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Ritual Sacrifices?

Transitional Justice and the Fate of Post-Authoritarian Democracies

February 13, 2021

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Purging the Authoritarian State

Do you swear to faithfully serve the new Polish Republic?
I do, to the very end, be it mine or hers. (Wladyslaw Pasikowski, *Psy*[*Dogs*])

Introduction

In the previous chapter, I presented the first of two theoretical arguments against the "Spanish Model" of transitional justice. Although the Spanish model or 'doing nothing' when applied to lustration policies, policies that deal with secret collaborators, may not produce immediate negative consequences for democratic stability, it strengthens the power of authoritarian networks. In this chapter, I ask whether the same can be said for purges—transitional justice mechanisms that deal with known collaborators.

Anecdotal evidence suggests that purges may actually hurt a nascent democracy. As an example, consider Iraq's policy aimed at purging new democratic institutions of former Ba'athists. According to sources cited by Roman David (2006), de-Ba'athification prevented 185 members of Saddam Hussein's party, mostly Sunnis, from running in legislative elections in 2003. Despite its promise to promote societal reconciliation, this policy only ignited ethnic tensions. Jon Elster (2004*a*) describes France's policy of épuration, banning former Vichy collaborators from holding office following World War II, as having very similar effects.

In other contexts, purges may be a welcome transitional justice mechanism. Consider as an illustration the purge of the Tunisian Gendarmerie, Ben Ali's political police, which by some counts numbered 150,000 workers (or one security officer per 80 Tunisians). In contrast to the military, which was quick to start disobeying Ben Ali in the midst of the protests, the Gendarmerie remained extremely loyal to the dictator. As early as February of 2011 (less than one month following the self-immolation) 30 top police officers were removed from their posts by the interim Prime Minister Mohammed Ghan-

nouchi.[1] A top military officer was appointed to head the national security service, and career military officers were named as new police chiefs for seven key regions in the country. Following this leadership purge, in March of 2011, the entire secret police agency was disbanded. Yet, as Bouguerra (2014) points out, the "intelligence service in Tunisia was divided into two agencies... the Directorate General of Special Services (SS), which worked on general intelligence information, and the Directorate General of Technical Services, which provided the same information but through technical instruments such as phone tapping or Internet control. The Directorate of State Security (DSE) coordinated the SS and ST." The suspension of the DSE effectively dissolved the political police and was welcomed by ordinary Tunisians. However, many experts cautioned that it would disrupt the smooth functioning of the entire intelligence system that filtered information and provided analysis. Beyond the suspension of intelligence gathering, suspending the political police also entailed closing down smaller units within the General Directive for Public Safety; these included traffic police, public safety police, crowd control police, and others. All servicemen employed by these agencies were replaced by new, dramatically undertrained staff.

Taken together, these introductory remarks bring into stark relief that purges—that is, the removal of *known* members of the ancien régime and their organizations—are complex and call for analysis separate from transparency regimes.

This chapter employs the tools of formal theory to explore the relationship between purges and the quality of democracy. First, it will show that not all nascent democracies can afford to embark on wide-scale purges. This is because any new democratic politician who is considering purges is presented with a fundamental tradeoff between loyalty and expertise. This tradeoff is not unique to post-authoritarian democracies. Jack Paine's work on repression underscores the ubiquity of the loyalty-effectiveness dilemma. Paine (2019) considers the tradeoff between appointing a professional (hence equipped with expertise) army and a personal (hence loyal, but relatively less skilled) militia. He then explains that autocrats will appoint professional rather than personalist militaries when they are more concerned about large revolutionary threats from below than about external threats. The reason is that neither kind of security force can survive a revolution from below: a post-revolutionary state must start with a blank slate, and such turnovers result in everyone being fired from the military. In light of this, professional militaries, their higher expertise notwithstanding, are not more effective at fighting revolutionary threats than personal militias. They have better expertise,

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[1] Similarly, the party of Ben Ali, the Constitutional Democratic Rally (*Rassemblement constitutionnel démocratique*, RCD) did little more than to prop up Ben' Ali's rule and had no independent role in state administration. Consequently, its disbanding had few bad consequences for democratization, and indeed enabled the creation of new parties disconnected from the previous authoritarian regime.

but no incentive to use it. In contrast, in the case of external threats, professional militaries can count on leniency. Indeed, in some instances, they even collaborate with external challengers to the autocrat. In light of this, they put less effort into averting external threats. Consequently, the autocrat who fears such threats is better off investing in a personal militia.

Implicit in this account, however, is that loyalty to the autocrat on the one hand and professionalization on the other, cannot go hand in hand: a loyal military cannot be professional; whenever there is a conflict between fulfilling the autocrat;s wishes and making the correct decision, the loyal military will ignore what their professional training tells them to do. Consider, however, as a counter-example the military in Park Chung Hee's post-coup South Korea, where according to Joo-Hong Kim, Park taking advantage of the Korean War of 1950-1953 "had transformed a rag-tag army, consisting of former colonial officers and independence fighters of all ideological stripes split into innumerable factions, into a a professionalized military with the potential to lead the country into modernity" (Baik et al. 2011, p.169). By the time Park launched his coup, Kim adds, "the armed forces had become the most cohesive and modernized institution in South Korea." And yet, despite this professionalization, Park succeeded in transforming it into a loyal partner. The military enforced five of his installments of martial law and three garrison degrees during Park's his 18-year rule. The professionalization of the army was in no way hampered by Park's politization of the armed forces and its expansion into non-military arenas. The South Korean case motivates my modeling decision to analytically separate loyalty (represented as preference divergence) from professionalization (represented as expertise).

Even if South Korea is an exception in the possibility of combining loyalty with expertise in an authoritarian agency, in the case of the models presented below, the separation is vital: another departure from Paine, is that I am interested less in the incentives of the former autocrat and more in the incentives of the democrats who follow in his footsteps. Yet, the tradeoff between loyalty and expertise I explore is very similar. Moreover, since the new democrats inherit a state staff potentially loyal to the autocrat, their decision is better framed as one not about whom to appoint, but about whether or not to purge the authoritarian state apparatus.

Here, the distinction between my understanding of purges and that of the broader transitional justice literature is relevant. The TJ literature treats administrative purges (such as de-communization, de-Baáthification and de-nazification) and lustration as the same type of mechanism for dealing with the past (Elster 2004*b*, Binningsbø et al. 2012, Pinto 2008). In this book, I agree that all of these institutions are forms of personnel transitional justice in that they aim at eliminating members and collaborators of the previous authoritarian regime from the democratic state's apparatus. However, I also draw a sharp distinction between dealing with secret collaboration (through lustration) and known collaboration (through purges).

Before elaborating on my own classification of personnel transitional justice systems, it is worth summarizing some alternative classifications used in the literature. For the most part, as remarked above, the literature pools all categories of personnel transitional justice—collaboration with known and unknown collaborators—under one heading. For instance, Olsen, Payne, and Reiter write that lustration events are often referred to in terms of the group that is banned from public office, as in "denazification," "deommunization," and "de-baáthification." These authors use the term "lustration" to refer to "official state policies to purge individuals from positions they currently hold or to ban them from holding specific positions in the future" (Olsen et al. 2010, p.38). This use of the term "lustration" is at odds with the theory presented in this book, which rests on the distinction between clandestine and open collaboration with the ancien régime.

The authors of the widely recognized Post-Conflict Justice Database (Binningsbø et al. 2012) have also pooled personnel transitional justice events into one category. These researchers, however, refer to all personnel forms of transitional justice using the term "purges," which describes "the acts of removing politicians, armed forces members, judiciary or other members of society for their (alleged) collaboration with or participation in a conflict and limiting their influence accordingly" (Binningsbø et al. 2012, p.736). In part because their data collection effort is limited to societies recovering from conflict and only covers the first five post-conflict years, these authors only locate 15 post-conflict episodes that are followed by purges thus defined. One of the contributions of my Global Transitional Justice Database, described in Chapter **??**, is to offer a time series of personnel transitional justice events that begins with a country's transition to democracy, does not end after some fixed period, and spans the entire democratic period. In fact, this chapter draws on examples from periods that long postdate the immediate aftermath of a transition, presenting cases from the de la Rúa administration in Argentina, for example.[2]

Finally, while some authors, including Roman David (2011) and Cynthia Horne (2017), disaggregate personnel transitional justice mechanisms, they do so in a different way than I do in this book. David defines lustration as a "special public employment law that stipulates the conditions for the access of persons who worked for or collaborated with the political or repressive apparatus of socialist regimes to certain public positions in new democracies." At the same time, he limits the application of this term to Eastern Europe. He justifies this decision with the fact that prior to 1990, lustration was not used to describe transitional justice procedures (David 2011, p.67). While it it true that the term "lustration" has rarely been used to describe disqualification for public employment of secret and clandestine collaborators of a for-

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[2] While Argentina is not one of the archetypical cases used in this book, I choose it over Spain for this illustration because Spain's efforts were so delayed that no one remained to be purged.

mer regime, such procedures have been implemented both before 1990 and beyond Eastern Europe, as illustrated by the Athenian example of dokimasia in the previous chapter.

Cynthia Horne, meanwhile, tries to "back out" the concept of lustration from ways in which policymakers have used it. Taking a disaggregating approach, she presents an overlapping categorization of personnel transitional justice events that includes vetting, lustration, and purges. She limits the use of the term "purge" to describing blanket bans extending collectively to members of certain organizations linked to the ancien régime. In contrast, a lustration procedure considers each case individually. She stipulates lustration to be part of a broader category of "vetting" which can ban from holding office members of the ancien régime based on criteria other than participation in or collaboration with the former authoritarian regime.

Both David's and Horne's approaches limit the scope of lustration to Eastern Europe. Critically, neither David nor Horne distinguish between procedures based on revealing new information about secret collaboration (which I call "transparency regimes" and which include both lustrations and truth commissions) and bans that rely on open membership in ancien régime organizations (which I call "purges").

Being devoted to purges, this chapter touches upon all three key themes of the book: (1) selection into political office, (2) behavior while in office, and (3) delegation to bureaucrats. It is organized as follows. In the next section, I present some illustrative examples of purges in the "thorough," "leadership," and "perfunctory" categories. A thorough purge denotes the disbanding of an entire organization of the ancien régime without discriminating between leaders (those issuing orders) and rank and file (those following orders). Thorough purges include the shutting down of the Stasi in East Germany or the closing down of Służba Bezpieczeństwa in Poland in 1990, for example. A leadership purge is limited to the top echelon in the hierarchy of the enforcement apparatus, thus discriminating between the leadership of the organization and the rank and file. This case is illustrated with the *Panev Law* from Bulgaria. Finally, a perfunctory purge is a vetting process that only applies to the rank and file or to the lowest echelons of the hierarchy of the enforcement apparatus. Such purges sometimes occur while the authoritarian regime is still in office. Under such circumstances, they should be interpreted as a preemptive move by the authoritarian regime, which shields itself from more severe transitional justice in the hands of the incoming democratic regime (Kaminski & Nalepa 2014).[3] A perfunctory purge can also be instituted by an incoming democratic government when it cannot conduct a leadership purge because its hands are tied by a peace agreement with the outgoing military autocrats (Nalepa 2010). Under such circumstances, forgoing purges altogether is not feasible because of third party or international pressures. As the data pre-

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[3] Preemptive perfunctory purges do not satisfy the definition of transitional justice.

sented in Chapter **??** show that both types of perfunctory purges are very rare, they have been omitted from the formal model presented here.

Section three develops a formal theoretic framework to explain the concept of purges—that is, transitional justice procedures that limit the presence in office of *known* collaborators. Recall that known collaborators are members of the ancien régime who served the regime in an official capacity as party members, bureaucrats, or uniformed personnel, and not as secret informers. I develop the theory in three stages.

The first (baseline) model contrasts the tradeoff between uncertainty and loyalty. It models the decision to purge as the reverse of a delegation problem (Epstein & O'Halloran 1999, Callander et al. 2008). Building on the intuition that firing staff members of a security or enforcement agency comes at the cost of losing potentially valuable expertise, this baseline model implies that democratic representation is not always boosted by thorough purges. The second model analyzes whether if adding a tool to the principals' toolkit will help control the agent: discretionary limits have been introduced to the delegation and agency literature by comparativists (Huber & Shipan 2002) to model the range of actions allowing the principal to better control the agent. Finally, the third model relaxes the assumption of perfect expertise on the part of the agent. Section four concludes.

1.1 Illustrative examples of purges

There are three types of purges: thorough, leadership, and perfunctory. A thorough purge denotes the disbanding of an entire segment of the ancien régime institution without discriminating between leaders (those issuing orders) and rank and file (those following orders). The dissolution of communist secret police agencies in post-communist Europe exemplifies thorough purges. The purging of the East German Stasi (from the German *Ministerium für Staatssicherheit*) is now legendary and described by multiple historians and political scientists (Koehler 1999, Childs & Popplewell 2016, Miller 1998). Initially, following Erich Mielke's resignation, the East German Council of Ministers renamed the Stasi to the "Office for National Security." However, less than two months later, the new Prime Minister of GDR, Hans Modrow, ordered the dissolution of this new office. The Ministry of Internal Affairs inherited the buildings and facilities of the former Stasi, but none of the employees were rehired by the new agency.[4] The Ministry took over some of

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[4] Childs & Popplewell (2016) report that "most of the Stasi employees had to turn to some other means of earning their living. However, a significant number did find reemployment in the policy or private security world. In Saxony, it was reported that more than 500 ex-Stasi operatives had been taken over by the police. This includes 161 former full time Ministry for State Security employees and 262 unofficial collaborators. In addition, 370 ex-members of the DDR criminal police were in employment in 1994" (195).

the tasks performed by Stasi (notably, the ones that did not involve spying on the opposition). This thorough purge came at a cost, however. Numerous journalistic accounts document the gainful employment of former Stasi officers in the business holdings of Martin Schlaff, an Austrian businessman; in the 1980s, Schlaff had made a small fortune by supplying senior Stasi officers with products that were precluded from trade under "CoCom," the embargo imposed on the Soviet bloc by the West (Tillack n.d., Borchert 2006).

Of course, thorough purges need not be limited to the secret intelligence and police apparatus. A Human Rights Watch report describes a purge of the judiciary in Panama: "from top to bottom, judges who held posts under Noriega resigned or were purged and have been replaced by new ones, almost all of whom lack prior judicial experience: all nine of the Supreme Courts judges resigned and were replaced; the newly-constituted Supreme Court then dismissed or had to replace 13 out of the 19 judges of the *Tribunales Superiores*, the intermediate appellate courts; and approximately two-thirds of the 48 trial-level circuit judges, were, in turn, removed or replaced by the newly appointed appellate judges"(1991).

According to the New York Times, the Argentinian President de la Rúa purged the intelligence apparatus of over 1500 agents responsible for involvement in the so-called "dirty war" only two months after taking office (Krauss 2000). Purged agents were either dismissed or forced into retirement. Instead of releasing the list of names of those purged, entire sections of the agency were let go, suggesting that no discrimination was made between those giving or following orders or based on the level of involvement. According to the report, this "housecleaning ... mean[t] nearly a 50% reduction in military intelligence personnel, and officials said they would leave nonmilitary intelligence work to civilian agencies" (Krauss 2000).

The story from Poland, involving the disbanding of the begrudged Służba Bezpieczeństwa (SB), is less well-known, but gives a useful illustration of the complexities surrounding thorough purges.

As of July 1989, the SB employed 24,107 officers. After an ordinance of the Minister of Internal Affairs was implemented, this number dropped to 6681. Entire departments making up the SB—specifically II, III, IV, V and VI—were liquidated.[5] These reforms, however, did not constitute a formal purge. According to Leskiewicz (2016), the 1989 Roundtable Agreement put Czeslaw Kiszczak (the former SB chief featured in the previous chapter) in charge of the Department of Internal Affairs. As Minister, he was left responsible for reorganizing the SB. Taking advantage of this privilege, he reassigned the most compromised employees from the dissolved departments into the Citizens' Militia units (the Citizens' Militia, *Milicja Obywatelska*, was the former

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[5] These departments were responsible for counterintelligence, combating anti-state activities, infiltration of religious organizations, protection of the state economy, and protection of the state agriculture, respectively.

communist state's police force).[6] It was not until two members of the former opposition proposed legislation creating completely new police and security agencies that the prospect of actual purges in Poland's security apparatus became a reality. As a result of the bill, any new operations, including those on existing cases under SB investigation, would be terminated. Officers conducting espionage, counter-espionage, and investigations into economic crimes would have to stop working immediately. Permitted to continue were only anti-terrorist activities and a few general service departments such as the bureau for deciphering, the communications bureau, the passport division, and the population registry division.[7]

The leadership of what remained of SB hoped to be awarded positions in the new Office for State Protection, *Urzad Ochrony Panstwa* (UOP), even as the activities of the UOP, which included combating international terrorism, white collar crime, and espionage, were quite different from those that had been the focus of the SB. Despite these preferences for continued employment, the bill passed in the legislature in early 1990. A critical part of the act addressed the fate of former SB employees. Not only were the existing 6681 SB staff to be let go, but the purge extended to all officers who were employed by the SB as of late July 1989. As a result, the purge included staff that Kiszczak had intended to shield through transfers to the Citizens' Militia. The Citizens' Militia was disbanded and a new police force was created in its place.

Implementing the new legislation was complicated by the fact that Kiszczak was still at the helm of the Department of Internal Affairs. In June 1990, Prime Minister Tadeusz Mazowiecki indicated to him that "there cannot be peace" while he remained Minister. The following day, Kiszczak resigned, and his deputy, Krzysztof Kozlowski, took over. Later in his memoirs, Kiszczak expressed deep regret "that he was not in a position to protect the staff that had worked under him for so many years especially since despite agreement from the *Roundtable* and peaceful power transition, calls for revenge and accountability intensified" (Beres n.d.).

With Kiszczak ousted, Kozlowski was also in a position to purge the leadership of the organization. This purge started with the dismissal of the second vice-minister, five generals, and 16 department directors as well as their immediate deputies, totaling 202 staff members. Once the leadership had been purged, he was able to implement the newly-passed legislation, which called for the firing of all employees of the SB and their rehiring only after they had been vetted by stringent verification commissions that had been provided for by the new legislation. Verification was coordinated by a Central Verifica-

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[6] The minister made use of two regulations, "Ordinance number 890 MSW of January 22, 1990 changing the ordinance about the status of MO and SB and ordinance" and "Ordinance number 075/89 of August 24, 1989 on the liquidation and reconstruction of some organizational units of the Ministry of Internal Affairs."

[7] The very fact that these departments had been subsumed under the secret police in the communist state only indicates how extensive the reach of the secret police had been under communism in Poland.

tion Committee (*Centralna Komisja Weryfikacyjna*), chaired by Kozlowski himself. The central committee oversaw the work of 50 regional committees. The regional committees were made up of the UOP regional chief, the regional police chief, the head of the regional police, a police trade union representative, and persons who "had earned the trust of the local community and boasted high moral authority." In practice, the additional verification committee members included two members of parliament, one senator, a regional "Solidarity" trade union activist and a few persons nominated by the UOP chief.

Any former member of the SB (defined by his workplace prior to Kiszczak's reshuffle) was allowed to apply for a position in the UOP as long as he or she was under 55 years of age. In the application, the candidate had to explain how his or her services would be useful under the new democratic regime. Only candidates cleared of any suspicions were admitted to service in the new UOP and police force. Verification committees were featured in Wladyslaw Pasikowski's 1992 film "Psy." The film, quoted in the beginning of this chapter, opens with the Chair of the verification committee reading out loud the file of the main protagonist, Franz Mauer. Since the warnings and sanctions in his file far outnumbered the honorable mentions, the Chair asked if Mauer felt obligated to "faithfully serve the new Polish Republic." Franz replied: "I do, to the very end, be it mine of hers." And he was rehired.

According to Slawomir Dudek, of all SB employees as of mid-1989, only 14,500—that is, 60 percent—applied to be vetted. Initially, only 8681 convinced the verification commissions of their usability, but 4,500 more appealed the regional decisions; among those, 1,800 had their initial decisions reversed. This brought the total number of former employees positively vetted to be rehired by the UOP to 10,439 and the number of those who failed to 3,595. As one of Kozlowski's deputies pointed out, successfully passing verification merely made a candidate eligible for reemployment. It is not clear exactly how many of the over ten thousand were ultimately rehired (Dudek & Gryz 2003).

The reason this Polish example qualifies as a complete purge is that the entire structure of the SB was dismantled, with all of its employees collectively fired. All officers old enough to remember the repression of the 60s were forced into retirement. The remainder of SB staff was only permitted to reapply for employment in the new agencies after each case received separate individual consideration.

A leadership purge, in contrast to a thorough purge, is limited to the top echelon of the hierarchy of the enforcement apparatus: it discriminates between the leadership of the organization and the rank and file. A good illustration of a leadership purge is the Bulgarian *Panev Law*, passed on December

9, 1992 by the Bulgarian National Assembly.[8] Among its many provisions, the law prohibited from holding positions in "Executive Bodies of Scientific Organizations and the Higher Certifying Commission" people who had taught at the Communist Academy for Social Sciences and Social Management and those who had taught History of Communist Parties, Leninist or Marxist Philosophy, Political Economy, or Scientific Communism. All persons covered by the law had to provide written statements regarding their prior employment and party activities. A refusal to provide such a statement was regarded as an admission of guilt. According to its author, Georgi Panev, the underlying idea behind the purge "was to bar persons of the higher totalitarian scientific structures and former collaborators of the former State Security from academic and faculty councils and from the supreme academic awards commission, awarding scientific degrees and other academic qualifications." As this ban did not extend to all academicians, but rather only to those who had trained the communist state's tight leadership, this ban can be considered a leadership purge. Most academic staff who had worked under the previous regime retained their jobs.

Finally, a perfunctory purge is a vetting process that only extends to the rank and file or to the lowest echelons of the hierarchy of the enforcement apparatus. Such purges may occur while the authoritarian regime is still in office, in which case, they are a preemptive move by the outgoing authoritarian regime. Such preemption shields the regime from more severe transitional justice at the hands of the incoming democratic regime (Kaminski & Nalepa 2014).[9] A perfunctory purge can also be instituted by an incoming democratic government when it cannot conduct a leadership purge because its hands are tied by a peace agreement with the outgoing military autocrats (Nalepa 2010). Under such circumstances, forgoing purges altogether is not feasible because of third party or international pressures. Such a purge occurred in Nicaragua. Nicaragua's autocracy ended in 1979, when the former Nicaraguan president, Anastasio Somoza Debayle, was defeated by Sandinista National Liberation Front (FSLN or the "Sandinistas"). The new government had to manage a civil war that broke out as the CIA-backed Contras staged terrorist attacks over the course of the next eight years (Hoekstra n.d.). Fighting finally came to a close when Violeta Chamorro emerged victorious in the 1990 elections. Although preferred by the US to the Sandinistas, she still faced considerable pressure from the United States to reform the security forces.[10] These pressures notwithstanding, Chamorro decided to forgo a

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[8] The full name of the bill was "Law for Temporary Introduction of Additional Requirements for Members of Executive Bodies of the Scientific Organizations and the Higher Certifying Commission."

[9] Technically, preemptive perfunctory purges do not satisfy the definition of transitional justice; for this reason, they are omitted from the Global Transitional Justice Dataset.

[10] At one point, the US Congress threatened to withhold the release of 100 million dollars to Nicaragua unless some personnel changes took place. This pressure was

purge of military commanders and only purge troops, reducing their number from 80,000 to only 20,000. Notably, while Chamorro had long been a Sandinista critic, she retained General Ortega, the former president and FSLN leader, most probably in order to preserve peace. Three months later, when she did fire a long-time Sandinista Chief commander to make good on her promise to lead a "government of national reconciliation," she replaced him with another Sandinista (Otis 1992).

A second perfunctory purge example comes from El Salvador. Like Nicaragua, El Salvador had gone through a party-based authoritarian government, classified by some as party-military (Geddes et al. 2014), followed by a civil war that left 75,000 people dead. The first competitive elections free from political violence were held in 1994, though the peace agreements were signed earlier, in February of 1992 (Archive n.d.). On January 4, 1993, despite pressure from the UN to carry out a leadership purge in the military, President Cristiani, to demonstrate "good faith over the peace accords ..., announced reductions in the armed forces from 63,000 to 31,500 troops." However, the top echelon of the leadership was mostly preserved (*Renewed threats to peace process Purge of army officers* 1993).

1.2 The Model

The lustration and truth commissions model presented in the previous chapter showed how transparency regimes enhance democratic representation by preventing blackmail of current politicians by former authoritarian elites. Lustration, for example, exposes potentially embarrassing information about collaboration with the authoritarian regime's enforcement apparatus, making it impossible for former authoritarian elites to extort policies in exchange for keeping skeletons in politicians' closets hidden. A crucial theoretical prediction was that democratic representation improves in direct proportion to the amount of lustration implemented.

This chapter is devoted to modeling purges. The models I present here yield predictions for the effect of purge severity on democratic representation that differ starkly from the predictions I make on the effect of lustration. While the quality of political representation increases monotonically with the severity of lustration, the severity of purges may be associated with worse effects for democratic representation. Moreover, the very feasibility of implementing purges depends on conditions present in the authoritarian regime itself: following a purge, new democratic leaders must replace the fired agents with new staff who share the leaders' preferences but lack the skills necessary to implement policy. Whether this is feasible depends on two conditions: (1) uncertainty at the time of the transition and (2) the expertise of the former authoritarian bureaucrats.

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in part due to charges that US funds had been funneled to Sandinista groups; this withholding of aid may also be interpreted as pressure for a purge.

Consider the following general dilemma: following a transition to democracy, an incoming government inherits a state apparatus that is staffed by employees of the former authoritarian regime. These employees possess expertise that the incoming government lacks. Yet, these bureaucrats or uniformed members of the enforcement apparatus may well have residual loyalties to the ancien régime.[11] Thus, their preferences diverge from those of the incoming democratic government. In light of this, they may use the expertise they possess from their service in the ancien régime to sabotage the policy program of the new democratic government. Given the risks posed by these bureaucrats, the incoming government faces the choice to purge the state administration—all personnel employed by the former autocrats or to retain most of the state employees and only focus on the leadership.

The ideal bureaucracy possesses three characteristics. First, bureaucrats ought to have more expertise than rulers or lawmakers themselves. One way in which states ensure that this happens is by mandating entry exams and requiring that minimum qualifications be satisfied before a person can become a civil servant (Simon et al. 1950, Wilson 2019). Second, bureaucrats are supposed to share a "commonality of interests with the rulers" (Weber 1968) to ensure that the policy they try to implement closely or exactly matches the ruler's ideal outcome. To the extent that a gap exists between the preferences of rulers and their bureaucrats, a "principal-agent" problem arises. Third, bureaucrats should not shirk their responsibilities. In other words, when not monitored, they should work exactly with the same intensity as when they are monitored (Brehm & Gates 1999). Shirking is the only feature of the three listed above that is not accounted for in the models I present.

It is easy to see why a bureaucracy in the aftermath of a democratic transition may fall short of these three ideals. Bluntly put, the inherited bureaucracy may be incompetent and disloyal to the new regime. First, the state of the ancien régime may have been staffed via patronage networks and hence lack the expertise necessary to implement policy. Indeed, authoritarian regimes are often brought down by poor policy outcomes and subpar economic performance(Gasiorowski 1995). [12] Second, employees of the previous authoritarian regime's state apparatus frequently have loyalties to the outgoing regime: working in the authoritarian state was a moral choice made only by those who, in one way or another, accepted the authoritarian ideology and the lack of competitive democratic elections that would hold their polit-

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[11] Note that in this section, I assume that generically, persons working under the pre-democratic regime depart from the Weberian ideal type of a bureaucrat in that they do not automatically acquire the preferences of the "ruler" or establish what Weber refers to as a "community of interests" (Weber 1968). On the contrary, since working for an ideologically tainted authoritarian regime requires at least some ideological commitments on the part of the administrative staff, those loyalties are difficult to shed immediately.

[12] However, Remmer (1990) shows how economic vulnerability is the consequence rather than the cause of democratization.

ical bosses accountable. Third, regardless of his or her ideological leanings, the autocrat's departure can be associated with "orphaned bureaucracies" (Ang 2019), which obviously contributes to the preference gap between the new democratic politicians and state apparatus staff members inherited from the previous regime. "Orphaned" bureaucrats are also likely to be shirkers, though, as remarked above, I will not be modeling this feature below. [13]

On the other hand, the bureaucrats of the ancien régime may be equipped in expertise that translates well into the conditions of the new democratic polity. In the words of Anna Grzymala-Busse (2002), they may have usable skills that the new democratic politician desperately needs.

My framing of the purge problem as a principal-agent dilemma draws on models of delegation from the institutions literature in American and comparative politics (Callander et al. 2008, Huber & Shipan 2002, Epstein & O'Halloran 1999, Bendor & Meirowitz 2004). The classical analysis of delegation was offered according to Bendor & Meirowitz (2004), by Alexander Hamilton, who defended transferring control from less informed officials to more informed agents in anticipation that because they are better informed, they will make better choices.[14]

Delegation models assume a single *principal* who can either act on his own or delegate authority over policy to another actor, referred to as the *agent*. The principal in the delegation literature is typically a legislature, and the agent is typically a bureaucrat who, equipped with expertise, can implement policy better suited to accommodate states of the world that are unfamiliar to the legislature. However, delegating policy authority to the bureaucrat comes at a risk, as he may use his expertise to move the ultimate policy outcome away from the legislature's ideal point; this is especially likely if the preferences of the legislature and the bureaucrat are misaligned. The delegation literature refers to this phenomenon as *bureaucratic drift* (Gehlbach 2013).

Building on this framing, I treat a thorough purge as analogous to a refusal to delegate to possibly unfaithful agents. In doing so, I assume the new democratic regime lacks expertise to implement policy as efficiently as employees of the ancien régime. Thus, even though the democratic successors know the policy outcomes they want, and I assume that this policy corresponds to voter preferences, they cannot anticipate the policy distortions that arise at the time of implementation. Forgoing a thorough purge in favor of a leadership-only purge, on the other hand, can be interpreted as a decision to delegate policy choice to agents of the former authoritarian regime.

In the next section, I illustrate the application of thedelegation model to the problem of purges using Gehlbach (2013)'s the standard presentation of

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[13] For a comprehensive treatment of bureaucracies that accounts for shirking and sabotage, seeBrehm & Gates (1999).

[14] According to this traditional interpretation, expressed by Hamilton in Federalist No. 23, choosing optimal policies is state contingent. Since principals are oblivious to the true nature of the state, they are best served by delegating to agents who know the real state of the world.

the problem. I use the first two models from Chapter 5 of his *Formal Models of Domestic Politics*. In the first of the two models, the new democratic politician considers two options: to purge or not to purge. In the second model, which is an interpretation of Huber & Shipan (2002), the politician is able to set discretion limits for the old regime's administrative staff if he refrains from a purge. After adapting these two classical delegation models to the purge-specific context, I present a third (original) model, where I relax the assumption of perfect expertise on the part of the agent.

1.2.1 The decision to purge as a simple delegation model

I begin by with considering a one-dimensional policy space sketched out in Figure 1.1. The model features a Politician, P, with ideal point 0, and a former enforcement Agency Officer, A, with ideal point $x_A \epsilon (0, 1)$. In the first stage, the Politician determines whether to conduct a purge. This action corresponds to the decision to delegate in the classic principal agent framework. Conducting a purge is represented as P and is the equivalent of *not delegating* power to the agent of the former authoritarian regime. Alternatively, in an action corresponding to *delegation* from the classic model, the new democratic politician may choose to retain the staff of the authoritarian agency (this action is labeled as $\sim P$). Following the Politician's decision, Nature determines the policy shock to be applied following the choice of policy. This shock corresponds to the inherent uncertainty under which policy decisions are being made in the transition aftermath. I represent this shock as $\omega \epsilon \{\varepsilon, -\varepsilon\}$. To keep things tractable, there are just two possible shocks: one negative and one positive. I will assume that either policy shock is equally likely: that is, $Pr(\omega = \varepsilon) = Pr(\omega = -\varepsilon) = \frac{1}{2}$. This policy shock is observed by the Agency Officer, but not by the Politician. In the third and terminal stage of the game, the Politician (in the event of a purge) or the Agency Officer (in the event of refraining from a purge) chooses the policy. Of course, in reality, even the Politician who purges the administrative apparatus does not herself implement policy. However, given that following the purge she can only appoint a loyal former dissident with no expertise, it is *as if* she were implementing policy herself.

The preferences of the players are determined by the distance between their ideal points and the policy that is the final outcome of the game. This final outcome, x, is the joint product of the policy choice in the second stage and Nature's determination of the policy shock, according to the expression $x = p + \omega$. The strategies and preferences are defined formally in the appendix, but the game tree below summarizes the players, strategies, and the timing of play.

Since this is a game of complete, albeit imperfect, information, the solution concept is Subgame Perfect Nash Equilibrium. The game tree representing the baseline model is presented below.

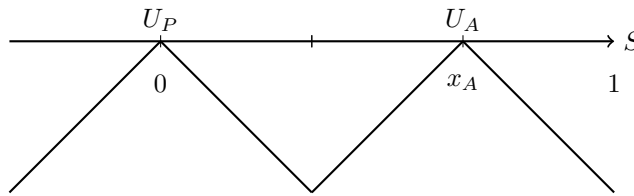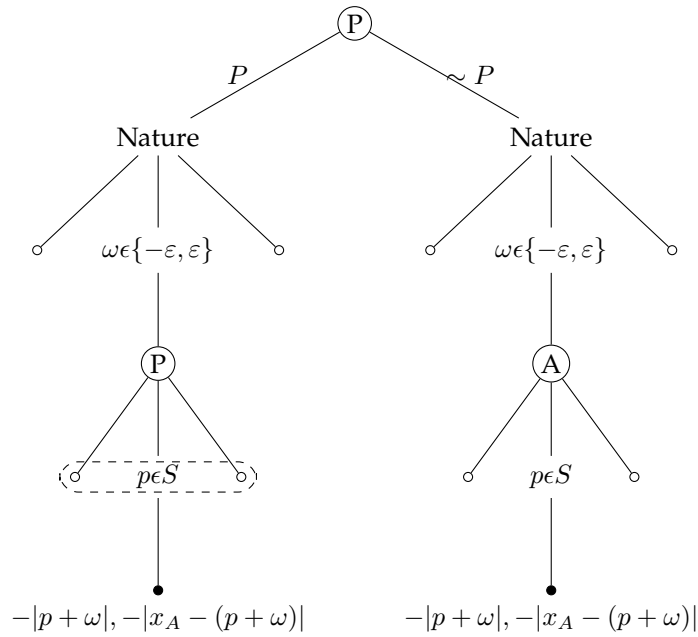Fig. 1.1: Issue Space (S) and Players' Preferences

Fig. 1.2: Baseline Purges Model

This game can be solved by backward induction. I first consider the right hand side of the the game tree. Note that since the Agency Officer observes ω, he can implement policy to "perfectly absorb" the exogenous policy shock and bring the final outcome to his ideal point. That is, when the shock is positive, he chooses $x_a - \varepsilon$ and when it is negative, he chooses policy $p^* = x_A + \varepsilon$. In light of this, the politician's expected outcome from a leadership purge is $-x_A$.

Consider now the left hand side of the game tree in Figure 1.2. Since the Politician cannot observe the policy shock, his best response, given the symmetry of ω, is $p = 0$. Note that actuall,y any $p\epsilon[-\varepsilon, \varepsilon]$ is a best response; however, $p = 0$ is robust to changing the utility functions from "tent" to

quadratic.[15] As a result,the expected utility to the Politician from purging is given by $-\varepsilon$.

In Figure 3.3 below, I compare the realized policy outcome (in green) under the no purge scenario with the realized policy under the purge scenario (in red) as a function of the magnitude of the shock, ε.

The green line in the upper quadrant corresponds to the realized outcomes following a purge when the policy shock is positive (hence the increasing slope), while the green line in the lower quadrant corresponds to the negative policy shock scenario (hence the decreasing slope).

Both lines have non-zero slopes because when the Politician purges the former state apparatus of members of the ancien régime, the price he pays is proportional to the degree of uncertainty. Recall that the Politician is trying to minimize the distance between this realized policy and his ideal point, which is at 0 and so corresponds simply to the x-axis. The extent to which the final outcome departs from the Politician's ideal point increases, intuitively, with the size of the shock.

The outcome under the purge scenario, represented by the red line in Figure 3.31.3, corresponds to the realized outcome without a purge. This outcome does not depend on the value of ε. The two lines cross at the point where $\varepsilon = x_A$, implying that for values where ε is below x_A, the Politician is better off purging the administrative apparatus, but for $\varepsilon > x_A$, retaining the authoritarian administrative apparatus produces a policy closer to the Politician's ideal point.

Backward induction leads us immediately to the solution to this baseline model: the Politician will purge if $\varepsilon < x_A$ and refrain from doing so if $x_A \leq \varepsilon$. In other words, the Politician will refrain from conducting a purge when the uncertainty associated with the policy shock is greater than the preference divergence between the Politician and the Agency Officer. This result is merely an application of Bendor & Meirowitz (2004) to purges.

While the parameter x_A is easy to interpret as the divergence in preferences between the new democratic Politician and the Agent of the former authoritarian regime, the interpretation of ε is perhaps somewhat less intuitive. It is best thought of as a measure of uncertainty following democratic transitions: transitions that are more abrupt and lead to considerable economic, social, and political unpredictability can be interpreted as high ε environments, while smooth protracted transitions, offering more predictability, can be interpreted as low ε circumstances. Alternatively, one may think of ε as the skills of the new democratic politicians and their ability to appoint and train new administrative staff.

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[15] Bendor & Meirowitz (2004) show that changing the players' preferences in this way does not change the end result of the analysis.

1.2.2 Discretionary limits

The next model I consider not only allows the Politician to decide between purging and refraining to do so, but also allows him to set "discretion limits" if he chooses the former. Discretion limits are interpreted as lower and upper bounds on where the Agency Officer may implement policy p. This allows the Politician to retain some control, while also drawing on the agent's expertise at the same time. Empirically, these can be directives on how a specific policy is to be implemented, what the chain of reporting and monitoring policy outcomes is supposed to be, or how far policy changes can reach. In their path-breaking book, Huber and Shipan operationalize discretionary limits with the number of words contained in each bill from a given jurisdiction. This operationalization relies on the assumption that less discretion implies more words Huber & Shipan (2002).

It is important to note that whether discretionary limits can be imposed at all depends on the institutionalization of the new democratic regime, which in turn depends on the institutionalization of the ancien régime, a topic I model explicitly in section 1.2.3.

Circumstances where discretion limits may be useful when a standard delegation model fails are easy to imagine. Consider any case where the preference divergence between the new democratic politician and outgoing administrative staff of the former regime is considerable, but where the staffers' expertise is so valuable that purging them could pose a dangerous threat to the new democracy. As an example, consider the decisions facing the post-apartheid regime in South Africa. The preference of the outgoing Apartheid regime and the ANC led government clearly diverged. At the same time, with over 30 years of tenure, the South African regime had trained skilled bureaucrats who were no doubt better at implementing policies than any new workers would be. All these bureaucrats were white. Yet the ANC refrained from purging them and instead attempted to set clear discretion limits to compel these agents not to exploit their knowledge to the new regime's disadvantage. Had such tools of control been unavailable, the ANC government would have had to purge apartheid-era bureaucrats. Indeed, at the time of the transition, such a purge was the subject of universal fear as memories of Rhodesia, now Zimbabwe, and the "white flight" were referenced more frequently than any other example Southall (2020).

The first goal of solving this model is to see whether discretionary limits, when present, change the relationship between uncertainty (represented by ε) and preference divergence (represented by x_A) that was identified in the baseline model.

In this model, I retain all assumptions about players and preferences from the baseline. Hence, the Politician has an ideal point at 0, and the Agency Officer has an ideal point at x_A.

The strategy set of the Politician is modified to reflect that he sets the discretion limit when he forgoes a purge. However, given the preferences of the

Politician and Agency Officer (at 0 and x_A, respectively), it is clear that there is no need for the Politician to set a lower bound for the discretion limits: the Agency Officer would never want to implement policy to the left of the Politician's ideal point. Since A's ideal point is to the right of that of P, he always prefers a realized policy at the Politician's ideal point to a policy at any point to the left of this. Thus, the left bound on the discretionary limits need not be set at all, and the action corresponding to the discretion limit can be represented by just one parameter, $r \epsilon \Re^+$.

A direct consequence of imposing discretion limits is that the Agency Officer no longer has perfect shock absorption. In the model, this is represented by setting the discretion limit so that $r < x_A + \omega$. With this setting, the Agent can never achieve his ideal point, so the Politician may refrain from purging him without fearing that the policy will swing too far.

The game tree of this version of the model is provided in Figure **??** of Appendix 9.2.2., where it is also solved for Subgame Perfect Equilibrium through backward induction.

The reasoning behind finding the optimal discretion limit, r can be summarized as follows: first, note that if P conducts a purge, the optimal policy is, as before, $p = 0$, with an expected payoff of $-\varepsilon$. If the Politician chooses to forgo a purge, he has to set the discretion limit, r, to maximize his utility. In Appendix 9.2.2, I focus on examining focal discretion limits such as $r = \varepsilon$. For this specific discretion limit, the Politician's expected utility is $\frac{-x_A}{2}$, as shown in the appendix.

To see that the discretion limit $r = \varepsilon$ is the unique best choice, consider two possibilities: (1) that r is set higher than ε, and (2) that it is set lower than ε.

If the discretion limit is set higher, to some $r = \varepsilon + \delta$, A would have to set policy to $min\{\varepsilon + \delta, x_A + \varepsilon\}$ for $\omega = -\varepsilon$ and to $min\{\varepsilon + \delta, x_A - \varepsilon\}$ for $\omega = \varepsilon$. This would result in P's expected utility $-\frac{x_A+\delta}{2}$. If, on the other hand, the discretion limit is set lower, to some $r = \varepsilon - \delta$, A would propose $p = min\{\varepsilon - \delta, x_A + \varepsilon\}$ for $\omega = -\varepsilon$ and $p = min\{\varepsilon - \delta, x_A - \varepsilon\}$ for $\omega = \varepsilon$, leading to P's expected utility $-\frac{\delta}{2} - \frac{x_A}{2}$.

Since in both cases, P's utility is lower than in the instance where $r = \varepsilon$, I conclude that the Politician's optimal discretion limit is $r = \varepsilon$. P's expected utility with this discretion limit leads to the conclusion that P will forgo a purge as long as $x_A < 2\varepsilon$. This result can be contrasted with the baseline model. It is clear that when the Politician can set discretion limits, he will stop short of a purge even if the administrative apparatus inherited from the ancien régime diverges in its preferences from those of the Politician twice as much as in the baseline model (where discretion limits were not available).

The rationale behind P's choice is captured in Figure 3.3 , where the red line corresponds to the expected outcome from the leadership purge and the green line to the expected outcome from the thorough purge. As soon as ε exceeds $\frac{x_A}{2}$, a leadership purge generates higher utility for the Politician. To see this, note that given the Politician's ideal point at zero and the fact that

(a) Policy Outcomes without Discretion Limits (baseline model)
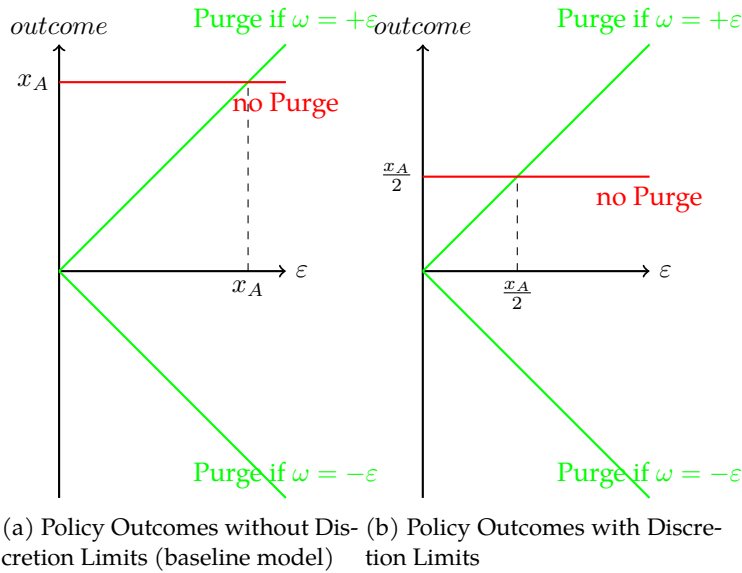
(b) Policy Outcomes with Discretion Limits

Fig. 1.3: Policy Outcomes in Baseline and Discretion Limits Model of Purges

the utility function is the negative absolute value of the distance between the ideal point and the policy outcome, we only need to focus on comparing the upper green line to the red line. The left panel of Figure 3.3 allows for a direct comparison of the model with discretion limits to the model without. It is clear that discretion limits allow politicians to refrain from purges in a wider spectrum of situations—including even those that are not characterized by much uncertainty—than when implementation of discretion limits is not feasible.

1.2.3 Modeling the value of expertise

The purge models above both assume that the Agent of the ancien régime has complete and perfect expertise in the sense that he can always, in the discretion model—if given the sufficient latitude—would move the outcome exactly to his ideal point[16]. In this section, I relax this assumption and instead allow the expertise of the agent to vary. This reflects the fact that not all autocrats institutionalize their regimes and offer their bureaucrats the opportunity to become skilled technocrats. Such instituionalization includes creating tenure in the state administration, offering clear paths of advancement within the ranks, and attracting the most talented and skilled professionals by offering attractive wages or job security.

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[16] The literature refers to this as "perfect shock absorption" (Gehlbach 2013)

In order to formalize the expertise that the Agency Officer has to offer, I will relax the assumption that the Agency Officer gets to perfectly observe the exogenous shock. Note that in some circumstances in the model with discretionary limits, A did not get to implement the policy that would completely absorb the distortion stemming from the move of Nature. Now, I will assume that instead of observing the direction of the exogenous shock directly, the Agency Officer is given a signal of the shock; this signal can be of high or low quality. When the signal reflects the true nature of the policy shock, the Agent is better able to absorb the shock and bring policy towards his ideal point; when it does not, he cannot absorb the shock as well. This is an intuitive way of modeling expertise: bureaucrats with poor expertise are often thought of as bad when it comes to "reading signals" from their area of specialization.

Where do employees of the ancien régime's state apparatus acquire expertise? In other words, what determines whether they have better or worse capacity for shock absorption? A natural interpretation would be the level of institutionalization of the previous authoritarian regime. As Rauch & Evans (2000) point out, regimes, including authoritarian ones, vary considerably in the extent to which their bureaucracies rely on meritocratic recruitment and internal promotion instead of on nepotistic appointments and the promotion of agents for loyalty as over skills.

Herein lies the main departure of my model from existing models that extend the traditional approach described in section 3.3, such as those of Huber & McCarty (2004) and Bendor & Meirowitz (2004). Huber & McCarty (2004) allow for agents to have imperfect expertise, but model it as additional noise, μ, that accompanies the policy implementation of the agent. As the magnitude of this noise goes to zero (representing an agency better skilled at policy implementation), the condition for delegation reduces to the one from the baseline model. Correspondingly, as μ increases, any benefits from delegation become outweighed by the uncertain performance of the agent. Translating these insights to the case of purges would mean that even after if no purge is implemented, the agent of the ancien régime can still make mistakes in his implementation of policy, and his capacity to overcome these mistakes is reflected in μ. The question then becomes: when does the new democratic politician retain a low-capacity agent of the ancien régime? The answer boils down to the severity of the tradeoff between the divergence in preferences between the new and old regime and the capacity of the former bureaucrats of the new regime.

An alternative approach to modeling bureaucratic capacity or expertise is to introduce uncertainty to the way that the signal about the exogenous shock is transmitted. This is the approach of Bendor & Meirowitz (2004), who assume that with a certain probability, π, the agency receives a perfectly informative signal of the value of the random shock, ω, with probability $1 - \pi$ the agency receives a perfectly uninformative signal, adding nothing at all to what the principal already knew. After solving this model, the authors find

that the original tradeoff between preference divergence is directly proportional to the informativeness of the signal; that is:

$$\pi \varepsilon^2 > x_A^2 \tag{1.1}$$

Next, Bendor & Meirowitz (2004) go on to model π as an endogenous choice of the agent. In a democratic context, this is a very sensible extension, as it is indeed up to the bureaucrats themselves to determine whether or not to acquire expertise. The extension of this is less apt in the context of post-authoritarian purges, where all the expertise to be spoken for was either acquired in the past or not at all. Another sensible alteration is to change the signaling technology to reflect the fact that expertise can vary on a continuum and need not be symmetric with regard to detecting positive or negative signals.

In light of the discussion above, the new institutionalization parameter that I introduce here, s, will allow me to account for the fact that the expertise of the agent is highest (that is, the probability of a correct signal is much higher than the probability of an incorrect signal) when the preceding authoritarian regime was highly institutionalized, and lowest when the preceding authoritarian regime was poorly institutionalized.

The model starts with a move of Nature expressed as $s\epsilon(0,1)$, where 1 represents the least possible expertise (and so a very poorly institutionalized ancien régime), and 0 represents the highest possible expertise. The parameter s is then related to the precision with which the Agency Officer can read the signal that the policy shock was ε and not $-\varepsilon$. For this purpose, I define

$Pr(s = i | \omega = j)$ as the probability that A receives a signal i when the signal is $i \forall i, j \epsilon \{-\varepsilon, \varepsilon\}$.
$$\tag{1.2}$$

As a result,

$Pr(\varepsilon | \varepsilon)$ is the probability that the signal the officer receives is high when the policy shock is indeed positive (correct signal).
$Pr(-\varepsilon | \varepsilon)$ is the probability that the signal the officer receives is low when the policy shock is positive (incorrect signal).
$Pr(-\varepsilon | - \varepsilon)$ is the probability that the signal the officer receives is low when the policy shock is indeed negative (correct signal).
$Pr(\varepsilon | -\varepsilon)$ is the probability that the signal the officer receives is high when the policy shock is negative (incorrect signal).

Next, I assume that $\forall i, j \epsilon \{\varepsilon, -\varepsilon\}$:

1. $Pr(i|j)\epsilon(0,1)$
2. $Pr(i|i) + Pr(j|i)) = 1$
3. $Pr(i|i) > Pr(j|i)$

These three conditions formalize intuitive expectations. Condition 1 states that there is no perfectly correct or perfectly incorrect signal. Condition 2 states that given a policy shock, either a low or high signal must be issued.

Condition 3 states that the signals are not perverse. That is, the probability of an incorrect signal for a given policy shock is never higher than the probability of a correct signal.

The probabilities defined above are next used to introduce the institutionalization parameter, s as follows:

$$s = \frac{Pr(-\varepsilon|\varepsilon)}{Pr(\varepsilon|\varepsilon)} = \frac{Pr(\varepsilon|-\varepsilon)}{Pr(-\varepsilon|-\varepsilon)} \tag{1.3}$$

Therefore, $s = 0$ when A never receives an incorrect signal (perfectly informative), and $s = 1$ when the likelihood of a correct and incorrect signal are equal (no information). I bind s between 0 and 1 so that the signal is always imperfectly informative.

After observing s, the Politician decides whether to implement a purge. In the event of a purge, he is forced to implement policy by himself without knowing if the policy shock will be positive or negative. As in the two previous models, he implements his ideal point, 0. As a result, his expected utility from a purge is $-\varepsilon$. On the other hand, if P decides to forgo a purge, then the Agency Officer gets to observe an informative signal about the quality of the shock. As explained above, the informativeness of this signal is determined by the institutionalization parameter, s, as follows: $P(\varepsilon)$ represents a signal that the policy shock is high, and $P(-\varepsilon)$ represents a signal that the policy shock is low. After observing the signal, but not the shock, the officer decides which policy to adopt. Since his decision is contingent on the kind of signal he received, two actions are needed to define his strategy. p represents his action when the signal is high (that is, the policy shock, ω, is equal to ε), while q represents his action when the signal is low (that is, the policy shock, ω, is equal to $-\varepsilon$).

Preferences could be Euclidean. However, for ease of solving maximization problems, I switch the first of the players to quadratic preferences; that is, the Agent's payoff is given by:

$$U_A(s; p, q) = \begin{cases} -(x_A - (p + \omega))^2 & \text{if signal is } \varepsilon \\ -(x_A - (q + \omega))^2 & \text{if signal is } -\varepsilon. \end{cases}$$

The Politician's payoff is defined analogously but for a corresponding ideal point of 0:

$U_P(s; p, q) = -(p + \omega)^2$

The strategy sets of both the Politician and Agency Officer are defined in Appendix 9.2.3, but they can also be easily gleaned from inspecting the game tree in Figure 1.4 below.

Note that the graphic representation (for aesthetic reasons) is missing the move of Nature determining s, the level of institutionalization in the very first stage of the game. Also, in keeping with convention, all moves of Nature take place in the beginning of the game; the sequence of the game has the Politician moving directly after Nature's determination of s. The game tree

is accurate—note that all four nodes at which the Politician moves are in the same four-element information set. The Agency Officer knows s but does not know the realization of ω.

Fig. 1.4: Leadership Purges with Imperfect Shock Signals
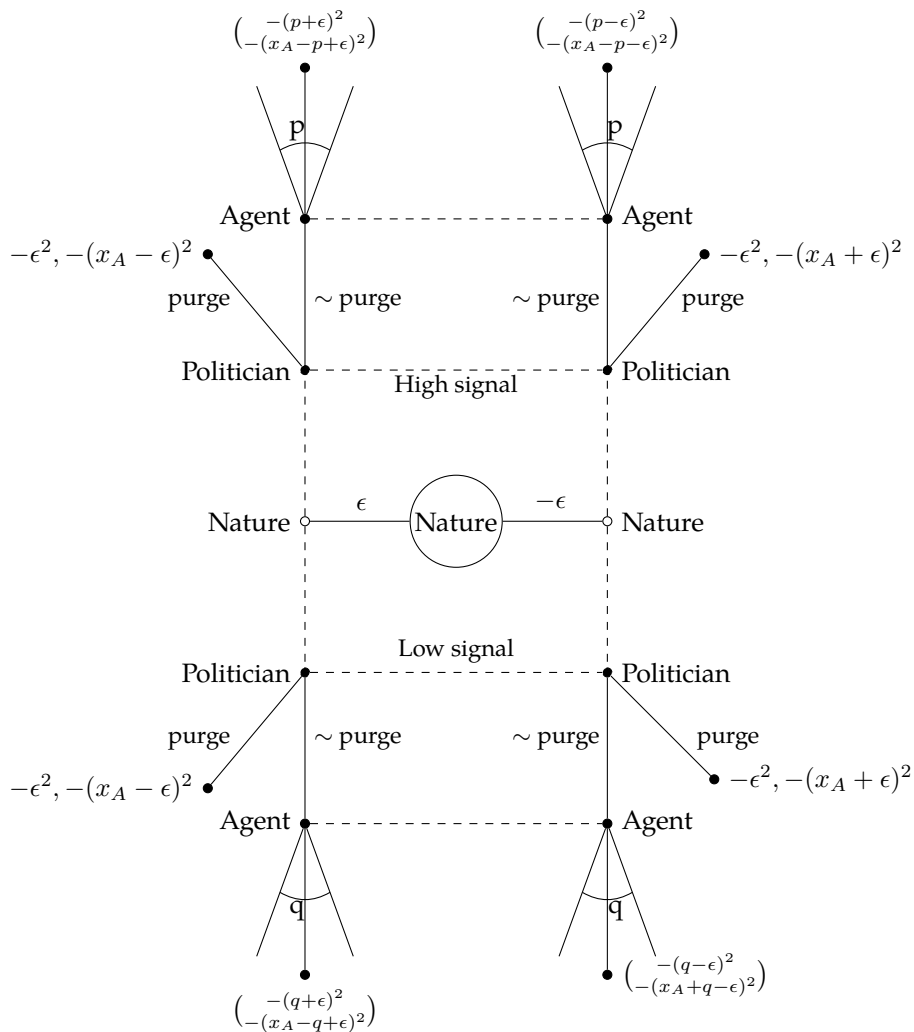
Since this is not a game of incomplete information,[17] the solution concept is Subgame Perfect Equilibrium. As before, the game can be solved by backward induction. In the appendix, I first calculate the optimal strategy of the Agency officer as a function of s, x_A, and ε, and then show the circumstances under which the Politician prefers implementing a purge over refraining from one. The optimal policy choices p^* and q^* are given by:

$$p^* = x_A - \frac{\varepsilon(1-s)}{1+s}, q^* = x_A + \frac{\varepsilon(1-s)}{1+s} \tag{1.4}$$

Table 1.1: Equilibrium policy outcome as a function s

Institutionalization	$BR_A(s) = p^*$	q^*	outcome when $\omega = \varepsilon$	outcome when $\omega = -\varepsilon$
$s = 0$	$x_A - \varepsilon$	$x_A + \varepsilon$	$\frac{x_A - \varepsilon}{2}$	$\frac{x_A + \varepsilon}{2}$
$s = \frac{1}{4}$	$x_A - \frac{3}{5}\varepsilon$	$x_A + \frac{3}{5}\varepsilon$	$x_A - \frac{4}{5}\varepsilon$	$x_A + \frac{4}{5}\varepsilon$
$s = \frac{1}{2}$	$x_A - \frac{1}{3}\varepsilon$	$x_A + \frac{1}{3}\varepsilon$	$x_A - \frac{8}{9}\varepsilon$	$x_A + \frac{8}{9}\varepsilon$
$s = \frac{3}{4}$	$x_A - \frac{1}{7}\varepsilon$	$x_A + \frac{1}{7}\varepsilon$	$x_A - \frac{48}{49}\varepsilon$	$x_A + \frac{48}{49}\varepsilon$

Table 1.1 shows the Agent's best responses in terms of p^* and q^* if the Politician refrains from a purge. Recall that in the event of a purge, the policy outcome will always be $-\varepsilon$ when the realization of ω is low and ε when the realization of ω is high. Building on the formulas used to produce this table, the Politician's utilities from deciding to purge or not can be calculated and compared. Notice that given the Politician's ideal point is 0, the utility from refraining from a purge can be calculated as:

$$EU_P(\sim P, \omega = \varepsilon) = -(x_A - \frac{\varepsilon(1-s)}{1+s} + \varepsilon)^2 \frac{1}{s+1} - (x_A + \frac{\varepsilon(1-s)}{(1+s)} + \varepsilon)^2 \frac{s}{s+1} \tag{1.5}$$

when the shock is positive and

$$EU_P(\sim P, \omega = -\varepsilon) = -(x_A - \frac{\varepsilon(1-s)}{1+s} - \varepsilon)^2 \frac{s}{s+1} - (x_A + \frac{\varepsilon(1-s)}{(1+s)} - \varepsilon)^2 \frac{1}{s+1} \tag{1.6}$$

when the shock is negative. Because the shock is negative half of the time and positive half of the time, the Politician will prefer to refrain from a purge when:

$$\frac{EU_P(L; p^*, q^*; \omega = \varepsilon)}{2} + \frac{EU_P(L; p^*, q^*; \omega = -\varepsilon)}{2} > -\varepsilon^2 \tag{1.7}$$

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[17] Although the Politician determines whether the Officer must make a decision in conditions of uncertainty, the signal itself is issued by Nature.

or

$$(x_A - \frac{\varepsilon(1-s)}{1+s} + \varepsilon)^2 \frac{1}{s+1} - (x_A + \frac{\varepsilon(1-s)}{(1+s)} + \varepsilon)^2 \frac{s}{s+1} + (x_A - \frac{\varepsilon(1-s)}{1+s} - \varepsilon)^2 \frac{s}{s+1} - (x_A + \frac{\varepsilon(1-s)}{(1+s)} - \varepsilon)^2 \frac{1}{s+1} < 2\varepsilon^2$$
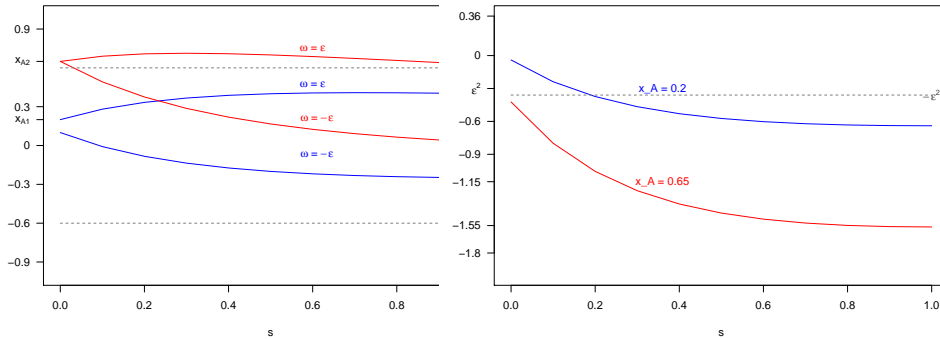
$$(1.8)$$

Fig. 1.5: Policy outcomes (left) and payoffs to the Politician (right) resulting from purges (blue and red) and non-purges (dashed grey)

The decision of when it is beneficial to refrain from purges is presented graphically as a function of s in Figure 3.5 and discussed below. Figure 3.5 illustrates the expected policy outcome (left panel) as well as the Politician's utility outcome (right panel) as a function of s. Consider first the left hand side panel. The "whiskers" in blue and red originate at parameter values for $x_{A1} = .2$ and $x_{A2} = .65$, which I have chosen as cases. Since $\varepsilon = .6$, the first case (marked in blue) has been chosen so the preference divergence is lower than the exogenous policy shock, while the second case (marked in red) has been chosen so the preference divergence is higher than the policy shock.

The top line for each case reflects the policy outcome following a purge in the event that the shock is positive; the bottom line reflects the policy outcome following a negative shock. The dashed grey lines marked with $-\varepsilon$ and ε represent where policy would be located were the Politician to forgo a purge (recall that his optimal strategy when he forgoes a purge is to implement policy at his ideal point). We see that in the case of divergent preferences, the policy associated with forgoing a purge is better for the Politician only if the shock is positive (see the top red line). When preferences are aligned more closely, a purge is worse for the politician regardless of the direction of the shock. Using these two cases and simply looking at the policy outcomes does not suggest that the optimal decision of the politician depends on s.

Recall however, that the Politician does not observe the shock direction. For this reason, to illustrate the Politician's optimal decision, I turn to the right

hand side panel, which compares the utility associated with both actions for the exact same values of the Agency Officer's ideal point, $x_{A1} = .2$ and $x_{A2} = .65$. The payoff from purging is represented by the grey dashed line at $\varepsilon^2 = .36$. Now, a more complex picture emerges. First, for divergent preferences, a purge is always associated with higher utility. This is shown by the fact that the grey dashed line is always above the red line (corresponding to $x_A = .65$). For the case of aligned preferences ($x_A = .2$), however, the action associated with the higher payoff depends on the insitutionalization parameter, s. Thus, for low levels of s, corresponding to high levels of institutionalization, the Politician is better off refraining from a purge and harnessing to his advantage the skills of the ancien régime's administrative apparatus. Yet, as the level of institutionalization decreases, the benefits from forgoing a purge declines and at some intermediary level of s, the Politician is better off purging the ancien régime. The exact level of institutionalization at which a purge is more beneficial than retaining members of the former regime is the intersection of the blue and grey lines. This is the point which solves:

$$x_A = \frac{\varepsilon(1-s)^2}{(1+s)^2} \tag{1.9}$$

or equivalently:

$$\varepsilon = \frac{x_A(1+s)^2}{(1-s)^2} \tag{1.10}$$

Intuitively, for low levels of professionalization, the benefits of retaining the previous regime's employees—even those with preferences that are proximate to those of the new democratic politician—are outweighed by a purge. With little expertise to offer, workers of the ancien régime cannot count on keeping their employment.

1.3 Discussion and comparative statics

The discussion above implies that when the shock is positive (a factor that the Politician cannot anticipate ex ante) and when s is lower—corresponding to a highly institutionalized prior regime—refraining from a purge is better than purging. Yet, when the shock is positive but s is higher—corresponding to low institutionalization—purging may be better. It is also clear from the blue line in Figure 3.5 that decreasing the magnitude of the shock, ε, moves the cutoff point to the left, requiring more institutionalization before a forgoing a purge is preferred. If uncertainty over the shock is lowered, making policy decisions without any expertise at all should be cheaper.

Recall that the empirical interpretation of s is that the expertise of the agent is highest (the probability of a correct signal is much higher than the probability of an incorrect signal) when the preceding authoritarian regime

was highly institutionalized and lowest when the preceding authoritarian regime was poorly institutionalized.

First, I expect that following highly institutionalized authoritarian regimes, politicians should refrain from purges. This is because the substantial expertise of agents of the former regime is likely to help them choose policies that absorb the kinds of exogenous shocks that plague regime transitions. Forgoing any type of purge altogether should improve the quality of democratic outcomes relative to those in countries that undertake purges when institutionalization is high.

On the other hand, following poorly institutionalized environments (Boix & Svolik 2013), forgoing purges is detrimental to the quality of democracy. Agents with low expertise are just as bad at correcting for policy shocks as the new politicians themselves, but instead try to reach their own successor-authoritarian ideal point. Hence, a purge should bring about a better quality of democracy than doing nothing at all.

In a nutshell, the effects of both kinds of purges depend heavily on the degree to which the previous authoritarian regime was institutionalized. This is because institutionalization translates into higher levels of expertise among former agents of authoritarian agencies. Purging bureaucrats and officers equipped with skills usable for managing the new democratic regime (Hicken & Martínez Kuhonta 2011) will likely sabotage policies of the new democracy and weaken the quality of representation.

In contrast, a poorly institutionalized authoritarian regime is staffed with agents whose level of expertise is too low to warrant trading off their potential to skew policy outcomes for precision of implementation; increased purging in formerly under-institutionalized regimes should lead to improving the quality of democracy. These effects ought to be more prominent in the case of thorough purges than in that of leadership purges because in the former, entire agencies are being disbanded.

These empirical implications will be illustrated with data from the Global Transitional Justice Dataset in Chapter 7.

1.3.1 Contrast with Representation under the Lustration Blackmail Model

We can now compare the transitional justice procedures that have been captured in my formal models; the key comparison from the point of view of the project of this book is whether purges, like lustration, contribute to a higher quality of representation. Two contrasts are immediately apparent. First, in the case of purges, the quality of representation is sensitive (and in some cases even critically so) to the distance between the Politician's and the Agency Officer's ideal points. This can be seen for instance in the comparative statics on the equilibrium policy outcome presented in Figure 3.5 , where this outcome is highly dependent on how closely his preferences align with those of the Agency Officer and the level of authoritarian institutionalization. Hence,

unlike in the case of lustration, more purges are not always better, other factors held constant, for the quality of representation. Indeed, as the discussion in section 3.3 indicates, the optimality of the decision to purge is highly dependent on the amount of uncertainty following the democratic transition and the disparity in preferences between the Politician and Agency Officer. In some instances—most notably, when the policy shock is high—purging more is better from the point of view of the Politician. However, when uncertainty is relatively low, the quality of representation will not be served by an extensive purge.

1.4 Conclusion

This chapter has discussed purges as a personnel transitional justice mechanism that functions differently from lustration and produces different effects for the quality of democratic representation. As in the previous chapter, the quality of democratic representation is operationalized as the politician's ability to get his ideal point implemented. I assume that this ideal point corresponds to the preferences of the voters. Of course, this assumption does not require agreeing with the dubious claim that elected representatives always represent voters' interests. Instead, I seek to uncover the distortion to representation that originates specifically in not dealing with legacies of the ancien régime, be these legacies secret (as in the case of lustration) or open (as in the case of purges).

I have argued that unlike vetting of secret collaborators, administrative purges may easily be understood in the framework of a delegation model. Purging members who ran agencies of the former authoritarian regime is akin to purging bureaucrats; thus, administrative purges are the reverse of a delegation problem. If a new politician executes an effective and thorough purge ridding the agency of all civil servants associated with the ancien régime, he or she must implement policy in inherently uncertain conditions. Without the expertise of prior administrators who ran the agencies, the new politician is hamstrung evaluating and implementing policy. On the other hand, only purging the leadership (and not all lower-level servants) may be analogous to delegating to an agent with subject-matter expertise and thus the ability to implement the new politician's post-authoritarian policies.

Building on existing models of delegation, I developed a nuanced theory of purges that showed that the very feasibility of purges in the aftermath of a transition to democracy depends on the uncertainty associated with policy implementation, the loyalty of former agents to the ancien regime, and the past regime's institutionalization. The empirical implications of this model led to several hypotheses about the relationship between purges and the quality of democratic representation. Specifically, the effects of purges depend heavily on the degree to which the previous authoritarian regime was institutionalized: institutionalization translates into the expertise of former authori-

tarian agents. To the extent that this expertise is usable in the new democratic regime (Grzymala-Busse 2002), purging these agents will come at a cost to the new democracy and negatively affect indicators of democratic quality. In contrast, under-institutionalized authoritarian regimes lack experts. Purging their bureaucracies should lead to improving the quality of democracy.

Although the models presented here make an argument against purges that relies on the information deficit created by the departure of agents of the state, one can easily construct other reasons for which carrying out purges is a risky endeavor in a new democracy. One reason is suggested by the illustrative case from section 3.1, which describe how former Stasi officers found permanent employment in Martin Schlaff's holdings and engaged in money laundering and tax evasion operations across Europe. The film *Psy* by Wladyslaw Pasikowski, which provided the opening quote for this chapter, illustrates an even more gruesome dynamic from Poland: some of the fired SB officers joined organized crime groups, where their former bosses had already established themselves in leadership positions and engaged in trafficking weapons, drugs, and minors. This effect of thorough purges—rank and file being forced to seek employment with their former bosses—is not unlike the dynamic described by Ben Lessing in an article devoted to the unintended consequences of mass incarceration (Lessing 2017). According to Lessing's argument, the inevitability or close inevitability of being confronted with the gang's leader in prison makes rank and file gang members more likely to obey the orders of prison gangs when they are still on "the outside." The parallel argument for the case of purges would run as follows: depriving rank and file SB officers of legal employment in the enforcement apparatus of the new democratic state forces them to seek employment with their former leading officers outside of the state's official agencies. Consequently, a thorough purge pushes former secret police officers with usable skills into organized crime led by former leaders of the secret political police.

The Tunisian example offers further illustrations of this phenomenon. Again, in Bouguerra (2014)'s account, purges of the Tunisian political police sparked fears of international terrorism. Would the agency and its brand new staff be capable of robust counterterrorism and counter-extremism measures? Already in October 2014, the Harriri Center for the Middle East of the Atlantic Council feared that "the weakened state of the Tunisian government following the revolution, combined with the general amnesty decree for and political polarization between secularists and Islamists, allowed for a resurgence of jihadist groups." The thousands of casualties that have since resulted from terrorist attacks (Masri 2017), and the vastly successful ISIS recruitment campaign carried out on Tunisian soil, illustrate the unintended consequences purges can have on crime.

1.5 Conclusion to Part I: Normative implications

This chapter concludes the contribution that this book makes to theorizing who is selected into office in a new democracy, how such representatives behave, and how they delegate policy-making decisions to bureaucrats. The two formal models presented in Part I of this book fall into the literature that also includes such work as Dragu (2014) and Dragu & Polborn (2013) who show that norm-based behavior such as human rights protections and legal limits on executive behavior can be self-enforcing. Likewise, my contribution has broad normative implications. For instance, it speaks to the effects of transparency policies on the long-term quality of representation in new democracies, an area that has sparked relatively little scholarly attention. With a few exceptions, which include Yarhi-Milo (2013) and Felli & Hortala-Vallve (2015), the use of secrets and blackmail to affect policy has not received much scrutiny from political scientists. Yet, these concepts are eminently relevant to current events: in 2017, the term *kompromat* made front page news as it was used to describe Russia's attempts to intervene in the US elections. Generally, *kompromat* ("compromising materials") refers to either embarrassing information or evidence of illegal activity which, if revealed, could damage a person's career or open her up to prosecution. As Keith Darden points out, this kind of data was routinely collected by authoritarian secret services in the Soviet Era and used to control people through blackmail by threatening the "compromised" with the release of damaging information to the public—or worse, to prosecutors (Darden 2001). Such embarrassing or damaging information, even if collected by authoritarian security forces, may be put to use long after the authoritarian regime itself has expired.

A crucial theoretical result of this chapter in particular is that while democratic representation improves in direct proportion to the amount of lustration implemented, it does not improve in proportion to the intensity of purges. Purges, although they may seem to placate a backward-looking public, can have dire consequences down the line. Especially if those who staffed the ancien régime's administrative apparatus are experts with preferences that are not excessively misaligned with those of leaders of the new democratic regime, purging them may come at great cost to the new democracy.

For the last few decades, the question of whether transitional justice helps or hurts democracy has been of central interest to scholars of normative transitional justice, many of whom are skeptical that transitional justice can help successful democratization without jeopardizing the rule of law. Authors such as Holmes (1994) and Osiatynski (1994, 1992) even singled out lustration as undermining the principle of non-retroactivity: "Nullum criminen sine lege" ("no punishment without a crime"). These skeptics have argued that lustration cannot possibly offer a legal foundation for new democratic states because it violates principles of rule of law by discriminating against citizens who were acting according to the law of the times. Halmai et al. (1997) argued that "living well is the best form of revenge." Others, in the

same vein, have advocated for the so-called "Spanish Model of Transitional Justice" (Elster 1998, Rosenfeld 1997, Elster 2005). These authors used Spain's reserved way of dealing with former authoritarian collaborators (sealing off the archives of Franco's secret police) to build their case that "doing nothing" is the best approach for new democracies to deal with past authoritarian regimes (Elster 2004*b*). Misuses of lustration, de-communization, and de-Ba'athification corroborate this endorsement of the Spanish model (Kritz 1995). For examples, one need look no further than Iraq's policy aimed at purging new democratic institutions of former Ba'athists. De-Ba'athification prevented 185 members of Saddam Hussein's party, mostly Sunnis, from running for the legislature in 2003. Despite its promise to promote societal reconciliation, it ignited ethnic tensions (David 2006). France's policy of *épuration*, banning former Vichy collaborators from holding office after WWII, had very similar effects (Elster 2004*b*).

Most of these theories castigating personnel forms of transitional justice, however, have focused on the immediate aftermath of the transition. In the first part of the book, I posited the theoretical possibility that the Spanish model of "doing nothing" may not produce immediate negative consequences, but over time may strengthen the power of authoritarian networks and particularly the networks involving secret legacies of the authoritarian regime. Damaging information collected by the former authoritarian secret police for the benefit of authoritarian elites may turn elected politicians into clients of agents who threaten to reveal their "skeletons in the closet" (Nalepa 2010).

Lending credence to these normative theories, note however, that the model of transparency regimes presented in Chapter **??** does corroborate some of their findings. Note that I find there that ooling equilibria occur more frequently when the cost to the politician of having his skeletons in the closet exposed is greater. Empirically, this might happen in the immediate aftermath of the transition from authoritarianism, when the salience of who was and was not a collaborator with the ancien régime is at its highest. This may imply that lustration implemented shortly after the transition works less well than when lustration is implemented later after the transition. Thus, if these scholars comparing lustration to "witch hunts" and "ritual sacrifices" are using the early experiences with transparency regimes as their inspiration [18], it is entirely possible that they are picking up on the bluffing-rich pooling equilibria.

Forgiving and forgetting may sabotage the capacity of elected politicians to represent voters. In the second part of this book, I subject this theory to empirical testing.

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[18] None of this early work is based on systematic data collection

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