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Purges, Truth Commissions, and Lustrations

The Long Term Consequences of Dealing with Authoritarian Legacies

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Purges

Abstract

The transitional justice literature treats lustration and administrative purges (such as de-communization, de-baathification and de-nazification) as the same type of mechanism for dealing with the past. Indeed, all of these institutions are forms of personnel transitional justice in that they aim at eliminating from the state apparatus members and collaborators of the previous authoritarian regime.

This chapter draws a distinction between forms of transitional justice that deal with collaboration that was secret (lustration) and forms of collaboration that were known (such as purges).

The model of lustration presented in the previous chapter showed how lustration enhances democratic representation by preventing blackmail of current politicians by former authoritarian elites. Lustration, by exposing the potentially embarrassing information about collaboration with the authoritarian regime's enforcement apparatus, makes it impossible for former authoritarian elites to extort policies in exchange for keeping "skeletons in politicians' closet" secret.

However, modeling the effect of the severity of purges leads to very different predictions for democratic representation. While the quality of political representation increases monotonically with the severity of lustration, thorough administrative purges may lead to worse effects for democratic representation than only partial leadership purges.

A crucial theoretical result of this chapter is that democratic representation improves in direct proportion to the amount of lustration that is implemented, but does not improve in proportion to the intensity of purges.

3.1 Introduction

In the previous chapter, I constructed a model showing that lustration can enhance democratic representation by preventing blackmail of current politicians by former authoritarian elites. Lustration, I showed, by exposing the potentially embarrassing information about collaboration with the authoritarian regime's enforcement apparatus, makes it impossible for former authoritarian elites to extort policies in exchange for keeping skeletons in politicians' closet secret. A crucial theoretical prediction of that chapter was that democratic representation improves in direct proportion to the amount of lustration that is implemented.

Chapter 5 will test this implication empirically using an original Transitional Justice dataset. In this chapter, however, I will use a formal theoretic framework to explain the concept of purges, that is transitional justice procedures that limit the presence in office of *known* collaborators. As remarked above, the Transitional Justice (TJ) literature treats lustration and administrative purges (such as de-communization, de-baathification and de-nazification) as the same type of mechanism for dealing with the past Elster (2004*b*), Binningsbø et al. (2012). Indeed, all of these institutions are forms of personnel transitional justice in that they aim at eliminating from the state apparatus members and collaborators of the previous authoritarian regime. Yet, as a comparison of the model from the previous chapter and this chapter will show, the effect of the severity of lustration on democratic representation is very different from the effect of severity of purges on democratic representation. While the quality of political representation increases monotonically with the severity of lustration, the opposite is true for purges.

The next section presents some illustrative examples of purges that fall into the categories of thorough, leadership, and perfunctory purges. A thorough purge denotes the disbanding of an entire segment of an ancién regime institution, without discriminating between leaders (those issuing orders) and rank and file (those following orders). It is illustrated, for example, by the the shutting down of the Stasi in East Germany or the closing down of Służba Bezpieczeństwa in Poland in 1990. A leadership purge is limited to the top echelon of the hierarchy of the enforcement apparatus, thus it does discriminate between the leadership of the organization and the rank and file. This case is illustrated with the *Panev Law* from Bulgaria. Finally, a perfunctory purge is a vetting process that only extends to the rank and file or to the lowest echelons of the hierarchy of the enforcement apparatus. Such purges sometimes occur while the authoritarian regime is still in office. Under such circumstances, they should be interpreted as a preemptive move of the outgoing authoritarian regime, which shields itself from more severe transitional justice from the hands of the incoming democratic regime (Kamiński & Nalepa 2014).[1] A perfunctory purge can also be instituted by an incoming democratic government when it cannot conduct a leadership purge because its hands are tied by a peace agreement with the outgoing military autocrats (Nalepa 2010). Under such circumstances, forgoing purges altogether is not feasible because of third party or international pressures. The next chapter demonstrates that both types of perfunctory purges are rare. Therefore, they have been omitted from the formal model presented here.

Section three develops the theoretical model in three stages. First, it presents the baseline model of a decision to purge as the reverse of a delegation problem. I start with the most basic model of delegation from the American Politics literature (Epstein & O'halloran 1999, Callander et al. 2008). Building on the intuition that firing staff of a security or enforcement agency comes at the cost of losing potentially valuable expertise, this baseline models implies that it will not always serve democratic representation well to conduct a thorough purge. In the second step, I enhance this baseline model of delegation by allowing for discretion limits, a development introduced to the delegation and agency literature by comparativists Huber & Shipan (2002). Whereas the first two models only adapt existing models to the purges case and they only allow for representing the binary choice of the politician, who decides whether to conduct a thorough purge or to restrict the purge to the leadership. The third model I present is my original contribution to the delegation literature. Building on the first two models, it predicts the equilibrium level of purge that the new democratic politician will implement. Section four presents welfare results for all three models and then compares the

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[1] Preemptive perfunctory purges do not satisfy the definition of transitional justice.

results of the purge models with the results of the lustration blackmail model. Section five briefly introduces summary statistics from the Transitional Justice Database and concludes.

3.1.1 A note on terminology in the literature

Before elaborating on my own classification of personnel transitional justice systems, it is worthwhile pointing out some alternative classifications used in the literature. For the most part, as remarked above, the literature merges all categories of personnel transitional justice under one heading. Olsen, Payne, and Reiter use the term lustration to refer to "official state policies to purge individuals from positions they currently hold or to ban them from holding specific positions in the future" (Olsen et al. 2010, p.38). They point out that most lustrations have occurred in Eastern Europe. That these authors pool collaboration with known and unknown collaborators becomes apparent when they admit that lustration events are often referred to in terms of the group that is banned from public office, as in "De-Nazification," "De-Communization," and "de-Baatification." This use of the term "lustration" is incompatible with the theory presented in this book, which rests on the distinction between clandestine and open collaboration with the ancién regime. Second, it is also incompatible with empirical data revealing numerous lustration events (whether using my definition or Olsen et.al.'s combined definition) beyond East Central Europe.[2] Authors of the widely recognized Post-Conflict Justice DataBase, Binningsbø et al. (2012) have also been pooling personnel transitional justice events into one category. These researchers, however refer to all personnel forms of transitional justice using the term "purges," which describe "the acts of removing politicians, armed forces members, judiciary or other members of society for their (alleged) collaboration with or participation in a conflict and limiting their influence accordingly" (Binningsbø et al. 2012, p.736). In part because their data collection effort is limited to societies recovering from conflict and only covers five of the first post-conflict years, these authors only managed to locate 15 post-conflict episodes that are followed by purges. Finally, there are a couple of authors who disaggregate personnel transitional justice mechanisms. These are Roman David and Cynthia Horne (2017a). The first defines lustration as a "special public employment law that stipulates the conditions for the access of persons who worked for or collaborated with the political or repressive apparatus of socialist regimes to certain public positions in new democracies," but he limits its application to the region of Eastern Europe justifying this decision with the fact that prior to 1990 this term was not used to describe transitional justice procedures (David 2011, p.67). While it it true that the term "lustration" was rarely used to describe the disqualification for public employment of secret and clandestine collaborators of the former regime, such procedures were implemented both before 1990 and beyond Eastern Europe, as chapter 4 will convincingly show. Cynthia Horne makes a similar mistake by trying to "back out" the concept of lustration from ways in which policy makers have used it. Taking a disaggregating approach, she presents an overlapping categorization of personnel transitional justice events that includes vetting, lustration, and purges. She limits the use of the term "purge" to describe a ban extending collectively to any member of a certain

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[2] I also find many more lustration events (even disaggregated to what I call lustration) than the Olsen et.al. team was able to. In (Olsen et al. 2010, p.39) only record 54 instances of lustration. Yet the vast discrepancy is in part due to these authors' coding with a dummy variable the sheer occurrence or lack of lustration, whereas I discriminate across time between different lustration events—both positive and negative—as explained in detail in Chapter 4. Consequently the total number of combined events is xxx

organization linked to the ancién regime. In contrast, a lustration procedure will consider each case individually. She stipulates lustration to be part of a broader category of "vetting" which can ban from holding office members of the ancién regime based on other criteria than participation or collaboration with the former authoritarian regime. Both David's and Horne's approaches limit the scope of lustration to Eastern Europe. Critically, neither David nor Horne distinguish between procedures that based the ban on revealing new information about secret collaboration and bans that rely on open membership in an ancién regime organization.

3.2 Illustrative examples of purges

A couple of illustrations of thorough purges come from PostCommunist Europe and involve the disbanding of communist secret police agencies there. The purging of the East German Stasi is now legendary and described by multiple historians and political scientists (Koehler 1999, Childs & Popplewell 2016, Miller 1998). Initially, following Erich Mielke's resignation, the East German Council of Ministers renamed the Stasi to the "Office for National Security." However, less than two months later, the new Prime Minister of GDR, Hans Modrow ordered the dissolution of this new office. The Ministry of Internal Affairs inherrited the buildings and facilities of the former Stasi, but none of the employees were rehired by the new agency.[3] The Ministry took over some of the tasks performed by Stasi (notably, the ones that did not involve spying on the opposition). This thorough purge came at a cost, however, documented by numerous journalistic accounts of former Stasi officers receiving gainful employment in the business holdings of Martin Schlaff, an Austrian businessman who in the 1980s made a small fortune by supplying senior Stasi officers with products that were precluded from trade under "CoCom," the embargo imposed on the Soviet block by the West (Tillack n.d., Borchert 2006).

The story from Poland, involving the disbanding of the begrudged Służba Bezpieczeństwa (SB) is less well known, though an excellent illustration of the dilemmas and costs involved in thorough purges.

As of July 1989 the SB employed 24,107 officers. But after implementing an ordinance of the Minister of Internal Affairs, this number dropped to 6681. Entire departments making up the SB—specifically II, III, IV, V and VI—were liquidated.[4] It would be misleading, however to interpret this as a purge. According to Leskiewicz (2016), the 1989 Roundtable Agreement put Czeslaw Kiszczak (former SB chief featured in the previous chapter) in charge of the Internal Affairs Ministry. As Minister, he was left responsible for reorganizing the SB, so he reassigned the most compromised employees from the dissolved departments into the Citizens Militia units (the Citizens' Militia, *Milicja Obywatelska*, was the former communist state's police force).[5] It was not until two members of the former opposition

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[3] Childs & Popplewell (2016) report that "most of the Stasi employees had to turn to some other means of earning their living. However a significant number did find reemployment in the policy or private security work. In Saxony, it was reported that more than 500 ex-Stasi operatives had been taken over by the police. This includes 161 former full time MfS employees and 262 IM. In addition, 370 ex-members of the DDR criminal police were in employment in 1994" (195).

[4] These departments were responsible for counterintelligence, combating anti-state activities, infiltration of religious organizations, protection of the state economy, protection of the state agriculture, respectively.

[5] The minister made use of two regulations "Ordinance number 890 MSW of January 22, 1990 changing the ordinance about the status of MO and SB and ordinance" and ordinance number

proposed legislation creating completely new police and security agencies, that the prospect of actual purges in Poland's security apparatus became a reality. As a result of the bill any new operations including on existing cases under SB investigation would be terminated. Officers conducting espionage, counter-espionage and investigations into economic crimes would have to stop working immediately. Anti-terrorist activities would be allowed to continue. In addition, a few general service departments would continue to operate including the Bureau for deciphering, the communications bureau, the passport division and the population registry division.[6]

Even as the new proposal was being discussed in the legislature, the leadership of what remained of SB was sincerely hoping to be awarded positions in the new Office for State Protection *Urzad Ochrony Panstwa* (UOP). Notwithstanding the fact that UOP was tasked with activities quite different from the focus of SB: combatting international terrorism, white collar crime, and espionage. Despite these efforts, the bill passed the legislature in early 1990. A critical part of the act addressed the fate of former SB employees. Not only were the existing 6681 SB staff to be let go, but the purge extended to all officers who as of late July 1989 were employed by SB. As a result, the purge included staff that Kiszczak intended to shield, by transferring them to the Civic Militia. Simultaneously, the Civic Militia was disbanded and a new police force created in its place. Implementing the new legislation was complicated by the fact that Kiszczak was still at the helm of the Ministry of Internal Affairs. But in June 1990, Prime Minister Tadeusz Mazowiecki, indicated to Kiszczak that "there cannot be peace" while he is in charge of the department. The following day, Kiszczak resigned and his vice minister, Krzysztof Kozlowski took over. In his memoirs, Kiszczak expressed deep regret that he was not in a position to protect the staff that had worked under him for so many years "especially since despite agreement from the *Roundtable* and peaceful power transition, calls for revenge and accountability intensified" Beres (n.d.).

With Kiszczak ousted, Kozlowski was also in a position to purge the leadership of the organization. This purge started with the dismissal of the second vice-minister, five generals, and 16 department directors as well as their immediate deputies, totaling 202 staff members. With the leadership purge, he was able to implement the newly passed legislation, which called for the firing all employees of SB and only rehiring them after they had been vetted by stringent verification commissions that the new legislation made provisions for. Verification was coordinated by a Central Verification Committee (*Centralna Komisja Weryfikacyjna*), chaired by Kozlowski himself. The central committee coordinated 50 regional committees. The regional committees were made up of the UOP regional chief, the regional police chief, the head of the regional police, a police trade union representative as well as persons who "had earned the trust of the local community and boasted high moral authority." In practice, the additional verification committee members included two members of parliament, one senator, a regional "Solidarity" trade union activist along with a few persons nominated by the UOP chief. Any former member of SB (defined by his workplace prior to Kiszczak's reshuffle) was allowed to apply for a position in UOP as long as he or she was under 55 years of age. In the application, the candidate had to explain how his or her services would be useful under the new democratic regime. [7] Only candidates cleared of any suspicions were

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075/89 of August 24, 1989 on the liquidation and reconstruction of some organizational units of the Ministry of Internal Affairs

[6] the very fact that these department had been subsumed under the secret police in the communist state, only indicates how far-reaching

[7] Verification committees were featured in the film "Psy" directed in the early nineties by Wladyslaw Pasikowski. The film opens with the the Chair of the verification committee reading out

admitted to service in the new UOP and police force. According to Slawomir Dudek of all SB employees as of mid 1989 only 14,500, that is 60 % applied for verification. Initially, only 8681 convinced the verification commissions of their usability, but 4500 more appealed the regional decisions and among those, 1800 had the initial decisions reversed. This brought the total number of former employees positively vetted to be rehired by UOP to 10439 and the number of those who failed to 3595. As one of Kozlowski's vice-ministers Internal Affairs pointed out, successfully passing verification merely made a candidate eligible for reemployment. It is not clear exactly how many of the over ten thousand were ultimately rehired (Dudek & Gryz 2003).

The reason this Polish example qualifies as a complete purge is that the entire structure of SB was dismantled with its employees collectively fired. All officers old enough to remember the repression of the 60s were forced into retirement. The remainder of SB staff was only permitted to reapply for employment in the new agencies after each case received separate individual consideration.

Of course, thorough purges need not be limited to the secret intelligence and police apparatus. The following illustration comes from Panama. The Human Rights Watch report describes the purge of the judiciary that took place there as follows "From top to bottom, judges who held posts under Noriega resigned or were purged and have been replaced by new ones, almost all of whom lack prior judicial experience: all nine of the Supreme Courts judges resigned and were replaced; the newly-constituted Supreme Court then dismissed or had to replace 13 out of the 19 judges of the *Tribunales Superiores*, the intermediate appellate courts; and approximately two-thirds of the 48 trial-level circuit judges, were, in turn, removed or replaced by the newly appointed appellate judges" (1991).

One final illustration of a thorough purge comes from Argentina, where according to the New York Times, only two months after taking office, President de la Rua purged the intelligence apparatus of over 1500 agents responsible for involvement in the so-called "dirty war" (Krauss 2000). Purged agents were either dismissed or forced into retirement. Instead of releasing the list of names of those purged, entire sections of the agency were let go, suggesting that no discrimination was made between those giving or following orders or the level of involvement. According to the report, this "housecleaning will mean nearly a 50 percent reduction in military intelligence personnel, and officials said they would leave nonmilitary intelligence work to civilian agencies" (Krauss 2000).

A good illustration of a leadership purge is the Bulgarian *Panev Law*, passed on December 9, 1992 by the Bulgarian National Assembly. [8] Among its many provisions, the law prohibited from holding positions in " Executive Bodies of Scientific Organizations and the Higher Certifying Commission" people who had taught at the Communist Academy for Social Sciences and Social Management and also those who had taught History of Communist Parties, Leninist or Marxist Philosophy, Political Economy, or Scientific Communism. All persons covered by the law had to provide written statements regarding their prior employment and party activities. The refusal to provide such a statement was regarded as admission of guilt. According to its author, Mr Georgi Panev, the underlying idea behind the purge

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loud the cv of the main protagonist, Franz Mauer. Since warnings and sanctions outnumbered the distinctions by a large margin, the Chair asked if Mauer felt obligated to "faithfully serve the new Polish Republic." To which Franz replied: "I do, to the very end, be it mine of her's." Franz Mauer was rehired.

[8] The full name of the bill was' 'Law for Temporary introduction of Additional Requirements for Members of Executive Bodies of the Scientific Organizations and the Higher Certifying Commission."

"was to bar persons of the higher totalitarian scientific structures and former collaborators of the former State Security from academic and faculty councils and from the supreme academic awards commission, awarding scientific degrees and other academic qualifications." The reason this was a leadership purge is that only having taught in institutions belonging to the communist state's tight leadership circle was the basis for disqualification. Rather than barring all academic staff who had held a position under the previous regime, most were allowed to retain their jobs, provided, they had not also worked at the key institutes providing communist cadres with higher education.

I end this section with two examples of perfunctory purges. Such purges will not be represented in any of the formal models to follow, but the decision to omit them merits an explanation. A perfunctory purge is one that keeps the leadership intact, while firing low ranking agents of the security agency or other enforcement apparatus. The first illustration comes from Nicaragua. Nicaragua's autocracy was based on the Sandinista National Liberation Front (FSLN or "Sandanista"). The government brought upon the country an eight-year civil war that came to end with competitive elections held in 1990. President Violeta Chamorro who emerged victorious in those elections faced considerable pressure from the US Congress to reform the security forces. [9]. These pressure notwithstanding, Chomorro decided to forgo the purge of military commanders and only purge troops, whose numbers were reduced from 80,000 to only 20,000. In particular, she retained the former president and FSLN leader, General Ortega, most likely for no other reason than to preserve peace, as she had been a longtime Sandinista critic. Three months later when she did fire a long-time Sandanista Chief commander, to make good on her promise of leading a "government of national reconciliation" she replaced him with another Sandanista (Otis 1992). The second perfunctory purge example comes from El Salvador. Similarly to Nicaragua, El Salvador had gone through a party-based authoritarian government (which was classified according to some of the sources as party-military) followed by a civil war which left 75,000 people dead. The first competitive elections free from political violence were held in 1994, though the peace agreements signed earlier, in February of 1992 Archive (n.d.). On January 4 1993, despite pressure from the UN to carry out a leadership purge in the military, President Christiani to demonstrate "good faith over the peace accords [...] announced reductions in the armed forces from 63,000 to 31,500 troops" *Renewed threats to peace process Purge of army officers* (1993)

The next section presents three progressive models of purges.

3.3 The Model

Consider the following general dilemma. Following transition to democracy, the incoming government inherits a state apparatus, which is staffed by employees of the former authoritarian regime. These employees posses expertise that the incoming government is lacking. Yet, given the fact that their preferences diverge from those of the incoming democratic government, they may use this expertise to sabotage the policy program of the new democratic government. In light of this dilemma, should the incoming government purge the state administration of personnel employed by the former autocrats or should they retain the state

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[9] At one point, the US Congress threatened to withhold the release of 100 million dollars to Nicaragua unless some personnel exchange took place. In part, this was due to charges that US funds had been funneled to Sandinista groups, but upon another reading, the withholding of aid was supposed to bring about a purge

employees? And if they decide to implement a purge, should they only purge the leadership or should they conduct a thorough purge? Finally, if the new democratic government stops short of a thorough purge, how far down the leadership ladder should it go?

This framing of the purge problem as a principal agent dilemma draws on models of delegation from the institutions literature in American and Comparative Politics (Callander et al. 2008, Huber & Shipan 2002, Epstein & O'halloran 1999). Delegation models assume a single *principal* who can either act on his own or delegate authority over policy to another actor, referred to as the *agent*. The principal in the delegation literature is typically a legislature and the agent is typically a bureaucrat, who equipped in expertise can implement policy that is better suited to accommodate states of the world that are obscure to the legislature. However, delegating policy authority to the bureaucrat comes at a risk, as he may use his expertise to move the ultimate policy away from the legislature's ideal point. This is especially likely if the preferences of the legislature and the bureaucrat are misaligned. The delegation literature refers to this phenomenon as *bureaucratic drift* (Gehlbach 2013). Building on this framing, I treat a thorough purge as analogous to refusal to delegate. In doing so, I assume the new democratic regime lacks expertise to implement policy as efficiently as employees of the ancién regime. Thus, even though the democratic successors know what policy outcome they want, they cannot anticipate the policy distortions that will arise at the time of implementation. Forgoing a purge, on the other hand, can be interpreted as a decision to delegate policy choice to agents of the former authoritarian regime.

In what follows I consider three formal models. I start with the most basic model of a decision to purge, where the new democratic politician considers two option: a thorough or leadership-only purge. Next, I enrich this model by allowing the politician to set discretion limits for the old regime's administrative staff should he choose a leadership only purge. The third model allows the politician to choose, in addition, how deep down the leadership ladder the purge should reach.[10]

3.3.1 Baseline model

Consider a uni-dimensional policy space $S \subset \Re$. The model features a Politician, P, and a former enforcement Agency Officer, O with ideal points, $0 \epsilon S$ and $x_A \epsilon (0,1) \subset S$, respectively. In the first stage, the Politician determines whether to conduct a thorough purge ($Thorough$) or to only replace the leadership of an agency that was staffed prior to the transition to democracy with members of the former authoritarian regime ($Leadership$). Following the Politician's decision, Nature determines the policy shock $\omega \epsilon \{\varepsilon, -\varepsilon\}$ to be applied following the the choice of policy. I will assume that either policy shock is equally likely, that is, $Pr(\omega = -\varepsilon) = Pr(\omega = \varepsilon) = \frac{1}{2}$. This policy shock is observed by the agency officer, but not by the politician. In the third, terminal, stage of the game, the Politician (in the event of a thorough purge) or the Agency Officer (in the event of a leadership only purge) chooses the policy p from a policy space S. The preferences of the players are determined by the Euclidean distance between their ideal points and the policy that is the final outcome of the game. This final outcome, x, is the join product of the policy choice in the second stage and Nature's determination of the policy shock, according to the expression $x = p + \omega$. Thus,

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[10] I note here that the option of no purge at all is very unlikely in a democratic transition, as at minimum, the former top echelon of leaders of the ancién regime must be replaced. Hence the categories of *thorough* and *leadership only* purge offer an exhaustive, even if not nuanced classification.
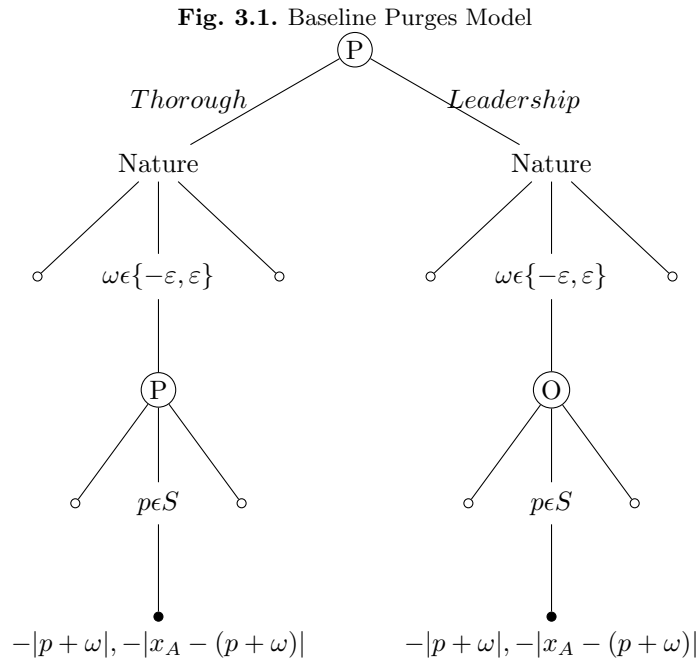
the utility functions of the players can be written as a function of the policy choice, p, as follows:

$U_P(p) = -|p + \omega|$

$U_A(p) = -|x_A - (p + \omega)|$.

Although this information is already clear from the game tree in figure 3.1 below, the strategy set of the Politician is given by $S_P = \{Thorough, Leadership\} \times S$, while the strategy set of the Agency Officer is given by $S_A = \{(a_\varepsilon, a_{-\varepsilon}) : a_\varepsilon \epsilon S, a_{-\varepsilon} \epsilon S\}$.

Since this is a game of complete, albeit imperfect information, the solution concept in Subgame Perfect Nash Equilibrium. The game tree representing the baseline model is presented below.

Fig. 3.1. Baseline Purges Model

This game can be solved by backward induction. I first consider the right hand side of the the game tree represented in Figure 3.1 Note first, that since the officer observes ω, he can implement policy to "perfectly absorb" the exogenous policy shock and bring the final outcome to his ideal point. That is, for $\omega = \varepsilon$, he will choose $BR_A(\varepsilon) = p^* = x_a - \varepsilon$ and for $\omega = -\varepsilon$, $BR_A(-\varepsilon) = p^* = x_A + \varepsilon$. In light of this, the politician's expected outcome from a thorough purge is given by:

$U_P(Thorough, BR_A(Thorough)) = -x_A$.

Consider now the left hand side of the game tree in Figure 3.1. Since the politician cannot observe the policy shock, his best response, given the symmetry of ω, is $p = 0$. [11] As a result, $EU_P(Thorough, 0) = -\varepsilon$. Moving to the first stage of the game, note that, the politician will

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[11] Note, that actually any $p\epsilon[-\varepsilon, \varepsilon]$ is a best response, however $p = 0$ is robust with respect to changing the utility functions from "tent" to quadratic . One can also show that changing the

choose a thorough purge if $\varepsilon < x_A$ and a leadership only purge if $x_A \leq \varepsilon$. In other words, the politician will refrain from conducting a complete purge whenever uncertainty associated with the policy shock is smaller than the preference divergence between the politician and the agency officer. This result merely replicates Bendor & Meirowitz (2004) as a special application of their model to purges.

3.3.2 Discretionary limits

The next model I consider, allows the politician to not only decide whether to purge completely or limit the purge to the leadership, but if he chooses the latter, he can also set so called *discretion limits*. Discretion limits are interpreted as lower and upper bounds on where the Agency Officer may implement policy p. Given our assumptions about the location of the ideal point of the politician (at 0), it can be easily seen that there is no need for the politician to set a lower bound for the limits, as the agency would never want to implement policy to the left of the Politician's ideal point. This modification changes the model relative to the game from the previous section in only two instances:

1. The strategy set of the politician is modified to $S_P = \{Thorough\} \cup \Re^+) \times S$ to reflect that the politician only sets the upper part of the discretion limit when he forgoes the complete purge
2. The agency officer no longer has perfect shock absorption, as the discretion limit, r, may be set so that $r < x_A + \omega$ preventing him from achieving his ideal point.

The game tree of the game with discretion limits is given below.

This game is again solved for Subgame Perfect Equilibrium through Backward Induction. Note first, that if P conducts a complete purge, the optimal policy is, as before, $p = 0$, with an expected payoff of $-\varepsilon$. If the politician chooses to forgo a complete purge, he has to set the discretion limit, r to maximize his utility, given that without the discretion limit, A would "absorb the shock" and implement $p = x_A - \omega$. To find the optimal discretion limit, r, I consider two cases:

1. $\omega = -\varepsilon$
2. $\omega = \varepsilon$

In case (1), A will set $p = x_A - (-\varepsilon) = x_A + \varepsilon$, whereas in case (2), A will set $p = x_A - \varepsilon$. Assume $x_A \leq 2\varepsilon$. I will prove that P cannot do better than setting the discretion limit at $r = \varepsilon$. To do this, I will calculate P's expected utility given $r = \varepsilon$ and show that increasing r to $\varepsilon + \delta$ or decreasing r to $\varepsilon - \delta$ for some positive δ would only decrease P's utility.

Note first, that when the discretion limit is set to $r = \varepsilon$, A will set policy to $min\{\varepsilon, x_A + \varepsilon\}$ if $\omega = -\varepsilon$ and to $min\{\varepsilon, x_A - \varepsilon\}$ if $\omega = \varepsilon$. Making use of the initial assumption ($x_A \leq 2\varepsilon$), note that P's expected utility is given by:
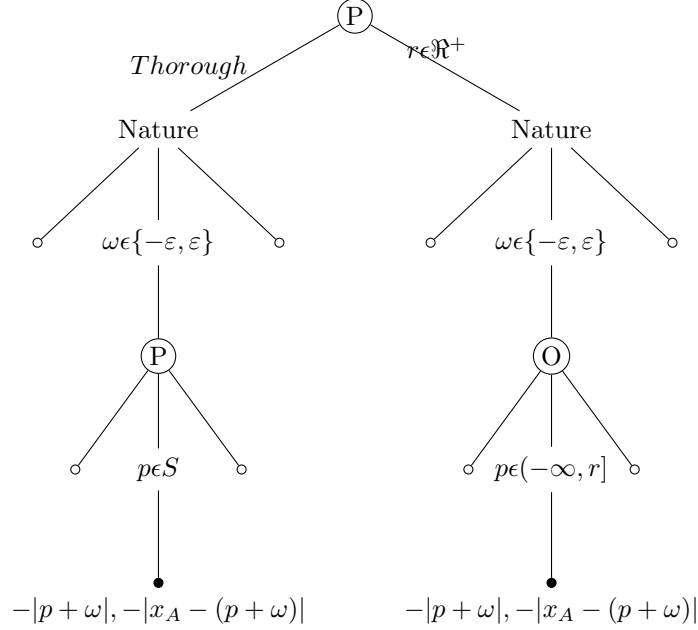
$EU_P(r = \varepsilon) = -\frac{1}{2}|\varepsilon - \varepsilon| - \frac{1}{2}|x_A - \varepsilon + \varepsilon| = -\frac{x_A}{2}$

Were the discretion limit set higher, to some $r = \varepsilon + \delta$, A would have to set policy to $min\{\varepsilon + \delta, x_A - \varepsilon\}$ for $\omega = -\varepsilon$ and set it to $min\{\varepsilon + \delta, x_A - \varepsilon\}$ for $\omega = \varepsilon$. Consequently, P's expected utility would be given by:

$EU_P(r = \varepsilon + \delta) = -\frac{1}{2}|\varepsilon + \delta - \varepsilon| - \frac{1}{2}|x_A - \varepsilon + \varepsilon| = -\frac{x_A + \delta}{2}$. Were the discretion limit set, on the other hand, lower, to some $r = \varepsilon - \delta$, A would propose $p = min\{\varepsilon - \delta, x_A + \varepsilon\}$ for $\omega = -\varepsilon$ and $p = min\{\varepsilon - \delta, x_A - \varepsilon\}$ for $\omega = \varepsilon$, leading to P's expected utility of:

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actors' preferences does not change the end result of the analysis(Gehlbach 2013, Bendor & Meirowitz 2004)

Fig. 3.2. Purges Model with Discretion Limits

$$EU_P(r = \varepsilon - \delta) = -\tfrac{1}{2}|\varepsilon - \delta - \varepsilon| - \tfrac{1}{2}|x_A - \varepsilon + \varepsilon| = -\tfrac{\delta}{2} - \tfrac{x_A}{2}.$$

Since in both cases, P's utility is lower than in the instance where $r = \varepsilon$, we can conclude that the politician's optimal discretion limit is $r = \varepsilon$.[12]. P's expected utility with that discretion limit, leads to the conclusion that P will forgo a thorough purge and stick with a leadership purge as long as $x_A < 2\varepsilon$. This result can be contrasted with the baseline model. It is clear that when the politician can set discretion limits, he will stop short of a thorough purge even if the administrative apparatus inherited from the ancién regime diverges in its preferences from the politician twice as much as in the baseline model (where discretion limits were not available).

3.3.3 How far to purge?

In the final modification of the baseline model, I allow the Politician to determine how far down the leadership ladder to implement the purge. The idea I exploit here is that the expertise that the Agency Officer has when implementing policy will decrease with the level of the purge. In other words, the extent to which the officer can absorb the policy shock is proportionate to how deep down the chain of command the leadership purge extends.

In this model, I will assume, that the threshold for forgoing a thorough purge has been cleared. In other words, in a world with discretion limits, $x_A \leq 2\varepsilon$ or in a world without discretion limits, $x_A \leq \varepsilon$. Thus, I no longer have to account for P's decision to purge

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[12] I note that one additional assumption needed to complete the second step if this proof —that increasing the limit relative to ε only decreases P's expected utility—is that $\delta \geq x_A - 2\varepsilon$. However, without this assumption, the politician's expected utility simply does not change relative to $r = \varepsilon$

thoroughly. Building on models in sections 3.3.1 and 3.3.2, I assume that the condition for leadership purge holds and move on to predicting how far the purge will extend.

The game starts with the Politician's choice of purge level, which is expressed as $s\epsilon(x_A, 1)$, where x_A is the most extensive purge, down to the level of the "traffic cop"[13] and 1 represents a purge that barely skims off the leadership. [14] I model this by allowing the parameter of the purge level to determine the precision with which the Agency Officer can read the signal that the policy shock was ε rather than $-\varepsilon$. For this purpose, I define the following four probabilities:

$Pr(h(h))$ is the probability that the signal the officer receives is high when the policy shock if positive (correct signal)

$Pr(l(h))$ is the probability that the signal the officer receives is low when the policy shock if positive (incorrect signal)

$Pr(l(l))$ is the probability that the signal the officer receives is low when the policy shock if negative (correct signal)

$Pr(h(l))$ is the probability that the signal the officer receives is high when the policy shock if negative (incorrect signal)

I also assume that:

1. $Pr(h(h))\epsilon(0,1), Pr(l(h))\epsilon(0,1), Pr(l(l))\epsilon(0,1), Pr(h(l))\epsilon(0,1)$
2. $Pr(h(h)) > Pr(l(h)), Pr(l(l)) > Pr(h(l))$
3. $Pr(h(h)) + Pr(l(h)) = \frac{1}{2} = Pr(l(l)) + Pr(h(l))$

The first of the above three conditions says that there is no perfectly correct of perfectly incorrect signal. The second condition states that given a policy shock, either a low or high signal must be issued. The third condition states that the signals are not perverse. That is, the probability of an incorrect signal for a given policy shock is never higher than the probability of a correct signal. Finally, I assume that the relationship between the Politician's action, s, and the above probabilities are defined as follows:

$$\frac{Pr(h(l))}{Pr(l(l))} = \frac{1-s}{1-x_A} \tag{3.1}$$

This means that that the signal becomes less informative as s approaches x_A. It also implies that as s approaches 1 the signal quality improves. In other words, the expertise of the agent is highest (the probability of a correct signal much higher than the probability of incorrect signal) when the purge is only limited to the top echelon of leadership. The expertise of the agent is lowest (probability of correct signal barely higher than the probability of an incorrect signal) when the purge is "all the way down to the traffic cop." The relationship between the probabilities of correct and incorrect signals for positive policy shocks is defined similarly:

$$\frac{Pr(l(h))}{Pr(h(h))} = \frac{1-s}{1-x_A}. \tag{3.2}$$

After observing the signal, but not the shock, the officer decides which policy to adopt. Preferences are Euclidean. However, for ease of computing maximization problems, I switch both players to quadratic preferences, that is, the agent's payoff is given by:

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[13] Yet it is not equivalent to a thorough purge, , as that possibility has been eliminated by our assumptions that $x_A < 2\varepsilon$ and $x_A < \varepsilon$, respectively.

[14] Yet it is *not* the equivalent of forgoing a purge entirely, as some minimal purge is implied by the very fact that a regime transition took place.
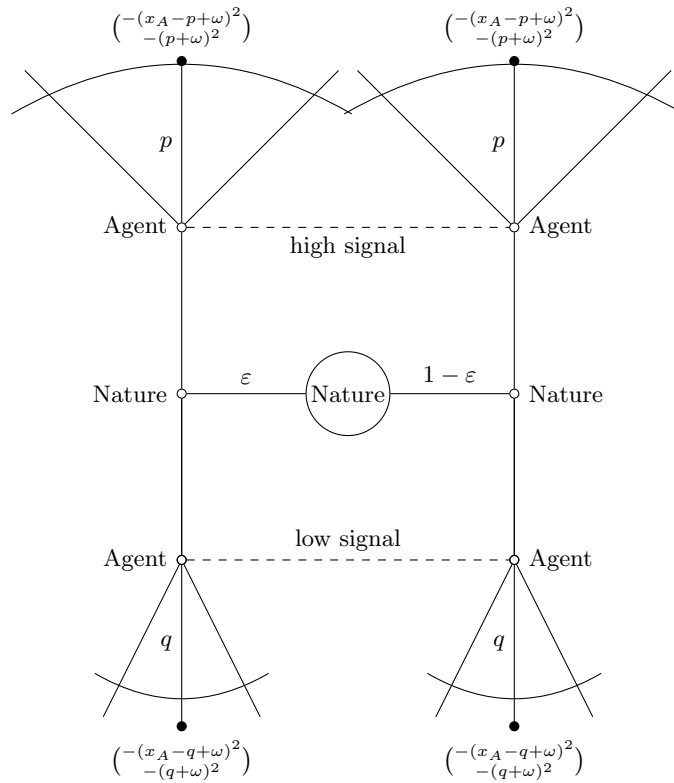
$$U_A(s;p,q) = \begin{cases} -(x_A - (p+\omega))^2 \text{ if signal is high} \\ -(x_A - (q+\omega))^2 \text{ if signal is low.} \end{cases}$$

and the politician's payoff is given by:

$U_P(s;p,q) = -(p+\omega)^2$

The strategy set of the Politician is given by $S_P = [x_A, 1]$ and the strategy set of the Agency Officer is given by $S_A = \{(p,q) : p\epsilon(-\infty, \epsilon] \text{ and } q\epsilon(-\infty, \epsilon]\}$, where p represents the policy following a high signal and q represent the policy following a low signal. The game tree is presented below in figure 3.3. Note that the graphic representation (for esthetic reasons) is missing the move of the Politician in the very first stage of the game, wherein he chooses the purge level $s\epsilon(x_A, 1)$. Yet the ability of of the Politician to determine the purge level *ex ante*, that is before Nature's move, is a crucial difference between this game and the two previous ones described in sections 3.3.1 and 3.3.2.

Fig. 3.3. Leadership Purges with Imperfect Shock Signals

Since this is not a game of incomplete information,[15] the solution concept is Subgame Perfect Equilibrium. As before, the game can be solved by backward induction.

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[15] Note that although the politician determines the level of uncertainty experienced by the officer, the signal itself is issued by Nature.

In the final stage, given the Agent's limited shock absorption, he will choose p to maximize:

$EU_A(s,p;.) = -(x_A - (p+\omega))^2 * Pr(h(h))\frac{1}{2} - (x_A - p + \omega) * Pr(h(l))\frac{1}{2}$

and simultaneously choose q to maximize:

$EU_A(s,.;q) = -(x_A - (q+\omega))^2 Pr(l(h)) * \frac{1}{2} - (x_A - (q+\omega) * Pr(l(l))\frac{1}{2}$.

Although these expressions contain too many unknowns, from assumption 3 above, we can derive:

$h(l) = \frac{1}{2} - l(l)$ and $l(h) = \frac{1}{2} - l(l)$.

from equation 3.1: $Pr(h(l)) = \frac{Pr(l(l))(1-s)}{1-x_A}$ and from equation 3.2 we can derive: $Pr(l(h)) = \frac{Pr(h(h))(1-s)}{1-x_A}$. Combining the two, we can express $Pr(l(l)) = \frac{1-x_A}{2(1-x_A+1-s)}$ and $Pr(h(h)) = \frac{1-x_A}{2(1-x_A+1-s)}$ and then derive $Pr(h(l)) = \frac{1-s}{1-x_A+1-s}$ and $Pr(l(h)) = \frac{1-s}{1-x_A+1-s}$.

This means that we can express each of the signal probabilities as a function of purge level choice of the Politician and the Agency Officer's ideal point. For any given location of ideal points, an increase in the purge level decreases the probability of a correct signal and for any given level of purge, the further away the agency officer's ideal point is located, the greater the probability of an incorrect signal. This is intuitive, as the greater the misalignment between the politician and the agency officer, the "less relevant" his expertise is. In other words, she may have known how to implement policies in the context of an authoritarian regime, but in the post-authoritarian context this knowledge is of limited value to the Politician. And similarly, the further down the leadership level the purge extends (represented by a decrease in s), the less precise the signal received by the agent.

These transformations allow us to write A's expected utility following a high signal as:

$EU_A = -(x_A - p - \varepsilon)^2 * \frac{1-x_A}{2(2-a-s)} - (x_A - p + \varepsilon)^2 * \frac{1-s}{2(2-x_A-s)}$

And his maximization exercise with respect to p as:

$argmax_p EU_A = \frac{\delta EU_A}{\delta p} = \frac{(x_A-p-\varepsilon)(1-a)}{2-x_A-s} + \frac{(x_A-p+\varepsilon)(1-s)}{2-x_A-s}$

At the same time, A's expected utility following a low signal is given by:

$EU_A = -(x_A - q - \varepsilon)^2 * \frac{1-x_A}{2(2-a-s)} - (x_A - q + \varepsilon)^2 * \frac{1-s}{2(2-x_A-s)}$

And his maximization exercise with respect to q as:

$argmax_p EU_A = \frac{\delta EU_A}{\delta q} = \frac{(x_A-p-\varepsilon)(1-s)}{2-x_A-s} + \frac{(x_A-p+\varepsilon)(1-a)}{2-x_A-s}$

Taking the First Order Conditions on these two expressions gives:

FOC: $\frac{(x_A-p-\varepsilon)(1-a)}{2-x_A-s} + \frac{(x_A-p+\varepsilon)(1-s)}{2-x_A-s} = 0$

and

FOC: $\frac{(x_A-q-\varepsilon)(1-s)}{2-x_A-s} + \frac{(x_A-q+\varepsilon)(1-a)}{2-x_A-s} = 0$.

Solving for the optimal p and q, respectively, leads to:

$p^* = q^* = \frac{-2x_A+(x_A-\varepsilon)(x_A+s)}{s-2+x_A}$

The fact $p^* = q^*$ ensures that the politician is actually able to conduct his maximization exercise, as the politician does not get to observe the signal (nor, obviously, the shock). To find the optimal level of purge, s, the politician maximizes EU_P, which substituting for p and q becomes:

$EU_P = -(\frac{-2x_A+(x_A-\varepsilon)(x_A+s)}{s-2+x_A} - \varepsilon)^2 * Pr(\omega = \varepsilon) - (\frac{-2x_A+(x_A-\varepsilon)(x_A+s)}{s-2+x_A} + \varepsilon)^2 * Pr(\omega = -\varepsilon)$

and noting that $Pr(\omega = +\varepsilon) = Pr(\omega = -\varepsilon) = \frac{1}{2}$, his maximization exercise becomes:

$argmax_s EU_P = -(\frac{-2x_A+(x_A-\varepsilon)(x_A+s)}{s-2+x_A} - \varepsilon)^2 * \frac{1}{2} - (\frac{-2x_A+(x_A-\varepsilon)(x_A+s)}{s-2+x_A} + \varepsilon)^2 * \frac{1}{2}$.

Taking the derivative of the above expression gives:

$\frac{\delta EU_P}{\delta q} = (\frac{-2x_A+(x_A+s)(x_A-\varepsilon)}{x_A-2+s} - \varepsilon) * \frac{2\varepsilon}{(x_A-2+s)^2}$.

And the First Order Condition is written as

FOC: $\frac{\delta EU_P}{\delta q} = \left(\frac{-2x_A + (x_A + s)(x_A - \varepsilon)}{x_A - 2 + s} - \varepsilon\right) * \frac{2\varepsilon}{(x_A - 2 + s)^2} = 0$, which solving for s yields:

$$s^* = \frac{3x_A - x_A^2 - x_A\varepsilon - 2}{x_A + \varepsilon - 1} \tag{3.3}$$

This expression falls between x_A and 1 whenever $max\{x_A - 1, 1 - x_A\} \le \varepsilon \le \frac{x_A(3 - 2x_A)}{x_A + 1}$.

3.4 Discussion and comparative statics

The first comparative static that emerges from the expression defining the optimal purge level, s^* is that the level of purge will actually increase with the magnitude of the policy shock. To see this, recall that a smaller s represents a greater leadership purge. ε which represents the magnitude of the policy shock appears both in the the denominator and in the numerator of the optimal level of purge. However in the numerator it appears with a negative sign and in the denominator with a positive sign, hence it has a consistently negative effect on s, i.e., greater shocks decrease s^*. This can be interpreted to mean that democracies with more policy uncertainty surrounding the transition, will in equilibrium purge deeper. The effect of x_A, which is the ideal point of the agency officer, is less straightforward as it requires calculus and plotting the effects of change.

First, taking the derivative with respect to x_A yields $\frac{\delta s^*}{\delta x_a} = \frac{-x_A^2 + x_A(2 - \varepsilon) + 3\varepsilon - 1}{(x_A + \varepsilon - 1)^2}$.

This expression is positive when $-x_A^2 + x_A(2 - \varepsilon) + 3\varepsilon - 1$ is positive, which is for $x_A \epsilon \left(\frac{2 - \varepsilon - \sqrt{\varepsilon(\varepsilon + 10)}}{2}, \frac{2 - \varepsilon + \sqrt{\varepsilon(\varepsilon + 10)}}{2}\right)$. Outside of this interval, it is negative. However, the lower end of this interval is negative whenever $\varepsilon > .4$. Hence, for policy shocks greater than .4, we can ignore the lower bound of the interval $x_A \epsilon \left(\frac{2 - \varepsilon - \sqrt{\varepsilon(\varepsilon + 10)}}{2}, \frac{2 - \varepsilon + \sqrt{\varepsilon(\varepsilon + 10)}}{2}\right)$.

This leads us to conclude that, assuming $\varepsilon > .4$, there is a critical value $x_A^* = \frac{2 - \varepsilon + \sqrt{\varepsilon(\varepsilon + 10)}}{2}$, such that if the Agency Officer's ideal point is greater that x_A^*, an increase in the distance between his ideal point and the Politician, will actually decrease the level of purge conducted by the Politician. However, for ideal points of the Agency Officer's such that $x_A < x_A^*$, as the ideal point of the Agency Officer increases, the Politician will purge more of the leadership.[16]

Finally, to find the optimal policy implemented in equilibrium, we can substitute 3.3 back into the expression for p^* (and q^*) described above. This will allow us to express the equilibrium policy implemented by the agency officer in terms of ε and x_A. The result is given below:

$$p^* = q^* = \frac{2x_A\varepsilon + 2x_A - \varepsilon}{3x_A + \varepsilon}. \tag{3.4}$$

Comparative statics on this expression reveal how the optimal policy will change in response to changes in the policy shock and in response to changes in the ideal point of the agency officer. First note that:

$\frac{\delta p^*}{\delta\varepsilon} = \frac{x_A(6x_A - 5)}{(3x_A + \varepsilon)^2}$

and that $x_A(6x_A - 5) > 0$ if and only if $x_A > \frac{5}{6}$. This means that only if the ideal point of the agency officer is sufficiently distant from the ideal point of the Politician, an increase

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[16] And more generally, where the policy shock is smaller that .4, there exists also critical value $x^{**} = \frac{2 - \varepsilon - \sqrt{\varepsilon(\varepsilon + 10)}}{2}$, such that if $x_A < x^{**}$, an increase in the distance between ideal points of the Officer and Politician, will decrease the optimal level of purge.

in the magnitude of the policy shock will increase the location of the policy proposed in equilibrium, placing it further away from the ideal point of the Politician. Otherwise, that is, when $x_A \leq \frac{5}{6}$, an increase in the policy shock will bring the policy proposed by the Agency Officer closer to the politician's ideal point. This observation is particularly valuable in the context of the comparative static on s described in equation 3.3, which showed that policy uncertainty increases the level of purge that is conducted. A crucial insight from the model is that increasing the purge level, except for agencies with very divergent preferences (x_A exceeding $\frac{5}{6}$, is a response to increases uncertainty, and serves to bring the policy closer to the politician's ideal point. In other words, in equilibrium, the Politician will expand the purge to take advantage of what he expects the Agency Officer to do, when he is uncertain. And uncertain Agency Officer play it safe and as a result, steers clear of implementing policy that might end up being too far to the right of the politician.

We can visualize this effect graphically, by plotting the optimal p^* against ε. Figure 3.4 does this for three separate values of x_A: $\frac{1}{4}$, $\frac{1}{2}$, and .95. The domains of ε have been adjusted to fit the constraint that $\varepsilon < 2x_A$, reflecting the fact that the condition for avoiding a thorough purge under discretion limits has been satisfied. We see that only in the case of $x_A = .95$, does the plot corresponding to the optimal policy p^* slope upwards. In the other two cases, it slopes downwards, indicating that a shock increase brings the policy closer to the Politician's ideal point. It also slopes downward at a higher rate for lower x_A's indicating that the rate at which the optimal policy choice approaches the ideal point of the Politician is higher for Agency Officer's ideal points located closer to the ideal point of the Politician.

Figure 3.4 and the argument preceding implies that except for very distant ideal points of the Agency Officer, an increase in the policy shock will result in an outcome that is better for the politician. While this may seem counterintuitive, note that this result is contingent on the Politician choosing the optimal purge level, which in turn may depend on exogenous factors, not accounted for in the above formal model. Obviously, in such cases, one of the two earlier models may be more adequate in modeling the new democratic politician's dilemma. Nevertheless, to the extent that the Politician is free to implement any level of purge, the uncertainty associated with implementation can actually be to his advantage.
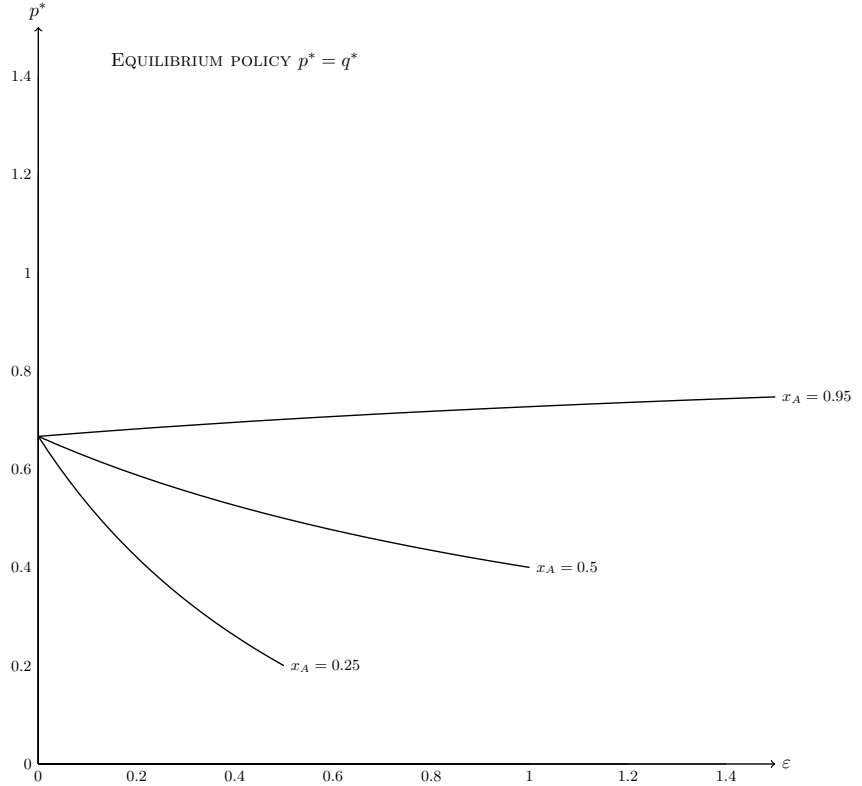
3.4.1 Quality of democratic representation in all three models

What we are ultimately interested in the case of each of the three presented models, is the location of the ultimate policy outcome. Note that this is different from the representations in Figure 3.4, because the final policy outcome will be revealed after the policy shocks have played out. We are interested in seeing what the average distance of this ultimate outcome is relative to the ideal point of the politician, which I refer to, for consistency with the model in chapter 2 as the quality of representation. In all formal models presented in in this book, I assume that unobstructed, the politician would implement the ideal point of the voters he represents, which for simplicity coincides with his ideal point. Thus of key interest to me is the distance between the equilibrium policy outcome and the Politician's ideal point. These expected distances can be easily calculated and are presented in Table 3.4.1 below as a function of the policy shock, ε and the agency officer's ideal point, x_A.[17]

The expression defining the equilibrium outcome in the model with choice of purge levels is complex because calculating the exact value of $-\frac{1}{2}|\frac{2x_A\varepsilon + 2x_A - \varepsilon}{3x_A + \varepsilon} + \varepsilon| - \frac{1}{2}|\frac{2x_A\varepsilon + 2x_A - \varepsilon}{3x_A + \varepsilon} - \varepsilon|$ requires the consideration of three cases. I relegate this task to the chapter's Appendix,

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[17] For comparison's sake I present all distances in terms of Euclidean and not quadratic distances.

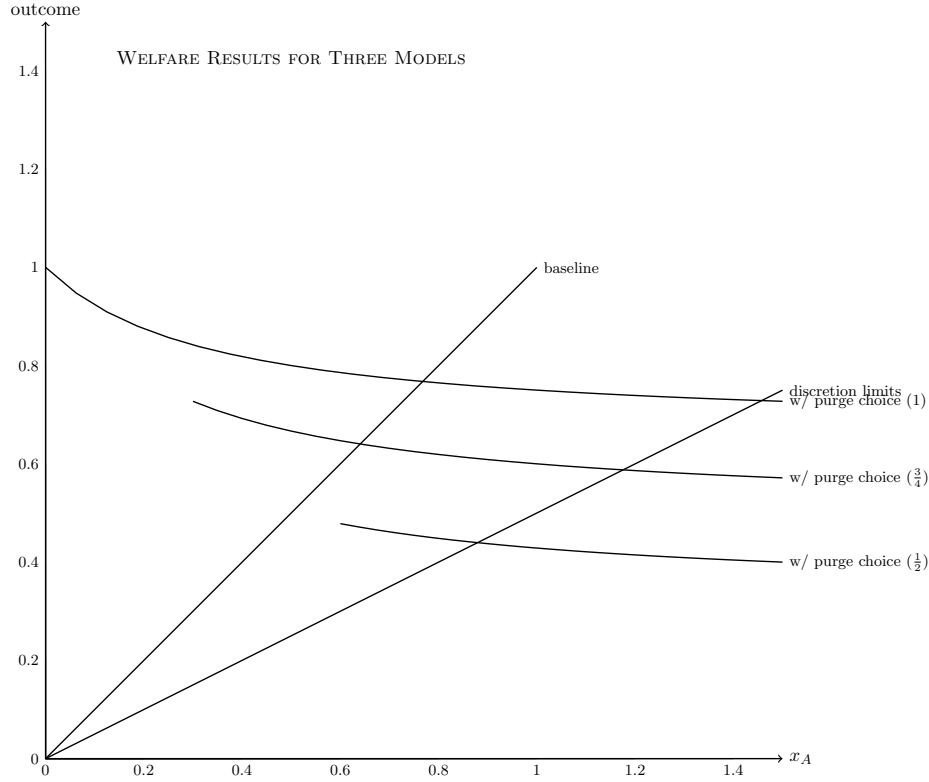**Fig. 3.4.** Equilibrium Policy Choice as Function of ε

as epsilon changes.pdf

Table 3.1. Equilibrium policy outcome under the baseline, discretion limits, and choice of purge level model as a function of agency officer's ideal point x_A

Model	leadership: $\varepsilon < x_A$;	leadership/thorough: $x_A \leq \varepsilon < 2x_A$;	thorough: $\varepsilon \geq 2x_A$
Baseline	$-x_A$	$-\varepsilon$	$-\varepsilon$
w/ discretion limits	$-\frac{x_A}{2}$		$-\varepsilon$
w/ choice of purge level	$-\frac{1}{2}\left|\frac{2x_A\varepsilon+2x_A-\varepsilon}{3x_A+\varepsilon}+\varepsilon\right|-\frac{1}{2}\left|\frac{2x_A\varepsilon+2x_A-\varepsilon}{3x_A+\varepsilon}-\varepsilon\right|$		case not covered

where I calculate that provided the conditions for $s\epsilon[x_A,1]$ are satisfied, the value becomes either $-\frac{3x_A\varepsilon-2x_A+\varepsilon^2}{3x_A+\varepsilon}$ or $-\frac{2x_A\varepsilon+\varepsilon}{3x_A+\varepsilon}$. To see whether these values are closer the Politician's ideal point than the expected equilibrium outcome in the baseline or discretion limits model, I plot the outcomes as a function of x_A for three separate values of $\varepsilon = 1, \frac{3}{4}$, and $\frac{1}{2}$.

Figure 3.5 shows that for small values of shocks (such as $\varepsilon = \frac{1}{2}$), the quality of representation is higher when the Politician can choose the purge level, compared to the baseline or discretion limits model. This is true for almost the entire range of x_A. For high values of shocks ($\varepsilon = 1$), he will be better off in the baseline model as long as the Agency Officer's ideal point, x_A is lower than .8 (under the baseline model) or under 1.5 (under the model with discretion limits). For moderate shock levels ($\varepsilon = \frac{3}{4}$, the politician will be worse off if

Fig. 3.5. Three model welfare results as function of x_A

he can set the purge level than under the baseline model when $x_A < .6$ and worse off than under the model with discretion limits when $x_A < 1.2$.

Thus, from the quality of representation standpoint, whether or not it is better to be able to choose not only whether to purge the state apparatus of ancién regime affiliates or not, but also at what level to set the purge, depends on the ideal point of the agency officer.

3.4.2 Contrast with Representation under Lustration Blackmail Model

When comparing transitional justice procedures that have been captured in formal models, there are many aspects of such comparisons that one could focus on. From the point of view of the key question asked in this book, it is whether more purges contribute to better quality of representation, as was the case with the lustration blackmail model from chapter 2. Two contrasts are immediately apparent. First, it the quality of representation in the case of purges is sensitive (in some instances even critically so) to the distance between the Politician's and the Agency Officer's ideal point. This can be seen for instance in the comparative statics on the optimal purge level, s^* presented in equation 3.3, where the the Politician's action was highly dependent on how closely aligned his preferences and the Agency Officer's were. Second, it is no longer the case that more purges are better, other factors held constant, for the quality of representation. Indeed, as the discussion in section

3.4 indicates, the optimal purge level, s^* is highly dependent on the amount of uncertainty following the democratic transition and the disparity in preferences between the Politician and Agency Officer. In some instances, most notably, when the policy shock is high, purging more is better from the point of view of the politician. But when uncertainty is relatively low, the quality of representation will not be served by an extensive purge. Also, as discussed in the same section, the effect of preference divergence is not even monotonic. For some preferences of the Agency Officer (moderately distant), higher purge levels will serve the quality of representation better, but for others (close and distant preferences), lower purge levels will better enhance the quality of representation.

3.5 Measuring Purges

This section presents data collected as part of an NSF funded project "Transitional Justice and the Quality of Political Representation: Testing the Empirical Implications of a Formal Model" (SES:1658170). Thus far, I have been able to collect data on personnel transitional justice disaggregated into truth commissions, lustration, leadership purge and thorough purge data for 38 countries around the world. In line with the theory presented in this chapter and chapter 2, the first two categories constitute transitional justice in its dealing with secret collaborators, whereas the last two constitute transitional justice in its dealing with open collaborators of the ancién regime.

The following four figures present the data as a time series of positive and negative transitional justice events of each type. I define a positive transitional justice event as the submission of a transitional justice proposal to the floor of the legislature, the passage of such legislation, the upholding of such legislation as constitutional by a supreme court, or the overturning of a presidential veto against such legislation. I define a negative transitional justice event, in contrast, as the voting down, vetoing or striking down by the constitutional court lustration provisions. Similarly, expanding the set of persons targeted by transitional justice or broadening the set of "offenses" (where "offense" is defined in light of the transitional justice procedure in question) to include more past or present positions constitutes a positive transitional justice event, whereas attempts to narrow the set of targets or "offenses" were coded as negative transitional justice events.

These figures were created using Keesings Record of World Events, Lexis Nexis Academic Universe and numerous secondary sources. The raw data include chronologies of personnel transitional justice events for nearly all former party-based authoritarian countries that transitioned to democracies since World War II. The number of positive and negative transitional justice events was then aggregated to create a panel, with countries as the cross section and time since transition as the temporal dimension. A panel assembled in this way allows for the creation of many different measures of transitional justice and the raw chronologies themselves will allow researchers to experiment with different systems of disaggregation.

In earlier work Nalepa (2010), I have defined purges (as well as lustration) using three parameters: All persons in set X are screened for committing action Y in the past. If this procedure identifies a person in X responsible for engaging in action Y he or she faces a sanction Z.[18]

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[18] Set X can contain currently-held political offices or social positions, including MPs, senators, teachers, doctors, or even priests. Types of collaboration, making up set Y, include overt forms, such as being a member or leader of an authoritarian party and covert forms of collaboration, such as working as an informant of the authoritarian security apparatus or its undercover agent. The

Fig. 3.6. Positive and negative lustration events in 38 countries from regime transition to date
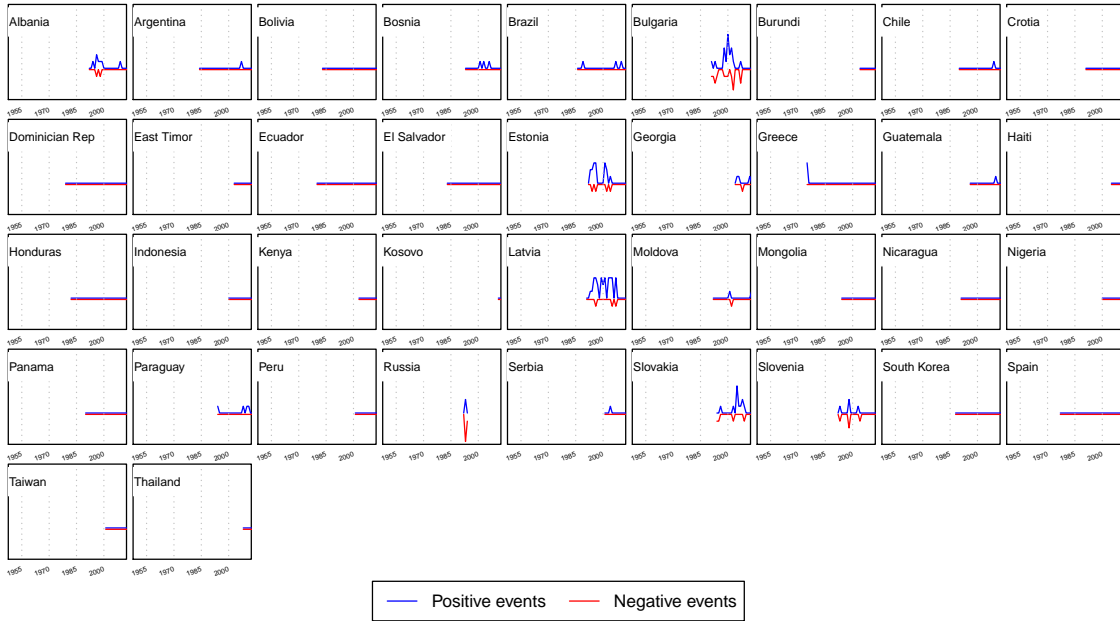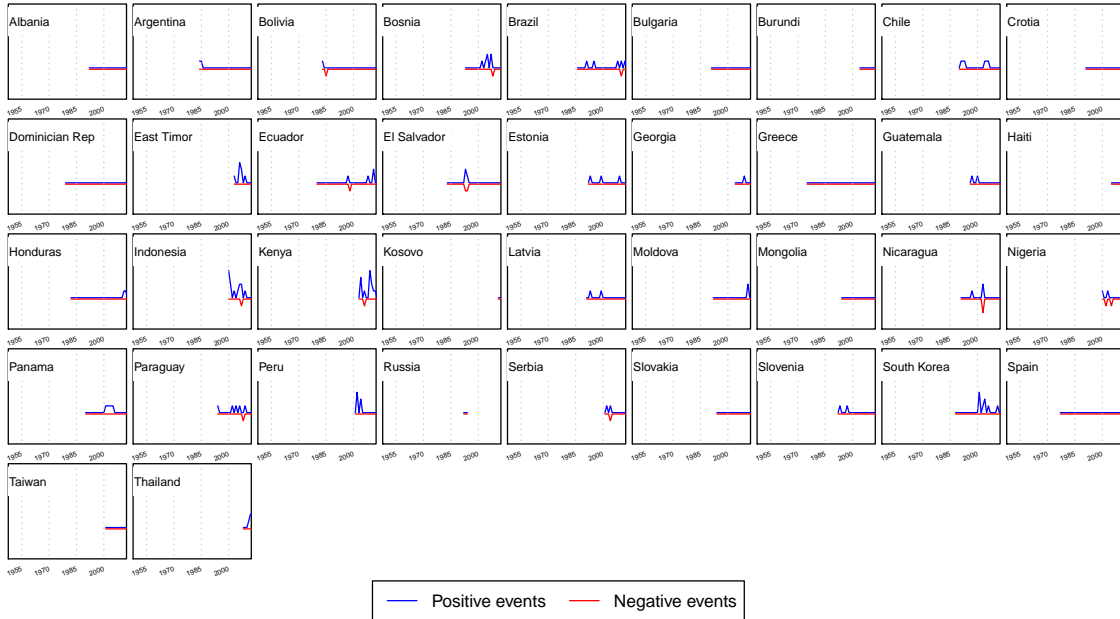

Fig. 3.7. Positive and negative truth commission events in 38 countries from regime transition to date

third parameter, Z, describes the sanction meted out to targets who have been found responsible

Fig. 3.8. Positive and negative leadership purge events in 38 countries from regime transition to date
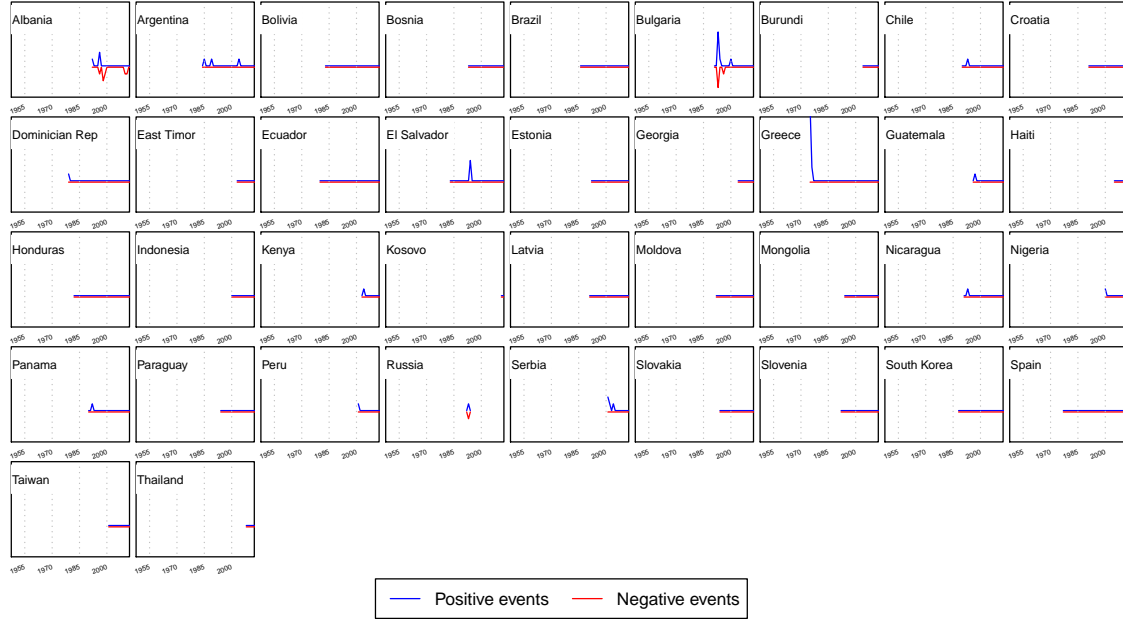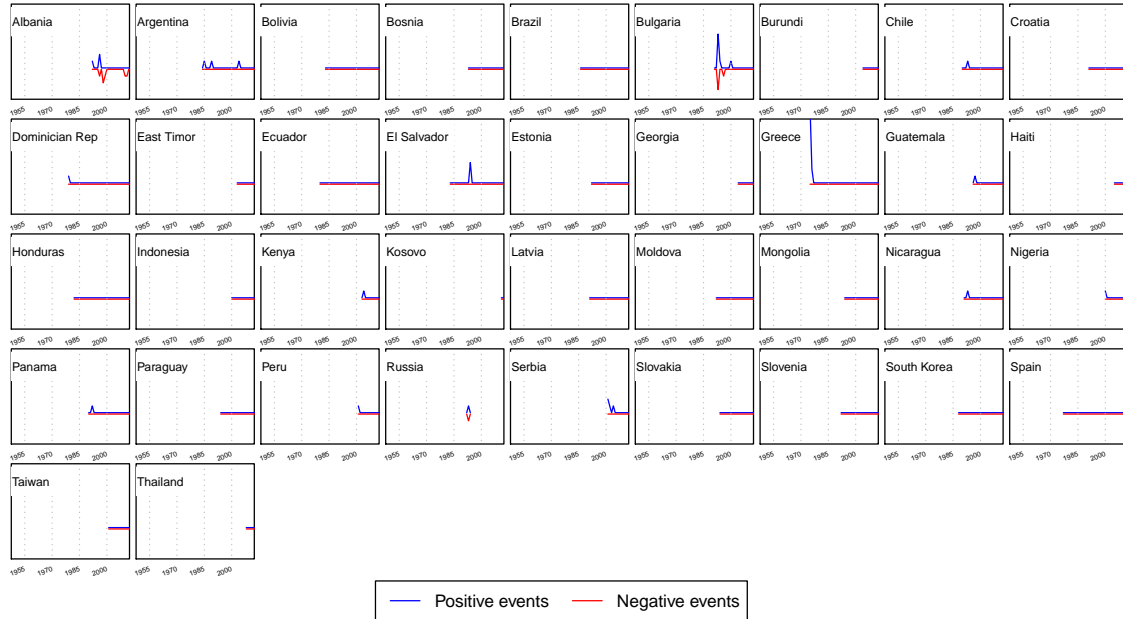

Fig. 3.9. Positive and negative leadership purge events in 38 countries from regime transition to date

for the targeted activity. The sanction ranges from merely revealing the target's past activity to the public to shaming combined with a prohibition on holding public office.

Using this conceptualization of purges implies a three dimensional concept. Adding to this the variable time (accounting for changing in the transitional justice procedure), duration, or how long it takes a lustration agency to vet candidates and persons holding the political offices in question, further complicates the task of measuring personnel transitional justice. Hence any feasible measure is bound to run the risk of oversimplifying aspects of transitional jusitce. In order to capture how a transitional justice unfolds over time and how it affects the incentives described in my models, I focus on the cumulative effect of relative changes in the law since the transition. Specifically, I propose to use the continuous measure of severity:

$severity_j = \frac{Positive\_events_j}{Total\_events_j + 1}$

For a given country, *Severity* will take on the value of 0 when the country in question did not attempt any transitional event. The number of negative transitional events is strictly lower than the number of positive transitional events, ensuring that a state with any transitional justice event at all will have a non-zero score. This ratio approaches 1 when the ratio of positive events to total events increases. The addition of 1 in the denominator of the measure ensures that the denominator is different than zero. [19]

3.6 Conclusion

This chapter has discussed purges as a personnel transitional justice mechanism that functions differently from lustration and produces different effects for the quality of democratic representation. As in the previous chapter, the quality of democratic representation is operationalized as the politician's ability to get his ideal point implemented. I assume that this ideal point corresponds to the preferences of the voters. Of course, this assumption does not require agreeing with the dubious claim that elected representatives always represent voters' interests. Instead, I am am trying to uncover the distortion to representation that originates in not dealing with legacies of the ancién regime, be these legacies secret (as in the case of lustration) or open (as in the case of purges).

The models presented here have led me to conclude that the effect of purges on representation is very different from lustration. First, it is almost never in the interest of a new democratic regime to conduct a thorough purge. This is something that all three models seem to indicate. Second, having more control over the purge level is not universally desirable, as the third model indicated and the comparison of all three models in Figure 3.5 indicatred. The quality of representation is better served by leadership purges, at least in the case of ancién regime agencies that were not very distant from the new democratic politician's ideal point. Being able to set discretion limits when the purge choice is just a binary (leadership or thorough) is never worse than not having that option. Third, in a model where one can set the purge level, an interesting dynamic ensures. For agency officer ideal points that are not too distant from the politician, an increase in policy shock levels will lead the politician to deepen the purge. He does this however to force the agency officer, who is now more uncertain about the quality of his signal, to bring policy back to the politician. This is a somewhat counterintuitive result, although it may allow us to understand the sometimes risky purge decisions we observe around the world. Indeed, a deeper purge may

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[19] A series of world maps illustrating this measure for the 38 countries we already have data for, along with their transition dates and two other very simple measures (number of years with positive transitional justice events and number of years with negative transitional justice events), can be seen at this link: $https://ipekcinar.shinyapps.io/personnal_transitional_justice_dataset/$

be the optimal response to great uncertainty, as the model demonstrates. Fourth and finally, also in stark contrast to the lustration model from the previous chapter, results pertaining to the quality of representation vary greatly with the distance between the politician and the agency officer.

Although the models presented here present an argument against purges that relies on the information deficit that is created by the departure of agents of the state, one can easily construct other reasons for which carrying out purges is a risky endeavor in a new democracy. One reason is suggested by the illustrative case from section 3.1, describing how former Stasi officers found permanent employment in Martin Schlaff's holdings and engaged in money laundering and tax evasion operations across Europe. The film "Psy" by Wladyslaw Pasikowski illustrates an even more gruesome dynamic from Poland: some of the fired SB officers joined groups of organized crime, where their former bosses had already established themselves in leadership positions and engaged in trafficking weapons, drugs and minors. This effect of a thorough purges—the forcing of rank and file to seek employment with their former bosses—is not unlike the dynamic described by Ben Lessing in an article devoted to the unintended consequences of mass incarceration Lessing (2017). According to Lessing's argument, the inevitability or close inevitability or being confronted with the gang's leader in prison makes the rank and file gang members more likely to obey the orders of prison gang when they are still on "the outside." The parallel argument for the case of purges would run as follows: depriving rank and file SB officers of legal employment in the enforcement apparatus of the new democratic state forces them to seek employment with their former leading officers, outside of the states' official agencies. As such, a thorough purge pushes former secret police officers with (as this chapter has argued) usable skills into the organized crime led by their former leaders of the secret political police.

A

Appendix

A.1 Proofs to Chapter 3

To calculate the social welfare value in the model allowing for choosing the level of purges, we have to caluclate the expected distance of the final outcome from the politician's ideal point, as indicated in Table 3.4.1.

In order to calculate the value of $-\frac{1}{2}|\frac{2x_A\varepsilon+2x_A-\varepsilon}{3x_A+\varepsilon}+\varepsilon|-\frac{1}{2}|\frac{2x_A\varepsilon+2x_A-\varepsilon}{3x_A+\varepsilon}-\varepsilon|$ from table 3.4.1, we have to consider three cases, defined below.

1. $\frac{x_A(5\varepsilon+2)-\varepsilon(1-\varepsilon)}{2}<0$
2. $\frac{x_A(2-\varepsilon)-\varepsilon(1+\varepsilon)}{2}<0$ and $\frac{x_A(5\varepsilon+2)-\varepsilon(1-\varepsilon)}{2}>0$
3. $\frac{x_A(2-\varepsilon)-\varepsilon(1+\varepsilon)}{2}>0$

Case 1 simplifies to $x_A \leq \frac{\varepsilon(1-\varepsilon)}{5\varepsilon+2}$, which contradicts one of the assumptions required for $s\epsilon(x_A,1)$ (namely $x_A \geq \frac{\varepsilon+1}{2}$, so we ignore it here. Case 2 simplifies to $\frac{-3x_A\varepsilon+2x_A-\varepsilon^2}{3x_A+\varepsilon}$. Case 3 simplifies to $\frac{2x_A\varepsilon+\varepsilon}{3x_A+\varepsilon}$.

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