CAPTURED COMMITMENTS
An Analytic Narrative of Transitions with Transitional Justice

By MONIKA NALEPA*

Introduction

WHEN authoritarian regimes transition to democracy, procedures to deal with members of the ancien régime and their collaborators—termed "transitional justice" (TJ)—are often implemented. Twenty years ago some of the communists in Eastern Europe negotiated the terms of democratization with the opposition in roundtable negotiations. The autocrats traded open and free elections in exchange for promises of amnesty and then resigned peacefully. Once in power, however, the opposition had personal and electoral incentives to break their prior promises of amnesty. They nevertheless stood by their word. Just as puzzling is why the communists believed that they could avoid TJ after stepping down.

In this article, I identify certain factors that gave outgoing communists the insurance they needed to relinquish power. I argue that members of the former opposition, comprising a considerable part of the new democratic elite, avoided effecting TJ procedures. They exercised this restraint because they worried that prosecuting members and collaborators of the ancien régime would expose the "skeletons" in their

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own "closet." In other words, because members of the opposition had secretly worked as informants for the communist political police, they feared that enacting TJ measures would affect the newly empowered parties as well.

I. An Analytic Narrative Approach

In this article, I employ the analytic narrative approach to explaining unique historical events that was developed by political scientists drawing upon the rigorous methods of economics.[1] Specifically, the fall of communism in Eastern Europe more than twenty years ago offers a fruitful subject for study using methods that integrate the rigors of economics with the empirical richness of historical analysis. I begin in Section II by reconstructing Adam Przeworski's model of "top-down" transitions to democracy[2] to show how the commitment problem arises. In analytic narratives, models serve an important function because, "when explicated, [they] ought to have implications for the structure of the relationships (the institutions within which the events occurred). Those implications force the scholar to reconsider the narrative and then to reevaluate the extent to which key elements of the narrative lie outside of the proposed theory."[3]

After reconstructing the analytic narrative of pacted transitions and supporting it with empirical evidence from the East European experience with roundtable negotiations, we see that the simple model fails to account for that experience. I attribute this to the simple model's neglect of the commitment problem. I then review the existing literature on formal models that addresses the commitment problem and show that these theories cannot be applied to the East European experience either. I present my own theory—the "skeletons" model—in Section III.

The skeletons model explains both of the puzzling phenomena described in the introduction: (1) that the autocrats initiate negotiations with the belief that the opposition will refrain from TJ and (2) that, under certain conditions, the opposition respects these promises of amnesty. My explanation is that the dissident opposition may refrain from TJ out of fear that skeletons in its own closet will be revealed. The model, however, also accounts for other phenomena, such as the timing of transitional justice, observed in the East European transitions. In Poland and Hungary, for instance, no TJ measures were effected until

[1] Bates et al. 1998.
[2] Przeworski 1991.
[3] Bates et al. 1998, 687.

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many years following the transition.[4] This use of the model is consistent with the analytic narrative approach because far-reaching implications of the model serve as out-of-sample tests of the model that also ought to be confirmed by empirical observation.

In Section IV, I formulate the empirical implications of the skeletons model and consider them in light of TJ phenomena accompanying the pacted transitions in Poland, Hungary, and the Czech Republic. The section does not endeavor to provide an exhaustive account of roundtable negotiations in Eastern Europe because, following the analytic narrative methodology, I focus only on those aspects of reality that correspond to the skeletons model. I therefore limit the discussion to those features of the negotiations and their aftermath that pertain to explaining the extent to which the opposition and the communists were infiltrated, the extent to which the communists could hold out without stepping down, and how open the opposition was to a transition with amnesty.[5]

I conclude in Section V by considering alternative explanations and discussing limiting conditions of the model I advance. Addressing such alternative explanations is the final step of evaluating an analytic narrative.[6]

II. A Simple Game of Democratic Transitions

Formal models of democratization characterize players either by their preferences over regimes or by their preferences over rents.[7] The former characterization—which, following Michael Coppedge, I call "positional"[8]—builds on the work of O'Donnell and Schmitter, who suggested that pacted transitions become possible when the outgoing autocrats are promised immunity from trials and prosecutions in exchange for yielding power to a democratically elected government.[9] Their argument has been cited frequently to explain why autocrats step down peacefully.

Adam Przeworski formalizes this intuition as a model explaining the problem confronting "Reformers" (the reform-oriented wing of

[4] For a complete theory and test of when transitional justice gets delayed and even implemented by postcommunist parties, see Nalepa 2010.

[5] This will strike some readers as a rather skeletal account of pacted transitions in the region. I refer those interested in the details of the pacts to the voluminous literature on the subject. For works in English, see Bozóki 2002; Calda 1996; Elster 1996; Kaminski 1991; Osiatynski 1996; and Sajó 1996.

[6] Bates et al. 1998, 17

[7] Coppedge forthcoming.

[8] Examples include Casper and Taylor 1996; Colomer 2000; Crescenzi 1999; Przeworski 1991; and Zielinski 1999.

[9] O'Donnell and Schmitter 1986.

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the autocrats) when they are deciding whether to ally with the "Moderates" (the liberal wing of the opposition) or with the "Hard-liners" (the conservative faction of the authoritarian regime).[10] After the Reformers make their move, the Moderates decide whether to align with the Reformers or with the Radicals (the extreme wing of the opposition). Allying with the Reformers is tantamount to delivering "democracy with guarantees [of immunity]."[11] If the Moderates align with the Radicals, the Reformers get "democracy without guarantees." The split within the ruling elite into Reformers and Hard-liners is critical. The Hard-liners want to maintain the status quo and avoid transition. Rather than supporting the status quo, Reformers prefer a transition with guarantees (allowing them to continue their political careers) to a transition to democracy without guarantees (that potentially threatens their political career prospects).

Przeworski's interpretation is plausible in the context of Eastern Europe. For the young, well-educated communist leaders of the late 1980s, transition to democracy offered more politically attractive opportunities than continuing a career in the communist party, where advancement in the party ranks depended on patronage from senior party bureaucrats. But democracy was more attractive only if the reform-minded communists could feel assured that they would not be held responsible for the Hard-line communists' human rights violations. Were they to bear this responsibility, the Reformers would instead prefer to avoid the transition.

Amnesty laws, however, do not offer "real" guarantees because they work only if the elected officials accept them. Thus, the Reformers' preferred scenario—a transition without TJ—is not feasible if the Moderates have incentives to renege on promises of immunity and use TJ against former autocrats. The Moderates cannot commit to delivering democracy with guarantees, which in turn should dissuade the Reformers from allying with them. A generalized illustration of Przeworski's model is the two-stage Simple Transition Game (STG). (See Figure 1.)

There are two players—the autocrats, *A*, and the opposition, *O*.[12] In the first stage *A* decides whether to step down. If *A* does not step down,

[10] Przeworski 1991.

[11] Przeworski 1991, 71.

[12] Although there are four actors in Przeworski's model, there are only two players in the game: the Moderates and the Reformers. Mark Crescenzi advances Przeworski's work by incorporating both the Hard-liners and Reformers (whom he refers to as "Soft-liners") as types of players in a signaling game. In this framework, the type of the authoritarian ruler depends on his private information, which is unknown to the opposition. See Crescenzi 1999.

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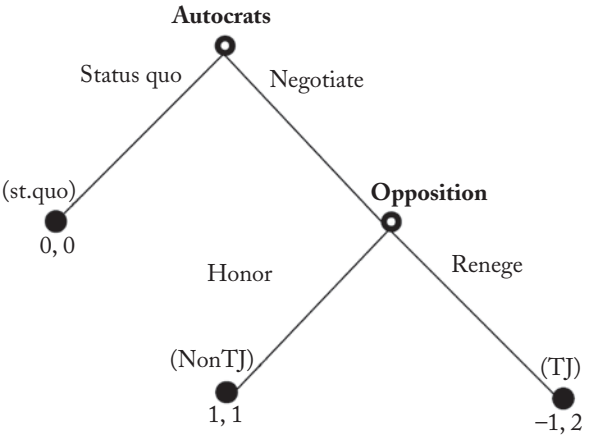


FIGURE 1
A Simple TRANSITION GAME

the game ends with the status quo payoffs of 0 to everyone.[13] If *A* steps down, in the next stage *O* decides whether to honor the promise of amnesty. If *O* decides to keep the promise, players get a payoff of 1 each. But if *O* reneges on the agreement, it gets a payoff of 2, while *A* gets a payoff of *-1*. The three outcomes associated with the possibility of pacted transitions to democracy are thus:

— status quo (SQ): autocrats do not step down
— transition without TJ (NTJ): autocrats step down and opposition keeps its promise
— transition with TJ (TJ): autocrats step down and opposition breaks its promise

SQ is the unique Nash equilibrium outcome.[14] NTJ fails to satisfy the conditions for Nash equilibrium because, when *O*'s decision node is reached, it is better off reneging on the promise. In real life, though, we also observe both NTJ and TJ. Furthermore, note that the NTJ outcome Pareto dominates the Nash equilibrium outcome, SQ. Both *A* and *O* prefer NTJ to SQ.

The STG outlined above cannot serve as an adequate analytic narrative of peaceful transitions. Under the assumption of common knowledge,

[13] The assumption of the model labeled "status quo" need not be interpreted as the Autocrats' ability to rule indefinitely. Instead it can represent, in reduced form, the outcome of not negotiating a transition at that time. At some future time, with positive probability, this could result in a revolution (as illustrated by Romania's 1989 turnover).

[14] The unique subgame perfect (and also Nash) equilibrium strategy profile is (SQ; Renege). The strategy for Player *O* is weakly dominant.

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all players have perfect and complete information and know all of the other players' payoffs. Consequently, the autocrats should anticipate that the opposition will renege. If the model adequately represented reality, we would never observe transitions to democracy—with or without transitional justice. To reconcile the model with reality, Przeworski has to "tinker with the payoffs."[15] In one possibility he assumes that Radicals accept democracy with guarantees (essentially, ceasing to be radical); in another, the Moderates tolerate a military presence that ensures the delivery of guarantees (relaxing the scope of democratization).[16] But this solution is ad hoc and uses factors that are not explicitly modeled in the game. In another attempt to salvage the model for explaining transitions, Przeworski assumes that players are uncertain about the other players' utility functions. This uncertainty, however, could just have been modeled explicitly in a signaling game of incomplete information.

Above, I have reconstructed the credible commitment problem in the context of positional models of regime transition. Credible commitments are recognized by scholars who characterize players as rent seeking, as opposed to holding preferences for particular regime types.[17] Daron Acemoglu and James Robinson's analysis begins in the pretransition stage with the disenfranchised poor demanding income redistribution from the ruling rich class.[18] In periods of high organization the threat that the poor will revolt forces the rich to take these demands seriously, tax their own income, and redistribute it to the poor. Without extending the franchise to the poor, though, the rich are not able to make a credible commitment to future redistributive policies. In other words, if the organizational capacity of the poor were to diminish to the point at which they could no longer stage a revolution, the rich would reverse the taxation policy. Democratization presents itself as the solution to this commitment problem: by allowing the poor to vote them out of office in case the redistribution policies are reversed, the rich can credibly commit to taxation.

The Acemoglu-Robinson (AR) model cannot be directly adapted to pacted transitions in which promises of amnesty are exchanged for free elections, because in AR the incredible commitment exists in the predemocratization stage of the game. The (rich) autocrats cannot credibly promise redistribution unless they enfranchise the (poor)

[15] Przeworski 1991, 73.

[16] This can be interpreted as being subjected to the strategy of co-optation described in Gandhi 2008.

[17] Michael Coppedge refers to these models as "economic." See Coppedge forthcoming.

[18] Acemoglu and Robinson 2005.

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opposition to enforce that promise. In the elections-for-amnesty setting, the commitment problem arises from democratization, because it gives the opposition an opportunity to renege on the amnesty promise by embarking on transitional justice if they get elected to office. Thus, in AR democratization offers a solution to the commitment problem instead of creating it. A related difference is that the roles of the opposition and the autocrats are reversed: in AR the autocrats make the promise, whereas in the elections-for-amnesty context, the opposition does.

Carles Boix advances another economic model that recognizes the credible commitment problem.[19] He poses the question: How do the ruling elites know that after they democratize, the poor majority will not use redistribution policies to expropriate them? He uses a formal model to show that democratization will not result in expropriation if capitalists have mobile assets. Under these circumstances the poor know that if they attempt to expropriate wealth from the rich after democratization, the rich will move their capital abroad. Thus, in Albert Hirschman's language, the capitalists' credible exit option protects them from state predation.[20] This solution cannot be adapted to the elections-for-amnesty setting either. The principal motivation of the communist autocrats for wanting to negotiate amnesty is to prolong their political lives. TJ—the political equivalent of economic exit—is not a threat the autocrats can credibly make. It is the political death sentence they are trying to avoid by agreeing to hold free elections.

Although she does not use a formal model, Delia Boylan has also investigated the problem of making commitments credible in transitions to democracy; she considers the context of central bank independence in Latin America.[21] Boylan questions the received wisdom that transitions challenge outgoing autocrats with uncertainty concerning their democratic future. She argues that autocrats will consent to democratization only if they have locked in economic institutions that protect their interests. Boylan focuses on the economic interests of outgoing autocrats and analyzes the degree to which they make central banks independent from democratic actors. Notice, however, that her reasoning cannot easily be extended to the noneconomic interests of outgoing autocrats. Amnesty commitments cannot be institutionally entrenched as easily as can economic interests. Consequently, I develop a theory that recognizes the political interests of outgoing autocrats and investigate how they ensure they will be protected from TJ.

[19] Boix 2003.
[20] Hirschman 2004.
[21] Boylan 2001.

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To summarize, none of the models discussed above can be extended to cases where former autocrats negotiate an exchange of amnesty for free elections. Of the models discussed here, the positional models—illustrated by the STG game—do not recognize the problem of credible commitments arising as a result of these pacts. Among the prevailing economic models, AR situates the commitment problem in the pretransition phase. Democratization resolves the commitment problem but does not pose one. Other economic models extend only to cases of guarantees that can be made credible. East European countries that had pacted transitions do not fit the credible guarantees model because the delivery of amnesty was expected to take place after the free elections (won by the opposition). The credible commitment dilemma posed by pacts exchanging amnesty for elections deserves separate treatment. Furthermore, in several transitions, not only did the autocrats step down but the opposition also refrained from pursuing TJ. Yet honoring a promise of amnesty is not a Nash equilibrium outcome of the STG game either. Thus, a theory that explains why the opposition parties honored their promises is also needed. The skeletons model I propose accounts for both phenomena: the autocrats step down and the opposition keeps its promise of amnesty.

III. Skeletons in the Closet

In the pacted transitions in Eastern Europe, the embarrassing skeletons are files identifying former dissidents who collaborated as informers for the secret police. Historians and archivists have now established that communist regimes consistently recruited informers from dissident groups. Especially as communism in the region neared its end, the enforcement apparatuses of these countries successfully avoided costly violent encounters with their respective organized resistance. Instead, they monitored dissident activity by infiltrating opposition organizations with a network of undercover agents. Such networks consisted of regular citizens who reported to the secret police dissident activity of their co-workers, neighbors, and, sometimes, even family members and friends. Although sympathizers of the communist regime were eager to become informers, the most valuable informers were those within the opposition groups. The identities of these informers had to be kept secret especially from their fellow dissidents. As a result, the dissident groups themselves were often unaware about the extent to which they had been infiltrated.

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The files identifying collaborators among the opposition parties remained secret when the outgoing autocrats and the opposition parties entered into negotiations over the terms of transition. Thus, although the opposition parties suspected there were collaborators in their midst, they could not know with any precision the degree to which any party had been infiltrated. Obviously, the easiest way to expose infiltration would have been to adopt a lustration law, the TJ mechanism that bars collaborators of the former secret political police from holding public office.[22] If an opposition party was not highly infiltrated, it would benefit from lustration that disproportionately affected successor parties to the communist regime. However, if the opposition party underestimated the degree to which it had been infiltrated, then lustration could damage the opposition party itself.

By contrast, because the secret police worked for the communists and against the opposition, the communists had considerably better information than the opposition did about the relative distribution of infiltration. Consider Hungary, where the leadership of the communist party received weekly reports from its secret police about the activities of the opposition.[23] Even if the files of the secret police were selectively destroyed and fabricated,[24] the communists nevertheless had better insight into this than anyone else. Ireneusz Dudek's *The Rationed Revolution* describes the long process of infiltrating the nine million strong dissident Solidarity movement in Poland.[25] The implementation of martial law, which began with the internment of fifteen thousand Solidarity leaders, was instrumental in advancing this infiltration. During these arrests, the secret police worked to convert those who seemed most likely to serve as informants, that is, those "persons whose antisocialist activity had started to subside" or "had not been elected to the leadership circle of Solidarity even though they had exhibited dissident activity in the past."[26] The operation was a success: 1,597 informers were recruited as a result. Their usefulness to communist authorities depended on their identity remaining top secret.

The communists attempted to exploit this informational advantage by trying to convince the opposition that it was highly infiltrated. One

[22] Lustration can either ban from public office former collaborators or reveal the fact of their collaboration to the public, effectively ending their careers. Alternatively, it can combine the two sanctions—of revealing the truth with a ban from running for office—to create an incentive mechanism, as illustrated by the Polish lustration law. For more details on such a law, see Nalepa 2008; and Nalepa 2010.

[23] Uitz 2005.

[24] This is the assertion made in Uitz 2005; and Stan 2004.

[25] Dudek 2004.

[26] Bielecki 1981

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of the dissidents representing Solidarity in the roundtable negotiations recalled: "When I met Kwaśniewski, he said, 'Do not mess with those files, let them be—the agents were mostly your own people.'"[27]

Statements such as Kwaśniewski's could be dismissed as bluffing because the communists had incentives to exaggerate the degree to which the opposition had been infiltrated. Convincing the opposition that they were infiltrated with secret police informers would of course help the communists avoid lustration. According to Dudek, the communists did not give in and agree to negotiations until they knew they could "ration" the revolution by holding the opposition hostage to the threat of revealing what I call "skeletons" in the opposition's "closet."[28]

The communists' decision to initiate negotiations may be considered a signal of infiltration, and I use a signaling game to formally explore when it does and when it does not make sense for the communists to negotiate. The intuition that the autocrats can exploit the opposition's uncertainty about the skeletons in its closet as a TJ deterrent lies at the heart of this signaling game. I show how the opposition could assess the extent of infiltration from the autocrats' actions. Of course the communists' signal may be noisy. Employing the terminology of "signals" and "noisiness" only as a metaphor would be sufficient to convey the intuition of the skeletons in the closet. But the analytic narrative framework offers a means for distinguishing when the communists were merely bluffing in offering to negotiate transitions from when they were conveying information about the extent to which the opposition had been infiltrated.

Transition with Secret Information Game

In its canonical form, a signaling model has two players: a Sender and a Receiver. The Sender has private information that the Receiver does not, and this affects the payoffs to both players. Through his choice of action, the Sender can pass some of this information to the Receiver. In response, the Receiver elects an action. Equilibria in signaling games (usually Perfect Bayesian Eqilibria) have two parts: the strategy profile and the Receiver's beliefs about the Sender's "type." In one important class of equilibria, separating equilibria, Senders condition their actions on the type of private information they have. This way, the Sender reveals some information and the Receiver updates his a priori beliefs to a posteriori status and then meaningfully conditions his actions on

[27] Interviews 2004: PL2. (The coding of the interviews is explained in Section IV.) Aleksander Kwasniewski was a leading negotiator on the communists' side; in 1995 he became Poland's president.
[28] Dudek 2004.

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this information. In the other important class of equilibria, known as pooling equilibria, different types of Senders choose the same action. Such messages convey no information to the Receiver, whose a posteriori beliefs remain unchanged.

The Transition with Secret Information (skeletons) game is a signaling game where the autocrats (*A*) are the Sender and the Receiver is the opposition (*O*). The private information is the level of infiltration, *i* in *[0,1],* where *i=1* represents the highest level of infiltration of the opposition (and the lowest level of infiltration among the autocrats), while *i=0* represents the lowest level of infiltration of the opposition (and the greatest degree of infiltration among the autocrats). Here, "infiltration" represents how collaborators are distributed across political players. A highly infiltrated opposition is an opposition that—relative to the autocrats—has many collaborators. Thus, the opposition would want to engage in TJ only if it is less infiltrated with collaborators than are the autocrats. The autocrats in that case would prefer to avoid TJ. They would want lustration only if the opposition is more infiltrated than they are. Although the autocrats do not decide whether or not lustration takes place, they know the value of *i*. The opposition is uncertain about the parameter *i* and knows only that *i* is distributed according to some density function, *f[0,1].* I assume that *i* has a uniform distribution, *i~u[0,1*], that is, the opposition is completely ignorant.[29] The game is shown in Figure 2.

In stage 1, Nature determines the level of infiltration, i. The autocrats observe the exact level of i and, in stage 2, choose which of the two messages to send: initiate roundtable negotiations with the opposition (*Negotiate*) or continue in office (*Status Quo*). If the autocrats choose not to negotiate with the opposition, the game ends and the autocrats and the opposition receive their reversion payoffs, N_A and N_O, respectively. Initiation of negotiations is equivalent to proposing an exchange of amnesty for power sharing. In stage 3, after observing the autocrats' action, the opposition updates its beliefs regarding its infiltration level and chooses one of two actions: it can keep or renege on its promise. The opposition's acceptance of the terms of negotiation is equivalent to their agreement to promise amnesty. When the opposition reneges, the game ends with the payoffs of *i* for the autocrats and *1-i* for the opposition. Note that the value of *i* determines the payoffs of both the autocrats and the opposition. However, the autocrats know

[29] In reality, dissidents had very sparse information about the contents of the secret police files and even the discovery of the extent of infiltration after the transition is difficult without formally passing a lustration law. See Nalepa 2010.

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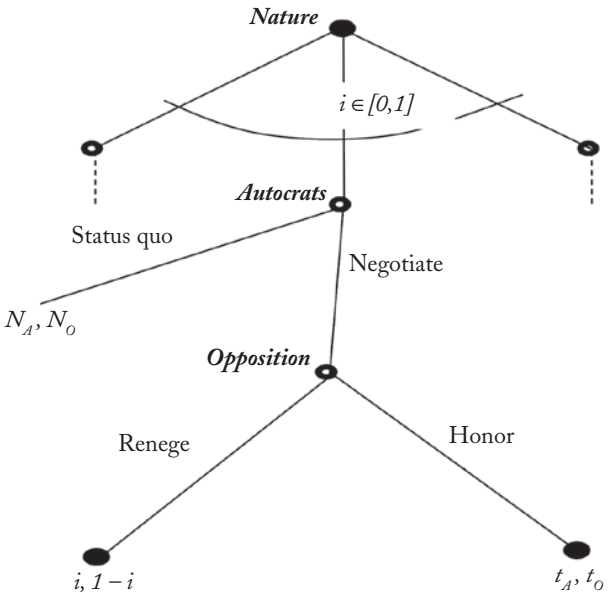


FIGURE 2
TRANSITION WITH SECRET INFORMATION GAME

with certainty how *i* will affect their payoffs if the opposition reneges, whereas the opposition does not. Finally, if the opposition honors the agreement, the payoffs are t_A and t_O, for the autocrats and the opposition, respectively. I assume that $0 \leq N_A < t_A \leq 1$ and $0 \leq N_O < t_O \leq 1$. There are no constraints on *i*, which can take up any value between *0* and *1*. However, if the game ends with the opposition reneging, payoffs depend on the value of *i*, just as they depend on the values of the parameters of the model.

If TJ is adopted, the more infiltrated the opposition is, the better it is for the autocrats (their payoff in such a case is *i*). Lustrating a relatively more infiltrated opposition makes more seats available to the autocrats and limits their political losses. At the same time, for the opposition greater infiltration within its ranks translates into fewer legislative seats. Thus, their payoff from reneging is decreasing in *i*. When infiltration is high (that is, *i* is close to *1)*, this outcome might be even better for autocrats than a transition with amnesty ($t_A < i$). The opposition prefers TJ when it is not implicated by the files (that is, when $t_O < 1-i$).[30] In this

[30] To be sure, the possibility exists that innocent party members may elect to pursue lustration to eliminate intraparty competition and advance in their own party. But such behavior is risky in the context of party systems characterized by strong party discipline. Under proportional electoral

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case, the autocrats are relatively more infiltrated, so there are more seats available for the opposition.[31] The worst outcome for the opposition is not being invited to roundtable negotiations at all ($N_O < t_O$).

Results

I present two results that characterize certain properties of the Perfect Bayesian Equilibria.[32] Proposition 1 describes the necessary conditions for the autocrats to initiate negotiations regardless of the level of infiltration. Proposition 2 describes the necessary condition for the autocrats to condition their action on the observed level of infiltration.

> —Proposition 1. If transition without transitional justice is considerably more attractive for the opposition, that is, $t_O \geq ½$, there exists a pooling Perfect Bayesian Equilibrium in which the autocrats step down from power regardless of the level of infiltration and the opposition honors the promise of amnesty.

From proposition 1 we learn that the autocrats' initiation of negotiations does not mean that the opposition updates its beliefs about the extent of infiltration. Since this is a pooling equilibrium, the opposition's posterior beliefs supporting it are the same as its prior beliefs.[33] In the separating equilibrium described below, the opposition is able to learn about infiltration levels from the autocrats' action. This process of learning is referred to as "updating beliefs."

> —Proposition 2. If the autocrats' payoff from continuing the status quo is large, that is, $1-2t_O < N_A$, there exists a separating Perfect Bayesian Equilibrium in which the autocrats condition their action of initiating the transition on the observed level of infiltration (that is, they negotiate only if the observed level of infiltration i is at least as high as the critical level i^*, where $i^* = 1-2t_O$). The opposition plays a mixed strategy, reneging on the amnesty promise with prob-

institutions, even open-list PR, attempts to exploit lustration by innocent backbenchers can backfire. Being a member of a party with a reputation of collaborators will make it more difficult for *all* of its members to win office, especially those located toward the end of the electoral list.

[31] Importantly, the disclosure of collaboration could potentially have more damaging consequences for the opposition than for the autocrats because the electorate did not expect them to have worked with the secret police.

[32] In this presentation I omit posterior beliefs of the Sender. Complete characterizations of the equilibria along with their derivations are provided in the mathematical appendix.

[33] A definition of PBE requires specifying the beliefs of the Receiver (here, the opposition) that support playing equilibrium strategies. The opposition's beliefs are given by $Pr(i|Negotiate) \sim u[0,1]$. This means that if the opposition observes that the autocrats negotiate, their beliefs are such that they are uniformly distributed on the $[0,1]$ interval. We also have to specify the opposition's beliefs off the equilibrium path, that is, what the opposition would believe, if—contrary to equilibrium behavior—it observed SQ. Since the PBE does not require beliefs to be sequentially rational, we let $Pr(i|SQ) \sim u[0,1-t_O]$. Note that these beliefs are inconsequential, since the opposition does not have a chance to take an action in the event that the autocrats play SQ. Hence, in the remainder of this article I omit specifying the beliefs at the history SQ.

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ability q and honoring the promise of amnesty with probability $1-q$, where $q = (t_A - N_A)/(2t_O + t_A - 1)$.[34]

The value of i^* from proposition 2 defines the condition that must be satisfied before the opposition can learn something about its infiltration relative to the communists. The condition relates the payoffs of autocrats to the payoffs of the opposition. This is because i^* represents the opposition's indifference condition $(E(i|Negotiate) = ((i^*+1)/2)$ or $i^* = 1-2t_O)$. In equilibrium, the autocrats' indifference condition, defined by $q = ((N_A - t_A)/(i^*-t_A))$, has to be satisfied as well. The two conditions can be combined into one, as I show in the mathematical appendix, where I also specify the opposition's beliefs supporting the Perfect Bayesian Equilibria (PBE) and carry out comparative statics of the equilibrium conditions.

The most important empirical implication of solving this model is that all outcomes of the skeletons game may become PBE outcomes for different parameter values. Another general result is that there exists no separating PBE in which the opposition uses pure strategies.

To understand the rationale behind the result that no separating equilibrium with pure strategies can be sustained, suppose the opposition played the pure strategy of always honoring the promise. The autocrats would then have an incentive to bluff and initiate negotiations even when levels of infiltration are low. But the opposition can foresee the communists' incentive to bluff. Thus, such a signal cannot be credible, and the opposition must therefore play a mixed strategy that makes the autocrats indifferent between the status quo and initiating negotiations. (This is possible because the payoffs from honoring do not depend on i.) Rational foresight by the opposition eliminates cases where the opposition is not particularly infiltrated. But because the opposition does not know this, it reads the autocrats' offer to negotiate as a signal that it does have skeletons in its closet—even though it does not. Although it would be in the autocrats' interest to bluff the opposition into thinking it is compromised, the opposition can foresee this and plays a mixed strategy to dissuade the autocrats from sending a false message.

The skeletons model comprises a family of games with three parameters defining payoffs:

[34] The opposition's posterior beliefs supporting this equilibrium are defined as $Pr(i|Negotiate) \sim u[i^*,1]$; that is, if the opposition observes that the autocrats negotiate, it knows that their level of infiltration is at least i*.

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1. How infiltrated is the opposition with secret collaborators (parameter i)?
2. How tolerant is the opposition of a transition with amnesty (parameter t_O)?
3. How feasible is it for the autocrats to initiate negotiations (parameter N_A)?

Two of these variables—N_A and t_O—parameterize the family of games. The payoffs are functions of these parameters and also of a random variable i, the level of infiltration. Although equilibrium strategies depend on only two parameters, the equilibrium outcomes depend on the three parameters: N_A, t_O, and i. In the empirical part of the analytic narrative, I rely on elite interviews to assess the values of all three of these parameters.

Significantly, infiltration represents the degree to which collaborators are distributed across different parties. Parties vary not only by the extent to which they are infiltrated but also in their access to information about infiltration. The postcommunists may be highly infiltrated or they may have few collaborators, but unlike to the opposition they *know* this to be the case.

Selection of Players in the Skeletons Model

There is also an important group of political actors that is not included in the skeletons model because they did not appear on the political scene until much later after the transition: the Anticommunists.[35] Anticommunists have no skeletons in their closet and they know it. This puts them in a privileged position compared to the postcommunists and the liberal opposition. Anticommunists are left out of the skeletons model because, during negotiations, the communists did not anticipate the subsequent fragmentation of the opposition that developed as the party system evolved. One of the leading negotiators for the communist government at the roundtable offered the following observation about the communists' "biggest mistake during the negotiations":

[35] Another group of players excluded from the model are voters. The purported mechanism of skeletons in the closet implies that there will be some sort of electoral penalty to opposition parties if they are revealed to have served as collaborators. Yet voters are not explicitly modeled. I omitted voters out of concern for the model's parsimony and because evidence from extant survey research (CBOS 1999, 2001, and 2002; Gibson 1998; Hungarian Gallup Institute Poll 2002; Miller, White, and Heywood 1998; MVK 2005; and PGSW 2000) suggests that preferences for lustration are not likely to guide voters' electoral decisions. Considerably more salient for these decisions are economic policy, foreign policy (relations with the EU), and social welfare. Voters may withdraw their support for candidates whose collaboration has been exposed, especially when such candidates are former dissidents. But they will not reward or punish a party based on its ability to deliver a lustration policy. See Nalepa 2010 for a more extensive argument of voters' interest in transitional justice in East and Central Europe.

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> We lacked political imagination. We couldn't see that, at some point, the [anticommunist] right would come to power and hold us accountable for the past. At the time, we thought we were talking with the representatives of the opposition, but really we had no way of knowing whether or not we were negotiating with the representatives of this 10 million–person trade union. Solidarity, in the meantime, was playing its own game.[36]

Because an important step for evaluating analytic narratives is addressing the question, "Do the assumptions fit the facts as they are known?"[37] these elite interviews validate one of the most important assumptions of the model—that the opposition's preferences for TJ were shaped by its beliefs about its infiltration. Another elite's opinion lends further support to this point:

> It would be naïve to think that lustration hurts only communists … agents were everywhere. I would expect a lot more of them among the dissidents, because if you were to infiltrate anyone, why would the communists infiltrate themselves? They needed snitches in churches and dissident circles, not amongst themselves. That's where the collaborators are.[38]

> When I first heard that the files contain our own [the opposition's] people, I felt offended, but at that time, I had no idea how many collaborators there were. Kozlowski knew, after he had seen the files, but he never told us anything, thinking that he was bound by a state secret. I never supported the ideas of Antoni Macierewicz, but it is only now [after lists of collaborators have been released] that I see how infiltrated we were.[39]

> The Post-Solidarity left had most to lose from lustration and that's why it avoided it.[40]

IV. Country Studies

This research uses data from fieldwork involving face-to-face elite interviews that I conducted in Poland, Hungary, and the Czech Republic in 2004. These three countries are suitable for illustrating the skeletons model, for several reasons. First, all three countries experienced democratic transitions that were both final and nonviolent. Though dubbed "revolutions," their actual peaceful character earned the intentionally oxymoronic adjectives of "velvet" (Czechoslovakia), "self-limiting"

[36] Interviews 2004: PC1.
[37] Bates et al. 1998, 14.
[38] Interviews 2004: CN5.
[39] Interviews 2004: PL5. Krzysztof Kozlowski was a member of the liberal opposition and the first noncommunist interior minister in Poland; Antoni Macierewicz was an anticommunist and interior minister in one of the first posttransition cabinets and was commonly known for his preferences for very harsh TJ policies.
[40] Interviews 2004: PN2.

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(Poland), and "negotiated" (Hungary). Second, they exemplify different but clear combinations of the parameters defining the skeletons game. For instance, it is easy to argue for Poland and Hungary that the communists volunteered to negotiate with the opposition because they clearly could have stayed in power longer. Although the Polish and Hungarian negotiations were the first in the region, the Czechoslovak negotiation was among the last and as a result was more like a collapse than a pact. Hence, although it was possible to choose other countries in Eastern Europe or around the world that went through pacted transitions, they do not readily lend themselves to classification along the parameters that define our game. Moreover, first attempts at comparing theoretical predictions with reality should commence with cases that are easy to classify. If the model works with such cases, we can move on to more difficult instances. If it fails in the easy cases, we ought to end the inquiry and revisit the model altogether.

To estimate the parameters of interest, I interviewed 107 journalists, politicians, academics, justices, prosecutors, and attorneys in Poland, Hungary, and the Czech Republic. I attempted to sample members and sympathizers of three groups of political parties: postcommunists (reformed successors of communist authoritarian parties), the liberal opposition (dissidents who negotiated the transition to democracy in the roundtable talks), and anticommunists (dissidents who did not participate in roundtable negotiations). Democratization scholars model the opposition as consisting of two groups: moderates and radicals.[41] Oppositions in transitions tend to include groups that form strong alliances for overthrowing autocratic regimes, but these alliances then weaken or disintegrate completely after the regime transition. This article explains the opposition's status during negotiations and its behavior in regard to transitional justice in the immediate posttransition period. I do not formally distinguish among the opposition's actors. By 2004, however, when the elite interview data were collected, these differences had become more meaningful. Thus, when quoting from elite interviews, I use the following nomenclature: the first letter stands for the country: P= Poland, H= Hungary, and C= Czech Republic. The second letter represents affiliation: C= postcommunist, L= liberal opposition, A= anticommunist, and N=neutral).[42]

Despite the limitations to using qualitative data to measure concepts like infiltration with secret police informants, tolerance for transition

[41] Przeworski 1991; Kalyvas 2000.

[42] Nalepa 2010 contains a more systematic test of the skeletons argument using elite interview data.

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with amnesty, or the ability of autocrats to hold out longer, note that we have only three countries to compare. Thus, the measuring instrument can be simple. We do not really require cardinal measures, and ordinal measures are sufficient for rank ordering the cases, for instance, from most to least infiltrated.

Czechoslovakia

Asked about the nature of the Czech dissident organization, one famous dissident estimated:

> All in all, there were 1500 Charter '77 signatories; out of the 1500 at most 250 were active, less than 100 were very active.[43]

CL2 described a small opposition that was resistant to infiltration. Repercussions were harsh for those who dared oppose the Czechoslovakian regime. This kept resistance levels low. For example, in the aftermath of the Prague Spring, everyone suspected of revisionist activity was relegated to blue-collar jobs. Writers, professors, and artists were forced to work in coal mines and steel mills. Dissidents had their careers sidetracked and their educational opportunities blocked; this was part and parcel of the regime's demobilization of the Prague Spring movement. The fate of CA7 illustrates this phenomenon well. After participating in the Prague Spring, the communist authorities prevented her from graduating from high school. When asked why the roundtable negotiations were brief and superficial compared with the the negotiations in Poland or Hungary, she said that there was simply "no one the communists could strike a deal with" and offered it as a reason why lustration in Czechoslovakia took such a harsh turn.[44] The same people who had been put in charge of demobilizing the Prague Spring resistance remained in office for the next twenty years. Their attachment to communist ideals and methods of infiltration changed little over time.[45] Dissident groups that formed in the late 1970s avoided infiltration by staying small and maintaining a low profile. Consequently, the communists had no available insurance from transitional justice.

[43] Interviews 2004: CL2.

[44] Interviews: CA7.

[45] Ekiert 1996.This is not to suggest, though, that the Czechoslovak police remained *inactive* through the remainder of the communist era. Prague Spring had begun as a revisionist movement within the Communist Party of Czchosolovakia by members who wanted to liberalize the party and make it more open. Thus, after the Prague Spring was demobilized, the Czechoslovak police focused their efforts on identifying collaborators in the communist party itself who could provide information on other members who were inclined to liberalize it; Ekiert 1996.

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Few within the opposition were willing to negotiate transition with the communists, as described by CA7 and CL2, suggesting that there were not enough dissidents with skeletons in their closet to serve as insurance against TJ.

This lack of infiltration of the opposition led to the communists' precipitous downfall. In November 1989, five months after the first noncommunist cabinet had formed in Poland and two months after the Hungarian communists had agreed to fully democratic elections, mass protests marked the beginning of the Velvet Revolution. When the communists finally invited the opposition to negotiate the conditions for regime transition, hardly anything remained to be negotiated.[46]

The roundtable negotiations began extremely late and were very brief, lasting only from November 26 to December 9, 1989. Some scholars refuse to recognize the Czechoslovak transition as a negotiated one and prefer to describe it as "regime implosion."[47] This accords with the results described in proposition 2. If the opposition is not highly infiltrated with secret police informers, the autocrats do not initiate negotiations because the expected consequences of doing so are too costly once the opposition assumes control and embarks on lustration. The opposition, by contrast, is better off simply waiting for the regime to implode. In line with this prediction, the Czechoslovak dissidents stepped up their demands and extracted from the communists not only concessions for free elections but also immediate co-optation of members of the dissident Civic Forum to participate in the transitory transitional government.

When, however, the opposition insisted that it be given oversight of the secret police files, the new (but still communist) prime minister remarked that "if a non-communist became Interior Minister, mid-level bureaucrats in the ministry might offer passive or even active resistance."[48] To buttress their weak bargaining position, the communists eagerly advanced the possibility of "international repercussions," a euphemism for the threat of Soviet intervention.[49] But by December 1989 these threats lacked any credibility. Mikhail Gorbachev had informally conceded German unification and had already given the famous Strasbourg speech on the "common European home." Thus, the communists' demands were flatly unrealistic. Moreover, they had no leverage to extract promises of amnesty. When the Czechoslovak

[46] Calda 1996.
[47] Kitschelt 1999.
[48] Calda 1996, 159.
[49] Calda 1996, 159.

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communists attempted to negotiate the terms of transition, the opposition was not receptive to the proposals.

Lustration in Czechoslovakia started in the spring of 1990, *before* the first free elections. The new interior minister, Rychard Sacher, verified the information contained in the secret police files on members of parliament. This vetting process was not authorized by any specific law or formal guidelines. All political parties succumbed to this internal lustration process by removing from their lists candidates whose files suggested that they had been collaborators. Eventually, the tacit agreement on internal lustration between party leaders broke down over a scandal involving Roman Bartoncik, leader of the People's Party.

Promptly following the elections, won by the dissident Civic Forum,[50] an ad hoc committee was appointed to investigate violence against participants in the Velvet Revolution. The committee had been granted access to the secret police files. But after completing its investigations, chairman Petr Toman refused to resign and proceeded to examine the files on MPs, cabinet members, local branches of government, and academic institutions.

The circumstances were ripe for a formal lustration law. After heated debates, the parliament passed a bill requiring more than four hundred thousand people seeking or then currently holding managerial positions in the public sector to apply to the Interior Ministry for a lustration certificate. The ministry granted a positive certificate only if a person's name did not appear in the register of persons working with the secret police. The law, initially implemented for five years, was twice renewed—in 1996 and, again, in 2001.

As if the stringent lustration law combined with decommunization were not enough, in August 2001 the Senate passed a law declassifying all files kept by the former secret service of the communist era. By March 20, 2003, the bill was fully implemented, and the entire register of former collaborators was published on the Web site of the Ministry of the Interior. The list identified 75,000 spies, revealing that approximately one in every 130 Czechs had worked with the secret police.

Czechoslovakia was the first country in the region to adopt lustration. It covered almost 5 percent of the population. Because the outgoing communists had no negotiating power, that is, no skeletons in the opposition's closet, there was little they could do to shield themselves

[50] The Civic Forum (Obcanske Forum) was an umbrella organization of all political groups opposed to the communists that was created at the outset of the Velvet revolution, participated in the roundtable negotiations, and continued to exist up to the first free elections in June 1990.

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from TJ. Thus, they had no incentives to initiate negotiating the terms of transition to democracy with the dissidents, who preferred to wait for the regime's implosion. Once it did, the former dissidents passed a series of lustration, decommunization, and declassification procedures.

Poland and Hungary

Poland and Hungary, in marked contrast to the Czech Republic, exemplify countries where former autocrats successfully insured themselves against TJ and were able to continue their political careers under democratic conditions. The interviews with elites from these countries demonstrate that both the structure of dissident organizations and the tactics that the secret police employed to combat them resulted in considerable infiltration of the opposition. Knowing this, the communists initiated negotiations with the dissident movements. Dissidents, uncertain about their skeletons, were dissuaded from engaging in lustration. The communists successfully threatened that if the secret police files were opened, the dissidents may be the first to be implicated. In other words, collaborators among the Polish and Hungarian dissidents—their skeletons—gave communists the requisite insurance that promises of refraining from lustration would be kept.

POLAND

One former underground publisher remarked, "[T]he opposition in Poland was so numerous that it must have had more secret police agents in its ranks than there were oppositionists in the remaining countries of the communist bloc all taken together!"[51] Solidarity, the first independent trade union in the Soviet bloc, was legalized in 1980 after a series of nationwide strikes. At the height of its popularity, the trade union had more than nine million members, nearly four times more than the communist party organization (Polish United Workers' Party, PZPR). After Solidarity was legalized, there was a proliferation of other civic associations, which brought in millions of additional members. But this outburst of civic expression came to a dramatic finale when martial law was declared on December 13, 1981. The military crackdown began with a wave of arrests extending to the broad leadership of Solidarity. By July 1983, when the government was forced to announce an amnesty to free up prison space, the total number of people arrested for political offenses had reached 4,790.[52] The arrests, however, were

[51] Interviews 2004: PA3
[52] Ekiert 1996, 272.

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not intended merely to intimidate Solidarity and its supporters. In a letter to the prime minister, the communist press secretary, Jerzy Urban, warned that Solidarity "was impossible to contain" and suggested "introducing martial law to destroy its network."[53] A plan was sketched out according to which thousands of Solidarity members would be temporarily arrested. While under arrest, the secret police would use threats to recruit them as collaborators. None of these threats would actually be carried out, but the ruse would identify prospective agents. Targets who acted "tough" were unlikely to collaborate, so they were left alone and never sanctioned.[54] The operation was successful, and Solidarity was infiltrated with 1,597 informers.[55] The results of this strategy critically improved the communist government's position at the roundtable negotiations. One archivist even remarked, "[T]he secret police organized the roundtable negotiations. The Communists promised not to come back to power in return for lack of transitional justice. The files of secret agents who had been Solidarity members were the guarantor of the promise. The contract was of the sort *we have something on you and you've got something on us.*"[56]

Although this archivist's observation is exaggerated and should not be taken at face value, the magnitude of the opposition's infiltration is corroborated by further evidence from the aftermath of the transition. One libertarian NGO president recalled the so-called Historical Commission, which surveyed the archives of the secret police in 1990. He pointed out that one of its members, Adam Michnik, later became a staunch opponent of opening the files in any form or of carrying out lustration, though he never described what he found in the files.[57] Indeed, shortly after the Historical Commission had surveyed the contents of the former secret police archives, Michnik's newspaper, *Gazeta Wyborcza,* started advocating restraint in TJ. Prominent dissidents complained that *Gazeta Wyborcza* refused to publish articles supporting TJ.[58]

The first noncommunist government was led by Tadeusz Mazowiecki. It was formed by the dissidents who had negotiated the transition at the roundtable and relied on *Gazeta Wyborcza* for support. While the Polish public held protests in front of former communist secret police headquarters demanding the dismantling of the authoritarian

[53] Urban 1983
[54] Interviews 2004: PA12.
[55] Cenkiewicz 2004, 450–51.
[56] Interviews 2004: PN11.
[57] Interviews 2004: PN8.
[58] Interviews 2004: PL16.

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party and the public release of the secret police files,[59] the Mazowiecki administration pulled its TJ punches. Even strongholds of secret police recruitment, the military and the foreign service, remained intact. An attorney and former dissident commented in his interview that "Kozlowski [the first noncommunist interior minister] and his circle—the Solidarity left—knew well what was in the files."[60]

Anticommunist parties—not associated with Mazowiecki's Democratic Union (UD) party—were just as keen on enacting a lustration law as the Polish public. In 1991 Mazowiecki's cabinet was replaced with a center-right coalition. In May 1992 the new coalition proposed and passed a lustration resolution. Subsequently, the UD brought down the entire cabinet in a no-confidence vote, ostensibly to prevent lustration. Shortly afterward six lustration proposals were submitted to parliament. UD moved to reject four of them and sent the remaining two back to committee. During those debates, the UD campaigned tirelessly against lustration, arguing that most of the evidence was destroyed and the remaining files could have been fabricated. Anticommunists, less concerned with infiltration, complained, "they should have acted more decisively—outlawed PZPR, taken over control of the enforcement apparatus, arrested a few secret police chiefs and communist party leaders, unsealed the archives of the central committee and those of the Defense and Internal Affairs Ministries. That might have stopped the process of the *nomenklatura*'s appropriation." A fully operational lustration law was not implemented until 2007.[61]

In sum, the legacy of martial law left Poland's opposition parties highly infiltrated. On the one hand, the communists' massive 1981 crackdown on Solidarity depressed the opposition's willingness to extend amnesty to Poland's authoritarian oppressors. On the other hand, the communists' successful strategy of using the martial law arrests to infiltrate the opposition made some former dissidents pull their TJ punches because they feared that a widespread lustration might reveal skeletons in their own closet. In this situation, the skeletons model predicts that the autocrats will initiate negotiations confident that they have achieved a sufficiently high level of infiltration within the opposition. For its part, the opposition, after having updated its beliefs about the level of infiltration, with high probability is expected to honor its promise of amnesty and therefore to refrain from lustration.

[59] Dudek 2004.
[60] Interviews 2004: PN10.
[61] Kaczynski, Bichniewicz, and Rudnicki 1993.

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HUNGARY

Whereas Poland's experiences of confrontation between civil society and the oppressive state were the most recent in the region, Hungary's were one of the first. Hungary experienced a full-scale uprising of the people in support of reform-minded communist Imre Nagy. The Hungarian military and enforcement apparatus were too weak and not particularly willing to take any decisive steps against the revolutionaries. The hard-line communists, therefore, called on Soviet troops stationed in and near Hungary for help, but even they failed to end the uprising. Between October 24 and November 4, 1956, insurgents controlled Hungary, creating seventy parties and associations and registering eighteen of them. Communist rule was not reestablished until Janos Kadar asked the Soviet Union for reinforcement troops. Ekiert cites the most recent Soviet sources disclosing that the second Soviet intervention killed some four thousand Hungarians and wounded another thirteen thousand.[62] In addition, more than 193,000 refugees escaped to Austria and Yugoslavia before Hungary successfully resealed its borders.[63]

Kadar believed that "in order for society to be crushed it also had to be bribed."[64] After dismantling what remained of the revolutionary institutions, Kadar reverted to mild Khrushchevite policies, and by the late-1960s Hungary was the "merriest barrack in the communist camp,"[65] with membership in the Hungarian Socialist Workers Party (MSzMP) exceeding eight hundred thousand members. This is a remarkably high figure for a country with a population of just over ten million. Under "Goulash communism," Hungarians were wealthy and could even travel abroad.[66] It is therefore not surprising that until the 1980s, participation in the opposition was an elite enterprise.[67] The opposition was fairly small and concentrated in the intelligentsia of Budapest. Because participating required a recommendation from an inside member, the secret police had great difficulty infiltrating the opposition.

After the democratic transition the two opposition parties that grew out of the Budapest resistance—Alliance of Free Democrats (SzDSz) and Alliance of Young Democrats (FiDeSz)—became keen supporters

[62] Ekiert 1996, 79.
[63] By comparison, only 669 Soviet troops were killed and a further 1,495 wounded.
[64] Heller and Fehér 1986.
[65] Interviews 2004: HL1.
[66] Ekiert 1996, 79.
[67] Wittenberg 2006.

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of lustration, but they were not sufficiently popular to win enough seats in the first legislative elections to have decision-making powers.

The elections were won instead by the far more popular Hungarian Democratic Forum (MDF). Its leaders had maintained close ties with soft-liner communists from the MSzMP. In 1998 MDF was allowed to register as a legal but ideologically neutral organization. Even though MDF registered as a grassroots movement rather than as a political party, it still gained considerably greater name recognition than the Budapest-based dissidents. MDF activists lacked experience in opposition movements, so they were easy targets for the secret police to recruit as collaborators.[68] MDF also became a natural partner with which the communist reformers could negotiate the transition.

The Hungarian roundtable negotiations took place between June and September 1989. They comprised two independent roundtables. First, there was the opposition table EKA (*Elenzeki Kerekasztal*), created in response to the communists' attempts to conduct separate negotiations with each dissident group. Second, there were the national roundtable talks that brought together the opposition and the communist party, MSzMP.

Unlike the communist parties in Poland and Czechoslovakia, the MSzMP was more pluralist and involved numerous groups of soft-liners. The most influential one, the Reformist Circle, was led by Imre Pozgay and Miklos Nemeth. It was known for its close ties to the MDF. Although close in policy preferences, the MDF and Pozgay's reformist circle had unequal access to secret police information. To a large extent the communists controlled the secret police. Until almost the first free elections, the secret police monitored opposition activity through its agents and the secret police shared its findings with the communist negotiators. The communists used this information strategically both before and after the roundtables. They were able, for instance, to pressure the KDNP and MDF to act as their advocates on the floor of EKA against the more radical opposition groups—FiDeSz and SzDSz.

Groups that capitulated to communist demands were more infiltrated than groups that adhered to a tough stance in the negotiations. Indeed, most interviewees indicated that young parties, such as FiDeSz, which grew out of the youth organization of SzDSz, were less infiltrated than MDF or the historical parties, like the Smallholders, SDP, and KDNP. Members of these parties had enjoyed decent careers within Kadar's communist state and were particularly suspected

[68] Interviews 2004: HA5 and HA2.

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of having links to the secret police.[69] When the first noncommunist cabinet was being formed, outgoing communist prime minister Miklos Nemeth handed the new MDF prime minister, Jozsef Antall, a list of former secret police collaborators from EKA parties. According to Nemeth's list, Antall's MDF was the most infiltrated of the opposition parties. MDF refrained from adopting lustration and effectively blocked a proposal put together by two SzDSz members. Imre Mecs, chairman of a special committee appointed in 2001 to investigate links of former cabinet members to the communist secret police, said that the reason MDF blocked the SzDSz's lustration proposals between 1990 and 1994 was that lustration would have caused the government to lose its majority support in parliament, so extensively was MDF infiltrated.[70]

But before the 1994 elections, Antall started selectively releasing secret police dossiers of ex-communists to prevent the electoral victory of the Hungarian Socialist Party (MSzP). Using lustration to damage the reputations of only a select group of ex-communist MPs was tricky because the communist party had technically escaped infiltration. Its members had provided communist authorities with the information without signing an official contract of consent. Any lustration law was likely to impact Antall's party and its coalition members more severely. But when MDF's electoral defeat became inevitable, it formed a coalition to pass a very harsh lustration law that covered not only politicians but also the media, as well as legal and academic circles—a total of twelve thousand people. To ensure that the law would affect the MSzP, collaboration was defined to include receiving periodic reports from the secret police. As a result, anyone who had held a cabinet post in one of the pretransition communist governments would be prevented from holding office. This included persons like Miklos Nemeth and other soft-liners from Pozgay's circle. By passing lustration, Antall, who was about to lose exclusive access to the secret files stored in the Interior Ministry, was hoping to dampen MSzP's electoral success. Lustration would also ensure that the files would be overseen by an agency independent of the, possibly postcommunist, government. The strategy backfired when the Constitutional Court struck down the lustration statute in December 1994. The decision came down after the MSzP had won an absolute majority in parliament. Hungary consequently had no properly working lustration law until 2001.[71]

[69] Interviews 2004: HA2, HA3, HA5, HL2.
[70] *Hungarian News Agency* (*MTI*), September 9, 2002
[71] Barrett, Hack, and Munkacsy 2007.

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Some scholars who have examined Hungary's resistance to lustration attribute it to vivid memories of the 1956 uprising.[72] This view can easily be reconciled with proposition 1: if the opposition fears that harsh retributive measures may provoke former communists, it tolerates transition with amnesty. Knowing of the opposition's openness to amnesty, outgoing autocrats step down regardless of the level of infiltration. However, infiltration of the MDF opposition and its coalition partners, as evidenced in the elite respondents and news reports, provides an alternative account of why Hungary has dealt with the past as it has; this explanation is consistent with proposition 2. In this equilibrium the autocrats initiate negotiations only if levels of infiltration exceed a certain threshold. The outcomes of the pooling equilibrium of proposition 1 and of the separating equilibrium of proposition 2 are very similar: following a negotiated transition, promises of amnesty are kept (in the case of proposition 2—kept with some probability). Hence, the results of the model are consistent with either interpretation of the Hungarian case: (1) the communists step down regardless of infiltration levels, knowing that the opposition is open to amnesty, or (2) the communists step down because the level of infiltration exceeds the threshold specified in the separating equilibrium and are penalized.

Discussion

Three case studies illustrate the skeletons model and allow us to link Poland, Hungary, and the Czech Republic with the specific equilibria characterized in the previous section. The equilibria described in propositions 1 and 2 are illustrated below as a function of the opposition's infiltration (i) and the opposition's tolerance for amnesty (t_O) under the assumption that $1-2t_O<N_A$. (See Figure 3 and Table 1.)

Poland had high levels of infiltration combined with a low tolerance for amnesty among its opposition (stemming from widespread experience with martial law that lasted until 1983). In addition, because it was the first among the roundtable negotiations in Eastern Europe, the communists were better positioned to refrain from stepping down. Under these circumstances, the model predicts a separating equilibrium in which the communists negotiate if the opposition's skeletons exceed the critical threshold. The opposition responds with a mixed strategy, implementing TJ with probability q and keeping promises of amnesty with probability $1-q$. The opposition is able to infer its level of infiltration from the fact that the communists initiated negotiations,

[72] See, for example, Halmai and Scheppele 1997.

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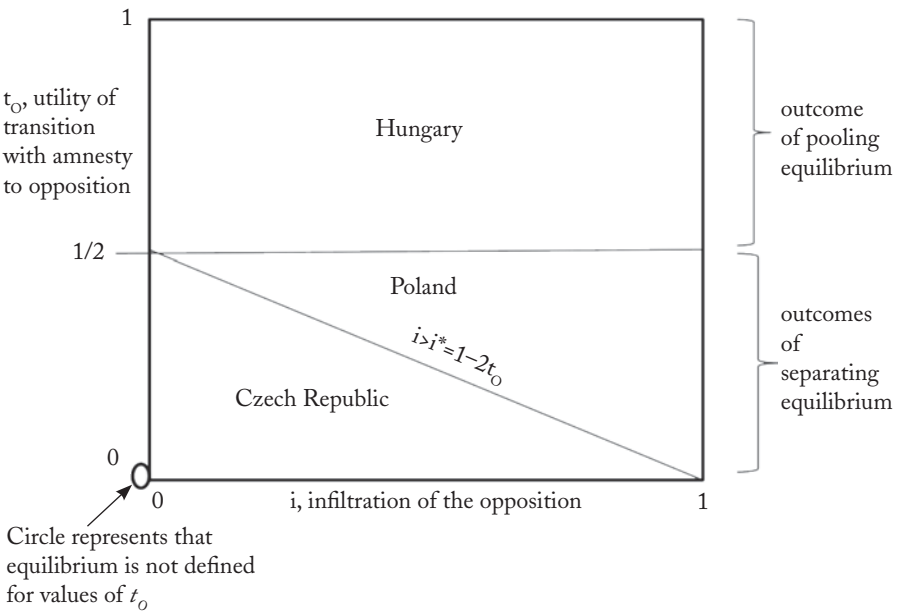


FIGURE 3
POOLING AND SEPARATING EQUILIBRIA AS A FUNCTION OF THE OPPOSITION'S INFILTRATION AND TOLERANCE FOR AMNESTY (t_O)

interpreting it as a signal of strong infiltration. This is consistent with the strong resistance to lustration developed by the main party negotiating the transition: UD and its media supporter, *Gazeta Wyborcza*.

The liberal opposition in Hungary was also heavily infiltrated but considerably more open to amnesty than the liberal opposition in Poland. I attribute this attitude to Hungary's having experienced crackdowns on dissident movements in a more distant past (1956) than had been the case with Poland. The communists' ability to stay in office without negotiating the transition was almost as strong as in Poland. Importantly, though, the Hungarian talks started approximately two months *after* the Polish roundtable, and the prospects of communist regimes throughout the Soviet bloc were deteriorating rapidly in 1989. Despite this difference in the parameters N_A and t_O, the prediction from proposition 2 may apply to both Poland and Hungary. In Hungary the high tolerance for a transition with amnesty (t_O) among the opposition is offset by the inability of the communist regime to hold out as long as the regime in Poland (N_A) did. Alternatively, if one takes Hungary's opposition to be highly tolerant of amnesty, the country could

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TABLE 1
SKELETONS PREDICTIONS AND OBSERVATIONS

	Infiltration, i	*Autocrats' Utility from Status Quo, N_A*	*Opposition's Tolerance for Amnesty, t_O*	*Predicted Outcome*	*Observed Outcome*
PL	high	high	low	negotiations; *q* chance of reneging on promise	negotiations; promises of amnesty kept
HU	high	med.	high	negotiations; promise of amnesty kept	negotiations; promises of amnesty kept
CZ	low	low	low	no negotiations	regime implosion

be an example of the pooling equilibrium described in proposition 1, in which the autocrats step down regardless of the level of infiltration. The equilibrium outcome in both contingencies is the same—a transition with no TJ.

Czechoslovakia illustrates the other outcome associated with proposition 2, in which autocrats do not initiate negotiations because infiltration is too low. In Czechoslovakia, transition with amnesty was not an attractive option for the opposition and infiltration was virtually nonexistent, sealing the communists' fate. In the equilibrium characterized in proposition 2, the communists do not initiate negotiations when infiltration is below a critical level. Eventually, the regime implodes. The opposition reads the lack of negotiations as a signal of not being infiltrated and can safely embark on a lustration campaign. In Czechoslovakia, although there was technically a roundtable, the communists' position was too weak for any meaningful bargaining to occur. To be sure, the skeletons game has equilibria other than the pooling and separating equilibria characterized in propositions 1 and 2. The latter involve pure strategies for the outgoing autocrats. They are sufficient in that they capture the puzzling observations outlined in the introduction—autocrats relinquishing power and dissidents maintaining their promises of amnesty.

V. CONCLUSIONS

In this article I have analyzed the puzzle of credible commitments in transitions to democracy. As a by-product, the explanation I present also

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illuminates why TJ will sometimes be significantly delayed, or at other times, avoided altogether. Thus, beyond helping explain the puzzling behavior of the opposition and autocrats in Eastern Europe, approaching this dilemma from the point of view of positive political theory offers a better understanding of the variation in the timing of transitional justice. Alternative explanations of the East European transitions are possible, and I will consider these now.

Alternative Explanations

A number of authors have formulated hypotheses about when one should expect TJ to take place. The most prevalent is Samuel Huntington's. In *The Third Wave* he contends that holding former autocrats accountable for their past wrongdoings should occur either in the immediate aftermath of the transition or not at all.[73] Bruce Ackerman, in *The Future of Liberal Revolution*, reaffirmed Huntington's recommendation.[74] Carlos Nino and Jon Elster have similarly argued that public support for dealing with past oppressors is strongest immediately after transition.[75] These attitudes are shaped by emotions such as revenge, which are usually short lived.[76] Following the transition other issues may become more pressing for the new government, thereby reducing demand for transitional justice.[77]

None of these hypotheses can account, however, for the variation appearing in the timing of TJ. Poland and Hungary did not adopt lustration immediately after they transitioned. This is consistent with the urgency hypothesis—transitional justice may get delayed if there are more pressing issues at hand. However, the urgency hypothesis cannot explain the Czechoslovak experience. That country confronted very similar urgent economic and political issues in the aftermath of its transition. Yet it did not delay lustration and instead adopted a law early.

There are also many theories accounting for the timing of TJ that have the status of "conventional wisdom" (as they cannot be readily attributed to any particular scholar). The first of these suggests that the brutality of human rights violations committed prior to the transition accounts for the urgency with which TJ was administered. For instance, the Czech communists were considerably more oppressive than their Polish, Hungarian, or Slovak counterparts. Anna Grzymała-Busse

[73] Huntington 1991.
[74] Ackerman 1992.
[75] Nino 1996; Elster 1998; Elster 2004.
[76] Elster 1999.
[77] Elster 2004.

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cites data according to which the purge carried out in the aftermath of the Prague Spring stripped 28 percent of the communist party of its membership. For many former communists, the purge resulted not only in the loss of affiliation with the communist party but also in the denial of employment and educational opportunities. Grzymała-Busse notes that the trend of harsh lustration policies continued well into the 1980s. She quotes KSC leader Milos Jakes, who in 1989 "argued that any attempt to come to terms with the events of 1968 would cause the party to fall apart."[78] Grzegorz Ekiert supports this view, noting that the Prague Spring movement failed to engage the broad organizational and social resources that would withstand the communist crackdown on the freedom movement. He adds that the Prague Spring transpired in the least favorable international context with "the most conservative Kremlin since Stalin."[79] Any traces of civil society that were born of the Prague movement were left to whither away, unnourished. Thus, one is tempted to conclude that the Czechs speedily embraced a TJ program because among all the countries considered here, their experience with communist oppression was the most brutal and inhumane. This alternative explanation would account for TJ timing by looking to the legacies of authoritarianism. The more inhumane and brutal the previous regime, the stronger the population's later desire for retribution. But this explanation, too, leaves unresolved the credible commitment problem: why would the opposition not exploit the communists' weakness *after* they had yielded power? Even if the Polish and Hungarian communists were less guilty of human rights violations, the opposition still retained a stake in lustration. If the opposition were not infiltrated, it would improve its electoral prospects by implementing lustration. Additionally, although this alternative explanation may justify the opposition's behavior, the infiltration story provides a more general explanation not only for the opposition's behavior but also for the communists' actions.

A related alternative explanation for these events is that the Czech communists knew that little could be done to avoid retribution, so they had no incentive to initiate roundtable negotiations. From this perspective, the early regime transitions in Eastern Europe were negotiations but all the subsequent ones were actually collapses. And while lustration followed the collapses almost immediately, it lagged behind the genuine negotiations. In this alternative explanation, the critical difference

[78] Grzymała-Busse 2002, 35.
[79] Ekiert 1996, 311.

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explaining the presence or absence of lustration is not the presence or absence of skeletons but whether the communists were meaningfully negotiating from a position of power or already collapsing. Moreover, because the ancien régime's position is closely related to the opposition's relative strength, the Czech opposition may have felt more secure in its demands than, for instance, Solidarity did. Therefore, the opposition's feeling of security may be more important than its perceptions of infiltration to explain why the Czech opposition came late to the transition game (that is, after the Polish and Hungarian communists had stepped down).

Slovakia's case undermines this explanation, though. Slovakia's transition was concurrent with the Czech transition, as both countries were part of the same federal union. However, a working lustration law was not adopted in Slovakia until 2002. Slovakia's lack of lustration, therefore, is not consistent with the pattern that latecomers to the transition had early lustration, while trailblazers adopted lustration later. In short, the alternative explanation relying on temporal order—just like the alternative explanation relying on authoritarian legacies—can account for only part of Eastern Europe's transition and dealings with the past. But they are not sufficiently general to explain the mode of transition, the resolution of the commitment problem, *and* the timing of lustration. In contrast, the skeletons model does offer such a general explanation.

Critics of the analytic narratives approach have pointed out that "even with explicit and logically rigorous accounts, multiple explanations will persist, and if they are observationally equivalent, we may not be able to choose among them." But as Avener Greif responds, the better theory is the one that accounts for what we knew from previously existing theories *as well as* for the observations for which those other theories cannot account.[78] The skeletons model meets this test because it subsumes the story of the mode of transition from the prior literature and then goes further. For instance, in the Czechoslovak case it tells us not only why the regime imploded but also why it was followed by transitional justice.

Limiting Conditions

Finally, the limiting conditions of the skeletons model should be considered. According to Barbara Geddes, explanations for pacts made in transitions from single-party authoritarian regimes cannot extend to

[80] Greif 1998.

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other types of authoritarianisms, such as military juntas or personalistic dictatorships.[81] Either the overthrow of personalistic dictatorships is not accompanied by agreements (because the dictator remains in power until the bitter end) or amnesty is guaranteed by third parties. And in military regimes, the problem of credible commitments is irrelevant, because the agreement is enforceable by the outgoing autocrats who retain enough control over the military to render it too risky for the incoming opposition to breach agreements. The Polish, Hungarian, and particularly the Czechoslovakian communists lacked control over the military. The Soviet Union had previously acted as the military backup for communist threats. But it crumbled once Gorbachev publicly asserted that the Brezhnev doctrine was no longer in effect.[82]

The skeletons model is a general theory that explains why authoritarian governments would negotiate conditions of transitioning to democracy with the opposition when (1) they are not strictly forced out of power *and* (2) there are no institutional guarantees of amnesty following such a transition. This article sets the model in the context of Eastern Europe, where the opposition stood to benefit from disenfranchising the autocrats. Where former autocrats cannot compete for political office, more seats are available for the opposition. Thus, the opposition should have reneged on promises of amnesty. Surprisingly, it did not. The key to understanding the relationship between transitions and transitional justice in Eastern Europe lies in the fact that the most easily accessible form of TJ—lustration—had the potential to disenfranchise not only the outgoing autocrats but also the members of the former opposition. The communists knew more about skeletons in the opposition's closet (the extent of its infiltration with former collaborators) than the opposition itself did. This gave communists an informational advantage about how lustration would affect both parties. These skeletons gave the communists leverage in the bargaining process over democratization and insurance against lustration in the aftermath of the transition. The Czechoslovakian opposition had no reason to suspect that it had been infiltrated by secret police collaborators. As a result, there were no negotiations, the regime imploded, and extensive lustration followed. In Poland and Hungary, where the oppositions were potentially infiltrated, skeletons enabled pacted transitions and shielded the communists from lustration.

[81] Geddes 1999; Geddes 2002.
[82] Kramer 1990.

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Mathematical Appendix

Definition

Formally, the *Transitions with Secret Information* game is defined by:

$N = \{A, O\}$ the set of players, where *O*, the opposition, is the receiver and *A*, the autocrats, are the sender, who has private information about the parameter *i* affecting *O* and *A*'s payoffs;

$i \sim u[0,1]$ is *A*'s private information about infiltration levels; *O* knows that *i* is uniformly distributed;

$E(i)$ is the expected value of *i* based on *O*'s prior belief about the distribution of *i*

$\mu(i \mid m)$ is *O*'s posterior belief about *i* after having observed *A*'s action, *m*

M :[0,1] → {*Negotiate, SQ*} is the set of *A*'s strategies;

R:{*Negotiate, SQ*} → {*renege, honor*} → {*renege, honor*} is the set of *O*'s strategies;

N_A , N_O represent payoffs to *A* and *O*, respectively, associated with the status quo;

t_A , t_O represent payoffs to *A* and *O*, respectively, associated with *A*'s action to negotiate and *O*'s action to honor;

i, *1-i* represent payoffs to *A* and *O*, respectively, associated with *A*'s action to negotiate and *O*'s action to renege;

I assume that the relationships between the parameters of the model are as follows:

$$1 \geq t_A > N_A \geq 0\,,$$
$$1 \geq t_O > N_O \geq 0$$

The appropriate solution concept for solving this game is Perfect Bayesian Equilibrium (PBE). To find the PBE , (r^*, m^*, $\mu(i \mid m)$ we need to characterize a best response of *A*, $BR_A(i, r^*(m^*))$; a best response of response of *O*, $BR_O(m(i, r^*))$; and *O*'s posterior beliefs, $\mu(i \mid m)$; consistent with the strategies of *O* and *A*. There are two general classes of equilibria in signalling games: pooling (in which the receiver cannot update beliefs) and separating (in which such updating is possible).

Proposition 1

If $t_O \geq \frac{1}{2}$, (μ'; *Negotiate always; honor*) is a PBE, where μ' are the Opposition's beliefs defined by *Prob (i|Negotiate)~u[0,1]*.

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This proposition can be proved in three steps. First, note that given that $t_A > N_A$, A is playing its best response to *O*'s *honor*. Second, note that given A's strategy of *Negotiate always, O* cannot update its beliefs about *i* . Third, and finally, note that given these, beliefs, the expected payoff from reneging is ½ and $t_O \geq ½$ assures that *(μ*; Negotiate always; honor)* is PBE.

Note that only in very unique circumstances is there a pooling equilibrium in which the autocrats negotiate and the opposition plays a mixed strategy. To see this, recall that O's expected payoff from reneging is ½. In order for it to be optimal for the opposition to mix between *Honor* and *Renege*, we would have to have, $u_O(Honor) = u_O(Renege) = ½$. In order to find the probability with which the opposition can make the autocrats indifferent between *Negotiate* and *SQ*, we need $N_A = p\,½ + (1-p)\,t_A \Leftrightarrow t = \frac{N_A - t_A}{½ - t_A}$

The probability p is defined whenever the following conditions are satisfied: $t_A > ½ \geq N_A$

The above analysis immediately leads to this corollary:

If $t_O = ½$ and $t_A > ½ \geq N_A$, then $(\mu^*; Negotiate\ always; p)$ is PBE, where p= and μ' is defined as in *Proposition 1* above.

Thus apart from this generically nonexisting case, if the opposition plays a mixed strategy, this has to be in conjunction with a separating equilibrium, as described in proposition 2.

PROPOSITION 2

If $\frac{1-N_A}{2} < t_O < \frac{1}{2}$, *(μ**; Negotiate if i ≥i* =1–2t $_O$; q)* is PBE, where $q = (t_A - N_A)/(2t_O + t_A - 1)$ is the probability with which the opposition reneges on the amnesty promise, *1- q* is the probability it *honors* the promise, and *μ*** defined by *Pr(i|Negotiate)~u[i*,1]*, describes the opposition's posterior beliefs supporting this equilibrium.

If the opposition observes that the autocrats negotiate, it knows that their level of infiltration is at least *i**; if it does not, it knows its infiltration is lower than *i.**

We can immediately see that any separating equilibrium must involve the opposition playing a mixed strategy. To see this is the case, note, first, that knowing that *O* will choose *honor*, *A* would have an incentive to choose *always Negotiate* since $N_A < t_A$. But if this were the case, *O* can update its beliefs about the distribution of *i* and there no longer is a pooling equilibrium. Similarly, knowing that *O* will choose *renege*, *A* would have an incentive to choose *Negotiate* whenever $i > N_A$,

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in which case *O* can again update their beliefs about the distribution of *i*, and there no longer is a pooling equilibrium. Thus for a separating equilibrium in which *A negotiates* when $i \geq i^*$, *O* must play a mixed strategy, *q* (where *O* plays *renege* with probability *q* and *honor* with probability *1-q*), keeping *A* indifferent between *Negotiate* and *SQ*

$$m = \begin{cases} Negotiate \text{ if } i \geq i^* \\ SQ \text{ if } i < i^* \end{cases},$$

when $i=i^*$. Thus i^* is chosen in order to make *O* just indifferent between reneging and *honoring*, that is:

E(i|Negotiate) is *O*'s expectation of the value of *i* conditional on having observed *Negotiate*. We can write this expectation as $E(i \mid Negotiate) = \frac{i^*+1}{2}$ and calculate i^* from the indifference $u_O(honor) = u_O(renege)$ as:

$$1 - E(i|Negotiate) = t_O$$

$$i^* = 1 - 2t_O$$

A posterior belief consistent with the preceding strategy requires that

$$Prob(i|Negotiate) \sim u[i^*,1]$$
$$Prob(i|SQ) \sim u[0,i^*]$$

When $i=i^*$, *O*'s best response must make *A* indifferent between *Negotiate* and *SQ*. Define *q* as the probability with which the opposition *Reneges*. Then, in equilibrium,

$$t_A - qt_A + qi^* = N_A$$
$$q(i^* - t_A) = N_A - t_A$$
$$q = \frac{N_A - t_A}{i^* - t_A}$$

Substituting for i^* from $i^*=1-2t_O$

$$q = \frac{t_A - N_A}{2t_O + t_O - 1}$$

Since *q* is a probability, it must be within *0* and 1. Note that $t_A > N_A$ by assumption. $N_A > 1-2t_O$ ensures that q<1 (directly) and indirectly that q>0 (by $t_A > N_A$). Hence, the strategy profile and beliefs (μ **, Negotiate iff i ≥ i *, q) constitute a separating PBE.

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We conclude this section with conducting comparative statics on the parameters determining q.

$$\frac{\partial(q)}{\partial t_A} = \frac{2t_O - 1 + N_A}{(2t_O + t_A - 1)^2}$$

This is positive whenever the condition for mixing is satisfied.

$$\frac{\partial(q)}{\partial t_O} = 2 \quad \frac{N_A - t_A}{(t_A + 2\,t_O - 1)^2} < 0$$

$$\frac{\partial(q)}{\partial N_A} = - \quad \frac{1}{t_A + 2\,t_O - 1} < 0$$

Hence, we have proposition 2: Provided that the opposition's payoff from not adopting TJ is sufficiently high relative to the communists' payoff from not negotiating, the communists will offer negotiations whenever the level of infiltration, i, is not less than $i^* = 1 - t_O$ The opposition's equilibrium strategy is a mixed strategy that randomizes between reneging and *honoring* with probability q and $1-q$, respectively. A marginal increase in the communists' utility from amnesty, t_A makes the opposition more likely to renege, while marginal increases in the opposition's utility from amnesty, t_O, or the communists' utility from not stepping down, N_A, makes the opposition less likely to renege.

References

Acemoglu, Daron, and James A. Robinson. 2005. *Economic Origins of Dictatorship and Democracy*. New York: Cambridge University Press.

Ackerman, B. A. 1992. *The Future of Liberal Revolution*. New Haven: Yale University Press.

Barrett, Elizabeth, Peter Hack, and Ágnes Munkácsy. 2007. "Vetting in Hungary." In Alexander Mayer-Rieckh and Pablo de Greiff, eds., *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research.

Bates, Robert H., Avner Greif, Margaret Levi, Jean-Laurent Rosenthal, and Barry Weingast. 1998. *Analytic Narratives*. Princeton: Princeton University Press.

Bielecki, Zygmunt. 1981. Plan dot. przeprowadzenia rozmow profilaktycznych z niektorymi figurantami wydz. II "A" KSMO [Guidelines Concerning Conducting Preemptive Interviews with Candidates for Informers]. Accessed in KARTA Foundation Archives in Warsaw, Poland.

Boix, Carles. 2003. *Democracy and Redistribution*. New York: Cambridge University Press.

https://doi.org/10.1017/S0043887110000079 Published online by Cambridge University Press

Boylan, Delia M. 2001. *Defusing Democracy: Central Bank Autonomy and the Transition from Authoritarian Rule*. Ann Arbor: University of Michigan Press.
Bozoki, Andras, ed. 2002. *The Roundtable Talks of 1989: The Genesis of Hungarian Democracy. Analysis and Documents*. Budapest: Central European Univeristy Press.
Calda, Milos. 1996. "The Roundtable Talks in Czechoslovakia." In Jon Elster, ed., *The Roundtable Talks and the Breakdown of Communism*. Chicago: University of Chicago Press.
Casper, Gretchen, and Michelle M. Taylor. 1996. *Negotiating Democracy: Transitions from Authoritarian Rule*. Pittsburgh, Pa.: University of Pittsburgh Press.
Center for Public Opinion Research (CBOS). 2002. "Polacy o Lustracji i Zmianach w Ustawie Lustracyjnej" [Poles on Lustration and Changes in Lustration Law]. Public Opinion Research Report No. 56/2002. Warsaw.
———. 1999. "Polacy o Lustracji" [Poles on Lustration]. Public Opinion Research Report No. 26/99. Warsaw.
———. 2001. "Stosunek do Politykow w Sierpniu 2001" [Attitude(s) towards Politicians in September 2001]. Public Opinion Research Report no. 112/2001. Warsaw.
Cenckiewicz, Sławomir. 2004. *Oczami bezpieki. Szkice i materiały z dziejów aparatu bezpieczeństwa PRL* [Through the Eyes of the Security Service: Sketches and Materials from the History of the SecurityApparatus of the Polish People's Republic]. Kraków: Arcana.
Colomer, Josep M. 2000. *Strategic Transitions: Game Theory and Democratization*. Baltimore: Johns Hopkins University Press.
Coppedge, Michael. Forthcoming. *Approaching Democracy*. New York: Cambridge University Press.
Crescenzi, Mark J. C. 1999. "Violence and Uncertainty in Transitions." *Journal of Conflict Resolution* 43, no. 2: 192–212.
Dudek, Ireneusz. 2004. *Reglamentowana rewolucja* [Rationed Revolution]. Warsaw: Arcana.
Elster, Jon. 1996. *The Roundtable Talks and the Breakdown of Communism.* Chicago: University of Chicago Press.
_____. 1998. "Coming to Terms with the Past." *European Journal of Sociology* 39: 7–48.
_____. 1999. *Alchemies of the Mind: Rationality and the Emotions*. Cambridge, New York: Cambridge University Press.
_____. 2004. *Closing the Books: Transitional Justice in Historical Perspective.* New York: Cambridge University Press.
Ekiert, Grzegorz. 1996. *The State against Society: Political Crises and Their Aftermath in East Central Europe*. Princeton: Princeton University Press.
Gandhi, Jennifer. 2008. *Political Institutions under Dictatorship*. New York: Cambridge University Press.
Geddes, Barbara. 1999. "Authoritarian Breakdown: Empirical Test of a Game Theoretic Argument." Paper presented at the annual meeting of the American Political Science Association, Atlanta, September 1–3.
_____. 2002. "The Great Transformation in the Study of Politics in Developing Countries." In Ira Katznelson and Helen V. Milner, eds., *Political Science: The State of the Discipline*. Washington, D.C.: W. W. Norton: 342–70.

https://doi.org/10.1017/S0043887110000079 Published online by Cambridge University Press

Gibson, James L. 1998. Legal Values Survey. In Dataset, University of Houston, Tex.
Greif, Avner. 1998. "Self-Enforcing Political systems and Economic Growth: Late Medieval Genoa" In Avner Greif, Margaret Levi, Jean-Laurent Rosenthal, and Barry Weingast. 1998. *Analytic Narratives*. Princeton: Princeton University Press.
Grzymała-Busse, Anna M.. 2002. *Redeeming the Communist Past: The Regeneration of Communist Parties in East Central Europe*. New York: Cambridge University Press.
Halmai, Gabor, and Kim Lane Scheppele. 1997. "Living Well Is the Best Revenge: The Hungarian Approach to Judging the Past." In A. James McAdams, ed., *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame: University of Notre Dame Press: 155–84.
Hirschman, Albert O. 2004. *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge: Harvard University Press.
Hungarian Gallup Institute Poll. 2002. Prime Minister Medgyessy's collaboration. June 19–20, 2002. Reported in *Nepszabadsag,* Budapest, June 24, 2002
Hungarian News Agency (MTI). 2002. *Dispute on Disclosures Continues on Conference on Communist*, September 9.
Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
———. 1996. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon and Schuster.
Kaczyński, Jarosław, Michal Bichniewicz, and Piotr M. Rudnicki. 1993. *Czas na zmiany* [Time for Change]. Warsaw: Editions Spotkania.
Kalyvas, Stathis N. 2000. "Rendering unto Caesar: The Catholic Church and the State in Latin America." *American Political Science Review* 94, no. 1: 213–14.
Kaminski, Bartlomiej. 1991. "Systemic Underpinnings of the Transition in Poland: The Shadow of the Roundtable Agreement." *Studies in Comparative Communism* 24, no. 2 (Summer): 173–90.
Kitschelt, Herbert. 1999. *Post-Communist Party Systems: Competition, Representation, and Inter-party Cooperation*. New York: Cambridge University Press.
Kramer, Mark. 1990. "Beyond the Brezhnev Doctrine: A New Era in Soviet-East European-Relations." *International Security* 14, no. 3: 25-67
Miller, William, Stephen White, and Paul Heywood. 1998. *Values and Political Change in Post-Communist Europe*. New York: St. Martin's Press.
MVK Opinion Poll: On Institute of National Remembrance, March 29, 2005. Accessed on ISI Emerging Markets
Nalepa, Monika. 2008. "To Punish the Guilty and Protect the Innocent: Comparing Truth Revelation Procedures." *Journal of Theoretical Politics* 20, no. 2: 221–45.
———. 2010. *Skeletons in the Closet: Transitional Justice in Post-Communist Europe*. New York: Cambridge University Press.
Nino, Carlos. 1996. *Radical Evil on Trial*. New Haven: Yale University Press.
O'Donnell, Guillermo A., and Philippe C. Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.
Osiatynski, Wiktor. 1996. "The Roundtable Talks in Poland." In Jon Elster, ed.,

https://doi.org/10.1017/S0043887110000079 Published online by Cambridge University Press

The Roundtable Talks and the Breakdown of Communism. Chicago: University of Chicago Press: 21-67.
"Polski Generalny Sondaż Wyborczy" [Polish General Election Survey]. 2000. Warsaw: Instytut Studiow Politycznych, PAN.
Przeworski, Adam. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. New York: Cambridge University Press.
Sajó, Andras. 1996. "The Roundtable Talks in Hungary." In Jon Elster, ed., *The Roundtable Talks and the Breakdown of Communism*. Chicago: University of Chicago Press: 69–98.
Stan, Lavinia. 2004. "Spies, Files and Lies: Explaining the Failure of Access to Securitate Files." *Communist and Post-Communist Studies* 37, no. 3: 341–59.
Uitz, Renáta. 2005. *Constitutions, Courts, and History: Historical Narratives in Constitutional Adjudication*. Budapest: Central European University Press.
Wittenberg, Jason. 2006. *Crucibles of Political Loyalty: Church Institutions and Electoral Continuity in Hungary.* New York: Cambridge University Press.
Zielinski, J. 1999. "Transitions from Authoritarian Rule and the Problem of Violence." *Journal of Conflict Resolution* 43, no. 2: 213–28.

https://doi.org/10.1017/S0043887110000079 Published online by Cambridge University Press