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NATALIYA ANTONYUK

Department of European and Regional Studies
Ivan Franko National University of Lviv
Ukraine
E-mail: nantonyk@yahoo.com

Abstract:

The study systematised the preconditions, reasons, peculiarities, procedural aspects, legislative outline, and consequences of lustration processes in the Visegrad Group Countries, namely Poland, Hungary, Slovakia, and the Czech Republic. At the same time, the author based their work on the assumption that lustration – or purge of the officials – was one of the main prerequisites for legitimising political power as a result of the collapse of “old” autocratic communist regimes and the beginning of democratisation and consolidation of the countries of this region. In other words, the study was mainly aimed at clarifying the content and functions, legislative outline and regulation, practices and effects of lustration processes in post-autocratic and democratising political regimes of the Visegrad Group Countries. To do this, the meaning of the concept of “lustration” and the state of the study and understanding of its procedural manifestations and expected effects in the Visegrad Group Countries were first outlined. After that, the author studied and structured the political, legal, and institutional causes, the nature and types of lustration processes in the Visegrad Group Countries. Finally, a comparative analysis (in the format of individual case studies and regional comparisons) of logic, content, and practical implementation of lustration acts, processes and procedures in the analysed Visegrad Group Countries was carried out. As a result, it was concluded that lustration – at least symbolically and ideologically – was indeed a successful mechanism for legitimising a more successful transition from the previous or “old” autocratic regime to the new democratic political regime in the region. After all, a qualitative theorisation of the phenomenon, essence, and components of lustration processes was performed in the Visegrad Group Countries, and the region itself is now quite often held up as an example to other states in this context. However, at the same time it was found that in reality lustration in the countries under consideration was regulated and implemented in very different ways – both in terms of procedures and the resulting consequences, – and this was largely influenced by various dividends and risks during the renewal of political elites through channels and by means of various lustration options. However, in general, the practice of lustration in the region has shown that after the symbolic legitimisation of “new” government, in almost all Visegrad Group Countries lustration started to become less effective and increasingly manipulative and artificial.

Keywords:

Communist regime, democracy, democratisation, lustration, “old” regime, purge of the officials, Visegrad Group Countries.

FEATURES AND CONSEQUENCES OF LUSTRATION PROCESSES IN THE VISEGRAD GROUP COUNTRIES

NATALIYA ANTONYUK

Department of European and Regional Studies
Ivan Franko National University of Lviv
Ukraine
E-mail: nantonyk@yahoo.com

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Introduction

In the late 80's – early 90's of the twentieth century, the processes of irreversible disintegra-

tion of the Soviet Union and the entire Warsaw Pact Organisation began, resulting in the restoration/acquisition of real political independence by a number of European states and a change in the direction of their socio-political and socio-economic development in the coming decades. The so-called Visegrad Group Countries – Poland, Hungary, Slovakia, and the Czech Republic (the latter two have formally been independent since 1993), – formed in early 1991, were no exception, as they faced rather similar problems and issues of overcoming the legacy and consequences of communism and arrangement of their post-communist future, in particular with a focus on the desired European integration. Even though all these countries started accelerated and catch-up (relative to countries located in Western Europe) reforms – both political, socio-economic and systemic in general, mostly simultaneously and in parallel, – the ways in which they were solving a number of problems were quite different and ambiguous, often individualised and nationally-specific. And this is not surprising, because despite the general perception of certain common features of the so-called “real socialism” regimes in the region, the influence of the Soviet Union on the political regimes in Poland, Hungary, and Czechoslovakia, and the regimes themselves were historically quite different. As a result, they were reformed in different ways and took different approaches to overcoming the defects of the communist legacy, which by all means (and everyone understood this perfectly) was (and probably still is) a very significant obstacle to effective and rapid political transition – the transition from autocracy to democracy.

From a political point of view, this (among other things) resulted in the fact that the problem of purging the government of the communist legacy, including the so-called problem of lustration, its legislative outline and consequences, was one of the aspects of the reformation. We have traditionally and habitually stated that lustration processes have been or still are common to all Visegrad Group Countries or even Central and Eastern European countries. However, this is not the case or not exactly the case, at least given that lustration did not take place in all countries of the region, and also given that even in the analysed Visegrad Group Countries – Poland, Hungary, Slovakia, and the Czech Republic – lustration was multifaceted

both in terms of time and legislation, as well as severity and consequences. And this certainly puts on the agenda the need to clarify, compare and systematise the parameters, peculiarities, and consequences of lustration processes in the Visegrad Group Countries. In other words, the aim of the study is multifaceted clarification and systematisation of the essence of the concept of “lustration”, primarily on the basis of characterisation of its content and functions, legislative regulation, practices and consequences in the context of lustration processes in post-autocratic and democratising political regimes of the Visegrad Group Countries. In order to achieve the set goal, the article proposes to solve several problems. In particular, initially attention will be paid to the content and structure of the concept of “lustration”, as well as the state of research and coverage thereof in the Visegrad Group Countries. After that, we will characterise, compare and systematise the political, legal, and institutional nature and practice of lustration processes in the region, as well as the prerequisites for their implementation. And on this basis, we will finally outline, compare and systematise the content and consequences of lustration acts and procedures in the Visegrad Group Countries.

The meaning of the concept of “lustration”, the state of the study and understanding of its procedural manifestations, and expected effects in the Visegrad Group Countries

In the late 80’s – early 90’s of the twentieth century, first of all within the framework of the fall of the Berlin Wall, the collapse of the USSR and the communist regimes in the countries of present-day Central and Eastern Europe, in particular in the Visegrad Group Countries, total democratisation and reformation of the political sphere and society in the region, an unprecedented liberalisation of the political system and political process began, which, among other things, was the result of lustration processes (Nalepa, 2010, p. 99; Roman, 2011, p. 183, 209). However, peculiarities of lustration and liberalisation of socio-political life in post-communist Poland, Hungary, the Czech Republic, and Slovakia varied a lot, and therefore led to excellent organisational and functional expectations, consequences and results in the future, as well as to qualitative comprehension of the phenomenon

of lustration as a predictor of democratisation and reformation of socio-political relations in the future (Lytvyn, 2018) – both in the region, in countries outside the region and in the general theoretical context.

In particular, it has become clear (at least intuitively) to the scientific and political community that lustration as such should not be an “empty word” but should be aimed at real democratisation and anti-communist results caused by various theoretical, normative and practical factors and conditions of socio-political progress in the future. That is why theorists and practitioners who were interested in lustration (they were anti-communists by nature and judging by their views) hoped that as part of the desired transition to democracy every post-communist country needed to develop and implement mechanisms to prevent destabilisation of the new social and political system and reality by former overt and covert secret police agents and members of the former communist nomenclature (autocratic regime). The fact is that the latter could undoubtedly use their contacts to influence political and governmental decision-making processes or even take various anti-government measures if pressure was put on them because of their past actions. This view was often shared by ordinary citizens of the Visegrad Group Countries, who feared dependence on the representatives of former communist regimes.

In addition, both theorists and practitioners based their work on the assumption that lustration was necessary for the progress of the socio-economic sphere in the analysed region, as it was expected and planned to be associated with the activities related to positions in the state apparatus at various levels, rather than private economic and social activities. Therefore, in post-communist European countries, dismissal from positions in government and administrative agencies was often considered to be a very effective measure to improve the quality of privatisation and anti-corruption processes on the way to liberalisation of these countries and privatisation of their national economic systems. Accordingly, lustration in countries where it was initiated and implemented, or where its implementation was at least considered, was perceived (both in the political and socio-economic sphere) as an effective tool for establishing or restoring principles of the rule of law,

as it was intended to hold collectively responsible for actions of previous autocratic / communist regimes in the countries of the region a certain group of officials who were concealing virtually all information about real socio-economic and political development from the public and anti-communists. From a purely ideological point of view, this means that from the very beginning of its invention, lustration was positioned and evaluated as a channel of reconciliation and “blurring the gap” between violators and victims of autocratic regimes of the “real communism” period, that is, between those who worked under the “old” regimes and were helping them, on the one hand, and those who did not do this, on the other hand (Halmai & Schepelle, 1997).

Eventually, in the late 80’s – early 90’s of the twentieth century, both politicians, the public, and theorists of the post-communist Visegrad Group Countries and other countries of post-communist Europe began to consider lustration as perhaps the best way to destroy connection between the “old” autocratic regimes and the “new” order. After all, on the one hand, it is lustration that should have allowed one to hold certain individuals and groups of individuals liable for illegal and inhumane actions they benefited from, so lustration has become a kind of an instrument to “suppress the past”. On the other hand, from the point of view of motivation, lustration was supposed to be a proof of the expediency of implementing the principles of democracy and the rule of law, as it was considered to be a “step towards the future” (Kritz, 1995, p. 19). In this sense, from an ideological and pragmatic standpoint the primary goal was to ensure that lustration processes would be accompanied by legal and judicial processes and procedures, in particular aimed at declassifying files of secret services and structures, etc. (Lytvyn, 2018).

Accordingly, already at the beginning of the lustration processes in the Visegrad Group Countries, and even today – in the general theoretical context (especially in those countries that did not carry out lustration or in the countries where this process was delayed), it became clear that lustration is a pro-democratic and, at the same time, typically anti-communist process and even a certain way of comprehension of “transitional” socio-political justice, designed to help overcome various negative consequences

of previous autocratic (most often communist) regimes. But such a seemingly simple understanding of lustration is still not consistent, because in terms of procedures, lustration can mean somewhat different things. Thus, some scholars believe that lustration is the procedure of exclusion of certain individuals from socio-political life, in particular in the form of legal punishment for actions committed by such individuals during the previous political (primarily autocratic, but also democratic) regime (Shevchuk, 2006). In other words, the emphasis is primarily on the criminal prosecution of leaders and political elite of previous political regimes and on the process of numerous investigations into employees associated with the past (predictably) "criminal" regime. On the other hand, other researchers argue that lustration is primarily aimed at achieving, establishing, and maintaining "retroactive" justice, including through the disclosure of previously classified information about the actions of a particular person or group of persons, which are considered a crime, rather than at the punishment for crimes committed (Shevchuk, 2006). In other words, lustration refers primarily to the moral aspect of condemnation through a society in which punishment itself has a moral, rather than a legal aspect, as it was in the previous approach.

However, scholars typically assume that, regardless of the selected approach, in terms of procedure lustration should be typically reduced to a common denominator – which primarily and most often should be public distrust – and not so often or almost never to prosecution. After all, those members of the bureaucracy and political elite of any "old" regime, who are subject to lustration, mostly remain free, can work in commercial and non-governmental organisations, carry out business activities, and keep all their property, provided that they don't commit criminal offenses, but they may not hold political and managerial positions at all or on certain levels of politics and government (at least for a certain period of time). Although purely nominally and in terms of the sphere of legislative regulation lustration can be state, economic, and political, it is always, at least in theory, aimed at preventing the usurpation of power in the form of veiled or latent pressure on civil servants and judges and in general any manipulation of government authorities and in

government authorities. And for this it is necessary to create and ensure functioning of mechanisms of legislative (mostly administrative rather than criminal), state, and public control over the activities and functioning of political and public associations as entities that form government authorities and opposition (Minienkova, 2011, p. 503).

This logic of theorisation of lustration and peculiarities of its implementation in post-communist European countries (particularly in the context of democratisation of political regimes), including the Visegrad Group Countries, can be seen in the works written by a huge number of scholars, including: C. Bertshci (1995), R. Boed (1999), S. Cohen (1995), V. Dvoráková and A. Milardovic (2007), M. Ellis (1997), P. Grzelak (2005), N. Kritz (1995), M. Los (1995), A. Mayer-Rieckh and P. Greiff (2007), A. McAdams (1993), A. Michnik and V. Havel (1993), C. Offe (1991), M. Nalepa (2010), N. Nedelsky (2004), D. Roman (2003), Yu. Shevchuk (2006), A. Szczerbiak (2002), K. Williams (2003) and many others. Most of the studies of the above-mentioned scholars have already become even "classic" ones, since they appeared on the eve of the launch and during the implementation of measures regarding lustration processes in the countries of the analysed region. That is why in the majority of the countries of the analysed region, discussions on the meaning and expediency of the lustration processes were actually stopped since the mid-2000s (since they were currently being implemented). Nevertheless, Political Science is constantly enriched in this regard even today, in particular due to the relatively new scientific elaborations of such researchers as C. Greenstein and C. Harvey (2017), C. Horne (2012; 2014; 2017), B. Iancu (2021), V. Lytvyn (2018), N. Minenkova (2011), D. Roman (2011), P. Rožič and Y. Nisnevich (2016), Ya. Skoromnyy and R. Skrynkovskyy (2020), A. Szczerbiak (2016), A. Varga (2015), etc.

In this regard, it is very interesting that there is a significant difference between the ideas of the aforementioned and other scholars, since Central and Eastern European researchers mostly address the essence and procedures that are part of the lustration phenomenon as such, but do not always take into account the context of its real political implications for democratisation (including the Visegrad Group Countries), albeit

as a consequence of autocratic regimes. On the contrary, Western scholars see lustration as a component or a condition of transition to democracy in the post-communist countries of the region under consideration, in particular primarily through the prism of conceptualisation of the nature and expediency of choosing, implementing, and institutionalising democracy after communist autocracy. That is why, given the available research and theoretical perspectives, we will further analyse the political, legal, and institutional causes, nature, and practical effectiveness, as well as the logic, content, and consequences of lustration acts, processes, and procedures in the Visegrad Group Countries. However, we would like to note that this will be done not so much in the format of individual case studies (since they will be incidental), but rather in the format of regional comparison, as well as average comparisons and conclusions.

Given this, the article mainly has a descriptive bias, as well as systematises and structures the existing theoretical and practical knowledge on the subject under analysis. Especially considering that there has been a lot of theoretical and political debates on this matter in the past. The reason is that comprehensive understanding of this topic is extremely important for other countries that have only recently launched similar processes or are planning to do so or modify them (in particular, for Ukraine, Moldova, Georgia, etc.). Therefore, systematisation and structuring of the already existing and debated knowledge can help in this. Especially given that the proposed study tries to do this from different perspectives, particularly on the subject of understanding lustration not only as a procedure for the purification of power, but also as a toolkit for the protection of political elites within the framework of political struggle and competitiveness (including through the legitimisation of power and elimination of political opponents). On this basis, lustration was at least partially rethought and filled with somewhat atypical (or not always typical) attributes.

This is further actualised by the fact that, as mentioned above, lustration procedures and techniques have begun to be discussed and even tested in the last decade by other countries and politicians, primarily in Eastern Europe (albeit with a significant delay compared to the countries analysed in this article). In view of this, on the one hand, Eastern European counterparts

began to put on the agenda the things that are not completely known and obvious to them, but rather emotional and reflective ones. On the other hand, the former began to fill lustration with a partially modified meaning, although they typically appeal in this regard to the experience of the countries of Central-Eastern Europe, in particular to the Visegrad Group Countries. In addition, the ordering and systematisation of the theory, practice and experience of lustration procedures have recently been partially updated in the case of the countries of the Visegrad Group. Since the politicians of some of them (primarily as a tool of political struggle) repeatedly reflect and appeal to the expediency of the so-called "purification of power", and therefore to attempts to restore or re-restore (albeit, often with a completely different aim) the lustration legislation or its peculiar intensification (if the latter is valid one). This, for example, can be observed in Poland during the period of the dominance of the "Law and Justice" party since 2015, as well as in Hungary in the last decade, which is dominated by "Fidesz" party. In addition, the last vivid example of discussions regarding the interpretation and application of lustration procedures was the Czech Republic, where the question of revising the existing acts and their consequences was put on the agenda during the functioning of cabinet headed and membered by A. Babiš – a former agent of the Czechoslovak communist secret service. Thus, the topic of lustration procedures is still quite relevant or has an echo in the countries of the Visegrad Group, as their political practice shows. Given this, a look at this topic, especially at its causes, features and consequences in the most active phase of initiation and implementation of lustration procedures, is quite relevant, particularly from the perspective of the Eastern European countries and environment. Accordingly, it was decided to cover the proposed topic both in an overview (by addressing the debatable problems of lustration procedures) and systematisation (through the prism of comparing the consequences of lustration procedures as such, which can be re-actualised both in the countries of the Visegrad Group, as well as outside them).

Political, legal, and institutional causes, nature, and options of lustration processes in the Visegrad Group Countries

Despite the common and ideological understanding of the essence and content of lustration, including in the Visegrad Group Countries, as well as the parameters and logical stages of its expected implementation, in reality lustration processes in the analysed region were not identical and were not consistent, that is, they were characterised by different intensity and therefore, by different consequences. Empirically, this has led to a situation where in reality lustration processes in the Czech Republic and Slovakia (in the latter, they were carried out in a very short period of time, when lustration was actually carried out after all) were much more intense than in Poland and Hungary (Pribran, 2007), although in theory these processes are described quite similarly – both in terms of ideology and procedures.

In particular, in all the Visegrad Group Countries, a kind of a “rental” position was developed and used, according to which lustration of representatives of the “old” regimes can serve as a tool to legitimise post-communist and anti-communist authorities. The fact is that, conversely, the main base and a key aspect of the legitimisation of the new government in the countries of the analysed region in the late 80’s – early 90’s of the twentieth century was a negative attitude towards the former communist elite, especially given that it existed due to military force, repression, brutal actions of special services, including the KGB, i.e. due to autocratic, coercive, and repressive (and often totalitarian) methods. That is why the new democratisation regimes, albeit to varying degrees, began to take various and completely logical actions aimed at cleansing their societies of undercover agents, civil servants, judges, and even more so leaders and high-ranking officials who supported existence of “old” communist regimes.

In terms of procedures, this ideological logic was reduced to the performance of two basic tasks that justified the expediency of lustration practices: the pragmatic aspect of establishing control over the state apparatus by anti-communists and post-communists and the moral aspect of restoring and developing justice for victims of repressions during the “old” regimes. However, they inevitably faced a practical and

implementation danger – the need for public (not necessarily under criminal law) punishment of the guilty, but within the framework of avoidance of revolutionary methods and rhetoric, since it is these methods that were once successfully and effectively (for which they were criticised) used in the “old” communist regimes for which lustration was planned. In addition, lustration in the Visegrad Group Countries took the form of a workshop aimed at the following three main aspects of procedural purge of power: establishing historical truth, ensuring minimum justice (long-term and retrospective one), and ensuring state security (Los, 1995; Offe, 1996, p. 93). At the same time, almost all countries in the region have a common understanding of the essence of ensuring such justice. For example, retrospective justice was mainly aimed, as noted above, either at punishing those involved in past crimes under the “old” regimes or at imposing sanctions for lustration actions in cases in which no crimes were committed. Instead, prospective justice was based on the view that particular individuals, their competences, and the links established between them posed a likely threat to the functioning of a new democratic regime and democratisation, in particular if such a person was allowed direct access to important political, professional, and administrative positions, etc. (Boed, 1999). However, this did not preclude perception of lustration as a tool for settling old scores with opponents and an instrument of political struggle, which was widespread and politicised in the Visegrad Group Countries, even despite its primary and ideological focus on countering serious abuse of power (Roman, 2003, p. 398).

That is why understanding of the risks of various dangers, as well as effects and procedures of lustration, turned out to be very different in the Visegrad Group Countries. However, this was inevitably influenced by a number of other factors, including public support or non-support for the renewal of power structures, moral authority or disapproval of the new government, as well as the presence or absence (at a certain period of time) of appropriate legislation that could legitimise the lustration process and comply with international law (Blazhek, 2006) (this will be discussed in more detail in the next part of our study). At the same time, it was noticed that in general lustration of representatives of the former “old” regimes (or persons

and groups close to such representatives) in Poland, Hungary, Slovakia, and the Czech Republic did not necessarily follow uniform and consolidated regulatory, ideological, and program principles and mechanisms of decommunisation. After all, lustration was aimed at people who cooperated with secret authorities and close structures, including law enforcement agencies, rather than on people who were former members of the communist parties and the nomenclature (to the lesser extent) (Los, 1995, p. 121).

At the same time, the political logic of lustration processes was aimed at revealing and often publishing classified and secret documents of former communist regimes, which ultimately undermined their legitimacy and reduced rather positive perception thereof in the society of the Visegrad Group Countries. And this, in fact, was very beneficial for new political actors, even those democratically oriented (Lytvyn, 2018). The next important feature of lustration processes was the fact that they were carried out on the basis of political and legal conditions and principles of sanctioning of punishments and (political) responsibility for participation in the operation and maintenance of political regimes of "real socialism", rather than on direct legal bases and on the grounds of criminalisation of responsibility. At the same time, lustration of the former communist nomenclature in the analysed Visegrad Group Countries was regulated on the basis of legislative consolidation and review by constitutional or other relevant courts and was mainly carried out through court proceedings. However, procedural attributes of lustration processes differed, in particular with regard to the following: who initiated the lustration process (the person who was subject to lustration, or the state); how the decision was made during the lustration, and what the punishments were (from admitting to "collaborationism" to its public exposure and even dismissal of former "collaborators" of the "old" regimes).

Finally, another more option of the interpretation of lustration in the countries of the region became a manifestation or addition to the topic. It should be noted that the lustration processes in some of the countries of the Visegrad Group had a securitisation dimension, that is they were partly aimed at preventing the blackmail of officials, bureaucrats and politicians. If we take into account the theoretical position of some re-

searchers (Williams, 2003), it is quite obvious that lustration was partly motivated by the securitisation aim. On the one hand, lustration (for example, of police system and other security structures) was perceived by politics and society as a possibly the best option to draw a clear line between the old regime and the new order (Lytvyn, 2018). Given this, it was expected to identify the guilt for the wrongful acts of some individuals and groups of individuals, from which they benefited in the past. On the other hand, lustration was expected to be a proof of the implementation of the principles of supremacy of law and democracy (Lytvyn, 2018). That is, it was assessed as a "step to the future" (Kritz, 1995, p. 19). The fact is that lustration in this context was quite partial one. Since it, for example initially in Czechoslovakia and later in the Czech Republic, allowed certain authorised persons to amnesty those members, officials or politicians of the old regime, whose release could have caused security concerns (Lytvyn, 2018) or if it was just in the interests of state security (Halmai, 2007). This was additionally reflected in the phenomenon of the so-called "positive" dimension of lustration, for example in Poland. Since one of the components of lustration consisted of the details of cooperation with state security and secret police in case of a decision about the "positive" lustration. Accordingly, the names of those persons, who received certificates of "positive" lustration based on their cooperation with secret police or state security, were voiced, but they weren't detailed regarding type and nature of such cooperation (Lytvyn, 2018). Moreover, those persons who were subjected to the so-called "positive" lustration can even remain candidates for elective positions, because only their voters decide their fate. Thus, it is often claimed that the legislation on lustration was or is excessively liberalised one (compared to the public perception of this phenomenon), because it sometimes punishes the lie about cooperation with special services and old regime, but do not concern the cooperation itself. Finally, another point of securitisation is that all countries of the Visegrad Group (with the biggest exception of Hungary) have effectively restricted public access to information about real lustration procedures. However, with the exception of spies and security forces, but mostly not politicians and other officials, as well as with the exception of persons who suffered from crimes and actions

that were the subject to lustration legislation. Thus, the conclusion works that lustration in the region was almost always aimed at solving the problem of “transitional justice” and “institutional insecurity and turbulence” (Bertshci, 1995, p. 436; Cohen, 1995, p. 27), as well as additionally was a tool for the “securitisation of democracy” (Williams, 2003).

Based on all of this, as well as the available scientific works on this topic (Lytvyn, 2018; Roman, 2011), it can be concluded that lustration processes in the Visegrad Group Countries took place (or are taking place) within rather different models or patterns, including legislative, procedural, socio-political, socio-economic ones, etc. In particular, in Czechoslovakia, and later in the Czech Republic and to a lesser extent in Slovakia, the model of an “exclusive” lustration system was used, while in Poland and Hungary, the model of an “inclusive” or “conciliatory” lustration system was used. According to the first model, individuals and groups associated with the “old” communist regime are not allowed to hold certain positions in the state apparatus of the new regime. On the contrary, the second model either presupposes reintegration of representatives of the communist regime, giving them a second chance (provided that they reveal the truth about their involvement in the “old” regime) or is mixed with the model of an exclusive system of lustration processes. In term of transitioning and democratisation, in this regard it has been established that countries where the transition to a new/more democratic political regime took place in the form of negotiations (Poland and Hungary) were characterised by the models of “inclusive” or “conciliatory” system of lustration processes. On the contrary, in countries in which the transition to a new/more democratic regime took the form of a revolution, including the Velvet Revolution (Czech Republic and Slovakia), the model of an exclusive system of lustration processes was used (Roman, 2011). However, this does not mean that all the Visegrad Group Countries were different in this sense, as their lustration acts and procedures both differed and intersected and resembled each other, as described in more detail in the next part of our study.

The logic, content, and practical implementation of lustration acts, processes, and procedures in the Visegrad Group Countries: case study and regional comparison

The important thing is that the difference in lustration processes in the Visegrad Group Countries was manifested primarily in the logic, content, consequences, and practical effectiveness of lustration acts and procedures as such, which we will discuss further both in the format of individual case studies and regional comparisons.

We will start with the Czech Republic, which, in our opinion, should be considered the most effective and even the longest case and an example of lustration practice among all the countries of the Visegrad Group. Interestingly, the first lustration legislation in this country, in particular the so-called “big” and “small” lustration laws, were adopted in Czechoslovakia in 1991-1992, and therefore it also applied to Slovakia (which we will discuss in more detail later) for a certain period of time. The peculiarity of this legislation was the position according to which the purge of power had to take place through both legal and political channels. Thus, the Czech Republic almost immediately took the position according to which some officials of the “old” regime would not be able to hold positions under the conditions and following the consequences of democratisation of the regime, i.e. in the new government (this referred to all forms and manifestations of representatives of the repressive and secret apparatus, as well as members of the intelligence services and the police, who were involved in political matters (Halmai, 2007), provided that this did not run counter to the national interests and security of the Czech Republic). Instead, all other persons could hold such positions only after the lustration procedures, and the list of positions and persons subject to such regulation was very long (these were both government and administrative positions, as well as persons working in the field of education and training, the media, business corporations, banks, etc.). It is noteworthy that almost all legislative regulations in the Czech Republic were implemented and put into practice and there were no significant reservations about them (even regardless of some political compromises), as the inspections *de facto* affected law enforcement officers and intelligence

officers, rather than former or current politicians or officials elected by the public. This was complemented by the fact that almost all political parties and movements in the Czech Republic adopted the practice of conducting internal lustration inspections, which constitutes the political focus and the subtext of the analysed processes in this country. And this, in turn, was the reason for the prolongation of such legislation – which was still federal – in the already separate and national legal and political system of the Czech Republic in the future (although with some legislative changes), since it was largely “symbolic” and was not entirely procedurally regulated exclusively by the relevant acts. It is in view of this, or rather of such a synthesis of the legal and political dimensions of lustration, that it has become relatively “exemplary” and “far-reaching” in the Czech Republic, at least in the context of other Central and Eastern European countries. However, it has often been and even still is (as an indefinite procedure since 2000) criticised for its effectiveness and the number of inspections and persons who have not been allowed to hold official positions, as constitutionalists have often claimed and continue to claim violations of human rights (Skapska, 2003, p. 202). In addition, the question of whether lustration has become a manifestation of collective guilt or a violation of human rights has always remained a controversial point in this country.

On the contrary, let us take a look at Poland, where there has always been a lot of controversy over the understanding and expediency of lustration procedures, and the procedures themselves started rather late, compared to the countries of the analysed region. The fact is that lustration legislation in Poland was actually initiated only in 1997, whereas implementation thereof started a year later, in particular after the establishment of the corresponding Lustration Court (The Fifth Department in the Warsaw Court of Appeal). Prior to that, there had been other attempts to adopt lustration legislation in Poland, but they failed for various reasons, despite the considerable popularity of this topic among the population and politicians (Ellis, 1997; Grzelak, 2005, p. 24; Szczerbiak, 2002). The peculiarity of lustration in Poland was that it only concerned persons born before May 11 (later August 1) 1972, i.e. those adults (as at 1989) who were officials in the communist and post-communist Poland and worked with special

services and the authorities of the “old” regime. However, this was a very wide range of people, as the lustration extended to almost all positions in the former regime and even to the media and university leaders. In addition, the most general information about such persons was inevitably disclosed publicly, but without the specifics of their participation in the operation of the “old” regime. Nevertheless, on the contrary, such individuals were not limited in their ability to hold elective (but not those for which one has to be appointed, except for intelligence and counterintelligence officers) positions in the government, because the most important thing was to make sure that information about their communist past was true (Sanford, 2002, p. 88). That is why Polish lustration acts and procedures have been (and remain) quite liberal, as they do not regulate full or irreversible prohibition of access of representatives of the “old” government to the “new” government and do not declassify enough information about the service of such persons in communist regimes (Czarnota, 2007). And this is despite the fact that at the current stage of Poland’s political development the number of people subject to lustration inspections has been significantly increased. After all, politicians have often lacked and still lack the will to make the lustration process harsher (Minienkova, 2011).

The situation is even more complicated for Hungary, even though the lustration legislation there was initiated and adopted earlier than in Poland, but it turned out to be extremely constitutionally contradictory and changeable. Thus, first, in 1994, Hungary adopted the first (it is noteworthy that even then it was a compromise) lustration act, which concerned persons (the range was as wide as in Poland) involved in secret services, law enforcement agencies and, of course, power structures of the “old” regime (Roman, 2003). However, they were not dismissed from the government and administrative positions automatically, but after a judicial inquiry established that they had played a decisive role in the communist regime in the past. Moreover, such individuals could resign without dissemination of information about their “service” in the communist regime, which was not possible if they refused to resign (Halmay, 2007). On the contrary, the law at the time even provided for the possibility of life imprisonment of officials of the “old” regime, in particular for

“treason” in the period from December 1944 to May 1990. However, in reality this was extremely difficult due to the vagueness of the above wording and the ruling of the Constitutional Court of Hungary to only investigate those persons whose work really (and necessarily publicly, not privately) ran counter to the principles of the constitutional state and was performed in the authorities that were carrying out unconstitutional activities. Accordingly, since the initiation of lustration legislation, the list of subordinates has been significantly reduced, mainly for political reasons, as the parliament was obligated to resolve controversial issues (Los, 1995). Thus, the lustration procedures themselves became only an “echo” or irreversible, but “ritual” purge of the society (Lytvyn, 2018). The situation was not even changed by the changes to the legislation that were later adopted in Hungary, as in 1996, according to a new act, only persons who had to take an oath to the parliament or the president or those who were elected by the parliament could be investigated; in 2000, under an even newer law, the list of persons subject to lustration inspection was significantly expanded, even at the expense of representatives of the media of the “old” regime (Barrett, Hack & Munkácsi, 2007). In view of this, lustration procedures continued to be reduced exclusively or mostly to the disclosure of information on the cooperation of certain persons (moreover, from a limited circle) with the “old” regime, and nothing more (Varga, 2015, p. 4).

Finally, while continuing to identify defects and inefficiencies in lustration processes in the Visegrad Group Countries, we appeal to the example of Slovakia, where the issue of purging and investigating the authorities is perhaps the most unpredictable in the region. One of the reasons for this is that Slovakia – as part of the former Czechoslovakia – initially relied on the existing federal lustration legislation, which the country decided to modify later, in particular in 1996 (Nedelsky, 2004, p. 66, 76). However, until the adoption of own acts, lustration procedures in Slovakia were approached incidentally and optionally, rather than purposefully (at least as it was in the Czech Republic) (Lytvyn, 2018). This has already affected Slovakia’s national legislation, in particular the Act on the Immorality and Injustice of the Communist Regime, which has proved to be very declarative and almost ineffective in practice. In addition, the problem of

the possible lustration of the Prime Minister of Slovakia, V. Mečiar, is also well known, since the importance of the position of this political actor was actually the main reason for the postponement of the adoption of national lustration legislation in the 1990s. Therefore, Slovakia is probably the country of the Visegrad Group, where lustration processes have become the least effective and the most demonstrative, because there has always been the lack of political will and readiness of the elites for such processes. Because of this, it is safe to say that the purge of power in Slovakia was solely electoral, that is, it was done exclusively because of the will of the electorate, rather than on the basis of statutory procedures, which, by the way, declaratively should have applied to a very wide range of people who worked or served the “old” regime, but very often managed to return to power, in particular due to the relative popularity of former communists and renewed post-communists in the country. Accordingly, as for the countries of the region, Slovakia has been and still is the country with the lowest number of people (especially compared to the Czech Republic (Priban, 2007)) – holding various positions in the past – who underwent lustration inspection. Especially since in this country it was decided not to disclose information about the work of law enforcement and secret services of the “old” regime.

In general, the sum of individual case studies and regional comparison allows us to state that the effectiveness, goals, direction, and procedures of lustration processes and inspections in the Visegrad Group Countries are very different and contradictory, and the lustration in the region is generally not as successful in practice as it is described in theory. Thus, it was found that the Visegrad Group Countries differ significantly in who is subject to lustration, what the lustration procedure is, what the lustration sanctions are, what the main obstacles to the purge of power are, and so on. In particular, it was found that some lustration acts presuppose access of citizens to classified files, some require publication of this information, according to some such information shall remain “top secret” and so on. The similar thing for all the countries of the Visegrad Group is the fact that lustration was rather a political channel for legitimising the new government (Bertshci, 1995, p. 436; Cohen, 1995, p. 27), but after this task was per-

formed it came to naught almost everywhere (except for the Czech Republic, but especially in Slovakia) and became (statistically) only a “sign without real functionality”. In the political context, this is complemented by the fact that the effectiveness of lustration has been higher in countries where anti-communists won elections more often (where there was less variability and changes) than former communists and post-communists, which is obvious and understandable (Ellis, 1997, p. 188; Elster, 2006, p. 189). Hence, lustration processes in the region have been (and probably remain) quite manipulative and artificial, especially during electoral and post-electoral periods of political competition (Boed, 1999, p. 367-368; Kritz, 1995, p. 350; Michnik & Havel, 1993, p. 23).

Conclusion

In general, the study confirmed that in the late twentieth century, colossal geopolitical, transitional, and democratisation changes have taken place in Central and Eastern European countries, including Visegrad Group Countries – Poland, Hungary, Slovakia, and the Czech Republic. As a result of these changes, various countries in the region have found themselves in a situation of transition and selection of the most effective way of further development, modernisation, and reforms. At the same time, the procedures of lustration and purge of political and power elites from “old” employees who stained their names working and cooperating with the authorities of the communist period were determined as one of the preconditions for a successful transition from the previous or “old” autocratic regime to the new democratic political regime in many countries, and such procedures were theorised. On the basis of this, a rather qualitative theorisation of the phenomenon, essence, and components of lustration processes was performed in Visegrad Group Countries, and the region itself is now quite often held up as an example to other states in this context. After all, Poland, Hungary, the Czech Republic, and Slovakia have nominally chosen and used lustration, at least ideologically and symbolically, as one of the main factors in the renewal of political governance in the future.

Nevertheless, despite the common theoretical understanding of lustration as such and its stages and components in particular, in practice,

it has been regulated and implemented in very different ways – both in terms of procedures and the resulting consequences. With this in mind, our study offers a clear characteristic of the procedural and legislative aspects of the purge of power and considers the negative and positive elements of the implementation of lustration in Poland, the Czech Republic, Hungary, and Slovakia. As a result, differences in terms of when the lustration began, who was subject to inspection, what sanctions were imposed on lustrated officials, how long the purge lasted, etc. were identified. On this basis, dividends and risks during the renewal of political elites through channels and means of various lustration options have been identified. In this context, arguments have been provided that Visegrad Group Countries appealed to lustration procedures with different goals and objectives, although for all of them it proved to be a tool to legitimise power at the crossroads of autocratic and democratic regimes. However, lustration processes subsequently began to “weaken” and become quite manipulative and artificial. That is why over time, such “symbolism” of lustration began to run dry, and the relevant procedures began to become less effective. As a result, it proved to be relatively effective only in the Czech Republic, its implementation was much less effective in Poland and Hungary, and it was almost not implemented at all in Slovakia.

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