

Lustration and the Survival of Parliamentary Parties

Monika Nalepa

Abstract

Lustration laws, which limit the access to public office of persons who previously worked for or collaborated with the *ancien régime's* secret police, have distributive political effects. Because infiltration varies across political parties, lustration affects parties unequally. Heavily infiltrated parties suffer losses from lustration while mildly infiltrated parties gain. Yet the specific level of infiltration may be unknown to parties that have the potential to gain from lustration, which if sufficiently risk-averse, may prefer to avoid lustration for fear of exposing “skeletons in their closet.” This is particularly true of parties based upon former dissident groups. This essay hypothesizes that over time, new parties free of infiltration will emerge and compete in democratic elections with the former communist and former dissident parties. Such newcomers stand to gain from lustration that reveals collaborators among the former opposition and former communists. Legislative data from East Central Europe (ECE) is used to illustrate that parties with a prolustration agenda appear later into the transition and that their representation increases over time relative to old parties with antilustration agenda.¹

Key words: Lustration, dissident movements, democratic transitions, political parties.

Lustration is a transitional justice mechanism that seeks to hold accountable persons who have in the past worked for or collaborated with the authoritarian secret political police. Generally, in lustration programs, all persons in set X are screened for whether they committed an action from set Y in the past and those who are found to qualify face a sanction z . The range of the first parameter, set X , is usually defined in terms of current political offices and/

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¹ The arguments presented in this essay are more fully developed in chapter 6 of Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (New York: Cambridge University Press, forthcoming).

or social positions, which can include MPs, senators, teachers, doctors, and even priests. The second parameter, set *Y*, may encompass multiple types of collaboration that are subject to screening, such as leadership of or membership in the authoritarian party, working as an informer of the authoritarian security apparatus, and working as a professional undercover agent of the secret political police. The third parameter, *z*, can involve one or a combination of sanctions of which the two most common are publicly revealing an individual's past activity and a ban on holding public office.

Depending on who makes them, when they are implemented, and their scope of application, decisions about lustration can have far-reaching political implications. In particular, revelations about a politician's embarrassing past to the electorate may significantly reduce his or her chances of reelection.² The strategic use of lustration laws can therefore be compared to the strategic use of electoral laws. Both types of statutes may be used as tools of political manipulation to reduce or even eliminate electoral competition. If politicians care about retaining office and greater representation of their parties in legislatures, they cannot ignore lustration.

Harsh bills have ended the careers of politicians who previously collaborated with the communist regimes. The Polish presidential elections of 2000 are a case in point. According to public opinion polls, a few months prior to the election, Andrzej Olechowski was almost tied with the incumbent Aleksander Kwasniewski. After declaring—pursuant to the Polish lustration law—that he had collaborated with the former secret police, Olechowski did not make it even to the runoff.³ Similarly, in 2002, Hungarian Prime Minister Peter Medgyessy narrowly avoided the collapse of his newly created cabinet after an article in a Budapest daily revealed that he had worked as an undercover

² See Natalia Letki, "Lustration and Democratization in East-Central Europe," *Europe-Asia Studies* 54, no. 4 (2002): 529-552; Cynthia Horne and Margaret Levi, "Does Lustration Promote Trustworthy Governance? An Exploration of the Experience of Central and Eastern Europe," in *Building a Trustworthy State in Post-Socialist Transition*, ed. Janos Kornai and Susan Rose-Ackerman (New York: Palgrave MacMillan, 2003); Roman David, "Lustration Laws in Action: The Motives and Evaluation of Lustration Policy in the Czech Republic and Poland (1989-2001)," *Law and Social Inquiry* 28, no. 2 (2003): 387-439; and Hilary Appel, "Anti-Communist Justice and Founding the Post-Communist Order: Lustration and Restitution in Central Europe," *East European Politics and Societies* 19, no. 3 (2005): 379-405.

³ The Polish lustration law requires that candidates for public office declare before elections whether they worked for, or consciously collaborated with, communist secret services. Declarations of collaboration are published. The bill does not ban ex-collaborators from holding any position. Instead, the voters themselves decide if the ex-collaborator can hold the office in question. The text of the 2002 law on lustration is available through the online legal archive of the Polish Sejm (Internetowy System Aktów Prawnych—<http://isap.sejm.gov.pl/>), as "Ustawa z dnia 15 lutego 2002 r. o zmianie ustawy o ujawnieniu pracy lub służby w organach bezpieczeństwa państwa lub współpracy z nimi w latach 1944-1990 osób pełniących funkcje publiczne oraz ustawy - Ordynacja wyborcza do Sejmu Rzeczypospolitej Polskiej i do Senatu Rzeczypospolitej Polskiej" Dz.U. 2002 nr 14 poz. 128.

agent for the military counterintelligence.⁴ More recently, Polish Deputy Prime Minister Zyta Gilowska was forced to resign from office after being accused of collaborating with the Polish secret police. Her resignation eventually brought down the entire cabinet.⁵

Because lustration involves secret information, it affects not only individual politicians, but also their parties. For instance, if politicians identified as former collaborators or informers are required to step down from office, their parties lose actual as well as potential seats in the legislature. The secretive nature of information about who was or was not a collaborator creates further problems. An individual ex-collaborator knows about his own past, but the leadership of his party and his colleagues may not. Although parties would be better off purging their ranks of former collaborators well in advance of elections instead of paying the harsh costs of such disclosure during a campaign, party members who previously collaborated with the communist regime have incentives to remain silent and withhold that information from party bosses. Under such a scenario, secret information about any individual's collaboration can remain undisclosed unless a lustration or declassification procedure exposes it.⁶ Meanwhile, parties with comparatively fewer ex-collaborators stand to benefit from lustration. Unfortunately for them—but fortunately for their competitors—they are often unaware of these potential benefits. If this is the case and the potential beneficiaries are too risk-averse to take the gamble by undertaking lustration, they will not support the passage of relevant laws.

These reflections are consistent with the observed patterns of the adoption of lustration in East Central Europe (ECE) (figure 1). Clearly, contrary to the conventional wisdom evident in the literature on transitional justice,⁷ not all ECE countries jumped at the opportunity to start dealing with their past by means of lustration. New parties untainted with secret police collaborators, however, eventually have become competitive in democratic elections with the former communist and former dissident parties. Such newcomers to the political

⁴ Hungarian Public Radio, "Hungarian Premier's Bill on Access to All Agents Files Detailed," 2002, Budapest, Budapest.

⁵ See Adam Easton, "Poland Moves against Former Spies," *BBC News*, July 21, 2006 (online edition), <http://news.bbc.co.uk/2/hi/europe/5205280.stm>.

⁶ Declassification is a procedure that opens files of the secret political police to the public. It can have similar effects to lustration, but these effects depend on the incentives of third parties—such as journalists, researchers, or former dissidents—to extract information from files they are studying and use it to defame a public figure. One could say that declassification is a more passive form of truth-revelation than lustration.

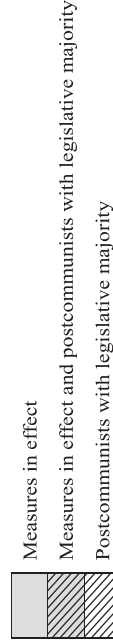
⁷ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Oklahoma City: University of Oklahoma Press, 1991); Carlos Santiago Nino, *Radical Evil on Trial* (New Haven, CT: Yale University Press, 1996); and Jon Elster, "Coming to Terms with the Past: A Framework for the Study of Justice in the Transition to Democracy," *European Journal of Sociology* 39, no. 1 (1998): 7-48.

Figure 1. Lustration and Declassification in Postcommunist Europe—The First Fifteen Years

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Bulgaria	Diagonal lines	Diagonal lines	L↑ C↓	L↑		L↓ Diagonal lines	Diagonal lines	L↑		C↓ L↑					
Czech Republic		L↑ P↓	C↑			L↑ P↑ L↑					L↑	C↑		C↑	
Estonia						L↑									
Hungary					L↑ C↓	Diagonal lines	Diagonal lines	L↑	L↑			L↑	Diagonal lines	Diagonal lines	Diagonal lines
Lithuania		Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines								
Latvia			L↑												
Poland			L↑ C↓		Diagonal lines	Diagonal lines	Diagonal lines	L↑	L↑ C↑	L↑ C↑		Diagonal lines	P↓ L↑ L↑	Diagonal lines	Diagonal lines
Romania		Diagonal lines	Diagonal lines	Diagonal lines	L↑	Diagonal lines					Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
Slovakia														L↑	

Notes:

- L↑ Measures adopted or made harsher by the legislature
- P↑ Measures adopted or made harsher by the president
- C↑ Measures upheld by the Constitutional Court
- L↓ Measures eliminated by the legislature
- P↓ Measures eliminated by the president
- C↓ Measures overturned by the Constitutional Court



scene have known they were not infiltrated and have had much to gain from implementing transitional justice mechanisms revealing collaborators among parties formed by former dissidents and former communists. Thus, lustration has cleared the newcomers' trail to electoral victory. This essay develops and tests a hypothesis of delayed lustration that emphasizes the interests of office-seeking parties, which propose lustration when they stand to benefit, but avoid it when they fear damage to their electoral prospects. The theory accounts for the phenomenon of delayed lustration across East Central Europe, which the existing literature on transitional justice has not been able to explain.

I begin by presenting the Alliance of Young Democrats (FiDeSz) in Hungary and the "Law and Justice" party (PiS) in Poland as model examples of "young" and "new" prolustration parties, respectively. I then use data from party manifestos⁸ and expert surveys⁹ to make the argument that parties advocating lustration were younger—in membership, rather than leadership—or had organized more recently than had former dissident and former communist parties.¹⁰ Such newer parties, unburdened by links to the former secret police, were able to pursue lustration without risking exposure of their own members. The manifesto data also show that older parties, over time, removed the antilustration rhetoric from their programs. Although very few parties were willing to include prolustration rhetoric in their manifestos, as I discuss elsewhere,¹¹ this circumstance is consistent with my findings that adopting lustration is not the best instrument for attracting voters. Demonstrating the trend of removing reconciliatory statements from manifestos still supports my claims. I first test my hypotheses with data where the unit of analysis is political parties in Poland, Hungary, and the Czech Republic. Next, I take the analysis one level deeper, to individual legislators. I perform regression estimations for four terms of the Polish parliament, between 1991 and 2005. The individual-level results are consistent with the findings from the analysis of the party-level data, thus offering further validation of my theory accounting for the phenomenon of delayed implementation of lustration.¹²

⁸ See examples in Ian Budge, Hans-Dieter Klingemann, Andrea Volkens, Judith Bara, and Eric Tanenbaum, *Mapping Policy Preferences: Estimates for Parties, Elections, and Governments, 1945-1998* (Oxford: Oxford University Press, 2001).

⁹ Specifically, I use surveys presented in Kenneth Benoit and Michael Laver, *Party Policy in Modern Democracies* (New York: Routledge, 2007).

¹⁰ By separating the age of party members from the age of parties, my argument is thereby extended to new parties whose members had been participating in politics before the new party was organized.

¹¹ Nalepa, *Skeletons in the Closet*.

¹² *Ibid.* In the book, I consider but ultimately dismiss alternative explanations for delayed lustrations, including the possible influences of binding promises made at roundtable negotiations and of the prospects of EU accession.

The Origins of Prolustration Parties

My theory highlights the distinctive role of new political parties, so before proceeding, it is important to establish what makes a party count as new. The easiest way is by virtue of the young age of a party's leaders or members. A party can also be considered as good as new if it emerged from a dissident group with a firm anticommunist conviction prior to the transition that prompted it to carefully screen members suspected of working as informers of the secret police. In addition, such organizations tended to keep a lower profile under communism conspiring deep underground, in order to avoid penetration by the secret police, and were therefore less exposed to recruitment, interrogations, and pressures.

This section begins by describing two ways in which the youth of political parties can shape their prolustration agenda. The first is the age of its members, as illustrated by the FiDeSz in Hungary. The second is the age of the party itself. The PiS in Poland is used to illustrate why new parties should have less to fear from lustration than old parties. Simultaneously, PiS exemplifies how parties originating in closed and difficult-to-penetrate dissident groups are less infiltrated and consequently can benefit from lustration more than parties originating in open dissident groups. The discussion of PiS prompts the introduction of a third model of a prolustration party: one made up of conspiring dissidents in a closed setting, which contrasts with an openly organized opposition that was easier to infiltrate.

FiDeSz

Hungary boasts one of the most stable and institutionalized party systems in East Central Europe.¹³ Yet, established political actors frequently change their positions on important policy issues. For instance, the push for lustration was associated with the rise of FiDeSz to a prominent position in the Hungarian party system and its gradual but pronounced shift toward the right of the political spectrum.

FiDeSz originated as the youth organization of SzDSz, the Alliance of Free Democrats. The acronym for FiDeSz had been adopted to match SzDSz's party label. The two parties jointly attended the roundtable negotiations that paved the way to the democratic transition but refused to sign the accords that resulted from the negotiations, and in November 1989, they organized the referendum over the presidency—a brilliant strategic move that effectively saved Hungary from a communist president.

In 1994, the split between SzDSz and FiDeSz seemed to be the result of a rather inconsequential coordination failure. After the elections, however, FiDeSz moved ideologically to the right. This was followed by a change in

¹³ See Herbert Kitschelt, *Post-Communist Party Systems* (Cambridge, UK: Cambridge University Press, 1999).

rhetoric and public image. By 1998, it had changed the spelling of its party name from FiDeSz to Fidesz-MPP, derived from Latin “fidelity,” with MPP denoting a civic movement instead of a party. It also rewrote its mission statement, removed the age cap of thirty-five for its members, and embraced more nationalistic and conservative values. An observer of Hungarian politics remarked how paradoxical this change was: FiDeSz had been a fringe youth organization kept in the shadow of SzDSz, which marginalized FiDeSz because of its radically liberal program. In the mid-1990s, almost by accident, FiDeSz realized how popular it had become after some of the most liberal members left the party. That is when it saw the potential for vote gain among the more conservatively oriented electorate. To make inroads into this constituency, FiDeSz had to make the ideological leap (interview, HN8, 2004).¹⁴ In an overview of lustration in Hungary, Barrett, Hack, and Munkácsy indicate that FiDeSz already had moved progressively to the right in the years before the 1998 election and continued to do so during its term in office. They acknowledge that the deepening rift between FiDeSz and SzDSz—two parties with roots in the same dissident group—was a surprising turn of events that had important consequences for the lustration policy ultimately adopted in Hungary.¹⁵

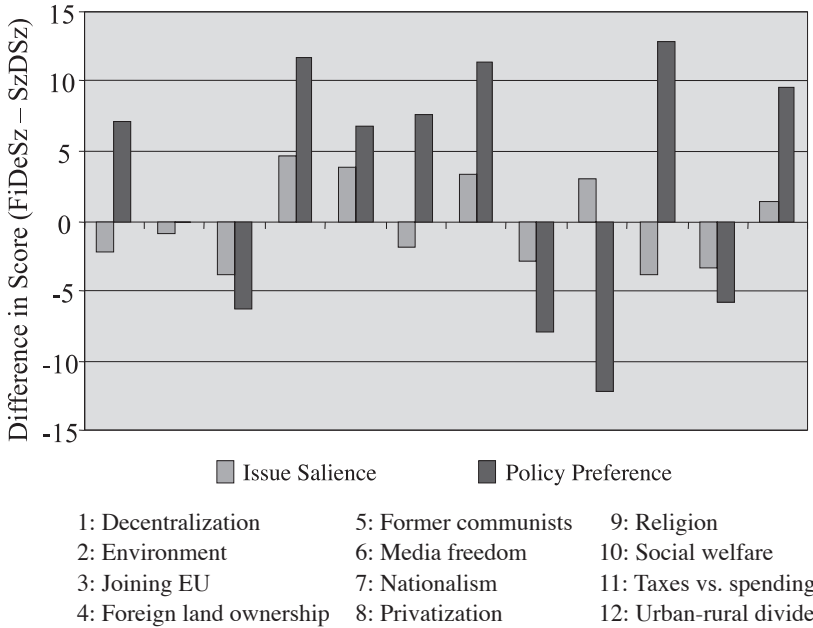
For a precise measure of how deep the divide between FiDeSz and SzDSz became by 2002, one can consult data from the Party Policy in Modern Democracies (PPMD), a survey of country experts first carried out by Ken Benoit and Michael Laver in 2002.¹⁶ The questionnaire asked these experts to gauge (1) the preferences of the politicians in each party of a country concerning a number of issues, including dealing with members of the former authoritarian regime, and (2) the salience of the issues to these sets of politicians. The perceived issue preferences and saliencies are both measured on 20-point thermometer scales. On the issue of dealing with former communist officials, for example, a preference value of 1 represents “Former communist party officials should have the same rights and opportunities as other citizens to participate in public life” (in essence, a strongly antilustration stance), while a value of 20 represents “Former communist party officials should be kept out of public life as far as possible” (a strongly prolustration stance). A party’s position, whether for preferences or saliencies, is calculated as the average of the relevant experts’ scores.

¹⁴ All interviews were conducted by the author in 2004. They are coded such that the first letter represents the country of the interviewed politician (P: Poland, C: Czech Republic, H: Hungary); the second letter represents his or her general political affiliation (N: neutral, L: liberal, A: anticommunist, C: postcommunist).

¹⁵ Elizabeth Barrett, Peter Hack, and Agnes Munkácsy, “Vetting in Hungary,” in *Justice as Prevention: Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer Rieckh and Pablo de Greiff (New York: Social Science Research Council in Foreign Relations, 2007).

¹⁶ The results of this survey over four years are presented in Benoit and Laver, *Party Policy in Modern Democracies*.

Figure 2. The Contrasting Stances of FiDeSz and SzDSz on Political Issues



Note: Author’s calculations based on PPMD data collected by Benoit and Laver. For the specific wording of the questions, see http://www.tcd.ie/Political_Science/ppmd/.

Figure 2 displays the positions of FiDeSz relative to SzDSz on twelve issues. A positive difference in preference (dark bars) indicates that the average score for FiDeSz is higher than the corresponding score for SzDSz, while a positive difference in salience (light bars) indicates that, according to the experts, FiDeSz viewed an issue as being more important than did the SzDSz. These results provide clear evidence of the significant distance between FiDeSz and SzDSz that had emerged by 2002, as almost no areas of agreement in preferences or saliciencies were evident. How to deal with former communists is a major point of distinction, though not the only one. The gap in preferences was nearly seven points, with FiDeSz far more in favor of lustration than SzDSz. In addition, FiDeSz had a markedly greater level of interest in lustration than SzDSz. At the same time, a number of other issues were even more divisive, exhibiting differences in preferences exceeding 10 points (e.g., foreign land ownership, media freedom, nationalism, religion, and social welfare).

The transformation of FiDeSz can be documented further by statements from current and former members of FiDeSz and SzDSz, as well as from independent observers. In 1993, a group of FiDeSz members, including one of the party’s founders, resigned from their parliamentary seats. This is when the charismatic FiDeSz leader, Viktor Orban, discovered the winning potential

of conservative values. By 1994, the political right had been abandoned by the Hungarian Democratic Forum (MDF), which—compromised by its participation in the government coalition—did not stand a chance of winning the elections. According to interview respondent HA2, FiDeSz seized the opportunity created by MDF’s decline: “So FiDeSz tried to be the new conservative party. Contrary to MDF, it had not collaborated in any way with the *ancien régime* prior to the transition (its members were too young), so it could safely include demands for exposing links of politicians to the former secret political police in its political program” (interview, HA204).

HA3, also a former member of FiDeSz, reinforces this picture when describing the shift that occurred after 1994, a time when the party enjoyed 50 percent support in public opinion polls. “When, despite this popularity, they lost, they decided to change to Christian and traditional values because they noticed that on the right side of the political scene, there were no credible political parties. But the decision was entirely motivated by discovering an electorate that they could capture. Underground, they would have never behaved like that” (interview, HA3).

HA5 left FiDeSz in 1994, shortly after the elections. He marks the beginning of the change much earlier, describing it as an emotional shift dating back to 1992. Nonetheless, he insists, in the 1998 election, FiDeSz was still able to convince centrist voters that the party was not serious about becoming a populist movement and that even in 2000 the party continued to use liberalism in its rhetoric. The most radical part of FiDeSz was the so-called “civic circles”—spontaneous movements of far right-wing members. As they started to gain popularity, Victor Orban stopped using the word “party” to describe FiDeSz and began using the term “civic movement” with increasing frequency. Also, the internal organization of the party changed from fairly democratic to almost complete domination by Orban. HA5 claimed that Orban had absolute control over the candidate nomination process for elections and that he had been choosing people from right-wing movements to lead the lists. The rhetoric gradually changed from liberal and cosmopolitan to conservative—and at times, even anti-Semitic. HA5 claimed that Orban deeply hated Western-style liberalism and came to power using an anti-EU agenda of national interests (interview, HA5).

HL2 was one of the leaders of the youth organization of the MDF, the conservative party of the early 1990s, which was pushed aside as a result of FiDeSz’s rise to power. Similar to HA5, he marks the beginning of FiDeSz’s shift as 1992, when it saw a vast constituency to be captured by talking about Hungary’s sovereignty combined with deregulatory policies and swift economic reforms (interview, HL2). Adopting a tough stance toward former communists and their collaborators was a natural fit to this antiliberal agenda. According to HL2, prior to FiDeSz’s shift to anticommunism, Hungarians did not care about the past, but FiDeSz was responsible for polarizing the society into pro- and antilustration camps by arguing that individuals had to decide “whether you

want to be for the agents or against them.” HL2 presented FiDeSz’s move away from SzDSz as a two-stage process. The first stage commenced in 1992, when it moved in the direction of religious authoritarianism, after which SzDSz accepted MSzP’s offer to become its coalition partner in 1994. The second stage took place in 1998, after FiDeSz won the elections and became senior partner in the cabinet coalition. It then replaced the free-market and deregulation part of its program with a populist orientation toward social welfare and security. HL2’s comment on FiDeSz’s pro-lustration position was that, “It could do so fairly safely: as a youth organization of a former dissident movement, its members were too young to be recruited as secret police collaborators.”

PiS

In 2005, the Polish parliamentary and presidential elections were won by PiS, led by the twins Lech and Jarosław Kaczyński. Even though PiS did not win an absolute majority, it emerged with sufficient strength to lead a cabinet coalition. Lech Kaczyński served as president, while his brother became prime minister. PiS made its name by promising to end the vestiges of communist rule in Poland once and for all by (1) purging former police collaborators from public offices, (2) depriving former communist military and police forces of their excessive pensions and benefits, (3) holding Stalinist prosecutors and judges responsible for judicial murder, and (4) eventually making public all of the documentation collected by the dreaded secret political police. In March 2007, a lustration law was passed requiring approximately 700,000 persons, including journalists and academics in private institutions, to declare whether they had collaborated with the communist secret political police. When the constitutional court struck down key provisions of the law, PiS began to organize a coalition to amend the constitution in order to permit the implementation of the extensive lustration law.

PiS possessed all the prerequisites of a party that would benefit from lustration. The Kaczyński twins had participated in the pretransition opposition and were even part of the dissidents’ team in the roundtable negotiations. Yet, they remained on the fringes of the negotiations.¹⁷ They were quick to distance themselves from any dissident tainted with secret service collaboration. Among these dissidents was Solidarity trade union hero, Lech Wałęsa. After Wałęsa was elected president in the first democratic elections for highest executive office, the Kaczyński brothers acted as heads of his chancellery.

¹⁷ See Krzysztof Dubiński, ed., *Magdalenka, transakcja epoki: notatki z poufnych spotkań Kiszczyk-Wałęsa* [Magdalenka, a transaction of the époque] (Warsaw: Sylwa, 1990); Peter K. Raina, *Droga do “Okrągłego Stołu”: zakulisowe rozmowy przygotowawcze* [The road to the roundtable] (Warsaw: Wydawnictwo von borowiecky, 1999); Michał Głowiński, *Magdalenka z razowego chleba* [Magdalenka from rye bread] (Kraków: Wydawnictwo Literackie, 2001); and Andrzej Garlicki, *Karuzela. Rzecz o Okrągłym Stole* [The treaties about the roundtable] (Warszawa: Czytelnik, 2003).

When rumors emerged in the early 1990s that Wałęsa had been recruited as an agent of the secret political police during the Gdańsk strike activities in the 1970s (before Solidarity was established), the Kaczyński twins quickly dissociated themselves from Wałęsa's circles.¹⁸ The first political party they established, Central Alliance (PC), was the only parliamentary group that did not have any members on the infamous list of secret police collaborators that surfaced in May 1992.¹⁹ This suggests that, very early in their political career, the Kaczyński twins knew their party was free of secret police collaborators—at least in its top echelons. During the period when the postcommunist coalition of SLD and PSL was in power, Lech Kaczyński maintained a position as head of the Highest Auditing Office (NIK). Following the coalition's defeat in 1997, Kaczyński was awarded the post of minister of justice for his contributions to Election Action Solidarity (AWS).²⁰ According to political commentaries, while holding those two positions, Lech Kaczyński could survey secret police files of fellow party members and locate the hidden skeletons.²¹

In 2001, as crises plagued AWS and public support for cabinet ministers was generally plummeting, Justice Minister Lech Kaczyński maintained the highest level of popularity. At that time, Lech and Jarosław Kaczyński abandoned AWS to create PiS. This move was not unusual for them: in fact, the Kaczyński brothers were probably the most active among former dissidents in terminating their affiliation with one party and creating another. They participated in four parties created as a result of split-offs from existing parties and mergers with other parties on the right of the political spectrum. These splits and mergers cannot be viewed as direct responses to lustration; such activity is more likely attributable to changes in electoral laws. Yet, the Kaczyńskis could use lustration to purge the party ranks of suspected collaborators. This activity is consistent with an evident pattern of emergent prolustration parties: leaders who are not collaborators rename parties and get rid of older members implicated by lustration, replacing them with younger members, who, because of their young age, are beyond suspicion.

¹⁸ These rumors have been recently confirmed in a monograph published by the Institute of National Remembrance in Poland. See Sławomir Cenckiewicz and Piotr Gontarczyk, *SB a Lech Wałęsa. Przyczynek do biografii* [SB and Lech Wałęsa: a bibliographic addendum] (Warsaw: Instytut Pamięci Narodowej, 2008).

¹⁹ The list was known as the “Macierewicz List,” after the name of the interior minister, who was responsible for its compilation. Although skeptics may question the reliability of the list, given that Macierewicz was a minister in a cabinet led by PC leader Jan Olszewski, PC itself held only percent of the portfolios in that cabinet. Furthermore, a different list circulated later—the so called “Milczanowski List”—did not have names of PC members on it either.

²⁰ Election Action Solidarity was an umbrella party that united all former right-wing dissidents under the aegis of the “Solidarity” trade union.

²¹ See Janina Paradowska, “Bermudzki Trójkąt Lustracji,” *Polityka*, no. 6 (February 6, 1999): 0-1, and Janina Paradowska, “Trafony Teczką” [Struck with by a file] *Polityka*, no. 37 (September 9, 1999): 0-1.

A strategic theory of transitional justice, and of lustration in particular, leads one to believe that parties such as PiS and FiDeSz are eager to see former collaborators sanctioned. The motive is not revenge for past actions, as is typically suggested by casual commentators. Instead, the aim is to hurt their political competition, clearing the path for their own electoral success.²²

The Differing Strategies of Dissident Movements

Another important factor in the dynamics of lustration policy-making is that certain dissident groups that evolved into party organizations in the postcommunist era had invited infiltration by the secret police more than others. This circumstance is exemplified by Solidarity, which grew into a huge organization that, contrary to popular belief, was far from unified. Especially after Solidarity went underground following its delegalization on December 13, 1981, there were many ideas for organizing anticommunist resistance. The different strategies fall roughly into two main categories: open opposition and clandestine conspiracy.

Open Opposition

In 1976, a group of oppositionists formed the Committee for Protection of Workers (KOR). The goal of the KOR was to provide aid to laborers who were being repressed for participating in strikes in response to drastic price increases that took effect in June of that year. It was the first nonunderground opposition group in communist Poland. The founding declaration was signed by fourteen members, spanning very different political outlooks (Christian Democrats, conservatives, social democrats, and even socialists). KOR began by issuing an open letter to the communist authorities in which not only the names of the founding members, but also their addresses and telephone numbers were disclosed.²³ Within a few weeks, KOR began to publish its *samizdat* bulletin. It was one of the first underground publications in the Soviet bloc. Over time, the numbers of KOR activists grew.

In 1977, the communists began to crack down on the movement. The counter-offensive culminated in the murder of a Kraków student, Stanisław

²² Consider the following comment from the *New York Times* op-ed page: “When the twins [Jarosław and Lech Kaczyński, Polish President and Prime Minister] decided to create the Law and Justice party, they turned to young people on the far right. Now, driven by resentment against an entire generation of older politicians, the Kaczyńskis are happy to see them purged from offices and replaced by their own loyalists.” See Wiktor Osiatyński, “Poland Makes Witch Hunting Easier,” *New York Times*, January 22, 2007 (online edition), <http://www.nytimes.com/2007/01/22/opinion/22osiatynski.html>.

²³ The only members who did not sign their names were four lawyers who had been successful in defending oppositionists in political trials. The rationale behind preserving their anonymity was to protect their professional reputations and prevent the communist authorities from withdrawing their licenses, which would have eventually hurt the opposition.

Pyjas. His death shook the entire opposition movement, which, in mourning, organized Catholic masses and protest marches called “black processions.” Flyers describing the circumstance of Pyjas’s death were distributed at these events. One of the protests led to the organization of a Student Committee of Solidarity (SKS), with the aim of creating an authentic and independent representation of students. SKS demanded that the communists provide a complete account of the circumstances of Pyjas’s death. As a result of the events in Kraków, Jacek Kuroń, Adam Michnik, and Antoni Maciariwicz were arrested along with forty-seven other people. On May 20, 1977, most of them were released, save for nine of the most prominent activists. In an effort to hasten their release, the remaining KOR members staged hunger strikes, which again boosted participation in the movement.

At this time, the main aim of the KOR, the SKS, and the oppositionists grouped around them was to expand the anticommunist resistance (interviews, PL11, PN7, PA3). The ease with which Solidarity acquired nearly ten million members, after signing the agreements with representatives of the communist government in August 1980, can be attributed to the openness of KOR and the network of associations around it. Since these civic groups had been relatively open to begin with, when Solidarity became legalized, it needed very little time to acquire a large membership. Yet, being easy to join, it was also very easy to infiltrate.

One of the respondents in my elite interviews in Poland was a professor at a university department who was involved in the anticommunist resistance. He claimed that the Polish secret police was ordered to infiltrate ten thousand people a year. The civil society that grew around Solidarity was an easy target. This is corroborated by monographs published by the Institute of National Remembrance after 2001.²⁴

According to another interviewee, in 1981, the communist government’s press secretary, Jerzy Urban, proposed the implementation of martial law as a cover-up, leading to a series of arrests of thousands of Solidarity activists. According to this scenario, the goal of the arrests was to screen mid-level leadership in Solidarity for persons constituting “weak links” who could be scared into collaboration. All of the interned leaders were offered the possibility to collaborate. The offer was backed with some mild threats, but mostly convincing arguments. Those who declined were released and no further repercussions followed. In other words, individual members did not suffer costs. From the point of view of Solidarity, however, the actual costs were considerable. As the activists were taken out of circulation, the organization’s leadership ranks were depleted, making the costs of

²⁴ See Sławomir Cenckiewicz, ed., *Oczami bezpieki. Szkice i materiały z dziejów aparatu bezpieczeństwa PRL* [Through the eyes of the Secret Police: Sketches and materials from the history of the security apparatus of the PRL] (Kraków: Arcana, 2004).

protest higher. Thus, the goal of the secret police officer was to present the oppositionist with a different decision problem than the one he was in fact facing. The dissident was supposed to think that *refusal* would bring upon him undesirable harassment, whereas *agreement* would end all harassment for the mild price of disclosing some seemingly irrelevant information about the underground opposition. In reality, the information was available to the secret police officer, but not to the dissident; refusal ended the game with a payoff of unconditional release. Meanwhile, agreement was just the beginning of an ongoing process of harassment in search of more information, whereby the dissident would be constantly threatened that refusing to collaborate would lead to the disclosure of his identity to fellow dissidents.²⁵ Urban's plan was implemented, with martial law coming into force on the night of December 12, 1981. After eighteen months of functioning as a legal trade union, Solidarity was banned and fifteen thousand of its members were arrested, while others went underground.

The reason that Solidarity was so easy to infiltrate was that its members wanted to create a dissident civil society (as opposed to an underground state). The structure of it was semi-open, to the point that it could hardly be described as underground. Its character as a civil society organization was to be a network of organizations that served as an alternative to the Communist Party and its satellite organizations. The leaders of Solidarity cared about outreach. If outreach came at the price of increased risk of infiltration, so be it. To many leaders, this was a reasonable price to pay. The leaders believed that the net benefits, such as ability to extend underground publications to more people than would be possible if there were severe screening of potential members, outweighed the costs. In particular, the outreach strategy was seen as a more efficient way of bringing about the fall of communism (interviews, PL11, PL11, PL16, PA12). Most of the participants in the roundtable negotiations had KOR backgrounds. It was reasonable for them to negotiate with the communists, as liberalization—even if partial—was more desirable than prolonging authoritarian rule, even at the price of mild infiltration from the secret police.²⁶

The upshot, following the transition, was that politicians associated with dissident groups surrounding the KOR were more likely to be former collaborators of the secret police, and thus targets of lustration, than politicians from dissident groups that conspired more intensively and advocated a second model for organized resistance: the clandestine conspiracy.

²⁵ The deception mechanism described above can be represented with a formal model equivalent to the “generic screening test with an uninformed rookie,” as analyzed in Marek Kaminski, *Games Prisoners Play: The Tragicomic Worlds of Polish Prison* (Princeton, NJ: Princeton University Press, 2004), 44–45.

²⁶ See Antoni Dudek, *Reglamentowana Rewolucja: rozkład dyktatury komunistycznej w Polsce 1988-1990* [A rationed revolution: The disintegration of the communist dictatorship in Poland 1988-1990] (Warsaw: Arcana, 2004).

Clandestine Conspiracy

An underground civil society was to some extent compatible with an oppressive communist state. Full contestation of the communist regime was the idea of other opposition groups such as Solidarity '80 (Solidarnosc '80, S'80), Fighting Solidarity (Solidarnosc Walczaca, SW) and, most importantly, the Confederacy for Independent Poland (Konfederacja Polski Niepodleglej, KPN). The names of these organizations succinctly describe their strategies of noncooperation. KPN was created first, in September 1979. It was established as a political party, but banned by the communist regime from registration. In 1989, it distanced itself from the roundtable negotiations. When the semifree elections were announced for June 1989, with 35 percent of the seats to be contested by noncommunist candidates, KPN leaders tried to create a joint list with the Civic Committee, Lech Wałęsa's organizing cell for managing Solidarity candidates. KPN was offered too few seats, however, and ultimately opted to run its own candidates, none of whom was elected.²⁷

Why was KPN not popular with voters? First, they had little information about the KPN. KPN did not have nearly as good access to the media as the KOR, and for years it had been the favorite villain of the communist media, which routinely referred to it as a counterrevolutionary terrorist organization. After the elections, in part to gain more popularity, KPN started a campaign urging the sixty thousand Soviet troops stationed in Poland to leave the country. Perhaps owing to that campaign, KPN gained a representation of 10 percent of seats in the 1991 parliamentary elections. In 1992, its popularity declined again after a list exposing former secret police collaborators among parliamentarians named KPN's leader, Leszek Moczulski, as an agent. Moczulski spent the next couple of years clearing his name. In 1997, KPN became a member of AWS and joined the ruling coalition. At that time, it also became one of the most vocal supporters of lustration.

S'80 (a group of Solidarity members who wanted to stay loyal to the original idea that brought Solidarity to life in the Gdansk shipyard) and SW were created after the implementation of martial law. The leader of the latter group, Kornel Morawiecki, was not nearly as wedded to the idea of nonviolence as Lech Wałęsa. Morawiecki believed that programmatic nonviolence weakened the opposition's bargaining power. Both S'80 and SW were skeptical about roundtable talks, did not run in the semifree elections, and severely criticized the joint government of Solidarity, PZPR, and the latter's satellite parties led by Tadeusz Mazowiecki in 1989.²⁸

It was difficult to become a member of groups such as KPN, S'80, or SW. The screening process for potential secret police agents was endless and far from the presumption of innocence. The smallest doubt about a candidate's

²⁷ Ibid.

²⁸ Ibid.

background was regarded a reason to terminate his candidacy.²⁹ As a result, clandestine conspiracies had few reasons to fear that they were being infiltrated.

Mixed Strategies

An important caveat is that the two modes of organizing opposition activity described above should be treated as “ideal types.” Every dissident organization had both an open and an underground part. In the case of organizations exhibiting the “open opposition” approach, however, most of the operations were above-ground. A majority of its members did not conspire and some were even publicly known—artists, writers, and figures of authority. At the same time, there was a small leadership group that remained conspired underground. For instance, in the case of Solidarity, this was the Temporary Coordination Committee (Tymczasowa Komisja Koordynacyjna, TKK). At the opposite extreme were underground publishing houses, which in order to keep up efficient production and avoid harassment from the secret police, were kept in complete secrecy. Publishing houses were organized as clandestine conspiracies, where workers of the same firm did not know each other’s names. Even in this case, however, there were exceptions to the rule. The publishing house, “Nova,” for instance, received financial support from Western governments and prodemocratic NGOs and for this reason needed to maintain a public presence.

In addition, individuals could be ambivalent about the choice between the two approaches. As an example, one interview respondent (PA12) did not associate himself with either open oppositionists or with clandestine conspiracies. He disliked the idea of the clandestine conspiracy, fearing it would lead to the disintegration of the opposition by disconnecting particular dissident cells from one another. Yet he feared that the establishment of any centralized structure would expose its members to easier infiltration. If the secret police was expected to recruit ten thousand people each year, it would obviously aim at those cells that were easiest to penetrate.

Implications of Dissident Movement Strategies for Lustration Policies

The way in which the two modes of organizing dissident movements explain post-transition attitudes to lustration is intuitive. Groups that practiced strict screening procedures and were very anxious to avoid working with agents, even if those agents proved useful in distributing dissident ideology to wide groups of society, have fewer collaborators in their ranks. Thus, they have less to fear from lustration and more to gain from it. Specifically, they could expect that lustration procedures exposing collaborators among politicians would

²⁹ The situation of breaking ties with a dissident who was under even the slightest suspicion is depicted in Kieslowski’s 1985 movie, *Blind Chance*.

induce electorates of parties that originated in the “open opposition” to shift their support to parties originating in the dissident movements that had been more careful about infiltration (the “clandestine conspiracies”).

Asked which groups are the biggest lustration losers, the elite respondents in Poland offered two main insights. First, postcommunist voters knew about the close cooperation between members of the Communist Party (officially called the Polish United Workers’ Party, PZPR) and were not discouraged by the revelation of such activity among PZPR’s ranks. Second, Solidarity’s electorate was very sensitive to collaboration with the secret police, and candidates who were announced during elections as former collaborators were ostracized (interviews, PA2, PC2, PL2, PL3, PL4, PA4, PN3, PL7, PL11, PC4, PA14, PA15, PA6).

Some elite respondents went so far as to say that SLD’s electorate assigns positive values to former collaboration (interviews, PA8). Others gave examples of postcommunist politicians, such as Jerzy Szeliga, who collaborated with the intelligence department while working as an intern in East Germany. Szeliga claimed in his lustration declaration that the goal of his collaboration was to prevent Poles from being recruited by the Stasi (the East German secret police). My respondent claimed that despite filing a positive declaration, Szeliga easily won the election (as a candidate of SLD) (interviews, PC2, PA15).

Respondents were eager to add that electoral success following an admission of being an informer would not have been possible in the case of former dissidents (interview, PA4). Party functionaries were obligated by their superiors to collaborate with the secret police. There was nothing clandestine about it and the secret police frequently refrained from record keeping (interview, PO8). In fact, meticulous records were kept, although the party informers were not recorded in registers of agents, but in special operational files. These files were also the first to be shredded once the secret police started its systematic operation of document destruction.³⁰ Furthermore, collaborating with the communist state could not be interpreted as an act of betrayal on part of PZPR functionaries. After all, by supplying the security apparatus with information helpful in fighting dissent, they were just protecting the communist state. In 1970, a special instruction banned secret police officers from recruiting party members, although it was not always followed (interview, PC6). Respondent PC6 added, however, that although providing information to the secret police came naturally to party functionaries, it is not clear exactly how useful the information was compared to that from dissidents themselves. Another respondent insisted that, although lustration is not damaging to individual members of SLD, it is very damaging to the image of the SLD as a whole: “Initially, the postcommunist SLD believed that the lustration law would hurt it somewhat, but thought it would affect the former dissidents to a

³⁰ See Dudek, *Reglamentowana Rewolucja*.

much greater extent. Only since 2000 has the situation started to change with people such as Jozef Oleksy and Jerzy Jaskiernia having lustration cases in court for collaborating with the military intelligence. Yet, there will always be many postcommunists eager to replace them” (interviews, PN10 and PL7).

The widespread belief among respondents was that most of the destroyed files implicated the Communist Party, while most of those that had been preserved implicated the opposition (interview, PL12). Party functionaries, at worst, could have worked in the military counterintelligence, but lustration did not reach that far until 2001 (interview, PO8). Does this mean that lustration was, overall, desirable for postcommunist parties? Not necessarily. If it were possible to exclude those divisions of the secret police where party functionaries were employed, perhaps lustration would have desirable electoral affects. Lustration debates opened a can of worms, however, and once it turned out that state institutions had hired party functionaries as collaborators, the pressure developed to integrate those categories of collaboration into the lustration law. Only parties that originated in “clandestine collaborating” groups, such as NZS, KPN, Ruch Wolność i Pokój, S’80, and S’90, could feel relatively safe from the dangers of lustration. In 1996, members of most of these groups united in the Electoral Action Solidarity (AWS). Parties emerging from dissident groups that had been less careful about the recruitment of oppositionists (reasoning that the benefits from work offered by the agents outweighed the potential risk of infiltration) suffered losses from lustration in the aftermath of the transition. This list included Freedom Union (UW), Labor Union (UP), Liberal Democratic Congress (KLD), Civic Parliamentary Club (OKP), Polish Peasant Party (PSL), and to some extent the Civic Platform (PO). Ostensibly, these are precisely the parties located in the lower range of the antilustration (or postcommunist) to prolustration (or anticommunist) scale that was used in the PPMD survey, as discussed previously.

Have Parties Become More Supportive of Lustration Over Time?

Next, I look at the relationship between the “birth” and “death” of parties and their positions on lustration. The empirical analysis is intended to evaluate the theory of the origin of prolustration parties outlined above by testing hypotheses about whether newer parties were also more likely to be supportive of lustration than old parties. To examine policy positions, I drew upon two sources.

The first source is the PPMD expert surveys. I have normalized the PPMD scale to the [0,1] interval to facilitate comparisons across countries. A slight difficulty arises due to possible changes in the party system before 2002, when the first PPMD survey was conducted. Parties in East Central Europe frequently merge and split, and sometimes they just change labels. Assigning positions to parties that were extinct by 2002 required tracking their identities using secondary sources and projecting the 2002 scores of new parties onto

their predecessors. I used the following rules: (a) if a 2002 party resulted from a merger, all merging partners received the same 2002 score; (b) if two or more 2002 parties came about because of an earlier split, the pre-2002 party was assigned the successor parties' average score; and (c) if a pre-2002 party disappeared, a score was assigned by tracking its leaders' new parties.³¹

The second source is the Manifesto Data Project, a project carried out by Dieter Hans Klingemann and his colleagues, originally for OECD countries but recently extended to East and Central Europe.³² The teams coded election programs on a scale from 0 to 100 on a variety of issues, among them attitudes about dealing with former communists and their collaborators. Text containing the following “quasi-sentences” was coded as “Communist Positive”:

- 1.1. “Cooperation with former authorities/communists in the transition period,”
- 1.2. “Procommunist involvement in the transition process,”
- 1.3. “ ‘Let sleeping dogs lie’ in dealing with the nomenclature.”³³

Meanwhile, text was coded as “Communist Negative” if it contained these “quasi-sentences”:

- 2.1 “Against communist involvement in democratic government,”
- 2.2 “Weeding out the collaborators from governmental service,”
- 2.3 “Need for political coalition except communist parties.”³⁴

In particular, 1.3 and 2.2 are highly plausible measures of expressed policy preferences regarding lustration.

Over the course of all parliamentary terms in Poland, Hungary, and the Czech Republic, however, only two parties included any Communist Negative statements in their manifestos (less than 2 percent of all electoral programs).

³¹ Admittedly, this last rule is vague, but short of analysis of roll-call votes cast in the first four legislative terms, there is no way to measure the positions of all Polish parties. Party leaders, including those in new democracies, are typically professional politicians, and when their parties dissolve they continue their careers in ideologically close entities. Therefore, one can use leadership continuity to operationalize proximity in policy positions. See Scott W. Desposato, “Parties for Rent? Ambition, Ideology, and Party Switching in Brazil’s Chamber of Deputies,” *American Journal of Political Science* 50, no. 1 (2006): 62-80, and Frank C. Thames, “Searching for the Electoral Connection: Parliamentary Party Switching in the Ukrainian Rada, 1998-2002,” *Legislative Studies Quarterly* 32, no. 2 (2007): 223-256.

³² See Budge et al., *Mapping Policy Preferences*, and Hans-Dieter Klingemann, Andrea Volkens, Ian Budge, Judith Bara, and Michael D. McDonald, *Mapping Policy Preferences II: Parties, Electorates and Governments in Eastern Europe and the OECD, 1990-2003* (Oxford: Oxford University Press 2006).

³³ Klingemann et al., *Mapping Policy Preferences II*, Appendix II, 3052.

³⁴ *Ibid.*, 3053.

Detailed analysis of these data shows that parties were not particularly keen on using manifestos to publicize their stance on dealing with former collaborators and that, if at all, they were more likely to do so in the immediate aftermath of the transition to democracy, but not more recently.³⁵ In all three countries, statements postulating reconciliation with the communist past and the “pulling of transitional justice punches” have disappeared from manifestos over time, which is consistent with parties gearing up for the implementation of such laws. The exceptions are two Polish parties, AWS and Movement for the Republic (RdR), which after defending members of the *ancien régime* in their manifestos, rushed to punish them as soon as they were in a position to do so.

Whereas the manifesto data illustrate what parties promised to do before the elections, it is also useful to examine the entry and exit of parliamentary parties as a function of their stances on lustration. In figure 3, each party is represented with a line starting at its “birth” and ending at its “death.” In the country-specific panels, the parties are arranged consistent with the ordering of their positions on lustration based on the PPM survey—the party most supportive of lustration is at the top, the party most opposed is at the bottom.³⁶

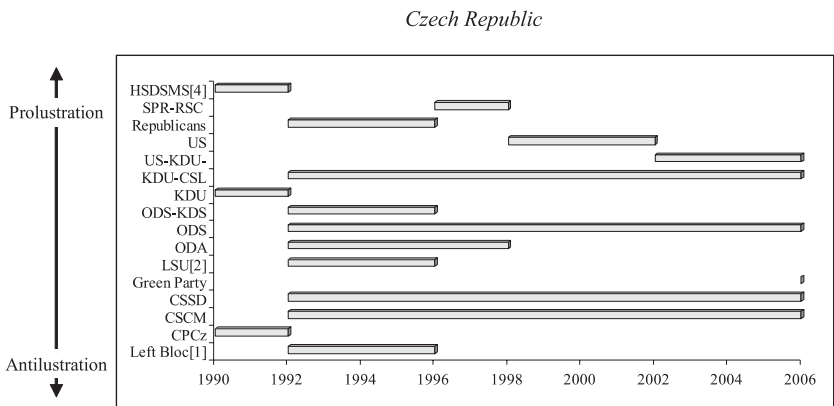
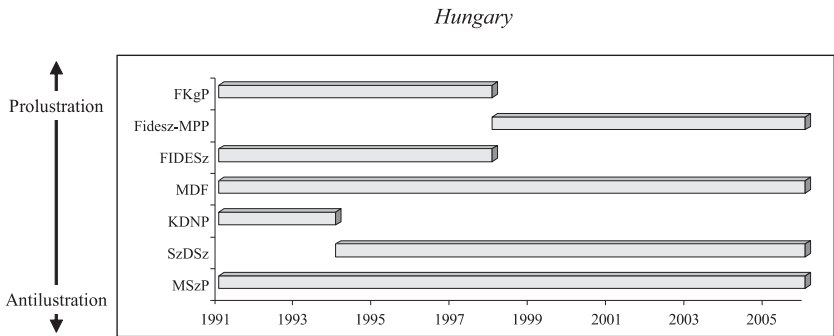
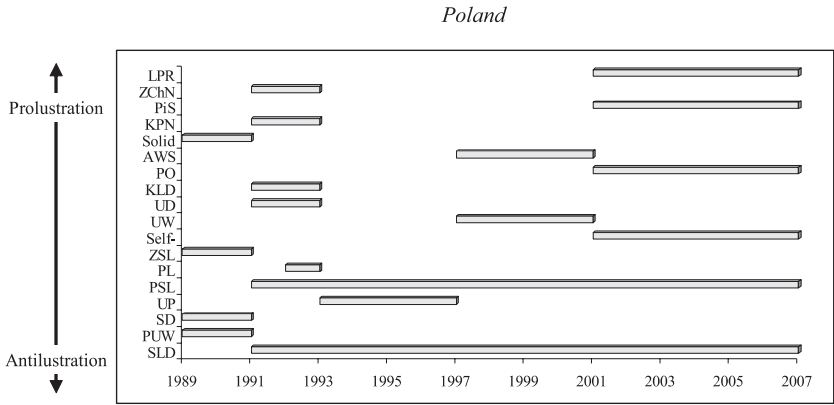
It is striking that in both Poland and Hungary pro-lustration parties emerged later (i.e., shorter lines in the upper right of the respective panels), whereas in the Czech Republic, this pattern is less prominent, though parties that are anti-lustration still tend to be older (i.e., long lines closer to the bottom of the panel). Thus, parties with preferences for harsh lustration laws appeared later in parliaments rather than sooner, while the opposite sequence applies for parties with preferences for mild lustration. Moreover, an examination of changes in parliamentary representation reveals that parties with preferences for harsh lustration gain seats over time, while parties with preferences for mild lustration lose seats.³⁷

³⁵ See Nalepa, *Skeletons in the Closet*.

³⁶ The full dataset that was used to construct these figures is provided in Nalepa, *Skeletons in the Closet*. It lists parties’ positions concerning the issue of dealing with former communists (normalized to a 0-1 scale), provided they held at least 5 percent of the seats in the legislature, as well as the dates of these parties’ first and last appearances in parliament and their respective seat shares.

³⁷ See Nalepa, *Skeletons in the Closet*. It is challenging to make an unambiguous distinction between old parties that change labels and pose as new ones, on the one hand, and parties that are actually new, on the other. See Joshua A. Tucker, *Regional Economic Voting: Russia, Poland, Hungary, Slovakia and the Czech Republic, 1990-1999* (Cambridge: Cambridge University Press, 2006). In analyzing positions on lustration, acquiring a few new members can make a big difference. The party in question may use the change in its label as an excuse to purge former collaborators from its ranks and reemerge under the same old leadership. Treating such a party as a new entity is justified, however, because such a membership change may increase a party’s electoral success. Therefore, I treat all parties with new labels as new.

Figure 3. Survival of Parties and Attitudes toward Lustration



Do Younger Legislators Select into Prolustration Parties?

I have shown that parties with preferences for mild lustration are “born” at a lower rate and “die” at a higher rate than parties with preferences for harsh lustration. I have also argued that prolustration preferences originate in individual beliefs that one’s party is less infiltrated with secret police collaborators than other political parties, which in turn are influenced by strategies of dissident practiced prior to the transition, the age of parties, and the age of their members. While it is difficult to test the hypotheses about dissident groups in which ECE parties originated, one can easily test the hypotheses about young parties. Here, I use data collected on individual members of the Polish legislature over all electoral terms between 1991 and 2005 to see if their ages have an independent effect on the prolustration policy of the caucus they chose to join upon being elected.

The dependent variable is measured on the normalized PPMD expert scale described earlier. The independent variable of interest is the individual legislator’s age, measured in years. I control for the number of terms the legislator has served in parliament (ranging from 0 to 5; tenure preceding the democratic transition counts as well), the legislator’s education (vocational, high school diploma, college diploma, graduate degree), the average age of the members of the caucus the parliamentarian is joining, the term in which the caucus was formed, and the current parliamentary term (ranging from 1 to 4). In addition, I include two regional dummy variables to control for the type of district from which the legislator has been elected. There is a rich literature on Polish elections that illustrates the relevance of some historical characteristics of electoral districts for voting behavior.³⁸ Namely, between 1772 and 1918, Poland was under the so-called partition: its territory had been divided between three empires (Russia, Austria, and Prussia). Studies demonstrate that voters currently living in the territories of the former partitions exhibit markedly different voting patterns.³⁹ To my knowledge, there is no research yet on the influence of the partitions on legislative behavior, but I decided to use two dummies (for Prussia and Austria, with Russia as the base category) to control for the possibility of the partitions having such effects.

³⁸ See Krzysztof Jasiewicz, “Polish Politics on the Eve of the 1993 Elections—Toward Fragmentation or Pluralism,” *Communist and Post-Communist Studies* 26, no. 4 (1993): 387-411; Krzysztof Jasiewicz, “The Conquest of History,” *Europe-Asia Studies* 52, no. 1 (2000): 174-175; Clare McManus-Czubinska, William Miller, Radosław Markowski, and Jacek Wasilewski, “When Does Turnout Matter? The Case of Poland,” *Europe-Asia Studies* 56, no. 3 (2004): 401-420; and Radosław Markowski and Joshua Tucker, “Pocketbooks, Politics, and Parties: The 2003 Polish Referendum on EU Membership,” *Electoral Studies* 24, no. 3 (2005): 409-433.

³⁹ For instance, in the 2005 and 2007 parliamentary elections, the map of Poland representing voter support for the center-left Civic Platform (PO) and the rightist PiS, closely resembled a map of the nineteenth-century partition, with most of the former Russian partition supporting PiS and most of the former Prussian partition supporting PO.

Table 1. Legislators' Position on Lustration

Variable	Coefficient (Robust Standard Error)
Legislator's age	-0.0015** (0.0006)
Current term	-0.0008 (0.0055)
Legislator's tenure in parliament	-0.0268*** (0.0054)
Legislator's education	-0.0149 (0.0147)
Age of legislator's caucus	-0.0566*** (0.0020)
Birth of legislator's caucus (in years since transition)	0.0065** (0.0027)
Austrian partition	0.0212 (0.0167)
Prussian partition	-0.0275** (0.0118)
Constant	1.0280*** (0.0575)
Observations	1442
R-squared	0.711
Notes:	
	*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

The Polish parliament (Sejm) is composed of 460 members (MPs). At the time of writing, it is in its sixth term. The fifth term was extraordinarily suspended and I have not been able to incorporate data on this term into my dataset. Thus, my universe of cases contains 1,839 MP terms, of which 1,442 did not involve independents. A minority of the MPs appears more than once in the dataset. In virtually all of these cases, the MP reappears as a member of a new or different party. Since the dependent variable in the analysis is the prolustration ideology of the party to which the MP belongs, it makes sense to treat each MP term as a new observation.

The results from the OLS regression (table 1) indicate that individual characteristics of MPs are highly significant. Young and less educated MPs gravitate to parties with prolustration agendas. The effect of age is very statistically significant, but small: holding all else constant, a legislator who is twenty years older is 3 percent less supportive of lustration. Also significant are the party's age, the legislator's tenure in parliament, and the relevance of being elected from a district that was under the Prussian partition. These

data are also consistent with a story reversing the causality of the observed phenomenon, whereby pro-lustration parties intentionally select younger candidates for MPs. This is plausible in light of Poland's closed-list PR system (in most of the electoral cycles analyzed here), in which party bosses determine the composition of party lists.

Conclusions

Using data from East Central Europe—predominantly Poland, Hungary, and the Czech Republic—I have shown that parties that are young and new tend to be more favorably predisposed to lustration, a transitional justice mechanism that screens public officials for collaboration with the former authoritarian regime and its secret police. I have also sketched a theory explaining why parties that become successful later in the transition would be more eager to see lustration implemented. Such parties have more to gain from lustration than older parties, since on average, the former had fewer links to the former communist police, either because their members were too young to have worked as collaborators, or because their leaders strategically switched parties, vetting along the way politicians suspect of informing for the secret police. Both the theory and the empirical patterns are consistent with the stylized fact illustrated in figure 1: lustration, contrary to prevailing scholarship, is not introduced in the immediate aftermath of transition to democracy.⁴⁰ Indeed, it tends to be implemented much later, on average eight to fifteen years following the transition.

⁴⁰ Huntington, *The Third Wave*, and Elster, “Coming to Terms with the Past.”