

The Impact of Lustration on Democratization in Postcommunist Countries

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Abstract

Assumptions about the democracy-promoting qualities of transitional justice measures abound. However, the relatively few cross-national impact assessments thus far have yielded mixed results. This article takes up this empirical question with respect to postcommunist transitions. I construct an original lustration typology to differentiate the quality and scope of the reforms across 12 countries in the postcommunist space. I then explore whether and how lustration policies have affected democratization. First, the article demonstrates a robust relationship between lustration policies and democracy. In particular, programs requiring compulsory and slightly punitive employment changes evidence stronger relationships with overall levels of democracy than programs relying on symbolic, moral cleansing changes. Second, the article shows that the magnitude of the relationship is substantial. Extensive lustration programs are associated with 30 percent higher levels of democracy over time, even controlling for macroeconomic and political factors at the country level. While all types of lustration are positively associated with changes in democracy, the quality and scope of lustration also affects overall levels of democratization.

Keywords: impact assessment, lustration, vetting, democratization, communism, Soviet bloc

Introduction

It has become both a normative expectation and a practical policy recommendation that states should engage in context-specific transitional justice measures to repair state and society following a conflict or a transition from authoritarianism.¹ Transitional justice describes a broad set of measures by which society confronts the wrongdoings in its past with the goal of obtaining some combination of truth, justice, rule of law and durable peace for the future.² The very

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¹ Ellen Lutz and Kathryn Sikkink, 'The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America,' *Chicago Journal of International Law* 2(1) (2001): 1–34.

² Neil J. Kritz, 'Policy Implications of Empirical Research on Transitional Justice,' in *Assessing the Impact of Transitional Justice*, ed. Hugo van der Merwe, Victoria Baxter and Audrey Chapman (Washington, DC: US Institute of Peace Press, 2009).

process of transitional justice, replete with conflicts and compromises, helps to develop a new understanding of justice on which to rebuild and repair state and society.³ Scholars and practitioners claim that transitional justice can deter future human rights abuses, reduce corruption, foster trust, facilitate development, instill a respect for rule of law, repair society, promote reconciliation and, in particular, support democratization.⁴

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

However, testing the relationship between transitional justice and democracy promotion poses methodological and normative challenges, resulting in both contradictory findings and many assumptions that remain empirically under-examined.¹⁰ Based on the recent culmination of their Transitional Justice Database project, Tricia Olsen, Leigh Payne and Andrew Reiter conclude that

³ Ruti G. Teitel, 'Transitional Justice Genealogy,' *Harvard Human Rights Journal* 16 (2003): 69–94.

⁴ Mark Arenhövel, 'Democratization and Transitional Justice,' *Democratization* 15(3) (2008): 570–587; Pablo de Greiff and Roger Duthie, eds., *Transitional Justice and Development: Making Connections* (New York: Social Science Research Council, 2009); Eric Stover and Harvey Weinstein, *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004); Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004).

⁵ Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: Johns Hopkins University Press, 1986).

⁶ Stanley Cohen, 'State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past,' *Law and Social Inquiry* 20(1) (1995): 7–50; Office of the UN High Commission on Human Rights, *Rule of Law Tools for Post-Conflict States: Vetting: An Operational Framework*, HR/PUB/06/5 (2006).

⁷ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991), 213.

⁸ Jon Elster, *Retribution and Reparation in the Transition to Democracy* (New York: Cambridge University Press, 2006).

⁹ Victor Peskin, *International Justice in Rwanda and the Balkans* (Cambridge: Cambridge University Press, 2008).

¹⁰ See, e.g., Kathryn Sikkink and Carrie Booth Walling, 'Errors about Trials: The Emergence and Impact of the Justice Cascade' (paper presented at New York University Law School, 2 April 2007), <http://www.iilj.org/courses/documents/Session11.Sikkink.pdf> (accessed 5 June 2014); Jack Snyder and Leslie Vinjamuri, 'Trials and Errors: Principle and Pragmatism in Strategies of International

truth commissions are associated with less democracy and less attention to human rights, and that the effects of trials and amnesties are inconclusive.¹¹ Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar note that 'there is no clear link between transitional truth and justice and democratization.'¹² Oskar Thoms, James Ron and Roland Paris summarize the state of the discipline:

Given the paucity and contradictory nature of the empirical findings to date, there appears to be an urgent need for more sustained, systematic, comparative analyses, and for greater attention to fact-based rather than faith-based claims.¹³

The empirical contradictions and resulting uncertainty in the transitional justice literature have engendered a new turn toward more impact assessment scholarship. *IJT*'s 2010 special issue devoted to impact assessments reflects this turn, highlighting a breadth of possibilities for future impact studies.¹⁴ Hugo van der Merwe, Victoria Baxter and Audrey Chapman's 2009 edited volume has paved the way for multimethod impact assessments, challenging scholars and practitioners to explore *how* transitional justice affects states and societies in practice.¹⁵

This article takes up this empirical challenge, examining the effects of transitional justice measures on democratization in postcommunist countries. Specifically, it asks whether lustration laws, a regionally specialized set of employment vetting policies with moral cleansing features, have had an impact on postcommunist democratic consolidation. Policy makers and academics alternately contend that lustration promotes democratization, has no impact on democratization or could undermine democratization. As we near the 25th anniversary of the revolutions in Central and Eastern Europe, sufficient time has elapsed for us to examine what the postcommunist experience tells us regarding the impact of lustration measures on democracy in practice.

Lustration is the dominant form of postcommunist transitional justice in Central and Eastern Europe (CEE) and parts of the former Soviet Union (FSU). As a specialized form of employment vetting, lustration primarily involves 'the banning of communist officials and secret political police officers and informers from postcommunist politics and positions of influence in society.'¹⁶

Justice,' *International Security* 28(3) (2003/4): 5–44. Both papers examine the impact of trials on democracy, but they come up with opposite conclusions.

¹¹ Tricia Olsen, Leigh Payne and Andrew Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: US Institute of Peace Press, 2010).

¹² Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar, eds., *The Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), 34.

¹³ Oskar N.T. Thoms, James Ron and Roland Paris, 'State-Level Effects of Transitional Justice: What Do We Know?' *International Journal of Transitional Justice* 4(3) (2010): 354.

¹⁴ 'Transitional Justice on Trial – Evaluating Its Impact,' special issue *International Journal of Transitional Justice* 4(3) (2010).

¹⁵ Hugo van der Merwe, Victoria Baxter and Audrey Chapman, eds., *Assessing the Impact of Transitional Justice* (Washington, DC: US Institute of Peace, 2009).

¹⁶ Lavinia Stan, ed., *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (New York: Routledge, 2009), 11.

However, the meaning of lustration as practiced in the postcommunist space is substantially broader, including an explicit moral cleansing component.¹⁷ Vojtěch Cepl, the author of the Czech constitution and a former judge in the Czech Constitutional Court, described lustration as ‘ritual purification,’ a means of restoring the social order, with an important role in transforming the ‘moral culture’ of citizens.¹⁸ Lustration connotes ‘the purification of state organizations from their sins under the communist regimes.’¹⁹ It is the symbolic change and the bureaucratic change together that are expected to promote democratization.

Lustration has been relatively understudied compared to other types of transitional justice. Thoms, Ron and Paris’ recent review of the state of the discipline documents the lack of systematic research on vetting and/or lustration.²⁰ Neil Kritz has also commented that ‘noncriminal sanctions, such as purges, lustration, and public access to security files,’ require deeper evaluation.²¹ Recent studies of lustration have provided much-needed details about its various forms across the postcommunist region, and have helped to mainstream discussion of lustration as a possible extraregional transitional justice choice. However, the studies have primary been richly detailed, small-N cases that give more attention to explaining the origins and varied structures of the measures than to assessing their impact.²² For example, while Lavinia Stan’s outstanding examination of transitional justice in Romania shows both an absence of reforms and continued problems with democratization, corruption and development, the single-country study limits the possible impact claims.²³ Monika Nalepa’s three-country comparison of lustration and transitional justice in Poland, Hungary and the Czech Republic examines how complicity affects negotiations between autocrats and the opposition, but does not focus on the differential impact resulting from those settlements.²⁴ Roman David’s recent experimental vignette work on lustration’s effects on trust in government in the Czech Republic, Hungary and Poland is a notable exception.²⁵ However, his three-country comparison focuses on the vanguard lustration efforts in the region and therefore limits the generalizability of these insights across the postcommunist space. Stan’s 2009 edited volume on all transitional

¹⁷ Lavinia Stan, ‘Witch-Hunt or Moral Rebirth? Romanian Parliamentary Debates on Lustration,’ *East European Politics and Societies* 26(2) (2012): 274–295.

¹⁸ Vojtěch Cepl and Mark Gillis, ‘Making Amends After Communism,’ *Journal of Democracy* 7(4) (1996): 120.

¹⁹ Roman Boed, ‘An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice,’ *Columbia Journal of Transitional Law* 37(2) (1999): 358.

²⁰ Thoms, Ron and Paris, *supra* n 13.

²¹ Kritz, *supra* n 2 at 19.

²² Thoms, Ron and Paris, *supra* n 13, highlight the methodological limitations of small-N comparisons in developing larger impact conclusions.

²³ Lavinia Stan, *Transitional Justice in Post-Communist Romania: The Politics of Memory* (Cambridge: Cambridge University Press, 2012).

²⁴ Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (Cambridge: Cambridge University Press, 2010).

²⁵ Roman David, *Lustration and Transitional Justice* (Philadelphia, PA: University of Pennsylvania Press, 2011).

justice measures across the postcommunist space comes closest to providing a cross-regional impact assessment, although the separate treatment of each country limits the cross-national linkages and lessons.²⁶

More cross-national impact assessments could support the small-N comparative analyses that are the norm in lustration studies thus far, and advance our understanding of broader trends related to this form of transitional justice. Drawing on comparative historical data, fieldwork, archival documents and personal interviews, in this article I construct an original lustration typology to classify types of lustration across 12 countries in the postcommunist space. This qualitative categorization of lustration compares the scope and intensity of the measures across a range of country experiences. Using this original dataset, I employ regression techniques to demonstrate a strong and consistent relationship between lustration policies and democracy. While all forms of lustration are associated with more democracy, programs requiring compulsory and slightly punitive employment changes evidence stronger relationships with overall levels of democracy over time than programs relying on symbolic, moral cleansing changes alone.

Lustration Controversies: Promoting or Undermining Democracy?

Lustration is a legislatively mandated and legally constrained process by which the backgrounds of certain public and some quasipublic/private officials are examined to determine whether they were members of, or collaborators with, the secret police, or whether they held certain positions in the former communist regime. The consequences could entail removal from office or position. In some cases only lying about the nature of collaboration is grounds for removal.²⁷ Stan notes that lustration can refer to vetting procedures with two very different approaches, namely employment exclusion or punishment, or confession-based measures without inherent job loss but with symbolic change elements.²⁸ The lustration typology developed in this article categorizes countries across this range of experiences.

Lustration is a type of employment vetting; however, it is more than an employment criterion. Critical to any definition of lustration is the inclusion of an explicit moral cleansing and symbolic change element – the ‘ritual purification’ components.²⁹ Symbolically, lustration sheds light on the past – it *lustrates* the past. The revelatory component inherent to lustration functions as a means of providing

²⁶ Stan, *supra* n 16.

²⁷ Adam Czarnota, ‘The Politics of the Lustration Law in Poland, 1989–2006,’ in *Justice as Prevention: Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: International Center for Transitional Justice and Social Science Research Council, 2007); Roman David, ‘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) (2003): 387–439.

²⁸ Stan, *supra* n 23.

²⁹ Cepl and Gillis, *supra* n 18.

accountability and acknowledgment of the past.³⁰ Public revelations about the previous regime's abuses, citizen complicity or the contents of secret police files are just some of the ways in which lustration reveals the past. It is argued that through these revelations, there will be a moral cleansing of past 'sins.' Additionally, the shaming involved in revelations can prompt elected officials to resign, prevent individuals from seeking positions in the first place or provoke enough public approbation to force individuals to leave their positions. Therefore, although symbolic transitional justice measures have no capacity to force bureaucratic change, they remain potentially powerful catalysts for other types of change.

The combination of institutional and symbolic changes in lustration laws differentiates the CEE experience from other vetting experiences. As the Humanitarian Law Center emphasizes, '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.'³¹ Debathification in Iraq, denazification in postwar Germany or the removal of generals from positions of power in 1990 Argentina are examples of vetting but not examples of lustration.³²

Lustration laws are controversial transitional justice mechanisms because of their structure and function, as well as the way they reveal unpleasant details about past complicity by both citizens and their government with the communist system of oppression.³³ Regional leaders and policy makers feel compelled to justify the use of lustration in order to overcome domestic and international opposition, framing lustration as a democracy and justice promoter, among many of its other alleged elixir qualities.³⁴

The fact that domestic politicians justify lustration as a means of enhancing democracy could be discounted as simple politicking if not for the many confirmatory legal voices. The Council of Europe endorsed the use of lustration to support the transition from communism to democracy.³⁵ The European Court of Human Rights (ECtHR) echoed this belief, upholding a state's right to use lustration to support democratization.³⁶ In a particularly telling historical analogy, the ECtHR stated,

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.³⁷

³⁰ Barahona de Brito, González-Enríquez and Aguilar, *supra* n 12.

³¹ Humanitarian Law Center, 'Vetting,' <http://www.hlc-rdc.org/PravdaReforma/Vetting/index.1.en.html> (accessed 25 July 2011); Natalia Letki, 'Lustration and Democratisation in East-Central Europe,' *Europe-Asia Studies* 54(4) (2002): 529–552.

³² *Ibid.*

³³ Nalepa, *supra* n 24.

³⁴ Stan, *supra* n 17.

³⁵ Council of Europe, *Measures to Dismantle the Heritage of Former Communist Totalitarian Systems*, Resolution 1096 (1996).

³⁶ Cynthia M. Horne, 'International Legal Rulings on Lustration Policies in Central and Eastern Europe: Rule of Law in Historical Context,' *Law and Social Inquiry* 34(3) (2009): 713–744.

³⁷ *Case of Kosiek v. Germany*, Judgment 9704/82, ECtHR, 28 August 1986, [24–25].

The ECtHR applied a similar logic in confirming the right and duty of postcommunist states to safeguard democracy by guaranteeing the loyalty of the civil service through lustration or 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.³⁸

The ability to use lustration to secure a democracy is not without end. The ECtHR ruled that while lustration laws are acceptable rule of law compromises during periods of extraordinary politics early in a transition, they lose their appropriateness, legality and utility over time.³⁹ Rule of law derogations should be the exception, rather than the rule, and must be phased out when the transition is over.⁴⁰ Similarly, the Polish Constitutional Tribunal addressed the temporal limitations of lustration, arguing that 'lustration measures should cease to take effect as soon as the system of a democratic state has been consolidated.'⁴¹ In sum, both national and international actors have framed lustration measures as democracy promoters, albeit with important temporal limitations.

While there are many pro-transitional justice voices, there is a critical counterpoint questioning or rejecting altogether the alleged positive benefits in CEE.⁴² Lustration laws could potentially or actively violate individual rights, liberties and legal guarantees.⁴³ Retroactive justice could violate due process and statute of limitation provisions. Opponents of lustration argue that if a new government is willing to transgress rule of law concerns in order to pursue justice, this could signal a lack of commitment to the principles of democracy. Politicization of transitional justice, such as the instrumental use of lustration by political parties to remove or discredit rivals, could also undermine the legitimacy of the measures and threaten the foundations of democracy.⁴⁴

Additionally, the widespread complicity evident in the postcommunist cases complicates approaches to transitional justice because it lays some of the blame on society.⁴⁵ Lustration procedures use information in secret police files to shed

³⁸ Latvian Constitutional Court, Case No. 2004-13-0106, Judgment (22 March 2005); Polish Constitutional Tribunal, Judgment, Ref. No. K 2/07 Lustration (11 May 2007), http://www.trybunal.gov.pl/eng/summaries/documents/K_2_07_GB.pdf (accessed 5 June 2013).

³⁹ See, James Sweeney, *The European Court of Human Rights in the Post-Cold War Era* (London: Routledge, 2012); Horne, *supra* n 36.

⁴⁰ *Case of Sidabras and Dziautas v. Lithuania*, Final 55480/00 and 59330/00, ECtHR (27 July 2004), §115; *Case of Matyjek v. Poland*, 38184/03, ECtHR (24 April 2007), §69.

⁴¹ Polish Constitutional Tribunal, *supra* n 38.

⁴² Claus Offe, 'Coming to Terms with Past Injustices: An Introduction to Legal Strategies Available in Post-Communist Societies,' *Archives Européennes de Sociologie* 33(1) (1992): 195–201.

⁴³ László Sólyom, 'The Role of Constitutional Courts in the Transition to Democracy: With Special Reference to Hungary,' *International Sociology* 18(1) (2003): 133–161.

⁴⁴ Csilla Kiss, 'The Misuses of Manipulation: The Failure of Transitional Justice in Post-Communist Hungary,' *Europe-Asia Studies* 58(6) (2006): 925–940; Robert Austin and Jonathan Ellison, 'Post-Communist Transitional Justice in Albania,' *East European Politics and Societies* 22(2) (2008): 373–401.

⁴⁵ Adam Michnik and Václav Havel, 'Justice or Revenge,' *Journal of Democracy* 4(1) (1993): 20–27; László Varga, 'Watchers and the Watched,' *Hungarian Quarterly* 38(146) (1997): 51–77; Tina Rosenberg, 'Overcoming the Legacies of Dictatorship,' *Foreign Affairs* 74(3) (1995): 134–153.

light on the past. Those files contain information documenting how neighbors, friends, coworkers and even relatives might have informed on you. There is a potential for such revelations about the scope of the interpersonal and institutional betrayals to undermine social trust and civil society and work against the goal of democratization.⁴⁶

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

Mechanisms of Democracy Promotion

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

Institutionally, lustration programs involve employment screening of office holders in public and semipublic positions.⁴⁷ There is a key expectation of bureaucratic turnover or renewal, which is supportive of democratization in a variety of ways. First, lustration removes individuals in positions of public trust whose morals, values and commitment to the new democracy might be compromised by their previous beliefs, affiliations and actions. Stan notes that changing the composition of the political elite is a central tenant of lustration.⁴⁸ Second, lustration breaks up the patronage networks that existed under the communist system and continue to dominate many areas of economic and political life. Lustration involves not simply the removal of bureaucrats from positions of power but also breaking down the social networks of patronage and cronyism that impede institutional reform in many postcommunist societies.

Third, lustration changes perceptions of the trustworthiness of the government by changing its composition.⁴⁹ Susan Rose-Ackerman highlights a need for bureaucratic change in order to develop accountable governments and public participation in postcommunist systems.⁵⁰ A central way to stimulate citizen engagement is to show a demonstrable change in the composition of government.

⁴⁶ David, *supra* n 25; Cynthia M. Horne, 'Lustration, Transitional Justice and Social Trust in Post-Communist Countries: Repairing and Wresting the Ties that Bind?' *Europe-Asia Studies* 66(2) (2014): 225–254.

⁴⁷ Czarnota, *supra* n 27; David, *supra* n 27.

⁴⁸ Stan, *supra* n 16.

⁴⁹ Cynthia M. Horne, 'Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe,' *Comparative Political Studies* 45(4) (2012): 412–446.

⁵⁰ Susan Rose-Ackerman, 'Public Participation in Consolidating Democracies: Hungary and Poland,' in *Building a Trustworthy State in Post-Socialist Transition*, ed. János Kornai and Susan Rose-Ackerman (New York: Palgrave Macmillan, 2004).

If the bureaucratic changes appear fair and just, this contributes to citizen perceptions that government is trustworthy and encourages active citizen engagement. As citizens engage with their government, they fortify the constitutive elements of democracy, including the creation of a vibrant civil society, freedoms of media and speech and open and fair elections, thereby creating a positive feedback loop supporting democratic consolidation.

Finally, lustration has been theorized and alleged to deter future abuses and function as a democracy safeguard because individuals recognize the consequences for possible future actions.⁵¹ Lustration could prevent the reestablishment of the old guard or the previous ideology, thereby fortifying the foundations of democracy.

The symbolic change mechanisms in lustration programs can complement or substitute for the overt bureaucratic change components. In particular, the truth telling and public revelations catalyzed by lustration constitute a form of moral cleansing that supports democracy. This is done through a combination of public and individual access to information in secret police files, public disclosures of former secret police agents and collaborators and personal confessions by collaborators to the public in a quasivoluntary/quasicoerced structure.

There are several ways that information revelation is alleged to impact on democracy. First, truth telling is framed as a way of building trust in public institutions and quasipublic institutions because increased transparency realigns the values of citizens and their institutions.⁵² The Council of Europe describes this as ‘a transformation of mentalities (a transformation of hearts and minds).’⁵³ Even if individuals are not forcefully removed from office, the truth telling and acknowledgment process of lustration compels individuals to accept responsibility for their past behavior. The act of acknowledgment combined with the creation of a new moral compass through lustration effects a solid foundation for democracy. Second, a new regime that addresses retroactive justice concerns is demonstrating to its citizens a commitment to justice and fairness, which might improve perceptions about the trustworthiness of the national government in general and the strength of democracy in particular.

Third, the truth aspect of lustration also includes an important indirect institutional change dimension that complements the direct employment vetting elaborated above.⁵⁴ Even in lustration programs that do not require compulsory removal from employment, public disclosures of former regime complicity can result in bureaucratic change. Public office holders might be forced to confess their background or risk public disclosure, or in some cases the background of all office holders is made public. To avoid the publicization of past collaboration, officials may voluntarily resign or select out by simply not applying for positions.

⁵¹ Elster, *supra* n 8.

⁵² Cepl and Gillis, *supra* n 18.

⁵³ Council of Europe, *supra* n 35.

⁵⁴ David, *supra* n 25.

Voters also have the power to decide the electability of former collaborators when information is publicly disclosed. As a result, truth telling is an indirect mechanism for bureaucratic change. Combined, the symbolic and institutional change mechanisms are thought to support democracy.

The expected relationship between lustration and democracy in the literature prompts the question: What was the impact of lustration, if any, on democracy in the postcommunist space? Methodologically, I take a three-step approach to this research question. First, I develop a lustration typology that highlights the degree to which lustration programs forced bureaucratic changes or relied on public disclosures as more symbolic or informal mechanisms. Second, I classify the countries within this typology, highlighting similarities and regional differences in implementation. Third, using this categorization I statistically examine the extent to which lustration measures explain variation in democracy levels both within and between the countries. Together, this mixture of quantitative and qualitative methods helps elucidate the conditions under which lustration measures affected democratization in the postcommunist sphere.

Lustration Typology

I develop a lustration typology focusing on Estonia, Latvia, Lithuania, the Czech Republic, Hungary, Poland, Slovakia, Albania, Bulgaria, Romania, Russia and Ukraine.⁵⁵ The placement of each country within the typology reflects a distillation of case specifics, using comparative historical analysis, archival materials and personal interviews. The sample includes countries with a variety of approaches to transitional justice in general and lustration in particular, as well as a range of socioeconomic and political conditions. There are countries that were and were not part of the Soviet Union and are or are not currently European Union members, thereby providing variation in country groupings and historical and current political alliances. Critically, the typology includes cases of no lustration and cases of maximal lustration. The inclusion of the no-lustration cases improves the range and reliability of the findings.

Table 1 provides details to support the construction and placement of countries within a lustration typology, in which the programs are organized in ordinal ranking according to whether lustration was compulsory and wide (4), narrow and voluntary (3), based on public disclosures and symbolic change (2) or non-existent (1). I used a number of factors to determine the categorization of the countries along these criteria, including the degree to which the laws are wide or narrow in scope; fairly and consistently implemented; politicized or manipulated by political parties against their opponents; overturned by parliaments, constitutional courts and/or state presidents; and implemented in a manner reflecting

⁵⁵ This section draws on the extensive country coding in the author's book manuscript on 'The Impact of Transitional Justice on Trust and Democracy' and is available by request. See also, Rafał Leśkiewicz and Pavel Záček, eds., *Handbook of the European Network of Official Authorities in Charge of the Secret Police Files* (Prague: Institute for the Study of Totalitarian Regimes, with Institute of National Remembrance, 2013).

Table 1. Lustration Typology

Wide and Compulsory Institutional Change (4)	Narrow and Voluntary Institutional Change (3)	Public Disclosure and Symbolic Change (2)	No Change, Symbolic or Institutional (1)
<p>Required bureaucratic change and public disclosures</p> <ul style="list-style-type: none"> • Lustration laws passed and implemented • Some screening of individuals (either public or private sector, or both) • Some removal from office or positions • Minimal political manipulation confers sense of legitimacy and authenticity on procedures 	<p>Public disclosures with voluntary bureaucratic change</p> <ul style="list-style-type: none"> • Lustration or lustration type laws passed • Limited scope of positions • Political manipulation leads to implementation problems • Voluntary resignation from office, not compulsory employment penalty • In some cases, penalty only for lying about collaboration • Emphasis on truth telling paired with formal proceedings to catalyze bureaucratic change 	<p>Limited and/or informal vetting through public disclosures</p> <ul style="list-style-type: none"> • Lustration laws passed but repeatedly vetoed, not adopted or declared unconstitutional • Minimal forced removal from office • Shaming as penalty for disclosures of collaboration • Emphasis on symbolic truth telling alone to encourage bureaucratic change 	<p>Lustration laws never passed or passed but not implemented</p> <ul style="list-style-type: none"> • Active rejection of lustration • Files sealed and remain closed • Even memory politics efforts limited or hindered • Avenues for revisiting any form of transitional justice closed
<p>Czech Republic: Longest and most comprehensive program in region, begun in 1991. Police vetting expanded in 2007 and increased file</p>	<p>Hungary: Early but limited lustration that narrowly focused on president and parliament in practice although laws were broader. Some removal from public office and truth telling.</p>	<p>Bulgaria: Several lustration-related laws (1992, 1997, 2002), but minimal lustration of public officials and elites. Focus was on academics and scientific</p>	<p>Albania: Several lustration-related laws (1995, 1998), but no real implementation. The 2008 lustration law declared unconstitutional. No <i>de facto</i> lustration.</p>

(continued)

Table 1. Continued

Wide and Compulsory Institutional Change Required bureaucratic change and public disclosures (4)	Narrow and Voluntary Institutional Change Public disclosures with voluntary bureaucratic change (3)	Public Disclosure and Symbolic Change Limited and/or informal vetting through public disclosures (2)	No Change, Symbolic or Institutional (1)
<p>transparency, but active lustration largely ended by 2012.</p> <p>Latvia: Lustration and citizenship laws (1994, 1995). Mixture of anti-Russian policies and lustration. Actively vetted individuals from local and national elections, and public sector positions.</p>	<p>Citizen fatigue with lustration concluded use of laws.</p> <p>Poland: Multiple starts and stops to lustration, caught in cycles of political manipulation (1989, 1992, 1997, 2006). Some implementation, with expansive round of lustration launched in 2006 with implementation. Constitutional court rulings block and amend laws. There are continued calls for vetting.</p> <p>Lithuania: Several lustration laws (1991, 1999). In 1999 granted period of confession with no employment penalties, after grace period then both private and public sector employment bans for lying about past. Some individuals removed or prevented from taking jobs. Delayed and politicized implementation.</p>	<p>institutions. Public disclosures started in earnest in 2009 and still occurring.</p> <p>Romania: Much lustration debate but no agreement on laws. Symbolic rulings but little lustration in practice. In 2006 expansive lustration program launched to enact 'real' lustration. Constitutional court blocked laws in 2008. State has public disclosures policy.</p>	<p>Russia: Parliament made lustration a criminal offense in 1991. Lustration bill proposed in 1992 but set aside. No public identification of KGB collaboration, and general file access restricted.</p> <p>Ukraine: After Orange Revolution in 1995, two lustration bills proposed and rejected by both president and parliament. Secret archives remain closed. The 2005 purge of opposition not lustration. No accountability for past.</p>
<p>Estonia: A 1992 oath of conscience to disclose past, and 1995 citizenship criteria used as vetting tool for public positions. Truth telling about past complicity became forced disclosure of collaboration.</p>		<p>Slovakia: In 1991 Czechoslovak lustration law expired without implementation. Has no formal lustration law. In 2004 some files published. Stormy history of rejecting memory institute, but once institute in place did work to disclose information to citizens.</p>	

their design and purpose. While no single factor trumps the others, the degree to which the laws force compulsory institutional change as opposed to limited or voluntary change is a primary factor. Augmenting the institutional change factors are symbolic change measures such as public disclosures and truth revelatory measures. The focus is on creating a relative categorization strategy, comparing institutional and symbolic change measures. Appendix 1 provides additional case details regarding laws and policies to legislate lustration and public disclosures across the region.

The 'wide and compulsory institutional change' category focuses on the expansive and compulsory bureaucratic change programs, such as in the Czech Republic, Estonia and Latvia. Collaboration with the secret police, either full-time employment or part-time informer status, resulted in disqualification from certain categories of positions for a period of five to 10 years. Countries in this category adopted a wide scope of positions to be vetted, across a range of national and local public sector positions. The Czech Republic's early lustration law took a maximal approach, vetting both public and semipublic positions of public trust broadly defined.⁵⁶ Latvia and Estonia adopted lustration-like employment vetting procedures, employing a series of overlapping citizenship laws, language requirements and outright bans on former Committee for State Security (KGB) officials and informers.⁵⁷ Finally, this category has not had the highly politicized cycles of lustration that are very common in the narrow institutional change category, conferring a sense of legitimacy on the laws that is undermined in more politicized programs. The structuring of laws that are wide and compulsory in scope and their authentic implementation distinguish this category from the others and make it the most likely to support democratization. In sum, the combination of compulsory institutional change and symbolic legitimacy renders these lustration programs the most likely to support democratization.

The 'narrow and voluntary institutional change' category includes countries that enacted programs with voluntary bureaucratic change components, such as Poland, Hungary and Lithuania. Countries in this category all passed and implemented lustration laws, some even designing laws that mirrored the scope conditions of the lustration legislation enacted by countries in the wide and compulsory change category. However, the passage and implementation of the laws have been more problematic, both limiting institutional change and muddying symbolic cleansing. Countries also opted to narrow the list of those lustrated to top positions, thereby limiting the scope of the measures and reducing their possible institutional change effects.

Critically, countries in the category opted for voluntary, not mandatory, bureaucratic change policies in the event of revealed secret police involvement. Public shaming and a sense of personal duty remained the mechanisms to encourage voluntary bureaucratic change. In the Hungarian case, names of collaborators

⁵⁶ See, Appendix 1 for Act No. 451/1991, the Screening ('Lustration') Law, In Czechoslovakia.

⁵⁷ See, Appendix 1 for the Estonian Citizenship Law of 1992 and the Latvian Citizenship Law of 1994.

who did not resign from office were made public, and it was assumed that they would resign voluntarily.⁵⁸ Poland also eschewed compulsory bureaucratic change, adopting employment penalties only for individuals who lied about their previous regime involvement. In this way, Poland has penalized falsifying the past, not collaboration in the past.⁵⁹ Lithuania's lustration similarly penalized individuals for lying about the past.⁶⁰ In design, a more voluntary, disclosure-focused lustration program could be fairer because it does not violate rules against retroactive justice penalties and does not criminalize the memory of the past. However, in practice, this approach has resulted in limited and narrow bureaucratic change.

There are problems with the political manipulation of the laws in all three countries, which has undermined the *de facto* implementation of the laws and tainted the moral cleansing elements.⁶¹ Cycles of lustration in Poland and 'wild' lustration involving unsanctioned publication of lists of supposed collaborators have sullied some of the process.⁶² False starts and stops with reform measures and significant delays in implementation have reduced the legitimacy and consistency of the programs. I expect the lustration programs in this category to support democratization, but the more voluntary bureaucratic changes and slightly tarnished symbolic cleansing to lessen the impact.

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

In the case of Bulgaria, the Dossier Commission (the Bulgarian secret police file repository agency) has reviewed tens of thousands of secret police files related to public office holders and publicized thousands of names of officials and

⁵⁸ See, Appendix 1 for the Hungarian Law on Background Checks, Law No. 23 (8 March 1994).

⁵⁹ Polish Lustration Act (11 April 1997).

⁶⁰ See, Appendix 1 for the Lithuanian Decree No. 418 (12 October 1991) and Law VIII-1436/1999.

⁶¹ Stan, *supra* n 16; Dovilė Budrytė, 'Lithuania,' in *Encyclopedia of Transitional Justice*, vol. 2, ed. Lavinia Stan and Nadya Nedelsky (Cambridge: Cambridge University Press, 2013). I am grateful to Dr. Budrytė for helping to clarify the complicated nature of the Lithuanian case.

⁶² Wojciech Kosci, 'Poland: Wildstein's List,' *Transitions Online*, 1–7 February 2005, <http://www.tol.org/client/article/13493-wildsteins-list.html?print> (accessed 5 June 2014); Lavinia Stan, 'The Politics of Memory in Poland: Lustration, File Access and Court Proceedings,' *Studies in Post-Communism Occasional Paper No. 10* (2006).

collaborators.⁶³ Romania's National Council for the Study of the Securitate Archives has reviewed thousands of public and semipublic office holders and publicized the results, continuing a process of reckoning with the past.⁶⁴ Slovakia has also relied on limited public disclosures to provoke resignations by office holders, although its program has been much smaller in scope than Bulgaria's or Romania's.⁶⁵ Despite the lack of formal lustration legislation, all three countries are using public disclosures as quasilustration devices to lustrate the past and instigate bureaucratic change.

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

Although there is minimal direct employment removal in this category, office holders do resign for fear of public disclosure, thereby prompting bureaucratic change.⁶⁶ Moreover, the disclosures shed light on the past through a process of truth telling and accountability in order to morally cleanse state and society. We expect the massive scope of the public disclosures to support democratization efforts through a process of transparency and voluntary resignations. However, since the reforms rest on indirect and symbolic change mechanisms rather than direct institutional change mechanisms, we expect the magnitude of the effect on democracy to be less than that of the previous two categories.

Finally, the 'no change' category includes countries that either failed to pass lustration laws or did not implement them, such as Albania, Ukraine and Russia. This category captures countries with no institutional change, meaning no vetting of bureaucracies and positions of public trust and no credible moral cleansing or symbolic changes. These countries have largely refused to engage with memory politics, either limiting access to the files or sealing the files. Unlike the previous category, where countries avoided lustration and file access for a long time but in the end adopted limited and late lustration or disclosure measures, there has been a systematic effort by countries in this category to avoid transitional justice altogether.

For example, Albania passed lustration laws but largely ignored implementation, declaring the laws wholly or partially unconstitutional.⁶⁷ In Ukraine,

⁶³ Personal interview, Chairman Evtim Kostadinov, Dossier Commission, Sofia, Bulgaria, 12 July 2012.

⁶⁴ Personal interview, Chairman Dragoș Petrescu, National Council for the Study of the Securitate Archives, Bucharest, Romania, 12 October 2012.

⁶⁵ See, Nation's Memory Institute, 'Mission,' <http://www.upn.gov.sk/english/mission> (accessed 5 June 2014); Leśkiewicz and Žáček, *supra* n 55.

⁶⁶ Personal interview, Evtim Kostadinov; personal interview, Dragoș Petrescu.

⁶⁷ See, Appendix 1 for Albania's Law No. 8001, the Genocide Law (22 September 1995), and Law No. 8043, the Verification Law (30 November 1995). See also, Austin and Ellison, *supra* n 44.

lustration was considered and rejected.⁶⁸ In Russia, lustration was declared illegal early in the transition, and this killed off subsequent attempts to reintroduce lustration debates.⁶⁹ This policy choice will most likely result in limited personnel changes and perhaps no real ideational or institutional change. As such, we expect that the absence of both institutional change and symbolic change mechanisms to undermine democratization because the old guard will remain in positions of power. This final category – the absence of lustration – is a vital control category, allowing us to consider postcommunist countries that rejected lustration.

In terms of coding, before lustration is enacted, lustration is coded as 0, and once lustration measures are enacted, they are coded according to the placement of the country in the typology. Appendix 1 includes the exact dates used for the coding. Since lustration measures are assumed to have continued impact even when they expire, due to the lasting institutional and symbolic change effects, once lustration is enacted it remains with its coding for the duration of the time period considered. This reflects the standard practices used in similar policy models.

The lustration typology in this article attempts to capture the much-needed comparative variation in the quality of implementation of lustration, public disclosure and file access policies across the postcommunist region. Cross-national studies often treat transitional justice measures as a dummy variable – the presence or absence – when in reality there are important differences in the scope and quality of implementation. There was nothing predetermined about country categories even a decade into the transition. Slovakia was the first case of extensive lustration, and ended up with only limited measures due to a lack of real implementation. Similarly, Albania passed both lustration and antigenocide laws but opted not to implement them. Hungary and Poland were to have Czech-style programs, but in the end minimized lustration by opting for voluntary change programs. Lithuania is not grouped with the other Baltic countries, having succumbed to rampant politicization of the measures. Therefore, the categories reflect the realization of the lustration programs after 25 years of transitional justice. Critically, countries with similar starting levels of democracy adopted different lustration strategies, suggesting that lustration choice is not simply a function of initial levels of democracy.

Data and Variables

Dependent Variable: Democracy

This article employs Freedom House's *Nations in Transit* measure of democracy/democratic consolidation as the dependent variable. The democracy score is a composite of several factors, including assessments of the quality of national

⁶⁸ Alexei Trochev, 'Ukraine,' in *Encyclopedia of Transitional Justice*, vol. 2, ed. Lavinia Stan and Nadya Nedelsky (Cambridge: Cambridge University Press, 2013).

⁶⁹ Stan, *supra* n 16.

democratic governance, the electoral process, civil society, media independence, local democratic governance, the judicial framework and independence, and levels of corruption.⁷⁰ Freedom House's democracy scores provide more subtlety to detect shifts in democracy across the postcommunist region than Polity IV measures. For example, Polity scores Estonia, the Czech Republic, Lithuania and Poland the same in terms of democracy in 2008 – a 10 on a scale of – 10 to 10 – while Freedom House differentiates between these countries.⁷¹ I have opted for the more nuanced measures afforded by Freedom House in order to maximize the possibility of detecting subtle but important differences both between and within countries.

This article is exploring whether there is a direct relationship between lustration and democracy. We do not expect lustration to explain dips and crests in the data, as that is beyond any single policy change. We are asking whether there are general trends associated with states that effected lustration. Do we see countries with more expansive lustration having significant improvements in their democracy levels over time? How do those countries compare to others with less expansive lustration policies?

Control Variables: Economic, Political and Social Factors

There are many factors that affect democratization. Several control variables could obviate the impact of lustration because of their powerful, demonstrated independent effects on democracy in the literature. This study considers economic change, inequality, perceptions of corruption, trust in public institutions, good governance and the strength of the political opposition as political, social and economic macro factors that could affect levels of democratization.⁷² The data sources and transformations are described in Appendix 2.

First, economic growth or decline could affect citizen perceptions of democracy, especially in the postcommunist environment in which economic stability is often conflated with democracy. Second, the well-documented increase in economic inequality across the postcommunist region since 1989 could adversely impact on support for democratization.⁷³ Third, corruption could have a substantial negative impact on perceptions of democracy.⁷⁴

⁷⁰ Note that there is no market economy component to this measure. Freedom House, Nations in Transit, 'Methodology,' <http://www.freedomhouse.org/report/nations-transit-2012/methodology> (accessed 5 June 2014).

⁷¹ Estonia scored 1.93, the Czech Republic 2.14, Poland 2.39 and Lithuania 2.25 on a scale of 1 to 7. See, Appendix 2 for data details for Freedom House. See also, Polity IV Project, 'Polity IV Individual Country Regime Trends, 1946–2013,' <http://systemicpeace.org/polity/polity4.htm> (accessed 5 June 2014).

⁷² Other factors that may affect the strength of democracy, such as the robustness of civil society, freedom of the media or the independence of the judiciary, are already part of the democracy measure; therefore, they cannot be included as separate controls.

⁷³ Agnieszka Paczynska, 'Inequality, Political Participation, and Democratic Deepening in Poland,' *East European Politics and Societies* 19(4) (2005): 573–613; Bo Rothstein and Eric Uslaner, 'All for All: Equality, Corruption, and Social Trust,' *World Politics* 58 (2005): 41–72.

⁷⁴ Eric Uslaner, *Corruption, Inequality and the Rule of Law: The Bulging Pocket Makes the Life Easy* (Cambridge: Cambridge University Press, 2008).

Fourth, it is possible that the quality of governance and/or trust in public institutions directly affect levels of democracy. Higher levels of trust in public institutions have been shown to support democratization, as do more effective governments.⁷⁵ The quality of governance assesses how well government is meeting the needs of citizens, capturing the effectiveness of the bureaucracy and the quality of the rule of law environment. This is theoretically and empirically distinct from measures of democracy.⁷⁶ In particular, Freedom House's consideration of local or national governance measures focuses on electoral stability, fair elections and procedural safeguards for democracy. The procedural understanding of elections and stability obviously overlaps with issues of government effectiveness, but they remain distinct and important variables for consideration.

Fifth, the danger of political manipulation of lustration policies could undermine potential restorative benefits.⁷⁷ If citizens perceive lustration policies to be little more than tools of party politics, this would undermine any positive impact. The logic of the political manipulation hypothesis is that political parties will actively use lustration against potential rivals. If political opposition is low, there is little need for the messy politics of lustration. If political opposition is high, lustration could be employed as a tool for political advantaging.

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

Testing the Relationship between Types of Lustration and Democracy

Using the variables discussed above, I compiled an original dataset including a lustration variable based on the lustration typology and country classifications presented in Table 1. More lustration is coded as 4 and the absence of lustration is coded as 1, in an ordinal ranking. The dataset is structured in country years, with independent variables lagged, and includes panel data on each of the 12 countries in 1997–2012. This is the longest period for which comprehensive data is available for these countries. I estimated a series of time series-cross-sectional regressions in which the data is clustered by country to ensure that the economic, social and

⁷⁵ Valerie Braithwaite and Margaret Levi, eds., *Trust and Governance* (New York: Russell Sage Foundation, 1998).

⁷⁶ Bo Rothstein, *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective* (Chicago: University of Chicago Press, 2011).

⁷⁷ Kiss, *supra* n 44; Austin and Ellison, *supra* n 44.

political variables control for changes within a country over time.⁷⁸ The time series regressions give a dynamic aspect to the analysis and allow us to examine if lustration is able to explain some of the variation over time in democracy both within and between countries. Finally, if lustration does affect democracy, I can calculate the magnitude of the relationship between lustration and democracy using predicted value estimations.

Table 2 presents the results of a series of regression models. Model 1 includes the entire period from 1997 to 2012, providing us with the longest range of data and the biggest sample size. Models 2 to 5 include various economic and political controls that truncate the time periods analyzed. For example, inequality data is available only through 2009 and government effectiveness data is only available through 2008, therefore models that include those controls reduce the total period analyzed and thus the sample size. Model 5 excludes the cases of no lustration, providing an even more rigorous test of how the quality of lustration affects outcomes in CEE.

There are several important findings shown in Table 2. First, lustration is always a highly robust predictor of level of democracy, being statistically significant at the $p < 0.001$ level. This suggests that lustration in general is associated with higher final levels of democracy. The time series analysis controls for year on year changes within countries, which means we see over time that countries that enact lustration measures have higher levels of democracy over the transition period.

Second, there is a strong and positive relationship between the scope and implementation of lustration and the overall level of democratic consolidation over time. The lustration typology variable is ordinal, allowing us to examine if the type of lustration – compulsory, voluntary, disclosure based/symbolic – has a differentiated effect on democracy. Across all of the models, more extensive and compulsory lustration is robustly associated with higher levels of democracy. As the lustration programs shift from more compulsory change to less compulsory change, there is a decrease in the level of democratization. This means that more compulsory or punitive programs evidence relationships of significantly larger magnitude to overall democratization than programs relying on more voluntary means of bureaucratic change. Public disclosure or symbolic change programs are also associated with democratization, but the magnitude of the relationship between democracy and symbolic changes is the smallest within the lustration typology.

Third, using predicted value estimations we can calculate the magnitude of the relationship between the different categories of lustration and democracy based on the variables in Model 1 with the addition of change in inequality. In other words, holding the variables for corruption, economic growth and change in inequality constant at their mean values, we can calculate how a shift across the

⁷⁸ Author calculations using Stata 12, xtglm regressions, clustered by country and year. Missing data is not imputed. All standard errors are calculated at a 95% confidence interval. See, Appendix 2 for data details.

Table 2. Lustration and Democracy (12 Countries)

See Appendix 2 for transformations and data details	Dependent Variable: Level of Democratization				
	Model 1 1997–2012	Model 2 1997–2008	Model 3 1997–2009	Model 4 1997–2008	Model 5 ¹ 2001–2011
Lustration typology (4 categories)	3.06*** (0.36)	3.00*** (0.31)	5.18*** (0.36)	2.49*** (0.38)	2.31*** (0.53)
Corruption levels	–0.30*** (0.03)	–	–	–0.17*** (0.04)	–0.22*** (0.05)
Economic growth GDP change	–0.03 (0.06)	0.09 (0.09)	–0.19 (0.12)	–0.03 (0.10)	–0.33* (0.15)
Change in inequality	–	–	–2.21 (4.09)	–	–2.50 (3.21)
Inequality Absolute level	–	–	–	–0.04 (0.08)	–
Strength of political opp.	–	–	–	–0.0005 (0.0004)	0.0002 (0.0006)
Gov't effectiveness	–	34.88*** (2.86)	–	26.24*** (3.82)	–
Trust in public institutions	–	–	–	–	–1.60 (1.78)
Constant	21.61***	–9.05***	6.74***	6.33*	28.27***
N	180	135	140	121	79
Wald χ^2	592.51***	591.70***	207.49***	603.24***	73.50***

Time series cross-sectional data, FGLS regression analyses, clustered by country. All models test for heteroskedasticity and multicollinearity. Unstandardized regression coefficients (b) reported, with standard errors in parentheses. 95% confidence interval, two tailed * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

¹Model 5 excludes Albania, Russia and Ukraine. It includes the other nine CEE/FSU countries.

lustration categories (a change in 1 unit) affects the level of democracy.⁷⁹ In general, a shift between the categories is associated with a 9–11 percent change in level of democracy. More specifically, the difference in democracy between countries that opted for voluntary lustration (category 3) instead of compulsory lustration (category 4) is 9 percent. Similarly, the difference between countries that used public disclosure-based programs (category 2) and countries opting for narrow and voluntary lustration is 9.6 percent. The difference between countries with no lustration (category 1) and categories with informal public disclosures, or what could be considered minimal lustration (category 2), is 10.7 percent. Overall the difference in level of democracy between those countries that opted for no lustration and those that chose maximal lustration is 31.4 percent. Figure 1 presents these results graphically, showing the relationship between lustration category and predicted level of democracy. Figure 1 also reports the percentage change in democracy level predicted between each category. The models demonstrate that while any kind of lustration is beneficial, in particular lustration

⁷⁹ Author calculations using Stata 12 predcalc functions. Data logs available.

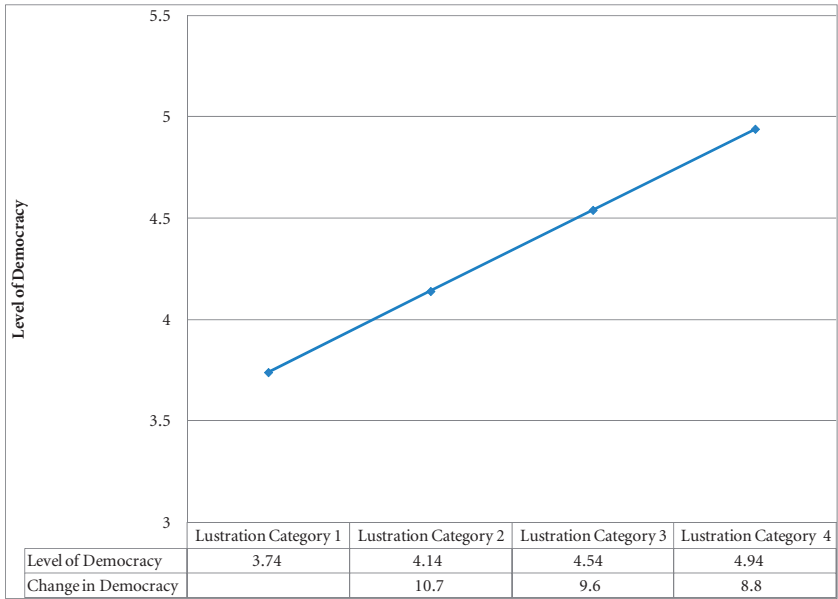


Figure 1. Predicted Value Estimators: Democracy Level by Lustration Category

policies that are wider and more compulsory are associated with the highest overall level of democracy.

Model 5 presents a slightly different approach to the research question, focusing on the relationship between the *quality of lustration* and democratization among the most successful cases in the postcommunist sphere. It examines just CEE and the Baltics, excluding Albania, Russia and Ukraine, thereby reducing the variation in types of lustration and reducing the variation in the dependent variable democracy. It also includes a trust in public institutions variable as a control within the narrower sample of CEE success stories.⁸⁰ In these ways, Model 5 presents an even more challenging test of the lustration hypothesis.

Model 5 is illustrative, because even excluding the countries that have failed to democratize effectively we continue to see a robust relationship between the quality of lustration and democracy. More extensive lustration programs with compulsory employment penalties evidence strong relationships with higher levels of democracy. This narrower, intra-CEE analysis demonstrates that the quality and composition of lustration programs is robustly associated with the final levels of democratic consolidation. It is not simply the presence or absence of lustration that matters but the scope and implementation of the measures as well.

⁸⁰ There is no trust in public institutions data for Ukraine, Russia and Albania, so this variable is not included in the model specifications with the full sample of cases.

Turning to the control variables, the models demonstrate that higher levels of corruption systematically undermine democracy, as is to be expected. Models 2 and 3 do not include corruption to test whether its inclusion affects the overall robustness of the lustration variable; there is no significant effect on the models.⁸¹ Contrary to fears that politicization might undermine the effects of lustration, the strength of the political opposition is not a robust variable, nor does it alter the significance of lustration. Quality of governance affects democracy, but it too does not mitigate the effects of lustration. Finally, a number of economic variables are considered, namely economic growth and inequality measures. In general neither affects the findings with respect to lustration measures. In sum, while these important controls might positively affect democracy in their own right, their causal weight is not so large as to obviate the relationship between lustration and democracy.

Endogeneity concerns affect policy assessments. For example, countries with higher initial levels of democracy might be inclined to have more lustration at the start of the transition, thereby leading us to wonder if lustration is in fact driving the changes in democracy. There are two reasons to suggest the relationship is not simply one of countries with higher levels of democracy instituting more expansive lustration measures, which in turn support more democracy. First, countries with similar levels of democracy at the start of the transition chose different lustration programs. The Czech Republic and 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. In sum, countries with higher levels of democracy do not necessarily choose more extensive lustration or even any lustration at the start of their transitions.

Second, the nature of the statistical estimators helps us to tease out relationships. By looking at changes in programs over time and lagging the effects we can introduce more dynamism in the models, which helps to tease out the relationship between lustration and democracy, although it cannot prove causality. Finally, fixed effects models yield results similar to the random effects models with respect to the relationship between lustration and democracy. While the size of the between-country effects is greater than the size of the within-country effects, as is bound to happen given the range of country political and social experiences across the sample, both are significant and both point to the effects of lustration measures on changes within and between countries.⁸² The nature of

⁸¹ The democracy measure and the corruption measure are correlated at $r = -0.78$, which still allows for its inclusion in the analysis. There is no evidence of multicollinearity, and the inclusion or exclusion of corruption does not distort or affect the overall results.

⁸² I am especially grateful to an anonymous reviewer for suggesting I run complementary fixed effects models to estimate between- and within-country variation. In all the models the between-country

the country cases and the estimators cannot obviate possible endogeneity concerns, but in general there are robust relationships within and between countries with more expansive lustration measures and higher final levels of democracy.

Conclusions: Reflections on the Postcommunist Experience

Engaging with the growing body of impact assessment literature on transitional justice, this article tests *whether* lustration measures affected levels of democracy in 12 postcommunist states using an original dataset featuring a new lustration typology. This dataset allows us to test not simply if the presence or absence of lustration affects democratization but also how different types of lustration programs affect overall levels of democracy over time. The article presents three main findings. First, lustration strongly supports democratization. All the lustration programs under study, whether driven by institutional change, public disclosures or symbolic change, were associated with higher levels of democratization over time. However, there were significant differences in impact based on the scope and implementation of the programs.

Second, the typology illustrates that lustration involving compulsory and expansive bureaucratic change components has the largest impact on democratization. The programs that relied on narrower, voluntary change mechanisms supported democracy but with a slightly diminished impact. Lustration that relied on symbolic public disclosures and moral cleansing also supported democracy but with a weaker impact than the programs forcing bureaucratic change. Given how contentious the forced bureaucratic change element has been in the international legal and human rights communities, this finding is particularly important.

Third, in terms of *how much* lustration affects democracy, there are significant differences in levels of democracy evidenced across the lustration categories. The more expansive lustration programs had democracy levels 9 percent higher than countries with voluntary lustration programs. Democracy levels in countries with voluntary measures were 9 percent higher than in countries relying on symbolic public disclosures. Countries with no lustration versus countries with expansive and compulsory lustration programs register 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.

variation was higher than the within-country variation; however, the within-country variation remained significant and substantial. For example, the within-country R-squared value based on the specification in Model 4 was 0.29, as compared to the between-country R-squared of 0.83 for an overall R-squared of 0.77. These datalogs are available from the author.

In sum, these findings demonstrate that despite the many conflicting narratives about lustration's effects on state building and societal reconciliation, we have evidence of the possible benefits of lustration on democratization. While compulsory employment vetting has been the most contentious element of lustration programs because of its punitive nature, it was associated with the highest overall democracy levels within this sample. These cross-national impact findings complement case studies that explore in richer detail the specificities of lustration's impact. While we cannot establish causality with this analysis, we can demonstrate a strong relationship between higher final levels of democracy and more expansive lustration efforts. The findings invite continued fine-grained research on the causal mechanisms undergirding symbolic changes and institutional changes in promoting democracy and other postauthoritarian transition goals. More broadly, the lessons from the postcommunist experiences have potentially important policy implications to the extent that they inform the composition of future lustration programs in other postauthoritarian transitions.

Appendix 1

Table A1. Lustration Laws and Related Policies

Country (timing–lustration start point)	Key Lustration and File Access Policies
Albania (1995)	Genocide Law, Law No. 8001, 22 September 1995 Verification Law, Law No. 8043, 30 November 1995
Bulgaria (1992)	Law on Banks and Credit Activity, Law No. 25, 18 March 1992 Panev Law, 9 December 1992 Andreev Committee, 28 February 2001 Kostadinov Committee, April 2007–present
Czech Republic (1991)	Czech and Slovak Federal Republic: Screening ('Lustration') Law, Act No. 451/1991, 4 October 1991 Act 279/1992, Act 254/1995 and Act 422/2000 modify/extend lustration law Act No. 107/2002 Coll., public file access granted Act No. 181/2007 Coll., creates the Institute for the Study of Totalitarian Regimes, the Security Services Archive
Estonia (1994)	Citizenship Law and Local Election Law, 1992 Law on Citizenship, 19 January 1995
Hungary (1994)	Law on Background Checks (Lustration Law), Law No. 23, 8 March 1994 Constitutional Court verdict 60/1994, reduces screening law Act 67/1996, Act 93/2000 and Act 3/2003 modify lustration laws and create Historical Archives

(continued)

Table A1. Continued

Country (timing–lustration start point)	Key Lustration and File Access Policies
Latvia (1994)	Citizenship Law, 1994, amended on 16 March 1995, 6 February 1997 and 22 June 1998 Article 9 of the Election Law on Cities and Town Councils, 25 January 1994 Saeima Elections Law, 25 May 1995, as amended by 26 March 1998 Law of the Saeima, 6 June 1995
Lithuania (1991)	Decree Banning KGB Employees and Informers from Government Positions, No. 418, 12 October 1991 Law I-2166/1991 on the Security and Spy Agencies Law 23/1994 on the Background Checks of Individuals Holding Certain Important Positions (Lustration Act) Law VIII-1436/1999 on the Registration and Acknowledgment ('Confession') of Those Who Secretly Collaborated with the Soviet Special Services—the Lustration Law
Poland (1997)	Lustration Act, 11 April 1997 Act of 18 October 2006, new lustration law on the disclosure of information on documents of state security
Romania (1999)	Law 187/1999, 'Ticu' Law, 9 December 1999 Emergency Ordinance No. 149, 10 November 2005 Constitutional Court Decision No. 51 declaring Law 187/1999 unconstitutional, 31 January 2008 Law 293 of 14 November 2008 changing the purview of CNSAS
Slovakia (2002)	Act of 19 August 2002 on Disclosure of Documents Regarding the Activity of State Security Authorities in the Period 1939–1989 and on Founding the Nation's Memory Institute and on Amending Certain Acts (Nation's Memory Act), 553/2002 While the 1991 Czechoslovak Lustration Act technically applied to Slovakia, after independence in 1993 Slovakia renounced implementation

Appendix 2. Data Sources

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

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

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

Transformations include using inverse of democracy measure (7 is now more democracy on scale of 1–7) and square of inverse measure.

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

No transformations, two-year lagged GDP change figures.

Government Effectiveness: Government effectiveness measure, *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://www.qog.pol.gu.se>.

0–1 scale. No transformations, lagged effects.

Inequality: Gini coefficient, 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 two-year lagged change figures and absolute numbers.

Strength of Political Opposition: Share of opposition vote, Thorsten Beck, George Clarke, Alberto Groff, Philip Keefer and Patrick Walsh, 'New Tools in Comparative Political Economy: The Database of Political Institutions,' *World Bank Economic Review* 15(1) (2001): 161–176, <http://go.worldbank.org/2EAGGLRZ40>. Updated December 2010.

Transformed into square of share of vote. Lagged effects.

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

Transformed into log trust pub institutions. Lagged effects.