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THE UNDENIABLE CONNECTION BETWEEN DEMOCRACY AND LUSTRATION*

The word ‘lustration’ derives originally from the Latin word *lustrum*, a religious act related to a freeing from sin, guilt, or defilement. A cleansing. Since 1990 and the regional regime-changes it has taken on a political as opposed to a religious meaning, coming to refer to the shedding of light onto someone's past. Now it is used to refer to the action by which one screens an individual who is active in the public sphere for any connection with a former dictatorial regime. In this part of the world it is used to describe how states have protected – or failed to protect – their young democracies from the legacies of Communism. In the past it could have been used to refer to nations emerging from right-wing dictatorships, to the measures otherwise known as de-Nazification.

There exist no universal models for how to lustrate, or de-Communist. Our own small part of the world has demonstrated many ways to attempt a cleansing of the democratic polity. The Polish model was very different from the East German, the Estonian from the Czech or the Hungarian. And these in turn differed from methods used in other post-dictatorships, such as the Truth Commissions of South Africa, the Nuremberg Trails that sentenced the top leaders of the Nazi regime or even the de-Baath-ification of Saddam Hussein's Iraq.

The Requirement – the response

Why does a country coming out of a dictatorship need to lustrate? There are some liberal commentators that state that the price of a peaceful transition, a ‘velvet revolution’, is that no revenge be taken against the leaders of the former regime, that they be allowed to convert themselves into *salonfähig* members of the political and business community. Some say that this was the essence of the so-called ‘Rozsadombi Pact’ between the last Communist Hungarian government of Miklós Németh and the opposition. If it was then the people responsible seriously misunderstood how a democracy works and what foundations it needs to be based upon. But more of that later.

The issue is in itself an immensely complicated one. The questions that must be answered are many. The key ones are: who was most responsible for the crimes of the dictatorship? What information did the secret police collect for purely political reasons? Who worked willingly for the secret police and who was blackmailed?

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Perhaps the most open, liberal approach to the whole question was taken by Chancellor Kohl's government following the reunification of Germany. It is widely recognised that outside of the USSR, the most repressive police states of the Communist bloc were East Germany and Czechoslovakia, yet in a brave decision that should have been taken as an example of what is possible, the Germans decided to create an institute for the housing of all the STASI files. This became known as the Gauck Institute after its director. Here there were no limits to who could access files: the victims, the oppressors, the academically interested, or just the curious. The consequences were initially perhaps severe. Thousands of people found out that they had been spied upon for years, betrayed not only by colleagues or friends, but even close relatives or their spouses. Wracked by guilt, some of the thus unveiled committed suicide. Nevertheless, on the long term it seems obvious that this was the wisest decision Germany could take. How can people be denied the knowledge of why they lost a job, why they were kicked out of university, or how their father disappeared? What is correct about letting people believe that their friend is really their friend when in fact he was their enemy? How can a nation ever hope to understand its past, if so much of it is hidden? How can it avoid once again becoming a dictatorship if its citizens are not allowed to understand the depths of depravity that the regime's leaders and minions forced people into?

There was, of course, the oft-heard criticism that such a solution would have been impossible for most of the post-Communist states since none were in the position of Germany. In other words, none of them were absorbed into a much larger and richer sister nation as East Germany melted into the Federal Republic of Germany. But this argument is fallacious. The proof is in the brave little Baltic states. Despite not being subsumed by a richer big brother, despite being the smallest nations of the region, they went beyond even Germany. Here lustration meant lustration. Communist officials above a certain rank were pensioned off immediately and barred from serving in public office. Did their nations collapse, was there a revolt by the former nomenklatura? No. In fact they soon became the great success stories of post-Communism, Estonia especially, purged as they were of an influence that had eaten away at their nations' soul ever since the USSR invaded the Baltic states in 1941.

Hungary's False Solution

Even in the closer region the responses varied. The Czech Republic brought its first lustration law very early on in 1991 and implemented it quite successfully, despite the absurd state-of-affairs that Communism as such was not outlawed and even today one of the strongest parties in the now Czech Republic is the Communist Party. Compare this to if a Nazi Party existed under such a name in today's Germany. Nevertheless, with the strong moral leadership of Vaclav Havel, the Czechs managed to do a relatively good job of excising the cancer of post-dictatorship networks. Poland was less successful. Here action was much delayed with relevant legislation coming only eight years after the first free elections. On paper it seemed to be a promising package that included a five year ban from public office for secret police officers or collaborators, but soon the whole process became a political football exploited by both sides, foremostly through the leakage of genuine and forged files meant to compromise members of both sides of the political palate. In the end this became so absurd that the lustration court would be forced on one day to interview and investigate Aleksander Kwasniewski known apparachnik and on the next Lech Walesa, the very champion of Solidarity.



Hungary brought its lustration package in 1994, at the very end of the mandate of the first freely elected government of József Antall, but by this year Boross Péter was Prime Minister, Antall having succumbed to lymphatic cancer.. The Hungarian answer seemed workable, but was in fact a very weak system, some say thanks in part to Boross himself.

In the case of our country the response was to create an independent lustration court affiliated with parliament. In this body the judges would have access to the relevant files and investigate the members of parliament, the cabinet, state secretaries and the heads of the most important media organs. Their aim would be to ascertain whether or not the individual concerned had worked for or collaborated with just one department of the Communist Interior Ministry, the III/III, or if due to their position they had had access to the classified reports of the III/III (this department being the Directorate for Protection of the State from Reactionary Forces) . If the individual was found to have been compromised then he or she would be presented in camera with the evidence and asked to quietly resign from their position within 30 days. If the person refused the evidence was to be made public in the Hungarian Gazette, our version of Hansard's.

One of the biggest problems with this model was it lack of real sanctioning power. To begin with not many people in Hungary read the Gazette which most often is full with the driest of new governmental regulations, therefore the pressure is minimal in comparison to if the evidence was published in one of the bigger newspapers. Secondly, the system relies upon moral pressure to bring the result. The court has no powers to punish someone who does not obey, or to fire them. This is how we arrived at reform Communist prime minister (1994-1998) Gyula Horn's famous 'So What?' response to his being found to be compromised and later reform Communist PM Péter Medgyessy's ridiculous claim (before we knew he was secret agent of Kádár's thought police) that whilst he did receive reports from the III/III in his position as deputy Minister for Economics, he never read any of them.

The bigger problem is that the law made a scapegoat out of just one element of the whole Interior Ministry machine whilst totally ignoring the point that the IM did not work for itself, it did not get its targeting orders from itself but that the real responsibility lay with the dictator Kádár and the members of the Central Committee and Politburo. It was here that the responsibility for dictatorship lay, not with the implementers of the regime. If lustration is to work it must reflect the logic of Nuremberg, in that the political elite is responsible for a dictatorship.

The Latest Proposal

Something strange and inexplicable has happened in Hungarian politics in recent weeks. Since 1990 there has only really been one party that has had a stance on lustration that is even vaguely consistent, and that is the Free Democrats' Party. As a result it seems difficult to explain why the former Communist Socialist Party is suddenly so desperate to open the records, especially after we note that for them having a Prime Minister (and even chief of police) who was a former Communist secret policeman was not a problem. As a result I suspect that either there are several conservative politicians the government wishes to uncover as agents, or that the whole initiative is a bluff and nothing will come



of it anyway (although this seems very risky, from the point of view of the Socialists), or that it will be distorted for other political reasons as was the case when former Interior Minister Gábor Kunze handpicked his own committee to 'sort' through the secret files under the Horn government of 1994-1998.

The Need is Clear

I do not believe that the government is sincere. But this does not matter. The opposition must grasp the opportunity and make it a reality. This is even if some prominent conservatives are damaged. The Young Democrats (FIDESZ) The right has lost much credibility since the 2002 general elections, as amply demonstrated by the dismal results of the December 5th referendum on dual citizenship for Hungarians abroad, an issue FIDESZ had championed. Cleansing itself voluntary could be a good way to re-win the credibility without which it will not win the next elections in 2006.

A nation lustrates because it must, otherwise it will never be healthy. It is not an argument to say that most of the population does not care. Most of the German population were not bothered by Adolf Hitler's becoming chancellor. This does not mean that this was a healthy state of affairs. The only question we need to ask is: was Communism right or wrong? If it was wrong then we need to recognise the fact. If we cannot prosecute the people responsible for its crimes, we must at least separate them from democratic politics. They can be businessmen, private citizens, what have you, but they have no right to call themselves democrats or to compete for the public's trust exactly because they betrayed the public trust for so long. It is time for Hungary to see the true face of its persecutors otherwise there will be no democracy, only fear and political theatre.