

Mateusz Grabarczyk¹

Adam Mickiewicz University, Poznań

Pasikowski's *Pigs* as an Illustration of Vetting in a Transitional Society

1. Introduction

The changing socio-political reality in Poland following the fall of communism in 1989 brought the need for institutional reforms, including changes in the structure of the Ministry of Internal Affairs (Polish: *Ministerstwo Spraw Wewnętrznych*, hereinafter: “MSW”) and its Security Service (Polish: *Służba Bezpieczeństwa*, hereinafter: “SB”²). This endogenous process was shown in the 1992 film *Pigs*,³ written and directed by Władysław Pasikowski.

This film can certainly be classified as a cult classic in the history of Polish cinema,⁴ and it not only became an iconic picture, but also an abundant source of quotes. Although the movie was created shortly after the depicted events took place in 1990, and even though it lacks a certain historical perspective needed to describe the mechanism of change taking place in the state and society, the director managed to extract the essence of what was happening in the country at that time. As a result, *Pigs* provides an invaluable insight into the big issues of that time. It shows the fate of former SB functionaries who felt lost under the new system, a system that in a way discredited their biographies. Thus, their fate serve as a representation of the entire society during that turbulent period.⁵

¹ ORCID number: 0000-0002-7554-5692. E-mail: mateusz.grabarczyk@amu.edu.pl

² As I have written in my former work: “The SB was a secret police force established in the Polish People’s Republic in 1956 as a successor to the repressive Ministry of Public Security (UB). The SB was the chief foreign and domestic security organization in Poland from 1956 until the fall of communism in 1989. This political police was patterned on the Soviet KGB and had its counterparts in other communist countries, such as STASI in East Germany or Securitate in Romania”. M. Grabarczyk, *Uniformed Services Pension Amendment Acts in Poland as Part of State Politics of Memory*, “Archiwum Filozofii Prawa i Filozofii Społecznej” 2019/3, p. 72, fn. 30.

³ W. Pasikowski (dir.), *Psy* [Eng. *Pigs*] (film), Studio Filmowe „Zebra”–Agencja Produkcji Filmowej, Poland 1992. The literal translation of the title is *Dogs*, which is how policemen are colloquially and pejoratively referred to in Poland.

⁴ The film debuted at the Gdynia Film Festival in 1992, where it received five awards: for directing, editing, music, the main male role and a supporting female role. The film’s success resulted in two sequels: W. Pasikowski (dir.), *Psy 2. Ostatnia krew* [Eng. *Pigs 2: The Last Blood*] (film), Agencja Produkcji Filmowej, Poland 1994; W. Pasikowski (dir.), *Psy 3. W imię zasad* [Eng. *Pigs 3: In the Name of Principles*] (film), Kino Świat, Poland 2020.

⁵ One can argue that with a passing of time the film did not become less relevant, in particular due to the increased interest in transitional justice mechanisms in Poland in recent years, which serve as a part of the broadly understood decommunization carried out by the ruling Law and Justice party [Polish: *Prawo i Sprawiedliwość*]. See: M. Krotoszyński, *Transitional Justice and the Constitutional Crisis: The Case of Poland (2015–2019)*, “Archiwum Filozofii Prawa i Filozofii Społecznej” 2019/3, pp. 22–39.

The aim of this article is to present Pasikowski's *Pigs* as a film that depicts practical problems of the vetting process, which is one of the mechanisms used in the framework of transitional justice. The film's artistic representation of individuals subjected to vetting is a starting point for reflection on transitional justice and the difficulties of dealing with the undemocratic past. The article focuses on the general outline of the movie and devotes special attention to the committees which vetted Polish communist security services and the function of the vetting process within the framework of transitional justice. I present the normative model of officers' vetting, juxtaposing it with the image presented in the film. My goal, apart from indicating the theoretical foundations of the vetting process, is to show basic moral and social problems related to the mechanisms shown in the film.

2. *Pigs*: plot outline

In the first scene, a man sitting nonchalantly on a chair with a lit cigarette appears on the screen, while the audience can hear:

The vetting committee will now look at the case of Lieutenant Franciszek Maurer. 37 years old, married, parent to one child. Graduated from law school in Krakow in 1978, with a distinction. In the same year he started work in the service. In 1980 he married Milena Kurzepa, a daughter of the then Minister of Internal Affairs. Promoted immediately in December 1980, 31 reprimands, 18 honours two awarded at the request of the Minister of Internal Affairs of the Russian Federation. Thrice dishonourably discharged and hired again, details not provided.⁶

This is an excerpt from the interrogation of the former lieutenant of the Security Service, Franciszek "Franz" Maurer (played by Bogusław Linda), the main character of the film. Maurer appears before a nine-person vetting committee that includes, among others, his college friend. During the hearing, we learn that Maurer "shot the head off" of a colleague who, demanding the registration of free trade unions and a pay raise, killed his wife and led his daughter to the roof, probably to kill her as well.

Shortly after, music by Michał Lorenc introduces the viewer to another distinct and meaningful scene. In front of the Ministry of Internal Affairs, a group of officers is packing files on trucks while the main character looks at barking, caged dogs. This seems to be an analogy to the situation of the officers. They are dangerous, but are already locked in a cage from which they cannot escape. The trucks packed with files are headed to the dump where officers "set the past on fire". Someone asks Maurer: "Lieutenant, sir, what will happen now?", to which he replies: "Nothing. It will be just like it used to be. Or better".

The plot of the film takes place back in 1990, i.e., the period of political transformation in Poland. It depicts the fate of former SB functionaries striving to come across in the new reality. The movie focuses on Franc Maurer and Olo Żwirski, Franc's friend from the security service (played by Marek Kondrat). The whole story can be divided into two parts: 1) transitional and 2) sensational. Although this structure makes the film attractive from a commercial point of view, it also remains a perfect testimony to that extraordinary moment when the undemocratic state collapsed and the new

⁶ All quotes have been translated by the author of this paper.

democratic one was just beginning to emerge. Before the purely sensational plot comes to the fore (the betrayal of a friend, the drug mafia with international branches), the movie is largely about the reform of the MSW and the SB, vetting of its officers and their immediate fate. In this paper, I focus on the transitional dimension, especially the vetting process.

3. Vetting as a part of transitional justice

An important part of the story presented in the film is the vetting process of security service officers in Poland after the fall of communism, which was related to the process of decommunization understood either as 1) a transition from communism, or as 2) the process of imposing administrative sanctions on people associated with the previous regime.⁷

Decommunization itself is a part of transitional justice.⁸ Out of the three aspects of transitional justice described by Michał Krotoszyński⁹, the most significant from this paper's perspective is the first one, which can be understood as the full range of processes and mechanisms (legal and extra-legal) associated with fulfilling purposes of transitional justice (retrospective and prospective ones).¹⁰

The mechanisms mentioned above can be considered components of transitional justice policy. Apart from vetting, this policy can include, *inter alia*, criminal justice, truth-telling and reparations. As demonstrated in the former UN Secretary General's Report, these mechanisms should not be regarded unconnected. Instead, they should be applied holistically, as component parts of a whole.¹¹ It seems, however, that a holistic approach is necessary at the stage of political decisions and the construction of the model of transitional justice, and for theoretical purposes it is possible to discuss these components separately. Given that the subject of *Pigs* is the use of vetting and the consequences thereof, this paper focuses only on this one transitional justice mechanism.

In the transition period, authorities face two kinds of problems: 1) retrospective, which concern dealing with the past, and 2) prospective, which relate to the building of a new political and social order, a democracy based on the rule of law. Both types of dilemmas (shown in the film) are reflected in the challenges of institutional and personnel reforms in both post-authoritarian and post-conflict states. Reforming public institutions is of crucial importance in dealing with a legacy of authoritarian regime and building

⁷ A. Severin, *Measures to dismantle the heritage of former communist totalitarian systems*, Doc. 7568, Report for Council of Europe's Parliamentary Assembly's Committee on Legal Affairs and Human Rights, 1996.

⁸ For more about transitional justice, see e.g.: R. Teitel, *Transitional Justice*, New York 2000; C. Murphy, *The Conceptual Foundations of Transitional Justice*, Cambridge 2017; J. Elster, *Closing the Books: Transitional Justice in Historical Perspective*, Cambridge 2004; N.J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, Vol. I-III, Washington 1995; A.J. McAdams (ed.), *Transitional Justice and the Rule of Law in New Democracies*, Notre Dame 1997.

⁹ Discussed in my previous article, see: M. Grabarczyk, *Uniformed...*, p. 68. Krotoszyński distinguished three aspects of transitional justice: 1) mechanisms used for the purposes of transitional justice; 2) conception of justice related with dealing with the past, and 3) political decisions to use certain mechanisms of transitional justice. See: M. Krotoszyński, *Modele sprawiedliwości tranzycyjnej* [Eng. *Models of Transitional Justice*], Poznań 2017, pp. 58–60. For more on the first aspect see e.g.: M.M. Kaminski, M. Nalepa, B. O'Neill, *Normative and Strategic Aspects of Transitional Justice*, "The Journal of Conflict Resolution" 2006/3, pp. 295–302. For more on the second one, see e.g.: R. Teitel, *Transitional Justice Genealogy*, "Harvard Human Rights Journal" 2003/16, pp. 69–94. For more on the third one, see e.g.: J. Elster, *Closing the Books...*, pp. 116–135.

¹⁰ *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General* (S/2004/616), UN Security Council, 23 August 2004, p. 4.

¹¹ See: *The rule of law and transitional justice...*, pp. 4 and 9. See also: P. de Greiff, *A normative conception of transitional justice*, "Politorbis" 2010/3, pp. 17–30.

democratic government. It is necessary to achieve one of the central objectives of building a civil society, that is to re-establish fundamental trust and accountability in the society:

Public institutions that perpetuated a conflict or served an authoritarian regime need to be transformed into institutions that support the transition, sustain peace and preserve the rule of law. Institutions that abused human rights and defended the partisan interests of a few need to become institutions that protect human rights, prevent abuses and impartially serve the public. Dysfunctional and inequitable institutions that created fear need to turn into efficient and fair institutions that enjoy civic trust.¹²

To achieve that, Jonathan Sisson points out a need to: 1) clarify history¹³ by publicly acknowledging the abuses; 2) retribute,¹⁴ by holding accountable those responsible of planning, ordering and committing violations; and 3) rehabilitate and compensate victims.¹⁵ It is a reflection of the main pillars of a holistic approach to dealing with the past, also known as “Joinet¹⁶/Orentlicher¹⁷” principles, which identify four aspects of a struggle against impunity: 1) the right to know; 2) the right to justice; 3) the right to reparation; and; 4) the guarantee of non-recurrence. From the perspective of the vetting process, the last aspect is the most important one, as it signifies the state’s duty to ensure good governance and the rule of law, especially by institutional reforms.

To do this, one must bear in mind that reckoning in post-authoritative states will concentrate on a response to the legacy of extensive systemic violence perpetrated by the state (the state which should be established to counteract violence). The consequence of the violence is the breaking of social ties and the erosion of civil society. Therefore, the role of the new authorities is to rebuild trust on two levels: 1) between the state and the citizens, and 2) between the citizens themselves. The conditions for achieving these goals are adverse because, as Pablo de Greiff points out, the world of transitional justice is “a very imperfect world”.¹⁸

One type of institutional reform mechanism involves administrative sanctions, which can be divided into individual and collective ones. The former is measured in vetting, which assesses the entity’s actual actions or omissions in the pre-transition period to determine integrity and suitability for public employment. In turn, collective sanctions are imposed as part of purges (removals), in which the decisive factor is not individual offenses, but the mere affiliation of an individual to a negatively assessed group, organization or institution.¹⁹

¹² *Rule of Law Tools for Post-Conflict States: Vetting: An Operational Framework* (HR/PUB/06/5), UN Office of the High Commissioner for Human Rights (OHCHR) 2006, p. 3.

¹³ For more about the historical clarification model in transitional justice see: M. Krotoszyński, *Modele...*, pp. 118–141; M. Krotoszyński, *The Transitional Justice Models and the Justifications of Means of Dealing with the Past*, “Oñati Socio-legal Series” 2016/3, pp. 592–594.

¹⁴ For more about the retribution model in transitional justice see: M. Krotoszyński, *Modele...*, pp. 77–117; M. Krotoszyński, *The Transitional...*, pp. 589–592.

¹⁵ J. Sisson, *A Conceptual Framework for Dealing with the Past*, “Politörbis” 2010/3, pp. 11–15.

¹⁶ *Question of the impunity of perpetrators of human rights violations (civil and political): final report / prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119*(UN Doc.E/CN.4/Sub.2/1997/20), United Nations Economic and Social Council, 26 June 1997.

¹⁷ *Impunity: report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher (E/CN.4/2005/102), United Nations Economic and Social Council, 18.02.2005; and *Impunity: report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher: addendum (E/CN.4/2005/102/Add.1), United Nations Economic and Social Council, 8 February 2005.

¹⁸ P. de Greiff, *A normative...*, p. 19.

¹⁹ For distinction between purges and vetting see: R. Duthie, *Introduction*, in: A. Mayer-Rieckh, P. de Greiff (eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies*, New York 2007, p. 18. Roger Duthie indicates

The vetting process, an important aspect of personnel reform in countries in transition,²⁰ includes primarily the review process and the reappointment process. In the first one, the employed personnel are verified and sanctions are imposed on those who did not pass the review. In the second one, all existing employees are dismissed from work, a new institution is formed and there is a general competition for all the posts. It means that if serving employees want to continue employment, they must apply for positions in this new institution, and their competitors are people who have not been employed so far. The positions are awarded to the best candidates, assessed according to specific criteria, both in terms of integrity and substantive merits.²¹

In the case of the security service reform, we are dealing with an example of reappointment process: the SB was disbanded, a new Office of State Protection (Polish: *Urząd Ochrony Państwa*, hereinafter: “UOP”) was established, the former SB officers and militia officers²² who had previously worked in the SB were dismissed from service, and a general competition was held for all the posts.²³

4. Vetting committees in Poland

Shortly after transition, in April 1990, the UOP Act²⁴ was adopted. Article 131(1) and (2) of the UOP Act provided that, upon the creation of the UOP, the SB officers and those of militia (MO) officers who until 31 July 1989 had been SB officers were dismissed from service by the operation of law. In turn, Article 132 of the UOP Act entrusted the Council of Ministers with the task of creating, within 10 days from the entry into force of the Act,²⁵ the procedure and conditions for the reemployment of former SB officers in the UOP and organizational units subordinate to the Minister of Internal Affairs, including the police.

The Resolution was passed on 21 May 1990.²⁶ According to its content, former SB officers could be admitted to service in the UOP, the Police or another organizational unit subordinate to the Minister of the Interior or employed in the MSW after obtaining a positive opinion from the relevant vetting commission, issued after completion of the vetting procedure. The entities conducting the recruitment procedure were:

that “purges differ from vetting in that purges target people for their membership in or affiliation with a group rather than their individual responsibility for the violation of human rights”. See also: *Rule of Law Tools for Post-Conflict States...*, pp. 4 and 24–31.

²⁰ See: *Impunity: report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher: *addendum...*, principle 36(a); and *Impunity: report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher..., para. 68.

²¹ Those are the two principal types of transitional personnel reform processes. There is also a less likely third type: regular disciplinary procedures, which in fact are useful at a later stage of transition, in an established rule-of-law context. See: *Rule-of-law tools...*, pp. 24–31.

²² Officers of Citizens’ Militia (Polish: *Milicja Obywatelska*, hereinafter: “MO”). MO was the national police organization of the communist Polish People’s Republic (Polish: *Polska Rzeczpospolita Ludowa*).

²³ M. Grabarczyk, *Uniformed...*, pp. 71–72.

²⁴ Act of 6 April 1990 on Office of State Protection (Polish title: *Ustawa z dnia 6 kwietnia 1990 r. o Urzędzie Ochrony Państwa*, Dz. U. z 1990 r. Nr 30, poz. 180), hereinafter: the „UOP Act”.

²⁵ According to Article 137 of the UOP Act, that day was 10 May 1990.

²⁶ Resolution No. 69 of the Council of Ministers of 21 May 1990 on the procedure and conditions for admitting former Security Service officers to service in the Office for State Protection and other organizational units subordinate to the Minister of Internal Affairs and their employment in the Ministry of the Interior (Polish title: *Uchwała nr 69 Rady Ministrów z dnia 21 maja 1990 r. w sprawie trybu i warunków przyjmowania byłych funkcjonariuszy Służby Bezpieczeństwa do służby w Urzędzie Ochrony Państwa i w innych jednostkach organizacyjnych podległych Ministrowi Spraw Wewnętrznych oraz zatrudniania ich w Ministerstwie Spraw Wewnętrznych*, M.P. 1990 Nr 20, poz. 159), hereinafter: “the Resolution”.

1) the Central Vetting Committee (Polish: *Centralna Komisja Kwalifikacyjna*, hereinafter: "CVC" or "the Central Committee"),²⁷ 2) the Vetting Committee for Central Personnel (Polish: *Komisja Kwalifikacyjna do Spraw Kadr Centralnych*, hereinafter: "VCCP"),²⁸ and 3) Voivodeship Vetting Committees (Wojewódzkie Komisje Kwalifikacyjne, hereinafter: "VVC"),²⁹ one for each of 49 then existing voivodeships.

The proceedings before the VVC were an application procedure initiated only at the written request of the applicant. Moreover, the Resolution contained an template of the application, which included basic information about the candidate required for the vetting process.³⁰ This application had to be submitted within 7 days after the committee had been appointed, at a designated location. Only people under 55 years of age were eligible to apply, while the Head of the UOP or the Police Commander in Chief could order proceedings to be conduct against candidates above this age threshold.

The VVC assessed the suitability of the candidate for service based on his or her application, the existing personal and service records as well as other documents presented by the candidate to the committee. Moreover, the committee could also conduct an additional interview with the candidate, either *ex officio* or at the candidate's request.

Opinions on the candidates were issued for the type of service where the candidate applied for admission, and the committee could express an opinion on the candidate's usefulness in types of service other than those specified in the application.

The VVC issued a positive opinion on a candidate if it was found that they met the requirements for an officer of a given service³¹ or an employee of the MSW – in particu-

²⁷ The CVC was appointed by the Prime Minister from among the representatives of: 1) the Political Advisory Committee to the Minister of the Interior; 2) the Minister-Head of the Office of the Council of Ministers; 3) the Minister of the Interior; 4) the Head of the UOP; 5) the Police Commander in Chief; 6) the Police Officers Trade Union; and 7) other persons with generally recognized moral and social authority. The Prime Minister was also to ask representatives of the Parliamentary Administration and Internal Affairs Committee and the Senate Human Rights and Rule of Law Committee to participate in the work of the Central Committee. The head of the UOP was the chairman of the Central Committee. The CVC was a supervisory body in relation to the entire procedure and the work of other committees (VCCP and VVC), as well as an appeal body against the opinions of other committees. At the end of the entire verification procedure, the Central Committee was obliged to submit a report on the course of the qualification procedure to the Council of Ministers.

²⁸ The VCCP was appointed by the Head of the UOP from among representatives of the same bodies and organizations and persons as in the case of the Central Committee. The main task of the VCCP was to conduct the qualification procedure and to give opinions on candidates who had previously served in the organizational units of the SB at the central level and applied for admission to service in the UOP, the Police or another organizational unit subordinate to the Minister, or for employment at the MSW.

²⁹ The tasks of the VVC were to conduct the proceedings and to give opinions on the remaining candidates applying for admission to service. The VCCP and the VVC could not include persons who were dismissed from service under the Act on the UOP (§ 5(4) of the Resolution). Interestingly, this was not reserved with regard to the CVC. In each voivodeship, the chairman of the Central Committee appointed a the VVC from among the representatives of: 1) the Head of the UOP, 2) the Police Commander-in-Chief, 3) the trade union of Police officers, 4) other people with moral and social authority recognized in the local community. Moreover, the chairman of the CVC was obliged to apply to two deputies and a senator from a given voivodeship for participation in the work of the VVC. The chairman of the VVC was appointed by the CVC.

³⁰ The information in question included: 1) an indication of the unit to which the candidate wanted to apply; 2) the rank and name; 3) the unit and the last position held; 4) the characteristics of the course of service in a specific organizational unit; 5) the candidate's statement about his or her suitability for further service in the unit indicated in the application; 6) his or her financial status, and 7) information about the incurred disciplinary liability, i.e. whether the candidate was subject to disciplinary punishment, and if so, what for?

³¹ In the case of the UOP, these requirements are specified in Article 15 of the UOP Act: Service in the UOP may be performed by a Polish citizen who demonstrates an impeccable moral and patriotic attitude, enjoys full public rights, has at least secondary education and specific professional qualifications as well as physical and mental capacity to serve in armed formations, subject to special discipline official, which he is ready to submit. The same requirements were stipulated in Article 25 of the Act of 6 April 1990 on the Police (Polish title: *Ustawa z dnia 6 kwietnia 1990 r. o Policji*, Dz. U. z 1990 r. Nr 30, poz. 179).

lar: capacity and integrity³² – and if the VVC was convinced that an applicant had moral qualifications to perform the service, notably: 1) in the course of their previous service they had not violated the law; 2) performed their official duties in a manner that did not violate the rights and dignity of other people; 3) did not use their official position for purposes not related to the service.

In the event of a negative opinion from the VVC, the candidate was entitled to appeal to the CVC within 7 days from receiving a written objection (principle of two instances). This appeal had to be lodged through the authority which issued the opinion in question, and was immediately forwarded to the Central Committee together with all the documents and materials relating to the candidate. The opinion issued by the CVC as a result of the appeal was final, and the candidate and the VVC were immediately informed about it. Proceedings before the VCCP were similar, and its decision could also be appealed before the CVC. Notably, the provisions did not provide for an appeal before a court of law, which should be viewed as a deficiency in the entire procedure.

Positive opinions about the candidates were presented by the VVC to the authorities competent to consider the cases of admission to service in bodies and units subordinate to the Minister or employment in the MSW. Obtaining a positive opinion was a necessary condition for a candidate to be met before they applied for admission to a given service in bodies, units or for an employment at the MSW. Yet, it did not mean that a person was in the end reemployed.³³ It should be noted that a common misconception is to equate positive verification with reemployment in new services, which contributes to a negative image of the process.

Positive result of the vetting meant also maintaining continuity of service or employment, which was important from the viewpoint of retaining future pension rights. Similarly, in the event of a negative vetting, officers kept the acquired pension rights. The issue of retirement benefits for former SB officers was the subject of a heated public debate in Poland due to recent legislative changes.³⁴

5. *Pigs* as an image of vetting and Polish society in transition

As mentioned previously, the movie *Pigs* tells, as it were, two intersecting stories; i.e., 1) transitional, and 2) sensational. The former concerns vetting and institutional reform of security service with all the challenges of that process in post-authoritarian Poland. The latter shows potential social threats related to the reform of security services.

³² Individual and organizational capacity and integrity as aspects of personal institutional reform are described in: *Rule-of-law...*, p. 19–22. The capacity and integrity framework was developed by Serge Rumin and Alexander Mayer-Rieckh. See: *Rule-of-law...*, p. 15, fn. 12.

³³ According to Tomasz Kozłowski “the assumptions for 1990 provided for 5,522 jobs. This was increased in 1991 to 6,500”, which means that “out of over 10,000 positively verified, no more than half of them could find employment in the new services”, but it should be remembered that other people, not related to the SB, could also apply for employment. At the end of 1991 in the UOP, “8.75% of officers with up to two years’ seniority were in the entire office, including 5.77% who were the newly recruited, and were from outside the SB structures. Officers with two to five years’ seniority accounted for 10.68% [of the personnel], those employed from six to ten years – 20.44%, those employed from eleven to fifteen years – 30.56%, those in service from fifteen to twenty-five years – 25.69%, and those with seniority over twenty-five years – 3.78%”. See: T. Kozłowski, *Koniec imperium MSW. Transformacja organów bezpieczeństwa państwa 1989–1990* [Eng. *End of the MSW Empire. Transformation of State Security Service 1989–1990*], Warszawa 2019, pp. 215, 246 and 250. Data based on Annex 3 to the minutes of the 53rd meeting of the Administration and Home Affairs Committee [Polish: *Załącznik nr 3 do protokołu 53. posiedzenia Komisji Administracji i Spraw Wewnętrznych*], 22 May 1991, p. 3.

³⁴ See: M. Grabarczyk, *Uniformed...*, pp. 67–80, especially pp. 72–79.

The film shows many of the vetting problems outlined above. The *Pigs* world is rough, masculine, ruthless, dirty, vulgar. The movie highlights that it is remarkably difficult to carry out reforms in many fields, political, economic, and social, all at the same time, and that the need to complete this task may be the source of a crisis.³⁵

The film is regarded to mirror the psychosocial image of Polish society during the transformation period. The first theme of the movie is betrayal: the main character is betrayed by his friend, girlfriend, probably wife, but most importantly – by the State. This theme is closely associated with the described period. It reflects the social mood of those times: a certain disappointment for economic reasons, bitterness at the loss of work and a sense of social security. Finally, there is another meaning of the betrayal, i.e., the feeling that the Polish People's Republic was not accounted for, and that hardly anyone was *de facto* punished or sentenced. This feeling later gave rise to a myth (a kind of conspiracy theory) about “the Deal”³⁶ between the former communists and democratic opposition.

Thus, the film also highlights the distrust towards the newly formed state: a belief that little (if anything) will change, and that Poland still belongs to someone else. Here, three famous quotes from Franz Maurer can serve as examples. In response to the committee president's reprimand that Franz is standing not before the president himself, but before the committee, Maurer notes: “Times change, but you're always the one in the committee”. To another of the committee's questions: “Are you ready to guard the rule of law of the reborn, democratic Republic of Poland?”, Maurer replies: “Absolutely. Until the very end. Mine or hers”. Finally, as noted above, when asked by a colleague: “What will happen now?”, Maurer responds: “Nothing. It will be just like it used to be. Or better”.

The movie also demonstrates a certain fatigue surrounding the myth of the Solidarity trade union, which is in a way illustrated by the scene mocking Janek Wiśniewski's death during the strikes in December 1970.³⁷ Pasikowski breaks away from the pathos with which those events were described, as well as from Solidarity itself, showing that capitalist democracy is not at all a dream system or a perfect world. This example of characters trampling over a topic, which up to that point was commonly respected by all, served as a tool to shock the viewer and prepare them for what was to come: a new reality in which nothing, other than money, is deemed sacred. This was a rather bitter pill for the audience to swallow, as shown by the reviews.³⁸ Behind the outrage, critics hid the fear of the reality foretold by *Pigs*: should Maurer's cynicism become a norm, not pigs but packs of feral wild boars would be the dreaded monsters.

Pigs are a representation of a certain social sense of the world's brutality. The new political situation brought with it a new phenomenon, previously unknown in the Polish People's Republic: mass unemployment, which undermined the foundations of human existence. It was therefore only natural to feel a sense of loss in the face of the unknown, and to raise the question whether it's just better to selfishly ignore the sufferings of your

³⁵ R. Luckham, *Democratic Strategies for Security in Transition and Conflict*, in: G. Cawthra, R. Luckham (eds.), *Governing Insecurity, Democratic Control of Military and Security Establishments in Transitional Democracies*, London–New York 2003, pp. 3–28.

³⁶ M. Janicki, W. Władyka, M. Dąbrowska-Bąk, *Układ* [Eng. *The Deal*], “Polityka” 2006/13, p. 32.

³⁷ This scene is also a description of the SB officers' depravity.

³⁸ An analysis of critical reviews from the 90's and a change in film's perception over the years is shown by: I. Rakowski-Kłos, O. Szymkowiak, *Kiedys szambo moralne, dziś klasyka. “Psy” Pasikowskiego znów w kinach* [Eng. *Once a cesspool, today a classic. Pasikowski's “Pigs” in cinemas again*], “Gazeta Wyborcza” 16 May 2014, https://lodz.wyborcza.pl/lodz/1,35136,15970805,Kiedys_szambo_moralne_dzis_klasyka_Psy_Pasikowskiego.html, accessed on: 11 February 2021.

fellow men in the pursuit of individual gain? *Pigs'* simple answer to this question is: be tough and don't be afraid to take matters into your own hands.

Apart from describing the society, the movie also portrays practical difficulties associated with reforming the security services. This is shown in the scenes where Maurer is vetted, and those where the viewer sees the burning of the files in a landfill site. Finally, the movie presents problems which the officers, relentlessly mocked by representatives of the new government, encounter while adapting to the new reality. They are unprepared for the new tasks awaiting them in the police service. Their actions reveal their complete ineptitude, as they were trained for operational tasks, such as surveillance and interrogations, and not to chase shooting bandits.

The incredible realism of the film is emphasized by the countless number of signals referring to real-life events, while the uniqueness of the idea lies in the fact that the viewer has to look at the ever-changing reality through the eyes of former security service officers. These officers were the symbol of the oppressiveness of a fallen regime, and were hated and discredited in the eyes of society. Yet, the movie is structured in such a way so that the viewer feels flashes of friendliness when confronted with those officers.

Admittedly, the film does not fully present a trial before the vetting committee, but it does reveal some of the most essential problems related to the reform, which is to ensure:

security for people, communities and states is essential for sustainable development, democratisation and conflict mitigation. Politicised, badly managed or ineffective security bodies and justice systems often create instability and insecurity, largely due to the lack of effective democratic systems.³⁹

The movie opened a discussion regarding the vetting carried out at that time, including the model of the vetting process. As Tomasz Kozłowski points out, a dichotomous image of the approach to the reform of the security services emerged in 1990. Some demanded that the powers of the new secret services were to be greatly limited, an integral part of which was a staff purge as part of the so-called "option zero". Others opted for a more pragmatic approach, believing that these services required a thorough reform, partly with the participation of specialists from the SB.⁴⁰ Ultimately, the later approach prevailed.

The process itself was extremely socially peevish, which meant that neither automatism nor full personal continuity could be allowed. In order to restore confidence in the security organs, the institution required fundamental changes. For this reason, it was both a legal and a political problem, as Pasikowski demonstrates. The vetting was designed to make the new services more credible in the eyes of the public by symbolically rendering at least partial justice to those persecuted by the SB (and because this justice was only partial, the model was and still is criticized). Yet, when creating the vetting model, the government was looking for a compromise, i.e., a formula that would reconcile the need to ensure the efficient operation of institutions and to retain people with skills and knowledge potentially dangerous to state security, as well as the need to break with the communist apparatus and meet the demands of reckoning with the officers.⁴¹

³⁹ N. Ball, *Strengthening democratic governance of the security sector in conflict-affected countries*, "Public Administration and Development" 2005/1, pp. 25–38.

⁴⁰ T. Kozłowski, *Koniec...*, p. 194.

⁴¹ T. Kozłowski, *Koniec...*, pp. 289–290.

These dangers are come to the fore in the sensational plot of the film, as former officers could (and some probably did) enter the criminal world.

As mentioned above, the vetting covered all SB officers and those MO officers who worked in the SB until 31 July 1989. Nevertheless, not all functionaries, particularly not those of the highest rank, joined the process. Fearing a negative assessment, many disgraced or disappointed officers simply did not proceed with the vetting. As Krzysztof Kozłowski points out:

the entire vetting process concerned lieutenants, captains, majors and only in a few cases lieutenant colonels or colonels. The entire cadre of senior officers – those thirty-something generals, about four thousand lieutenant colonels and colonels – were retired before vetting could take place.⁴²

The SB vetting process is criticized for many reasons. There was a lack of people willing to work in committees, due to, *inter alia*, the fear of revenge on the part of negatively vetted officers.⁴³ The evaluation criteria were generic and unclear.⁴⁴ The sheer volume of files (despite the fact that some had been burned) and a multitude of people to be vetted meant that the assessments could be hasty and unfair. In order to maintain the pace, members of the commission had to follow general, simplified determinants: in the first place, people from the divisions dealing with the opposition (Department III) or the Church (Department IV) were negatively assessed, as well as those with disturbing entries in personal files.

The vagueness of the guidelines, resulting in a certain discretion among committees, resulted in significant differences in the percentage of officers negatively verified in individual voivodeships, with the spread ranging from 8 to 80%.⁴⁵ The committees chose various tactics: either the officer had to prove his or her positive deeds, or the committee had to prove that the officer was unfit for further service due to the nature of the actions taken so far.⁴⁶ In fact, the CVC changed many decisions, especially as there was a need for employees to make the structures function.⁴⁷ The vetting of the SB was *de facto* demonstrative: it was part of this process because it was the most transparent symbol of the regime, yet the entire Ministry of the Interior was not verified.

However, an overall assessment of the SB vetting process in Poland is difficult. Unclear procedures, lack of time, ill prepared committee members and gaps in the underlying evaluation materials made the effort fall short of the hopes placed on it. But was that truly the case? Firstly, it was supposed to make the new services more credible in the eyes of the public by inspiring a sense of justice. Thus, it can be regarded as a symbolic crackdown on the flagship exemplification of the past regime. The real

⁴² K. Kozłowski, *Rewolucja po polsku* [Eng. *Polish way revolution*], "Przegląd Bezpieczeństwa Wewnętrznego" 2010 (special issue), p. 14.

⁴³ T. Kozłowski, *Koniec...*, pp. 199–200.

⁴⁴ G. Chłasta, *Czterech. Brochowicz. Miodowicz. Niemczyk. Sienkiewicz* [Eng. *The Four. Brochowicz. Miodowicz. Niemczyk. Sienkiewicz*], Warszawa 2014, p. 98.

⁴⁵ T. Kozłowski, *Koniec...*, p. 206.

⁴⁶ T. Kozłowski, *Koniec...*, p. 206.

⁴⁷ As Tomasz Kozłowski points out, when the "CVC ceased its activities on 18 September 1990, 14,034 people underwent the procedure throughout the country. In the first instance 8,685 (approx. 61%) were positively assessed, and 5,376 were negatively assessed. 89% (i.e. 4,771) of people appealed against the decision, of which 1,781 were granted. Overall, therefore, the entire procedure was passed by 10,439 people (almost 75%), while 3,595 were verified negatively". What is more, "vetting screened out many people who did not guarantee to do their jobs well. Often, people who would be useful to the new country, and due to the work in a specific department, were negatively assessed", which was the inevitable cost of such a large undertaking. See: T. Kozłowski, *Koniec...*, p. 209–210.

qualification for further work took place during recruitment to the UOP, and in new serving structures, because the process of shaping the staff did not end with the commission: if new circumstances emerged, the officer had to resign.

Even now the vetting process raises a lot of controversy, partly due to the *Pigs*. In the journalistic and political discourse, the topic of unrealized “zero option” (the removal from the services of the vast majority or even all of SB officers) often returns. The German Democratic Republic (GDR), where the Stasi⁴⁸ was dissolved, came closest to this model. But it was indeed a special case due to the absorption of the GDR by the Federal Republic of Germany. There was a special services apparatus in the German state, which only needed some adjustments, and therefore there was no need to rely on Stasi officers⁴⁹. Even there, part of the civilian and military intelligence apparatus was absorbed by the West German Federal Intelligence Service (German: *Bundesnachrichtendienst*). In fact, the “zero option” has never been a viable solution – neither in Poland, nor in other Eastern bloc countries. This would be a strategic mistake, putting the state at risk, be it from economic crimes or foreign intelligence. It is true that building a state from scratch is a tempting idea. Yet, it is also a completely unrealistic one, resulting in a period of institutional paralysis, lasting years, which the newly created state can ill afford.

6. Conclusions

Pasikowski, through a cinematic lens, shows Poland’s history at a pivotal moment. The movie is used to show problems with transitional justice, as well as a society in transition. Franz Maurer immediately became an icon of popular culture of the 1990s, an antihero, whose moral ambiguity expressed the chaos of the first years of transformation. His character shows that people in a new political situation must deal with all their baggage, an extreme example of which is the fate of former SB officers, who also had to adapt to their new reality. This has been masterfully illustrated by the theme of betrayal: in the film Franz is betrayed by the most important people in his life. Polish people may feel a similar way, mainly due to the lack of appropriate rebuke for those associated with the former regime. Vetting of the SB, shown in the film, appears to take the form of only a symbolic act of cleansing the services, which was primarily image-related: an act based on unspecified criteria, and by people who had a vague idea of the services.

The above-mentioned issues are therefore an important element of social and political conflicts, because they concern issues fundamental to citizens, and they constitute an efficient weapon in the political struggle, especially in the fight over the meaning of what has happened and the memory of past events.⁵⁰ For this reason, the movie still astonishes with its topicality, by being part of the socio-political discourse of the transition period. The discourse on dealing with the past, the meaning of past abuses, and transitional justice can be described as one of the main debates accompanying the construction of young Polish democracy after 1989.

⁴⁸ Interestingly, several former Stasi officers are shown in the film as collaborators of some former SB officers within a criminal group.

⁴⁹ T. Kozłowski, *Koniec...*, p. 213.

⁵⁰ As Jelin indicates: “After periods of high political conflict and repression or state terrorism, there is an active political struggle around meaning; the meaning of what went on and the meaning of memory itself. In this arena, the struggle is not one of memory against oblivion or silence, but rather between opposing memories, each of them with its own silences and voids”. See: E. Jelin, *Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America*, “The International Journal of Transitional Justice” 2007/1, p. 140.

Pasikowski's *Pigs* as an illustration of vetting in a transitional society

Abstract: *Pigs*, a 1992 movie directed by Władysław Pasikowski, has become an iconic picture over the years, growing into a source of quotes and becoming a cult classic. The film, while remaining commercially attractive, outlines many problems within transitional justice and opens a discussion regarding the vetting of the SB officers carried out at that time, including the selected model.

The plot of the film takes place in 1990, the period of political transformation in Poland after the fall of communism. Before the purely sensational action comes to the fore, the movie is largely about a reform of the MSW and the SB, about vetting of its officers and their fate while trying to find themselves in the new reality. It also shows that it is remarkably difficult to carry out reforms simultaneously in many fields: political, economic and social, and that it may be the source of a crisis.

The aim of this article is to present Pasikowski's *Pigs* as a film that demonstrates the practical issues related to one of the mechanisms used in the framework of transitional justice, namely the vetting process. The movie as an artistic representation of individuals subjected to vetting opens discourse on transitional justice and the problem of dealing with undemocratic system. The paper concentrates on a general outline of the movie, paying attention to the vetting committees and their function within the framework of transitional justice. While presenting the normative model of officers' vetting and juxtaposing it with the image shown in the film, the author displays basic moral and social problems related to the vetting.

Keywords: Pasikowski's *Pigs*, security service, vetting, dealing with the past, transitional justice, decommunization

BIBLIOGRAFIA / REFERENCES:

- Ball, N. (2005). Strengthening democratic governance of the security sector in conflict-affected countries. *Public Administration and Development. Special Issue: Rebuilding Governance in Failed States and Post-Conflict Societies* 25, 25-38.
- Banaszkiewicz, B. (2003). Rozrachunek z przeszłością komunistyczną w polskim ustawodawstwie i orzecznictwie Trybunału Konstytucyjnego. *Ius et Lex* 2, 441-486.
- Chlasta, G. (2014). *Czterech. Brochowicz. Miodowicz. Niemczyk. Sienkiewicz*. Warszawa: Czarna Owca.
- Czarnota, A. (2007). The Politics of the Lustration Law in Poland, 1989-2006. In A. Mayer-Rieckh, P. de Greiff (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies* (pp. 222-258). New York: Social Science Research Council.
- Czarnota, A. (2009). Lustration, Decommunization and the Rule of Law. *Hague Journal on the Rule of Law* 1, 307-336.
- Duthie, R. (2007). Introduction. In A. Mayer-Rieckh, P. de Greiff (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies* (pp. 16-38) New York: Social Science Research Council.
- Elster, J. (2004). *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge: Cambridge University Press.
- Galij-Skarbińska, S. (2016). *The Transformation of Civil Secret Service In Poland in 1989-1990*. Toruń: UMK.
- Galij-Skarbińska, S. (2019). *Model zmiany cywilnych służb specjalnych w Polsce w latach 1989-1990. Powstanie Urzędu Ochrony Państwa*. Toruń: Adam Marszałek.
- Grabarczyk, M. (2019). Uniformed Services Pension Amendment Acts in Poland as Part of State Politics of Memory. *Archiwum Filozofii Prawa i Filozofii Społecznej* 21, 66-80.
- de Greiff, P. (2010). A normative conception of transitional justice. *Politorbis* 50(3),

17-30.

- Huntington, S. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Jelin, E. (2007). Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America. *The International Journal of Transitional Justice* 1, 138–156.
- Kaminski, M.M., Nalepa, M., O'Neill, B. (2006). Normative and Strategic Aspects of Transitional Justice. *The Journal of Conflict Resolution* 50, 295–302.
- Kritz, N.J. (ed.). (1995). *Transitional Justice: How Emerging Democracies Reckon with Former Regime. Vols. I-III*. Washington: United States Institute of Peace.
- Kozłowski, K. (2010). Rewolucja po polsku. *Przegląd Bezpieczeństwa Wewnętrznego, wyd. specjalne, 13-17*.
- Kozłowski, T. (2019). *Koniec imperium MSW. Transformacja organów bezpieczeństwa państwa 1989–1990*. Warszawa: IPN.
- Krotoszyński, M. (2016). The Transitional Justice Models and the Justifications of Means of Dealing with the Past. *Oñati Socio-legal Series* 6, 584-606.
- Krotoszyński, M. (2017). *Modele sprawiedliwości tranzycyjnej*. Poznań: Wydawnictwo Naukowe UAM.
- Krotoszyński, M. (2019). Transitional Justice and the Constitutional Crisis: The Case of Poland (2015-2019). *Archiwum Filozofii Prawa i Filozofii Społecznej* 21, 22–39.
- Luckham, R. (2003). Democratic Strategies for Security in Transition and Conflict. In G. Cawthra, R. Luckham (eds.), *Governing Insecurity, Democratic Control of Military and Security Establishments in Transitional Democracies* (pp. 3-28). London: Zed Books.
- Méndez, J.E. (1997). In Defense of Transitional Justice. In A.J. McAdams (ed.), *Transitional Justice and the Rule of Law in New Democracies* (pp. 1-26). Notre Dame: University of Notre Dame Press.
- Murphy, C. (2017). *The Conceptual Foundations of Transitional Justice*. Cambridge: Cambridge University Press.
- Nalepa, M., Krotoszyński, M. (forthcoming). Poland. In L. Stan, N. Nedelsky (eds.),

Encyclopedia of Transitional Justice. Vol. 2. Cambridge: Cambridge University Press.

- Rumin, S. (2007). Gathering and Managing Information in Vetting Processes. In A. Mayer-Rieckh, P. de Greiff (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies* (pp. 402-447). New York: Social Science Research Council.
- Sisson, J. (2010). A Conceptual Framework for Dealing with the Past. *Politorbis* 50, 11-15.
- Teitel, R. (2000). *Transitional Justice*. New York: Oxford University Press.
- Teitel, R. (2003). Transitional Justice Genealogy. *Harvard Human Rights Journal* 16, 69–94.
- Wigura, K., Kuisz, J., Sadurski, W. (eds.). (2018). *Trudne rozliczenia z przeszłością. Tom I. Sprawiedliwość okresu przejściowego w perspektywie międzynarodowej*. Warszawa: Scholar.
- Wigura, K., Kuisz, J., Sadurski, W. (eds.). (2018). *Trudne rozliczenia z przeszłością, Tom II. Polska w Perspektywie Europy Środkowo-Wschodniej*. Warszawa: Scholar.
- Williams, M.S., Nagy, R., Elster, J. (ed.). (2012). *Transitional Justice*. New York: New York University Press.