3, 147–9, 174–5, 243–4
  elected 148, 162–5, 169–70, 180, 193
  of government 27, 189, 256
  individual 20, 188
  neutral 35
  oversight *see* oversight institutions
  of public trust 91, 242
  semi-public 27, 29, 113, 131, 238
  social *see* social institutions
instrumentalization, political 50, 62, 74, 83, 136, 199, 292, 296
Instytut Pamięci Narodowej *see* IPN

intelligence services 72, 94–5, 136, 145
interests 23–4, 27, 35–6, 38, 104, 180–1, 230, 232–3
  of individuals 35–6, 40, 42, 179
    in positions of power 36, 40, 42
  personal 36, 38
interpersonal distrust 3, 259
interpersonal trust 3–4, 9–13, 28–9, 39–40, 43–4, 238–41, 256–7, 259–67
  generalized 29, 239, 256, 259, 263, 294
  higher levels of 176–7, 240, 263
  index 258
  levels 11, 176–7, 240, 257–8, 263–4
  linking file access and disclosures to 256–65
  low 176
  perceptions of 34, 260
  propensities 29, 259, 264
  and survey data 260–4
  and transitional justice 257–65
  variations in 257
IPN (Instytut Pamięci Narodowej) 77–9, 199–200, 202–3, 220, 223, 229

journalists 77–8, 82, 136, 200, 246–7; *see also* media
judicial frameworks 149, 152, 156, 159, 162, 166–7, 272
judicial independence 150, 152, 154, 160, 162, 166, 168, 274
judiciary 24–7, 112, 147–8, 152–3, 155–6, 159–61, 165–7, 180–2
justice 1–2, 4, 6–8, 17, 38, 40, 275, 282
  retroactive 38, 43, 75, 228, 282
  retrospective 68, 79, 113
  transitional *see* transitional justice
justice measures 232
  additional transitional 89, 95, 104
  retributive transitional 290

Kaczyński, Lech 78
KDS (Komitet Durzhavna Sigurnost) 92, 95, 136, 141, 219
KGB (*Komitet gosudarstvennoy bezopasnosti*) 66–8, 70–2, 85–6, 88–9, 110–11, 113
  agents 69, 71, 74, 86, 113
  files 67, 111
Komitet Durzhavna Sigurnost *see* KDS
Komitet gosudarstvennoy bezopasnosti *see* KGB

lagged independent variables 153, 283
late lustration programs 20, 136, 161, 170, 199, 204, 270
Latin America 187
Latvia 56, 58–9, 69–74, 76, 85, 118–21, 195, 281–2
  citizenship law 72–3
  Constitutional Court 46, 69–71, 282
  election laws 70–2
leaders 28, 50, 82–3, 98, 113, 136, 247
  business 91, 134
  communist 96, 144, 270
  political 76, 86, 114, 216
legitimacy 44–5, 47, 51–2, 59, 74, 80, 83, 153
  perceived 50, 75, 152, 216
levels, lower 163, 224, 269, 271, 273–4, 286, 295
life satisfaction 173, 176, 178–9, 239–41, 249–50, 252–3, 262, 264
limited file access 73, 112, 222
limited lustration 51, 53, 74–92, 114, 116, 248, 277, 283
  laws 93, 108
  programs 50–1, 103, 154, 288
linearized standard errors 178, 197, 252, 262
Lithuania 70, 74–5, 85–91, 118–21, 123, 169, 195, 197
  additional measures 89–90
  law 32, 46, 217
  Lustration Commission 87–9
  lustration interrupted 85–9
  lustration regulation 133, 188
  Parliament 90
  Russian population 85
local elections 71, 94, 136, 138, 144
local government 71, 87, 90
loyalty
  political 281–2
  tests 73
lustration 30–44; see also *Introductory Note*
  absence of 50, 53, 106–14, 116, 148, 153–4
  active 83, 85
  agencies 142, 221
  bills 32, 77, 86, 111–13
  bureaucratic change components of 188, 271
  catalyzing change 34–40
  categories 105–6, 116, 120–3, 242–3, 245, 258, 260, 273
    compulsory 75, 121, 133, 142
    formal 245
    informal 75, 106, 133–4, 153
    voluntary 215
  certificates 62, 77
  choices 120, 122–3, 289
  compulsory *see* compulsory lustration
  constitutionality of 62, 77, 87
  debates 6–9
  definitions 31, 33

and distrust 43–4
early 46–7, 80, 161, 170, 182, 210
evolution of term 31–4
formal *see* formal lustration
and government effectiveness 204–9
informal *see* informal lustration
late 21, 45, 158, 199, 203–4, 210, 255, 287
laws 51–3, 62–5, 73–7, 82–4, 90–1, 105–6, 108–10, 115–18
de facto 73–4
first 80, 118, 123, 133, 156
formal 73, 91, 95, 101, 109, 134
limited 93, 108
liars 66, 72, 77, 79, 87, 202–3
limited *see* limited lustration
measures 5–11, 115–17, 152–64, 177–82, 191–9, 258–62, 271–4, 276–80, 291–6
variable 116, 119, 149, 153, 156, 182, 277
policies 60, 64–5, 70, 114, 117–18, 149, 152, 198–9
first 117
informal 117, 159
politically instrumentalized 170, 204
of private sector positions 87, 89
procedures 63, 67, 70, 79, 84, 87, 200, 202–3
processes 20–1, 61–3, 66–7, 77, 82–3, 88–90, 199–200, 202–3
informal 92, 99, 144, 147
programs 11–12, 50, 108, 115–17, 120–1, 153–4, 156, 210–11
and public disclosures 7–8, 10–11, 14, 39, 41, 44–5, 255–6, 291–3
of public office holders 112, 265
of public officials 264–5
public support for 227–8
punitive 13, 62, 249, 279, 292–4
reforms 116, 204, 287
rejection of 113, 140, 218
self-lustration 88, 90, 98, 101, 103
significance of 160, 162, 164, 166, 171, 192, 209
silent 92–3, 95, 97, 135, 147
of social institutions 245, 248, 266
term 5, 30, 33
and trust 40–3, 153, 156, 158–9, 195, 199, 252, 254
typology 14, 31, 101, 114–15, 120, 122–4, 133, 288
variables 117, 148, 156, 167, 173, 259, 269, 277
waves 118, 153–5, 160–1, 164, 166–8, 170–2, 273, 277
analysis 118, 163
early 161, 167, 193, 198, 292
variable 118–19, 149, 156, 159, 161–2, 182, 191, 193
macro-goals 14, 21
manipulation, political 45, 51–2, 59, 74–5, 91, 108–9, 147, 152–3
mayors 81–2, 94, 104, 133, 138
measures of timing 117–18, 156, 193
Mečiar, Vladimír 102–3, 105
media 29, 31–2, 35, 42, 145, 150, 251, 255; *see also* press and newspapers
campaigns 88
trust in 246–7
membership 5, 16, 31, 42, 105, 109, 120, 122–3
memory 33, 75, 114, 226, 230
politics 51–2, 105–6
modelling 152–68, 170–2, 177–9, 190–3, 248–50, 260–4, 271–9, 285–7
models
permutations 162, 167, 193, 250, 273
specifications 124, 154, 159, 191, 250, 255, 273, 286–7
moral cleansing 5, 33, 37, 42, 50–1, 59, 109, 132
motivations 36, 38, 40, 105, 281

national government 4, 86, 188–94, 281
national memory institutes 103, 105
national-level analyses 174–6
NEB *see* New Europe Barometer
negative effects 11, 14, 17, 180–1, 206, 279, 289–90, 294
negative outcomes 256, 279
negative relationships 157, 159, 239–40, 249–51, 253, 279–80, 282, 294–5
neighbors 7, 10, 24–5, 106, 131, 227, 238
networks 3, 7, 60, 76, 108, 111, 113, 270
informal 11, 43, 270, 274
social 29–30, 36–7, 40, 42–3, 250, 275
New Democracies Barometer 147–9, 174
New Europe Barometer (NEB) 147, 173, 175, 177, 195, 250, 260–1, 263
newspapers 7, 81, 109, 246
NGOs 112, 114, 143, 146, 242
nomenklatura 30, 37, 68, 93, 96–7, 100, 110
non-Latvians 72–4
non-lustration cases 133, 248, 273, 277, 283
non-politicized public institutions 181, 292, 296
normalization 231, 297
nostalgia 176, 178–9, 194–8, 226, 231, 252–3, 262, 264
growing 228, 231, 233

oaths of conscience 50, 65–6, 68, 70, 82, 133
objects of trust 23–7, 29, 40–1, 43, 47, 53, 251, 253

Offe, C 8, 16, 24, 34, 44, 131–2, 240–1, 282
office holders 7, 27, 31, 90–1, 134, 138, 227
  high-level 32, 101, 113, 227
  lustration of public 112, 265
  political 91–3, 96, 101, 131
opposition 80, 83, 98, 108, 110, 113, 223, 229
  parties 108–9
  oppression 216, 225–6
optimism 173–4, 179, 240, 250, 253
Orange Revolution 111–12
ordinal ranking 116, 122, 149
organizations 25, 27–8, 30, 60–1, 71–2, 139, 201, 203
  social 29, 247
outcomes 8, 13–15, 18–19, 23, 44, 47, 116, 298–9
  negative 256, 279
  positive 292, 299
oversight institutions 148, 158–9, 161–3, 167, 175, 180, 189, 255
  highest levels of trust in 161
  public 159–61, 266, 271, 292

parabola 157, 161, 163, 208, 278, 287
  comparative 287
parliament, variation in trust in 169
parliamentary elections 60, 70, 86, 202
particularized political trust 10, 26–7, 30, 41, 180
particularized social trust 25–6, 29–30, 238, 253, 266
particularized trust 24–6, 40, 187
parties, trust in parliament and political 169–70
part-time informers 92, 218
party affiliations 33, 71, 136, 152
passive complicity 225, 227
perceived legitimacy 50, 75, 152, 216
perceptions
  citizen 6, 8, 149–50, 152–3, 178, 181, 196, 198
  of corruption 149, 152, 264, 271, 273, 294
  of trust 35, 147, 149, 151, 159, 175–6, 188–9, 198–9
personal betrayals 10, 21, 39, 256
personal files 98, 133, 142, 230, 264
personal information 223, 230
personal privacy 84, 221–2
Poland 74–80, 120–3, 199, 202–6, 220–1, 227–8, 244–7, 270–1
  change of lustration authority 199–201
  Constitutional Court 46, 62, 78, 200
  file reviews and bureaucratic change 201–3
  late lustration 199–204
  light lustration 76–8
  Lustration Court 77, 199, 202
  public support for lustration 228–9
  renewed lustration 78–9
  SB (Służba Bezpieczeństwa) 76–7, 201
police 26–7, 147–8, 155–6, 159–61, 165, 167–9, 180–2, 196–7
  political 31, 98, 133–4, 142, 144
  secret *see* secret police
policymakers 4, 6, 43, 45–6, 117, 292, 294, 297
political crimes 68, 110
political elites 123, 225, 270
political institutions 9–10, 13–14, 24–7, 40–3, 132, 181–2, 239, 280
  higher levels of trust in 265, 274
political instrumentalization 50, 62, 74, 83, 136, 199, 292, 296
political leaders 76, 86, 114, 216
political loyalty 281–2
political manipulation 45, 51–2, 59, 74–5, 91, 108–9, 147, 152–3
political office 36, 71–2
  holders 91–3, 96, 101, 131
political opposition 152–3, 155, 158, 160, 162, 171–2, 254–5, 285–6
  strength of 155, 160, 164, 192, 207, 254, 285
political parties 82–3, 91, 146–9, 152–3, 162–5, 169–70, 174–5, 180–1
political police 31, 98, 133–4, 142, 144
political positions 11, 40, 139, 256, 270
political prisoners 64, 98, 105
political trust 10–12, 24–6, 40–1, 173, 176–7, 179–81, 250–1, 255–6
  building 153, 170, 181, 193, 289, 298
  highest levels of 13
  objects 40, 42, 165, 265
  particularized 10, 26–7, 30, 41, 180
  propensities 173, 197, 227, 263
  relationships 25, 176, 297
politically instrumentalized lustration 170, 204
politicization 85, 142, 153, 158, 228–30, 232, 292, 296
politicized institutions 13, 20, 148, 159, 162–3, 170, 180–1, 295–6
Polity IV 150–1, 159–60, 164, 166, 249–50, 272, 276–7, 283–4
  measures 250, 277, 289
  model replications 150, 156, 159–60, 162, 164, 166, 171, 207
  scores 249, 272, 276
positions 4–5, 44–7, 50–2, 59–63, 77–9, 81–4, 101–4, 203
  categories of 59, 81–2, 200, 242
  civil service 65
  economic 99, 242

government 86, 133
political 11, 40, 139, 256, 270
private sector 32, 87
of public trust 32, 35, 242
positive effects 9, 13, 49, 52, 181, 183, 209–10, 230, 292, 299
positive relationships 179–81, 206, 250, 253, 255, 266–7, 274, 279
power 2–3, 36, 44–5, 62–3, 88–9, 102–4, 113, 140–3
abuses of 2, 269, 280
economic 270–1
political 139, 270
social 101, 246
structures 99
predicted value calculations 154, 159, 161, 167, 249, 277
presidential administration 94, 137–8
presidential vetoes 61, 73
presidents 27–8, 73, 75, 78–9, 87–8, 133–4, 137, 146–7
press 29, 86, 104, 147–8, 159, 161, 254–5, 266–7; *see also* media
previous collaboration 5, 51–2, 67, 70, 99
privacy 8, 215, 221–2, 224
personal 84, 221–2
safeguards 140, 221–4
private sector positions 32, 87
lustration of 87, 89
propensities for trust *see* trust, propensities
property restitution 64, 68, 84, 89, 100, 114
prosecutors 59–60, 76, 82, 87, 104
public accountability 133, 146, 271
public disclosure 5–14, 37–41, 43–5, 50–3, 90–2, 99–102, 145–7, 242–8
laws 34, 56, 242
and lustration 7–8, 10–11, 39, 41, 44–5, 134–47, 255–6, 291–3
measures 11, 30–44, 101, 269–71, 275, 280, 288–9, 291
policies 47, 95, 101, 265
processes 20, 30, 36, 38, 92, 134
programs 95, 115, 135, 182, 225, 255, 264
and trust 40–3
public institutions 2–4, 10–12, 41–2, 187–90, 195–6, 198–9, 262–3, 291–4
building trust in 131–83
composites 153–9, 163
effects of lustration on trust in 134, 154
elected 148, 162
higher levels of trust in 154, 177, 179, 263
individual attitudes toward 173–80
non-politicized 181, 292, 296
politicized 13, 148, 162, 170
trustworthy 44, 131, 158, 241
public office 27, 31, 68, 97–9, 138, 140, 143, 146
holders 40, 94, 133, 136, 138, 140, 256, 265
seekers 77, 199
public officials 31–2, 77, 81–3, 86, 89, 96, 136, 202
lustration 264–5
public opinion 21, 104, 204
polls 104, 228, 230–3
public oversight institutions 159–62, 266, 271, 292
public positions 77, 81, 94, 98, 133, 136–7, 141, 202–3
public revelations *see* revelations
public support for lustration 227–33
public pressure 105
public trust 32, 34, 36, 38, 51, 78–9, 113–14, 170
positions of 32, 35, 242
punitive lustration 13, 62, 249, 279, 292–4
purges 16, 33–4, 108–10, 112, 135, 298

quality of governance 151, 204, 206
of reforms 47, 50, 182, 199
quasi-social institutions 131, 242, 255

random effects 153, 191–2
rate of collaboration 138
rational distrust 189, 248
reasons for collaboration 216
reconciliation 1–2, 4, 8, 19, 49, 275, 295
societal 5, 17, 34, 232, 292, 295, 298
recursive relationships 30, 211
reform 12–15, 44–7, 115–18, 157–8, 181–2, 208–10, 289, 295–6
anti-corruption 270
early 46–7, 195, 287, 291–2, 296, 299
efficacy 4, 13, 20, 269, 278, 287, 291, 295
goals 12–13, 211, 289
implementation 117–18, 215
institutional 11, 116, 211, 288, 292
late 45–6, 182, 199, 209–10, 295, 299
process 114, 118, 227
quality 47, 50, 182, 199
timing 44–7, 117–18, 157–8, 165, 182, 208–9, 286–7, 291–2, 295
transitional justice 4, 9, 20, 198, 204
regime complicity 12, 14, 74, 76, 214–15, 224, 244–5, 255–6
regime goals 2, 9, 107
regime transitions 38, 56, 59, 122, 163, 179, 299
regional lustration programs 92, 136
regression coefficients
standardized 178, 197, 252, 262
unstandardized 156, 160, 164, 166, 168, 171–2, 272, 276

rejection of lustration 113, 140, 218
relationships
  negative 157, 159, 239–40, 249–51, 253, 279–80, 282, 294–5
  positive 179–81, 206, 250, 253, 255, 266–7, 274, 279
  recursive 30, 211
religious institutions 243, 248; *see also* church
replications 209
  Polity IV model 150, 156, 159–60, 162, 164, 166, 171, 207
repression 3, 60, 64, 66, 68–9, 73, 100, 114
repressive apparatus 5, 32, 99
reputations 7, 27, 83, 131, 133, 146, 247
requests for verification 143–4, 146
research design 8–9, 14–16, 124
resignation 38, 66, 74–5, 81–4, 103–4, 147, 245–6
restitution, property 64, 68, 84, 89, 100, 114
retroactive justice 38, 43, 75, 228, 282
retrospective justice 68, 79, 113
revelations 6–7, 39, 139, 227, 229–30, 232–3, 244–7, 255–6; *see also* public disclosure
  file 2, 43, 219, 221, 227, 232, 256, 265
robust civil societies 4, 275, 279–80, 288, 294
Romania 97–103, 118–21, 133–5, 141–7, 217–19, 230–1, 244–5, 270
  bureaucratic and symbolic changes 145–6
  C.N.S.A.S. 99–101, 106, 133, 141–6, 219, 223, 231, 242
  Constitutional Court 99–100, 143–4
  parliament 98, 101, 143, 270
  public disclosures as informal lustration 99–100
  public support for lustration 230–2
  scope of disclosures 143–5
  Securitate 3, 97–8, 100–1, 133–4, 142, 219, 230–1, 270
  thwarted lustration 97–9
  Tismăneanu Commission 100, 142
Romanians 98, 100, 231
rule of law 1–3, 7–8, 45–6, 147–8, 150, 221, 280, 282
Russia 106–7, 111, 113–14, 173–5, 195, 205–6, 257, 283–4
  Yeltsin, Boris 67, 113–14
Russians 68–9, 73–4, 85, 111, 113, 231

sabotage 8, 44–5
safeguards, privacy 140, 221–4
sample sizes 197, 251, 257, 260–1, 273, 283
satisfaction, life 173, 176, 178–9, 239–41, 249–50, 252–3, 262, 264
SB (Służba Bezpieczeństwa) 76–7, 201
SBU (Sluzhba Bezpeky Ukrayiny) 110–11
scope of lustration 32, 203
screening 31–3, 60, 75, 77–9, 95–6, 132–4, 144–7, 242–3
  employment 30, 32, 51, 59, 139, 142
  law 61, 77, 81, 281
  procedures 31–2, 199
Screening Committees 83, 85, 221
secret collaboration 86, 217
secret files 2, 73, 85
secret police 3, 7, 80, 108–9, 188–9, 214–16, 218–19, 246–7
  activities 69–70, 97, 226
  affiliation 32–3
  agents 60, 95, 216, 226, 270
  collaboration with 33, 39, 80–1, 139, 216–21, 223, 225, 227
  files 5, 7–8, 28, 91–2, 134–5, 199–200, 215–17, 220–1
  networks 76, 80, 85, 108, 111, 218, 226, 232
secret services 74, 86, 108, 222, 229
  agents 85, 141, 146
Secret-Police Files 94, 105
Securitate 3, 97–8, 100–1, 133–4, 142, 219, 230–1, 270
  agents 97, 270
  archives/files 98, 141–6
security services 60–1, 66–7, 78, 80–1, 92, 201–2, 217–20, 270
self-lustration 88, 90, 98, 101, 103
semi-public institutions 27, 29, 113, 131, 238
semi-public office holders 79, 114
semi-public positions 32–3, 59, 61, 96, 98, 100, 140, 142–5
semi-public sectors 81, 101, 143, 146
shaming 13, 32, 67, 75, 92, 141, 147, 203
significant predictors of trust 154, 167, 170, 180, 182, 191, 198, 253
silence 98, 214–15
silent lustration 92–3, 95, 97, 135, 147
siloviki 113
Slovakia 58, 61, 101–6, 110, 118, 120–3, 257, 259–60
  aborted lustration 102–4
  additional transitional justice measures 104–5
  Mečiar, Vladimír 102–3, 105
  ÚPN (Ústav pamäti národa) 103–4, 106
Służba Bezpieczeństwa *see* SB
Sluzhba Bezpeky Ukrayiny (SBU) 110–11
social capital 4, 29–30, 238–9, 279
social distrust 3, 266, 294
social institutions 9–14, 29–30, 42–3, 238–9, 242–4, 246–51, 255–6, 265–7
  and collaboration 242–8
  important 244, 246, 248
  interpersonal trust and trust in 25, 297

lower levels of trust in 249, 263
lustration of 245, 248, 266
targeted 21, 227, 239, 243, 248, 280, 294
social networks 29–30, 36–7, 40, 42–3, 250, 275
social organizations 29, 247
social positions 31, 51, 91, 134, 266
social power 101, 246
social trust 9–10, 20–1, 25–6, 176–8, 238–43, 250–1, 255–6, 262–7
building 2, 4, 20, 50, 115, 240–1, 250, 265, 267
objects 20, 39–40, 294
particularized 25–6, 29–30, 238, 253, 266
relationships 9, 241
social trust variables 177
societal complicity 13, 29, 227
societal reconciliation 5, 17, 34, 232, 292, 295, 298
societal trust 4, 27, 30, 39, 49, 291
Soviet Union 72, 85, 107, 113, 122, 196; *see also* Russia
stability 1, 158, 231, 240
democratic 4, 9, 188, 239
standard errors 156, 160, 164, 166, 168, 171–2, 272, 276
linearized 178, 197, 252, 262
standardized regression coefficients 178, 197, 252, 262
state-building 1, 5, 17, 45, 62, 69, 73, 232
state company executives 78, 200
strength
of civil society 11, 13, 49, 53, 249–50, 254–5, 276–80, 288
of political opposition 155, 160, 164, 192, 207, 254, 285
survey data 175, 178–9, 195
and interpersonal trust 260–4
symbolic accountability 10, 50, 85, 95, 114
symbolic change 9–11, 34, 50, 52–3, 115, 140, 145, 288

targeted social institutions 21, 227, 239, 243, 248, 280, 294
temporal constraints 9, 46, 199
timing 117, 156–8, 161, 163, 193, 198–9, 208–9, 260–1
effects of 13, 154, 161, 191, 209
of lustration 155–6, 160–1, 163–4, 170–2, 207–8, 254–5, 272–3, 285–6
variables 156, 167, 208, 259, 277
measures 117–18, 156, 193
of reforms 44–7, 117–18, 157–8, 165, 182, 208–9, 286–7, 291–2, 295
variables 148–9, 161, 167, 248, 251, 255, 273, 277
trade unions *see* unions
transition 12–15, 45–7, 91–3, 120–2, 157, 208–10, 287, 289
authoritarian 1–2, 49
goals 3–4, 9–11, 13–14, 18, 48–9, 291, 293, 295–6
transitional justice 1–2, 101–3, 210–11, 230, 232, 265–6, 280, 293–9
choices 5–6, 17, 105, 107, 119, 122
and interpersonal trust 257–65
linking to trust building and democratization 10–16
literature 4, 7, 12, 20, 279, 287–8, 291, 293–5
measurement 115–24
measures 1–2, 11–12, 26–7, 48–50, 111–12, 251, 289, 297–9
and interpersonal trust 260–1
mechanisms 1, 11, 16, 18, 45, 110, 183
post-communist 5–9
programs 9, 12, 16, 19, 21, 216–17, 297, 299
reforms 4, 9, 20, 198, 204
in support of democratization 269–90
testing for relationship with trust 147–72
and trust 23–54
and trust in elected institutions 164
and trust in government 190, 192, 196–7
and trust in political parties 172
and trust in social institutions 248–55
typology 20, 50–4, 56, 59, 61, 63, 115–17, 119
country classification 56–124
transparency 39–41, 63, 65, 95, 98–9, 145, 147, 202
file 63–4, 189, 221
file access 260
trials 2, 17–18, 49, 68, 96, 100, 109–10, 298
trust
assessments 20, 24, 26–7, 35, 37, 187, 189, 267
in church 244–6, 250–3
citizen 28, 36, 44, 196
cleavages 24–6, 53
definitions and mechanisms 23–30
effects 10–11, 36, 41, 47, 157, 181, 244, 251
effects of lustration on 40–1, 134, 189, 210, 266, 294
in elected institutions 162–5
generalized *see* generalized trust
in government and government effectiveness 187–211
higher levels of 176, 182, 255
index 257–8
interpersonal *see* interpersonal trust
in judiciary and police 165–9

trust (*cont.*)
literature 12, 20, 23, 26, 52–3, 176, 241, 263–4
and lustration 153, 156, 158–9, 195, 199, 252, 254, 259
matrix 26, 53
in media 246–7, 254–5
in national government 4, 191–3
objects of 23–7, 29, 40–1, 43, 47, 53, 251, 253
in oversight institutions 159–63, 295
in parliament and political parties 169–72
particularized 24–6, 40, 187
perceptions of 35, 147, 149, 151, 159, 175–6, 188–9, 198–9
in political institutions 10, 13, 26, 41, 49, 53, 182, 239
in political parties 153, 162, 169–70, 172, 174, 263
propensities 24–6, 28–9, 173, 176, 194, 197–8, 238–9, 263–4
in public institutions 27, 131–83
significant predictors of 154, 167, 170, 180, 182, 191, 198, 253
social *see* social trust
in social institutions 9, 11–14, 25–6, 29–30, 42–3, 238–9, 263, 265–7
and transitional justice 248–55
societal 4, 27, 30, 39, 49, 291
and transitional justice 23–54, 147–72
transitional justice and interpersonal 257, 260–3
in unions 247–8, 265
variation in 148, 169, 176, 180
see also *Introductory Note*
trust-building 3–4, 6–7, 10–14, 19–21, 52–3, 115–17, 156–8, 181–2
effects 11, 20, 47, 109, 154, 157, 161, 167
goals 8, 20
trust relationships
political 25, 176, 297
social 9, 241
vertical 238
trust variables 175, 251
social 177
trustor/trustee relationships 24–6, 238
trustworthiness 2, 23–5, 27–8, 35–40, 131–2, 152–3, 175–6, 187–9
changing perceptions of 34–40
perceptions of 28, 50, 180, 182
trustworthy government 28, 187–8, 293
trustworthy public institutions 44, 131–4, 158, 241
truth 1–2, 47–8, 76–7, 79–80, 95, 100, 132–3, 294–5
truth commissions 8–13, 47–9, 118–19, 162–4, 170–2, 249–52, 271–3, 279, 285–6
effects 183, 295
presence/absence 119, 149
variable 119, 148–9
truth-telling 31, 33, 37–9, 42–3, 48–51, 80, 290, 294–5
explicit truth-telling component 48, 275
turnover, bureaucratic 41, 63, 84, 94, 132, 203–4
typologies 12, 20, 51–4, 59, 114–16, 122, 273, 277

Ukraine 106–7, 110–14, 120, 148, 150–1, 173–5, 205–6, 248–9
file access 112–13
lustration rejected 111–12
Orange Revolution 111–12
unions 21, 26, 29–30, 177–8, 243–4, 247–9, 251, 262–3
trust in 247–8, 265
United Nations 2, 6
unstandardized regression coefficients 156, 160, 164, 166, 168, 171–2, 272, 276
ÚPN (Ústav pamäti národa) 103–4, 106

veracity, files 95, 99, 142, 221
verification 86, 136–7, 146, 220, 242
requests 143–4, 146
vetting 6–7, 31–3, 104, 107, 243–4, 246, 248, 297–8
employment 5–6, 10, 33, 93, 100, 141, 148, 292–3
processes 6, 140, 270
voluntary employment
change 52, 243
resignations 74–5, 147

Wildstein's List 78, 135
WVS (World Values Survey) 26, 28, 257–9, 261

Yeltsin, Boris 67, 113–14