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Transitional Justice Effects in the Czech Republic

Roman David

The Czech Republic has been a fascinating laboratory of dealing with the legacy of the communist past. Unlike in other countries in Central and Eastern Europe, the Communist Party has never returned to power since its defeat in the first democratic elections in 1990. Its dwindling influence led to a transitional justice process, the scale and variety of which is unprecedented in the region. The twenty-fifth anniversary of the demise of communism allows us to assess transitional justice in the light of popular expectations and the theoretical dilemmas postulated at its onset. This assessment can serve countries that have recently launched or are about to launch transitional justice, such as Libya, Egypt, Tunisia, Yemen, and Burma. Many other countries reflect back on their transitional justice policies, laggards try to draw level with their neighbors, and new conflicts create new injustices and lead to new calls for dealing with the past. What can be learned from the Czech experience with transitional justice?

There we see that a broad program of transitional justice is not a guarantee of its popular appreciation. The Czech Republic can boast ten transitional justice policies, which include a comprehensive program for the rehabilitation of former political prisoners and the thorough lustration of senior administrative and security personnel in the state apparatus. Two special government offices deal with the past. Nevertheless, the public view of the process of dealing with the past is lukewarm. Only 17 percent of respondents agreed that social divisions stemming from the past have been overcome, while 50.4 percent disagreed in the survey conducted in 2010.¹ How can we explain this paradox?

I suggest that the overwhelming emphasis on justice at the expense of reconciliation explains why the level of appreciation for how the past is dealt with does not correspond to the effort made in major areas of transitional justice. The imperatives of justice are important, but the expectations of justice have remained unrealistic in the Czech Republic. In the absence of

reconciliation, justice has been viewed as an extension of power, and a legal seal of the communist defeat. The country's turbulent historical experiences and cultural patterns have strengthened the view of justice as victors' justice. Consequently, the Communist Party was sidelined, but it remains defiant about the past and has a stable electorate that assures its future. The Party was not eliminated from the democratic process, and its support surged in the parliamentary elections of 2013.²

This chapter theoretically develops and empirically examines this argument. To pursue the argument on the theoretical level, I first discuss the roles of justice and reconciliation as two paramount transitional justice objectives. I then empirically examine the transitional justice program, including the reparative, revelatory, and retributive measures, that is implemented in the Czech Republic in the absence of a reconciliation program. I show that this program has some potential to meet social expectations of justice, but a very limited potential to contribute to reconciliation.

The chapter draws on a nationwide 2010 survey about dealing with the past in the Czech Republic. I will first describe the public assessment of the major measures of transitional justice, then analyze their contribution to justice and reconciliation. I conclude by identifying three factors that account for the lackluster assessment of the broad transitional justice program in the Czech Republic: the inability to convey the message of reconciliation as a worthy objective, the absence of a reconciliation program, and the limited capacity of existing measures to contribute to reconciliation.

This chapter fills notable gaps in the literature. The prominence of transitional justice in the current political science, legal, and sociological scholarship contrasts with the persistent gap in empirical research on the effects of transitional justice. Although many studies have explained its origin,³ we still crave answers to the plain bread-and-butter questions about its effects, most notably whether and which transitional justice measures can contribute to the promotion of historical justice and social reconciliation. Moreover, comparative studies that examine the utility of a *variety* of transitional justice measures are almost nonexistent.⁴

TRANSITIONAL JUSTICE WITHOUT RECONCILIATION

The preference for justice at the expense of reconciliation in the Czech Republic can be observed in three dimensions. First, reconciliation was seldom considered and pursued as an objective of transitional justice. Instead, statements by political leaders suggest that justice and the rectification of injustices were the major objectives. Second, reconciliatory measures are

not part of the transitional justice program. Reconciliation is almost absent from the public discourse. Third, existing measures have only a limited capacity to foster reconciliation. This final argument is based on the assumption that all transitional justice measures, including measures of retribution and revelation, can be assessed with regard to their ability to deliver both justice and reconciliation. These three factors may provide us with a possible explanation of the poor assessment of transitional justice.

This chapter will not reiterate the objectives and nuances of each measure, rather explain their essential features in the light of the major theoretical debates on transitional justice. The description of transitional justice in the Czech Republic has been provided in several publications, most recently in the *Encyclopedia of Transitional Justice*.⁵

Justice as the Objective of Dealing with the Past in the Czech Republic

Owing to their strategic relevance and intellectual appeal, several themes have become prominent in the transitional justice literature. One of these is the dilemma of “justice or reconciliation” rooted in what Huntington called the torturer’s problem: prosecute and punish, or forgive and forget.⁶ Since it was formulated in 1991, the dilemma has lost much of its intellectual attractiveness because most countries have chosen to deal with the past and adopt transitional justice. Nevertheless, the question of justice and forgiveness has been included in the objectives that transitional countries (should) achieve. It is agreed that countries launch transitional justice to pursue backward-looking (accountability, justice, and punishment) and forward-looking (peace and democracy, including tolerance, a human rights culture, reconciliation, and forgiveness) objectives.⁷ For Teitel, the focus of transitional justice is both backward-looking and forward-looking, retrospective and prospective.⁸ Transitional justice is a response to the injustices and divisions of the past regime and an effort to build a new democracy. Situated between an authoritarian and a democratic regime, transitional justice must facilitate the transformation of political regimes, political cultures, and corresponding mindsets.⁹

At the same time, the very notion of a dilemma suggests that some of the objectives of transitional justice may be mutually exclusive, contradictory, and irreconcilable¹⁰: the pursuit of one objective may undermine another one. For example, some scholars argue that the pursuit of justice may jeopardize peace, as in Argentina where the prosecution of the military junta backfired and forced the adoption of the Full Stop Law that halted new investigations.¹¹ Likewise, measures to achieve justice by purging the state apparatus may put

the nascent democracy at risk, with Libya a recent case in point. By purging Qaddafi's loyalists from the state apparatus via the Political Isolation Law, the state's capacity to provide security for its citizens and contain the armed militia was weakened, and the country risked becoming a failed state in 2013.¹² The promotion of reconciliation in turn may solidify the impunity of major perpetrators of crimes and revive past conflict, as in the fiasco of the amnesty process in Sierra Leone in 1999.¹³

I reject the black-and-white view of justice or reconciliation. Without considering a degree of reconciliation, justice in itself may not be a sufficient objective to guide the process of dealing with the past. Justice without reconciliation is emptied of its positive restorative content. Such naked or raw justice is merely a function of political power, an infliction of hardship and penalties upon offenders without considering the outcome. It is based on the victors' assumption that punishment of communist wrongdoers would make them compliant with the new system. It seems naïve to expect that punishment and lustration would turn communists and secret police informers into democrats. Indeed, research conducted in Central Europe suggests that exclusion augments historical divisions.¹⁴

The roots of this approach in the territory of the Czech Republic are historically and culturally typical. In trying to deal with different pasts, Czech decision-makers always placed a strong emphasis on justice. The Czechs experienced seven political regimes, or types of rules, in the twentieth century: the Austro-Hungarian Empire, the inter-war democratic Czechoslovakia (1918–1938), the Nazi Protectorate (1939–1945), the postwar democracy (1945–1948), the Stalinist communist regime (in the 1950s), the thawing of repression (in the mid-1960s) and the short intermezzo of the Prague Spring (1968), the normalization era (from the 1970s until 1989), and then democracy. Each political change was followed by efforts to negate the past, starting in 1918 with the spontaneous destruction in Prague's Old Town Square of the Mariensäule, a monument which allegedly symbolized the humiliation of the Czech nation by the Austro-Hungarian Empire. Each political change resulted in widespread purges, the shaming of the representatives of the old regime and the glorification of its victims. Following a brutal retributive wave after World War II, the most dramatic purges of the state apparatus occurred in the wake of the communist takeover in 1948 and in the aftermath of the Soviet-led military intervention of the Warsaw Pact armies in 1968.

It is thus unsurprising that, in dealing with the communist past, legislators often stated their determination to “temper” (*zmírnit*) or “condemn” (*odsoudit*) the injustices of the past, instead of including the need to overcome deep historical divisions in the society. Justice without reconciliation acquired a

meaning of triumph and domination over the forces of the past. The cultural expectations of justice after transition signify the ritual conclusion of the past regime, a symbolic finale, in which anyone connected with that regime should be “finished” by being dismissed, punished, or excluded from the public eye. While demands for such raw justice may be legitimate with respect to communist torturers and apparatchiks, they are less justifiable for people who joined the party for career prospects or gave in to the secret police under duress. The new elites excluded these people too, making enemies out of those who may not have considered themselves enemies in the first place.¹⁵

Justice as the means of domination and retribution has become deeply entrenched in the value-normative system of the Czech political culture. The close connection between justice and power has been apparent after every post-communist election. Although elites might know that a change of government as a result of an election is not a change of political regime, the state administration is routinely cleansed of the supporters and appointees of the previous government.¹⁶ The reason may be that the new government does not tolerate the presence of personnel loyal to the previous government and needs to distribute political posts to its supporters.¹⁷ Electoral victory translates into power, power translates into purge.

Similarly to justice after elections, political revenge is a key feature of the Presidency of Miloš Zeman (elected in 2013). Those who criticized his actions have been subsequently “punished” by not being invited to a state function, not being given an award, or not being given an appointment.¹⁸ Whether transitional justice has created the blueprint for this revengeful behavior or whether transitional justice and revenge are both expressions of a particular understanding of justice in the Czech political cultural landscape is irrelevant. The link between justice and power is entrenched in the Czech political culture.

The Absence of Reconciliation

The emphasis on “raw justice” has accompanied the absence of reconciliation. Because of the prominent role of justice in modern Czech history, the pursuit of reconciliation in post-communist times has been placed in its shadow. Reconciliation was completely sidelined as an objective of transitional justice. No explicit reconciliation program has been formulated, no truth commission was established, no reconciliatory forum was held, and no dialog about the past took place to help understand the individuals’ motives in the past. Apologies issued by those responsible for the injustices of the communist regime have been rare.¹⁹ Personal confessions, employed in South Africa and Poland as

alternatives to trials and lustration,²⁰ have never been presented as a path of self-reflection and coming to terms with the past.

Reconciliation was explicitly prioritized only during the regime change in 1989, when Václav Havel coined the non-retributive phrase “we are not like them.” In saying this, Havel was aware of the retributive tendencies of the Czech political culture, manifested most dramatically in the postwar expulsion of three million ethnic Germans from the Sudetenland. He tried to convey a message that would make ordinary Czechs feel that they stood on the moral high ground in contrast to their communist oppressors and their postwar ancestors. However, the post-1989 political elites, except Havel, have never considered reconciliatory measures as viable objectives for dealing with the past.²¹ President Havel supported transitional justice but was unable to shape its direction after 1991, when he lost a significant battle in the Federal Assembly over his version of the lustration law.²²

The Communist Party, which remains defiant in its stance on the past, may be partly to blame for the lack of reconciliation. The recognition of the human rights abuses committed under its rule was a reasonable precondition attached by many of the party’s opponents to its acceptance to the political process. The lack of self-reflection was the main reason why Havel never invited the Party to any political consultation and why other formations have avoided any governing coalition with the communists. At the same time, after being politically isolated, it may be hard for the communist leadership to persuade its members of the need to abandon denial and apologize for the past.²³

Gestures of reconciliation were rare and made on an individual basis. For instance, an heiress of prosecutor Karel Vaš, notorious orchestrator of the show trials of the 1950s, gave part of her inheritance to the daughters of former political prisoners.²⁴ Individual forgiveness, sometimes expressed unconditionally, was also reported among former political prisoners.²⁵ However, given the socio-cultural context, former political prisoners frequently mentioned an inimical response by those who had contributed to their ordeal as the major obstacle to their forgiveness.

Transitional Justice Measures in the Czech Republic

Transitional justice measures pursued in the Czech Republic include reparatory, retributive, and revelatory measures.²⁶ Although a reconciliatory program is absent, we cannot rule out the possibility that the existing transitional justice program can – at least marginally – contribute to reconciliation. To make this assessment credible, one needs to accept the counterintuitive arguments that different measures (including retribution, revelation, and

reparation) may achieve the backward-looking objective of justice or the forward-looking objective of reconciliation, or both, or none of these.

Reparation laws, aimed at rectifying injustices experienced by victims, were among the first measures approved.²⁷ They included the compensation and rehabilitation of the victims of communism on the eve of the first democratic elections in 1990 and the restitution of nationalized or confiscated property in 1991. The restitution and rehabilitation measures, repeatedly amended afterwards, were extraordinary measures that affected hundreds of thousands of people.²⁸ Instead of an individual case-by-case judicial approach, wrongful punishments were annulled and properties were returned *ex lege*. Town halls, the presidency, schools, and other organizations further acknowledged victims' sacrifices by a variety of informal measures, such as invitations to speak, medals of honor, and awards.

The reparation program was, however, pursued in a one-dimensional and one-sided way: it was justice-oriented and purely victim-centered. Any reconciliatory forum between victims and perpetrators that would enable them to have a dialog about the past in a controlled environment was absent. Nevertheless, many victims encountered their oppressors in their daily life, and expressed dissatisfaction with the arrogance of the perpetrators. Moreover, the broader society was not engaged in the reparation process, which resulted in a feeling of continuing social isolation on the part of victims. Both the attitude of the perpetrators and the isolation undermined the reparation process and the resources spent.²⁹

Retributive measures, which dealt with the perpetrators of human rights abuses and other wrongdoers, included the nationalization of the property of the Communist Party and the Socialist Youth Association in the autumn of 1990; the lustration law that purged senior communist officials, secret police members and their collaborators from the state administration in the autumn of 1991; and the 1993 law on the illegality of the communist regime, which lifted the statute of limitations, enabled the prosecution of communist crimes in the courts, and symbolically condemned the previous regime.³⁰ Common sense suggests that prosecuting, punishing, and sanctioning wrongdoers would lead to justice³¹ and undermine reconciliation, because retribution leads to the persistence or deepening of past divisions.³² However, scholars have argued that retributive measures may contribute to reconciliation if successful criminal trials produce a deterrent effect that impacts the entire society and prevents the recurrence of violations.³³ The delivery of justice can also relieve victims of their desire for retribution and provide them with closure.³⁴ Conversely, failure to punish, condemn, and dismiss wrongdoers means they retain their privileged positions in society.³⁵

The absence of reconciliatory objectives affected the utility of other transitional justice measures, including retribution, since, under certain conditions, measures of retributive justice may serve the objectives of both justice and reconciliation. If reconciliation were articulated and considered as a goal of transitional justice, then the purpose of punishment and lustration would be restoration rather than retribution or both. Instead, in the absence of the reconciliatory discourse, punishment may not provide closure even if an offender has served his or her sentence.

Similarly, the success of lustration may be conditional on a degree of reconciliation. Although the lustration law was originally passed as an interim measure that was to be valid for five years until the new democracy had taken root, its validity was later extended to ten years, and it finally became a permanent feature of the democratization process. The initial lustration discourse suggested that certain persons should be removed from public positions because they had been unable to withstand pressure from the totalitarian regime. A degree of empathy with some low-key collaborators and an understanding of their plight intermingled with the security needs of the nascent democracy. But this discourse has largely disappeared, and lustration has become the end point for all secret collaborators. Its goal has thus been changed, with the conciliatory tone being replaced by a clearly retributive one. The lustration law valid for five years signaled that collaborators were unable to withstand the pressure of blackmail under the communist system. Once the transitional period passed and democracy was established, they were expected to come back and contribute to the new regime with their expertise. The message of indefinite lustration is different. Collaborators are unchangeable, intractable, and forever tainted.

The revelatory measures provide the most innovative avenue for transitional justice, as they aim at disclosing the truth about the past regime.³⁶ The expansion of truth commissions, the opening of secret archives, and the establishment of institutes of national memory have revived scholarly interest in the traditional value of truth. In the Czech Republic, revelation included the unofficial publication of the names of secret informers, from 1991 onwards, followed by their official publication in 2000; and the gradual opening of the secret police archives beginning in 1996. Since 1990, new history textbooks have become available, although many of them initially only deleted explicit references to the ideology of Marxism-Leninism.

The notion of truth epitomizes the ambiguity of transitional justice. Does truth lead to justice or reconciliation or both? It has been argued that measures of truth contribute to justice by establishing political and individual accountability for the past. People need to know who the perpetrators are and who gave

the perpetrators the orders to carry out their wrongdoing. In contrast, the South African truth process was mandated to contribute to reconciliation by satisfying victims' demands for truth and exposing the illegitimate deeds of the previous regime to the whole society.³⁷ Empirical research confirmed that truth could contribute to reconciliation, at least among some social groups.³⁸ However, truth also undermines reconciliation by opening old wounds and reviving past hostilities.³⁹ Skeptics see the impact of truth on reconciliation as overstated and contentious.⁴⁰ Forensic and epistemological limitations prevent countries from establishing their "authoritative accounts" of the past.⁴¹

Moreover, the truth from secret archives has been hotly contested. According to Maria Łoś, post-communist Europe has seen a variety of "truth narratives," ranging from dystopian to affirmative discourses. While the former expected to see a negative impact of truth on democratic consolidation, the latter warned of the risks of continuing secrecy about the past.⁴² We would expect that truth from the secret archives would have a negative effect in society. In the absence of a reconciliatory ethos, truth loses its reintegrative potential. In the presence of a justice ethos, truth serves as a means of shaming, which results in the social isolation of collaborators, decreasing their prospects of reintegration.⁴³

Two special institutions have assisted in dealing with the past. The first is the Office for Documenting and Investigating the Crimes of Communism, established in 1995. The second is the Institute for the Study of Totalitarian Regimes. Founded in 2008, the Institute is a Czech version of the institutes of national memories that operate in many Eastern European countries.⁴⁴ While the former would conceptually fit into the retributive category, the latter was mandated to be the guardian of the secret archives.

POLITICS OF TRANSITIONAL JUSTICE

Although many transitional justice measures were approved more than twenty years ago in the Czech Republic, they are still being implemented, amended, or reviewed. Most measures, though initially controversial, have now been generally accepted as part of the Czech legal system. They do not stir up as much political controversy and media interest as when they first appeared. For instance, a search for the keyword "lustration" in two of the major online newspapers, *Aktuálně.cz* and *iHned.cz*, reveals a declining interest in the topic. After excluding matches that concerned types of lustration unrelated to transitional justice and lustration in other countries, the search in the business-oriented *iHned* returned forty-eight articles mentioning "lustration" in 2007, but only six articles in 2012. Likewise, in the investigative centrist

newspaper *Aktuálně* there were twenty articles on lustration in 2007, but only five in 2012.⁴⁵ The number is expected to increase in 2013 and 2014 with the surge in the popularity of new political parties and the need for new politicians, previously unlustrated and suspected of collaboration, to provide lustration certificates.⁴⁶

Is this silence a sign of reconciliation? Reduced media interest might signal that the past has become relatively settled at the macro-political level. Successive post-communist governments and parliamentary majorities have not repealed any major transitional justice law. Center-right formations have always advocated for transitional justice. The center-left Social Democratic Party (ČSSD), which contains both post-communists and dissidents, was never able to block transitional justice measures; when it led a coalition government in the early 2000s, it supported further reparation for the victims of communism. Havel's successor President Vaclav Klaus was never seriously interested in dealing with the past. For him, the process was a rearview mirror that could obstruct forward-looking objectives. While in office he most famously slammed former dissidents and political prisoners by saying that it was the ordinary people who had resisted communism by their inefficiency.⁴⁷

Unsurprisingly, transitional justice remains on the agenda of the Communist Party of Bohemia and Moravia (KSČM), which nevertheless has failed to place the topic on the national agenda. Despite persistent support from voters, which increased to 14.91 percent in 2013, the absence of the Communist Party in any government coalition after 1990 reveals its diminishing political influence. The lack of coalition potential hinders any attempts to revoke policies dealing with the past. The party's last attempt to do so dates back to 2008 when it failed to repeal the lustration law.⁴⁸ Thus, if transitional justice is an extension of power, then the issue of the past remains "settled" as long as the party does not gain popularity.

The only two controversies about the past that still hit the headlines of the major newspapers and split public opinion concern the Institute for the Study of Totalitarian Regimes and the restitution of church property. As to the former, the controversies stem not from its activities but from the composition of its personnel and from infighting between different cliques of intellectuals with different personal and ideological trajectories. Its founding director, the anti-communist Pavel Žáček, was replaced in 2010, after a few interim appointments, by Daniel Herman, a laicized Catholic priest. In spite of support for him from the Confederation of Political Prisoners (KPV), Herman was sacked in 2013 and replaced by an unknown state official, Pavla Foglová. The abrupt change in the Institute leadership prompted commentators to call the process a "putsch" and a "purge." The new leadership is apparently more left-leaning ideologically, and

less anti-communist, than the previous center-right leadership. Members of the current leadership have criticized their predecessors for lack of professionalism, while members of the previous leadership have criticized the lack of personal integrity in the new leaders vis-à-vis their pasts, especially the Communist Party membership of many board members.⁴⁹

The second controversy surrounds the restitution of the property of the Catholic Church and other churches. Initially, the public was receptive to the needs of various groups for justice, including the property demands of churches. More recently, however, the traditionally atheist or anti-clerical Czechs have become less amenable to compromise about church restitution; the adverse economic environment created by the global economic crisis also negatively affected people's opinions. The law that enabled the restitution of the property to various churches was as unpopular as the center-right coalition that proposed it.⁵⁰ The bill was supported by 16 percent of Czechs and opposed by 65 percent.⁵¹ The ruling coalition then forced the bill through the Chamber of Deputies in 2012, despite a veto by the Senate, which was dominated by Social Democrats (ČSSD), a veto by the center-right President Klaus, and a constitutional complaint by a group of Senators.⁵² President Zeman suggested that parliament should amend the law to decrease the amount of compensation for the churches.⁵³ The division between people over the restitution issue may be caused less by past injustices than by present social, political, and economic problems, such as increasing unemployment, corruption and government instability.⁵⁴

THE SEARCH FOR TRANSITIONAL JUSTICE ANSWERS

To empirically examine the effect of transitional justice on perceptions of justice and reconciliation, an opinion poll survey was conducted in the Czech Republic. The survey, supported by the British Academy and Newcastle University in the United Kingdom, was carried out on a nationwide representative sample of 1,079 citizens aged over 15 by the Center for Public Opinion Research in 2010. Respondents were asked to rate the success or failure of ten transitional justice measures and of the two government bodies that deal with the past. Emphasis was placed on the subjective assessment of transitional justice and reconciliation. The survey offers a unique glimpse into questions of transitional justice in a country that pursued a strong retributive policy with almost no emphasis on reconciliation.

The analytical strategy chosen to present the survey data is two-fold. First, in [Chart 5.1](#) I present descriptive statistics about the popular views of the objectives of transitional justice. [Table 5.1](#) and [Chart 5.2](#) summarize the perception

TABLE 5.1: *Popular Assessment of Transitional Justice Measures in the Czech Republic*

The realization of the following measures was successful or unsuccessful	Successful (percent)	Unsuccessful (percent)
Financial compensation of former political prisoners.	40.9	20.6
Social acknowledgment of former political prisoners [social rehabilitation].	48.3	18.8
Return of nationalized property to original owners or their heirs [restitution].	50.9	14.1
Punishment of perpetrators of communist crimes.	22.0	42.8
Moral condemnation of communist crimes.	32.6	32.0
Confiscation of the property of the Communist Party.	28.2	36.8
Departure of people associated with the communist regime from leading posts in the state administration and the police [lustration].	23.1	43.5
Official publication of the names of secret collaborators with the secret police.	35.5	26.0
Opening the archives of the secret police to the public.	37.8	22.6
Publication of new history textbooks.	40.8	17.5
<i>The following institutions contributed to dealing with the past:</i>	<i>Agree</i>	<i>Disagree</i>
	<i>(percent)</i>	<i>(percent)</i>
Office for the Documenting and Investigating the Crimes of Communism (ÚDV)	58.8	12.4
Institute for the Study of Totalitarian Regimes (ÚSTR)	56.2	13.1

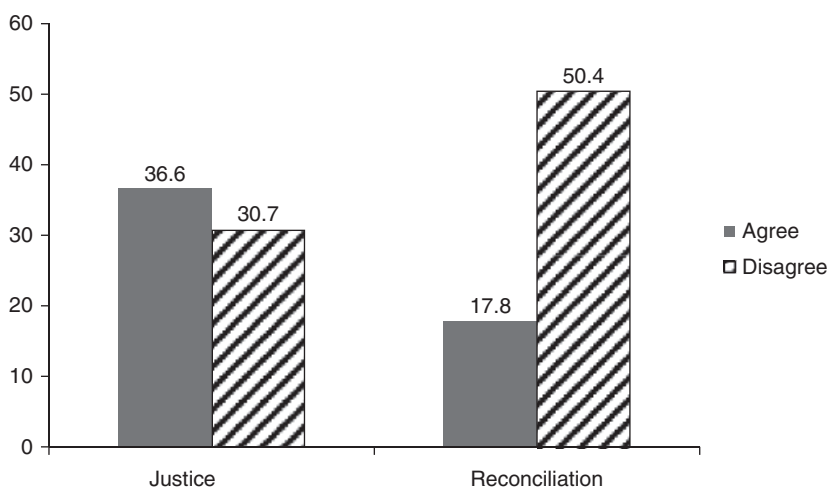


CHART 5.1: The Perception of the Objectives of Transitional Justice in the Czech Republic

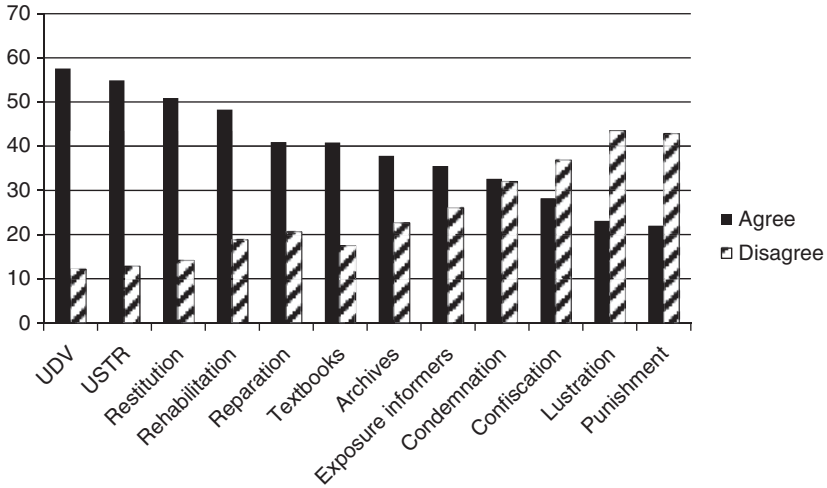


CHART 5.2: Popular Assessment of Transitional Justice Measures in the Czech Republic

of the ten transitional justice measures and the standing of the two special institutes for dealing with the past. Second, the chapter presents the results of an analysis in which justice and reconciliation are regressed on the ten measures and the two institutes, in [Table 5.2](#). To make these findings easily comprehensible, [Chart 5.3](#) plots the regression of the coefficients from the two regression models on justice and reconciliation axes.

The Perception of Transitional Justice

To enquire about justice, we asked respondents whether the greatest injustices of the previous regime have been undone. Some 36.6 percent of respondents agreed with the statement, while 30.7 percent disagreed. Given the absence of a positive reconciliation program in the Czech Republic, reconciliation was conceptualized in a negative form as the absence of reconciliation. Respondents were asked about the persistence of social divisions inherited from the past. Some 50.4 percent agreed that social divisions inherited from the previous regime have continued, indicating a lack of reconciliation. Only 17.8 percent had an opposite view. These preliminary results ([Chart 5.1](#)) indicate that the ambitious transitional justice program in the Czech Republic delivered some justice, but little reconciliation.

[Chart 5.2](#) reveals a remarkable pattern in the public assessment of transitional justice in the Czech Republic. The assessment of individual measures

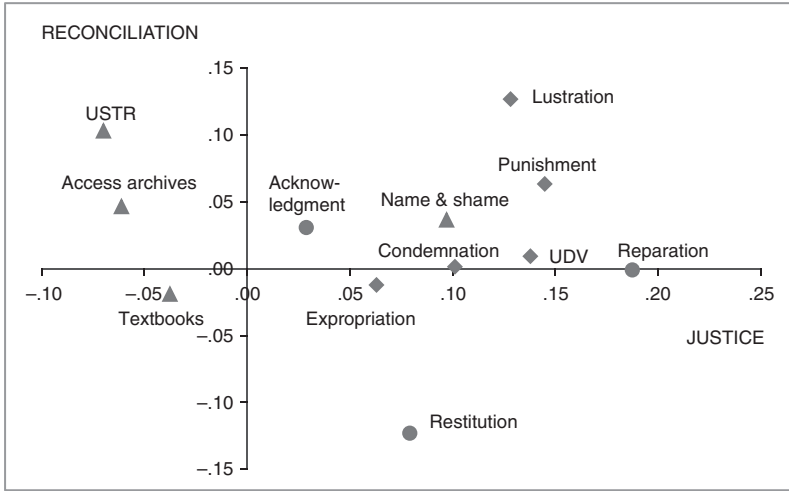
TABLE 5.2: OLS Linear Regression Analyses of Justice and Reconciliation

	Justice		Reconciliation	
	B	SE	B	SE
(Constant)	-.06	(.22)	1.16	(.24)
Age (5 categories)	.03	(.03)	-.07*	(.03)
Sex (Female)	.13*	(.06)	-.05	(.07)
Education (4 categories)	-.02	(.03)	.03	(.04)
Income (categories)	.02 [^]	(.01)	.01	(.01)
Pre-1989 Communist Party member	.13	(.17)	.29	(.18)
Gray Zone	-.04	(.21)	-.10	(.24)
Financial compensation	.19***	(.05)	.00	(.05)
Social rehabilitation	.03	(.04)	.03	(.05)
Restitution of property	.08*	(.04)	-.12**	(.04)
Punishment of perpetrators	.14***	(.04)	.06	(.05)
Condemnation of the previous regime	.10*	(.04)	.00	(.05)
Expropriation of the Communist Party	.06	(.04)	-.01	(.04)
Lustration	.13***	(.04)	.13**	(.04)
Publication of names of informers	.10*	(.05)	.04	(.05)
Access to secret police archives	-.06	(.05)	.05	(.05)
Publication of new history textbooks	-.04	(.04)	-.02	(.04)
ÚDV	.14**	(.05)	.01	(.06)
ÚSTR	-.07	(.05)	.10 [^]	(.06)
SEE	.897		.996	
R ²	.333		.073	
Adjusted R ²	.319		.054	
N	886		886	

B – unstandardized regression coefficient; SE – standard error

[^] p < .1 * p < .05 ** p < .01 *** p < .001

follows their conceptual clusters: after an overwhelmingly positive appraisal of the two special government institutions, the most positively assessed category is reparation, followed by revelatory measures, and ending with retributive measures. The two institutions mandated to deal with the past received support from more than 50 percent of the public. The Office was viewed positively by 58.8 percent of respondents, while 12.4 percent viewed it negatively. The Institute was endorsed by 56.2 percent, while 13.1 percent disagreed with this. The strong support for these institutes suggests the extraordinary nature of transitional justice: new special institutions are seen as considerably more efficient in dealing with the past than the courts, which have only delivered a few dozen punishments to perpetrators of human rights violations.⁵⁵



The map displays the ability of transitional justice measures to achieve justice and reconciliation. The policies are placed on the map based on their regression coefficients.

- ▲ Measures of revelation
- Measures of reparation
- ◆ Measures of retribution

CHART 5.3: The Opinion Map of the Efficiency of Transitional Justice Measures
 The map displays the ability of transitional justice measures to achieve justice and reconciliation. The policies are placed on the map based on their regression coefficients.

The positive assessment of reparation measures, which comprised the restitution of property and the rehabilitation/compensation of victims, ranges from over 40 percent to over 50 percent. The strong support for these measures may be an expression of natural sympathy with the victims.⁵⁶ It may also reflect the scale of the repression, which included over 100,000 political prisoners in the Czech Republic.⁵⁷ The restitution of property to their original owners and heirs was seen as successful by 50.9 percent of respondents, while 14.1 percent saw it as unsuccessful. This is one of the most surprising findings, because restitution has been seen as redressing old injustices and creating new social problems. For example, heirs could not freely deal with their returned property, while tenants faced an enormous uncertainty about their future in the booming housing market. The social acknowledgment of former political prisoners was seen as successful by 48.3 percent, while 18.8 percent viewed it as unsuccessful. In comparison, financial compensation was seen as successful by 40.9 percent, while 20.6 percent viewed it as unsuccessful. Although the difference between social acknowledgment and financial compensation is not

large, it is surprising that financial compensation was not assessed in a more favorable light. Financial compensation for the victims of communism was amended several times, and the victims received compensation in the form of direct payments and an increase in their pensions.⁵⁸

Revelation, which comprised the opening of secret archives, the exposure of secret informers and the publication of new history textbooks, was the third most positively assessed category, with support between 35 and 40 percent. The publication of new history textbooks was seen as successful by 40.8 percent of respondents and unsuccessful by 22.6 percent. The reasons for dissatisfaction among some parents were that the stereotypes of “class struggle” and other Marxist-Leninist concepts remained intact.⁵⁹ Opening the secret police archives was seen as successful by 37.8 percent of respondents and as unsuccessful by 22.6 percent. Today there are hardly any obstacles to public access to the secret archives. The official publication of the names of secret informers was seen as successful by 35.5 percent and unsuccessful by 26 percent. The narrowing gap between endorsement and disapproval of this measure suggests that this publication was not without controversy. Most notably, some celebrities demanded that their names be removed from the lists; some historians, however, saw such removal as a falsification of historical records.⁶⁰

The policy that received the most negative assessment was that of retribution: the condemnation of the communist regime, the confiscation of the properties owned by the Communist Party and its youth league, and lustration were seen as successful by between 22 and over 32 percent of respondents, while between 32 and over 42 percent saw them as unsuccessful. Each measure in this cluster may have been assessed in that way for a different reason. The confiscation of communist property was a one-off measure that took place a long time ago; moral condemnation may be seen as pointless in face of the defiance of the Communist Party about the past. Lustration, although quite successful, was expected by the public to cleanse the entire state administration, which was not within its scope. The number of gross abusers of human rights who were punished was objectively low. Lustration and punishment were thus the worst assessed transitional justice measures: lustration was seen as successful by 23.1 percent of respondents, and as unsuccessful by 43.5 percent; punishment was seen as successful by 22.0 percent of respondents and as unsuccessful by 42.8 percent of them. The weak assessment of retributive measures may be understood in light of the popular preference for justice in the Czech political and cultural landscape. However, to get more conclusive evidence, I now turn to the multivariate analysis.

DOES TRANSITIONAL JUSTICE HELP TO ADVANCE JUSTICE
AND RECONCILIATION?

In the second step, this analysis used linear regression analyses, in which justice and reconciliation were the dependent variables,⁶¹ and the ten transitional justice measures and the two special institutes were the independent variables.⁶² I control for basic socio-demographic variables, including age, sex, education, and income. Since this research was conducted in a divided society, I controlled for membership in the former Communist Party. Some 10.2 percent of respondents revealed that they were previously members of the Communist Party of Czechoslovakia. Finally, I also controlled for the so-called “gray zone communists,” people who were party members for utilitarian reasons but were not politically identified with the party. The gray zone variable was given for pre-1989 party members who did not vote for the Communist Party in the most recent elections.

The comparison of R-square coefficients of the two regression models reveals an apparent association of transitional justice measures with justice rather than reconciliation (*Table 5.2*). Transitional justice and the other six independent variables predict 33.3 percent of the variance of justice but only 7.3 percent of the variance of reconciliation. Another manifestation of the association between transitional justice and justice as a goal is apparent from plotting the regression coefficients on the justice versus reconciliation axes (*Chart 5.3*). Eight of the twelve transitional justice measures are placed in the belt along the justice axis but do not go beyond the reconciliation axis by 0.05. Therefore, transitional justice can satisfy popular demands for justice but can hardly meet dissatisfaction with the lack of reconciliation.

The financial compensation of victims has by far the largest impact on justice. If policymakers were to amend transitional justice, increasing financial compensation would be the best way. Unlike the punishment of wrongdoers, which has the second largest effect on the perception of justice and is a matter of the independent criminal justice process, financial compensation is within the purview of government power. Financial compensation of victims would, however, have almost no impact on reconciliation, according to this model.

The negative impact of property restitution on reconciliation is surprising. Restitution was supposed to be the major mechanism for redressing inequalities created in the past, but it has left both supporters and opponents of the previous regime unhappy. Those who received their property back were also given the obligation to keep intact the tenancy contracts they inherited. While property owners lamented that they could not use their properties effectively,

tenants experienced uncertainty about the future. Many of these relationships were strained, as owners frequently tried to force tenants to move out.

The effect of punishment on justice runs according to our expectations. The findings suggest a strong link between the punishment of perpetrators of wrongdoing and the perception of justice. However, justice is unable to contribute to the positive perception of reconciliation. The most counter-intuitive finding is the positive effect of lustration on both justice and reconciliation. The effect of this retributive measure on justice is obvious: lustration has been considered an effective means of administering justice. The effect of lustration on reconciliation is unexpected, but it makes sense in the light of the widely shared popular belief about the dominance of post-communist forces over the politics of the present. People suggest that there will be no reconciliation unless the social stratification stemming from the past is rectified. Lustration is undoubtedly one of the means of this rectification.

Chart 5.3 also shows that the role of truth revelation in the process of dealing with the past is partly in line with expectations. Although the Institute and the new history textbooks have no significant effect on justice, the revelation of the names of secret police informers has a significant positive effect on justice. This finding is in line with our expectations about the prominence of the justice perspective. Truth does not serve as a proxy for justice unless it names and shames secret collaborators. While the revelation of secret informers serves the objective of justice via the imposition of shaming penalties, the Institute has no retributive role. At the same time, measures of truth may lead to reconciliation. The assessment of the Institute is positively correlated with reconciliation, but it marginally fails to reach the accepted significance level.

CONCLUSION

The Czech Republic has implemented the most comprehensive transitional justice program in Central and Eastern Europe. This contrasts with the meager perceptions of the program's two paramount objectives: justice and reconciliation. I hypothesized that the paradox may have been caused by the overwhelming emphasis on justice at the expense of reconciliation. When only justice is accentuated as an objective of dealing with the past, a society risks pursuing reparation without closure, shaming without reintegration, and punishment without changing the offenders' behavior. Without reconciliation, transitional justice is just a power game with new actors in the same roles of exclusion.

The survey shows that Czechs are moderately satisfied with achieving justice but remain dissatisfied with the lack of reconciliation. This is because, apart

from the notable exception of President Havel, reconciliation was never explicitly articulated as an objective of transitional justice by the political elites. Since the dominant discourse revolved around justice, respondents may seldom have been confronted with the continuation of inherited social divisions. Second, measures that could lead to reconciliation, such as a reconciliatory lustration system, were not approved. The measures adopted in the Czech Republic were largely designed to achieve the goals of justice and, in fact, have succeeded in shaping public perception that justice has been achieved.

The chapter shows that the financial compensation of victims and the restitution of property are major predictors of the perception of justice. Property restitution has been a divisive issue, negatively affecting social reconciliation. Restitution provides the strongest evidence for my argument about the preference for justice at the expense of reconciliation. The mere achievement of justice cannot help to overcome divisions inherited from the past.

In absolute terms, revelatory measures are assessed to lie between reparatory measures and retributive measures. The multivariate analysis suggests that truth is unable to contribute to justice, unless it names and shames wrongdoers. The publication of the names of secret informers, which produced a shaming effect in the Czech Republic, is associated with an increase in the perception of justice. “Truth” successfully served as a proxy for justice, but its potential contribution to reconciliation was never positively sanctioned by political elites.

Finally, in line with expectations, retributive measures are closely associated with justice. In the absence of reconciliation, lustration contributed to a perception that reconciliation has been achieved. The positive effect of lustration on the perception of reconciliation must be interpreted in the context of social stratification. Overcoming social divisions inherited from the past may signify both reconciliation and the redistribution of social positions after transition. Lustration is one of the means of this redistribution.

Clearly, these answers may be tentative and context dependent, since they rely on one survey in the Czech Republic. Note that the Czech Republic has entered a post-transitional justice stage. Although the existing transitional justice measures are amended, no new measures are proposed. Controversies over lustration, restitution, and the Illegitimacy of Communism Act are no longer apparent, while the remaining topics surrounding the personal infighting in the institutes for dealing with the past attract little public attention. The church property restitution was the last topic to divide society, but the argument was not between the redress of historical injustices and the creation of new ones, but between the unresolved issues of the past and the interests of contemporary society.

The major lesson of this case study concerns the importance of reconciliation. Societies dealing with the legacy of human rights violations committed under past regimes or in the contexts of postwar transformations have typically debated the imperatives of justice in their particular political and legal context. The calls for reconciliation only emerged when prosecutions and purges were impossible because of the balance of power in transition. Reconciliation, frequently pursued with the help of some truth-finding bodies, has thus been considered the second best option in dealing with the past. The case of the Czech Republic, which accentuated the imperatives of justice throughout its political transition, shows that justice itself may be insufficient in dealing with the past. To be accepted, justice requires a degree of reconciliation. Indeed, this survey finding echoes previous research conducted in the Czech Republic. A survey of former political prisoners showed that lack of reconciliation, manifested in the inimical attitudes by former adversaries and the response of the neighbors of former prisoners, is a significant inhibitor of political prisoners' self-assessment of their own rehabilitation.⁶³ Therefore, reconciliation is not an alternative to justice but its prerequisite. Without a clear reconciliatory program, victims would not achieve closure and society would remain divided, undermining the notion of justice. The statement that "reconciliation is not an option" may sound like moralizing kitsch, but empirical evidence suggests that reconciliation needs to be promoted regardless of whether justice or amnesty takes place.

NOTES

1. Roman David, *The Utility of Transitional Justice in the Czech Republic*, Grant SG-54378, 2009, funded by the British Academy.
2. Český Statistický Úřad, "Výsledky voleb a referend," no date, available at: <http://volby.cz> (accessed January 20, 2014).
3. Helga Welsh, "Dealing with the Communist Past: Central and East European Experiences after 1990," *Europe-Asia Studies* 48, no. 3 (1996): 413–428; Aleks Szczerbiak, "Dealing with the Communist Past or the Politics of the Present? Lustration in Post-communist Poland," *Europe-Asia Studies* 54, no. 4 (2002): 553–572; Lavinia Stan, ed., *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (London: Routledge, 2009); Nadya Nedelsky, "Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia," *Theory and Society* 33, no. 1 (2004): 65–115.
4. Some excellent studies have been conducted on the effects of the Truth and Reconciliation Commission in South Africa and the International Criminal Tribunal of Former Yugoslavia in Bosnia-Herzegovina. However, we still do not know how transitional justice measures compare to each other. For instance, are criminal trials viewed as more effective than lustration in satisfying the social needs

for justice and overcoming the divisions of the past? Are records originating from the secret archives more effective than the truth processed through government sponsored institutes of national memory, which spread in Eastern Europe in the last decade?

5. Lavinia Stan and Nadya Nedelsky, eds., *Encyclopedia of Transitional Justice* (New York: Cambridge University Press, 2013); Roman David and Susanne Y. P. Choi, "Victims on Transitional Justice: Lessons from the Reparation of Human Rights Abuses in the Czech Republic," *Human Rights Quarterly* 27, no. 2 (2005): 392–435; Nadya Nedelsky, "Czechoslovakia, and the Czech and Slovak Republics," in *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*, ed. Lavinia Stan (London: Routledge, 2009), pp. 37–75; Roman David, "Twenty Years of Transitional Justice in the Czech Lands," *Europe-Asia Studies* 64, no. 4 (2012): 761–784.
6. Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).
7. The backward-looking objectives are typical of most of the legal scholarship. For forward-looking objectives, see Gibson, "Truth, Justice, and Reconciliation"; Roman David and Susanne Y. P. Choi, "Forgiveness and Transitional Justice in the Czech Republic," *Journal of Conflict Resolution* 50, no. 3 (2006): 339–367.
8. Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000).
9. Roman David, *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland* (Philadelphia: University of Pennsylvania Press, 2011).
10. Bronwyn A. Leebaw, "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* 30 (2008): 95–118.
11. Amnesty International, "Argentina: The Full Stop and Due Obedience Laws and International Law" (April 1, 2003), available at: <http://www.refworld.org/docid/3f13d9d34.html> (accessed November 15, 2013).
12. Roman David and Houda Mzioudet, "Personnel Change or Personal Change? Rethinking Libya's Political Isolation Law," *Brookings Doha Center – Stanford University Project on Arab Transitions Paper Series*, 4 (March 2014).
13. William Schabas, "The Relationship between Truth Commissions and International Courts: The Case of Sierra Leone," *Human Rights Quarterly* 25, no. 4 (2003): 1035–1066.
14. David, *Lustration and Transitional Justice*.
15. The typical responses by members of the gray zone to the revelation of their collaboration were denial and excuses, not defiance and inimical statements. Zdena Slaivorova-Skvorecka, *Osočení: pravdivé příběhy lidí z "Cibulkova seznamu"* (Brno: Host, 2000). Denial and excuses for one's involvement in the past regime indicate an effort of the individual to be accepted in the democratic society.
16. Michaela Nováková, "Ekonomové změřili, jak se po každých volbách opakuje hra o 'trafiky,'" *iDnes* (September 11, 2013), available at: http://zpravy.idnes.cz/ies-vydal-studii-o-propojeni-politiky-s-verejnym-sektorem-pan-domaci.aspx?c=A130911_170759_domaci_ael (accessed October 13, 2013).
17. Naturally, the practice of the spoils system comes at considerable cost, manifested in the inability to submit professionally designed projects to access European Union subsidies.

18. This practice began under President Václav Klaus, but is a hallmark of the Presidency of Miloš Zeman.
19. David, *Lustration and Transitional Justice*.
20. Roman David, "In Exchange for Truth: The Polish Lustration and the South African Amnesty Process," *Politikon: South African Journal of Political Studies* 32, no. 1 (2006): 81–99.
21. David and Choi, "Victims on Transitional Justice."
22. David, *Lustration and Transitional Justice*.
23. *Ibid.*
24. ČTK[Czech Press Agency], "Dcera Rudého kata rozdala dědictví těm, kterým ublížil," *Aktualne.cz* (August 30, 2013), available at: http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=789080&utm_source=email&utm_medium=email&utm_campaign=posli (accessed October 13, 2013).
25. David and Choi, "Forgiveness and Transitional Justice."
26. David, *Lustration and Transitional Justice*.
27. Transitional justice in the Czech Republic first emphasized the victims of communism, then turned against those responsible for communist crimes and finally pursued the policy of truth. Reparation led to retribution, followed by revelation. By contrast, in Latin America the truth phase, characterized by the rise of truth commissions, led to the justice phase with the overturning of many amnesty laws and the launch of key prosecutions. Aryeh Neier, "What Should Be Done about the Guilty?" *The New York Review of Books* (February 1, 1990).
28. David and Choi, "Victims on Transitional Justice."
29. *Ibid.*
30. David, "Twenty Years of Transitional Justice."
31. Lustration laws imposing sanctions on wrongdoers were passed to grant "minimal" justice. Maria Łoś, "Lustration and Truth Claims: Unfinished Revolutions in Central Europe," *Law and Social Inquiry* 20, no. 1 (1995): 117–161.
32. David, *Lustration and Transitional Justice*.
33. Deterrence is a common justification for criminal trials. Hunjoon Kim and Kathryn Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries," *International Studies Quarterly* 54, no. 4 (2010): 939–963. Skeptics argue that the evidence of deterrence still needs to be produced. Julian Ku and Jide Nzelibe, "Do International Criminal Tribunals Deter or Exacerbate Humanitarian Atrocities?" *Washington University Law Review* 84 (2006): 777–833.
34. Roman David and Susanne Y. P. Choi, "Getting Even, or Getting Equal? Retributive Desires and Transitional Justice," *Political Psychology* 30, no. 2 (2009): 161–192.
35. Susanne Y. P. Choi and Roman David, "Lustration Systems and Trust: Evidence from Survey Experiments in the Czech Republic, Hungary, and Poland," *American Journal of Sociology* 117, no. 4 (2012): 1172–1201.
36. David, *Lustration and Transitional Justice*.
37. Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001).
38. James L. Gibson, "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process," *American Journal of Political Science* 48, no. 2 (2004): 201–217.
39. David and Choi, "Victims on Transitional Justice."

40. David Mendeloff, "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?" *International Studies Review* 6 (2004): 355–80.
41. Audrey Chapman and Patrick Ball, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," *Human Rights Quarterly* 23, no.1 (2001): 1–43.
42. Łoś, "Lustration and Truth Claims."
43. Lustration law concerned a limited number of positions, mainly in the state administration. However, since the lists of secret police informers were easily accessible, it was implemented beyond the scope of the law.
44. "Otevřel se Ústav pro studium totalitních režimů," *iHned* (February 1, 2008), available at: <http://zpravy.ihned.cz/c1-22871540-otevrel-se-ustav-pro-studium-totalitnich-rezimu> (accessed October 13, 2013).
45. The search was performed for the period of the calendar year. It included articles, news reports and articles written by bloggers attached to the newspapers.
46. For the case of Andrej Babiš, leader of new party Ano [Yes], see ČTK, "Babis Says He Need not Be in Czech Government, Will not Seek Lustration" (November 6, 2013), available at: <http://www.ceskenoviny.cz/zpravy/babis-says-he-need-not-be-in-czech-govt-will-not-seek-lustration/1004873> (accessed November 14, 2013).
47. The Social Democrat proposal may have sought to dispel the growing mistrust over the comeback to government of people associated with the communist regime. People who could not work in the state apparatus due to the lustration laws worked as advisors to ministers. David, *Lustration and Transitional Justice*.
48. "Poslanci schválili, že diskriminovat bude trestné," *Aktualne.cz* (March 19, 2008), available at: <http://aktualne.centrum.cz/domaci/politika/clanek.phtml?id=600192> (accessed October 13, 2013).
49. Tereza Křobová, "Rada ÚSTR rozhodla: Hermana nahradí Pavla Foglová," *Aktualne.cz* (April 10, 2013), available at: <http://aktualne.centrum.cz/domaci/zivot-vesku/clanek.phtml?id=776543> (accessed October 13, 2013); "Čistka v ÚSTR: Nová šéfka se bavuje lidí napojených na exředitele, nechtějí s ní mluvit," *iHned.cz* (April 18, 2013), available at: <http://zpravy.ihned.cz/c1-59717020-sefka-ustr-foglova-zahajila-cistku> (accessed October 13, 2013); Martin Fendrych, "Začíná rudý úklid, antikomunista Herman končí," *Aktualne.cz* (April 11, 2013), available at: <http://aktualne.centrum.cz/blogy-a-nazory/komentare/clanek.phtml?id=776608> (accessed October 13, 2013); Martin Fendrych, "Gottwaldovec kádruje Čunase," *Aktualne.cz* (August 19, 2013), available at: <http://aktualne.centrum.cz/blogy-a-nazory/komentare/clanek.phtml?id=788006> (accessed October 13, 2013).
50. Public support for the center-right coalition government of Prime Minister Petr Nečas was 17 percent in October 2012 when Act No. 428/2012 Sb., on the Property Settlement with Churches and Religious Communities was debated. "Nečasově vládě už věří jen necelá pětina lidí. Ztrácí i podporu stoupenců ODS," *iHned* (October 5, 2012), available at: <http://zpravy.ihned.cz/c1-57779990-necasove-vlade-uz-veri-jen-necela-petina-lidi-ztraci-i-podporu-stoupcu-ods> (accessed October 13, 2013).
51. Centrum pro Výzkum veřejného mínění, "Názor veřejnosti na roli církvi ve společnosti a na navrácení církevního majetku" (October 23, 2012), available at: http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a6901/f3/pii21023b.pdf (accessed October 13, 2013).
52. The Constitutional Court refused the complaint in its decision Pl. ÚS 10/13 in 2013.

53. Josef Kopecký, "Zeman chce změnu restitucí, aby církev dostaly méně peněz," *iDnes* (September 1, 2013), available at: http://zpravy.idnes.cz/zeman-je-pro-zmenu-zakona-o-cirkevnych-restitucich-f8g-/domaci.aspx?c=A130901_112141_domaci_kop (accessed October 13, 2013).
54. The unemployment remains at 7 percent, above the 4.5 level of 2008. In 2013, the Czech Republic ranked 57 out of 175 countries in the Corruption Perception Index. In 2008, it ranked 45–46 out of 180. There have been nine governments in office between 2004 and 2014.
55. Stan and Nedelsky, *Encyclopedia of Transitional Justice*.
56. Charles Batson, *The Altruism Question: Toward a Social Psychological Answer* (Hillsdale, NJ: Erlbaum, 1991).
57. David and Choi, "Victims on Transitional Justice."
58. *Ibid.*
59. David, "Twenty Years of Transitional Justice."
60. For the notable case of Jirina Bohdalova, see Jiri Priban, "Oppressors and Their Victims: The Czech Lustration Law and the Rule of Law," in *Justice as Prevention: Vetting Public Employees in Transitional Societies*, eds. Alexander Mayer-Rieckh and Pablo De Grieff (New York: Social Science Research Council, 2007).
61. An OLS linear regression model was preferred to an ordinal logit because the former is easier to comprehend. The dependent variables were coded from the most negative (0) to the most positive (4).
62. The coding of transitional measures on the Likert scale ranged from the most negative (0) to the most positive (4).
63. David and Choi, "Victims on Transitional Justice."