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**Coming to terms with communist past: Comparative study of
lustration policy in the Czech Republic and Poland**

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ABSTRACT

Transitional or retroactive justice is chosen by political elites of countries in transition to come to terms with past. Lustration is a non-criminal measure of transitional justice.

The Czech Republic and Poland both initiated lustration policy in the post communist period. The difference between these countries is that the former approved initial lustration act in 1991 while the latter adopted lustration bill only in 1997. The laws were temporarily limited yet, both Czech and Polish legislators decided to engage with lustration once again after the initial laws had expired.

The thesis offers a double layered comparative study of lustration policy in the Czech Republic and Poland. The first part focuses on initial lustration policy and highlights a) the factors which influenced the decisions whether to adopt or not lustration laws soon after the regime change and b) the factors that determined the nature of original bills. In the second part this thesis will explore various explanatory variables to explain the wave of late and renewed lustration initiatives in both countries.

The analysis reveals that the decisions whether to approve or not lustration acts in the early years of post communist period were influenced by various past factors: the lack of legitimacy of the post Prague Spring government; the crisis in other communist countries; the loss of strengths of the ruling forces in Czechoslovakia, the weakness of the governing forces in Poland; Solidarity's attitude towards regime change. The difference in nature was a result of different factors of present: the collapse of two governments and the communist return to power in Poland, the tendency of misusing past in the Czech Republic. Furthermore, the need to safeguard democracy/or the desire to discredit political opponents as well as the memory of post Prague spring regime as illegitimate and the memory of negotiated transition in Poland as a mistake explain the decision about the wave of new and renewed lustration in both countries.

Table of Content

INTRODUCTION	7
BASIC CONCEPTS	5
THEORETICAL FRAMEWORK	6
1.1 Kitscheltian Path driven mode	6
1.2 “Politics of present”	11
1.3 Methodology	13
LUSTRATION POLICIES OF THE CZECH REPUBLIC AND POLAND.....	16
2.1 Initial lustration policies.....	16
2.2 The wave of late and renewed lustration.....	19
EXPLAINING INITIAL LUSTRATION POLICIES	21
3.1 Explaining difference between initial decisions	21
3.1.1 Polish “thick line”	21
3.1.2 Early lustration in the Czech Republic.....	26
3.2 Explaining the nature of initial acts	31
3.2.1 Regulated Polish lustration law.....	32
3.2.2 Less regulated Czech law	35
EXPLAINING THE WAVE OF LATE AND RENEWED LUSTRATION	38
4.1 New lustration bill in Poland	38
4.2 Extension of the Czech lustration act.....	42
CONCLUSION	44
REFERENCES.....	49
APPENDIX.....	55
ILLUSTRATIONS	
Table 1.....	48

ABBREVIATION LIST

BBWR- Bezpartyjny Blok Wspierania Reform (Non-Partisan Block for Support of Reforms)

CF- Civic Forum

CPBM- Communist party of Bohemia and Moravia

CPC- Communist party of Czechoslovakia

CPS-Communist Party of Slovakia

GDR- German Democratic Republic

IPN- Instytut Pamięci Narodowej (Institute of National Remembrance)

KGB-Komitet Gosudarstvennoy Bezopasnosti (Committee for State Security)

LPR- Liga Polskich Rodzin (The League of Polish Families)

MPs- Members of Parliament

ODS-Občanská Demokratická Strana (Civic Democratic Party)

PC- Porozumienie Centrum (Centre Alliance)

PiS- Prawo i Sprawiedliwość (Law and Justice)

PSL- Polskie Stronnictwo Ludowe (Polish People's Party)

PZPR- Polska Zjednoczona Partia Robotnicza (The Polish United Workers Party)

SDRP –Social Democracy of the Republic of Poland

SLD- Sojusz Lewicy Demokratycznej (Democratic Left Alliance)

SRP- Samoobrona Rzeczypospolitej Polskiej (Self Defense of the Republic of Poland)

StB- Státní Bezpečnost (State Security)

UD - Unia Demokratyczna (Democratic Union)

UP- Unia Pracy (Labour Union)

US- The United States

USSR- Union of Soviet Socialist Republic

UW- Unia Wolności (The Freedom Union)

INTRODUCTION

After the dissolution of the Soviet Union political leaders and legislators in the former communist countries in transition adopted various measures of transitional justice to handle the past. One particular means of retroactive justice is lustration. The Czech Republic and Poland both approved initial lustration laws in the 1990s. However the difference between them is that the Czechs proceeded with the immediate adoption of the initial bill in 1991 while the Poles approved original lustration law only in 1997 (David, 2003). Furthermore Czech and Polish lustration differed in scope. The Czech law did not affected the members of the parliament and government ministers from the communist period unless they held high posts in the party apparatus (Williams, 2003). Besides the Czech bill made no clear differences between the people who were forced to cooperate with StB and the people who worked for StB intentionally (Rychlik, interview June 2013). Both laws were temporarily limited thus expiring after a definite period. Yet both the Czech and Polish legislators decided to engage with lustration once again after the initial laws had expired. In 2006 Poland initiated a new lustration law and in 2001 the Czech Republic extended the bill for indefinite period (Horne, 2009). The fact that lustration in the Czech Republic and Poland did not remain issue refined to the 1990s, thus to the more immediate post-communist transition period, means that the topic is more complicated than it may seem at first sight which makes it quite attractive for the research.

The current study seeks to contribute to the growing literature that focuses on explaining the politics of lustration in post-communist Eastern Europe. It does so in two ways: in the first parts the thesis will focus on initial lustration policy and highlight a) the factors which influenced the decisions whether or not to approve lustration bills soon after the regime change b) the factors that determined the scope of the original bills. In the

second part this thesis will explore various explanatory variables to determine the wave of late and renewed lustration in both countries. In order to manage this kind of multi-layered comparative analysis various existing theoretical models will be discussed and applied to the chosen cases. Thus in order to reveal the factors behind the initial lustration the thesis will consult the theories of path dependence as well as present politics as developed by Kitschelt and his colleagues (1999) and Williams and his colleagues (2005). To find the explanation for the late and renewed lustration programs the thesis will mostly rely on the theory by Williams et al. (2005) but path dependence theory will also be considered. From the theories of path dependence the one by Kitschelt et al. (1999) is chosen due to its focus on multiple explanatory factors: a) the nature of communist regime: communist rulers use of repression, cooperation with opposition; and b) the mode of transition: negotiations, regime breakdown, preemptive strike while certain other scholars focused on single basic explanatory factor. Huntington (1991) regarded the mode of transition as a factor; Moran (1994) focused on the level of dissent allowed by the regime; Nedelsky (2004) considered the level of communist regime legitimacy as an explanatory factor. Theory by Williams et al. (2005) which contributed to the theory by Welsh (1996) was preferred over the latter due to the fact that Welsh (1996) does not specify conditions under which lustration is affected by "politics of resentment". Politics of present is a post communist politics characterized with the existence of varying attitudes to the past as the basis for political identities and politicization of attitudes to communism as a result of the emergence of post communist forces as successful challengers (Williams et al., 2005, p.30).

One of the two aims of this thesis is to determine the degree to which the nature of the communist regime and the mode of regime transition, hence factors of the past, affected the initial decision for or against the implementation of lustration policies. The following questions will be answered: Which past factors determined early lustration in the Czechoslovakia and the decision about "thick line" in Poland? Which of the factors was the most influential in each of the cases?

Moreover as we will see not only the timing between initial lustration policies varied across the cases but also the scope of the adopted laws. While still staying with the

first aim to explain initial lustration the thesis will thus examine the role of present politics in the development of the nature of lustration policy. The thesis thus aims to answer the following question: which factors of present explain the difference in the nature of Czech and Polish initial lustration acts?

The wave of late and renewed lustration comes as a second dependent variable in this thesis. The Czech Republic experienced a wave of renewed lustration. The initial bill was extended twice 1996 and 2000 (Horne 2009). Poland had a wave of late lustration in 2006 and the new bill was broader in its scope compared to the 1997 act. The thesis will answer the question which factors of present explain the decision about the wave of new and extended lustration and which factors of past are still influential in each of the cases?

In order to achieve the goals of the thesis the following tasks should be fulfilled. First it is necessary to consider the communist past of both countries, assess the strengths and weakness of the governing and opposition forces and in this way highlight the factors which determined initial lustration in both countries. Second, to reveal the influence of post communist political reality it is important to highlight success and failure of former communists to become significant challengers to former opposition; the incidents concerning accusation of important figures in the collaboration. Furthermore the assessment of the arguments of proponents as well as critics of lustration policy enables to explore the degree to which factors of past and present determine the wave of late or extended lustration.

The study is using most similar systems design (MSSD) approach. The Czech Republic and Poland were chosen due to the fact that Communist rule in both countries started and ended around the same time in both countries. The beginning years of communist regime was characterized with threat, repression, human right abuses. The communists in both countries relied on security police system in order to maintain control over the citizens. Despite these similarities both countries differ in the way they dealt with the legacy of the communist past after the regime change which resulted in the different initial decisions and scope of lustration policies throughout the 1990s. Moreover both

countries experienced the wave of late or renewed lustration policy but again the nature of these policies differed considerably.

The data for this thesis was collected from the semi-structured interviews conducted by the author with political scientists, historians, and journalists. In addition to the Interviews the articles published in English by some Polish and Czech newspapers and the articles published by foreign media were used.

The analysis reveals that the decisions whether to approve or not lustration acts in the early years of post communist period were influenced by various past factors: the lack of legitimacy of the post Prague Spring government; the crisis in other communist countries; the loss of strengths of the ruling forces in Czechoslovakia, the weakness of the governing forces in Poland; Solidarity's attitude towards regime change. The difference in nature of the initial acts was a result of different factors of present: the collapse of two Polish governments, the tendency of misusing past in the Czech Republic. Furthermore, the need to safeguard democracy/or the desire to discredit political opponents, the memory of Polish negotiations as a mistake and the memory of post Prague Spring Czech regime as illegitimate explain the wave of late and renewed lustration.

BASIC CONCEPTS

Elster (1998) defines Transitional or Retroactive Justice as “political decisions made in the immediate aftermath of the transition and directed towards individuals on the basis of what they did or what was done to them under the earlier regime” (p.14). There are various measures of transitional justice which can be divided on a rather basic level into criminal and non-criminal proceedings (David, 2012). The former includes prosecution of individuals for human right violations (Raimundo, 2012). The latter unites lustration, truth investigation commissions, and reparations for victims (David, 2012).

Lustration as one of the measures of transitional justice is defined as “a process of screening (or vetting) of candidates for or holders of important public offices to eliminate (usually bar for a certain period) former secret police collaborators” (Los, 1995, p.121).

Late (new) or renewed lustration waves are usually characterized with more expansive mandate than initial ones. They are aimed broadly at political, cultural, social, and economic positions. The programs are not focused solely on top political office holders, but include positions of trust at national, regional, and local levels (Horne, 2009, p. 365)

While measuring lustration policy the scope of the lustration acts should be taken into account. The scope of lustration policy is measured based on the positions affected by the lustration act. The positions fall in the categories of either backward looking provisions (the disqualifying positions in the communist system between 1944 and 1990) or forward looking provisions (the positions in the post communist period that required vetting) (Szczerbick, 2002; David, 2003).

THEORETICAL FRAMEWORK

What makes political leaders and legislators choose certain way to handle past? Scholars of transitional justice have put forward various explanations to answer this question. Despite very interesting points suggested by them the major weakness is that separately neither of the theories gives exhaustive explanation of the country divergence, while the combination of their arguments is helpful to make more comprehensive analysis. As Stan notes “Explanation of country difference with regard to post communist transitional justice ranges among scholars and refers to either ‘politics of past’ or ‘politics of present’” (Stan, 2009, p. 262). Thus, the authors of transitional Justice can be divided into two groups: those who seek the answers in the communist past and those who concentrate on post communist period.

In order to analyze the difference between the Czech and Polish ways to come to terms with their past the theories put forward by Kitschelt et al. (1999) and Williams et al. (2005) are used. The chapter starts with the discussion of the arguments of those scholars who explain the country divergence according to the past factors then it continues with those who concentrate on the present politics. Furthermore the analysis of some alternative frameworks together with the explanations by Kitschelt et al. (1999) and Williams et al. (2005) shows why the focus was made on these theories and what limitations the other frameworks have.

1.1 Kitscheltian Path driven mode

In order to show the advantage of the theory provided by Kitschelt et al. (1999) it is important to analyze his framework together with some other related explanatory models. More specifically Huntington (1991) whose theory is quite often referred in the literature

about transitional justice (Nedelsky, 2004; Szczerbiak, 2002, Stan, 2009) and Nedelsky (2004) are selected.

Huntington analyzes transition of about thirty five countries. He categorizes the states under three different groups: transformation, replacement and transplacement (Stan, 2009). These three types of regime change differ in terms of the level of involvement of the government and opposition forces in the process of transition. Huntington's main focus is on the mode of transition which on its behalf influences the post transitional policy (Nedelsky, 2004). As Nedelsky (2004) argues considering this in relation to the issue of transitional justice his argument is that negotiations between opposition and government pave the wave towards amnesty and the "torturers" are less likely to be brought to justice while in the absence of negotiations the wrongdoers are more likely to be punished. The explanation of Kitschelt et al. (1999) is somewhat similar to Huntington's due to its focus on the mode of transition. But different from Huntington who uses transition type as his basic explanatory factor, Kitschelt believes that the direction and the outcome of transition is shaped by a number of other factors, such as communist rulers use of repression, cooperation, toleration of opposition (Nedelsky, 2004, p.73).

One of the major shortcomings of Huntington's (1991) explanation is that he places Czechoslovakia and Poland both under the same category called transplacement, where the regime change is likely to take place through negotiations between the opposition and the government. Based on the logic behind Huntington's theory regime change in Czechoslovakia must have taken place through round table talks and the torturers were not supposed to be brought to justice (Nedelsky, 2004). The collapse of the communist regime and immediate lustration policy of the Czech Republic reveal the limits of the theory. Because of its inaccuracy in regard to the Czech case Huntington's framework is useless for this thesis.

Kitschelt et al. (1999) argue that the diversity in post communist polities result from the past experience. While creating the new system political players are constrained by former institutions and resource distribution. "Legacies at least initially shape the actors'

definition of their interests and selection of the ways and means to acquire political power” (Kitschelt et al., 1999, p.19). If we follow this logic decisions about coming to terms with the past including decisions about lustration is path dependent.

The main contribution of Kitschelt et al. (1999) to the theories of transitional justice with the focus on path dependence is that in addition to the mode of transition they put forward the type of communist regime as a factor influencing post transitional politics. While building the theory the countries of Central and Eastern Europe as well as former Soviet states are divided into three broad categories based on the character of communist rule and the mode of transition. These categories are: patrimonial communism, national-accommodative communism, bureaucratic- authoritarian communism (Kitschelt et al., 1999).

The communists in every country relied on two main mechanisms to achieve their aims: repressions or the stick and cooperation- the carrot. The extent to which each of these mechanisms was used varied according to the countries (Kitschelt et al., 1999). Based on this variance configurations are drawn. Poland is placed in the category of national accommodative communism and the Czech Republic falls under the bureaucratic authoritarian type (Kitschelt et al., 1999).

The argument of Kitschelt et al. (1999) about national accommodative communism suggest that in this type of countries including Poland the communist party never ascended to the high level of ideological hegemony. The ruling elite relied more on cooperation with the opposition rather than on repression in order to achieve citizen’s support for one party rule.

The communist regime was different in the countries of bureaucratic-authoritarian type. Hierarchically stratified party created much hostile environment which resulted in the absence of the interest to seek mutual accommodation with the challengers. Supported by broad industrial working class, well- structured communist party tolerated no political deviation (Kitschelt et al., 1999). Due to suppression the opposition in these countries

developed as pressure cookers, meaning that whenever the government was in trouble they managed to blow up the steam and overthrow the regime (Kitschelt et al., 1999).

In their explanatory model kitschelt et al. (1999) link different types of communist regime with different modes of transition. Various types of communist rule led to various modes of transition which on its behalf caused difference in the post transitional decisions. In contrast to Huntington, the scholars show that the Czech Republic and Poland chose various methods to change the system from communism into democracy. According to the theory in the countries of bureaucratic- authoritarian type regime change took place by implosion, which corresponds to Huntington's replacement. While in the countries of National-accommodative type transition was brought in by negotiations. Kitschelt's negotiated transition corresponds to Huntington's transplacement (Nedelsky, 2004).

National accommodative communism was characterized by weak ruling elite incapable of imposing reforms, but "powerful enough to demand concessions from the challengers in exchange for democratic opening" (Kitschelt et al., 1999 p. 30). In contrast to this in bureaucratic-authoritarian countries communist applied repressive strategies until collapse (Kitschelt et. al., 1999). Only "when the international domino effect in Eastern Europe triggered generalized crisis of communism in neighboring countries, the ruling parties faced massive protest in which the counter elite took power" (Kitschelt et. al., 1999, p.31). The lack of negotiations in Czechoslovakia influenced the decision about immediate adoption of the lustration law while in Poland once negotiations were in place it was no longer easy to bring former communists to justice (Stan, 2009).

Kitscheltian path driven mode was often used in the process of building some other explanatory models. Nadya Nedelsky is a scholar whose framework derives from the theory of Kitschelt et al. (1999). Nedelsky (2004, p.88) argues that the tendency to bring former secret service collaborators to justice is best explained by the level of legitimacy of the former regime. She hypothesizes that the lower the level of repression in the country the higher the legitimacy of the regime, and the higher the level of legitimacy the less the motivation to pursue justice. However explaining the issue of lustration with a focus on

legitimacy issue only seems to be too narrow, furthermore the type of transition as a factor cannot be omitted while analyzing lustration from the point of past.

Before proceeding to the authors who base their explanation about lustration on the post transitional policy it is worth mentioning that there are some other scholars who similar to the aforementioned ones try to find the key to lustration in the past. The difference is that the latter take more behaviouralist stand. Probably the most prominent is John Elster. Elster (2004) proposes quite different understanding of the problem. He tries to find out how motives affect the decisions about transitional justice. Elster (2004) creates the profile and explains the behavior of the former collaborators as well as the opposition by referring to their motives and emotions. He categorizing the wrongdoers under six groups: opportunists, losers, malicious, conformists, fanatics and principled and analyses the motives behind their behavior. Furthermore, he discusses the role of emotion in determining the intensity of the demand for retribution (Elster, 2004). But he notes that emotions are short lived. They vanish from the memory with the time pass, thus transitional justice measures very much depend upon “the ability of memory to trigger the action tendency of relevant emotion” (Elster, 2004, p.219).

Because of its focus on emotions and interests Elster’s theory is quite difficult to test. On the one hand the construction of the profiles of collaborators in the Czech Republic and Poland necessitates differentiation between victims and wrongdoers which should be done on the basis of the documents kept in the archives. The proper study of the documents requires certain qualifications and skills. Besides even if the names of the collaborators are known these people are more likely to reject their collaboration and claim that the documents about them include false information rather than admit their wrongdoings. Furthermore, most of the collaborators and the members of opposition groups are either too old or had already passed away, which makes the task more complicated.

1.2 “Politics of present”

Helga Welsh (1996) is the first scholar who considers the factors of the (post communist) present more influential in the determination of the post transitional political circumstances than the type of communist regime and the mode of transition. Welsh regards lustration not as an “issue of historical justice but the topic of present accountability and transparency-of not allowing people subject to blackmail to be given power” (Welsh 1996, p. 423). Once the former communists manage to become serious counterparts to democratic opposition the communist past is used in power struggle (Welsh, 1996). At the same time Welsh suggests that the issue of communism does not disappear as time pass, but whenever necessary it is exploited in the political games in an attempt to undermine the opponents’ legitimacy (Szczerbiak, 2002, p.560).

The theory of Welsh has certain shortcomings. She does not address the question about direction of lustration policy. She does not specify conditions under which lustration is affected by present politics. The framework suggested by Williams et al. (2005) provides better explanation of whether and how the present politics matter in the decisions about lustration.

In the research paper the three British scholars contributed to Welsh’s theory by identifying the circumstances in which lustration can be instrumentalized as part of political game (Williams et al., 2005). The three scholars argue that despite the regime type and the mode of transition the post communist countries face similar demands for lustration. But the difference between the lustration policies of the countries should be explained according to specific circumstances (Williams et al., 2005). Williams identifies these circumstances as the following:

The first necessary condition that favors lustration and turns it into the issue of present politics is the level of politicization of attitudes towards the communist past and the emergence of communist successor forces as important political players (Williams et al.,

2005). Electoral success of former communist figures suggested that democratic competition alone is not enough to eliminate such people from public life. Thus the governing forces initiate lustration laws (or call for the tougher version of it in case of the existence of such a law) in order to undermine their opponents (Williams et al., 2005, p.30).

Another condition is related to the renewal of lustration act or the initiation of the new law. As it was argued above, the topic of lustration does not lose its popularity with the time pass, it often comes to the forefront and continues to be the instrument against political opponents (Szczerbiak, 2002). In case of Poland and the Czech Republic lustration remained on the political agenda. Poland initiated a tougher lustration law in 2006 and the Czech Republic extended the initial act twice in 1996 and in 2000 (Horne, 2009). Williams et al. (2005) argue that “whether the existing lustration initiatives are seen as too mild or too wild they keep the issue on the political agenda” (p. 33). Sometimes the lustration efforts are considered a failure which prompts calls for tougher version of the law, at other times lustration is seen to be too unregulated and politically motivated which results in the calls for law-based process (Williams et al., 2005, p.31).

In addition to that the initial lustration law or the extension of the act is often justified with certain arguments.

According to the theory by Williams et al. (2005), one of the frequent excuses of lustration is that the act is often initiated or extended in the name of safeguarding democracy. The proponents argue that it is important to reveal the past of those who managed to turn themselves into important political or economic players, especially because people connected with Secret police are still profiting from the privatization of state enterprises (Williams et al., 2005). Furthermore in the late 1989 thousands of security-service files were lost in Central and Eastern Europe, no one knew who might use them to learn the identities of police collaborators. Those people with the links to secret police might easily become subject of blackmail, they could be forced to act against the public interest and subvert democracy, otherwise their wrongdoings could be revealed (Williams et al., 2005, p. 28). As Letki notes, ”breaking the tendency of distrust towards all aspects of

a public sphere demands a purge so that people can see that those on the top are not the civil servants who previously acted or still act against the principles of democracy” (Letki 2010, p. 541).

Considering the framework by Williams et al. (2005) it is necessary to elaborate success of the former communist forces in the Czech Republic and Poland and understand whether it is connected with the calls for lustration. In Polish case the communists changed their political appeal and emerged as important players (Walicki, 1997), in the Czech Republic the Communist party of Bohemia and Moravia failed to transform itself and was not regarded as important political opponent (Gortat, interview, May 2013). Thus Poland is the country where lustration policy is more likely to be initiated for political games rather than the Czech Republic.

Williams and his colleagues argue that none of these circumstances and justifications favoring lustration has anything to do with the nature of the preceding communist regime or the mode of transition. It has never been difficult to make a case that post-communist socio-economic outcomes are unsatisfactory, or that the transparency of the post-communist institutions could be improved, or that the existing lustration law is too soft or too harsh (Williams et al., 2005, p.34). Therefore “The story of lustration is one of post-communist political competition and should be told with emphasis on the rhetoric, moves and compromises that competition requires” (Williams et al., 2005, p. 39).

1.3 Methodology

The most proper research design for the comparison of the Czech and Polish cases is the most similar systems design (MSSD). Both countries came out of communist regimes that had started around the same time (after WWII) and had applied similar methods to establish an ideology-based system of control of both social and political life. In order to sustain power, the communist regimes in both countries relied on a broad and repressive

secret police system that worked on the basis on coercion, threat and massive human right abuses in order to gain information and control the countries' citizens. Both countries experienced regime change around 1989/90 and initiated major economic reforms to turn their countries into full-fledged democracies and market economies. Yet, despite these sweeping similarities on the surface both countries differ remarkably in the way they dealt with the legacy of the communist past after 1989 resulting in radically different lustration policies over the course of the 1990s. They therefore make a perfect set of cases in order to explore the various determinants for this variation on the first dependent variable original lustration policy (1a- initial decision whether or not to implement lustration and 1b- scope/nature of lustration act). Moreover, the fact that despite having gone rather different paths in the transition period with relation to initial lustration, both countries exhibit the wave of late and renewed lustration. This similarity on the second dependent variable again makes them perfect cases to compare.

Part of the data for this thesis was collected by conducting semi-structured interviews with Polish and Czech political scientists, historians, and journalists and part of the data was collected from articles published in English by online newspapers. The respondents permitted the interviewer to have their names mentioned in the reference list.

The interview guide (see appendix 1) contained ten questions but they were asked to the interviewees in a different manner based on their experience. Furthermore some additional questions appeared during the interview process whenever the respondent discussed some particular event in details. The interview guide included the questions about the aims of initial lustration policy and the extent to which these goals were met, the question concerning usage of past for gaining advantage in the political games, the question about the reasons behind the new wave of lustration. Some questions concerned the communist past of the two countries: the extent of the toleration of the opposition and dissident movements, the reasons behind the harshness or weakness of the regime; the strength of opposition forces; the motives behind the negotiations in Poland and the reasons behind the lack of negotiations in Czechoslovakia.

The list of interviewees includes six political scientists (some of them are also historians and/or former journalists) - all of them had dealt with the topic of Czech and/or Polish lustration in their researches or scientific articles. Furthermore among the respondents there were three historians- one Czech and two Polish dealing with twentieth century history of the respective countries. Between the Polish historians one is a member of the council of Polish Institute of National Remembrance and another has the experience of working at the department of polish lustration. In addition to that a journalist- author of the famous “list of Wildstein” with significant experience of writing about Polish lustration was also interviewed. In the analysis of Polish and Czech lustration from past dependence point the answers of historians were especially helpful, while the political scientists and journalists managed to reveal quite interesting details concerning the development of lustration in the post transitional period (for a full list of the interviewees see the references).

Duration of the interviews ranged from 40 minutes to almost an hour. Most of the respondents preferred to arrange an appointment and their answers were recorded while the others sent the answers via e-mail. Overall there are ten interviews collected in Warsaw between April and June 2013. There was no unexpected problem during the interview processes. The major limitation of the method is that not all the respondents spoke equally well in English which made it complicated for them to express certain ideas and affected the quality of their answers. If the interviews had been conducted in Czech and Polish some respondents would have been able to share more information.

In addition to the Interviews some on- line articles published by Polish and Czech newspapers and by foreign media were analyzed. The articles containing the ideas of opponents and proponents of lustration were chosen in order to highlight the reasons behind the wave of late and renewed lustration. The major limitation is that the articles published only in English were used. The sources include: Radio Prague, Prague Post, Gazeta Woborcza, Radio Free Europe, New York Times, The Guardian.

LUSTRATION POLICIES OF THE CZECH REPUBLIC AND POLAND

2.1 Initial lustration policies

Lustration law in Czechoslovakia (originally applied to both Czech and Slovak counterparts, after the Velvet Divorce the law was in force in the Czech Republic) was approved on October 4, 1991 (Priban, 2007). The law divided collaborators of the secret service into three sub-categories: category A included agent and informers, category B united conscious collaborators; and those who were not necessarily conscious collaborators were placed under Category C (Killingthworth, 2010). In 1992, the Constitutional Court declared the incorporation of category C into the law as unconstitutional. The lustration process was administered by the Security Office of the Ministry of Interior, which issued the lustration certificate (Priban, 2007).

The Czech law had forward-looking and backward-looking dimensions. The former included positions in the post communist state apparatus and the latter regarded positions in the communist-era apparatus (David, 2012). The forward-looking provisions of the law affected the leading positions within the state administration, the army, the Ministry of Defense, the Security and Information Service, the police, the offices of the constitutional organs, the public media, the management of state-owned enterprises, academic officials in management positions, all judges, assessors, prosecutors, investigators, state notaries (David, 2012).

The backward-looking provisions included the members of the State Security (StB), the secret police, its collaborators, Communist Party officials at district level and above, the political management of the Corps of National Security, members of the paramilitary People's Militias, and members of the Purge Committee (David, 2012).

The Czech lustration initiative had two important shortcomings: 1) The law did not affect the members of the parliament (Federal, Czech and Slovak) and government ministers from the communist period unless they held high posts in the party apparatus. 2) The law made no differences between the people who were forced to cooperate with StB and the people who worked for StB intentionally (Rychlik, interview June 2013).

In contrast to Czechoslovakia where the regime collapsed, communism in Poland ended in 1989 as a result of Round Table talks between the communists and the opposition. In August 1989 the first non-communist Prime Minister Tadeusz Mazowiecki proclaimed his policy of drawing “thick line” between communist past and present (Przastek, interview May 2013). Mazowiecki believed that in the new society everyone should be able to start a new life and past loyalty should not be regarded as reasons for discrimination (Stan, 2006). It was only in 1997 when Polish parliament managed to approve lustration law (David, 2003). The draft was prepared by the post-Solidarity Union of Freedom, the Union of Labor and post-communist PSL. The law was passed with the votes of a centrist coalition: Freedom Union (UW), Labour Union (UP), and the Polish People’s Party (PSL). 214 members of the Sejm voted in favour of lustration, 162 voted against (Raimundo, 2012).

Polish lustration obliged people born before May 11, 1972 who held public positions in the state or who were candidates for certain positions to make statement regarding their collaboration between 1944 and 1990 (Czarnota, 2007). Lustration statement consisted of two parts. Part A was a declaration that a person either collaborated or not with institutions of state security. Part B included details of collaboration in the case of a positive statement (Czarnota, 2007). In 1997 decision the Constitutional Tribunal provided binding interpretation of the notion of “collaboration.” The tribunal stated that simple commitment to collaboration was not sufficient for a person to be regarded as a collaborator (Czarnota, 2007). “Collaboration is a conscious action, connected with the secret service operational activities, such as operational gathering of information and passing it to officers of the secret services” (Czarnota 2007, p. 234).

Verification of the lustration statement was conducted by Warsaw Court of Appeal which was authorized to serve as lustration court (David, 2003). The mission of Lustration Court was to decide whether the statement was false or right. A false affidavit was sanctioned by the loss of the right of access to any public positions for 10 years (David, 2003). Furthermore the act established lustration prosecutor who served as a defender of public interest.

The forward looking provisions of Polish lustration act were the positions that required vetting: including the president of the republic, deputies and senators, and persons assigned, elected, or appointed by the president and other constitutional organs, senior public officials, judges, prosecutors, and advocates, those who occupied leading positions in public media and high ranking managers of national banks (Szczerbiak, 2002; David, 2003). The backward-looking provisions were the disqualifying positions in the communist system between 1944 and 1990, such as the Ministry of Public Security, the Committee for Public Security Affairs and their subordinated units, the secret police, army intelligence, army counterintelligence, other services of the military forces, civil and military organs and the institutions of foreign states that engage in similar tasks (David, 2003).

The comparison of the Czech and Polish initial lustration initiatives suggests that there is time difference between the adoption of original lustration acts. Furthermore, the bills differed in scope/nature. In the Czech case parliament and government was not “out of bounds to representatives of the old regime” (Williams, 2003, p. 15). Besides, Polish lustration bill was more regulated, the act differentiated between the people who were forced to collaborate and those who collaborated intentionally in contrast to the Czech bill which made no differentiation. Furthermore, the fact that in the Czech Republic the former agent of the State security could be the deputy of the parliament or minister but could not be for instance the director of the elementary school means that the law was drawn in a way to allow manipulation with secret files.

2.2 The wave of late and renewed lustration

Despite the difference in the initial decisions about lustration the similarity between these two cases is that both countries experienced the wave of new (or late) and renewed lustration. However while the Czech Republic made no big changes in the scope of the renewed lustration (the new law additionally screened police officers (Horne, 2009)) Polish new lustration act was broader in its scope compared to the initial one (Horne, 2009).

The Czech lustration bill had originally been adopted for five years, but was extended by Parliament two times. In 1996, the enforcement of the law was extended until 2000, overriding a veto of President Václav Havel. In November 2000, Parliament extended the law once again this time for indefinite period (Priban, 2007). The last time lustration was debated in 2005 and the proposal to terminate the law was only supported by 60 MPs out of 180 (Dvorakova, 2007). The extended lustration law was criticized by the International Labour Organization, the European Union and the US Department of State. Such institutions claimed that the law violates the right to equal protection, and the right to work (Williams, 2003). The law attracted criticism from the Parliamentary Assembly of the Council of Europe. The vice president Vlasta Stepova stated that having such law after ten years of the fall of the regime made no sense any more. "We are working with the last trick of the KGB. Nobody knows which files are facts and which fiction. Lustrace is against the basic charter of human rights" (Smalley, 2000, Parliamentary debate section, para. 5).

In 2006 Poland decided to adopt a new lustration act. During inauguration ceremony Lech Kaczynski made declaration about his moral cleansing mission: "Poland absolutely needs to establish moral order and deal with the burden of the past. This can be achieved by political screening. Vetting must be carried out with all determination" (Horne 2009, p.353). Kaczynski tied the goal of building a new moral order directly to a new lustration program. Late lustration in Poland was broader in its scope, including a range of public and private sector positions. The new law was to ensure the screening of politicians, academics, cultural directors etc. for previous secret police collaboration (Horne, 2009).

The new bill introduced by three parliamentary allies PiS, LPR and SRP stated that all Poles born before August 1972 and occupying professional jobs in the private, public, and state sectors, including politicians, professors, lawyers, judges, journalists, bank managers, and the heads of the schools, companies, etc. must submit declaration about their collaboration. Refusal or false declaration led to banning from practicing the profession or prohibition from holding public office for ten years (Horne, 2009). The new law would now affect around 700,000 individuals. The bill changed the definition of collaboration. People would be regarded as collaborators “if they had contact with or were harassed by the secret police” (Horne 2009, p. 353).

EXPLAINING INITIAL LUSTRATION POLICIES

3.1 Explaining difference between initial decisions

3.1.1 Polish “thick line”

Considering the theory by Kitschelt et al. (1999) the key to the explanation of Mazowiecki’s “thick line” policy must be searched for in the communist past of Poland and in the transitional period. The scholars argue that the direction and outcome of transition is very much shaped by the factors such as the government’s repressive measures, cooperation, and toleration of opposition (Nedelsky, 2004). The different combination of two main mechanisms- carrot and stick gives the communist regime various appeal in various communist countries and paves the way towards different modes of transition which on its behalf affects decisions made in post transitional period (Kitschelt et al., 1999). Kitschelt et al. (1999) place Poland in the category of National-Accommodative communism which is characterized by more tolerant, weaker and less coherent government compared to its counterparts in other communist countries. The weakness and internal division makes the communist party incapable to initiate any reforms themselves and thus are predisposed to bargains with the opposition during the transition period (Kitschelt et al., 1999). This chapter tests Kitschelt’s assumptions about Poland and highlights how the past matters in the decision about “thick line” which prevented the country from launching lustration policy immediately after transition.

Kitschelt et al. (1999) illustrate negotiated transition as an inevitable event caused by the regime’s weakness to address the problems on their own and by the desire to avoid collapse. However while talking about the mode of transition the scholars basically focus on the government claiming that it was too weak to act independently. But it is important to note that negotiations wouldn’t have taken place without the consent of Solidarity. So the

round table was a result of the desire of both sides to seek agreement and the outcome of negotiations should be explained on the one hand by illustrating the weakness of communist government and on the other hand by focusing on the reasons of opposition.

The communist seizure of power in Poland took place between the years 1944-1948. Communist wrongdoings in Poland never gained the same level as in Czechoslovakia (Gortat, Interview, May 2013). Polish communists tried to penetrate the society and to impose total control over it, yet the communist rule was characterized with the absence of high degree of terror and violence (Korbonski, 1979).

Davies (1984) and Sanford (1983) argue that the reason behind more liberal policy in Poland was that in contrast to Czechoslovakia where strong communist party existed and operated legally between the two world wars, Polish United workers party was a creation of the USSR, alien to the Polish society, which throughout its existence was striving to ensure people's support towards its rule. In the words of Stalin himself: "Introducing communism into Poland was like fitting a cow with a saddle" (Davies, 1984 p. 3). In contrast to the hierarchically stratified communist party of Czechoslovakia, PZPR had rarely been united and effective force, incapable of having any kind of coherent plan about the best policies to strengthen their rule in Poland and solve the tensions (Sanford, 1983). Considering this explanation it can be argued that by being tolerant the party was seeking reconciliation with Polish people.

Paczkowski (interview, May 2013) and Rutkowski (Interview, June 2013) explain toleration of opposition by economic difficulties of the 70s and 80s created as a result of Gierek's economic policy known as the "Great Leap Forward". The new policy was supposed to start by the import of technology and plants from the West in order to develop industry in Poland. Gierek believed that Exports from these new plants would earn enough money to pay back the loans but Polish industry turned out to produce quite inefficient production which was not needed at the world market in the 70s (Davies, 1984; Ash, 1983). Soon Polish foreign debt reached twenty billion dollar mark (Davies, 1984) which on its behalf resulted in the mass protest and outflow of the members from communist party

(Przastek interview, May 2013). In the 70s and 80s the party members declined from 1340000 to about 640000. The crisis mostly concerned the representatives of working class, their share dropped from 46% to 30% (Sulek, 1992). With the outflow of the workers the party lost its social base and the ability to mobilize public (Sulek, 1992). These skilled workers who left PZPR and intelligentsia that was outside the ruling party joined Solidarity movement which within its ranks contained about one million party members, one third of total communist party membership (Korbonski, 1984).

Overall, the economic difficulties and loss of members further weakened Polish communist regime. Paczkowski (interview, May 2013) and Gortat (interview, May 2013) note that in order to escape from collapse which might happen as a result of deep crisis in Poland it was necessary to propose reforms, but the realization of the reforms could not take place without participation of powerful opposition in the process. The necessary condition for the round table talks was fulfilled in Polish case, strong economic crisis and strong opposition. In addition to that by negotiation with the opposition, the communists could restore their authority and regain legitimacy and in this way ensure continuation of their existence in political life of Poland (Bachmann, Interview, March 2013). Thus judging the situation from the point of the communist government suggests that the Round table was inevitable. However it is still questionable why the opposition agreed to negotiate with the weak rulers and drew “thick line” rather than proceed with immediate adoption of lustration act.

Round table was the most prominent example of compromise in Polish recent history. It is often referred as historical compromise (Kundigraber, 1996). The establishment of the round table occurred with the communist initiative. It was regarded as the beginning of policy of coexistence and evolutions of the communists and opposition (Kundigraber, 1996).

One of the most important part of round table talks concerned the re-legalization of Solidarity (during martial law in Poland Solidarity was considered to be illegal movement) which was the major concession of the government in order to ensure Solidarity’s

involvement in the talks. On its behalf the opposition agreed to participate in the economic reforms (Kundigraber, 1996). The most important outcome was the compromise achieved at the political table, both sides committed to peaceful and gradual transition to democracy (Kundigraber, 1996). First elections was supposed to be half-free elections, where 65% of the seats would be assigned to the governmental parties (including 37% to PZPR) and only 25% of the seats would be left for free competition, the elections for the second chamber was decided to be totally free (Kundigraber, 1996). Jakubowski (interview, May 2013) argues that the communists bloodlessly returned the power to the opposition, which in exchange did not block the participation of PZPR members in Polish politics. It seems like the communist involvement in the post communist politics was more important for the opposition rather than the issue of handling with the government's wrongdoings.

David Ost believes that the fear of losing 'sense of agency' made the opposition negotiate and draw "thick line". Solidarity defined its identity against the communist self image. The destruction of the old system and the elimination of communists from political life would result in the loss of self confidence and the loss of Solidarity's identity (Ost, 2010). In contrast to Ost, Kundigraber believes that the reason was the fear not to be blamed for communist faults and the desire to avoid taking full responsibility for the new system. Solidarity got used to its position of being in the opposition for so many years, the system was always controlled by the communists. Thus Solidarity had hardly any idea how to change it so quickly (Kundigraber, 1996). Another reason was Solidarity's peaceful intentions influenced by the Catholic religion. The church never played the same role in the Czechoslovakia as in Poland (Paczkowski, Interview, May 2013). "The Catholic Church was the most important social force in Poland that was not part of the proper political system" (Wloch, 1996, p.122). Because of its independent position in the state the church was able to influence consciousness of the citizens (Wloch, 1996). The church supported the building up of the hierarchy of values based on the catholic doctrine, which emphasizes the principle of peace. These values determined the activity of opposition in the late 70s as well as the activity of Solidarity movement. For Solidarity the most important values like freedom, tolerance and human rights were associated with Christian values (Wloch, 1996).

In Poland, the Catholic religion became synonymous with peaceful resistance (Mirescu, 2009). Solidarity members believed that “not the armed fight was to characterize the fight against oppressor by totalitarian system but a peace means, founded on dialogue and compromise” (Wloch 1996, p. 126). Polish opposition consciously chose peaceful means to change the system and declined violence.

In conclusion, it can be argued that in Poland the government which was suffering legitimacy crisis initiated negotiations in order to avoid collapse, regain legitimacy and influence political decisions, including the decision about lustration. This fully coincides with the arguments of Kitschelt and his colleagues, when they writes that though the communists in national accommodative regimes were quite weakened they still retained enough power to make certain demands in exchange for democratic opening (Kitschelt et al.,1999). As Saxonberg (2001) states, the crisis in Poland had gone so far that the country might have found itself into revolutionary situation. The government knew that the longer the communist rule lasted the more complicated it would be to gain concessions from the opposition. So the best decision was to negotiate. However if it hadn't been the peaceful intentions of Solidarity which was the result of multiple factors: the influence of Catholic Church, the fear to lose its self perception, the desire to avoid blaming for communist faults, the absence of any plan how to develop an alternative system it is likely that the opposition wouldn't have agreed on negotiations. Solidarity was a huge movement, had the leaders been more coherent with defined future plans or with violent intentions the talks wouldn't have occurred and “thick line” would have been avoided.

Thus, the past factors that influenced the decision about negotiations which resulted in the transition by pact and led to the decision to draw “thick line” between the communist past and post communist present are the weakness of the governing forces and Solidarity's approach towards the regime change (for the summery of the factors of past and present see table 1 in the concluding part).

3.1.2 Early lustration in the Czech Republic

According to Kitschelt et al. (1999) harsh communist regimes in bureaucratic-authoritarian countries including Czechoslovakia failed to initiate round table talks and lost the possibility to shape transition in a way that would benefit them most. This happened due to their repressive nature and tendency to remain harsh till the very end.

Czechoslovakia and mainly the Czech lands had strong tradition of socialist and Communist movement. Unlike in Poland where the communist party was the Soviet creation, CPCz acted legally in inter-war democratic Czechoslovakia and enjoyed significant support of population (Rychlik, interview, June 2013). The communist party emerged as the largest and the best organized political force in post war Czechoslovakia that managed to win the free and competitive elections in 1946 (Rychlik, interview, June 2013).

The split in the communist party of Czechoslovakia occurred only in the 60s as a result of worsening economic conditions. This resulted in the radicalization of the young economists within the party who criticized party leadership for not finding the way out of the crisis (Ekiert, 1996). The young party intellectuals and students attracted the support of the population with the introduction of the “Action program” that was the first official expression of the intention of the reformers to introduce some changes (Ekiert, 1996). The Action Program failed as a result of the military intervention of the Warsaw Pact states in Prague followed by the purges of moderates from the party (Ekiert, 1996). The fear of the disruption of 1968 status quo and the fear of the revival of the reform movement forced the post Prague spring government act in a repressive manner (Ekiert, 1996).

In the absence of strong opposition movement, strong church or other institutions capable to mobilize public against the regime the power of communists in Czechoslovakia remained unchallenged. The CPCz successfully liquidated independent social and political organizations and opposition parties after takeover (Ekiert, 1996). At the beginning of the

70s there were several opposition initiatives like: Revolutionary Youth Movement, the Socialist Movement of Czechoslovak Communists consisting of reform minded Communists, or a group of former members of the Czechoslovak Socialist Party in Brno. By using repressive measures the post Prague Spring communist regime succeeded in eliminating these initiatives (Balik et al., 2008). Furthermore in contrast to Polish Church in Czechoslovakia religious organizations were quite tightly controlled and churches were not able to provide support for potential opponents (Jakubowski, interview, May 2013).

High living standards prevented the mass uprising in Czechoslovakia (Gortat, interview, May 2013; Paczkowski, interview, May 2013; Przastek, Interview, May 2013). In contrast to Poland no massive loans were taken out by the regime. The government managed to control inflation and by the end of the Communist era the Czechoslovak economy was quite stabilized (Balik et al., 2008).

Thus the communist regime was definitely more consolidated and harsh in Czechoslovakia than in Poland. But it is questionable whether the communists were as consolidated, strong and harsh in the later years of their rule as in the late 60s and 70s and whether their harshness prevented them from engaging in the dialogue with the opposition as it was supposed to be according to Kitschelt and his colleagues. Kitschelt et al. (1999) explain the fall of the communist government based on the domino effect. The crisis that touched other communist states had its consequences on the countries of bureaucratic-authoritarian type. That's when the suppressed opposition felt relief and rebelled in the intention to overthrow the government (Kitschelt et al. 1999). Thus considering this logic the collapse in Czechoslovakia is basically the result of the changes of international scenario (not the result of the changes in the regime's way of acting) which on its behalf caused the revival of opposition.

Balik et al. (2008) argue that the pace of the events in the neighboring countries – the rapid disintegration of the communist regime in Poland and Hungary, sudden collapse of the communist regime in GDR, the mass flight from East Germany to the west affected Czechoslovakia and created impression that something important was changing (Balik,

2008). Luers (2004) claims that demonstrations that preceded the regime changes in other communist countries and which was actively covered by the media encouraged the Czechoslovak population to mobilize against the government. Thus the international events definitely affected the developments within Czechoslovakia. But this is not the only reason.

Rychlik (interview, June 2013) suggests that the main reason which shook the ground of the regime was the loss of the support of the Soviet Union which resulted in the delegitimation of the Czechoslovak government. Since August 1968 Czechoslovakia was an occupied country where Soviet Union had 75 000 soldiers placed (Rychlik interview, June 2013). The Communists who ruled Czechoslovakia in 1989 were still partly the ones installed to power as a result of the Soviet invasion. Gorbachev's politics of Perestroika and Glasnost contained the idea of non interference in the affairs of the Satellites which meant the loss of international patronage for the Czechoslovak communists. Now with the Soviet support gone, they knew that their legitimacy was under question (Rychlik interview, June 2013).

Thus Kitschelt et al. (1999) rightfully argued that international events had its consequence on the developments within Czechoslovakia: on the uprising of people, on the revival of opposition. But this does not answer the question why Round table was not arranged in the country and why the country proceeded with the immediate adoption of lustration act. Kitschelt did not mention the importance of the Soviet support for the legitimacy of the communist regime. And this is definitely very good explanation of the early lustration in the country.

From the summer of 1988, the dissident activities in Czechoslovakia became very intensive reaching its culmination in autumn 1989; there were demonstrations in Prague where the number of participants ranged from hundreds to thousands, spontaneous protests were held in other parts of the country (Balík et al., 2008). On the wave of the mass protests, the Civic Forum was created in November 1989 and Václav Havel assumed a prominent position (Balík et al., 2008).

Balik et al. (2008) argue that communist government could not react to the events in an adequate manner. They failed to mobilize the party's militia due to the continuing decline of the member's loyalty to the party leaders and due to the CPCz leader's lack of courage. Furthermore, the National Front, a coalition of the loyal parties of the communist government which served as an important instrument of political control broke up (Balik et al., 2008). Thus, the rigidity and coherence of the rulers was broken. Now when the fall was just a matter of short time it is questionable why the government failed to engage in dialogue with the dissidents and in this way prevented regime collapse and early lustration. That's when it is necessary to come back to the issue of legitimacy.

Rychlik (interview, June 2013) argues that the government was not able to negotiate with the opposition because they knew that the only negotiation would be about their resignation. In its founding proclamation the CF demanded the resignation of some of the most discredited Communist officials – Gustáv Husák, Milouš Jakeš, Jan Fojtík, Karel Hoffman, Miroslav Zavadil, Alois Indra, Miroslav Štěpán, and František Kincl (Balik et al., 2008). Rychlik (interview, June 2013) claims that most of the people considered the ruling group including president Husák to be Soviet collaborators and illegitimate rulers. The opposition was ready to negotiate with Prime Minister Ladislav Adamec and Marian Čalfa, who were not personally involved in the cooperation with the Soviet occupants (Rychlik interview, June 2013).

Adamec's plan about reconstruction of government turned out to be unacceptable for the opposition (Balik et al., 2008). After his resignation the compromise was reached with Čalfa, who prior to November 1989 held the post of the minister of legislation. The round table similar to the Polish one did not take place in Czechoslovakia. The hardliner government collapsed. Only a few open minded, flexible politicians like Marian Čalfa managed to secure their positions in the reconstructed government (Balik et al., 2008).

The analysis of the Czechoslovak communist past suggests that the lack of negotiations and immediate lustration did not result from the government's repressive nature till the very end but it was more the consequence of the lack of legitimacy of the post

Prague Spring communist regime. The government was paralyzed, they could not use force against demonstrators, they lost the support of loyal parties. CPCz was no longer as harsh and coherent as it used to be in the past but they failed to be acknowledged as significant counterparts in the talks that was held with moderate communists like Calfa not due to the fact that they did not wish to participate in the talks (in fact they did participate) but due to the perception of the CF that they were illegitimate rulers.

The past plays an important role in the processes of transition as well as in the shaping of post transitional political reality. Transition started as a transition by pact (transaction) in Poland, but by collapse in Czechoslovakia and the former opposition proceeded with the adoption of a lustration act earlier (Dvorakova, interview, June 2013) The past factors that led to the collapse of the regime and influenced the decision about early lustration include: the lack of legitimacy of the post Prague Spring government, the change of international scenario and the crisis in neighboring countries, the loss of internal coherence and strengths of the ruling forces (for the summery of the factors of past and present see table 1 in the concluding part). If the hard liners had not returned after Prague Spring and if the moderates had stayed in power the round table might have taken place in Czechoslovakia and the country might have been able to avoid early and harsh lustration. Thus similar to Polish case where the former opposition could have proceeded with immediate lustration if they had been more coherent with some defined plans how to rule without the communist involvement in politics in Czechoslovak case as well early lustration might have been prevented if the regime had been recognized as legitimate by the dissidents.

3.2 Explaining the nature of initial acts

The previous part analyzed the difference between the initial decisions based on path dependence logic. However when it comes to the explanation of the difference in the nature of lustration acts post communist political reality or “politics of present” should be taken into consideration. At first glance the logic to compare the act of 1991 with the act of 1997 seems questionable due to the fact that the Czech bill was approved quite immediately after the collapse of the communist regime when the country was in the process of transition to democracy while in Poland the immediate decision was the one about “thick line”. So in this sense 1997 lustration looks more like a decision made already in the post transitional period.

However it makes sense to argue that two or three years are not enough for every country to complete transition, in some cases the process is lengthy due to the presence of certain constraints, such as the lack of constitution. Polish constitution was only adopted in 1997. As Raimundo (2012) argues: “the fact that the Constitution was approved in 1997, and represented an important step in the institutionalization of democracy, makes the lustration law adopted that same year an integral part of the process of democratic transition” (p.171). Another constraint is the lack of institutionalization of party system. Throughout the 1990s the parties in Poland were divided on post-solidarity post communist basis, meaning that the parties would seek coalition partners within their camp regardless of policy preferences (Raimundo, 2012, p.173). Based on the works of Garbowska (2006), Millard (2009), Jasiewicz (2009), Raimundo (2012) argues that post-transitional justice in Poland only emerged in 2006, when the party system was more institutionalized and stabilized, which makes 1997 lustration a measure of transitional justice launched in the period of transition. Another constraint is high level of corruption during the SLD government as well as the existence of networks of former secret police collaborators in business. As Horne (2009) notes in the 90s former secret police officials dominated economic activities.

3.2.1 Regulated Polish lustration law

This chapter argues that the collapse of the rightist and leftist governments in 1992 and 1996 and the communist return to power explain the decision to adopt more regulated initial lustration act in Poland (for the summery of the factors of past and present see table 1 in the concluding part). However before proceeding with more detailed discussion of these incidents it is important to highlight the factors that kept lustration on political agenda after “thick line”.

Williams et al. (2005) rightfully argue that despite the difference in the type of communist regime and the mode of transition the post communist countries often faced similar demands for lustration. Despite initial “thick line” the topic of lustration was quite popular in post communist Poland. Williams et al. (2005) claim that debates about lustration emerge on the one hand when attitudes towards past is politicized and on the other hand in case former communists turn themselves into influential political group.

After transition different attitudes towards the communist past started to emerge within Solidarity which became the basis for political identity for different post solidarity groups. According to Calhoun (2002) split in Solidarity was a result of the difference in the ideology of various Solidarity fractions. Left wing embraced the principles of liberal democracy. By condemning political punishment this ideology imposed certain brakes on lustration. The right wing of Solidarity built its identity against the self image of the communists and the liberals. They emerged as lustration advocates. Walicki (1997) offers different interpretation. He believes that the split in Solidarity resulted from the fact that since the round table agreement was made between communists and small part of opposition the remaining part of solidarity members did not get satisfactory share of power in new political order. As a result the group around Jaroslaw Kaczynski started to blame Mazowiecki’s government for making a nasty deal with communists. They emerged as supporters of lustration. In contrast to these scholars Targalski (interview, May 2013) and Rutkowski (interview, June 2013) mentioned that the opposition was infiltrated with

collaborators of communist-era secret police that's why many of them emerged as lustration critics.

All of the explanations illustrate that the former opposition was not united in its attitude towards communist past. As a result lustration was kept on the agenda in post communist Poland.

In addition to the split within Solidarity which resulted in the politicization of attitudes towards the past Williams et al. (2005) argue that, lustration remains important issue if communist successor forces re-emerge as significant political players. Democratic competition is not always enough to eliminate such people from public life. Thus calls for lustration is used by post-opposition forces as an instrument in political competition against the Communist successor parties. In Poland the successor of The Polish United Workers Party called the Social democracy of the Republic of Poland (SdRP) adapted to the new reality quite easily by embracing the principles of parliamentary democracy. Democratic left alliance (SLD) was a coalition of centre left parties created around SdRP in 1991. In 1993-1997 SLD won elections and formed coalition government (Walicki, 1997).

Thus Poland had all the necessary conditions to keep the topic of lustration on the agenda. But due to the split about the issue of past the parliament was not able to approve a lustration act in 1992 when several lustration initiatives were discussed (Raimundo, 2012). In the absence of any lustration regulation communist past started to be used in political games and became a threat for the stability of Polish governments.

In 1991 supported by Solidarity's right wing, Jan Olszewski formed the new government and committed to a radical break with the communist past. He promised to take severe lustration measures (Szczurbiak, 2002). On May 28, 1992 the Sejm obliged the minister of internal affairs Macierewicz to present full information about MPs, senators, judges, public prosecutors, representatives of local territorial self-governing bodies who collaborated with the communist secret police between 1945 and 1990 (Czarnota, 2007). On June 4, Macierewicz presented to the MPs a document from the archival resources of the Ministry of Internal Affairs. The list included: the new president- Lech Wałęsa, three

ministers, eight deputy ministers, thirty-nine members of Parliament, and eleven senators (Czarnota, 2007). Bachmann (interview, March 2013) argues that despite the fact that the list did not specify who was collaborator and who was victim, it created political storm and the government was dismissed.

In 1994 eight drafts of lustration law were presented in parliament but none of them was passed (Raimundo, 2012). The stability of Polish governments remained under threat.

In the second half of 90s Poland's politicians began to prepare for presidential elections. Aleksander Kwasniewski managed to defeat Wałęsa- the hero of Solidarity in the second round by receiving 51.7% of the votes (Walicki, 1997). Wałęsa took his last stand against allowing the former communists to take control of the state. On December 19 he invited the speakers of the lower and upper house, the presidents of the Supreme Court, the members of the constitutional tribunal, and he informed that Prime Minister Oleksy was a Russian spy. This accusation was repeated in the parliament two days later (Walicki, 1997). Oleksy's government was dismissed. As it turned out later as a result of investigation process there was no legal basis to accuse the former minister (Bachmann, interview, March 2013). The failure of Oleksy's government was followed again by the debates about lustration which finally culminated with the approval of the lustration act in 1997 (Czarnota, 2007).

The evidence suggests that "thick line" policy never root out the issue of lustration in Poland. Electoral success of the former communist force and the split within Solidarity movement kept lustration on the political agenda. The absence of any kind of lustration regulation caused the collapse of the rightist and leftist governments and became a threat for the stability and functioning of the state institutions. While the archives remained closed there was always a possibility for the political figures to manipulate with the secret service documents in order to undermine their opponents' reputation. In this situation the reasonable decision was to adopt a regulated lustration act, that would clearly differentiate between those who collaborated intentionally and those who were forced to cooperate. In this case Poland would root out blackmail and ensure stability. Furthermore lustration act

was approved in 1997 when the communists were still in power. It is logical to argue that the law with a clear definition of the term collaboration was more beneficial for them rather than the one that penalized any contact with secret service.

3.2.2 Less regulated Czech law

Though early lustration decision in Czechoslovakia can be explained from path dependence point, post communist reality should be considered in the assessment of the nature of the lustration act.

Even though the act was approved quite early there is enough evidence to reveal that before its adoption communist past became an instrument of political manipulation serving the purpose of undermining opponents. Due to the fact that almost all the main political groups had former communists among their ranks (Targalski (interview, May 2013) noted that 90% of the Civic Forum were communists. Furthermore Social Democrats were joined by reform minded communists who left the CPBM after being defeated by the conservatives in the inter party battle about the party's identity (Strmiska, 2002)) the parties found it easy to accuse members of the opponent groups in collaboration. Gortat (interview, May 2013) argues that in the Czech Republic the successor of the CPCz, Communist Party of Bohemia and Moravia (CPBM) failed to transform itself and remained isolated during the first decade of the post communist period. In the second decade the party managed to have small representation in the parliament, but it was never considered to be as important challenger as its Polish counterpart.

As it turns out the failure of the Communist party of Bohemia and Moravia to transform itself into significant political opponent to the former opposition parties did not prevent the Czech politicians from using lustration against the challengers. Dvorakova (interview, June 2013) argues that officially lustration was connected with the security

questions- no agents should be presented in the high state positions. But in reality communist past was misused to limit political pluralism and to narrow political competition. The political players understood that the access to the secret police files would be a strong instrument against their political competitors. Therefore, political groups started to fight to gain control of the Ministry of Interior in order to have access to the files of security service (Dvorakova, interview, June 2013).

In September 1990, the parliament set up a commission, with a purpose to screen federal assembly, the federal government and other federal institution. The Commission carried out lustration of MPs. Deputies, who were accused in collaboration were given a chance to resign quietly. Those who refused had their names read out in public in March 1991 (Dvorakova, 2007). In the absence of any kind of lustration regulation the deputies had no opportunity to confront the evidence. There was no possibility for appellate review as well (Dvorakova, 2007). Two months later, 14 more “positive” results were published revealing collaboration of the members of federal government and its undersecretaries. The vetting of the Federal Assembly resulted in the accusation of 25 more people (Blažek, 2006). More and more new scandals were coming to the forefront.

The most shocking example of such abuse was the information published by the Vice Minister of the Interior, Jan Ruml, before the elections in June 1990, that one of the candidates of Christian Democrats had been a collaborator (Blažek, 2006). The fact that this accusation came to the forefront just one day before the elections where Christian Democrats were the rivals of Civic Forum shows that communist past was becoming the instrument of political play (Dvorakova, 2007). Another well known example of a dissident who faced lustration charges is that of the Czech parliamentarian and later foreign minister, leftish Social Democrat Jan Kavan. He claimed that he was accused only because of his opposition to the economic program of then Prime Minister Václav Klaus (Appel, 2005). The son of a Communist politician sentenced in early 1950s, Kavan spent decades in Britain as a leading figure in Czech émigré circles. He was publishing and distributing the works of Vaclav Havel at a time when he was harassed by the authorities (“Prague Spy Charges Raise Witch-Hunt Fear,” 1991). Kavan claimed his innocence arguing that he was

one of the most prominent opponents of the former regime and one of the most efficient collaborators with the domestic opposition during the communist period (Remias, 2000).

Considering these examples it is logical to argue that the country needed a regulated lustration act that would help to root out the misuse of past. However the reality turned out to be different. In contrast to Poland the legislators in Czechoslovakia approved a bill with significant shortcomings which apparently left a room for continuous manipulation (Rychlik, interview, June 2013). This decision reveals unofficial aim of lustration- to limit political pluralism and narrow competition (Dvorakova, interview, June 2013) and can be explained with the argument that political players showed more willingness to use past in power struggle compared to their polish counterparts.

EXPLAINING THE WAVE OF LATE AND RENEWED LUSTRATION

Different from the previous part where various factors of past and present influenced initial lustration policies this part is focused on the explanation of the wave of late and renewed lustration.

4.1 New lustration bill in Poland

As Williams et al. (2005) argue the ruling elite often finds it easy to criticize mildness or harshness of the existing lustration act and claim that more satisfactory procedure should be pushed forward. Thus lustration quite often remains on the political agenda. In the case of Poland it is often argued that the reason why lustration was still so important in 10 years from the adoption of original act is that Poland lacked the real lustration policy in the 90s (Wildstein, interview, May 2013; Targalski, interview, May 2013). The basic aim of lustration was to shed light to the people's past. The fact that the archive was open to journalists, historians and the researches left the ordinary people without the access to the information about the most important figures in the country (Targalski, interview, May 2013). In the absence of the information about who is who the Polish people remained affected by the opponents of lustration policy. Their argument was that one cannot rely on the archive which had lost most important part of the files (Wildstein, interview, May 2013). Inspired by the belief that Poland failed to face its past, Journalist Bronislaw Wildstein took the list including the names of 240.000 people from IPN to show it to his colleagues (Wildstein, interview, May 2013). The incident around the "list of Wildstein" is quite well known. He was blamed for stealing the list and publishing it on the Internet (Stan, 2006). However Wildstein himself denies publication and declares that according to the list the historians and journalists could ask for the files and analyze who was who. So it was only the key to the archive (Wildstein, interview, May 2013).

Gortat (interview, May 2013) gives quite interesting explanation of the late lustration in Poland when she argues that the reason is the increase in the level of corruption inside the government dominated by former communists, which not only resulted in the emergence of opposition as winners in new parliamentary elections but also increased the motivation to reveal communist wrongdoings and develop the society based on law and justice. Corruption continued to be a lasting problem for Poland (Horne, 2009). Former secret police officials dominated economic activities. The new government linked the late lustration policy to anti-corruption programs aiming to redress continued economic and political nomenklatura networks (Horne, 2009, p.355). As Horne notes, one of the reasons why new lustration was broad is that those Polish secret police agents who did not make it through the vetting process successfully ended up in private companies and business. As a result former secret service networks flourished in the private sector (Horne, 2009, p. 356). Similar to Gortat, Lukasz Kaminski talks about the existence of unknown links of former secret collaborators in Polish politics and in the economy and sees lustration as one of the means to reveal those links (Mite, 2007). Rutkowski (interview, June 2013) argues that due to quite liberal law many of the secret agents were in Polish politics working on high positions and this was the reason behind the late wave of lustration.

The above mentioned arguments support the explanation provided by Williams et al. (2005). The initial lustration bill in Poland was often criticized as being too mild and it was quite frequently argued that the country failed to come to terms with the past (Wildstein, interview, May 2013; Targalski, Interview, May 2013). That's one of the reasons why the government initiated a new act in the late years. Furthermore Williams and his colleagues also mention that prolongation of lustration or the adoption of the new bill was often justified under the name of safeguarding democracy especially when the people associated with secret police or with communist Nomenklatura managed to maintain wealth by privatizing state enterprises or flourishing in the private sector (Williams et al., 2005). Considering the above stated assessments of various political scientists and historians it is evident that due to the absence of the real lustration in the 90s the problems related to the old Nomenklatura networks remained unrevealed during the transition period which created

obstacles for the development of democracy in the country. Thus the new law was needed to disclose all the secret links in the politics and economy, root out corruption and promote good governance. However, this is one sided explanation of the issue. The initiative provoked debates in the media and public and the bill was highly criticized for multiple reasons.

The first criticism concerned the change in the term of collaboration (Komorowsky 2007; Kaj & Metzger, 2007). The Constitutional Tribunal declared in 1997 that the collaboration must have materialized in conscious actions (Czarnota, 2007). According to 2006 bill any contact with the secret service was already considered to be collaboration (Komorowsky, 2007). This change in definition was problematic for two main reasons. First, it made the definition of collaboration so broad as to include those who signed agreement about collaboration but never actually collaborated and those who never signed a sheet and were not aware that the things they were saying were being passed to the secret police. Secondly, the definition is also confusing. It is not always clear whether an individual's actions constituted collaboration or not (Kaj & Metzger, 2007).

Another argument concerned the violation of democratic principles (Kurski, 2007; Michnik, 2007). One of the Polish leading magazines "Gazetta Wyborcza" criticized the Kaczynski government for purges in administration as well as for brutal tactics employed against court judges, the Constitutional Tribunal, and disobedient prosecutors (Kurski, 2007). The Chief editor of the magazine, Polish Journalist, historian and former dissident Adam Michnik assesses the Kaczynskis' initiative as an effort to undermine the country's democracy by imposing control on media, attacking the independence of courts and replacing civil servants by loyal newcomers (Michnik, 2007).

The more substantial criticism concerned the usage of this law as an instrument to undermine the government's political rivals (Osiatynski, 2007). Osiatynski (2007) argues that after the 2005 elections, lustration became a mechanism for enormous generational change in Polish politics and society. In the early 1990s, the Kaczynski brothers and their supporters were separated from their colleagues in Solidarity and purged from the chancery

by Wałęsa. Now, driven by the anger the Kaczynskis are using lustration to replace old rivals by their own loyalists (Osiatynski 2007). Osiatynski (2007) claims that “In Poland, the past has become prey for today's hunters, proving again that whenever history falls into the hands of politicians, distorted truth becomes an instrument for their own goals”. Due to the fact that lustration was instrumentalised by one part of Poland's political elite in order to target journalists, all academics, more left-liberal side of the post-Solidarity opposition and post-communists, Ash calls the law “a very broadly and very badly drawn” one (Ash, 2007, para. 4).

Pietrzak from the Helsinki Foundation questions the issue of timing (Kaj & Metzger, 2007). He believes that in post-communist states including Poland lustration was justified because it was necessary to secure the transfer from a non-democratic to a democratic system. However with the pass of 18 years after the regime collapse lustration no longer makes sense (Kaj & Metzger, 2007). He argues that “the farther we get away from that time, the less we can justify the limitation of human rights through vetting” (Kaj & Metzger, 2007, Key Issues section, para. 7).

Considering the second set of arguments the new lustration act in Poland looks more like an instrument to discredit the opponents rather than a means to safeguard democracy. Communist past in Poland was again used in the present politics in order to undermine somebody's prestige. Whether the Kaczynskis were driven by the desire of political revenge or whether the brothers were motivated by the aspiration to establish the society based on law and justice remains a puzzle. The fact is that the law never came into force. It was turned down by Polish constitutional tribunal (Michnik, 2007). The court's presiding judge justified the decision by claiming that “Lustration cannot be used to punish people as a form of revenge” (Michnik, 2007, para. 4). Nevertheless the emergence of new wave of lustration in Poland supports the claim of Williams et al. (2005) that whether lustration is seen as too mild or too wild the issue does not lose its importance even years after the adoption of original act.

4.2 Extension of the Czech lustration act

The supporters of the extension of the Czech law mostly came from the right wing political parties- Civic Democrats, Freedom Union, Christian democrats. While the Communist and Social Democrats opposed the extension (Williams, 2003). The proponents argued that the law was necessary for the protection of Czech democracy from the people who might be threatening for the stability of the state (Williams, 2003). Further argument put forward during the first extension was that in the absence of any law regulating employment, lustration was a necessary mechanism to keep former collaborators out of the public posts (Williams, 2003). If we follow the logic of the lustration supporters their arguments totally match with the explanation put forward by Williams et al. (2005) when they claimed that the extension was often justified in the name of safeguarding democracy. However this is one sided explanation of the problem.

Considering quite a foggy reason put forward by Vaclav Klaus concerning the extension of the law: “It is a good tool to have should the need arise” (Kumermann, 1995, para. 10) justification of lustration with the argument about safeguarding democracy looks doubtful. In 1991 soon after the revolution the adoption of lustration was justifiable because it was necessary to take a stand against secret police networks. But “the fear that the so-called communist mafias are still entrenched no longer makes sense. Those who survived are extremely well covered up... Besides, most of the pre-89 VIPs are currently in the private sector” (Kumermann, 1995, para. 9). In contrast to Polish new act the extended Czech law still addressed only public sector. Thus if the former collaborators who were still uncovered mostly existed in the private sector then justification of the prolongation in the name of safeguarding democracy is questionable.

Furthermore during the first extension in 1996 the Czech Republic was definitely missing legal guidelines for employing people in the public posts (Williams, 2003), but considering the fact that the attempts to adopt such regulations were blocked by Civic Democratic Party the rumors that such guidelines might have prevented the ODS from

placing its chosen people in the public posts could have been true. On the other hand the extended screening law might have been useful for the ODS government to liberate more posts for their people (Kummermann, 1995). Thus it is no surprise that the Communist party and Social Democratic Party called the initiative about extension a “dirty political game” (Smalley, 2000, Parliamentary debate section, para. 3).

The second prolongation once again puts the motives behind the extension under question due to the fact that this time the Czech Republic already had a law regulating employment. “We have now civil service law which basically would be sufficient because under this law it's possible to screen people and make sure that only qualified people enter the civil services”, - argued Pehe (Solic, 2003, para. 8).

Considering these facts it can be assumed that the real intention behind extension might have been the desire to use the law in the political games.

However there is another explanation. Mortkowitz argues that the Czechs are stuck in the past and it is the desire of revenge that drives the society (Mortkowitz, 2000). Czechs are still prisoners of their own past, trapped in the fear that the old system might return someday (Werboski, 1996). This assumption might as well be logical considering the fact that the Communist regime in Czechoslovakia was one of the most rigid among the communist countries unwilling to seek reconciliation with the society and it might have left some traces on the people's psyche.

Overall the analysis shows that the argument by Williams et al. (2005) that lustration is often extended in the name of the protection of democracy is true for the Czech case. However the deeper investigation suggests that the real motives behind the extension could be different. Even a decade later after the adoption of the initial act lustration was still likely to be an effective tool to discredit the opponents. Thus by extending the lustration act the Czech politicians extended the possibility to misuse communist past. However alternative explanation suggests that Czech society is still a prisoner to the past and the people are afraid that the past might return if it is not properly addressed.

CONCLUSION

The analysis suggests that initial lustration can be explained from the point of path dependence argument in both cases. Negotiations that took place in Poland led to the decision about “thick line” and the absence of talks in Czechoslovakia resulted in the immediate adoption of lustration act. The judgment of the situation from the point of communist government revealed that round table and “thick line” was the best decision for the weakened governing forces to regain legitimacy and retain influence in the post communist period. However the judgment of the situation from the point of Solidarity movement suggests that “thick line” might have been avoided. Without their consent to negotiate the Polish communist government was likely to have collapsed. The analysis of the reasons behind Solidarity’s desire to negotiate reveals that similar to the government Solidarity was against the rapid change in the system, on the one hand due to the fact that they had no coherent plan how to handle the post communist politics without the communist involvement in it, on the other hand due to their peaceful intentions from the very beginning that was mostly influenced by catholic religion and also due to the fear that once communists were gone they would lose the relevant other against whom their own self perception was constructed. Thus Solidarity needed the existence of the communists in the politics as much as the government needed the assistance of Solidarity in the solution of the problems the country faced but had the opposition been more determined with their plans or more violent in their intentions they could have avoided “thick line”. Considering these arguments the factors of past leading to the decision about negotiations and the decision about “thick line” are: the weakness of the governing forces and Solidarity’s peaceful approach towards the regime change. But the latter turns out to be more influential.

Similar to Polish case the decision about immediate lustration in the Czech Republic is quite logically explained by the path dependence argument. The regime in Czechoslovakia was definitely far more rigid than its counterpart in Poland especially after

the Prague Spring when the moderates were expelled from the party ranks. The investigation of the Czechoslovak communist past suggests that the crisis in neighboring countries definitely had its effect on the mobilization of the Czechoslovak population but at the same time it reveals that the party was no longer as powerful in the late 80s and the main reason was the loss of Soviet support which shook the regime's legitimacy. The absence of the round table talks which resulted in the collapse of the hard line government was not a result of the fact that communists remained very rigid and suppressive till the end but it was a result of the fact that they were regarded as illegitimate rulers by the opposition. That's why the agreement was reached with only several open minded communists who showed themselves to be flexible. Thus it would be no exaggeration to conclude that had the moderates not been replaced by the hard liners who enjoyed low level of legitimacy after Prague Spring the Civic Forum might have been able to achieve some consensus with the government and the decision about lustration might have been different.

The decisions about coming to terms with the past that was made immediately after transition differed in Czechoslovakia and Poland and the past factors affecting the decisions were not similar. In the former case the following factors were influential: the lack of legitimacy of the post Prague Spring government, the change of international scenario and the crisis in neighboring countries, the loss of internal coherence and strengths of the ruling forces. However as the analysis of Czechoslovak communist past suggested the most significant factor which influenced the decision about immediate lustration turned out to be the lack of legitimacy of the post Prague Spring governing forces.

The comparison of the post communist reality of the two countries reveals that the difference in nature of lustration policy can be explained based on certain factors of present. The collapse of two governments in Poland in the absence of any kind of lustration regulation and the communist return to power led to the adoption of a regulated lustration act in 1997, while in Czechoslovakia the desire to use lustration against political opponents resulted in the approval of a law with significant shortcomings. Furthermore, the analysis of the Czech case demonstrates that it is not always necessary to have former communists as challengers in order to use lustration in the political games.

The similarity between the two cases is that the wave of new and renewed lustration occurred in both countries. Though the acts differed in scope the proponents in both cases mainly justified their support by putting forward the argument about the role of lustration in safeguarding democracy. However going into deeper details revealed that the wave of new and renewed programs was not all about present politics but some past factors also mattered in the decision about the extension of the lustration law or the initiation of the new bill.

The assessment of the extended lustration in the Czech Republic varied among the proponents and opponents of the new wave. The arguments of opponents suggested that extended law was nothing but a political tool against the challengers. However there were some other interesting points put forward which gives an impression that the past was still influential when deciding about late lustration. The fear that the old system might be back could also be the factor behind the extension of the law. But the question is how could the old system return? From whom was it necessary to defend the country? Prague Spring governors who were considered to be the Soviet allies and illegitimate rulers were already old, probably retired or had even passed away when the decision about the extension was made. The Communist party of Bohemia and Moravia was not an important challenger and was quite often isolated by the other political groups. So the threat was not real. But the period was remembered by people as a rule of illegitimate government and these memories influenced the decision about lustration in the late period.

The new lustration law in Poland also provoked the debates between the proponents and opponents. Similar to the Czech law the new Polish act was often criticized for being Kaczynski brothers' political tool. The argument that the broader lustration law might have been a tool of revenge to purge the colleagues in Solidarity is quite interesting and takes us back to the transition period of Poland. As it was argued at the beginning of this chapter the attitude of Solidarity towards the regime change was the most influential past factor that effected the decision about "thick line". However Solidarity was never united in its attitude towards communism. More radical members were isolated from the talks as well as later from the politics which resulted in their frustration and accusation of the Solidarity's liberal wing that they made the deal serving the interests of communists, who would continue their

rule behind the curtains. The Kaczynskis represented the radical wing of Solidarity. Thus it can be argued that the liberals among the Solidarity ranks managed to overshadow the view of radicals during the transition period and the “thick line” was drawn. But the radicals memorized negotiations as a mistake and once they assumed power by initiating the new act they decided to get rid of those who made a mistake in the past while reaching the agreement with the communist.

Overall lustration policies in the Czech Republic and Poland is too complicated to be explained only from the point of past or from the point of post communist present. This thesis covered original as well as new (and renewed) lustration initiatives in order to create more complete picture of lustration policy in each country and at the same time by identifying multiple factors of past and present this thesis highlighted the differences and similarities between the cases. Table 1 summarizes the main findings.

Table 1

	Initial Lustration Policy		New and renewed Lustration policy	
	Czech Republic	Poland	Czech Republic	Poland
Factors of past	the lack of legitimacy of the post Prague Spring government; the crisis in neighboring countries; the loss of internal coherence and strengths of the ruling forces	The weakness of the governing forces; Solidarity's attitude towards regime change	The memory of the regime as illegitimate	The memory of the round table as a mistake
Outcome	Early lustration	Late lustration		
Factors of present	More willingness of misusing past-the unofficial aim of lustration	Less willingness of misusing past (resulted from the collapse of two governments; communist return)	The need to safeguard democracy/or the desire to discredit political opponents	The need to safeguard democracy/or the desire to discredit political opponents
Outcome	Less Regulated	More Regulated	Extension of lustration	New bill

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APPENDIX

Interview guide:

- What were the aims of initial lustration policies?
- Do you think that original lustration measures achieved its goals? If yes please specify. If no, why not? In what ways did they fail?
- What were the reasons behind the harshness of communist regime in Czechoslovakia and softness of regime in Poland?
- How would you assess the strengths of opposition/dissident forces during the communist period?
- Why did communists negotiated with opposition in Poland? And why did they refuse to do the same in the Czechoslovakia?
- Some say that communist past is often misused for gaining advantages in the political power games. Would you agree with this assessment? Please elaborate.
- Why did policy- makers in the chosen countries decided to adopt initial lustration acts of different intensity?
- How would you assess the popularity and influence of communist party in the post communist Czech Republic/Poland?
- In 2006 Poland decided to adopt harsher version of lustration law that would cover broader scope of people and in 1996 and 2000 the Czech Republic extended its original bill, why is lustration so important after more than a decade of communist regime collapse?
- Overall, how would you assess the weight of past and present political factors in the decision about initial and late lustration? Do you think that lustration policy (original and late) reflect country's political history more or is the story of lustration one of post communist political competition?

I have written the Master's thesis independently.

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

..... (Signature of the author and date)

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