

# BEYOND RITUAL SACRIFICES

MONIKA NALEPA

## 1. INTRO

This book has argued that new democracies embarking on transitional justice ought to tread lightly when it comes to purging the ancien régimes of known collaborators. At the same time, when it comes to dealing with acts of secret collaboration, transparency mechanisms—such as truth commissions, but especially lustrations—can be used without limitations. By revealing skeletons in the closet of those in office or running for office, these TJ mechanisms improve the overall quality of the new democracy. I have presented a theoretical mechanism and documented empirically, using several broad measures of democratic quality, the effectiveness of these transitional justice mechanisms. Unified theoretical and empirical models further corroborate these findings.

Yet before using my results as a ringing endorsement of lustration policies and their close cousin, truth commissions, let us pause and briefly discuss the social and personal costs of revealing the truth about secret authoritarian legacies.

## 2. OUT OF THE DOLL HOUSE

Henrik Ibsen’s play “A Doll’s House” compellingly illustrates the dilemma. The play introduces readers to what on the surface appears to be a perfect family home on the eve of a winter holiday season. Gradually, we learn that this perfect picture is built on a lie that is about to be exposed. Nora, the titular “doll” has borrowed a large sum from a usurer. She spent the money on a family trip to Southern Europe, which doctors proscribed as the ultimate cure for her ailing husband, Helmer. She lied to Helmer about how she came by the money, saying she inherited it from her late father. Since she had nothing to offer for collateral of the loan, she forged her father’s signature.

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Alas, the forgery is discovered by her usurer, as she dates it a day *after* her father's passing. Coming into possession of evidence of her crime, the usurer blackmails her.

He starts blackmailing Nora when his employment at the bank where Helmer is the manager is terminated. He threatens to disclose evidence of Nora's forgery unless she pressures Helmer into reemploying the usurer.

Based on what Helmer says about the values of loyalty and truthfulness of his loved ones, Nora is convinced he would want nothing to do with her if he knew of the lies she entangled herself with. Hence, she is determined that he never finds out about her lie. When he does, initially her greatest fears are confirmed, although Helmer does seem to be concerned more with his own reputation than the lie itself. Next, in an unexpected turn of events, the usurer sends the bond with the forged signature back to Nora and Helmer, surrendering evidence of forgery that he used to blackmail her with. This is the moment of the play when the reactions of Helmer and Nora diverge the most. While he is content for things to return to the *status quo ante*, Nora has learned that to preserve his reputation, Helmer was willing to sever all ties with her and condemn his own children to a motherless life. She discovers that he never loved her but merely enjoyed being entertained by her presence. Blackmail, thus, and its consequences exposed their relationship in its most raw and vulnerable form.

Post-authoritarian setting abound in such Ibsenesque stories. The post-unification history of Germany offers a couple I will share as additional illustrations. In the first, reported by The Guardian newspaper (?), a journalist and former political prisoner finds out that his own brother informed against him to the Stasi, resulting in his capture when he attempted to flee to the West. Three decades later he reflected "To be betrayed by a family member touches you deeply. It makes me so sad sometimes that I feel exhausted. I have to be careful that I don't end up succumbing to paranoia, thinking everybody back in the former GDR is a spy." Betrayal by someone as close as one's own brother must tear at the network of trust needed in any society. The trauma of discovering that one cannot even rely on family must make citizens suspicious of everything and everyone, preventing not just happiness but normal life.

As second example comes from a fictional story. Viewers of Florian Henckel von Donnersmarck's award-winning film, "Lives of Others," are introduced to a theater power-couple: playwright Georg Dreyman and actress Christa-Maria Sieland. Unfortunately for both, their relationship comes under strain when GDR's Minister of Cultural Affairs becomes infatuated with Sieland. To break up the couple, the Minister has Dreyman and Sieland's flat bugged and a Stasi officer assigned to listen in on the couple's private conversations. Sieland herself after refusing the Minister's erotic advances is recruited as a secret informer and asked to spy on her boyfriend. Dreyman remains blissfully unaware that his girlfriend conspired against him with the Stasi until many years following the democratic transition. He learns about his past when Germany reunites and creates an archive of Stasi documents that is made accessible to ordinary citizens. This also means that the blissful oblivion about his partner's true loyalties expires.

When lies are uncovered, relationships may be torn, families irreparably broken. What was once said, cannot be undone. The reactions of Nora on the one hand and Helmer on the other to the invalidated usurer's bond, bring into stark relief what surfaces when skeletons in the closet are revealed. And while politics may become more representative and former authoritarian networks undermined, relationships based on trust may be destroyed. At the end of "A Doll's house" Nora leaves her husband. Knowledge does not bring her happiness and because of her initial forgery, the reader cannot feel the triumph of righteousness when she leaves Helmer's home (even though one feels that Helmer got what he deserved.) Dreyman's story is short of complete tragedy only because of the redeeming act of the Stasi officer who was originally assigned to eavesdrop on him. The play write learns that it was the act of a professional spy and not of his loving girlfriend that saved him from Stasi prison. Ibsen's protagonists are shaken to learn that the lives they thought they lived were but a misleading facade.

Living under authoritarianism abounds in morally impossible choices. Instead of selecting between good and evil, persons are faced with situations that are bad and worse. Becoming a secret police collaborator is rarely the result of succumbing to temptation. Most dissidents who turn into

collaborators, like Nora, were manipulated into situations where they had no choice but to say “yes.”

Perhaps then, certain dogs should be left sleeping? The story of Nora and Helmer suggests that perhaps transparency should be, on account of all these social costs, avoided altogether.

Even if social relations alone were at the center of our focus I would be weary of drawing that conclusion. Having found out what she just has about Helmer, it is not possible for Nora to return to the doll’s house. But who would wish to see her there even if all the information about the true nature of her relationship were buried away?

Living in democracies does not necessarily make citizens happier than they were in an autocracy. It makes them more responsible for who is in power because regularly held elections afford them the ability to vote dishonest politicians out of office. The findings of this book have clear implications for how transitional justice impacts this function. In democracies recovering from authoritarian rule or civil war politicians trying at all costs to prevent their skeletons from coming out of the closet fail at being effective politicians and betray the interests of their voters. In an effort to bury the truth about skeletons in the closet they succumb to blackmail. The advice to “let bygones be bygones,” “forgive and forget,” or “let sleeping dogs lie” especially when applied to crimes committed secretly under the authoritarian regime may be deadly for a new polity.

New democracies’ temptation to punish *known* members and collaborators of the former regime is a form of “ritual sacrifice.” Although it signals to some voters a clean break with the former regime, it has little beyond symbolic significance and may be equally crippling as the decisions to “let sleeping dogs lie.’

There is a caveat, however, to the advice of forgoing purges of known collaborators of the authoritarian regime. When the interests of those working for the ancien régime depart so much from those of the new democratic politicians that their expertise is worth surrendering, purges should be used. The bottom line is then, that purges should be applied sparingly, while transparency should be used widely.

Whether the transparency regime takes the form of lustration or truth commissions depends on our time horizon. For immediate or short-term effects, truth commissions are effective. By applying to everyone and not only persons running for office they reveal the skeletons in the closet and prevent blackmail as well as undermine authoritarian networks.

Whether lustrations or truth commissions are advisable also depends on the tenure of the former authoritarian regime and the ways in which it exerted authoritarian control ????. Repressive regimes that are short-lived and rely of violent repression to control their citizens will have fewer secret collaborators. Consequently there is no one to lustrate. The dilemma facing those regimes is whether to engage in purges. But lasting authoritarian regimes that developed sophisticated agencies tasked with spying on their citizens require the collaboration of those close to the targets of spying—their family members, coworkers, and friends. In those circumstances, lustrations can reveal many skeletons in the closet.

Paradoxically, since in openly repressive regimes, entire sectors of experts with usable skills may be left unscathed, the conclusion of this analysis many seem normatively unacceptable: while cynical agents of the ancien régime are allowed to hold on to their jobs, the small but secret transgressions of regular citizens, sometimes even dissidents are brought to light, ruining their careers and sometimes lives.