

DEALING WITH THE VIOLENT PAST: TRANSITIONAL JUSTICE AND POLITICAL CULTURE IN LIBERIA AND THE CZECH REPUBLIC IN A COMPARATIVE PERSPECTIVE¹

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Abstract: The Liberian civil war left the country destroyed and its population traumatised by violence and atrocities on an unprecedented scale. There were efforts supported by the international community to deal with the past through the establishment of the Truth and Reconciliation Commission in 2005, and indirectly through the Special Court for Sierra Leone. Both initiatives brought rather ambiguous results.

The Czechoslovak communist regime's record of violence and repressions, starting with the "show trials" of the 1950s, was followed by the persecution of dissidents and other groups. After the Velvet Revolution of 1989, national reconciliation, rather than radical de-communisation was at the order of the day. Soon, the focus of activities moved from criminal investigations to a historical reconstruction of the regime's past.

Although different at first sight, both cases have a number of features worth comparing. The present article analyses similarities and differences in the strategies of dealing with the violent past and their results. Secondly, it focuses on the implications of the latter for the political culture in both countries. It argues that the failure to address the legacy of past injustices has serious consequences for the legitimacy of the state, the rule of law, and the nature of democracy in both countries.

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Introduction

It may seem unusual to compare Liberia, a low-income African country ravaged by a protracted civil war that still tries to recover from the conflict, with a high-income central European country integrated in the Euro-Atlantic economic and security architecture. Undoubtedly, the intensity and gravity of violence in both countries is incomparable. In Liberia, with fourteen years of violence, massive human rights violations and atrocities that went out of scale, the population is much more traumatised and there is much more to be healed and rebuilt. The Czechoslovak communist regime used violence mainly at the beginning, as a means of power consolidation and intimidation of the population. The “stage trials” in the 1950s and the displacement and coercion related to the economic collectivisation are nowadays almost forgotten and the regime is perceived by the majority of Czech citizens as largely non-violent. It also had a major influence on the socio-economic conditions in the country, a legacy that persists until today.

However, during my field research in Liberia, when discussing issues of reconciliation, relation of the past and the present, or political culture, I often realised how similar some tendencies and phenomena in both countries were. Already at first sight, many aspects allow us to make comparisons between Africa and post-communist Central and Eastern Europe with regard to political culture. Issues such as corruption, a lack of transparency in the management of public funds, or the process of the transition to democracy and the liberal, market-based economy are the most prominent ones. One of the less obvious (but equally interesting) aspect is the process of transitional justice that took place in Liberia and the Czech Republic. In both countries, a need to come to terms with a particular period of the nation’s history was at the beginning of the processes of transitional justice. For both societies, the past represented a kind of traumatic experience, which needed to be addressed so that the civic trust could be restored on the horizontal, interpersonal level, but also vertically, as a relationship between the citizens and their political institutions (de Greiff 2008). In both cases, the legacy of the past also represents

a substantial impediment for the democratisation and reform of the political system.

There are often doubts about the value or even feasibility of comparison of processes from different socio-cultural contexts, but phenomena such as seeking justice, mitigation of trauma, or a quest for catharsis transgress boundaries of individual nation-states. In addition, as Skalník (2000) notes, such a comparison can be extremely useful and bring added value than a comparison of more similar cases. This is especially valid with regard to “universal” concepts such as transitional justice, embedded in the discourse created by a small group of actors from the global “North,” applied and implemented in societies, which are different not only from those, from which these concepts originate, but also from each other. The comparison of how the process works in diverse contexts can be valuable on both a theoretical and a practical level, as it allows to draw more general conclusions and make predictions about similar processes and phenomena elsewhere.

The objective of the article is to analyse the similarities and differences in the strategies of dealing with the past in the two selected countries, as well as their results. Secondly, the text explores the implications and effects of the latter on the political culture and the nature of the political system in both countries

At the beginning, before proceeding to the case studies, the key theoretical concepts (transitional justice, reconciliation, and political culture) and the relation between them are presented, followed by a methodology section. The next part analyses the reconciliation process in Liberia, its institutional and procedural forms, and the consequences the latter had for Liberian political culture. The section focusing on the Czech Republic follows a similar structure, presenting the general approach, its results and the relation to the Czech political culture. The final comparison draws conclusions about the impact of reconciliation in these two countries on their respective political culture and beyond.

Theoretical concepts

Transitional justice as a term was coined in the 1990s and stands for “an umbrella term for approaches to deal with the past in the aftermath of violent conflict or dictatorial regimes” (Buckley-Zistel et al. 2014: 1). The concept is quite encompassing and driven by practice rather than by theory. Thinking about transitional justice was to a large extent shaped by particular historical experiences, ranging from the war tribunal in Nuremberg the World War II to the Special Court for Sierra Leone or the Truth and Reconciliation Commission in South Africa. Attempts to theorise the field are quite recent (see e.g., Buckley-Zistel et al. 2014). This is mainly due to the fluidity of the concept, its blurred boundaries, and its interdisciplinarity – it can be analysed from legal, psychological, political, critical, gender or other perspectives. Mechanisms or tools of transitional justice include tribunals, truth commissions, memorial projects, reparations, etc.

Issues discussed with regard to the application of transitional justice mechanisms are often presented as conflicting dichotomies, e.g., between peace and justice, punishment and reconciliation, restorative versus retributive justice, or accountability versus impunity (Sriram and Pillay 2010; Buckley-Zistel et al. 2014). In post-conflict societies, where peace is still fragile, there always exists a tension between peace and justice, amnesty and prosecution, remembering or forgetting the past. Would reconciliation bring more than open old wounds? Would justice bring satisfaction or rather undermine the peace? However, such binary “tensions” are rarely extrapolated to the extent of being mutually exclusive. There is a range of other factors that determine the form transitional justice takes, such as domestic and international power constellations, context and type of transition (or of a peace agreement in the case of violent conflicts), character of the past regime, the actors involved, etc.

Nowadays, transitional justice measures are routinely included in post-conflict reconstruction “packages,” since reconciliation is perceived as a crucial step² in the process of building sustainable peace (Jeong 2005; Doyle and Sambanis 2006). Reconciliation can be seen as

2 However, as Thoms et al. (2008) remind us, there is a lack of solid, systematic research supporting this claim. On the other hand, there is no evidence proving the contrary either.

a process, i.e., as one of the selected strategies within the broader field of transitional justice, or as the ultimate goal of the latter, a final stage to be attained (Hazan 2009). Although the international community is often involved in the design of the measures, local contexts, conditions or traditional ways of conflict resolution are – at least nominally³ – taken into account (Lambourne 2009). Reconciliation efforts can take various institutional forms. Usually a special body is created, responsible for collecting evidence of past wrongdoings, establishing historical record and making recommendations to avoid repeating the past. Legal consequences of the investigations are varied, but obviously, reconciliation commission's work can be used as a base for prosecution.

Where justice is sought through prosecution, often the form of a special tribunal is chosen, since the regular system of judiciary may be discredited or destroyed by the conflict. In some cases, local traditional or informal systems and processes are tapped upon, such as the *gacaca* tribunals in Rwanda. This takes some of the burden off the statutory judiciary, and additionally can be perceived as more credible by the local population. However, traditional ways of reconciliation or managing trauma can be inconsistent with Western values, based on human rights, equality and democracy (Abramowitz 2013). In some societies, the preferred strategy is even not to confront the past at all and choose silence and bracketing as mechanisms of coping and reconciliation (Bellagamba 2011; Jackson 2004; Shaw 2007). This is to a large extent incompatible with the predominant paradigm based on truth seeking, public testimonies and other techniques bringing the past to the fore.

In societies emerging after a period of authoritarian rule, the dilemmas and frictions outlined above are usually less escalated. The debate revolves around similar axes, but endangering peace is rarely an issue. “Softer” topics, such as lustrations, a historiographic record of the past regime, or the interpretation of history are emphasised. Special tribunals are rare and prosecutions are usually left to systems of domestic justice. On the other hand, economic crimes are more

3 Unfortunately, there is a major tendency towards a “toolkit approach” to transitional justice (Clark and Palmer 2012: 6), which places institutional aspects to the foreground, whereas the local specifics and needs are treated as secondary – both in terms of importance and sequentiality.

often included in the agenda. The adopted strategies vary and are to a large extent dependent on the particular power constellation at the time of transition. The literature on transitional justice in countries undergoing a transition to democracy is less abundant than the one focused on post-conflict societies, however, works such as Alexandra Barahona de Brito (2004), Monika Nalepa (2010) or Lavinia Stan (2009) provide solid analyses of reckoning with the past in the former Soviet bloc and Latin America.

Before proceeding to the particular cases, the second term in focus of this contribution, namely political culture, needs to be briefly discussed. The term was developed in the 1960s by Gabriel Almond and Sidney Verba in their study on civic culture (1963). They define political culture broadly, as the relation of citizens to the political institutions that surround them.⁴ Larry Diamond, another “classic” of this field, conceives the term as “people’s predominant beliefs, attitudes, values, ideals, sentiments, and evaluations about the political system of their country and the role of the self in that system” (Diamond 1994: 7).

In contrast to this long prevalent, rather subjective “psychological” definition provided by political science, seeing political culture as a subjective relation of citizens and social groups to politics, political anthropology took a different approach, built on empirical evidence, and bringing more clarity to the concept. Petr Skalník, as a leading proponent of this approach defines political culture as “an objectively existing phenomenon which can be empirically studied as both behaviour and cognition” (Skalník 2012: 358), as “values, attitudes and practices, usually derived from the past, which cause political processes to vary from country to country, region to region, group to group. Political culture is a social complex of notions and practices which presuppose a certain consensus between the actors of a certain country or cultural area” (Skalník 2000: 65). He further points out the conservative character of political culture and its resistance to change (*ibid.*).

4 Almond and Verba’s work (1963) distinguishes parochial, subjective and participative political culture. Since then, several other typologies have been developed, in the Czech context, e.g., by Klicperová-Baker et al. (1999: 61–63), who added alienated political culture, in which citizens have negative attitudes to the political system, are suspicious, cynical and pessimistic about a potential change brought about by political action.

The topic of change with regard to political culture is often mentioned, but rarely closely examined in the literature. There is a consensus that political culture derives only slowly from historical experience and changes. Despite this there are certain decisive moments in history, which shape a particular political culture or determine its further direction (Skalník 2000; Pehe 1997; Cabada 2011). My hypothesis was that a violent conflict (such as in the case of Liberia), or a transition from a totalitarian regime (as in the case of Czechoslovakia), and the consequent process of dealing with the past, can represent such a triggering moment. In Liberia, the potential of change is even more likely, since the post-conflict reconstruction process has a strong component of social engineering and one of its tacit aims is to facilitate change of the values and attitudes with a consequent behavioural change on the individual and collective level.⁵ Such a change, e.g., in terms of adopting non-violent attitudes, respect for individual human rights, etc. is supposed to contribute to a sustainable nature of peace in post-conflict societies (Abramowitz 2013).

The transition from the communist regime to democracy in Czechoslovakia had a similar potential. Here, the aspect of deliberate change has been absent (there was no external involvement with the ambition of societal change in the transition, comparable to the Liberian case), but still, when reflecting on historical moments that shaped Czech political culture, the Velvet Revolution and the transition to democracy would definitely belong to this category. However, as argued in the final part of this contribution, it seems that in neither of the cases a substantial change has occurred.

Besides this “historical” aspect, the change of a political culture can be the subject of intentional efforts, such as in the field of transitional justice, where it represents one of the aims at the meta-level (although this is rarely explicitly acknowledged). As briefly mentioned at the beginning, the aim of transitional justice is to restore civic trust at both the horizontal and the vertical level. This cannot be achieved without a profound change of the beliefs, values and attitudes, which, at the inter-personal (horizontal) level, implies that former

5 As Hazan (2009) notes, at the most general level, the ultimate (although tacit) goal of the reconciliation processes is also a change of values, attitudes and beliefs in a direction that allows to build a sustainable, non-violent future, in which the peaceful coexistence of former enemies is possible.

enemies find ways to live side-by-side peacefully. The vertical axis, on the other hand, refers to the trust between the citizens and their political institutions – in other words, to an aspect of political culture. Taking this into consideration and conceiving transitional justice as a deliberate effort to facilitate such a change, we can also expect to observe a change in the field of political culture. This theoretical assumption is, however, not so easy to prove empirically. Firstly, because the actual societal effects of transitional justice mechanisms have not yet been systematically documented (see footnote 2) and secondly, because such a change is not a short-term process. It needs time to take place and to manifest itself.

Research Methodology

The research was based on qualitative approach, using both primary and secondary data. Primary data used for the analysis of the Liberian case stem from 37 semi-structured interviews and over 40 informal conversations conducted between 2011 and 2013. The research in Liberia was divided into three parts (June 2011, April–June 2012 and November 2012) and located in Monrovia, the capital. Respondents included government officials, international staff and civil society representatives, as well as Liberian citizens of various age, educational and occupational background. In order to balance the “urban” bias of the sample, secondary data, mainly ethnographic works dealing with reconciliation, were used as a complementary source for the analysis.

In the case of the Czech Republic, the reflections of the elites about the process of dealing with the past are well documented in the literature, so the collection of primary data focused on the opinions of a wider public. Informal conversations (32) were the main tool of data collection. Similarly to Liberia, the sample included people from different age, education and professional groups, from both urban and rural contexts. The cities of Prague, Ostrava, as well as smaller towns (Náchod, Šternberk) and villages from different regions (Northern Moravia, Eastern and Central Bohemia) were included; the research was conducted from August to December 2014.

There were several limitations with regard to the collection of primary data, mainly linked to the sensitivity of the researched topic.⁶ In the Liberian case, for example, none of the respondents admitted to be a former fighter. In the case of the Czech Republic, the perspective of “perpetrators” could not be included either.⁷ Their vantage point would, however, especially in Liberia where the people are actually accessible (see footnote 6), represent a very interesting topic for future research.

Secondary sources of data included laws, official documents, newspaper articles, reports of local and international organisations (both governmental and non-governmental), as well as scholarly works focusing on the theoretical concepts of transitional justice, reconciliation and political culture. Ethnographic studies on Liberia were used as a complementary source of information in the cases mentioned above.

The Reconciliation Process in Liberia

The civil war in Liberia⁸ started in 1989 with the invasion of Charles Taylor’s forces from neighbouring Côte d’Ivoire in Northeast Liberia. The conflict ended in 2003, with a signature of the Comprehensive Peace Agreement, and left the country and its population in complete disarray. Over 1,8 million people, i.e., more than half the Liberian population, had been displaced or fled abroad,⁹ 250,000 people died,¹⁰ and virtually every aspect of a functioning state, from the basic infrastructure, services, through political institutions and economy, had to be rebuilt from scratch. The international community has been heavily involved in the reconstruction efforts, with a large integrated UN-mission in place and substantial financial support from international financing institutions and other channels. The strategy

6 In the Liberian case, questions of logistics and safety also informed the choice of Monrovia as the principal research site.

7 This was mainly due to difficult access to the respondents. Besides, many of them are no longer alive.

8 For more details about the history of the conflict, see e.g. Ellis (2007) or Bøås (2005).

9 Sawyer 2005. As in many other conflicts, the statistics about refugees, IDPs and casualties are estimates and vary depending on the source.

10 According to UNDP estimates, cited by Insight on Conflict (<http://www.insightonconflict.org/conflicts/liberia/conflict-profile/>).

with regard to our subject of interest, the process of transitional justice, was a part of the peace negotiations already and, as in many other cases, was born as a compromise between the position of warring factions, demanding amnesty, and the civil society's requests for criminal proceedings (ICTJ 2010).

The Truth and Reconciliation Commission (TRC) was chosen as the main tool of transitional justice and incorporated in the Comprehensive Peace Agreement of 2003 to provide a platform "that will address issues of impunity as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation" (CPA 2003). With support of the international community, the Commission was established in 2005.¹¹ Although the Commissioners should have been people of "credibility, high integrity and honour" (Republic of Liberia: 2005), the TRC discredited itself in the eyes of the public soon after starting work. The Commissioners demanded higher salaries, fought among themselves and were engaged in other sorts of unethical behaviour, while complaining about the lack of basic infrastructure, expertise and technical support for their work (Abramowitz 2013). Due to this "credibility disaster" and to financial problems, the TRC stopped working after a few months and was re-activated by the international community only in 2007. The process of taking testimonies lasted from late 2007 throughout 2008; in late 2009 the final report of the Commission was published.

The report provides a solid historical record, lists recommendations, including suggestions for establishing an extraordinary tribunal and domestic criminal court, or the establishment of truth-seeking and reconciliation on the local level using the traditional institution of Palava Huts. It is innovative in some ways, such as including the documentation of economic crimes, or paying attention to the gender perspective. However, it is questionable in other respects. The report lacks coherence among sections, specificity, but first and foremost, the support of two Commissioners, which makes the impact and credibility of the findings, especially with regard to the suggested

11 Apart from the main reconciliation program led by the TRC, there were also smaller projects, aiming to bring people together, organized by local and international NGOs, but there are no comprehensive statistics and data about them.

cases of prosecution, highly questionable.¹² Also the testimonies of key figures were missing in the report.¹³

In the public debate that followed the release of the report, the issues of prosecution and lustration gained prominence due to their controversiality, while many other important issues, such as recommendations, or the needs of victims, were put aside. In addition, although the report was envisaged to reach out to the people, it was only published online, as a pdf-file – a bitter irony in a country, where only ca 3% of the population¹⁴ have access to the Internet.

For the Commissioners, the declared main objective of the TRC, besides documentation, was its healing capacity and the aspect of resolving trauma. However, in reality, the language of reconciliation often rather served as an excuse for “*postconflict* wrongdoers,”¹⁵ which further weakened the social accountability in the postwar period (Abramowitz 2013: 208, emphasis in the original). Ordinary Liberians did not trust the institution. The recommendations for prosecution made them suspicious, as the latter could have been used as a tool for personal revenge. People also believed that the government wanted to keep the TRC weak (Abramowitz 2013). Generally, Liberians did not see any added value in “digging in the past,” as it “did not bring anything to the victims” (informal conversations Monrovia, April–June 2012). In 2012, three years after the report was published, reconciliation was no longer an issue. It came up only briefly when the verdict in Charles Taylor’s case was announced in the spring 2012,¹⁶

12 TRC suggested 124 people be prosecuted for violating of human rights and international humanitarian law, 58 people for domestic crimes and 49 people, including the incumbent president Ellen Johnson Sirleaf, for lustration and a 30 year ban from public office (TRC 2009).

13 The whole process of taking testimonies has been controversial. Apart from this substantial flaw, the testimonies from some of the remote counties (Nimba, Bong), including areas where fighting was heavy during the war, were missing, because the exercise was scheduled for the rainy season and the roads were impassable.

14 Estimates for 2012 (<http://f.internetworldstats.com/stats1.htm>).

15 Abramowitz notes that in the first years after the official end of the civil war, when the occurrence of violence in the everyday lives of people was still high, the imperative to maintain peace, to “forgive and forget” was often used to cover up and excuse cases (such as gender-based violence) that had nothing to do with the conflict itself.

16 Although Taylor’s trial is clearly related to reconciliation and transitional justice in Liberia, it will be left out of this article. Firstly, he was prosecuted and sentenced for the crimes in Sierra Leone, not in Liberia. Secondly, although highly praised in the West, as an “accountability message” to potential future warlords, it did not bring

but generally, people already focused on the present and the future and wanted to “forget and forgive” about the past (informal conversations Monrovia, April–June 2012).

In sum, reconciliation in Liberia was a highly controversial process that brought only modest results in terms of actual reconciliation and repairing the relations between the former wrongdoers and the victims. In terms of justice, it is important to remember that local demands and local definition of justice can be quite different from the “Western” point of view, promoted by the international agencies. Despite this, the fact that former warlords are still in high positions in both politics and economy, is commented upon with bitterness by ordinary Liberians (informal conversations Monrovia, April–June 2012).

Liberia is a country with a tradition of restorative justice and contains a strong element of compensation. Maintaining good relations and harmony in a community is perceived as far more important than individual “justice.”¹⁷ That is why conflicts and individual rights are often suppressed – an individual injustice is better than a challenge to the group as a whole (Yoder 2003). This, translated to the language of reconciliation, is the imperative “to forget and forgive,” a situation in which revenge and justice are set aside for the sake of order and peace. This brings us to the topic of political culture, the focus of the next section.

Political Culture in Liberia

First and foremost, when discussing Liberian politics in general, it is important to mention its meta-physical or supernatural rooting. Every aspect of life, every event that happens in the visible, natural world, mirrors the processes in the sphere of spiritual or religious imagination, with politics as a primary example of this principle

much emotions, let alone satisfaction in Liberia, where Taylor still was a popular personality, especially in Bong county, where he comes from. The popular support goes so far, that the trial is sometimes perceived as an application of a double-standard, because Taylor “was not the only one committing atrocities” (informal conversations Monrovia, June 2012).

17 The values underlying mechanisms of traditional conflict resolution can also be discriminatory in terms of gender, age and other aspects.

(Ellis 2007; Ellis and ter Haar 2004; Yoder 2003). Despite that, there still is a lot that can be observed by a researcher, even in the field of political culture.

Similarly to everywhere else, history is the key to understanding the political culture of a country. Before the state structures were introduced (and even after that in some areas), the power controlling society has been in the hands of powerful elders, most often organised in “secret societies.” Power was, therefore, always concealed.

The history of the modern Liberian state is marked by 150 years of autocratic rule of a small Americo-Liberian elite,¹⁸ with concentration of power in the capital, financial mismanagement and the marginalisation of large segments of the population. The current president, Ellen Johnson Sirleaf, represents a turn to the principles of democratic rule, although the political system is still far from the ideals of liberal democracy. Sirleaf’s administration has been often criticised for a lack of transparency in the management of public funds, corruption and nepotism (Tran 2012; Williams 2016).

Liberian society can be described as a “high context” one – an adjective used by Yoder (2013), borrowed from the work of the American anthropologist and communication theorist Edward T. Hall (1989). It describes social structure that favours social status and relations over individuality and independence. As already mentioned above, for the members of high-context societies, the group is more important than the individual. Stability of the group is the ultimate goal, since it is the group that makes individual survival possible. This has profound consequences for dealing with conflict, criticism and voicing opposition – in such a setting, criticising leaders is perceived as a disrespectful attempt to destabilise the whole system. Therefore, criticism and conflict are suppressed, and there is an excessive emphasis on order, stability and security to the detriment of other values (Yoder 2003).

18 Americo-Liberians are the descendants of the settlers, who came to Liberia in the 19th century from the United States as freed slaves and seized political and economic power. They effectively colonised the “hinterland” and its indigenous population, so although Liberia is not a typical colony, the history of its internal colonisation can largely be compared to the “classic” model of the colonisation of Africa by the European powers.

Governmental and other positions of influence are perceived primarily not as serving the needs of citizens. Their function is rather to honour, show and affirm the status of those who hold them. As a consequence, the expectations about political performance are low, which results in an apathy of the citizens with regard to politics. Corruption, nepotism and neo-patrimonial practices, common also in many other African countries, are rooted so much into the social and political practice that their eradication is hard to accomplish (Yoder 2003; cf. Bayart 1993; Chabal 2009). Corruption is more or less tolerated, unless it exceeds a certain level. Then people despise the culprits as being “greedy.” However, even in such cases the tendency is to keep rather than to replace them, because “they have already eaten.”¹⁹

Although reconciliation has been proclaimed a crucial step to overcome the divisions caused by the war and bring unity, Liberians still see themselves as a nation of divided people – divided by ethnicity, religion, class or origin (informal conversations April–June 2012). In this respect, the reconciliation process did not bring about a substantial change. Rather, in line with the political culture and traditional ways of conflict resolution, the aspect of restorative justice has been brought to the fore by ordinary Liberians. In this respect, the unaddressed needs of victims were perceived as a major failure. Bringing former warlords to the court was not a priority for the majority population, because of the destabilisation effect it would likely have on the fragile peace in the country. On the other hand, especially civil society representatives often mentioned the legacy of impunity and the lack of accountability as a fundamental problem of the postwar period, hindering the development of a democratic governance and of the rule of law (interviews Monrovia, April–June 2012).

Weighing against its envisaged objectives, the reconciliation process in Liberia neither brought about a genuine reconciliation, nor justice. Contrary to the hypothesis presented at the beginning, it did not have a profound, transformative effect on the political culture in Liberia. Despite the influence of external actors on the institutional design and the basic “settings” of TRC, the process and its results were shaped by the political culture in place.

19 “To eat” is a common expression used for corruption or diverting public funds for personal benefit.

Confronting the Past in the Czech Republic²⁰

The communist regime in Czechoslovakia (1948–89) started and came to an end non-violently, and probably due to this is regarded as generally non-violent (informal conversations, August-December 2014).²¹ However, although not on a massive scale, there is a record of violence against its own citizens that cannot be overlooked. Firstly, there was a wave of stage trials (so called “monster processes”) in the late 1940s and the first half of the 1950s. Their goal was not only to get rid of the “enemies of the regime,” as declared, but also to intimidate the population by showing an unlimited power. The processes targeted intellectuals, former resistance fighters, churches, but also members of the Communist Party themselves, such as Rudolf Slánský, the secretary general of the party.²²

After the death of Stalin and the Czechoslovak president Klement Gottwald in March 1953, the first phase of open persecution and terror transformed into more covert forms, such as the intimidation of dissidents, vexing, spying or tapping the wires. In parallel with the consolidation of political power, a process of land collectivisation was going on. The main phase²³ from 1948–1960 was accompanied by a campaign of intimidation, repression and by the forced displacement of individuals and whole families.²⁴

The general trend in the 1960s was liberalisation and “melting,” that culminated in the reforms of the “Prague Spring,” interrupted by the infamous invasion of Czechoslovakia by the armies of the Warsaw Pact in August 1968. In the 1970s and 1980s, a period of normalisation

20 The term “transitional justice” has never been used in the emic discourse. The term used for this phenomenon in the Czech language is “dealing with the past,” “coming to terms” or “reckoning with the past.” The element of “justice” therefore becomes absent – which is indeed symptomatic for the whole process and its results.

21 This kind of perception can also be viewed as a major success of communist propaganda, which pictured the regime as such.

22 During the period of communist rule, an estimated 250,000 people were imprisoned for political reasons, with 248 sentenced to death (Bartošek 1997).

23 The collectivisation reached its peak in 1953. President Zápotocký’s critique of the forced collectivisation led to massive walk-outs from the agricultural cooperatives. This trend was stopped by the second wave of collectivisation (1955–58), which did not use such drastic means (www.totalita.cz).

24 According to the available historical sources, 1629 families were displaced in the Czech part of the country (www.totalita.cz).

followed and the regime again tightened control. The Velvet Revolution in November 1989 marked the beginning of a new, democratic era for the country. The revolution, however, did not mean a rupture, bringing complete change in all segments of society, nor did it bring a strong anti-communist reaction. An especially problematic aspect in this regard was the fact that there was no real, profound transformation and change at the level of elites. The former communist cadres soon re-emerged after the revolution in high managerial, administrative or even political positions (Nosál 2000). After the revolution, the order of the day was reconciliation, rather than radical de-communisation. The Communist Party stayed and until today remained a stable part of the political spectrum with a substantial support of the citizens.²⁵

The process of transitional justice had two main components. The first was a legal one, with a number of laws, granting recognition and various kinds of compensation measures to the victims of communist repressions.²⁶ The most important among them was the lustration law from 1991 (Act No. 451/1991), stating that certain political positions and top posts in state organisations and bodies cannot be held by former members or collaborators of the repressive apparatus of the communist regime (such as the State Security Service, People's Militia, military counter-intelligence) or members of the Communist Party before the revolution.²⁷ In 1993, the Parliament passed Act No.

25 Despite the fact that the party have not distanced itself from the past and even carries the same name as before, it regularly receives 13–15% of votes during parliamentary elections (www.volby.cz). Although isolated at the national level and never part of a government coalition, it is active and commonly cooperated with at the communal level.

26 The law on judicial rehabilitation No. 119/1990, granting compensations for the victims of the political repression, and the property rehabilitation law No. 403/1990, facilitating the return of property confiscated after 1955 were among the most significant ones. For a complete list of relevant laws, see the website of the Institute for the Study of Totalitarian Regimes <http://www.ustrcr.cz/en/chronology-coming-to-terms-with-the-totalitarian-past>.

27 Monika Nalepa notes that the law, covering over 400,000 people, had the broadest coverage in comparison to other lustration laws in Central and Eastern Europe. Despite that, curiously, the law did not cover positions filled by election (Nalepa 2010). Concerning publishing the list of State Security collaborators, in 1992, Petr Cibulka published such a list as his own initiative. However, the "Cibulka's directories" have been seriously challenged in terms of their completeness and accuracy. The official publication by the Ministry of Interior came more than ten years later, in 2003. In 2009, the former dissident Stanislav Penc launched a website www.svazky.cz, where an electronic database of the State Security can be accessed.

198/1993 on the illegal nature of the communist regime and on the resistance against it. It charges former communist members and leaders with full responsibility for the actions of the regime in 1948–89 and denounces the regime as “criminal, illegitimate and condemnable” (Act No. 198/1993), whereas the resistance against it is acknowledged as “legitimate, just, moral and deserving of recognition” (ibid.). Although there are some paragraphs that might be applicable in legal practice, the law is mainly of a declaratory nature.

Secondly, at the institutional level, two bodies were established for the purpose of “dealing with the past”: The Institute for the Study of Totalitarian Regimes (ISTR) and the Office for the Documentation and Investigation of the Crimes of Communism (ODICC). The former, as the name suggests, is not focused only on the communist regime, but also includes the period of Nazi occupation (in the Czech context often called “brown totality,” in contrast to the “red,” communist one). ISTR is a research institute, its mission is mainly to engage in historical research and disseminate its results (ISTR Website). The Institute was established in 2007 and started its work in February 2008.

The element of seeking justice is embodied in the second institution, the Office for the Documentation and Investigation of the Crimes of Communism. The Office was founded in 1995 and since 2002 has been a part of the criminal police structures. The Office has conducted over 800 investigations and suggested for prosecution 218 persons in 120 cases. The investigations resulted in 87 cases, in which 116 people were held accountable for their actions; 47 persons were sentenced, with the highest penalty of six years of imprisonment (Police of the Czech Republic 2015).²⁸ Although these numbers seem relatively high, the majority of the accused were foot soldiers of the regime. The top-level communists, such as Milouš Jakeš, Josef Lenárt, Karel Vaš or Alois Grebeníček walked away without a conviction. This is also the reason why the Office has been subject to harsh criticism from civil society and former political prisoners (Respekt 2007). The reason behind the low “efficiency” of the Office lies, however, in the legal reasoning of the judges, which takes “legality” as a gauge. This means that, in order to be punishable, the acts had to represent a breach of the law at

28 There were a number of suspended sentences and in many cases the service of the prison term was suspended due to health conditions and the old age of the convicts (Police of the Czech Republic 2015).

the time when they were committed. As a consequence, most people, even if accused, were not found guilty, because their behaviour was *legal* according to the communist law.

Contrary to expectations one could have, the level of cooperation between the two institutions is low, and their relation is shaped by rivalry and competition, rather than synergy. Concerning the perception of their work, especially former political prisoners and dissidents are critical with regard to both of them (Respekt 2007). Nowadays, similarly to the Liberian case, the issue of reckoning with the communist past is no longer a prominent topic. It is not discussed in the media and few new judicial cases are coming up.²⁹

The general population is rather reserved about the whole issue of dealing with the past. The topic is somehow uncomfortable for most of the people, who lived under the communist regime. Commonly, people say that even the communists were just human beings,³⁰ the age of the accused is also mentioned as a mitigating circumstance, which should be taken into consideration (informal conversations August-December 2014). By contrast, former political prisoners report that they still feel outcast from their communities (interviews September 2014). An obvious reason for the lack of critical attitudes and willingness to confront the past is the fact that everyone was a part of the system. As Václav Havel put it in his New Year's speech of 1990, "no one is just the victim [of the communist machinery], but all of us have been its co-creators" (Havel 1990, translation by the author).

The process of reckoning with the communist past took place mainly at the symbolical, rhetorical level – adoption of laws, condemnation of past wrongs, dismantling communist monuments and renaming streets. Not much "real justice" was achieved through judicial processes. It is also important to bear in mind that a substantial part of the population still fondly remembers the communist time,

29 One of the reasons for this is the already mentioned old age of the perpetrators.

30 The attitude to the so-called "third resistance", the armed resistance against the communist regime, mirrors this perspective. When asked about the case of the Mašín brothers, a notorious resistance group of young men, who killed several policemen on their flight to Germany, people often express their disapproval with such an approach as a strategy of "resistance." A common argument is that the policemen were just ordinary people, who did not do anything wrong and were killed only because they were part of the official structure of the regime (informal conversations Prague, Ostrava, Náchod, December 2014).

mentioning the social security, affordability of basic services, and overall stability of the regime.

Czech Political Culture

Concerning the Czech political culture, the past is again the key to the present. Pehe (1997) reminds us that it is crucial how politics functioned a 100 or 150 years ago, and that the change of the regime some twenty years ago does not necessarily mean a crucial rupture of the values and principles the political culture grew from.

The first characteristic of the Czech political culture is a certain distance from politics. The origin of this attitude can be traced back to the 19th century, when people did not identify themselves with the state and the institutions of the Austro-Hungarian monarchy and sought for a greater autonomy within the empire. This tendency only deepened during the communist period. Communist rule resulted in a complete devaluation of the political sphere. People pragmatically participated in order to be left alone and found refuge and fulfilment in the private sphere (Cabada 2011). Politics was perceived as something immoral. It was exactly here that the division between “we” (powerless citizens) and “them” (powerful political elite) had its roots. People felt powerless vis-à-vis the almighty regime. This dichotomy of “us” and “them” persists until today. Politics is perceived as dirty and immoral and the level of political activism is very low, as is the legitimacy of political institutions. People are sceptical about politics and feel they cannot make a change in the way it works (Cabada 2011). An illustrative example of this worldview is the very concept of political culture: most people perceive political culture as the way politicians behave and political institutions function. They do not acknowledge citizens as an integral part of the political culture, as agents who can actively form and shape it (Skalník 2012).

There is no substantial tradition of political activism in the Czech context. The civil society is very weak, which is a legacy of its complete colonization by the communists. This does not mean that there is no civil society at all. It is, however, organised mainly around the private sphere, with no or only limited ambition to influence politics (Cabada 2011).

Another typical Czech trait is pragmatism and patience. It takes a long time before people stand out against something. For 40 years they tolerated the communist regime, pragmatically participated in order to be “left alone” and found compensation in their focus on the private sphere. The non-violent character of the Velvet Revolution and handing over the power confirms this tendency (Pehe 1997; Cabada 2011).

As already mentioned at the beginning of this section, the revolution in 1989 did not mark a rupture in Czech political culture. The same applies about the way the Czech nation chose to come to terms with the legacy of communism. There was no real confrontation or public debate about the past, the measures chosen were mainly symbolical and rhetorical. There was no massive call to bring former leaders to justice, the violent side of the regime from its early days seems to be forgotten. The general attitude to resistance groups is negative. There was no external influence in the process, contrary to Liberia, but a similar pattern is present, namely that it was political culture, which shaped the way the past was reflected upon and the actual process of “transitional justice,” not vice versa.

Comparison

Both countries have chosen strategies of transitional justice that were fairly typical for their respective contexts. Liberia, as a post-conflict country, focused on reconciliation as a means to find a way to a shared future for former enemies. The process was characterised by the strong involvement of international actors. However, because it was based on the prevalent strategy of the application of universal templates, local needs (e.g., the importance of compensations) and even basic concepts (understanding of the concept of justice) were not sufficiently reflected upon. The flawed implementation and controversy over the work of the Truth and Reconciliation Commission only further contributed to the failure of the process.

In the Czech Republic, the process was entirely under local control. Similarly to other countries emerging after a period of authoritarian rule, a judiciary approach to justice was chosen as the principal method of reckoning with the past, which was complemented by laws, compensations and a variety of more or less symbolic measures.

Despite the different trajectories, the processes did not bring about credible results.

There is a range of differences between the two selected contexts, given mainly the character of the past the respective societies dealt with. On the one hand, a recent, extremely violent conflict that affected almost everyone in the population of Liberia. On the other hand, the scale of violence and number of victims in the Czech Republic were much smaller, and the violent aspect of the regime are almost forgotten. Consequently, the perception of the division between victims and perpetrators was less extrapolated than was the case in Liberia.

Both countries, however, share a number of similar features with regard to their political cultures – distrust, scepticism, a feeling of powerlessness and distance from politics, resulting in the perceived division between citizens and ruling elites. The processes of transitional justice in either country did not bring about a change in values and attitudes, underlying their political cultures. The research does not offer much guidance on factors, which can influence the change of the political culture.

As we have seen, there is a clear link between both concepts, but it would be simplistic to see their relation merely as a causal one. A range of other factors, both on the domestic and international level and not exclusively political in their nature, come into play in this regard.

Although the temporal factor, e.i., the fact that the change could have been incited but needs time in order to manifest, has to be taken into consideration, it seems that thus far the “vertical trust” between citizens and their political institutions has not been restored in either case. In both countries, the scepticism of the population with regard to their political elites and system represents a core attitude defining this relationship.

Conclusion

The analysis has shown a number of similar patterns in the process of dealing with the past in post-war Liberia and the post-communist Czech Republic. Although the approaches in either country were different (reconciliation versus seeking justice through judicial

means), the results in both cases were modest and did not bring about a profound transformation, nor catharsis to the society. The fact that there was no real transformation at the level of elites plays an important role in this respect.

The political culture in both studied contexts turned out to be an independent variable, a key determinant of the way the past is related to, confronted (or rather non-confronted) and dealt with. It was also a crucial element giving final shape to the processes and results of transitional justice. The original hypothesis, assuming that the conflict, respectively the transition itself, can be a triggering moment of a change in the political culture, proved to be false. The values underlying the respective political cultures stayed more or less the same.

Whether it was solely *because* the processes of transitional justice did not succeed is a question difficult to assess on the base of the analysis and would require some “contrary” cases of success in order to be answered. However, it is well conceivable that even the experience of going through the process itself has some added value, compared to a hypothetical case of not dealing with the past at all.

It is also possible that due to the conservative character of the political culture and its resistance to change, the seeds, planted by the processes still need time to ripen and manifest themselves in the public realm. This is still to be awaited, as reconciliation and transitional justice in general are no short-term processes with easily measurable results.

On the other hand, the failure of reconciliation processes has serious consequences for the present and future of both countries. Firstly, in terms of the socio-psychologic state of the nation – people’s trauma was left un-managed, resentments were unresolved, history was un-reflected. This results in a lack of trust in interpersonal relations and staying “stuck” in the categories of past divisions. Secondly, the failure to address past wrongs conveys a message of impunity and has serious consequences for the rule of law and the overall legitimacy of the state, as well as for the nature of democracy that has been under reconstruction in both countries. The “vertical trust” between citizens and their political institutions has not been restored. At the moment, the values and principles underlying the political culture in

both Liberia and the Czech Republic are not sufficient for the creation of a truly civic culture in Almond and Verba's sense, they represent rather an impediment in this respect. Here, both countries still have a long way to go.

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