

The Communist Torturers of Eastern Europe:

Prosecute and Punish or Forgive and Forget?

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One of the most difficult dilemmas that post-authoritarian societies face in the early years of democracy involves the treatment of those authoritarian officials who are guilty of gross violations of human rights. Should a new democracy prosecute and punish or should it forgive and forget its former “torturers”? The process leading to a resolution of this “torturer problem” is complex and often misunderstood. This paper argues that the correlation between the “democratization process” and the outcome of the “torturer problem” is a specious one in the East European context. The unfolding of events in the last several years has demonstrated that a much stronger correlation exists between the variables of “exit” and/or “voice” under communism and the outcome of the “torturer problem.”

In 1991 Samuel Huntington published *The Third Wave: Democratization in the Late Twentieth Century*, in which he proposed a conceptual framework for the democratization process of the 35 nations that have become democracies since 1974. His cogent hypotheses and enticing conclusions seem particularly applicable to many of the newly democratized nations of Southern Europe, Latin America, and East Asia. However, upon close examination, the application of his framework to the newly democratized nations of Eastern Europe appears to be more problematic.

This paper will deal with the application of only one aspect of Huntington’s framework to Eastern Europe—that which he terms the “torturer problem.” It will argue that the link that Huntington attempts to make between the independent variable of “democratization process” and the dependent variable of “outcome of the torturer problem” is a specious one in the East European context. The events that have occurred in post-1990 German Democratic Republic (GDR), Czechoslovakia, and Bulgaria have demonstrated this. The first section of this paper will examine Huntington’s argument itself. The following sections will discuss the pre- and post-transition events in these three East European countries and attempt to determine the applicability of his argument in relation to the eminent “torturers” of the region—members of the respective Interior Ministries and Security Services. In the course of this argument, a new paradigm will be

proposed which suggests that a psychological variable, one linked with the concepts of “exit” and “voice,” functions as a more appropriate indicator for the eventual outcome of the “torturer problem.”

The Torturer Problem: Prosecute and Punish or Forgive and Forget?

In dealing with the democratization process, it is perhaps inevitable that Huntington (1991, p.211) raises the question of, “How should the democratic government respond to charges of gross violations of human rights—murder, kidnapping, torture, rape, imprisonment without trial—committed by the officials of the authoritarian regimes?” Should the new government prosecute and punish or should it forgive and forget? Huntington casts aside moral and legal arguments dealing with what a newly democratized government *should* do, looking rather at what it *actually did*. From his studies Huntington (*Ibid.*, p.215) concludes that, “In actual practice what happened was little affected by moral and legal considerations. It was shaped almost exclusively by politics, by the nature of the democratization process, and by the distribution of political power during and after the transition.” Somewhat later, he clarifies, “Justice was a function of political power. Officials of strong authoritarian regimes that voluntarily ended themselves were not prosecuted; officials of weak authoritarian regimes that collapsed were punished, if they were promptly prosecuted by the new democratic government” (*Ibid.*, p.228).

Huntington theorizes that democratization can occur by one of four processes. The first he calls “transformation.” In this process, reformers emerge from within the old regime and maintain power simply by transforming their political beliefs. The second he terms “transplacement.” In this process, the old regime starts the move toward democracy, but losses both its initiative and its legitimacy, and is quickly outpaced by opposition reformers, who then proceed to take power. The third he calls “replacement.” This involves the overthrow and complete replacement of an unrepentant and unreformed government by the opposition. The last is called “intervention”—a process in which a democratic government is established by an outside force.

As mentioned above, Huntington hypothesizes that the tendency of a newly democratized state to prosecute and punish or forgive and forget will depend on which of these four transition types occurs. Transplacements and transformations result in the tendency to forgive and forget. This was seen in Nicaragua and South Korea (transplacements), and in Brazil, Chile, and Guatemala (transformations). Replacements, on the other hand, result in the tendency to prosecute and punish. Huntington looks to Argentina and Greece as the two primary examples here. Unfortunately, he does not deal with “interventions” and their relationship to the “torturer problem.”

Huntington’s Eastern Europe

Huntington’s approach to Eastern Europe is as what might be expected. He classifies Hungary and Bulgaria as transformations; Poland and Czechoslovakia as transplacements; and East Germany and Romania as replacements (intervention as a democratic transition process does not play a role here). Consequently, he observes that, “In Eastern Europe, apart from Romania and East Germany, the initial overall tendency was to forgive and forget.” Once this tendency has been established, he argues, it tended to persist. He points out that, “The popular

support and indignation necessary to make justice a political reality fade; the discredited groups associated with the authoritarian regime re-establish their legitimacy and influence. In new democratic regimes, justice comes quickly or it does not come at all." In communist-type systems, the pervasiveness of the party structure as well as the potential social impact of a public reading of the "torturers" secret files, further contribute to this tendency to forgive and forget (Huntington, 1991, p.228).

What has, in fact, happened in Eastern Europe in the two years since the publishing of this book directly contradicts Huntington's theories and predictions. Events in this region are characterized by two overarching phenomena (1) the lack of a causal link between "democratization process" and "outcome of the torturer problem," and (2) the differences between the East European countries themselves, which can account for one other very significant variable—one dealing with psychology—playing a clear role in determining the outcome of the "torturer problem." In order to illustrate these two phenomena, one country from each of Huntington's "process types" has been chosen: the GDR (replacement), Czechoslovakia (transplacement), and Bulgaria (transformation). It will be argued that not only do Czechoslovakia, a transplacement country, and Bulgaria, a transformation country, exhibit more and more of a tendency to prosecute and punish than the GDR, a replacement country, but that the psychological variables of "exit" and "voice" are much more pertinent to the eventual resolution of the "torturer problem" than is Huntington's structural paradigm.

The German Democratic Republic and its Torturers

Since the 1989 transition to democracy in the GDR two paradoxical factors can be found to characterize the outcome of the "torturer problem." First, the GDR/All-German government has clearly not opted to prosecute the vast majority of "torturers" in spite of the "replacement" nature of the transition. Second, although many moral, legal, and historical arguments were involved in deciding whether the Stasi should be prosecuted or forgiven, the overall tendency to forgive seems to hinge upon a variable that made the GDR somewhat unique among its East European neighbors. This was a psychological variable—a legacy of Honecker's "exit" policy—which allowed the East Germans to proceed with their democratization process in a less vengeful way.

From the very outset of the democratization process in the GDR, the opposition's demands for the complete dismantling of the Ministry for State Security, or the Staatsicherheit (Stasi), fostered an environment in which prosecution and punishment would logically follow. At the very first session of the opposition round table, on December 7, 1989, the government helplessly agreed to abolish the successor agency to the Stasi (the Office for National Security). On December 17, this surprising fact was reported in the official press (Donovan, 1990, p.11).

The fact that this was one of the opposition's capital demands further became apparent when, on January 12, the opposition threatened to withdraw their support of the government after Prime Minister Hans Modrow announced that it was necessary to establish a new security service to "prevent a 'security vacuum' from developing" (Donovan, 1990, p.10). In justifying this action, the government claimed a new threat to social order in the form of neofascism and stressed that strong tactics were necessary to keep this from happening. On the streets, the populace reacted by significantly heightening their protests (*Ibid.*, p.12). These protests, along with the prospects of losing opposition support, forced Modrow to

back down on this proposal shortly after its announcement. Clearly Modrow had misjudged the "Stasi issue." Any sort of legitimacy that his government might have gained by disbanding the first organization was immediately lost when he tried to establish a second. For the opposition, Modrow's mistake allowed them to raise the stakes. It immediately demanded that he deliver a report on the condition of the security services, a government element which was already to have been dissolved.

This report, when it was given on January 15, caused a storm in Berlin. Just before its deliverance, Modrow again promised to abandon his plans for establishing a new security service before the May elections. His main adviser, Manfred Sauer, then delivered the prepared report on the status of the Stasi. The effect of this report was stunning. As one commentator wrote, "Sauer's report was astonishing, even to those with a highly developed Stasi-consciousness. The force consisted of 85,000 regular employees, of whom only 30,000 had been dismissed; it also included 109,000 secret informers. That is, one of every eight persons in the country ... In short, the Sauer report confirmed the wildest fantasies of the Stasi alarmists" (Darnton, 1990, p.18). The alarm felt by those who heard the report was compounded by the fact that the evening before evidence had surfaced that a new security agency had already, secretly, been established and that it had been operating since January 2 (Donovan, 1990, p.11).

By five o'clock that evening, a demonstration organized by the New Forum, and numbering up to 100 000 people, gathered in front of the central Stasi office building in Berlin under the slogan "Imagination against Stasi and Nazi" (Darnton, 1990, p.19). Soon thereafter elements of the crowd broke through the front doors and led a riot through the hallways and offices. Although it is now virtually impossible to determine if this was the original intent of the demonstration, the message sent to the leadership was powerful. In fact, psychologically, this could very well have been the death knell for the government. One observer noted, "The damage was actually far less than the million marks announced by the government, but far more, psychologically, than the government can afford. For the first time since the beginning of their revolution, the Germans have resorted to violence" (*Ibid.*, p.19).

Thus, from this violent outburst it was possible to deduce two facts: (1) the "Stasi issue" was one of the crucial issues both to the opposition and to the public at large, and (2) this was one of the few issues over which Germans were willing to get violent. Although Honecker himself could very well have been a personal target of the people's wrath (as Ceaucescu was in Romania), most people seemed to want vengeance on the Stasi.

By January, 1990, public opinion and opposition demands in the GDR indicated that prosecution and punishment of Stasi members would logically follow. It appeared highly unlikely that the Stasi would be given any sort of clemency before the inevitable "replacement" would occur. However, the storming of the Stasi headquarters seems to have been the climax of East German wrath. As time went by, a conciliatory tendency became more and more apparent. The Spanish and Polish approach—"put the past aside...no vendettas, in exchange for power-sharing"—was looked to as the model approach (*The Economist*, 1992, p.22).

This philosophy, which found its best advocate in Peter-Michael Diestel, appointed East Germany's Interior Minister in April, 1990, was propounded for both idealist and pragmatic reasons. Although it was his job "to dismantle the Stasi," he was convinced of the efficacy of the non-punitive approach (Emerson, 1990, p.19). He explained, "The old Stasi may try to reorganize if we totally remove them from society. If we try to eradicate the Stasi violently, we will

certainly lose the war and our future" (*Ibid.*, p.20). Aside from dismantling the agency, his task was to uncover the terrorist organizations that had received Stasi support (such as the Red Army Faction). In order to do so, testimony from former Stasi agents would be necessary. Friendly cooptation was the method. On top of this, Diestel had to reckon with an organization that was still very much of a hidden power in the country. This hidden power was manifest in the Stasi's ability to blackmail large portions of the population—reportedly, up to 20 per cent of all Stasi files were still in their possession.

Diestel's desire to extend a blanket amnesty to all Stasi members who were not involved in violent activities however was tempered by West Germany's desire to prosecute those involved in espionage—violent or not. Markus Wolfe was one of the central issues here. The West German government's handling of his case brought the prosecute/forgive debate very much into the open. While Diestel's justifications for his actions were based upon practical and "healing" reasons, the West German government and much of the East German populace were more concerned with moral and legal arguments. Interestingly, however, the issue that most aroused the East German populace was the government's handling of the Stasi's secret files.

As early as November, 1989, most people of the GDR were aware of the existence of the secret files. At that time, a newly formed Citizens' Committee quickly perused the files and determined that prudence was the more practical virtue. It announced, "To release the information...would be to set off endless feuds among people who had been denounced by their neighbors or betrayed by their spouses" (Darnton, 1990, p.16). It argued that the disbanding of the Stasi was sufficient in itself, and that its, "myth could be allowed to dissipate in tavern talk" (*Ibid.*, p.16). They closed the files to the public.

However, in the summer of 1991 a discernible shift in opinion occurred regarding the secret files. Superficially, this seems to have been caused by two factors: (1) the persistence of economic troubles in spite of many optimistic predictions, and (2) the occurrence of a right-wing coup with KGB involvement in the Soviet Union. East Germans began to mumble aloud that former communist officials were blocking reform in their country (*The Economist*, 1992, p.22). It was at this point that pressure for a greater degree of punishment for the "torturers" occurred.

This was most plainly seen in a law passed on January 2, 1992, which gave every East German citizen a right to read his or her own file. The new philosophy can best be summed up by Joachim Gauck, custodian of the Stasi archive—"If Parliament had rejected the law granting people access to their files, I would have left this job ... That would have been a way of telling people from East Germany that we were too immature to handle these truths, that the Government would make this decision for us. That is not the right message to give people who are getting their first taste of democracy after living under dictatorship continuously since 1933" (Kinzer, 1990, p.52).

As could be expected, many unsavory bits of East German lives became known. One parliamentarian and long-term opposition leader discovered that her husband had been betraying her for years (Kinzer, 1990, p.25). Another woman found that her own father had been reporting on her activities (*Ibid.*, p.52). A certain phenomenon not completely healthy for any society began to emerge. One source reported, "Almost every day, the Stasi files reveal new details, new cases, new conspiracies. Information from the files has already ruined several promising political careers, destroyed countless friendships and plunged many Eastern Germans

into crises of anger and depression. All of Germany is transfixed by the drama emerging from what the magazine *Der Spiegel* calls 'the horror files' " (*Ibid.*, p.25).

Thus, the mere existence of these files created a condition of spiraling anger and frustration against former members of the Security Services. However, and quite unexpectedly, the calls for punishment were still limited to those who had violated human rights or committed violent acts. Emotional moral and legal arguments, calling for punishment for those who committed lesser crimes, were not raised. Illustrative of this was the fact that Erich Mielke, former chief of the Stasi, was eventually indicted for only two charges of murder that he allegedly had committed in 1931. The only other indictments involved several border guards, tried for murder, who were following shoot-to-kill orders on the border (*The Economist*, 1992, p.22).

The prosecution of these violent acts aside, by mid-1992 most East Germans had resigned themselves to let the past rest. One source accurately noted, "Stasi victims are slowly coming to realize that the democratic state has no way to compensate them for what they have suffered. They simply join the long list of victims of 20th-century tyrannies" (Kinzer, 1990, p.52).

Unique Variables in the GDR

Why, then, did the East Germans react so differently than, say, the Argentinians or the Greeks? It will be argued here that the Stasi's position in the GDR was radically different from the "torturers" of these other countries and placed them in a category by themselves. The factors that place them there are (1) the size and efficiency of the Stasi, (2) the political culture of the GDR, and (3) the important role of the secret files.

The size and efficiency of the Stasi easily set them apart from anything found in the non-East European Third Wave. Somewhere around 86 000 full time employees and approximately two million unofficial informers worked for the Stasi. That is, one in every eight East Germans. On a comparative scale that would be akin to the CIA in the US deploying 30 million people (Martin, 1991, p.74). However, size did not decrease their efficiency. Stasi steam rooms were attached to post offices, and in some East German cities, every piece of mail was opened and read (Emerson, 1990, p.20). They were adept at such delicate operations as destroying dissident careers and marriages and corrupting priests and ministers. They riddled Western intelligence agencies with untold numbers of agents. And not only did they receive the country's "creme of the crop" graduates, but they also received the lion's share of Eastern Europe's largest economy. No other non-East European Third Wave country could come close to possessing all of these factors.

East Germany's political culture was another factor that differentiated it from Third Wave countries in other regions of the world. Three factors come to mind here. (1) East German events were heavily influenced by its richer and stronger Western "democratic brother"—the Federal Republic. No other Third Wave country had such a "democratic brother." (2) The Stasi had extremely close ties with the Soviet occupiers, and in particular the KGB. Again, no other non-East European Third Wave country had similarly tight contacts with a foreign intelligence service involved in an occupation. (3) The GDR's Nazi past had conditioned the country to a cycle of confrontation—atonement—forgiveness (but not forgetting).

The last, and perhaps most obvious, factor that seems to differentiate the East German scenario from that of other areas of non-East European Third Wave was

the existence of millions of secret files. One source reported, "Stasi files fill 125 miles of shelf space, with each mile containing about 17 million sheets of paper and weighing nearly 50 tons" (Emerson, 1990, p.26). This included information on two million West Germans and on six million East Germans—one-third of the country (Martin, 1991, p.74). Again, no other non-East European Third Wave country had to deal with this sort of "smoking gun."

These factors clearly differentiated East Germany from other non-East European Third Wave countries and may very well explain why the East Germans reacted differently than citizens of other "replacement" countries. However, the variables themselves do not explain why the East Germans choose *not* to prosecute most of their torturers—in fact, many of the variables should logically have augmented the populace's anger toward their former torturers and led them to call for prosecution.

One concept that could explain this unexpected tendency can be illustrated using a portion of Albert O. Hirschman's theory of Exit, Voice, and Loyalty (for a brief synopsis of Hirschman's argument see Barry, 1991). Hirschman argues that individual loyalty tends to exhibit itself in "voice" (that is verbally attempting to reverse a decline in a system or nation). Those politically active individuals who do not have this voice option (for whatever reason), have the option of "exit" from the nation or system. Not wanting to allow for "voice" in its system, the GDR had consistently embraced this "exit" option for politically active oppositionists. This was seen mainly in its pre-Berlin Wall policies and in its policies during the "Trebixodus" of 1989. In this way, the GDR communists somewhat successfully depoliticized the populace by letting the politically active ones out. The few that remained and exercised the "voice" option were found in the Protestant churches—and they were severely oppressed. The remaining were either apolitical or loyal.

The evidence found in this paper will suggest that in the newly democratized countries of Eastern Europe the tendency to forgive and forget can be found in those countries—Poland, Hungary, and the GDR—where either exit and/or voice were allowed under the old regime. In countries where neither exit nor voice were allowed—Bulgaria and Czechoslovakia—calls for punishment eventually predominated. Thus, it seems that those most set on retribution against the former torturers were those who were allowed neither voice nor exit but yet felt strongly about political issues. In this sense, the outcome of the "torturer problem" can be looked upon as a pressure cooker, where exit and voice provide for a pressure release. Where the release is not allowed, the former torturers face explosive situations in the post-transition period.

Czechoslovakia and its Torturers

While the repressive nature of the Czechoslovak communist regime was similar to that of its GDR counterpart, post-transition events unfolded in one fundamentally different way—while rational practicality eventually outweighed emotional moral/legal arguments in the GDR, in Czechoslovakia the opposite tendency can be observed (in spite of the "transplacement" nature of the transition). Thus, calls for punishment have overwhelmed those for forgiveness.

The crucial event of the Czechoslovak transition to democracy occurred on November 17, 1989, when riot police beat students who were participating in a legal march marking the 50th anniversary of the martyrdom of Jan Opletal. Widespread public condemnation forced a quick pace of events. On November 25,

Party General Secretary Milos Jakes was replaced by Ladislav Adamec and on December 3 his Internal Affairs Minister Frantisek Kincl was replaced by Frantisek Pinc. By shifting personnel in this way, the party hoped to appease the protesters. However, just as Modrow had underestimated the importance of placing an acceptable (non-communist) man in the Interior Ministry, so Adamec had miscalculated in appointing Pinc. In a clumsy attempt to recover from this move, one of Pinc's first tasks was to apologize for the police action on November 17, "in the name of honest policemen" (Obrman, 1990a, p.10). He also declared his intention to ensure that the State Security forces would, "play a different role in the future." The unsatisfied opposition continued to push for further reform and eventually succeeded in pressuring Pinc out of his job. Again, trying to keep ahead of events, on December 21 the Prime Minister ordered a halt to the activities of the State Security's Administration of Investigations Department. The following day, Ivan Prusa, First Deputy Minister of Internal Affairs, announced that, "State Security members who had broken the law would be prosecuted" (*Ibid.*, p.11).

This move, a call for prosecution, did not strengthen the position of the communist party. In fact it fell from power shortly afterwards. On December 29, Vaclav Havel was elected President and a new non-communist government was formed. One of Havel's first appointments was Richard Sacher, Czechoslovak People's Party member and practising Catholic, who became Minister of Internal Affairs. Sacher, in turn, abolished the Administration of Investigations Department, dissolved all State Security units, released all of these units' members from active duty, and called in all weapons and archival material. Having heard rumors of a conspiracy or an impending coup he ordered the dissolution of the State Security division of the Corps of National Security on February 1, 1990.

In spite of all this, it was clear that Sacher was attempting to approach the task of reorganization in a tolerant and non-vengeful way. At one point he stated that, "a democratic attitude toward [members of the security forces], based on trust, is the road we can best follow" (Obrman, 1990b, p.21). This was his overriding philosophy as he proceeded to downsize his ministry to a target number of 6000 employees (the communist-run ministry had 12 000 to 18 000) (Obrman, 1991b, p.9). Many of these individuals were former employees of the old service—only 8500 of the 18 000 State Security members (47 per cent) were not initially re-employed (Obrman, 1990c, p.18). As of September, 1990, only 20 per cent of the border guards were forced to resign (*Ibid.*, p.21). Overall, Sacher's approach involved the "depoliticization" of members of the entire Ministry. He insisted that, "FBIS [Security Service] employees must not be members of any political party, nor are they allowed to take part in political activities" (Obrman, 1991b, p.8). For those Ministry employees who were not to be re-employed, Sacher's treatment was quite generous. They would continue to receive their salaries for an additional six months and a special commission would determine if they had the appropriate professional skills to apply to another department. For the suspicious, however, Sacher made it clear that, "it would be naive not to keep former State Security members under surveillance" (Obrman, 1990a, p.11). In general, punishment and retribution were rather limited.

By thus observing the rather tolerant way in which the former "torturers" were treated, it seems quite logical to call Czechoslovakia a "transplacement." However, just as in the GDR, it is important to keep in mind that the pre-transition size and significance of the inter-party opposition was quite minimal. Sharon Wolchik (1989, p.414) writes, "In contrast to the situation in Poland and Hungary, there

was no strong reformist group in the party that might have eased the transition by opening negotiations with the opposition before November, 1989." Keeping this very important point in mind, however, this similarity does not help to explain why, at a certain point in the transition to democracy, the Czechoslovaks turned their backs on forgiveness and began to seek punishment.

The change from rational forgiveness to vengeful prosecution culminated on October 4, 1991, when the Czech and Slovak National Assembly passed what became known as the "lustration" act. This act targeted former secret policemen and their agents, former communist officials (from the district level up), members of the Peoples' Militia, and members of the National Front Action committees. Those who had received police training in Moscow were also targeted by this law (Laber, 1992, p.5). Czechoslovaks found to have been associated with these groups would be barred, for a five-year period, from holding jobs in high-level governmental/administrative posts, the military, the intelligence services, the police corps, state radio and television organizations, news agencies, state-owned enterprises (including foreign trade companies), railways, banks, high academic positions, the judicial bench, and other positions connected with the courts (*Ibid.*, p.5).

The enactment of this law was not without some precedent. Even at the outset of the "velvet revolution," Havel initially agreed to a limited screening of governmental personnel to "avoid possible scandals" (Obrman, 1991b, p.4). Although uneasy about such a procedure, Havel concluded that "a certain amount of vetting was painful but necessary" (*Ibid.*, p.9).

However, just as in East Germany, economic difficulties mounted and continuing frustration with reform efforts (as well as rumors of an impending coup) led to calls for a closer examination of the forgive and forget policy. Initially, the discovery of secret files led the Czechoslovaks in the same direction as the East Germans—a public viewing. However, President Havel and Prime Minister Calfa strongly opposed such a move, arguing that it would violate the Universal Declaration of Human Rights and a number of other international agreements (Obrman, 1991b, p.10).

Logically Havel's opposition to the lustration act followed the same line of thought. He argued (Havel, 1992, p.8) that, "The problem is that the relevant legislation is based on the principle of collective responsibility; it prohibits certain persons from holding certain offices solely on the basis of their membership in certain groups defined by external characteristics, without giving them the right to have their cases considered individually. This runs counter to the basic principles of democratic law. The files kept by the now abolished secret police are made the highest, the final, the one and only criterion of eligibility. It is a necessary law, an extraordinary law, a rigorous law. Yet at the same time, from the viewpoint of fundamental human rights, it is a highly questionable law." However, Havel's opposition to both acts failed to stop their enactment: on October 4, 1991, the lustration act was passed; and on March 4, 1992, the Czech and Slovak Parliaments agreed to the concept of allowing people to see their own secret files (Laber, 1992, p.6).

The wide-ranging effects of this law may or may not have been foreseen by the legislators. The International Labor Organization claims that more than one million people could be affected by this law (Laber, 1992, p.5). Paradoxically, this law affects the most unlikely people. Under threat of revelation, Jan Budaj, Chairman of the Public against Violence (Civic Forum's Slovak counterpart), admitted that he had signed a cooperation agreement with the state security police in return for a passport (Obrman, 1991a, p.5). A pall was cast upon Jan Kavan,

for contacts he had while he was a student in London. Other illustrious individuals that could be affected are Zdenek Mlynar and Rita Klimova (Laber, 1992, pp.6-7).

This lustration act clearly represents a move from rational forgiveness to emotional vengeance. As one source recently put it, "Many leading politicians appear willing to sacrifice some of the basic principles of the rule of law to politically motivated retribution. Moreover, the discussion surrounding the screening law reveals that many politicians and large segments of the public prefer revenge to justice and that political objectives are sometimes more important than the rule of law" (Pehe, 1992, p.14).

This act also represents a flaw in Huntington's "torturer problem" paradigm in which he speculates that "transplacements" are followed by general amnesties and clemencies by the newly democratized governments. Admittedly, this seems to have happened in Poland and Hungary, but it clearly did not happen here. Why?

Unique Variables in Czechoslovakia

Many of the variables that differentiated the GDR from the non-East European Third Wave countries are also found in Czechoslovakia. The Czechoslovak Security Services were large and effective, they had close ties with the Soviet KGB, and had large numbers of secret files. Additionally, the nation as a whole had an ambiguous political history of flexibility and atonement (at the very least, Svejikian passive values). Thus, the fact that Czechoslovakia behaved differently, than say, South Korea, can be expected.

However, these commonalities in kind with the GDR differ in the degree in which they were found here. The Czechoslovak Security Services had only 18 000 full-time workers and 140 000 informers—the GDR had 86 000 and 2 million respectively. Thus, while the ratio of security to non-security people in the GDR was 1:8, in Czechoslovakia it was 1:100. As regards political culture, the Czechoslovaks have had a much closer tie with the Russians than the East Germans and can claim to have had a strong and legitimate native communist party throughout their history. And while the Czechoslovaks had to deal with the trauma of large numbers of secret files, the archival findings here were not as elaborate nor as exhaustive as those found in the GDR. Reportedly, the Czechoslovak files contained information on only 140 000 individuals (Laber, 1992, p.5).

From these commonalities in kind but differences in degree it would be natural to expect in Czechoslovakia a similar but lessened tendency toward vengeance. The lustration law as well as the Czechoslovak desire to prosecute individuals for non-violent crimes displays that this difference is both qualitative and quantitative. This might be explained by two additional factors.

The most obvious factor that differentiates Czechoslovakia from other Third Wave countries in the region is not only the fact that it was, at the very outset, on the verge of a political split (the Czech lands from Slovakia), but that it had, in general, a history of political pluralism. In this sense, political debate and competition came quite naturally to the Czechoslovaks. The unfortunate ramification of this factor, however, was that the treatment of the security forces itself became a partisan issue. Slovak Prime Minister Vladimir Meciar complained that, "extremist political forces: were trying to gain political capital from the screenings and claimed that experiences with vetting had been negative, as some people accused of having spied for the communists were completely innocent" (Obrman, 1991a, p.6).

Yet another, and perhaps more critical, factor that seems to have arisen in Czechoslovakia is psychological. One human rights activist wrote that, "Those most actively seeking vengeance are not...the former dissidents who suffered more than others did at the hands of the communists. Having spoken out all along, the dissidents appear to have less need for catharsis now; nor do they feel they have to prove themselves. The people seeking vengeance, on the whole, come from the 'gray zone'—neither communists nor dissidents, they sat back, did nothing to incur disapproval, and were not persecuted. They suffer now, some say, from a guilty conscience and are taking revenge for their own humiliation. By insisting on 'purification,' they want to show that they are pure" (Laber, 1992, p.7).

As mentioned above, these are the people who choose neither "exit" nor "voice." The fact that they have a "guilty conscience" seems applicable to those who felt strongly about political issues but did not act. In the East German scenario, most of the people in this category left for the West. Legal emigration was, of course, unheard of and socially the Czechoslovaks, unlike the East Germans, did not have a culturally and linguistically compatible neighbor that was waiting with open arms to be "exited" to. This eliminated the "exit" option for most Czechoslovaks. And, unlike Poland or Hungary, dissent was not allowed (without severe punishment). Thus, Czechoslovaks had neither the "exit" nor the "voice" option. Consequently, the post-transition psychological tendency was toward punishment rather than forgiveness, with the only brake on that tendency being those leaders (such as Vaclav Havel, Jiri Dienstbier, etc.) who had exercised the voice option in the past. As more and more non-exiters/non-voicers gain in power, the tendency towards prosecution becomes more pronounced. The same tendency can also be observed in Bulgaria.

Bulgaria and its Torturers

In many ways the oppressive conditions found under the communists in Bulgaria parallel those found in Czechoslovakia. Psychologically, dissidents had neither the "exit" nor "voice" options and were by and large suppressed by the government. And, as is the case in Czechoslovakia, this could very well explain at least in part why the Bulgarians have slowly but steadily changed course from their forgive and forget policy to one of prosecute and punish—and all of this in spite of the "transformation" nature of their democratic transition.

On the surface, the pattern of the Bulgarian revolution was very similar to the anti-communist revolutions that occurred in the GDR and Czechoslovakia. Here the main opposition force was an environmental group, which organized demonstrations, expanded their demands, and forced the leader to resign under pressure from his colleagues. Economic and political reforms were demanded by the opposition, political prisoners were freed, round table talks were had, and elections were scheduled.

The difference here, of course, was that the party itself survived the transition phase. The Bulgarian Communist Party managed this through a series of political shake ups of the top leadership. The first was the removal of Todor Zhivkov from power. Next came the resignation of Petar Mladenov (his successor). Following that, the Lukanov/Lilov team came in for a short time in which the party itself was purged and reorganized. And finally, Mladenov returned to the Presidency (Laber, 1990, p.34).

In the spring of 1990 large-scale organizational changes and personnel cuts were conducted in the Internal Affairs Ministry (Engelbrekt, 1991b, p.5). However, just

as in Czechoslovakia the stress seemed to be on the “depoliticization” of this crucial ministry. This work was begun in early 1990 by the communist/socialist Minister of Internal Affairs General Atanas Semerdzhiev (Perry, 1990, p.4). After a short time he was followed by General Georgi Pilev, who predictably announced that, “he would like to see a secret police that was not under the influence of politicians and that would act only in accordance with the law” (Engelbrekt, 1991b, p.6). Although he admitted that he had been a loyal member of the Bulgarian Socialist Party, he said that he would not turn in his membership card on purely “ethical grounds” but, “only as part of a campaign to depoliticize the state authorities” (*Ibid.*, p.6). However, his stay in the Ministry was also short. In October, 1990, he was replaced by 20-year veteran, Petko Angelov, who, again, did not represent any new policies or philosophies (*Ibid.*, p.6).

The Interior Ministry did realize however that certain changes would have to be accomplished so as not to totally alienate the populace and the opposition. In February, 1990, it was announced that Department “Six” (the secret police department in charge of dissidents) had been disbanded. Additionally, the Interior Minister signed a pledge that eavesdropping devices would not be placed in the offices of the opposition Union of Democratic Forces (UDF) (Laber, 1990, p.34).

Much as in the GDR and Czechoslovakia, the composition of the police forces remained largely unchanged. Their emphasis was now to uphold the new laws. As could be expected, however, the police suffered from an image problem, low morale, and poor recruitment prospects. Crime was rising as well. What sets Bulgaria off from the others, in this regard, was the indignation with which the police bore this burden. One source reported, that on August 13, “almost every militiaman in Sofia wore a tricolor band [white, green, and red—the colors of the Bulgarian flag] protesting what they perceived as the loss of prestige and insufficient legal and social safeguards for the profession” (Perry, 1990, p.2). With the memory of the massacres in Timisoara still in the minds of most Bulgarians, the nerve of these policemen must either be admired or ridiculed.

As could be expected the general populace accepted most of these changes with considerable skepticism. Most believed that, “the policemen have probably been sent to other departments where they are doing the same thing” (Laber, 1990, p.34). The behavior of many Bulgarian officials did not help to change this attitude. For the most part they let it be known that they were interested in economic, not political, *perestroika* (*Ibid.*, p.36).

Thus, right up until the elections in October, 1991, the Bulgarian Socialist Party (the renamed communists) still unapologetically controlled the levers of power in Bulgaria. In May, 1990, one author even concluded that, “...the revolution in Bulgaria is not over; the communists and, it appears, the secret police are clearly in control” (Laber, 1990, p.34). This made it a clear example of Huntington’s “transformation” process.

However, a major shift in governmental policy occurred on April 13, 1991, when President Zhelyu Zhelev announced that the past activities of the Bulgarian intelligence services should be revealed to the public. He listed three reasons for this new policy: (1) the threatening potential of the reformed secret services, (2) Bulgaria’s international image problem, and (3) prospective cooperation with Western intelligence agencies (Engelbrekt, 1991a, p.1). In essence, the party (communist-turned-socialist) was turning on its own people. International standing seemed to be at the heart of this change in policy. Many Western countries had long voiced suspicions about Bulgarian Secret Service involvement in the murder of Georgi Markov as well as the assassination attempt of John Paul II.

Additionally, there were concerns about possible Bulgarian involvement in international terrorism and the drug trade.

The work begun by socialist/communist Zhelev carried on and gained in force under the government headed by non-communist Filip Dimitrov and his Union of Democratic Forces Party (UDF), who defeated Zhelev's Socialists in October, 1991. One source reported that the time had come, "to take a much closer look at some of the more shady aspects of the country's communist past. Instead of punishing just those at the very top for gross abuse of office, systematic corruption, major human rights offenses, and other crimes under the previous regime, politicians and jurists began to consider ways to identify and prosecute others for serious offenses committed during the communists era" (Engelbrekt, 1992, p.6).

Four highly publicized cases emerged as being significant in this regard. The first involved the prosecution of former leader Todor Zhivkov on charges ranging from murder to misappropriation of funds (Engelbrekt, 1992, p.8). The second case involved charges of criminal negligence and the withholding of information after the Chernobyl accident. Among those indicted were Former Deputy Premier Grigor Stoichkov and former Deputy Health Minister Lyubomir Shindarov (both were convicted and received one and three years sentences respectively) (*Ibid.*, p.9). The third case, involved charges of excessive industrial pollution in which people were hurt (*Ibid.*). The fourth, involved two primary issues. The first sought an explanation for the current economic crisis. The second sought to determine what happened to the \$11 billion dollars borrowed from Western banks. Up to 47 people were indicted, although court proceedings moved along at an excruciatingly slow pace (*Ibid.*, p.10).

As is clear from the above chronology of events, the Bulgarian leadership has evolved from a position of forgive and forget—a position to be expected from a "transformation" process—to one of prosecution and punishment. What is particularly surprising in this case is that the "torturers" are being prosecuted for rather minor crimes (such as environmental and embezzlement crimes) relative to those in the GDR or Czechoslovakia. Thus, in examining these three countries it would seem that Huntington's paradigm is completely reversed—the "replacement" country becomes the most tolerant toward the torturers, the "transformation" country the least. Again, this begs the question, why?

Unique Variables in Bulgaria

Bulgaria shares many of the traits of the GDR and Czechoslovakia that differentiate them from other non-East European Third Wave countries. The size and efficiency of the Bulgarian Security Service was considerable. It was estimated to employ between 6000 to 9000 employees (with each officer having from 10 to 30 agents working for him). Overall, that would make a high-end ratio of 1:33 for security to non-security associated people in the country. On an East European scale that falls between Czechoslovakia's 1:100 and the GDR's 1:8 (Engelbrekt, 1991b, p.6). However, judging by the figures given by Huntington, on a non-East European scale that is abnormally high.

Like Czechoslovakia, Bulgaria also had historically close ties with the Soviet occupiers and had a long history of communist party activity. The security services of the two countries were extremely close. In one interview, Major General Oleg Kalugin, a formerly high-ranking KGB officer, explained that they treated the Bulgarian Security Service, "almost like employees of our own organization" (Engelbrekt, 1991b, p.8).

Yet there were variables that differentiated Bulgaria from the GDR and Czechoslovakia. Foremost among these was the Turkish minority issue. In the winter of 1984–1985 the Bulgarian government unleashed a violent campaign of forcible assimilation of Bulgaria's large Turkish minority (one-tenth of the nation's population) (Laber, 1990, p.36). Although this might have been the post around which Zhivkov's opponents first rallied, it also created a situation in which a vast majority of the population (Bulgars) feared post-transition reprisals by the sizable minority (Turks).

Yet another factor unique to the Bulgarian scene was the treatment of the secret files. Just as in Czechoslovakia and the GDR, the Bulgarian Security Service had compiled files. However, the popular outrage seen in the GDR and Czechoslovakia was averted when, in late March, 1991, it was learned that, "nearly all documents kept by the Sixth Department on the former *nomenklatura* had disappeared and had probably been burned" (Engelbrekt, 1991b, p.7).

Additionally, aside from the fact that in 1989 Bulgaria had virtually no tradition of civil society, the communist party here was huge—one million people (one-ninth of the population). It also represented the "best and the brightest." These two factors, as well as those mentioned above, would logically militate against post-transition retaliation against the torturers.

In actuality, quite the opposite happened. As time went by and increasing numbers of new entrants to the political system became involved in the policy making process, the calls for prosecution became more and more acute. Just as in Czechoslovakia, it seems that the lack of either the "voice" and/or "exit" options in communist Bulgaria created a large pool of frustrated neutrals. And, as would be expected, these became the people calling for vengeance. In this sense, the Bulgarian pressure cooker had exploded in the face of the "torturers."

Conclusion

This paper has attempted to show that Huntington's two sets of variables—"democratization process" and "outcome of the torturer problem" are spurious in the East European context. Although many of the indictments and attempts to retaliate against the former East European torturers have not yet come to fruition, the mere attempt to do so indicates an attitude on the part of the government that is not in congruence with Huntington's paradigm. Additionally, this paper has argued that the psychological variables of "exit" and "voice" are more exact indicators in determining the outcome of this problem. In this sense, the mechanisms surrounding the outcome of the "torturer problem" may be analogous to a pressure cooker with "exit" and "voice" as release valves. On a normative level this should not be surprising. After all, forgiveness and vengefulness are emotions located within the human psyche that are often relieved through cathartic behavior. On an empirical level, the events in the GDR, Czechoslovakia, and Bulgaria have demonstrated the importance of these psychological variables on a mass scale.

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