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CONTENTS

ANDREAS LANGENOHL, SOPHIE SCHMÄING

Preface | 5

| RESEARCH ARTICLES |

SOPHIE SCHMÄING

“Dictatorship of Applause”?
The Rise of Direct Representation
in Contemporary Ukraine | 11

RENÉE WAGENER

“Crowning of the Democratic Edifice”? –
Public Discourses on Referendums
in Luxembourg Since the First World War | 32

RALF JEREMIAS

Primary Elections in the USA:
Between Republicanism and Democracy | 55

YANINA WELP

From the “Status Quo” Problem to the “Factional” Problem.
Constitution-Making in Venezuela, Ecuador and Bolivia | 73

ANDREAS LANGENOHL

Displacing Elections in the “Jump to the Market”:
Dispersed Traces of Neoliberalism
in Poland’s Transition from Socialism | 87

JULIUS HEISE

United Nations Colonial Complicity in Decolonization Referenda:
UN-Supervision of the 1956 Referendum
in Western Togoland | 107

VALERIA KORABLYOVA
Re-Conceptualizing Post-Soviet Elections:
Between the Theater State and Ocular Democracy | 125

DMITRY MUKHIN
“The Voice of the People is the Voice of the God”:
Practices of Peasant Assemblies
in the Northern Russian Village
of the Late 19th and Early 20th Centuries | 148

| DISCUSSION |

PIOTR RUDKOUSKI, TATIANA SHCHYTTSOVA,
ANDREI YAHORAU, THOMAS M. BOHN
AFTER VOTING:
PANEL DISCUSSION ON BELARUS | 162

AUTHOR GUIDELINES | 175

PREFACE

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Today, general elections, referenda, and alternative practices of political voting are confronted with diverse critiques and concerns. As authoritarian political forces worldwide increasingly mobilize a plebiscitarian political rhetoric, voting becomes aligned with exclusionary political agendas. Political theory, which has long warned to reduce the spirit of republicanism to that of majority rule (Tocqueville, 1835; Arendt, 2006), now points out that majority voting is but one instrument of achieving democratic legitimacy (Rosanvallon, 2010). And yet, the imaginary of having the people vote still massively informs projects of political and social transformation, as can be seen in the mobilization of referenda in settings as diverse as the Brexit referendum in 2016 (Susen, 2017; Thornhill, 2017), the Catalan independence referendum in 2017 (Cetrá et al., 2017), the constitutional referendum in Turkey in 2017 (Esen and Gümüşçü, 2017), the general referendum over the peace process in Colombia in 2016 (Mendes et al., 2020), and ongoing attempts to

introduce a new legislative framework for referenda in Ukraine despite the conflictive role they played at the beginning of the armed conflict (Podolian, 2015).

This *Topos* special issue sets out to continue the interdisciplinary discussion about voting not only as part of the institutionalized political system but also as a social practice and a powerful lever of social imaginaries. While incorporating debates in political theory about the relationship between voting and democracy, it addresses questions regarding the invocation of voting as a symbolic device in political processes both within and without liberal democracies and investigates the social and cultural embeddedness of the practice of voting based on the example of historical and contemporary configurations.

This conceptual agenda runs through the articles collected in this special issue and crystallizes at three interrelated conceptual moves. First, political-theoretical and historical concerns voiced about voting, and potential practices alternative to voting, are addressed with a view to their social embeddedness. Seen from this angle, the participation in elections and referenda is a context-specific practice of relating to society, not only to the institutionalized political system – a practice that might have more to do with generalized and implicit understandings of social conduct than with a rational and reflective decision over competing political agendas (Taylor, 1985, 2002; Langenohl, 2019a, 2019b). What is at stake is thus a political and cultural sociology of voting and elections that investigates into their qualities as social and cultural acts (Moffitt, 2016; Wagner-Pacifici, 2017).

Second, voting has to be conceptualized as a potential high-stakes situation, for instance, in the context of referenda about vital societal and political concerns (e.g., referenda concerning the establishment of constitutions or the regulation of fundamental societal relationships). These contexts transcend the logic of institutionalized political routine, instead being characterized by powerful invocations of competing social imaginaries and political constituencies. Not least, this shifts the attention to the notion of elections as a political spectacle, recasting the respective roles of politicians as actors on a stage and voters as an audience watching (Moffitt, 2016; Green, 2010).

Third, the practice of voting will be analyzed in political and societal configurations beyond the liberal democratic imaginary, most notably, in (post-)Soviet but also in imperial contexts. While the institution of the general election, and of voting more generally, is often seen as the core and the prerogative of liberal democracies, political anthropology and political history have observed it also in other historical and regime contexts, like state-socialist societies or imperial monarchies (Flaig, 2013a, 2013b). This perspective will be instrumental in continuing the discussion about the saliency and meaning of voting as a social practice outside a liberal institutional framework (Richter and Jessen, 2011; Langenohl, 2019a), as well as about the adjacency of practices of voting with other modalities of political decision-making.

It goes without saying that the selection of contributions to this special issue do not cover the research agenda in any exhaustive or even representative way. Rather, they form exemplary case studies that hold specific insights pertaining to this special issue's agenda, covering a historical period from the late 19th century to the present. A certain regional focus is placed on Eastern and Eastern Central Europe (Poland, Ukraine, and Russia), thus shifting the historical and regional grounds on which western political theory has often placed its emphasis. Other contributions deal with configurations of voting and elections in Western Europe, East Africa, and the Americas, focusing on the ways in which the significations and meanings of democracy in those specific contexts have been articulated and modulated through situating voting in the context of other societal institutions.

The papers thus address the question of how practices of voting, and discourses about them, relate to, and rearticulate, conceptions of democracy more generally. Based on the example of Ukrainian president Volodymyr Zelensky and his party *Servant of the People*, Sophie Schmäing reveals how the significance of referenda increases in political constellations with heterogeneous constituencies. She argues that by drawing on "direct representation" through referenda and polls, Zelensky means to substitute the mobilization of dividing cleavages and monitor his popularity. In contrast to this exploitative use of referenda, *Servant of the People*, together with a broad coalition of civil society organizations, made substantial attempts to broaden avenues of citizen participation by adopting new innovative legislation on referenda.

Renée Wagener presents a history of referenda in Luxembourg since the early 20th century, giving an exemplary insight into the ways that the device of the referendum was used to negotiate the very meaning of democracy within a context that was from the beginning a Europeanized one. Based on an in-depth analysis of the referenda in 1919, 1937, 2005 and 2015 Wagener furthermore reveals broader tendencies of Luxembourgish politico-societal developments between modes of agitation and appeasement.

Ralf Jeremias's paper on the institution of the Primary Elections in the U.S. exposes interactions, among them contradictions, between the semantics of republicanism and of democracy (in Hannah Arendt's terms): While primaries were established with the aim of limiting the impact of party organizations on candidate selection, thus advocating political participation beyond formal institutionalization, they have tended to privilege wealthy individuals, thus aggravating the social-structural bias in the U.S. political system.

Yanina Welp examines the reduction of citizen participation in constitution-making processes in Venezuela, Bolivia and Ecuador to the majority vote. She argues that while in all three cases referenda and direct elections of constitution-making bodies were introduced, citizens fulfilled the role of legitimizing observers having little influence

on the drafting processes itself. These processes were characterized by power struggles and violations of the law. The constitutions echoed claims for participatory democracy yet diminished check and balances at the same time.

Moreover, practices of voting become significant as devices that crystallize social imaginaries and political constituencies in specific ways. Andreas Langenohl reconstructs the role of elections in the Polish transition from state socialism to democracy and liberal capitalism, placing an emphasis on the symbolic and political displacement of elections as truly foundational acts in the context of neoliberal ‘shock therapy’ that was presented as having no alternative. Thus, the case exemplifies how elections can be functionalized as political technologies, at the expense of any foundational political quality.

As an example of how the colonial imagination sustainably haunts even contemporary electoral processes in Africa, Julius Heise traces the impact of imperial interests and neo-colonialism in referenda in Western Togoland (1956) and Ghana (2018). He argues that today’s conflictual constellations can only be properly understood when taking into account the role of the United Nations, which supervised the 1956 referenda while being heavily influenced by Britain and France as colonial powers.

Valeria Korablyova makes a case for a general shift in the theory of democracy toward a notion of popular political participation and involvement as spectatorship. Based on the example of recent developments in Ukraine and other post-Soviet contexts, she discusses several theoretical suggestions that conceptualize the relation between citizens and political actors and institutions as one between a political stage and an audience, thereby differing with respect to the question whether that audience can be attributed a constitutive meaning for the political process or whether it rather serves as a mere source of a government’s political legitimacy. Finally, Dmitry Mukhin’s historical analysis describes local peasant assemblies and their decision-making practices in late 19th century Russia. He argues that these practices were deeply embedded in peasants’ conditions of everyday life while at the same time configuring a complicated, imagined and “real”, relationship between these conditions and the state authorities.

The most obvious absence that this selection of papers shows is that of Belarus, a state and society with a particular recent history of referenda and elections in an authoritarian context where massive social protests against the official interpretations of the last general elections in 2020, and equally massive attempts to quell these protests, have been materializing while we were preparing this special issue. We are therefore particularly grateful that renowned specialists on Belarus, both from a contemporary and a historical viewpoint, have agreed to contribute to a panel discussion on Belarus: Tatiana Shchyttsova, who initiated the idea to conjoin the panel; Andrei Yahorau; Thomas Bohn; and Piotr Rudkousky. Their reflections concern the social

constituency of the protest movement and the political viewpoints of different groups and milieus, as well as the role of the international contextualization and resonances triggered by the protest movement and by the current government's attempts to quash it. What is evident from these contributions is that the Belarusian protest movement invokes not only political but also conceptual questions that relate to the fundamentals of contemporary notions of democracy: conceptions of participation and of the political constituency; the international and transnational embeddedness and ramifications movements for democracy; as well as the requirement to reflect together on political, economic and social forms of marginalization and oppression.

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“DICTATORSHIP OF APPLAUSE”? THE RISE OF DIRECT REPRESENTATION IN CONTEMPORARY UKRAINE

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Abstract: Recent years have seen much critique of referendums within public discourse as well as in scholarly debates, not least due to the high-profile Brexit referendum. In Ukraine, on the contrary, debates on improving democracy through direct democracy measures have gained pace since the presidential and parliamentary elections in 2019. Political newcomer Volodymyr Zelensky and his party Servant of the People (SP) both promoted referendums as a crucial means to reform Ukrainian democracy, notwithstanding Ukraine’s lack of positive experience with referendums and the divisiveness of society on central issues. This paper explores why and how direct democracy features so prominently in SP’s and the presidents’ rhetoric and looks into the implications of this salience for Ukrainian democracy. Drawing on Nadia Urbinati’s concept of ‘direct representation’ and Bernard Manin’s ‘audience democracy’, I argue that due to the centrist stance the above-mentioned political actors took on formerly defining societal cleavages, referendums and polls became prominent tools to reach out to their heterogeneous constituency. Indeed, SP’s diverse range of proposed direct democracy tools was quite innovative in the Ukrainian context, while the adoption of new legislation was inclusive and involved civil society organisations. In conclusion, although President Volodymyr Zelensky undoubtedly seems to perceive polls and referendums as a way to boost his popularity, thereby reducing the role of citizens to that of a reactive audience, the new legislation constitutes a significant qualitative change introducing possibilities of active citizen participation in political decision-making in Ukraine.

Keywords: Ukraine; referendum; direct representation; populism; audience democracy; Volodymyr Zelensky; Servant of the People



1. Introduction¹

Recent years saw much critique of referendums within public discourse as well as scholarly debates. Some scholars saw the high-profile Brexit referendum as proof that referendums are inherently populist and divisive in nature (Offe, 2017). In Ukraine, on the contrary, the idea to let the people have a say on certain issues through a popular vote has gained momentum since the presidential and parliamentary elections in 2019. Political newcomer Volodymyr Zelensky, who won the presidential election with unprecedented support of 73 percent of the electorate, had promoted direct democracy measures as a crucial means to deepen Ukrainian democracy during his election campaign. Observers interpreted Zelensky's penchant for referendums as part of his populist behaviour (Hosa and Wilson, 2019). On one occasion, a political opponent described his decision-making processes as overly reactive to public opinion, which would lead Zelensky, a former comedian, to establish a "dictatorship of applause" (Pekar, 2019). However, changes in the political landscape since 2019 and the attempts to reform political institutions cannot be reduced to the president's actions. Reconstruction of the political system with more avenues for citizen participation featured just as prominently in the election programme of the president's Servant of the People (SP) party. In addition, a group of civil society organisations joined the attempts to adopt new legislation on referendums in Ukraine.

This increased interest in referendums might come as a surprise given Ukraine's prior (in)experience with nationwide popular voting processes. The contested illegitimate referendum in Crimea conducted in March 2014 by the Russian Federation during the annexation of Crimea is brought up frequently as a threatening example in recent debates on referendums in Ukraine (Podolian, 2015). To date, the 1991 vote on Ukrainian independence remains the only popular vote that is remembered fondly. In contrast, the 2004 referendum was an unsuccessful attempt at power consolidation by then President Leonid Kuchma (Drabczuk, 2018: 311). Furthermore, in 2012, the then President Victor Yanukovich passed new controversial referendum legislation that mirrored his regime's authoritarian tendencies (Simon, 2013). In 2018, the determined actions of a coalition of civil society organisations finally lead to the abolition of this law by the constitutional court, creating a legal loophole on referendums in Ukraine (BBC, 2018). Beyond this link between authoritarian behaviour, referendums and the absence of legislation since 2018, the division of society on central issues concerning the country's future does not seem, at first glance, conducive to the promotion of the use of binary votes. Tellingly, post-Maidan president Petro Poroshenko repeatedly promised to hold a referendum

1 I would like to thank Andreas Langenohl and two anonymous reviewers for their very helpful comments on earlier drafts of this paper.

on Ukraine's possible NATO accession yet never conducted it (Radio Free Europe, 29 February 2019; Arosev, 2017; Ukrainska Pravda, 2015).

Hence, the question arises as to how the use of referendums and other direct democracy measures became so prominent in the discourse of the current Ukrainian president's camp and his party SP, how it translated into practice and, more broadly, what are the implications for the Ukrainian democracy. The main argument this paper puts forward is that Volodymyr Zelensky's and SP's election campaign marked a distinct shift from an emphasis on identity-based issues towards a vision of a new direct relationship between the electorate and the political representatives. This direct relationship, characterised by an emphasis on referendums and measures aimed at increasing the oversight over representatives, was triggered by an apparent lack of shared ideological-political thinking between the party members and the president. By emphasizing their goal to fundamentally reform the political institutions, Zelensky and SP successfully exploited the Ukrainians' extreme distrust of those same institutions based, amongst other factors, on widespread experiences of elite corruption (Whitmore, 2019). Yet, as the post-election phase shows, the promotion of direct democracy proved more than a clever election trick. In an inclusive process that involved a range of civil society organisations, SP adopted and improved quite innovative legislation on referendums that created new opportunities for citizens to have their say in political decision-making processes.

The article first establishes a conceptual framework, discussing the link between representative democracy, populism and referendums. In particular, I refer to Nadia Urbinati's concept of 'direct representation' that provides a political theorist's perspective on populism. Aiming to unpack the importance of the political configuration in which politicians keen on referendums operate, I discuss the applicability of the concept of 'audience democracy' proposed by Bernard Manin to the Ukrainian case. In the empirical part, I first flesh out the argument that the 2019 elections meant a shift from identity-based positioning of parties towards an inclusive and unifying rhetoric. Instead of mobilising identities, SP and Zelensky proposed referendums and other measures as a means to mobilise their constituencies. In depicting this shift, the article also illuminates how SP and Zelensky justified their promotion of referendums. The article then traces the legislative changes made regarding referendums and MPs' activities, and critically discusses Zelensky's controversial conduct of a nationwide poll in October 2020.

2. Referendums and Representative Democracy

In the academic literature as well as public discourse, referendums are usually understood as a form of direct democracy. As such, they are being conceptually juxtaposed to the representative political system,

because they are seen as an expression of the direct, unmediated “will of the people”. Yet it is also a thoroughly studied fact that politicians regularly call for referendums on certain issues for a variety of reasons, thus using them in their parliamentary activities (Gherghina, 2019; Morel, 2001; Rahat, 2009; Setälä and Schiller, 2009). To account for this contradiction between understanding referendums as a direct democracy tool and their actual embeddedness in the political environment, El-Wakil and MacKay have recently proposed a systemic approach to referendums. They argue that the direct democracy approach falls short of capturing the procedural complexities of popular voting processes. These processes, whether initiated by the government or citizens, are always part of broader dynamics within the representative institutions and mediated by diverse political actors. Consequently, it is not enough to eliminate conceptually the role of political institutions in referendum processes or reduce them to disruptive or manipulative abuse of referendums by politicians. Instead, Walik and MacKay’s systemic approach accounts for different institutional designs and interrelations with the broader political system (el-Wakil and McKay, 2020). As another proponent of the systemic approach has argued, taking into account institutional and procedural aspects also outmanoeuvres fundamental objections to referendums as inherently divisive and reduced to binary choices (van Crombrugge, 2021). While these features may apply to certain popular voting processes, they are always informed and shaped by the broader political interactions and cannot be reduced to the mere vote. That is, a systemic view of referendums also makes it possible to go beyond hastily characterising them as serving manipulative ends (although this might indeed be the case under certain circumstances) or escalating pre-existing divides because it turns the attention to the processes through which the vote is achieved.

2.1 The Concept of Direct Representation and the Direct Democracy Toolkit

If we take into account that popular voting is part of the broader political structures, why do politicians actually promote referendums? The link between populist policies and the promotion of referendums has received significant scholarly attention within populism studies. Empirical research reveals that populist parties often refer to referendums in their rhetoric of representing a unified ‘popular will’ (Mudde and Kaltwasser, 2017: 81). This will is often opposed to the political establishment these parties position themselves against. Findings show that populist parties also deliver on their claims for direct democracy once they are in office (Mudde, 2007). While the general appeal of referendums for populist forces is well-documented, non-populist parties likewise call for referendums or rely on polls for their political decisions (Offe, 2017: 17). Lars Brummel has found that between 2000

and 2017, right-wing and left-wing populist parties used and supported referendums more often than other parties. His analysis, however, also reveals that justifications for the use of referendums differ between the right, which stresses the argument of giving power to the people, and the left, which puts more emphasis on their commitment to democratic ideals (Brummel, 2020). There is thus no distinct and unified populist way of using and defending referendums. Some authors, such as Jan Werner Müller, who likewise points to the difficulty of differentiating between populist and non-populist uses of referendums given the dependence of today's political systems on the polling industry, use a contextual explanation. Accordingly, Müller argues that populists can be identified by their anti-pluralist stance (Müller, 2016: 2–3).

From the perspective of a political theorist, Nadia Urbinati takes a fresh and comprehensive view on “what populism does, especially concerning representative democracy, instead of discussing whether it is a ‘thin ideology’, a strategy, a style, a mentality” (Urbinati, 2019: 7). Although embracing the notion of populism herself, she positions herself against polemic and normative views and argues instead for focusing on the representative process. In doing so, Urbinati, of course, replicates those insights from populism studies that the anti-political establishment populist parties embrace, yet she integrates these findings into a framework of broader transformations of representative democracy. Her concept is therefore helpful in grasping the processes that unfold when political representatives increasingly embrace different modes of referendums.

Urbinati defines the use of popular voting processes by political leaders as a process of ‘direct representation’. As she admits, this notion seems contradictory and partially confusing at first sight. She describes direct representation as a relationship between representatives and the people where intermediation either by the media or by parties is absent. In this constellation, visible popular approval is a core element for the leader who constantly needs to hear the people's reactions to his or her proposals and public appearances. This direct link with the people is created by referendums and polls but often also through direct communication on the Internet (Urbinati, 2019: 160–162). Direct representation is therefore a practice through which leaders speak directly for and to the people without political intermediaries like parties or traditional mass media (Urbinati, 2019: 8). Does this mean that through direct representation leaders become more responsive to their electorate due to the constant need to react to public opinion? Urbinati argues that the use of referendums in a populist configuration does not embrace the ideal of direct democracy since it is the leaders who propose the issues to be decided on. In her view, direct representation is not identical to direct democracy, even though it actively promotes and draws on tools typically identified with it (Ibid.: 162). In the final analysis, Urbinati does not fully keep her promise to look at what populism does, because she presupposes

a certain kind of referendum process without providing empirical evidence or a consistent theoretical argument. Ultimately, as the systemic approach to referendums suggests, popular vote processes can only be analysed in the specific political environment in which they are implemented. With this in mind, making such a broad claim about all referendums initiated by populist forces is a simplification.

More convincingly, Urbinati points to the crucial importance of transparency in a political configuration characterised by the use of direct representation. As has been argued, the permanent need for approval calls for permanent checking of public opinion. With the people taking the role of observers, transparency and the close monitoring of every step taken by the leader comes to the fore. The people thereby gain a negative rather than a positive power, performing a watchdog function that is close to surveillance. Urbinati links this argument to John Keane's concept of 'Monitory Democracy' (Urbinati, 2019: 180–181). As I will show in the case of Ukraine, the watchdog role of citizens and increased control over leaders is made very explicit in the form of strict legislation constraining parliamentary but also presidential actions.

In her book, Urbinati exemplifies her concept of direct representation by looking at Podemos in Spain and the M5 movement in Italy. Unlike these cases, Ukraine is not a fully-fledged democracy. It is often defined as a hybrid regime that embraces some features of democracy such as regular free and fair elections, but also some aspects of authoritarianism (Way, 2015). Most importantly, oligarchic groups crucially influence Ukrainian political institutions (Pleines, 2016), and the levels of (perceived) corruption are exceptionally high (Whitmore, 2019). Another defining feature of the Ukrainian political system is its continuously weak party structures (Fedorenko et al., 2016). However, the processes Urbinati describes are not limited to western Democracies. Mudde and Kaltwasser (Mudde and Kaltwasser, 2017) argue that populism is a democratic form of rule, yet one that deviates from the liberal concept of democracy that includes the rule of law, protection of minorities, and checks and balances.

Furthermore, Körösényi's (Körösényi, 2019) work on contemporary Hungary suggests that attempts to make use of direct representation are not limited to fully-fledged democracies. Körösényi builds on Max Webers's concept of plebiscitary leader democracy, yet the processes he describes fit well into Urbinati's concept of direct representation. According to Körösényi, Hungarian president Victor Orbán frequently uses referendums and national consultations to circumvent intermediary institutions and create a direct link to his electorate (Körösényi, 2019: 290–291). Replacing the parliament, the president, whom Körösényi describes as charismatic, becomes the quintessential representative of a unified people. Yet, this type of top-down representation also creates the necessity to consult the voters. These instruments of consultation are primarily constructed to reinforce Orbán's

authoritarian legitimation, but at the same time they tend to introduce elements of responsiveness (Körösényi, 2019: 290–292). Körösényi's description thus closely corresponds to Urbinati's concept, suggesting that direct representation is not limited to a certain regime type.

2.2 Transformations of Representative Democracies

The central question is why this form of representation appears in a given political configuration. In consistence with proposing a concept focused on processes within representative democracies, Urbinati seeks to derive the emergences of populist and plebiscite practices from the logics of transformations within political systems. She describes the increased use of aggregative forms of voting as a result of the decline of party democracy but also transformations in the public political sphere (Urbinati, 2019: 169–171). To this end, Urbinati builds on Bernard Manin classic work on representative democracy that I will turn to next.

In his monograph on representative democracy, Bernard Manin (Manin, 1997) explores the emergence of so-called 'audience democracies'. Against the background of weakening ties to political parties, he observes that voters do not make their voting decisions based on electoral programmes, but choose their favourite political personality. Taking into account the increasing role of the media in the public sphere at the time of his writing, Manin makes an even more crucial observation that the voters' role shifts from an active expression of preferences to a reactive role of responding to what the political representative is offering, hence to the role of the audience. The audience may control their representatives by approving or rejecting what they offer, yet cannot set the agenda themselves. Due to the weak role of parties, audience democracy lacks stable cleavages, the constituencies are accordingly fluid and their choices less predictable, leading to an increasingly important role of opinion polls and surveys in monitoring public opinion, as Manin convincingly argues (Manin, 1997: 219–230). Urbinati adds the observation that contemporary populist parties have less visible organisational structures, often refraining from setting up local headquarters and instead adopting members in a more fluid fashion. She describes the new media as fundamentally changing political communication (Urbinati, 2020: 174). Hence, in a political configuration without clearly defined cleavages and well-defined party structures, it seems more likely that political leaders will try to directly represent their constituencies by relying on the popular vote and polls.

Undoubtedly, all of the above-mentioned concepts are ideal types that seldom appear in a pure form in the real world. Still, three features of those concepts can be identified to serve as a point of departure for the analysis of the Ukrainian configuration. First, weak, fluid political party structures, absence of clearly defined cleavages, and the rise of the media and internet communication all contribute

to the appearance of what Manin calls “audience democracy”. Second, in such a political configuration leaders often try to create a direct link to their constituency through referendums, polls and other tools of ‘direct representation’. Thirdly, and crucially, the concepts of ‘audience democracy’ and ‘direct representation’ promote distinct claims concerning citizens’ roles in these configurations. Manin describes the role of citizens as that of an audience. Accordingly, citizens do not actively voice their preferences, but reactively respond to what political representatives offer them. The metaphor of the “dictatorship of applause” (Pekar, 2019), neatly illustrates Manin’s concept. Urbinati argues that transparency and citizens’ role as watchdogs are of major importance. In the Ukrainian context, transparency appears to be even more important given the widespread corruption and low trust in political institutions. Urbinati admits that scholars have argued that populist policies have a potential to mobilise citizens through popular voting, but partially rejects this view. Her argument is that, in the process of direct representation, referendums are often subject to the approval of the leader (Urbinati, 2019: 160–162). Hence, the tension described by both concepts is between active citizens and reactive citizens. This tension has to be kept in mind when analysing real practices.

3. Zelensky’s Presidential Campaign: From Identity Politics to Direct Representation

The Ukrainian presidential elections in April 2019 were considered an outstanding event by many observers. Political newcomer and well-known comedian Volodymyr Zelensky soundly defeated incumbent Petro Poroshenko with 73 percent of the votes in the second round. Political analyst Volodymyr Fesenko dubbed the election of the political novice an ‘electoral Mайдан’ that in his view mirrored the Ukrainians’ continuing strife for radical political change (Schreck, 2019). While the level of support was impressive in itself – and unprecedented for Ukraine – Zelensky’s victory was even more remarkable in the light of the broad mobilisation of voters in almost all Ukrainian regions he accomplished.

For many years, Ukrainian politics was dominated by sharp regional divides between the southern and eastern regions voting for parties that promote closer ties with Russia on the one hand, and the western and central regions supporting closer ties with the West on the other. Apart from diverging geopolitical orientations, language preferences and interpretations of history had further divided the two electorates, as did varying preferences for the level of state intervention into the economy (Herron, 2014). The identity cleavage was certainly most visible in the political sphere and politicians actively exploited it by using essentialist binary terms such as ‘pro-western’ or ‘pro-soviet’. As has been argued, this language has partially substituted for absent

debates on ideological differences and political visions (Minakov, 2011). The Euromaidan movement in 2014 fuelled the hope of overcoming these divides, and the pro-Western parties identifying themselves with the Euromaidan won the early elections in 2014. Hence, newly-elected president Petro Poroshenko was backed by a pro-European majority in parliament, which marked a significant change in Ukraine's political landscape. However, the Opposition Bloc, advocating stronger ties with Russia, won the majority in several southern and eastern regions, thus sustaining the regional differences (Shevel, 2015). The election of oligarch Petro Poroshenko amounted to the continuation of a political system, against which the Maidan had risen in 2013–14 (Rohozinska and Shpak, 2019). Five years later, support for Poroshenko had dropped considerably, and opinion polls showed that Ukrainians were frustrated with the slow implementation of reforms and the continuing political corruption (Rohozinska and Shpak, 2019).

While incumbent Poroshenko built his 2019 election campaign on the identity-based slogan “Army, Language, Faith”, Zelensky relied on inclusive rhetoric that aimed to overcome linguistic, ethnic and geo-political divides. He employed anti-elitist rhetoric and at the same time continuously tried to appeal to ‘the people’. In his election programme, he juxtaposed the “people of Ukraine” to the “political pensioners” who, as he put it, fluctuated through different political parties and political positions since the Ukrainian independence (Zelensky, 2019). The composition of Zelensky's election programme around the two axes of direct democracy and measures to control political representatives is aptly demonstrated in the following quote of Dmytro Razumkov who headed Zelensky's election campaign:

“Volodymyr Zelensky's programme is one of the few that included the citizens of Ukraine in the drafting process, who voiced their proposals, their visions of the development of the state. There is a lot of criticism about this, but, by and large, everything is correct. This is not Zelensky's personal programme, but the country's programme. The key aspects of it are people's power and the removal of immunity. We forget that in the Constitution of Ukraine, the people are the only bearer of power. In order to listen to them, it is necessary to introduce instruments of direct democracy, for example, referendums” (Poskannaya, 2019).

Besides referendums, Razumkov named the lifting of the immunity of MPs, the president and the courts as a central aspect of Zelensky's programme. In a similar vein, Zelensky announced that “implementing equality and justice starts with myself” – and implemented a law on impeachment of the president (Zelensky, 2019). These elements all communicate a vision of a direct relationship with the people who gain more control over their representatives through a variety of mechanisms. Zelensky frequently mentioned the goal of introducing direct democracy during his election campaign. The following quote from an

extensive interview with the well-known journalist Dmytro Gordon is particularly telling:

“There are a lot of things in different countries that I would like to introduce in Ukraine. Let’s say I really like the standard of living in Switzerland. And I’m obsessed with referendums, which is my thing, I like it. Maybe because I’m a producer, I know how to get through to the audience: the more you talk with them, – the more you learn about the problem” (Gordon, 2018).

This quote exemplifies Zelensky’s imagined role of a president-to-be acting in front of an audience. To interact with this audience, Zelensky increasingly used social media channels. Speaking about the Zelensky’s all-Ukrainian programme, Razumkov refers to a short video where Zelensky called upon Ukrainians to write the election programme together with him by naming the five most important problems of the country.² In addition, he launched an online platform called “Lift” where citizens were prompted to send in their ideas or apply for various jobs within the government institutions.³ These elements completed the image of an open president (and party) that aimed to remove all “power verticals” as Razumkov put it (Razumkov 2019). It is important to mention that while the proposed common writing of the election programme might appear to be a rather innocent, ridiculous or playful trick, depending on the observer’s point of view, proposals such as the removal of immunity and other measures did build on long-standing discussions on how to improve Ukraine’s political institutions. In his inauguration speech, Zelensky announced the dissolution of the Ukrainian parliament and early elections. He justified this step as follows:

“The main argument for dissolving the Verkhovna Rada is an (sic) extremely low trust of Ukrainian citizens in this institution – 4%. This is an assessment of the work of the parliament and the most important argument for terminating its powers. As guarantor of the Constitution, I am obliged to guarantee the rights of Ukrainian citizens.”⁴

Thus Zelensky continued to use a rhetoric that emphasised a vision of a close, trust-based relationship between citizens and their representatives. A precondition to get a place on the list of ‘Servant of the People’, the president’s party that had only existed on paper before

2 https://www.facebook.com/404926500265591/posts/410557996369108?comment_id=398835033994780. Accessed 10 May 2021.

3 LIFT | проєкт Команди Зеленського. Accessed 10 May 2021.

4 <https://www.president.gov.ua/en/news/volodimir-zelenskij-golovnim-argumentom-dlya-rozpusku-verhov-55545>. Accessed 10 May 2021.

his election campaign, was that the candidate had no prior experience as a representative in the parliament. SP won 43 percent of the votes and subsequently held a single majority in the parliament. The diverse group of people that now formed the strongest parliamentary faction could be described as mirroring the broad but undefined electorate that supported Zelensky and SP. SP's party ideology, called 'centrism', resonates with Zelensky's inclusive rhetoric beyond pre-existing cleavages. As the SP webpage puts it:

"Ukrainian centrism is a political ideology in Ukraine, which involves finding a compromise between different groups of the population, avoiding a split in the country on political, ethnic and linguistic grounds, abandoning left and right extremism and focusing on key areas of development: peace, institutions, investments, infrastructure, and people's power."⁵

Despite the centrist stance on many issues, the introduction of direct democracy and the revamping of the political system featured just as prominently in SP's election programme. In the first section titled "Cleansed, Updated and Responsible Authorities", the party called for a recall mechanism for MPs, a popular veto for citizens to reject laws, and the possibility for citizens to influence decision-making through referendums (Sluha Narodu, 2019).

Zelensky and his party achieved enormous success in both the parliamentary and presidential elections. His electorate comprises a diverse and fairly undefined population of people holding different views and values (Rohozinska and Shpak, 2019: 36–37). The same applies to SP that brought many political newcomers of different backgrounds into the parliament. As political scientist Chaisty and Whitefield have argued based on a set of opinion polls and expert surveys, SP managed to win due to its centrist position on almost all issues. For the authors, this is a highly surprising finding, seeing that the political science literature suggests that "challenger parties should compete by politicising new issues". However, "Ukraine provides evidence to the contrary" (Chaisty and Whitefield, 2020: 9). Yet, seen through the lens of the concepts of 'audience democracy' and 'direct representation', Zelensky and SP present an example. In the Ukrainian context, one would be amiss to speak of the shrinking influence of programmatic political parties as these have never been strong in Ukraine in the first place. However, instead of mobilizing long-standing identity cleavages, both communicated a vision of how to rebuild the political system. Referendums and greater control over political representatives were the central features of this vision. By employing anti-establishment rhetoric, Zelensky successfully established two super-majorities – within his

5 <https://sluga-narodu.com/>. Accessed 10 May 2021.

electorate and his party – exploiting the dissatisfaction of the population with the political elites and system.

This rhetoric proved successful at least in the immediate aftermath of the elections. Trust in the parliament and the president are traditionally at a very low level in Ukraine even in comparison with other post-Soviet states (Haerpfer and Kizilova, 2014; Whitmore, 2019: 2). As opinion polls reveal, Zelensky and SP's appearance as political outsiders indeed resulted in a palpable rise in trust rates for both the president and the parliament. In 2019, almost 80 percent expressed their trust for the president (UNIAN, 2019d). These high trust ratings lasted only a few months, but in 2021 Zelensky's survey-based trust rating still exceeded those of his predecessors (Ukrinform, 2021a).

4. Direct Representation in Practice: Restoring the Political System?

Referendums remained a prominent issue in interviews given by SP's central figures once they took office. The motif of referendums as something antithetical to the "old elite" remains a central reference for justification, as the following quote by Oleksandr Korinenko, party chairman since 2020, aptly illustrates:

"The people want to participate in decision-making processes that directly affect their everyday lives and their future. To take this right away from them this is the usual overt, refined cynicism of politicians, who ruled behind the scenes for decades, not taking into account the will, opinions and attitudes of the people. Today, the opponents of the referendum law are those who do not respect their own people. [...] The times when decisions could be taken in the 'family circle' restricted to a few people, endowed with power are long gone. This is not only a Ukrainian trend, but a global one."⁶

Korinenko combines his argumentation against the political establishment and oligarchs who exercise their influence behind closed doors with a depiction of referendums as something modern and global. Ruslan Stefanchuk, head of the Parliamentary Working Group on Direct Democracy, adopts a slightly different discourse. For him it is central that referendums build trust, "unite Ukrainians" and, with regard to local referendums, constitute a means through which citizens express their view on local issues so that "there would be no separatist attitudes" (Kolesnichenko, 2019; Koshkina, 2021). How were these

6 <https://sluga-narodu.com/referendum/>. Accessed 10 May 2021.

discourses put into practice? The following section traces the adoption of the new referendum legislation.

4.1 Closing the Legal Loophole: New Legislation on Referendums

In order to deliver on their bold promise of more direct democracy, SP and the president first had to create the necessary legal conditions. In April 2018, the Ukrainian constitutional court declared the referendum law adopted in 2012 by then President Victor Yanukovich unconstitutional (BBC, 2018). With this step, the judges finally reacted to the sharp criticism of the law by the opposition, civil society representatives, and the constitutional advisory board of the Council of Europe, the Venice Commission, immediately after its adoption in 2012 (Vovk, 2017). In spring 2014, the Coalition for a Fair Referendum, a group of parliamentarians and civil society representatives reopened the issue of the contested law by petitioning the constitutional court that finally decided to abolish the law four years later in 2018 (Pavlenko, 2019). The law adopted by the Yanukovich government allowed the possibility to amend or adopt a new constitution in a referendum without any involvement of the parliament. Crucially, it had also excluded the possibility of conducting local referendums.

The civil society organisations that had been advocating for the abolition of the controversial law became members of the Working Group on Direct Democracy that was set up in March 2020 by the First Deputy Chairperson of the Ukrainian parliament and an SP member Ruslan Stefanchuk. Amongst the organisations were the Civil Network “Opora” that has conducted election observation in Ukraine for many years, the Centre for Policy and Legal Reform and the Centre for Independent Political Research, as well as the representatives of the Re-animation Package of Reforms that grew out of the protest movement in 2013–14. Several members of the Working Group amplified the referendum issue, especially by reaching out to a wider public. The draft law was published on a website allowing for comments by other societal actors, and the Centre for Policy and Legal Reform held several meetings to discuss open questions with the interested member of the public (Ukrinform, 2020).⁷ Ruslan Stefanchuk became a frequent commentator on the referendum issue in the Ukrainian media.

The draft law on national referendums was also repeatedly reviewed by the Venice Commission, which evaluated it positively and called it a major improvement in comparison with the 2012 law (Venice Commission, 2020; Venice Commissions and ODIHR, 2020). In January 2021, the new legislation was adopted by the Ukrainian parliament

7 cf. for instance: https://www.facebook.com/pg/pravo.org.ua/videos/?ref=page_internal. Accessed 10 May 2021.

(Kuteleva-Kovalenko, 2021). With its single majority in the parliament, SP did not have to rely on the opposition representatives, most of whom voted against the law. The main counterargument put forward by the opposition party “Golos” was the risk that political parties would use referendums to circumvent the parliament, especially with regard to contested questions. Yulia Tymoshenko, a prominent member of the party “Fatherland”, although herself an open supporter of referendums, criticised the complicated referendum procedure (Rzheutskaya, 2021). As for the SP faction, messages were circulated that encouraged SP members to vote in favour of the law, on pain of exclusion from the faction (Solomka, 2021). This turmoil and illegitimate pressure on the MPs mirrors the importance the adoption of the law had for the president’s camp and the heads of the party and faction. According to the new law, referendums concerning constitutional amendments, questions of national importance and changes to the territorial order of Ukraine can be initiated by both the Ukrainian parliament and through citizens’ initiatives. Beyond initiating a referendum from ‘below’, the new law also embraces the possibility for citizens to repeal certain laws.⁸ The ‘corrective referendum’, frequently used in Switzerland, is a novelty in the Ukrainian context.

With the adoption of the law, the Working Group did not complete all the proposals made with regard to the popular vote. Immediately after the adoption of the law on the national-level referendum, the group published a draft law on local referendums. At the time of writing there are also plans to adopt a recall mechanism as the next step (Ukrinform, 2021b). In conclusion, the adoption of the referendum legislation, despite some inter-factional disputes within SP, included a broad range of civil society organisations, and tried to reach out to a wider public. The new legislation embraced innovative elements and received support by the Venice Commission.

4.2 Terminating Absenteeism and Knopodastvo

The new Ukrainian Government and SP parliamentary faction concurrently worked on their promise to improve the political institutions by introducing measures that guarantee the “audience” greater control over MPs’ and the president’s actions. In May 2019, Volodymyr Zelensky submitted a draft law which provided for a presidential impeachment procedure (UNIAN, 2019a). In September 2019, the law was adopted by the Ukrainian parliament (UNIAN, 2019c). That same month the MPs’ immunity was lifted, a decision that received support of members of all parliamentary factions (UNIAN, 2019b). In addition, the Ukrainian parliament adopted two new regulations that affected MPs’ behaviour on

8 https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69060. Accessed 10 May 2021.

a daily basis: penalties for absence from parliamentary sessions, and a new electronic voting system designed to prevent MPs from using the vote button to vote instead of their absent colleagues. The latter practice has come to be called *knopodastvo*.

Absenteeism and *knopodastvo* have been discussed in the Ukrainian public for many years. The civil society organisation “Chesno” had been monitoring this issue and advocating for solutions for a long time. In July 2019, Chesno published a concise report discussing the legal initiatives that had tried to introduce a new electronic voting system in the past, speculating if SP would finally deliver on this issue. The draft law that Arseniy Yatsenyuk, Oleg Tyagynbok and Vitaliy Klychko submitted in 2014 during the Euromaidan is just one of the most prominent examples. Chesno also traced how parliamentary hopefuls from SP promised to fight *knopodastvo* (Salizhenko, 2019). Arseniy Yatsenyuk had already installed a new electronic voting system when he served as the speaker of the parliament in 2008, yet it was never put to use. In March 2021, this long overdue step was finally completed. For registered misconduct, MPs from now on had to pay a fine (Balachuk, 2021). SP was not the first faction that attempted to fight irregular voting in the parliament, but it was the first to succeed in introducing a new system.

Not all parliamentary factions welcomed the idea to introduce fines for MPs absence. Members of the “European Solidarity” and “Golos” parties called this a constraint on MPs’ mandate. In any event, SP voted for amendments to the law on the status of MPs in September 2019. The amendments obliged MPs to be present in a certain number of plenary sessions or face a salary cut.⁹ A report showed that after one year around 235 MPs were affected by the amendment (Kolomyiec, 2020). This record may raise doubts about the effectiveness of the amendment as regards MPs’ behaviour, but the change fits into SP’s narrative of overhauling the political system through greater control over political representatives.

4.3 Ruling Through Referendums and Polls?

As the previous two sections demonstrated, SP worked on putting their electoral promises involving direct democracy into practice and included major civil society actors into this process. In contrast to these inclusive and rather unambiguous actions, Volodymyr Zelensky caused some turmoil by making frequent calls for referendums once he was in office. In May 2019, Andriy Bohdan, then head of Zelensky’s cabinet, announced that they would consider putting the issue of a peaceful agreement with Russia over the ongoing war in Donbas to a nationwide referendum (UNIAN, 2019a). Indeed, Volodymyr Zelensky

9 <https://www.chesno.org/post/3635/>. Accessed 10 May 2021.

announced ending the war with Russia-backed separatists in Donbas a top priority of his presidency. Yet, the ambiguous proposal provoked a storm of critique and the presidential administration quickly announced that there would be no referendum but instead an opinion poll would be conducted (Tadeusz Iwański and Marek Menkiszak, 2019; Ukrinform, 2019).

Without going into detail, these examples show how quickly SP and Zelensky react to both public reactions and public opinion. Once they realised that their proposal on the land reform was unpopular, they proposed that the people decide themselves. In a similar vein, they quickly withdrew the controversial proposal for a referendum on negotiations with the Russian Federation over the war in Donbas. Thus the boundaries between referendums and surveys often become blurred, raising doubts as to how serious the goal of granting decision-making power to the citizens really is. While Volodymyr Zelensky was often the initiator of controversial calls for referendums, the party and faction leaders would always rush to his aid.

This also applies to the widely criticised nationwide polls that Zelensky initiated in October 2020 with the support of his party and a dozen of alleged volunteers on the day of the local elections. Ruslan Stefanchuk, first deputy speaker of the Verkhovna Rada called the poll a 'probe for the referendum' (UNIAN, 2020). Critics dismissed this step as a pre-election trick and an attempt to mobilise support especially in the light of the bad election forecast for SP, whilst a coalition of civil society representatives addressed the president in an open letter asking him to step back from this idea (Pravo, 2020). The president announced the five questions to be asked in the poll one by one in the following days, a tactic that guaranteed considerable media attention. The poll asked voters about their opinion on life sentences for high-level corruption, the establishment of a special economic zone in Donbas, the reduction of the number of MPs in the Verkhovna Rada to 300, the legalisation of medical marijuana, and whether Ukraine needed to raise the issue of using the security guarantees defined in the Budapest memorandum to the international level (Novoye Vremya, 2020a). In a nutshell, all the questions had to do with contested issues which were debated in Ukraine at the time. Some of them, such as the idea to legalise marijuana, were interpreted as a mobilisation strategy for young voters (Gaday, 2020). Others, such as the reduction of the number of MPs and life sentence for corruption again added to the narrative of citizens' control and Zelensky's promise to fight corruption.

The public seemed rather divided on whether the poll could be taken seriously and be seen as an honest attempt to consider public opinion. As a representative poll carried out by a polling agency showed, around 40 percent interpreted Zelensky's effort as a bona fide attempt to introduce direct democracy, while 40 percent were not convinced. The picture becomes clearer if we look at those who voted

for Sluha Narodu in the 2019 elections, 72 percent of whom expressed support for Zelensky's plan (Rating Group, 2020). In a 2020 interview, Aleksandr Korinenko, the chairman of Sluha Narodu, defended the survey, arguing that it provided evidence of the good prospects for direct democracy measures in Ukraine which were to be implemented once the relevant laws were adopted. He also stated that the poll would be helpful to implement these policies, as it would lend them popular legitimacy (Novoye Vremya, 2020b).

The poll raised very serious doubts as to how sincere Zelensky and SP were in their endeavour to introduce referendums, since not only the questions, but also their media framing confirmed the perception of a president acting in front of his audience fishing for applause. While the issues the poll dealt with all seemed to be of societal relevance and hence in need of societal deliberation, the undefined form and style in which they were presented could not help citizens make an informed decision. On a different note, Opora and the Centre for Policy and Legal reform, both members of the Parliamentary Working Group on Direct Democracy quickly publicised their doubts about the presidential poll and emphasised that it had nothing to do with a real referendum.¹⁰ Hence, while the president may try to pay lip service to direct democracy, he does so under the scrutiny of critical observers who make sure that the distorted picture is readjusted.

5. Conclusion

Based on the findings presented in the preceding sections, can we conclude that Ukraine did indeed develop into a "Dictatorship of Applause" (Pekar 2019), with the president arbitrarily using polls and referendums to increase his popularity? This paper offers an answer more nuanced than the question itself. It pointed out that, in the light of its negative experience with referendums and division on central issues, Ukraine does not seem to be fertile ground for the promotion of referendums. Considering the changes in the Ukrainian political landscape in 2019, along with the general characteristics of the political system, namely weak parties and distrust in political representatives, it appears less surprising that Zelensky attempted to create a direct relationship with the constituency by relying on polls and promoting referendums. As the article shows, the two axes of direct relations between political representatives and the constituency – referendums and measures to control MPs' behaviour – featured prominently in the 2019 election

10 For instance at a press conference in October 2020 that is available here: <https://www.facebook.com/pravo.org.ua/videos/2056464001155709/>. Accessed 10 May 2021. See also: <http://185.65.244.102/ua/news/20874670-vsena-odne-opituvannya-vid-prezidenta-ukrayini-narodovladdya-chi-populizm>. Accessed 10 May 2021.

campaign. The 2019 elections did not eliminate pre-existing cleavages, but SP and Zelensky took a centrist stance on most issues. SP even adopted its 'radical centrism' as the main party ideology, making it even more important to rely on surveys and referendums to monitor the attitudes of their highly undefined electorate.

Indeed, in his first month in office, Volodymyr Zelensky made controversial calls for referendums, for instance on peace negotiations with Russia. While this might still qualify as a blunder of a political novice, Zelensky's nationwide poll raised doubts as to how serious his attempts to install direct democracy were. Obviously, the poll was never meant to bring substantial results, but served as an opportunity for the president to put himself in the limelight and divert attention from other issues. It was a textbook example of citizens being reduced to a *reactive* audience.

On the other hand, the Working Group on Direct Democracy adopted new legislation on referendums and is currently drafting new laws. This legislation was adopted in an inclusive manner, with broad participation of civil society organisations, and not only did it eliminate the shortcomings of the 2012 law, it introduced novel ideas such as the possibility for citizens to repeal certain laws. It opened up new possibilities for *active* participation of citizens in political decision-making. The commitment to direct democracy measures is further demonstrated by the draft law on local referendums and a recall mechanism, two tools not directly linked to the national parliament and government. It remains to be seen if and how these practices will be put into practice and contribute to long-term qualitative changes in the Ukrainian political environment. However, with the new legislation, citizens have new tools to make themselves heard. The attempt to conduct a nationwide poll parallel to the local elections in October 2020 exemplified the risk of referendum abuse by political actors. On the other hand, civil society organisations pointed out the illegal nature of the poll, therefore they may be expected to provide important oversight of direct democracy processes in Ukraine in the future. The crucial role CSOs can play in such processes is overlooked in the concepts of 'audience democracy' and 'direct representation' this paper partially relied on. Both concepts emphasise the near absence of intermediary institutions, yet mainly refer to political parties. Other interest groups are left out of the picture, which is surprising given that the alternative discussions on transformations of contemporary representative democracies stress the increasing importance of these actors (Rosanvallón, 2011). While Zelensky and SP put referendums on the agenda, actors from civil society called for more direct democracy as well. In the final analysis, the paper thus suggests that while Zelensky's stance towards referendums is burdened with contradictions, the new salience he and his party lent to this issue in the Ukrainian public sphere does constitute a significant qualitative change that may affect the future of citizen participation.

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“CROWNING OF THE DEMOCRATIC EDIFICE”? – PUBLIC DISCOURSES ON REFERENDUMS IN LUXEMBOURG SINCE THE FIRST WORLD WAR

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Abstract: The contribution gives an oversight over the four series of referenda that have taken place in Luxembourg since the introduction of universal suffrage in 1919. For each date, the historical background, the main actors, the controverse positions as well as the impact on Luxembourgish society are explored. Thereby, the article shows the political processes linked to the organisation of referenda. At the same time, it presents the evolution of the discourses in Luxembourg on referenda as an expression of political conflicts as well as more generally on referendum as a political instrument. Referenda seem to have been used on one hand in situations where parliament could not play its role or was suspected not to be willing to do so, on the other hand to clarify questions that seemed so important that the voters had to be asked directly for their opinion. Whereas the current conclusion that referendum campaigns contribute to show or even to deepen societal polarisations is true also for the grand-duchy, one of the more notable findings of the Luxembourgish case is that this has not retained, at least in the last decades, the utilisation of the instrument of referendum. Especially concerning matters linked to the subject of democratic or state structures, the government seems to have preferred to let the voters give their point of view, although the risk of polarisation was given and new anti-government movements often grew from the referendum campaigns. In contrast to the relative success of the referendum in the last hundred years, other instruments of direct political participation have been sparsely developed.



Keywords: referendum, democracy, universal suffrage, political participation, elections, Luxembourg

Introduction

Since the introduction of universal suffrage in Luxembourg in 1919, the grand duchy has been the site of a handful of national referendums in 1919, 1937, 2005 and 2015, which places it, in the European context, among the sporadic users of this practice (Morel, 2019: 47–64). Before examining some of the Luxembourgish referendums in more detail from a historiographical point of view, pondering their historical context as well as the much-debated controversial principles they were based on and the changing societal image of the referendum as an instrument of (semi-)direct democracy, the paper will briefly outline the historical significance of the referendum and the scientific interest it has attracted.

As described by Antoine Chollet, the first constitutional referendums were held in the USA, and the idea was taken up by the French Revolution. After the revolutionary era however, the instrument lost its importance, and was even discredited by the pseudo-democratic plebiscites of Napoleon III. The history of the referendum was then written above all in Switzerland, where the 19th century saw the development, influenced by the French Revolution, of new mechanisms of direct democracy, especially on a communal and cantonal level. It was only at the end of the century that the idea of the referendum was picked up again in the USA (Chollet, 2019: 59–66; Hamon and Passelecq, 2001: 5–6; Morel, 2019: 75–103). In parallel, scientific literature on this instrument also appeared notably in the USA, the United Kingdom and in France, dealing with its legal form as well as its political impact. Scientific interest has been renewed since the last third of the 20th century, against the background as well of decolonisation and the fall of the Berlin Wall, as of stronger demands for political participation (Morel, 2019: 39–53)¹. Since the beginning of the 21st century, scholars have begun to focus on national referendums on European questions called with increasing frequency (Esposito, 2006)².

In Luxembourg, more elaborate analyses of the subject appeared as late as the last third of the 20th century. The first deeper historiographical analysis, which is still of value today, was written in 1970 by the Belgian historian Nicole Verougstraete-Comeliau, critically examining the referendums of 1919 in the political context of post-war

- 1 On constitutional referendums in former colonies and former Eastern Bloc states of the, see (Tierney, 2014); for examples of the renewal of semi-direct democracy in the Western world (Delpérée, 1985).
- 2 On the French example, see (Morel, 2019: 129–133).

Luxembourg (Verougstraete-Comeliau, 1970)³. Her Luxembourgish colleague Christian Calmes followed in 1979 with an analysis of the parliamentary debates on these referendums (Calmes, 1979). The influence of demands for a more participatory democracy was put in evidence in several brochures and dossiers (Direkt Demokratie, 1996; Forum, 2001). A number of publications were issued in the context of commemorations of the referendum of 1937: in 1967, 1977, 1987 and 1997 for instance, articles appeared in several journals and periodicals, mainly arguing that the outcome of the 1937 referendum had been a victory of democracy.⁴ At the same time, the first academic papers were also published, often from a legal point of view (Bonn, 1968; Huss, 1988; Biever, 1990). But it was only in the aftermath of the referendum of 2005 that the issue was studied with a resolutely scientific focus, mostly from a legal or political science perspective (Dumont et al., 2007; Gerkrad et al., 2010; Dormal, 2014; Dormal, 2016; Kies et al., 2019). In the field of historiography, some historians have mentioned referendums in their analyses of the revolutionary/republican movement of 1918/1919.⁵ The legal scholar Luc Heuschling set his questioning of the dominant discourse on the consultative character of the Luxembourgish referendum into a historical framework, and the political scientist Michel Dormal, in his doctoral thesis, also touched on the referendums of 1919 and 1937 (Heuschling, 2015; Dormal, 2017: 176–181, 312–319). However, Ben Fayot’s short comparison of the referendums of 1919, 1937 and 2005 remains the only attempt to analyse the historical evolution of the Luxembourgish referendum practice as a whole (Fayot, 2006).

Why did Luxembourg introduce this instrument in the first place? Luxembourgish politicians knew about popular consultation because it had been used in other countries. They were especially familiar with French plebiscites under Napoléon III, however, they reflected badly on the practice. In contrast, the example of Switzerland constructed a positive image of the referendum as an element of direct democracy, and it was actually studied by the Government and the State Council during the preparation of the Constitutional reform aimed, among other things, at introducing universal suffrage.⁶

Unlike the Socialists and Liberals, who had praised the instrument in the constitutional debates during the First World War, the Catholic-leaning Party of the Right did not push for the introduction of the referendum in its proposals on the reform of the electoral system be-

3 Apart from this author, who lived in Luxembourg at that time, there has been no international scientific interest for the Luxembourg case.

4 For instance: (Cerf, 1967; Kieffer, 1967; Koch-Kent, 1982; Forum, 1987; Trausch, 1987; Tageblatt, 1997).

5 See for instance (Collart, 1959: 317–322).

6 ANLux, AE-00182-06, Telegram of Prime Minister Reuter to the Luxembourgish Legation in Berne on behalf of State Council, s.d., probably end of November 1917.

fore 1918, when it first came into power.⁷ Since from 1918 until 2013, the Party of the Right and its successor, the “Christian-Social People’s Party” (CSV), were nearly always the strongest party, the referendum was, ironically, most often used by the Catholic politicians, the referendum of 2015 being the first ever to be held under a coalition excluding their party. Another thing to note is that all national referendums have been initiated by governments, sometimes on the demand of parties or pressure groups, but not on the basis of petitions by population movements.⁸ The amendment to the 1919 Constitution which provided for the organisation of referendums and introduced the concept of a popular initiative was not drafted until 2005 (Loi, 2005, art. 3)⁹. Although MP Hubert Clément of the Workers’ Party included the option of popular initiative in his 1935 legislative initiative for a law on referendums, this idea was never seriously discussed until the end of the 20th century (Proposition de loi, 1935)¹⁰. Apart from the referendum, other instruments of direct participation have rarely been put in practice until the 21st century, and even then mostly on a communal level, and representative democracy was thus rarely disturbed by new, more direct forms of democracy.¹¹

Referendums of 1919

As early as 1917, a staunchly republican Luxembourgish colony in Paris criticised Luxembourgish monarch grand-duchess Marie Adelheid’s teutophilia, and asked for a popular consultation on the future form of the Luxembourgish state.¹² In December of the same year, when

7 In 1914, Catholic politicians founded the *Rechts-Partei* (*Party of the Right*), which was renamed *Chrëschtlech-Sozial Vollékspartei* (*Christian-Social People’s Party*) after the Second World War. The referendum is not mentioned in two important brochures edited by the Party of the Right. (Luxemburger Katholischer Volksverein, 1911; Mack & Luxemburger Katholischer Volksverein, 1916).

8 The constitutional amendment introduced in 1919 did not specify the character of the referendum but referred to a law which should fix the conditions under which the electors may “be called” to express their will (Constitution, 1919, art. 52).

9 On the question of whether the Luxembourgish referendum as defined in the Constitution of 1919 was meant as decisional or consultative, see (Heuschling, 2015).

10 Clément also mentioned the “*Initiative populaire*” and the “*veto populaire*”. He understood these instruments as elements of “semi-direct government”. The Socialist Party had renamed itself to the Workers’ Party in the 1920s. After the Second World War, its name was changed into *Letzebuenger Sozialistesche Aarbechterpartei* (Luxembourgish Socialist Workers’ Party, LSAP). To facilitate reading, the name Workers’ Party is used throughout the article.

11 The instrument of the petition is experiencing a revival in the form of the e-petition. See (Kies, 2019).

12 ANLux, AE-00681, Les Luxembourgeois de Paris demandent la déchéance du régime grand-ducal. In: *Le Petit Parisien*, 18.5.1917 [Typed Copy].

Parliament started to discuss the constitutional reform, the Liberals described the referendum in their proposals as follows: “The crowning of the democratic edifice requires the introduction of the referendum, partly to allow the people to ratify or reject an action by the legislator, and partly to prevent the destiny of the Luxembourgish people being decided without their consent”.¹³ In April 1918, the left liberal newspaper “*Tageblatt*” proclaimed that through the referendum, “the will of the people [...] appears in the purest and most sincere form”.¹⁴ In the summer of 1918, the Democratic Clubs close to the Liberal Party still demanded that the referendum be inscribed in the Constitution (*Tageblatt*, 1918: 2), and in spring 1919, the socialist members of parliament suggested to integrate the referendum in the constitutional article on suffrage, a proposal that was unanimously adopted in Parliament.

However, the 1919 referendum on the retaining of the monarchy was decided before the legal framework for the introduction of universal suffrage was put into place, during one of the most serious internal crises the grand-duchy had ever experienced. Directly after the end of the First World War, in the light of social and political demands by some Workers’ and Peasants’ Councils, there was a political movement in favour of the abolition of the monarchy or at least of the Nassau-Weilburg dynasty. But neutral Luxembourg’s *raison d’être* as a state was also questioned by the Allied Forces, since Luxembourg accepted German occupation during the war without too much protest. The referendum had already been announced by the government in the form of a poster released on Armistice day. It said that the government, in consultation with the monarch, was going to put the question of the future form of government “entirely in the hands of the Luxembourgish people”. In the following days, the idea of a referendum also played a role in the fierce parliamentary debates centred around the question which form of government was most suitable for the small country: the monarchy or the republic. But the abdication of the dynasty was put to the vote and was rejected by a small margin. The proposal to organise a referendum on the question was then a compromise which everybody, from the right to the left, could accept.

When the prime minister Émile Reuter (Party of the Right) introduced the idea of a referendum in parliament,¹⁵ he also linked it to the principle of the right of peoples to self-determination, very much en

13 ANLux, AE-00187-05, Propositions tendant à l’introduction du suffrage universel et à la révision des dispositions afférentes de la Constitution. All translations of French and German citations by the author.

14 Cited in: (*Verfassungsreform*, 1918: 39). However, the Liberals agreed to withdraw this proposal, first because the State Council was against it, and second in order to get a qualified majority on other points.

15 Since 1857, the term ‘*ministre d’état*’ designated the function of the head of government. In 2018, it was changed to ‘premier ministre’. (Arrêté grand-ducal, 2018).

vogue at the time.¹⁶ As in other European countries, the impact of the Wilsonian doctrine of self-determination influenced the governmental plans for the 1919 referendum in Luxembourg.¹⁷ Although the Socialists and the Liberals had advocated for the instrument of the referendum before, they quickly opposed its use in this specific case, fearing that they might lose the forthcoming battle. Especially the Liberals were alarmed by Reuter's pronouncement that women should also vote. One element of the argumentation of the liberal and socialist speakers was that a parliament still elected under a census system could not bring about a referendum and that only a new chamber, constituted after the introduction of universal suffrage, should decide on this matter. Another point, made mostly by Socialists, was that the referendum had only a consultative status and that its outcome might not be followed by the government.

The roles were thus somewhat reversed: the left that had traditionally stood for universal suffrage and strengthening of democracy was now voicing reservations, whilst the Catholic right that had been reluctant about the introduction of universal suffrage before the war now wanted to allow, for the first time in Luxembourgish history, the entire adult Luxembourgish population, male and female, to express itself politically. While the referendum for the Party of the Right clearly had a strategic benefit of embarrassing the left, Reuter may not have seen this in the beginning, and he may have wanted to gather a parliamentary majority as large as possible around his proposal in order to impress the Allied Forces.¹⁸ The referendum served to stress the legitimacy of an independent Luxembourg at a time when different powers, especially Belgium, were trying to win support for an annexation of the grand-duchy. At the same time, among the proponents of a republic, most of them left-wingers, some had a strong desire for Luxembourg to become a French Département.

In January 1919, the republican movement that had been gaining support was presented with a *fait accompli* with the abdication of Marie Adelheid, brought about by the government and immediately followed by the accession to the throne of her sister Charlotte. The referendum project was however retained, and a second set of questions on forming a new economic union with a neighbouring country was added on the ballot, as Luxembourg had left the German Zollverein. In the course of the following months, the Party of the Right campaigned both for the referendum as an expression of Luxembourg's desire for

16 See also ANLUX, CdD-2027, *Projet de Loi concernant l'organisation d'un referendum en conformité de la résolution adoptée par la Chambre des Députés à la séance du 13 Novembre 1918.*

17 On the plebiscites taking place in the aftermath of the First World War in other parts of Europe, however in quite different political contexts, see (Whelan, 1994; Qvortrup, 2017: 551-552).

18 See (Wagener, 2019: 58).

self-determination and for the retaining of monarchy. It tried to mobilise the voters, especially the new female ones, with the argument that a vote for Charlotte was a vote for independence.¹⁹ The liberals and leftists for their part failed to formulate a coherent position. Some of them called for abstention, to show that the referendum was biased. Others, mostly Socialists, still campaigned for the Republic, demonstrating that they had not given up the instrument of the referendum entirely.

The outcome of the 1919 referendum was a massive yes – 78 percent of the valid votes – for the monarchy under the new Grand Duchess Charlotte. The campaign of the Party of the Right had succeeded, but the referendum helped widen the gap between the right and the left, many liberals and socialists remaining more or less openly republican in the following years, and even attacking monarchy in parliament.²⁰ In subsequent years, their failure in the streets and at the polls brought the republican cause into disrepute, and with it the referendum (Wagener, 2012: 26–27)²¹. Nevertheless, the experience of 1919 did not lead them to question the instrument of the referendum. As for the Party of the Right, it did not promote the referendum very enthusiastically in the aftermath of 1919 (Zentrale der Rechtspartei, 1920)²².

Referendum of 1937

Hubert Clément's above-mentioned legislative initiative of 24 January 1935 aimed at completing a parliamentary system that was already seen as weakened in Luxembourg as well as in other European countries. He referred notably to a specific disposition on parliamentary elections: they had to take place every three years in two of the four constituencies in rotation, which prevented radical changes in the composition of parliament and made a coalition change difficult. In his eyes the referendum was a way to avoid a situation where the parliamentary majority "might give way, divest itself of its powers or suspend its activities under circumstances that require a heightened sense of vigilance and

19 On the question of the role of women in the 1919 referendum on monarchy, see (Wagener, 2021).

20 On the side of the Socialists, this was for instance the case with the deputy Marguerite Thomas-Clement (Wagener, 1997: 105). See also examples in the column *Kritik der Zeit* in the *Proletarier*, official organ of the Free Unions (*Proletarier*, 1923/24).

21 The official organ of the Socialist Party was called *Soziale Republik* until 1924, when the name of the party changed, the publication was renamed to *Arbeiter Zeitung*.

22 In 1921, state minister Reuter submitted a draft bill for the organisation of referendums, which was ignored. ANLux, AE-00299, letter to the State Council, 1 May 1921.

a broadened scope of responsibilities and constitutional prerogatives". In this, Clément merely followed a number of European politicians and publicists who had been claiming since the 1920s that the referendum could be an answer to the growing criticism of parliamentarism.²³ In fact, the questioning of the efficiency of the parliamentary system by politicians and pundits had already started at the end of the 19th century, and several reforms geared towards modernisation had been suggested, such as the introduction of the proportional electoral system, universal suffrage or the referendum. During the 1920s, the criticism became stronger, including in Luxembourg itself, but the usefulness of the referendum was never put into doubt. On the contrary, although the Socialists had been defeated in 1919 on the issue of the republic, a party meeting in 1930 ended in a resolution demanding that the socialist group in parliament submit a draft bill for the organisation of referendums in order to "guarantee that the people have the final say in all matters of national interest" (Tageblatt, 1930).

The archives show that the government was also working on the question of the design of the instrument of the referendum since 1930.²⁴ However, it was the evolution of the project for the Law on Political and Social Order that gave a new dynamic to the question: the draft bill of the so-called *Maulkorbgesetz* ("muzzle law"), that had first been mentioned in Parliament by prime minister Joseph Bech in 1933 and was to be officially motioned by the government shortly after Clément's initiative, on 2 May 1935.²⁵ The first version of the bill contained a passage on the extension of governmental powers. In addition, it allowed the government to take measures against anti-constitutional forces.²⁶ However, the bill was then split in two: one on the discretionary powers for the government, and one on the Law on Political and Social Order. The latter provided in its last version for the outlawing of the Communist Party and banning of communist as well as any other

23 For France see: (Roussellier, 2002); for Luxembourg: (Dormal, 2019).

24 In 1931, the Workers' Party representative Pierre Krier, demanding a draft bill for the referendum, underlined that he had already done so the year before. The insistence of the Workers' Party seems to have led the government to draft the text, see ANLux, AE-00299, notes "Le referendum dans le Grand-Duché. Rapport préliminaire. État actuel et projet d'avenir" [15 December 1930] and "Introduction du Referendum" of 30 March 1932 by Albert Wehrer, Government counsellor. As a member of parliament, Bech had been implicated in the debate on the referendum in 1919. See (Heuschling, 2015: 25–26).

25 Jeudi, 9 novembre 1933 (3e séance). In: *Compte rendu des séances de la Chambre des Députés* (CCR), 9.11.1933, p. 84, intervention Joseph Bech; Mardi, 14 novembre 1933 (4e séance), in CCR, 14.11.1933; *Projet de loi ayant pour objet la défense de l'ordre politique et social*, 3.1.1935; *Loi* (1937). The draft bill may have been elaborated already in 1932, see (Tausch, 1987: 8).

26 For a recent presentation of the Muzzling Law project, linking it to the prime minister's tentative to use of the dictatorial powers introduced in 1915, see (Scuto, 2013).

groups that aimed to change the Constitution or impede the functioning of the constitutional institutions by force.²⁷ In July 1935, the idea of holding a referendum to settle the matter was put forward by a socialist representative in parliament, however, the bill was only debated in Parliament in April 1937 (Fayot, 2005: 25).

Meanwhile, a large campaign against the muzzle law had started as early as 1936, mainly led by left Liberals, left wing students, syndicalists and militants of the Workers' Party as well as the Communist Party itself. The National Democrats, a new far-right opposition party, joined the movement as well.²⁸ It seems that even Catholic voters were sceptical about the draft bill. The movement gained considerable momentum in the beginning of 1937 and succeeded in mobilising the whole society. The Workers' Party was divided: its moderate leaders refused to work together with Communists, who in the long run hoped for the emergence of a government modelled on the French Popular Front (*Die kommunistische Gefahr*, 1987). Nevertheless, the Workers' Party opposed the muzzle law. Although the movement grew stronger in the run-up to the vote, the majority in Parliament felt that its electoral base was strong enough to put the question to the test. According to a report by the Central Section²⁹, the draft bill corresponded with the ideas of the vast majority of the people, and the body therefore did not hesitate, when the proposal was made by the unions, to suggest to Parliament and the government to hold a referendum, "in order to allow all Luxembourgers to speak out for the defence of the Constitution against all revolutionary and subversive movements".³⁰

This time, no political forces questioned the instrument of the referendum. On the contrary, whereas the governmental parties wanted to use it to strengthen their political position, the opposition – from left to right – saw in it a strong weapon to mobilise the voters. Jāngi Fohrmann, parliamentary representative of the Workers' Party, even stated: "*We have always stood for popular consultation*".³¹ The bill was put to the vote on 7 May 1937, shortly before the elections scheduled for

27 Projet de loi, portant organisation du referendum du 6 juin 1937. Avis du Conseil d'État, 4.5.1937. In: CCR, Séance 1936–37, Annexes, n° 28.

28 The National Democrats also agitated in favour of the instrument of the referendum, declaring that it offered the people "the only way directly to take a position on important problems and break the power of the party bigwigs". *Luxemburger Volksblatt* (1936).

29 In some countries, sections were the predecessors of parliamentary committees.

30 ANLux, CdD-2583, Bech, Joseph, Projet de loi portant sur l'institution d'un referendum sur l'entrée en vigueur de la loi décrétant la dissolution du parti communiste et des groupements et associations qui, par violences ou menaces, visent à changer la Constitution ou les lois du pays, Dépêche au Conseil d'État, 28.4.1937.

31 Cited after (Fayot, 2005: 16).

6 June 1937, and the referendum was conducted together with them. The law had been adopted in parliament by a comfortable majority, but on that fateful day, the Party of the Right and the moderate Liberals had to acknowledge their defeat, although the referendum resulted in a victory for 'No' by only 50.67 percent of valid votes (Fayot, 2005, p. 25). In contrast to 1919, the massive intervention of the dominant press and even the government itself in favour of the 'Yes' camp did not succeed in securing a majority for the bill (Gouvernement, 1937).

Similarly to 1919 however, the referendum of 1937 also contributed to polarisation in society: the campaign had been a tug-of-war between the proponents of 'Yes' and 'No'. Although it seemed that this ideological gap was closed in the autumn of the same year when the Workers' Party first entered government and Catholics, Liberals and Socialists had to find a way to co-exist politically, the new government majority was tenuous, and for the Party of the Right the fact that it had to co-operate with the Socialists was a tough pill to swallow.³² Bech, who resigned after the failure of the referendum, took the post of minister for external affairs in the next government and continued his career during exile and after the war. The war also put a stop to Bech's authoritarian endeavours.

The bill of 1937 has often been linked by historians to Bech's strong anti-communism (Worré, 1987). The idea of banning the communist organisations has to be seen in a broader European context, where the strengthening of communist parties was an expression of the appeal the communist model had gained as an alternative to representative democracy. At the other end of the political spectrum, authoritarian states had started to put laws into place in order to destroy communist parties which they counted among their most dangerous enemies. However, since the Bolshevik Revolution, anti-communism was very common among the leaders of liberal democracies as well, and it even intensified with the advent of popular front-type governments in Europe.³³ The outcome of the referendum did not lead to abatement of anti-communist tendencies among the main political forces, and in 1940 the Workers' Party itself worked on measures against communists, but the outbreak of the Second World War thwarted this plan. This fact was occulted in later commemorative publications of the left, where the 'No' in the referendum was described as a sort of resistance movement *avant la lettre* (Dondelinger, 1987).

32 For instance, the 'war on flags' continued even after 1937, because Catholic priests banned the flying of red flags at the burials of members of the leftist unions (Signal, 1938). On the crisis of government after the referendum, see Fayot, 1979: 431-437; Trausch, 2008: 233-236, 238-239).

33 In Switzerland, the Communist Party was forbidden in 1940 (Zimmermann, 2019). For a transnational view on anti-communism, see (Stone and Chamedes, 2018).

Referendum of 2005

The gap of nearly 70 years between 1937 and 2005 is a sign of the misgivings stemming from the practical experiences with the instrument of the referendum before the Second World War.³⁴ In 1987, the leading Luxembourgish historian Gilbert Trausch stated that the instrument of the referendum was dead: “What government would still dare let the people settle a burning issue directly?” (Trausch, 1987: 8–9; Fayot, 2006, pp. 81–84). But the 1970s and 1980s saw the rise of opposition parties and movements that presented the referendum as a means to achieve more democracy, either in terms of the sovereignist understanding of popular participation, as was the case with the small right-wing populist party *Aktiounskomitee fir Demokratie a Rentegerechtegkeet* (ADR), or in the sense of grassroots democracy favoured by the Green Party (Fayot, 2006: 12–13; Heuschling 2015: 27, fn. 148). Left activists, however, have called for ‘basic democracy’ through citizens’ assemblies with decision-making powers, and criticised the instrument of the referendum as pseudo-democratic.³⁵ New parties built up electoral pressure that forced the political majority in Luxembourg to react. Based on the idea of using the referendum more broadly, a legislative framework was created for communal-level referendums in 1989, and from 2003 to 2005 dispositions were taken for national referendums by parliamentary or popular initiative on constitutional and legislative questions.³⁶

Still, the Luxembourgish historian and socialist Member of Parliament Ben Fayot wrote about the 2005 referendum: “In our country there is, apart from the obligatory hats-off by the parties for participatory democracy, no indication of a profound evolution of our political system. In particular, the exceptional nature of the referendums makes it difficult to see such an evolution.” (Fayot, 2005: 20)

Today, one could take the Luxembourgish referendum of 10 July 2005 on the European Constitution Treaty (ECT) as a sign of a new dynamic which continues to this day. That referendum may be placed in the context of a series of referendums on the same question that were held in different countries of the EU at that time. One may set all the referendum campaigns in European member states, as does Gilles Ivaldi for France, in relation to the “*development of anti-establishment attitudes in the public and the rise of anti-system parties on the margins*

34 For such an interpretation see Bonn (1968), p. 28–29. Heuschling speaks of a “barren spell” (Heuschling, 2015: 27–28). Apart from the Workers’ Party initiative to clarify the conditions of the referendum in the Constitution of 1948 (Heuschling, 2015: 27, fn. 147), the only known initiative is a failed one from 1950, started by a peace movement for holding a referendum on the prevention of the introduction of compulsory military service (Mouvement pour la paix, 1950).

35 For the split in the grassroots movement on that point, see (Morel, 2019: 183–184).

36 *Loi communale du 13 décembre 1988*. In: *Mémorial A* (13.12.1988) 64, p. 1221–1237, here p. 1225, art. 35; *Loi du 4 février 2005 relative au référendum au niveau national*. In: *Mémorial A*, (3.3.2005) 27, pp. 547–562.

of the political system, since the late 1980s". But the same author also stresses (for France) that "in many respects, the rejection of the ECT in 2005 was first and foremost a retrospective vote on the process of European integration itself, and the unilateral termination by a majority of voters of the social welfare and economic growth confidence pact that they had made with their national political elites on the occasion of the Maastricht Treaty referendum in 1992".³⁷ One is tempted to add, for Luxembourg at least, that the Maastricht Treaty provoked fundamental objections to the European integration process as early as 1992.

But it was only when the question of the European integration became a pressing issue that the idea of a popular consultation regained the interest of the government coalition. The idea was first suggested in Luxembourg at the beginning of 2003 by the ADR that was very much in favour of referendums.³⁸ It was based on a critical attitude towards the proposed content of the European Constitution as well as on the form of the process of elaboration of the text, which was considered undemocratic (Fayot, 2006: 16–17). When the Workers' Party also asked, immediately after the European Convention had finished its work on the text of the Constitution, for a referendum in its support, the government, a coalition of the CSV and the Workers' Party, announced its willingness to consult the population on this matter (Fayot, 2006: 27).

This time, the government had all the parties represented in parliament on its side for the support of 'Yes' to the European Constitution, except for the populist ADR and The Left, a party situated to the left of the Social Democrats. Although the Green party was split internally on this question, the 'Yes' camp prevailed. The Communist Party, which had no parliamentary representative, pushed for 'No'. In addition to the political parties, the *Comité pour le NON à la Constitution européenne* was formed as early as June 2004; it was made up of representatives of leftist and alternative NGOs that had emerged from pacifist, social, environmental and internationalist movements, and it quickly succeeded in becoming a central actor in the debate (Dumont et al., 2007: 22–23). Only one month before the referendum, on 10 June, the *Comité pour le Oui à la Constitution*, comprising 66 public figures, tried to start its own campaign for 'Yes'.³⁹

Few public actors spoke out against the use of the referendum in this matter in 2005, and the instrument seemed to have become a legitimate way of resolving political questions. But during this referendum campaign it became clear that the legal framework of the instrument

37 (Ivaldi, 2006: 2). See also (Morel: 150–163). However, the Luxembourgers seem more enthusiastic about the ECT than other Europeans. (Eurobaromètre Flash, 2005: 19).

38 The party changed its name to *Alternativ Demokratesch Reformpartei* in 2006.

39 See (Forum, 2005; Dumont et al., 2007: 64).

was insufficient. In a post-referendum poll, two thirds of the persons interviewed thought that the debates on the European Constitution had started too late (Eurobaromètre Flash, 2005). Also, no specific neutral institution had been put in place to organise and control the campaign. Thus the privileged position of the government and the political majority as regards the process of public opinion-making turned into an argument for the adversaries of the referendum: the referendum, so they claimed, was not taking place under conditions of equity.

'Yes' won 56.52%, quite a meagre advantage over 'No'. What seemed easy pickings for the government in the beginning, turned out to be a neck-and-neck race in which the prime minister Jean-Claude Juncker (CSV) felt he had to threaten to resign in case 'No' won in order to convince his supporters. The debate on the European Constitution managed to unleash a passionate debate on Europeanism for the first time in Luxembourgish history. A sociological study on the campaign for and the outcome of the referendum characterises 2005 as "one of the most European years of Luxembourg's history" (Dumont et al., 2007: 9–10). However, the referendum also remains in collective memory as an expression of the weakening of Luxembourgish attachment to Europe, and, more specifically, as an opportunity for the opponents of liberalisation and social dumping, be they right or left, nationalist or internationalist, to make their voice heard.

Referendums of 2015

What was novel about the referendums that took place 10 years later was that they were held shortly after a fundamental political change – a coalition of the Liberal Party, the Green Party and the Workers' Party was formed and, rather surprisingly, put an end to the former coalitions with the CSV as the dominant partner. The Christian-Socialists now made up the larger part of the opposition. After that fundamental political shift, the new government was in a pioneering spirit and wanted to gain support for several fundamental changes in the political system of Luxembourg. Three questions were put forward on 7 June 2015: lowering the minimum voting age to 16, voting rights for parliament, under certain conditions, for non-nationals and limiting the term of office of government members to ten years. As announced officially, the referendum was to be a first step in a more general constitutional reform, based on consultation with the public.⁴⁰

The idea of extending the voting rights was not new in Luxembourg, it had already been discussed on a communal level in the 1980s in the light of the fact that a high percentage of non-Luxembourgers

40 A constitutional referendum was to take place in 2019, but this plan was scrapped when the CSV refused to support the project – as all constitutional changes required a qualified majority in parliament. (Kies et al., 2019: 222).

lived in the country. At present, 47 percent of the population do not have Luxembourgish citizenship. Under the influence of the Maastricht Treaty, voting rights have been extended step by step, so that today it is possible for non-Luxembourgers and even non-EU citizens to vote in local as well as EU Parliament elections under certain conditions, mostly involving a qualifying period of residence. The proponents of the extension of voting rights for parliament elections likewise argued for equality for all residents, while those who wanted to keep the status quo evoked the sovereign rights of Luxembourgers.

The platform for 'Yes' gathered NGOs working with migrants or in the field of culture, Christian unions as well as leftist ones, and even the Bishop of Luxembourg stood for an extension of voting rights. The business world, confronted with chronic workforce shortage, was also in favour of 'Yes'. Michel Wurth for instance, the then president of the Chamber of Commerce, thought that it could give Luxembourg a strong positive image vis-à-vis workers and investors from abroad: "*It is time to tell these employees and these investors that we have trust in them and that we want them to participate in the democratic process*" (Michel Wurth, 2015). But the business leaders also saw the residential voting rights as a means as to weaken the influence of Luxembourgish voters, who were in large part civil servants with high salaries and pensioners.

In the realm of civil society, a right-wing 'No' platform called Nee2015.lu succeeded in gaining the support of large swathes of society through a social media campaign (Pauly, 2019: 232)⁴¹. The strong Union of Civil Servants was also against the referendum proposal. Leftist unions abstained from campaigning, fearing they could alienate their Luxembourgish members. To a lesser extent, their abstention may also have been connected to the fact that economic and industrial patrons were in favour of 'Yes'.⁴²

The official divide between the Yes and No camps largely followed the divide of the political landscape. But the outcome of the referendum showed that a large part of the voters of the ruling coalition parties did not agree with the progressive ideas that were on the ballot. The lowering of the minimum voting age received only 19 percent of support, voting rights for non-citizen residents only 22 percent and the limiting of terms of office for government officials only 30 percent. Extending the right to vote for parliament were seen by both sides as a way to influence politics, and the outcome of the referendum reinforced the political status quo. Luxembourgish voters were not inclined to give up their political privileges vis-à-vis non-Luxembourgish people. While it

41 The person behind this platform later joined the populist ADR party and was elected member of parliament in the elections of 2018.

42 On the phenomenon of 'shift of issue', where voters answer a question other than the one that is actually posed, see (Morel, 2019: 232-236).

was especially this question that polarised Luxembourgish society, the other two proposals clearly did not gain strong support either.

As in 2005, nobody questioned the use of the referendum as such, except the Communist Party which called for abstention (KPL, n.d.). Although its argumentation was that the referendum questions were biased, one can also ask if this party, like the left unions, feared the possibility of estranging its voters who would not approve of a more democratic voting system. From the scholarly corner, the government coalition was criticised for not having put in place citizen forums in preparation of the referendum (Bumb, 2015).

Analysts have stated that the outcome of the referendum of 2015 showed a deepening of the gap between the so-called establishment on the one hand and an aggrieved majority on the other, but also concluded that most of those in favour of double nationality could not be characterised as xenophobic (Kies et al., 2019: 14–15). Yet, the referendum also made visible the political power of ‘native’ Luxembourgers, in spite of the fact that they were on the verge of becoming a minority group. This illustrates, quite starkly, a general characteristic of the referendum as such, namely that one part of the population takes a decision which may concern all inhabitants.⁴³ However, the issue remains on the table to this day, and NGOs fighting for migrants’ rights as well as some political parties continue to point to the exclusion of nearly half of the adult population, speaking of an ‘Apartheid’ system. Even some public figures with Christian-Socialist leanings have declared themselves in favour of an extension under certain conditions (Pauly, 2019: 233).

Conclusion

In the light of this analysis, what do the Luxembourgish referendums represent? To grasp their historical meaning, four aspects should be stressed: they are quintessentially European debates and developments, they mirror the gap in the understanding of democracy between the pre-war era and the subsequent decades, they reveal the evolution of the understanding and the practice of semi-direct democracy, and they render visible the fact that political governance oscillates in the field of tension between agitation and appeasement.

Although the Luxembourgish referendums are at first glance milestones in a specific national history, they must be interpreted in a European and international context. The political consultation of 1919 was a means to avoid loss of statehood, which was a risk directly linked to the outcome of the First World War and was shared by several countries. The 1937 referendum mirrors the danger of communism

43 For more on this, see (Morel: 210).

perceived by many governments of the time, whereas the 2005 one was just one element in a series of national consultations on the ECT. If the larger context is evident for these three, it is less so for the referendums of 2015. However, the question of extending the voting rights is becoming a preoccupation in other countries as well. While voting at 16 years of age is already a reality in some areas, suffrage rights of non-nationals have sometimes been introduced on a communal level after the Maastricht process. The question of who constitutes the electorate in a country, of particular topical interest in Luxembourg, is becoming an issue elsewhere as well with the increasing mobility inside and outside Europe, and the debates in the grand-duchy may be a foretaste of questions that will impose themselves on an international level in the long run.

One salient aspect on the Luxembourgish referendums is that most of them had to do, though in very different ways, with certain aspects of democracy: from the form of government (1919) over the acceptance of political pluralism (1937) to the distribution of political decision-making between the European and the national level (2005) to the question of universality of suffrage (2015). But there is one clear factor of separation between the referendums of 1919 and 1937 on the one hand, and the 2005 and 2015 ones on the other. The former were conducted by the government following the conservative logic of stabilising the system, be it to maintain the monarchy or ban the Communist Party. In the latter we can see much more of logic of transformation: although most Luxembourgers had always seen themselves as Europe-friendly, accepting the European Constitution through the referendum of 2005 was a step in a new direction, with certain risks attached. This transformative attitude was even more evident in the referendum of 2015. Especially with the proposition on introducing legislative to grant voting rights to non-nationals, the government coalition showed that it wanted Luxembourg to take on the role of a pioneer amongst the member states of the Union and even beyond.

Viewed from this angle, the gap of more than 70 years between the first and the second pair of referendums is surely not a coincidence. After the government majority lost in the referendum of 1937, there was a clear intention not to promote the instrument of the referendum anymore, although this was not formulated openly. Besides the government's disillusionment vis-à-vis the tool of the referendum, other factors must have played a role. To some degree, the change of attitude was the expression of a more favourable status of representative democracy after the war, perhaps bolstered by the experiences of exiled Luxembourgish politicians in countries with a strong representative system such as the United Kingdom or the USA. But the dismissal of the referendum also mirrored a desire for political stability and predictability after the frightening experiences of the interwar period. According to Ben Fayot, these wishes were fulfilled by the appeasement through the acceptance of the Workers' Party as government

partner after the Second World War, the economic relaunch, and the success of the social market economy. One should also keep in mind that several pre-War politicians who had fought over the referendum of 1937 were still influential after the war: Joseph Bech, for instance, only gave up his post of minister for Foreign Affairs in 1958 and was then speaker of the parliament until 1964. This may help explain why the proposition of the Workers' Party of 1948 to refine and enlarge the modalities of the referendum in the Constitution was rejected. More generally, post-war Luxembourg was going through a very conservative era.⁴⁴ But this societal deadlock only concealed a generational gap on questions of democracy and participation, which first became apparent in the protest movement of 1968 and then broadened with the development of the new social movements since the 1970s. The gap can thus be interpreted in the context of a more profound change of Luxembourgish politics, where Catholic forces gradually lost ground.

The renewed call for the reintroduction of referendums since the 1980s, based on either the sovereignist or participative logic, sounds like a repetition of 1919. But the understanding of democracy has changed profoundly in the last hundred years – whereas the right to statehood has gone from being a crucial point in post-war negotiations to the status of a far less incisive question of dissipation of sovereign rights in the process of European integration, the belief in the will of the 'people' as the legislator has shrunk considering an increasingly complex composition of the population. The criticism of the parliament has evolved as well: not even the right-wing populist ADR questions parliamentarism, but rather upholds the rights of the national parliament as defence against the perceived danger of a shift of political power towards the European level. The process has become more complex but also, at least in theory, more participative, with new legislation setting up the framework for referendums and introducing the possibility of popular initiative.

In 1930, a government official in charge of drafting a law on the organisation of referendums wrote: "The referendum should not become a means of political agitation, but a weapon given to the nation to make sovereign decisions and, in the words of Lord Salisbury, 'an honest procedure for good governance and the stability of the country'".⁴⁵ The statement illustrates the mark that the first referendum in Luxembourg left, but also conveys the hope that the use of referendums could contribute to the stability of the political process. This, however, was not the case. The results of the referendums have often contributed not to political stabilisation, but rather to further polarisation of society, as has been shown by the long-standing conflict between

44 The historian Henri Wehenkel speaks of a "lead blanket" that lay over the country (Wehenkel, 2018). This was also detectable in conservative historiography which became more critical only in the 1970s (Wagener 2012: 30).

45 ANLux, AE-0299, Note Albert Wehrer 15 December 1930.

the monarchists and the republicans after 1919, the continuation of the culture war between the Party of the Right and the Socialists after 1937, the societal division on the issue of the European project in 2005, and by the bitter fighting around voting rights for non-nationals after 2015 that continues to this day.

These political divides may be partly related to the yes/no format of referendum questions.⁴⁶ Owing to this binary structure, referendum campaigns also run the risk of weakening the governmental majority: in 2015, for instance, the conservative CSV and even more so the right populist ADR took political advantage of the government's strategic miscalculation for months. In addition, the referendum as a tool strengthens or brings about extra-parliamentary oppositional movements. Except for 1919, when the government 'won' the referendum, these ad hoc actors, not the established parties, often seem to be the winners. But Luxembourgish referendums, including the one from 1919, have also been transformed into votes of confidence at some stage of the process, be it on the initiative of their authors, as was the case in 2005, or by an opposition campaign, as was the case in 2015.⁴⁷ After the 1937 referendum, the prime minister faced so much criticism that he resigned.

Still, since the last century the referendum has gone from an exceptional to a normal practice. While it was presented, in all instances, as an instrument particularly adapted to decisions that had an incisive institutional impact on the country,⁴⁸ the referendums of 2015 were described at the same time as a consultation with the Demos to guide the governmental majority in its actions. Following this logic, the prime minister rejected all public calls to resign after the threefold defeat of the 'Yes' camp, which was a clear sign of change from the previous referendums.⁴⁹ After the following elections and in spite of the strong ideological split in Luxembourgish society, the three-party-coalition did not fall apart. This may be an indication that with the accumulation

46 Only the 1919 referendum on the form of government gave the voters the possibility to choose between more than two options. On the tendency of 'binarisation of the political game' by the referendum in the French context, see (Parodi, 2001: 16-18). Dormal underlines that the 'politisation' of the debates through the referendum is not necessarily a bad thing, since it forces the parties to overthink their positions. (Dormal, 2014: 18-19). On this question, see also (Morel, 2019: 270).

47 On the risk of a shift from an objective question to a vote of confidence for a leader, see (Duval et al., 1970: 7; Morel, 2019: 19-21). On the example of de Gaulle in France, Laurence Morel also points out the temptation for political leaders to throw their weight into the balance. (Morel: 105-122.)

48 In 2005, Prime Minister Jean-Claude Juncker (CSV) stated that the government attached "such importance to the future European Constitution" that in 2003 it had decided to put its ratification to a national referendum (Gouvernement, 2003).

49 Fayot still wrote in 2006 that Bech's resignation "made sense" after the failed referendum of 1937 (Fayot, 2006: 39).

of experience, the referendum as a practice is losing its exceptional character and becoming a normality. The fact that in the last decades, the instrument of the referendum has no longer been seen in connection with a specific political camp also points to that conclusion. The referendum seems to be more and more accepted as an instrument that has its place in a representative democracy and not something that puts it at incalculable risk.

On the other hand, there has never been a substantial search for alternative instruments that could be more efficient in strengthening deliberative democracy. The referendum seems inherently attractive in that it fits the routine of the parliamentary and electoral process. Even if the vote is on ideas and not on candidates, it is still a vote. Whereas new forms of deliberative democracy are being put to use in a communal context, tools such as the Eastern Belgian model of the *Bürgerrat* (citizens' council) that would demand a stronger involvement of citizens do not translate onto the legislative level. It seems that such innovations are far less desirable to political actors in legislation than they are in the community. Another important point is that in the last decades, no neutral and independent institution has been created to prepare and coordinate the operations, although criticism of the government misusing its position has become stronger.⁵⁰ Even if all parliamentary parties pay lip service to the referendum, the reluctance to put into place a clearly defined structure that would strengthen its prestige and credibility is remarkable.

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PRIMARY ELECTIONS IN THE USA: BETWEEN REPUBLICANISM AND DEMOCRACY

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Abstract: The aim of this article is to highlight the ambivalences of the US primaries. With primaries citizens – and not party elites – can determine the party candidates for an election. After decades of attempting to introduce them (which will be discussed in section 2), they have now become a common practice for both parties to select candidates for presidential and other (e.g. gubernatorial) elections. While the direct influence of citizens on candidate selection has often been praised as a genuine democratic achievement, it is debatable whether all groups in society have an equal opportunity to stand in primaries (section 3). It turns out that super-rich businessmen are overrepresented, and that this is intrinsic to the campaign financing system, because they can partially finance their election campaigns with their own money if needed. Furthermore, the constitutive function of primaries also pertains to their potential capacity to enable political innovation, as they make it possible for new ideas and new actors to get into the parties and the political arena. Notably, they enable actors who were not previously active in politics to enter the republican (in Hannah Arendt's words) 'space of appearance'. In order to examine the ambivalences and contradictions of primaries, Hanna Arendt's distinction between the republican and the democratic is discussed in section 4, with the result that primaries appear as complex political institutions that combine, partly in contradictory terms, normative understandings of republicanism and democracy. The article concludes with the argument that the ambivalences and complexities inherent in the US primaries, as well as their unintended side effects, do not speak against primaries as such, but rather call for the introduction of rules regulating their implementation.

Keywords: primaries, democracy, republic, republicanism, election, USA, Trump



1. Introduction and Research Question Outline¹

This article explores the ambivalences of primaries in the United States of America (USA) with regard to tensions between their normative democratic ambition, the reality of their outcomes, and their, perhaps unintended, side effects. The normative democratic ambition of primaries can be deduced from a description of what they are and what they are supposed to be, as well as in the description of their history in the USA, which will be discussed in section 2. The history of primaries is marked by (the desire for and the fact of) increasing democratic participation. Yet, while they have become the accepted form of candidate selection in the United States, one needs to account for the empirical reality of their outcomes, also with regard to possible undesired side effects. This will be done in section 3. This applies, first and foremost, to the question whether all groups in society have an equal opportunity to stand in primaries. As it turns out, this is the case only to a limited extent, which makes apparent the contradiction between aspiration and reality, a first of the ambivalences of US primaries. This has to be seen as an unintended side effect, as the original idea for their introduction was to prevent the domination of privileged groups (especially within political parties). The second question pertains to whether primaries bring new ideas and new people to the political arena, challenging the control of political parties and/or oligarchic elites over political agenda setting, and if so, to what extent. In this respect, it will be argued that primaries have a genuine potential for triggering political variation. In order to theoretically come to terms with those ambivalences and contradictions of primaries, Hannah Arendt's distinction between the *republican* and the *democratic* is discussed in section 4. The final section 5 summarises my conclusions. Ultimately, one arrives at a very nuanced and complex finding with regard to primaries in the United States, which by no means speaks against them *per se*, but draws attention to its ambivalences and unintended side effects.

2. The Form and History of Primaries

Primaries are used to pre-select party candidates before an 'actual' election, and their main purpose is to determine who will be nominated as a party candidate. In the United States they are used for presidential elections², elections for state governors, members of Congress (House

1 I would like to thank the two anonymous reviewers and Andreas Langenohl for their valuable comments on earlier drafts of this paper.

2 Strictly speaking, a distinction has to be made between primaries and caucuses, the two different forms of presidential primaries in the USA, which in principle have the same goal, namely selecting candidates. While primaries in the nar-

of Representative and Senate) and mayoral elections of large cities. Nowadays in most countries the party elites nominate candidates, as was the case in the USA before the primaries were gradually introduced for various elections around 1900 (Ginsberg et. al., 2011: 349). Before their introduction, the presidential candidates of parties were nominated by national party conventions (DiClerico, 2000: 4), which were originally far from democratic or transparent, as testified by various characterizations. The candidate selection process “was perceived as being subject to near total manipulation by the party bosses” (Ibid.: 5). The politician and businessman William Tweed (1823–1878) is alleged to have said: “I don’t care who does the electing, so long as I do the nominating.” (Ibid.: 3). Polsby et al. (2008: 97) conclude: “Once upon a time, presidential nominations were won by candidates who courted the support of party leaders from several states.”

At least according to the American basic idea, a “democratic society is built on equal opportunity” (Bredemeier et. al., 1949: 301). With ‘equal opportunity’ being held as an ideal in the USA, this party-centric form of candidate selection was no longer acceptable. The primaries were introduced to make the selection of candidates more democratic, fair and transparent.

After the first primaries in Florida in 1901 (DiClerico, 2000: 5), neither of the two major parties (Democrats and Republicans) immediately began to introduce primaries in all US states. It was a protracted process, but it was expedited by the 1968 Democratic National Convention in Chicago. At the time the convention took place, the Democrats had only held primary elections in 17 states (Norrander, 1992: 6 f.), in which the majority voted for candidates who opposed the Vietnam War (Gitlin, 1987: 331). Nevertheless, after the announcement by incumbent President Lyndon B. Johnson that he would not be running for re-election, and the assassination of the promising candidate Robert F. Kennedy, Vice President Hubert Humphrey, who had not participated in the primaries, was nominated as the presidential candidate for the Democrats (Davis, 1997: 20).

This exclusion of the electorate from the candidate selection process caused much protest. In order to pacify the critics of Humphrey’s nomination, the so-called McGovern–Fraser Commission was set up, which resulted in an “increase in the number of binding presidential primaries” (Karmack, 2009: 15). Thus, while the number of primaries did not change much from 1912 to 1968, it increased significantly from this point in 1968 onwards (see Norrander 1992: 7).

In the 1990s, both parties, Democrats and Republicans, held primaries in most states. Today primaries have become a common practice

rower sense usually consist solely of an election, caucuses typically also include meetings with and exchanges amongst supporters of a party. The title of this paper refers both to primaries in the narrower sense and caucuses.

for both parties to select candidates for presidential and other (e.g. gubernatorial) elections.³

Primaries give voters the opportunity to influence political agendas. The Democratic Party primaries for the 2020 presidential election revealed that primaries are not just about the selection of candidates, but also about the selection of different political attitudes that a candidate represents. Hirano and Snyder argue that primaries are the only ‘real’ elections in regions where one party dominates (Hirano and Snyder, 2019: 1 ff.). Since the USA is one of the “only nations in the world to hold primary elections” (Ginsberg et. al, 2011: 349), some scholars consider the primary elections in the United States as “the most inclusive nomination process among political parties across democracies” (Albert and La Raja, 2020: 1): primaries are supposed to give people a voice in who is nominated, instead of party elites arguing over it in smoke-filled back rooms.⁴

At the same time, however, primaries are not an uncontroversial institution. They have emerged from struggles over participation. This underscores the complexity and ambivalences of the situation, to which we will turn now.

3. Primaries: Ambitions, Consequences and Ambivalences

3. 1. Equitable Representation in Primaries?

Investigating the participants in the 2020 presidential election primaries reveals social-structural biases in candidate selection. In the USA there are 680 billionaires (Figure for 2017, Neate, 2018) among 327 million inhabitants (Figures from 2018, Factfinder, 2019). They amount to 0.0002 percent of the American population. Among the last remaining nine possible candidates⁵ for the 2020 presidential election (eight remaining from the Democratic primaries, plus the Republican incumbent Donald Trump), at the end of February 2020, three

3 A special feature are the so-called super delegates that the Democrats have, but the Republicans do not. These are established politicians (for example, governors, senators or members of the House of Representatives), who are not elected in the primaries, but are still allowed to vote for the presidential candidates at the national convention and can decide for themselves who to vote for. Although their votes have significantly less weight than the electoral delegates determined by the voters in the primary elections, they restrict the basic democratic principle outlined here.

4 Presumably to represent this smoke symbolically, a picture of it has been put on the cover of the book “The Party Decides. Presidential Nominations Before and After Reform” (Cohen et. al., 2008).

5 This does not include the outsiders who ran against incumbent President Donald Trump in the primaries, or those who only ran in some of the primaries.

were billionaires (Bloomberg, Steyer and Trump). This corresponds to 33 percent. This immense statistical over-representation of the super-rich is not a coincidence, but a feature of the system, as the following examples illustrate.

The most prominent example is Donald Trump, whose candidacy 2016 was denied the support of the party establishment. The list of leading Republicans who spoke out against Trump before the election is long, beginning with the former president George H. W. Bush, who preferred Hillary Clinton (On Bush: Samuelsohn, 2016), up to the 2008 Republican presidential candidate John McCain (Everett, 2016). Before the first primaries for the presidency, Donald Trump ranked 10th in terms of party support, and in terms of funds raised he ranked 9th (Francia, 2018, Table I: 443). He was not supported by a single Republican governor of an American state or a Congressional Representative. In comparison, Jeb Bush, son of the 41st American president George H. W. Bush and brother of the 43rd American president George W. Bush, had support from 30 prominent Republicans (Ibid.: 442), the most any Republican candidate 2016 got (Ibid., Table I: 443).

The lack of support from the party and the modest donations would have meant the end of the race for any competitor, but Trump was able to continue his 2016 election campaign by spending 66 million US dollars of his own money (Figures from Schouten, 2016 and Open Secrets I). This expenditure accounted for nearly 20 percent of his campaign costs (Figures from Open Secrets I), and made Donald Trump the candidate who spent the largest amount of his own money on his presidential campaign in American history⁶ (Clevidence, 2019) until Michael Bloomberg overtook him. By January 2020, Bloomberg invested 464 million US dollars from his own pocket into his election campaign. (Figures from Schouten, 2020.)

Donald Trump is a remarkable example of the possible effects of primaries not only because he was the richest American president of all time, but also because he was the first president in American history with no political, governmental or military experience before he took office.

A further example is Doug Burgum, a super-rich businessman, who has a personal fortune of 1.1 billion US dollars ((2020 status) – Figures from Starsgab. Its Shiny, 2020) and is the Governor of North Dakota. Like Trump, Burgum, who was elected on the same day as Trump, had no political experience prior to being elected to office. He was soundly defeated at the North Dakota 2016 Republican State Convention, where it was to be decided which candidate should receive his party's support. He came in third place. In the second, decisive vote, he was

6 However, Hillary Clinton and Jeb Bush each spent more money on their campaign than Donald Trump, donations included. In the case of Jeb Bush, the comparison with Donald Trump only relates to the spending in the primaries.

unable to secure even as little as ten percent of the party delegates' votes (Forum News Service, 2016).

For Burgum to oppose the party and to continue the campaign on his own was only possible because he was a rich businessman who could afford to spend over a million US dollars (it is not entirely clear how large the sum was) of his own money for his election campaign. He spent more out of pocket than the total amount of donations from his supporters. His opponent emphasised that he could not compete with the large sum that Burgum had invested in his campaign (Nowatzki and Springer, 2016). Burgum surprised the Republican Party establishment, by winning the primary against all expectations and despite the votes of the party delegates, leaving behind the candidate that the party convention delegates endorsed. The executive director of the Republican Party in North Dakota was compelled to admit that he was surprised by the majority of 60 percent with which Burgum had won (Ibid.).

Six of the 50 American states (November 2020), 12 percent, are ruled by a governor who was a businessman before taking office. With the exception of Kevin Stitt, all of them are super-rich and (including Stitt) have never held a political office before. This shows that we cannot speak of an isolated case, but rather of a phenomenon. Their names are J. B. Pritzker (Illinois), Doug Burgum (North Dakota), Pete Ricketts (Nebraska), Kevin Stitt (Oklahoma), Bill Lee (Tennessee) and Jim Justice (West Virginia). In one case, the wealthiest resident of the state (West Virginia) is also its governor (Jim Justice).

There are other cases of extremely rich politicians, such as Clement "Butch" Leroy Otter, former governor of Idaho, who possessed a fortune of 20.3 million US dollars at the time of his election in 2006 (Figure of his fortune in 2006 from Open Secrets V), Bruce Rauner, former governor of Illinois (personal wealth of 500 million US dollars, some estimates are as high as a billion dollars – figures from Armentrout and Dudek, 2017 and McDermott, 2018), and the above mentioned J. B. Pritzker, the current governor of Illinois (personal wealth of 3.4 billion US dollars – figures from Armentrout and Dudek, 2017 and McDermott, 2018). The 2018 election as governor of Illinois made J. B. Pritzker the richest politician in office in the United States, ahead of Donald Trump, whom he overtook (Çam, 2018).

A particularly obvious example of primaries favouring wealthy individuals is Michael Bloomberg. After several television debates among the Democratic presidential candidates, the multi-billionaire entered the competition in November 2019 and immediately spent 57 million US dollars on television advertising (Figure from Dzhanova and Schwartz, 2019). Within a short period Bloomberg reached third place in the opinion polls⁷, and overtook most of the other competitors. He

7 Opinion polls on the Democrat candidates for the 2020 presidential election.

was (as of 12 February 2020) only 1.7 percentage points behind the latter president Joe Biden in the 2020 Democratic presidential primaries polls (RealClearPolitics, 2020).

For many years (2000 to 2013) he was the mayor of New York City, as a Republican and also as an independent, although he began his political career at the Democratic Party. He is a multi-billionaire, alleged to have a fortune of 55.5 billion US dollars, and is the ninth richest person in the world (Forbes). Bloomberg was a Democratic presidential candidate hopeful in the 2020 presidential election, although he had switched to the Republicans and later became a non-partisan candidate during his time as the NYC mayor. He re-registered as a Democrat in October 2018 (Tillett, 2018). The case of Bloomberg, now a Democrat, demonstrates not only that the super-rich going into politics is a phenomenon not limited to the Republican Party, but also that it overrides the rationale of party loyalty.

That super-rich candidates are overrepresented is no accident, but rather a feature of the system. These self-funding candidates are better able to meet the high campaign costs and use their opportunities in a more efficient and effective way than those who do not have the financial means. By privileging wealthy individuals, primaries have unintended consequences that are not according to their original purpose of making the candidate selection process more fair and democratic.

Recently, the effect of wealth on primaries seems to have become more pronounced. The 2018 Congressional mid-term elections were the most expensive in US history (Open Secrets II and III). Since 2000, in fact, the candidates who had the most money won the Congressional elections in most cases. In the period from 2000 to 2018, approximately 80 percent of the Senate elections and around 90 percent of the elections for the House of Representatives were won by the top spending candidate (Open Secrets IV).

Four of the six wealthiest presidential candidates in the history of the USA ran for presidency from 2000 to the present: Donald Trump, Mitt Romney (Republican presidential candidate 2012 – wealth of 250 million US dollars), John Kerry (Democratic presidential candidate 2004 – wealth of 200 million US dollars) and Steve Forbes (defeated in the 1996 and 2000 primaries) (Abbruzzese, 2015). It should be noted that these statistics were calculated before Michael Bloomberg joined the race for the candidacy of the Democratic Party. Taking him into account would make the wealth effect even more dramatic.

It is here that the ambivalence of primaries becomes apparent. The idea of the primaries is that anyone can be elected. Yet the actual opportunity for everyone to participate, even without support from party leaders, is, in reality, unequally distributed as a consequence of the wealth effect. The election campaign must be financed, whether from donations or with the candidates' own money. Average-earning citizens must gain the support of the party apparatus and/or donors

for their campaign. In contrast, a self-funding candidate can avoid the inconvenience of having to secure party backing. This privileges super-rich candidates.

Hence, primaries in the USA have two effects. The first is a democratic one: anyone can stand in an election even without the support of a party. The second is social-structural in nature: given the high costs of an election campaign without support from a party or super-rich donors, not everyone has the same chance of being elected. Thus, the opportunity to be elected as a candidate is not equally accessible to everyone in the population. A wealthy person can more easily cope with a lack of support from a party or insufficient campaign donations because they can partially or completely finance their election campaign themselves. The contrast between the *purpose* and the *effect* of the primaries is obvious.

3. 2. Primaries as Motors of Political Innovation?

Opportunities to stand in the primaries are obviously limited for some segments of society, though not entirely out of reach. For instance, Bernie Sanders, took second place in the Democratic primaries twice with mostly small donations, even though he has never been a member of the Democratic Party and operates as an independent, non-party member in the Senate (Party affiliation in Congress, see: Congress.gov). Primaries therefore have the potential to drive political innovation and introduce new faces, since outsiders and their ideas can achieve a measure of success and influence the parties' political orientation.

If the leaderships of the two big parties (Democrats and Republicans) had had their way, a second Clinton would have run against a third Bush in the 2016 presidential election, i.e. Hillary Clinton against Jeb Bush. To many voters this confirmed the view that there was no real alternative, that everything was just a game rigged by established families, and that American politics was already showing slight aristocratic tendencies. Without primaries there would have been no Bernie Sanders as a two-time near-presidential candidate for the Democrats and no Donald Trump as president, regardless of how one sees these people politically. Both candidates were rejected by their respective party elites when they stood in the 2016 presidential election. It is possible there would have been no President Barack Obama either, as the candidacy would have been awarded to someone from the inner circle of the party, probably a member of a well-known and influential political family. It should not be overlooked that Hillary Clinton had been ahead of Obama for a long time in the polls for the 2008 primaries, and that Obama's victory in the first of the primaries in 2008, the Iowa caucuses, came as a big surprise.

In terms of political ideas and agenda, one only has to remember that both Donald Trump, a Republican, and Bernie Sanders, an

independent running on the Democratic ticket, contradicted their own parties' viewpoints on key issues. In the case of Donald Trump, the majority of the Republican Party and former Republican presidents had advocated globalization, free trade and free trade agreements, such as the North American Free Trade Agreement (NAFTA) with Canada and Mexico (1994) and Permanent Normal Trade Relations (PNTR) with China (2000), but Trump took a diametrically opposite stance, namely that of protectionism. He addressed the consequences of these free trade agreements – the loss and relocation of jobs, the deindustrialization in the Rust Belt states and the precarious situation of the workers in this region. Also, before Trump was elected, the Republicans endorsed the United States' role as the 'world police', and rejected it after Trump took office. In addition, the majority of the Republican Party, including former President George W. Bush, supported the Second Iraq War in 2003, which was started during his administration, whereas Trump described this war as a mistake on several occasions, and its justification as a lie.

In the case of Bernie Sanders, it was not so much the proposal to abolish tuition fees, which by American standards sounded almost revolutionary, or the support for a Green New Deal, as the fact that several of his ideas moved to the centre of the Democratic Party, which led to a partial realignment of the party. The fact that Bernie Sanders has changed the Democratic Party without ever being a member, as “[f]or most of his career, he was seen as an eccentric, fringe player, a peculiarity with his antipathy for capitalism” (Friess, 2020), underscores the politically constitutive importance of primaries in enabling political innovation.

Donald Trump's primaries and election campaign in 2016 was deliberately directed against the established politicians. In his own words, “[p]oliticians prospered, but the jobs left, and the factories closed”. He did not name any names, which implies that he also meant politicians from his own party⁸. Furthermore, both the Sanders and the Trump campaigns focused on the “forgotten men and women of our country” (in Trump's words), thus raising the issue of social participation. The primaries can therefore change the political orientation of the parties. This happened with both big parties, with the Republicans in 2016 and with the Democrats after 2016.

Two empirical findings emerge: first, primaries favour the rich because of the campaign financing system; second, primaries enable individuals to set political agendas independently from party apparatuses, thus influencing the parties' political programmes and positions.

8 It should therefore come as no surprise that several neoconservatives from the Bush era took a stand against Trump.

4. Primaries: Between Democracy and Republic(anism)

The contradiction between the ideal behind the primary elections (a basic democratic concept that anyone can be elected) and their effects (chances of successfully contending for candidacy are socially constrained) can be engaged with more analytical depth if one adopts Hannah Arendt's distinction between the *republican* and the *democratic*, which she attributes to the revolutionaries of the American Independence Movement (Arendt, 1977, first published 1963)⁹. The revolutionaries were driven by a concern about “despotism of the masses” which they wanted to prevent (Ibid.: 156)¹⁰ and which they perceived as a hallmark of ancient democracy (Ibid.: 217 ff). As a result, the checks and balances that were supposed to limit the power of individual political institutions were put in place.

In Arendt's interpretation, democracy means “majority rule” (Ibid.: 157)¹¹, whereas in a republic the “constitutionally guaranteed rule of law cannot be suspended by any majority decision” (Marchart, 2015: 159, my translation)¹². “The Republic is that form of government in which positive freedom for political action is institutionalised and constitutionally guaranteed.” (Marchart, 2005: 131, my translation, italics in the original.) Or in the words of Hannah Arendt: “[A] republic granted to every citizen the right to become ‘a participator in the government of affairs’, the right to be seen in action.” (Arendt, 1977: 121)¹³.

“If a republic [...] is based on freedom, then democracy [...] is based on equality.”¹⁴ (Marchart, 2015: 167).

Against the background of Arendt's historical reconstruction of the US political system, the crucial question is how primaries, which were becoming established during the time Arendt was writing her books, refer to ‘democratic’ and/or ‘republican’ rationalities. The primaries

9 “The American revolutionary insistence on the distinction between a republic and a democracy or majority rule” (Arendt, 1977: 157).

10 “[T]he Founding Fathers tended to equate rule based on public opinion with tyranny; democracy in this sense was to them but a newfangled form of despotism.” (Arendt, 1977: 218.)

11 Elsewhere: “democracy, or rule by the majority” (Arendt, 1977: 155).

12 “[...] a republic in the sense of ‘an empire of laws and not of men’ (Harrington)” (Arendt, 1977: 155).

13 Arendt writes, “the confusing and confused equation of republican with democratic government dates from the nineteenth century” (Arendt, 1977: 216). In fact, to differentiate between a republic and a democracy is so difficult for us nowadays because “a republic that would not also be democracy in the modern sense is no longer imaginable today”, i.e. “Republicanism is only available as *democratic republicanism*.” (Both quotations from Marchart, 2005: 163, my translation. Partly in italics in the original.)

14 Arendt writes about “the democratic mentality of an egalitarian society” (Arendt, 1977: 269).

are based on the principle of freedom, since everyone has the freedom to participate in them and use their own resources for the election campaign. Primaries thus qualify as a republican institution. However, they do not conform to the principle of equality, because not everyone actually has the same opportunities to participate successfully, hence, they are not democratic.

The primaries claim to be a democratic institution within the republican idiom, and at the same time they preclude democracy in the sense of unequal conditions of participation. Freedom and equality are mutually exclusive: If equal opportunities were created, and every participant in the primaries had the same resources available for the election campaign, the principle of freedom, i.e. that everyone could use as much money for the election campaign as they wanted and were able to raise, would be restricted. With this in mind, primaries can be either democratic or republican, but not both.

The republican expectations from the primaries are therefore different from the democratic ones. Unequal representation of various groups and subsets of population among candidates in primaries is problematic, yet I would argue that it is even more problematic if the population has no influence on the selection of candidates and can only choose among those candidates the parties offer them. Primaries give the population democratic influence at a very early stage in the election process. Anyone can participate in them, which constitutes *equality in principle* and is therefore in accordance with democratic standards. Nobody is excluded from participation from the outset. Americans are certainly very familiar with the following words from the Declaration of Independence: “[A]ll men are created equal”. Therefore, *in principle*, it is not allowed to exclude anyone. This has practical relevance – in a number of voting systems, participation is, *in principle*, excluded from the outset.

The electoral system in Germany can be taken as an example. Since the SPD (Social Democratic Party of Germany) can no longer be considered a major party (*Volkspartei*)¹⁵ after the great loss of votes in the last elections, the CDU (Christian Democratic Union of Germany) remains the only major party in the country. Therefore, the CDU (together with their fraternal party CSU (Christian Social Union), which only competes in Bavaria, where the CDU does not compete¹⁶), should receive presumably the most votes in a federal election. In turn, the person chosen as the candidate for the chancellor by the Union Parties, an alliance of the CDU and CSU, has a very good chance of becoming Federal Chancellor.

15 A major or people’s party (German: *Volkspartei*), is open to many social groups and therefore wins a large share of votes in elections. Traditionally, the Union Parties CDU/CSU and the SPD (Social Democratic Party of Germany) were designated as such.

16 In Bavaria, the CSU can be considered a people’s party too.

The selection of the Union Parties' candidate for the office of the chancellor for the 2021 German federal election (*Bundestagswahl*) was decided internally by the two fraternal parties in their inner circle of power. The population, even the majority of CDU and CSU party members, had no possibility to influence this decision. They could not participate in this far-reaching decision, for example by voting in a primary election. One possible consequence of this was that the more popular candidate of the Union, who had "great sympathy on the grassroots level" (Jerabek, 2021, my translation) and better poll results (Popp, 2021), was not selected as the party's candidate for the federal election.

Similar was the case of the Green Party (*Bündnis 90/Die Grünen*), which is now, months before the federal elections, on a par with the CDU/CSU in the polls and is on the way to become a major party in its own right.¹⁷ Here the two party leaders decided which one of them should be the candidate for the chancellorship in the German federal election 2021, but without primaries, as in the case of the CDU/CSU alliance. So it is hardly surprising that most respondents (41.9 percent) in a survey said that they did not consider either the CDU/CSU or the Green Party candidate to be suitable for the chancellorship. (About the survey: Sabin, 2021).

This means that insufficient participation in candidate selection, or none at all, restricts both *freedom* and *equality*, makes participation impossible and is therefore *neither democratic nor republican*, but simply elitist. The historical overview in chapter 2 and this comparison with Germany show one thing – if the party elites alone determine the candidates, it does not mean *more* democracy, but an exclusion from participation. Thus not holding primaries is not a solution, if the goal is popular participation in politics. Without primaries, citizens' choices are limited: they only have their say after *others* have made a pre-selection for them. Hannah Arendt also emphasises this when she writes:

"[N]either the people in general nor the political scientists in particular have left much doubt that the parties, because of their monopoly of nomination, cannot be regarded as popular organs, but that they are, on the contrary, the very efficient instruments through which the power of the people is curtailed and controlled." (Arendt, 1977: 261).

Also:

"[I]n modern party government, where the voter can only consent or refuse to ratify a choice which (with the exception of the American primaries) is made without him" (Ibid.: 268).

17 So far, the Green Party could only be considered a major party on the strength of opinion polls and surveys. It remains to be seen whether it will manage to attain the major party status in the 2021 parliamentary elections.

Because primaries make participation possible, they are not only *more republican*, but also *more democratic* than other candidate selection options. Primaries are therefore, *in principle*, both a republican and a democratic, a reasonable and good institution.

Another politically significant aspect of primaries that can be stressed with the help of Arendt's analytical distinction between a republic and a democracy is the aspect of innovative impulses given by individuals to the political parties and the political system, as described in chapter 3.2. This capacity of primaries can certainly be regarded as *democratic*; actually, hardly anything could be more democratic, as this happens through the process of elections. The question is then, how this capacity relates to *republican* ideas. According to Arendt, "a republic granted to every citizen the right to become 'a participator in the government of affairs', the right to be seen in action" (Ibid.: 121) – and this is exactly what primaries make possible. Therefore, primaries are also a republican asset.

As can be seen from the last quote, for Arendt the political is not least a 'space of appearance' for political actors¹⁸, from the town hall meetings¹⁹ to the political events of today, whilst for figures like Trump the political space is precisely a 'space of appearance' – his town hall was Twitter.

It is therefore a substantial part of a republic – and the USA claims to be one – that people can and are allowed to enter a political 'space of appearance', which is exactly what primaries make possible. And in the US primaries, Arendt's 'space of appearance' is engendered because the candidates enter into it. Even "the men of the American Revolution [...] knew that the public realm in a republic was constituted by an exchange of opinion between equals" (Ibid.: 83).

Nevertheless, this reveals a new problem and another ambivalence: this opportunity to enter the political 'space of appearance' is seized more often by wealthy individuals (mostly businessmen). Hannah Arendt herself would probably not have a solution to this problem, because her concept of 'space of appearance' does not reflect social-structural imbalances. The fact that in the contemporary USA wealthy businessmen more often use the republican opportunity to enter the 'space of appearance' can be traced back to the Founding Fathers, among whom wealthy businessmen were overrepresented. Seen from this angle, today's conditions in the USA are not surprising, but a consequence of how the USA as a state was constructed by

18 "The space of appearance comes into being wherever men are together in the manner of speech and action" (Arendt, 1958: 199).

19 "[T]he inhabitants of the [Thirteen British] [C]olonies [in North America] were 'formed by law into corporations, or bodies politic', and possessed 'the right to assemble... in their town halls, there to deliberate upon the public affairs'; it was 'in these assemblies of towns or districts that the sentiments of the people were formed in the first place.'" (Ibid.: 109. The quote is from Tocqueville.)

its founders, although they certainly could not have foreseen today's political and general circumstances in a time without Twitter, TV and internet, with comparably low election campaign costs. Unequal access to the republican 'space of appearance' is another incongruity of the primary elections in the USA.

5. Conclusion: Primaries as an Ambivalent yet Reasonable Institution

This paper has identified a number of ambivalences in the US primaries which amounted to a complex conclusion. First, primaries are democratic *in principle* because all can vote and all can stand for election. Second, the democratic capacity of primaries is limited, because they do not lead to a balanced representation of all strata of the population among the candidates but rather favour the rich in the existing campaign financing system. Third, they help bring new ideas into party politics. Fourth, republican as well as democratic political rationales are entangled in complex ways in the institution of the US primaries.

In conclusion, it can be said that the most significant aspect of primary elections is their constitutive function of permitting, in principle, everyone, regardless of party affiliation, to run for political office and enter the 'space of appearance', even as they privilege rich individuals who can finance their campaigns themselves under the current campaign financing system. Primaries are problematic in terms of their current effects, but their advantages outweigh the disadvantages because they combine and institutionally solidify both republican and democratic principles.

We thus arrive at a paradoxical present-day diagnosis of 'democracy in America' (Tocqueville): Primaries are on the one hand a good institution according to both democratic and republican standards, but on the other hand, they obviously cannot solve all problems. In their own specific way they even produce specific kinds of problems.

The most important of these problems is, currently, the advantage enjoyed by super-rich candidates, which was the starting point of this article. The objection to this privilege of the super-rich does not, in principle, speak against primaries, but in favour of the introduction of rules for their implementation, just as in other areas of life (e.g. sport, road traffic). This would also make selecting candidates more democratic. For instance, it would provide a legal basis for limiting the amount of own money candidates may spend on their election campaign, as well as the total campaign expenditure.

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FROM THE 'STATUS QUO' PROBLEM TO THE 'FACTIONAL' PROBLEM CONSTITUTION-MAKING IN VENEZUELA, ECUADOR AND BOLIVIA

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Abstract: Constitutions are perceived as emanating from the popular will. Once in force, a constitution becomes a 'derived constituent' power built over an 'original constituent' power exercised by the people. But that is a fiction or a founding myth because there is no successful historical case of a first constitution-making process in a modern state engaging the free and fair participation of all or at least the majority of the people in a given community. Not surprisingly, there is a long-standing debate on the rigidity of constitutions addressed or perceived as addressed to protect the interests of a powerful elite (e.g. with rigid clauses to prevent constitutional replacements, perceived as illegitimate tools to protect such interests). More recently, against this background in some places has been postulated that the 'will of the people' should be above the established legal order (e.g., by installing participatory democracies). Accordingly, major constitutional changes appear as opportunities for rebuilding a 'real democracy', as happened in Venezuela (1999), Bolivia (2006) and Ecuador (2007) under the governments led by Hugo Chávez, Evo Morales and Rafael Correa. In the three cases inequality, social crisis, corruption, and the discrediting of party politics were all evident. The constitutional replacements that took place there sought, in theory, to give citizens back their voice in public affairs. But did they do so? And is it possible to renovate democracy 'only' backed by the majoritarian rule? This work analyses, first, the process of constitutional change in relation to four elements: 1) the legal framework, considering the extent to which it was respected, 2) the dispute between political and institutional actors, or the extent to which problems were resolved by agreement or by imposition, 3) the citizens' voice in the debate,



or the extent to which it was taken into account for drafting the new constitution, and 4) the outcomes of the constitution in terms of the activation of mechanisms of participation regulated, or the extent to which they have contributed to empowering the people. As main findings, it is stressed that what was identified as the ‘problem of the status quo’ (i.e. the use by elites of constitutional law to block democratic expression) was overcome but gave rise to the ‘factional problem’ (i.e. the imposition by a group).

Keywords: Constitutional change, democracy, Venezuela, Bolivia, Ecuador, constituent power, citizens participation

1. Introduction¹

In previous decades, South America has been considered a true scenario on the promotion of participatory democracy (Sintomer, 2008; Cameron et al., 2012). However, by 2021 results are far away from the expected. In the countries where the institutions of participatory democracy were stronger, there are clear signals of democratic backsliding (e.g. Brazil, Ecuador, Bolivia) or they directly have fallen into the category of autocracies (e.g. Venezuela) (see VDem, 2021). It opens room to ask what happened with such promises of citizens empowerment. The ‘political revolutions’ in Venezuela (1999), Bolivia (2006–2009), and Ecuador (2007–2008) are outstanding cases to analyse the topic from the constitutional angle because major institutional changes were advanced by participatory processes in democratic regimes.

The three countries were electoral democracies when constitutional replacements were launched by parties and/or social movements that had arrived to the government winning elections in scenarios of deep inequality, social crisis, corruption and the discrediting of the institutions of representative democracy (i.e., political parties, parliaments, and judicial powers). When the new governments assumed power, the oppositions –made up of the former elites–, maintained a strong presence in other institutions, especially in parliaments, and championed –at least in their rhetoric– the defence of the existing juridical and institutional order. The new governments based its legitimising discourse on being backed by popular support (Massüger and Welp, 2013; Negretto, 2020). This created a conflict between the rule of law and the ‘will of the people’ which was in theory resolved in favour of the people. But, to what extent did these outcomes produce citizen empowerment? To what extent is there a problem between the will

1 I thank Andreas Langenohl and Sophie Schmäing for the opportunity of presenting it at the workshop “Voting over contested issues – Voting as contested issue: Historical and contemporary perspectives on referenda and elections”, at Justus Liebig University, Giessen (20–21 February 2020) and the fruitful exchange we had there.

of people and the law?, or was it just a power struggle between the representatives of the *status quo* and the new faction in power? To answer this question, here the constitution making process is analysed, considering: 1) the legal framework, or the extent to which it was respected, 2) the dispute between political and institutional actors, or the extent to which problems were resolved by agreement or by imposition, 3) the citizens' influence in drafting the new constitution, and 4) the outcomes of the constitution in terms empowering the people's influence on decision making. The paper is structured in three sections: The first section presents the state of the art, the second section focuses on the analysis of the selected cases, and the final one draws conclusions.

2. State of the art

Constitutions are expected to incarnate the will of the people but with few exceptions (e.g., Switzerland, where a constitutional replacement can be launched by the people through signature collection²) citizens do not have regular means to influence them. This problem was early discussed during the preparation of the French Constitution of 1793. In a proposal that deserves to be better revised nowadays when talking about 'democratic innovations', Jean Jacques Rousseau not only thought that the constitution-making power had to be exercised on periodic and direct procedures but also proposed it to be legally regulated by law (Levine 1993). Emmanuel-Joseph Sièyes ruled out such possibility of a regular and direct exercise and opposed any attempt to facilitate it (see Colón Ríos, 2020: 33–39). Ratified in a referendum, this French Constitution regulated the direct ratification of laws by primary assemblies, but it never entered into force after being suspended by a state of emergency (Colón Ríos, 2020: 45).

The writing of new constitutions is frequently observed in exceptional, disruptive contexts such as decolonisation processes, military coups, or transitions to democracy (Méndez and Wheatley, 2013; Saati, 2015). On the contrary, the elaboration of new constitutions in democratic contexts is not common. A study by Gabriel Negretto identified only 25 cases between 1900 and 2015³ (Negretto, 2020). One of the reasons explaining this low frequency is that normally constitutions in force either do not regulate its replacement or they put high obstacles

- 2 Chile is an interesting case given that the constitutional replacement was an outcome of the social protests of 2019, deriving in a political agreement which drove to the plebiscite of 2020 in which the constitutional replacement was decided by the electorate.
- 3 A criteria to select cases is that the new constitution is adopted at least five years after the founding election, what is expected to provide a clear replacement of the institutions of the authoritarian regime (Negretto 2020: 3).

that make change very difficult. These difficulties in times of legitimacy crisis add incentives to the clash between the popular will and the status quo, and, at the same time, could open room for the emergence of majoritarian projects non-respectful of the rule of law.

The financial crisis in 2008 accelerated trends related to growing disengagement with institutional politics, dissatisfaction with governments' performance and perception that politicians are part of an elite pursuing their own interests. In Europe, many emerging social movements claimed a 'real democracy'. Parallel to the promotion of democratic innovations in the previous decades, citizen's participation in constitutional changes acquired centrality (Reuchamps and Suiter, 2016; Brandt and Gluck, 2015; Bergmann, 2016.).

Several studies point out that constitutions gain weight when they are developed in extraordinary contexts of popular mobilisation (e.g., a constitutional momentum), which include extra-parliamentary processes of ratification and communication (Ginsburg et al., 2009; Eisenstadt et al., 2017; Contiades and Fotiadou, 2016). However, more in-depth comparative research has shown that not enough evidence exists to show the positive effects of citizen participation on stability or legitimacy (Saati, 2015; Partlett, 2012, 2020). Scholars claim that some conditions need to be fulfilled to consider a process of citizen deliberation fair and meaningful (Welp and Soto, 2019). Others have analysed the extent to which pluralism influences the result of constituent processes and particularly how consensus or imposition play a role when the law is broken to promote the expected change (Bejarano and Segura, 2013, 2020; Negretto, 2020).

One of the main challenges posited to democracy when the rule of law is confronted with the popular will was described by O'Donnell (1994) when proposing the concept of 'delegative democracy', as a more democratic but less liberal than a representative democracy because it is strongly majoritarian (i.e., democracy constitutes, in legitimate elections, a majority that empowers somebody to become, for a given number of years, the embodiment and interpreter of the high interests of the nation). That majority supports the myth of legitimate delegation. This kind of tension is translated into a political struggle when a president acts against the law claiming that he has popular support. How and when this popular support is expressed is also dependent on his will, producing sooner or later an erosion of the whole democratic system if institutions are manipulated to control, allow, or avoid citizen engagement. To what extent does this tension explain the evolution of political regimes in Venezuela, Ecuador, and Bolivia?

3. Analysis

In what follows the constitution-making experiences in Venezuela (1999), Bolivia (2006–2009), and Ecuador (2007–2008) will be analysed,

focusing on the extent to which the legal framework was respected when promoting the constitutional change, the relation among former and new political elites, the role of citizens during the constitution-making and the extent to which the new participatory legal framework empowered the people.

4.1 The case of Venezuela

The victory of Hugo Chávez in the 1998 elections opened the door to the long-postponed constitutional replacement, which has been a claim from social movements since the 80's (Maingon et al., 2000). However, according to the 1961 Constitution, in force at that time, the reform had to be conducted by derived constituent power, exercised by the Congress. The government opted for direct confrontation with the Congress until the Supreme Court of Justice (CSJ) allowed the President to call for a referendum (decree of February 3, 1999).⁴ The first question was whether to accept or reject the creation of the National Constituent Assembly (NCA). The second question, related to the process of changing the constitution, was understood as a mechanism to grant Chávez with a discretionary power to manage it (Massüger and Welp, 2013). After several unsuccessful appeals for annulment, the Supreme Court of Justice forced the National Electoral Council to rephrase that question. The consultative referendum held on 25 April 1999 enabled the National Constituent Assembly (NCA) to be convened. With a low turnout (37.6%), the two questions were approved by more than 80% of the voters.

During the campaign to select representatives, people were engaged in public discussions all around the country, through hundreds of forums, seminars, and events, organised by various actors (Maingon et al., 2000; García-Guadilla and Hurtado, 2000), producing a novel and intensive participatory experience. However, the electoral system produced a low level of representativeness in the Convention. The election gave a clear victory to the government's allies (92.3% of the total number of seats), although the level of abstention (53.7%) was again remarkable. Shortly after, the NCA declared in its own by-laws that it was an 'original constituent power', and therefore empowered to control, change, limit or dissolve the other branches of government. This was contrary not only to the decision of the Supreme Court but also to the referendum results.

The NCA had a fixed term of 180 days but in only 120 the draft, reforming the state and creating the Fifth Republic, was finished. It was ratified on 15 December 1999 within a referendum (with 72% in favour and the abstention of the 55%). Paradoxically, during the

4 Based on Article 181 of the Organic Law of Suffrage and Political Participation (LOSPP)

constitution-making process, there were no formal procedures to engage with citizen participation and the process was fully controlled by the government. The new constitution regulated many mechanisms of participation for the subnational and national level, including being the first in regulating the possibility of the direct recall of the president (Welp and Whitehead, 2020).

The constitution did introduce several mechanisms of participation at all levels, some intensively activated such as the local *Juntas Comunales* and different types of national referendums (mandatory, abrogative, initiated by citizens as well as by the authorities). But while the first were instrumentalised and increasingly controlled by the government (see Goldfrank, 2011; Hawkins 2010; Balderachi, 2015), the second were mainly activated from the top (Breuer, 2009).

The mechanisms of direct democracy (MDDs) at the national level were increasingly manipulated and finally prevented by the government (Welp and Ruth, 2017). There were nine bills submitted to referendum in Venezuela since the *chavismo* arrived to power. Four were mandatory (one to ratify the constitution in 1999 and the others to modify the constitution; two in 2007 and one in 2009), three top-down (two in 1999 to call for a constitutional convention and one in 2002, to change the labour unions internal regulations), and one bottom-up (2004), when the opposition collected signatures to activate a recall referendum oriented to remove the president from office. The recall activated against President Hugo Chávez by the Democratic Coordinator in 2004 had the support of the business sector as well as of several opposition parties. After a long and controversial process the referendum took place and Chávez was ratified with 59% of the votes (see Kornblith, 2005). Except for the 2007 bill oriented to reform the constitution (which despite being rejected did not prevent the introduction of most of the proposed reforms), the government's position did win in all these calls. Once the coalition in power consolidated control over the institutions, no more calls had been made while citizens attempts were prevented by default. This was particularly evident when the recall attempt against current president Nicolás Maduro was blocked despite having fulfilled all the criteria to be called (see Welp and Whitehead, 2020).

3.2 The case of Bolivia

The transition to democracy in Bolivia in 1982 had little effect on improving living conditions or generating institutional stability. Three presidents failed to complete their terms between 1985 and 2005 as a result of popular rejection. This led to a demand for a reform of the state that would involve the indigenous peoples in a country in which 62% of the population identifies itself as indigenous and 36 nationalities co-exist. Different to what happened in Venezuela and Ecuador, in Bolivia the constitutional replacement by a Constitutional Assembly had

been legally introduced when resolving the ‘gas war’ in 2003 (Massüger and Welp, 2013).

In 2005, Evo Morales (Movimiento al Socialismo, MAS) – first president of indigenous origin – obtained sufficient support to reach the presidency without the necessity of an intervention from Congress and the establishment of inter-party pacts and negotiations (also different to the lack of parliamentary support in Venezuela and Ecuador). The Convocation Law of the Constituent Assembly established that the goal of the assembly was to draft a new constitutional text and that the CA would not depend on or be subject to the constituted powers but at the same time would not interfere with their work. As well as determining the electoral process, this law established the majority required to pass the new constitution (two thirds of members present) and ruled that it must also be ratified by the people.

The election of assembly members was set for 2 July 2006. A referendum on the territorial autonomy was voted on the same day. Morales had begun by supporting the demand but later he and the MAS campaigned for a ‘no’ vote. The popularity of the demand for autonomy and the electoral system explains why, contrary to its expectations, MAS obtained only 51% of the vote (137 of 255 seats).⁵ In the Eastern regions, corporate interests represented by the conservative bloc PO-DEMOS dominated (de la Fuente Jeria 2010). In the rest of the country, candidates from the right were members of their respective parties, while candidates for MAS were determined by negotiations between the movement itself and associated social, rural, farmers and indigenous organizations. Another fourteen political entities, including minor parties and citizens’ groups, nominated candidates, typically the leaders of the respective organization.

The Constituent Assembly began a heated debate on the general rules. By mid-February 2007, when half the time allowed for drafting the constitution had elapsed, an agreement was reached: the full constitutional text would need to be approved by an absolute majority, while individual articles would be approved by two-thirds of all members present. Once running, the participation of different social groups in its vicinity was intense, but not in the recint. The Catholic Church, the police, the armed forces as well as international cooperation and the miners joined. However, several authors criticize the lack of debate within the Assembly and the overt racism (de la Fuente Jeria 2010). The territorial meetings, which saw the 255 assembly members

5 The referendum on autonomy exacerbated the problem of polarization. Despite the provisions of Article 2 of the law on convocation and the fact that the “yes” vote obtained a majority in the provinces of the eastern crescent (62.2% of the vote on average), opponents of autonomy, i.e. the MAS, argued that the “no” vote had prevailed because it had not only won in the west (with 63.3% of the vote on average), but – as the west is more highly populated – at national level as well (53.5% of valid votes) (Data from the CNE).

travel across the country to listen and present proposals, contributed to disseminate the work of the assembly but had little impact on the draft (Lazarte, 2008; de la Fuente Jeria, 2010). By the early summer of 2007 it was obvious that the AC was not going to approve the new constitution within the year's deadline that was established by the Convocation Law, so it decided on its own initiative to extend the deadline until mid-December (assuming the plenipotentiary powers it had rejected to assume in a previous agreement).

In August the old demand of moving the capital of the country from La Paz to Sucre re-emerged with force. The issue divided the MAS, which refused to introduce it into the Assembly, and this provoked a violent reaction from the people of Sucre (hitherto largely supportive of MAS), which had been hosting the AC. The Assembly was moved twice until finally, in December, the constitution was approved in a session that lasted for seventeen hours and in which only members from MAS were present. Even worse, the approved Constitution was later subject to revision by the executive and by congressional commissions, which changed 144 articles behind closed doors, without having the consensus or mandate to do so. After a year marked by conflicts over the issue of autonomy and a recall referendum in which Morales was re-endorsed as president by majority, the Constitution was ratified by referendum on January 25, 2009.

Amongst its innovations, the constitution defined Bolivia as a Plurinational state, introduced the full recognition of cultural diversity, the creation of indigenous autonomy, the defence of natural resources, and included many mechanisms of citizen's participation, including the direct recall of the president. Since then, at the national level five referenda were registered. Three were mandatory referenda and one a top-down initiative to ratify or remove the president and executives of departments (Breuer, 2009; Tuesta and Welp, 2020). When the indigenous movement mobilised to avoid the construction of a highway in the middle of a natural park (TIPNIS) the government answered with repression.

In 2016 Morales (in power since 2005) wanted to promote another re-election. His party had the majority in Congress but the constitution forced for a mandatory referendum if the constitution was to be changed. In a referendum, Morales proposition was defeated. However, he asked for an interpretation of the Human Rights charter claiming for his right to be re-elected. The Court, controlled by the government, accepted it. He run again in 2019 in an election that ended with social violence. (After one year of a controversial interim government, a new election took place in October 2020 and the MAS won, with a new candidate leader, Luis Arce, opening a new opportunity for Bolivian democracy).

3.3 The case of Ecuador

As in Bolivia, the convening of a Constituent Assembly in Ecuador was preceded by a period of deep crisis that involved all aspects of political life, including institutional fragility and instability. It also involved an economic crisis that was especially severe in the early years of the new century. These inauspicious circumstances were exacerbated by the tight control exerted by the so-called ‘partidocracy’ (*partidocracia*). The indigenous movement was organised and active and its political influence was on the rise (see Ortiz Crespo, 2008).⁶ In 2006, Rafael Correa (PAIS Alliance, Alianza País) won the presidency but his coalition did not present candidates for the parliament. Like Chavez, during the election campaign Correa promised far-reaching reforms by means of a constituent assembly activated by popular consultation.

Like in Venezuela, as the ruling constitution did not envisage its replacement by a constitutional assembly, a legal and political struggle between the former elite and the new government exploded. Following, Correa proposed a referendum. The Constitution granted the President the power to put matters that were, in his view, of vital importance to the country to a referendum but this explicitly excluded constitutional reforms. Despite the lack of a legal basis, the Congress, upon the request of the TSE called for an urgent consultation, suggesting a number of amendments to be made to the statute governing the establishment of a Constituent Assembly. The TSE, in contrast to its ruling of 2005⁷, resolved in favour of the president. Then, a majority of deputies decided to remove four of the seven members of the TSE from office. In response, the members of the TSE dismissed 57 deputies from the opposition parties, calling for them to be replaced by their “surrogates”. Finally, the President sent the police to prevent the dismissed members from accessing the Congress building, so their substitutes took their posts (see Massüger and Welp, 2013).

On 15 April 2007, the referendum gave resounding victory to the “Yes” camp, with 81.7 % of votes in favour of electing a constituent assembly and a turnout of 71%. But the institutional struggle did not end. A second question in the referendum had approved the statute to

6 CONAIE (the Confederation of Indigenous Nationalities of Ecuador, in Spanish the Confederación de Nacionalidades Indígenas del Ecuador) had become prominent in the political scene in the 1990s, becoming the mouthpiece of a popular political revival that rejected the neoliberal agenda.

7 On 20 April 2005, the new president, Alfredo Palacio, following the dismissal of Lucio Gutiérrez during the so-called “outlaws rebellion” (*rebelión de los forajidos*), issued an executive order (No. 705 of October 26, 2005) calling for a referendum on the establishment of an AC. But on that occasion the Supreme Electoral Tribunal (TSE) declared the decree inapplicable (Resolution of November 1, 2005), noting that the 1998 Constitution does not empower the President to convene a CA. The Congress, whom the president had requested to issue an urgent decree, did not enter the debate.

conduct the CA, vested with “full powers”. In its ruling of June 15th, the TC had stated that the attribution of “full powers” to the AC did not grant it the power to assume the competences of constituted powers, however, this was disregarded later.

In the election for constituents the victory of Correa’s supporters exceeded the most optimistic expectations, giving the PAIS Alliance a large majority (80 out of the 130 seats, with high levels of participation). On 29 November 2007, the CA assumed the powers and duties of the legislative branch of government and declared members of the existing Congress elected on 15 October 2006 to be in recess. All this was not only in violation of the ruling of the Constitutional Tribunal, but also of the Statute approved by citizens in the referendum. It also explains why the Assembly devoted a part of its work to drafting laws that are normally the remit of a regular legislature (such as a tax law, a law on the remuneration of public employees or draft laws on road traffic) (Conaghan, 2008).

As for citizen participation in the constitution-making process, a Social Participation Unit was created and three people were given the mandate to organise and systematise all the proposals and comments received. The number of participants and suggestions exceeded the expectations: some 170,000 visits were registered. Workshops and discussion groups with experts were also organised (Ortiz Lemos, 2013). The lack of resources and methods, on the one hand, and the tight control of President Correa on the other, meant there was limited pluralism within the assembly and the citizens participation had no major incidence in the draft (Welp and Soto, 2019).

The CA was given eight months to draw up the new constitution. After seven months, only 57 articles had been adopted in their final form, which led the president of the CA to extend the deadline by two months. But president Correa rejected the request, leading to the resignation of the CA’s president. With a new president of the assembly, 387 articles were approved within three weeks. On 28 September 2008 almost 76% of citizens with the right to vote came to the polling stations and approved the new Basic Law with 64% of votes in favour.

The new regulatory framework provided several mechanisms for citizens’ participation and had also expanded the rights of indigenous communities, as well as created a “fourth power” of control by society. During Correa’s government, in Ecuador 12 bills were submitted to referendum. One in 2007, to call for a Constitutional Assembly (top down), a second in 2008 to ratify the new constitution (decided by the assembly) and a third call included 9 questions in 2011, (some questions there were aimed at controlling the media and were internationally criticised). A last referendum took place during the elections of 2017, addressed to impede public servants from hiding money in fiscal paradises (as an attack on the opposition candidate). In all the cases the government’s position won, even though in some of the questions voted in 2011 the margin was quite narrow. Parallel to these top-down calls,

the bottom-up activations were prevented (one of the most remarkable was the initiative to avoid oil extraction near the YASUNI national park, however dozens of other proposals were also blocked, [see Tuesta and Welp, 2020]). Like in Venezuela, during Correa's government the calls have been mainly promoted top-down, from the President, and addressed to change institutions to increase his power. In 2018, with new president Lenin Moreno a new referendum was called to change the legal framework created by correism.

5. Conclusions

Through the overview of the constitution-making process in Venezuela 1999, Ecuador 2008 and Bolivia 2009, it is possible to observe that these constitutional processes included the direct ratification by popular referendum, the constitution-making bodies were directly elected by citizens and in two of the three cases (Venezuela and Ecuador) the decision to elect a constituent assembly was also decided by referendum. However, all three processes were marked by violations of the law, characterised by strong political struggles (including the intervention of the police and the military in Bolivia and Ecuador) and on several occasions even violated the regulations that were established ad hoc to manage the constitution-making process itself (the rules to conduct the assembly, in the three cases; the limits to the powers assumed by the CA). In theory, the assembly could not be sovereign. It is the people that transfer the exercise of sovereignty to their representatives. For this reason, the assembly had to respect the framework that the people established. The appeal to citizenry was clearly part of a strategy to resolve the power struggle and to overcome institutional constraints ("delegative democracy" in O'Donnell's terms).

Even if the three constitutions recognised second and third generation rights, e.g., with new notions of cultural and ethnic recognition, a wide range of participatory institutions and environmental protection, they also granted more powers to the executive and a reduction in the powers of the legislature, diminishing checks and balances.

Key for my argument is, that even though the discourse in favour of introducing participatory democracy was at the core of the original electoral campaigns, once initiated, the three constitution-making processes did not create mechanisms for these citizens' participation to have an influence on the draft. Finally, while presidents have made relatively frequent use of top-down referenda, citizens have rarely made use of these mechanisms (there is only one case in which they exercised their right to vote: The, quite controversial, recall referendum against Chávez in 2004.).

What can be concluded is that once these new coalitions consolidate their power, despite the institutionalisation of a wide range of mechanisms of participation, the most powerful ones were limited or

perverted, which shows that the problem of the status quo was replaced by the problem of a faction which appeals to the will of the people when instrumentally useful but ignores or prevents it when it is not in agreement with the government's options.

What I have try to show throughout these pages is that in societies with deep social divisions, observance of the law is weak. This does not relate specifically or only to Chávez, Correa or Morales, but is part of a long-running political game in which those who win change its rules in their favour. The defining feature in these cases is the support of citizens for a process of radical transformation. At the same time, once they had been initiated, the three constitution-making processes relegated citizens to the role of observers, while decisions were made by force of numbers (without attempting to seek agreement), the rules that had been agreed with public consent were modified and presidents became the main protagonists. I end by proposing that pluralism is crucial for democracy and can only be protected when there is a combination of autonomous citizens' participation and the rule of law, but also politics should allow to change things. It locates the argument at the borders of the primacy of the rule of law to understand that in some cases the status quo plays against the necessary renovation of democracy, but it does never justify the imposition by a faction in power.

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DISPLACING ELECTIONS IN THE 'JUMP TO THE MARKET': DISPERSED TRACES OF NEOLIBERALISM IN POLAND'S TRANSITION FROM SOCIALISM

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Abstract: Poland is often viewed to as a special case of transition from state socialism: it was early in developing counter-hegemonic forces and in forcing the regime into negotiations, but late with the conduct of foundational elections. This paper addresses the question of why and how democratic elections played this rather marginal role in early post-socialist Poland, in particular with a view to the role of political conceptions with a neoliberal genealogy that factored into those elections and their interpretation by politicians, theorists, and political commentators. Thereby, the article will discuss three such conceptions: the legacy of Milton Friedman's thoughts on elections and the competitive market, a legacy whose influence can be traced in the ways in which elections in Poland became imbricated with the 'shock doctrine'; the significance of a counter-hegemonic discourse on 'civil society' in Poland and East Central Europe that radically juxtaposed state and society, leaving virtually no role for elections as a legitimate and reasonable hinge between society and the political system; and the structural presence of neo-liberal frame conceptions that guided important critiques of the non-foundational and no-choice elections between 1989 and 1991. In conclusion, the paper suggests that the traces of neoliberalism in the processes that ended state socialism in Poland be understood in a twofold way: first, as doctrinal artifacts that could be connected to quite heterogeneous political motivations and serve both hegemonic and counter-hegemonic aims; second, as ideas that by far surpass the realm of economic policies or the economy as such, amalgamated as they are with fundamental axioms regarding human decision-making and social coordination.



Keywords: Poland; transition from state socialism; voting; democracy; elections; neoliberalism; uncertainty

1. Neoliberal imaginaries: The conjecture of voting and transformation in Poland

Poland is often seen as an exemplary case for the transition from state socialism for two reasons: first, because it relied on the institution of general competitive elections for a peaceful transformation as a vanguard (Nohlen/Kasapovic, 1996: 117); and second, because it was the country which most early and radically attempted to overcome state socialism through neoliberal ‘shock therapy’ (Przeworski, 1993; Klein, 2007).¹ The present paper addresses one particular dimension of this conjecture: namely, the significance voting was given in this process, by politicians and commentators, within a horizon of neoliberal transition envisioned not only as an economic but as a societal project. The paper thus builds on research critiquing the neoliberalism’s avoidance of democratic participation (for instance, Klein 2007), adding to it that neoliberalism was not only *restrictive* concerning democratic processes, but also *productive* in regard to politically conceiving of (and functionalizing) those processes in quite particular ways. Poland’s transition from state socialism stands out as a particularly apt example for the effects of the imaginative force that neoliberal arguments projected not only upon the political economy, but also upon society and political institutions – crucially including, elections and voting. I will argue that voting was introduced, conducted, and problematized within the horizon of a neoliberal imaginary, whose sources are important to understanding its power and its role in the Polish transition.

Democratic elections, referenda and plebiscites have faced regular criticism in Western political theory. This holds true in particular for the republican tradition, which tended to regard elections as deficient forms of political will-formation (Tocqueville, 1835; Arendt, 2006). Contrary to this theoretical tradition, which operates against the background of a normative notion of political participation, it is crucial to regard elections and practices of voting as basic forms of political inclusion, namely, as a fundamental modality of sense-making in modern societies. It is precisely in this sense that voting and elections are not the sole prerogative of democratic political orders. As political anthropology has shown, they can be historically traced in all sorts of regimes since Greek antiquity, and possibly even earlier and elsewhere (Flaig, 2013). In modernity, it was notably authoritarian regimes which emphasized elections, referenda, and plebiscites.

1 I would like to thank Sophie Schmäing and two anonymous reviewers for very helpful comments on earlier drafts of this paper.

Following Jessen and Richter (2011), one can argue that general elections belong to the core of conceptions of modernity, signaling an inclusion of society into politics together with the fundamental equality of individuals. Thus, analogous to the way Charles Taylor (1985, 2002) conceptualized elections as a forum for electoral practice which was informed, and at the same time fed back into, common understandings of voting as a practice ‘common’ for liberal democracies, elections in state-socialism carried their own imaginary, equipping individuals with a general sense of the political and societal conditions beyond their immediate everyday experience (Langenohl 2019). Along the lines of this theoretical and methodological angle, the present paper poses the question how neoliberal thought and conceptual elements were articulated in the ways that politicians, political theorists and political commentators – in Poland, but also internationally – understood and imagined the role of elections, voting, and democratic participation in Poland’s transition from state socialism.

With respect to the institution of general and competitive elections, Poland in fact represents both a vanguard and a laggard case: vanguard as the first country (in February 1989) to initiate negotiated political change through ‘roundtable’ discussions whose results, including new election regulations, were put to the parliament for legislative vindication; laggard as it was among the last countries in East Central Europe to hold foundational elections (in October 1991, Nohlen/Kasapovic, 1996: 117–118). While this asynchronism might be explained with considerations of both parties to the roundtable that, given the overall situation of large scale change, any election regulations should only be temporary (Ibid.), it led to a kind of legal limbo during which elections (the Sejm elections of 4 and 18 June 1989, local elections of May 1990, presidential elections in November and December 1990) were likened by political observers not to a foundational moment but rather to a “plebiscite” for a radical democratization of the country and its parliamentary system (Ibid.: 118–119). In the meantime, the new government, including finance minister Leszek Balcerowicz, had launched a large-scale pro-market reform plan, the ‘Balcerowicz Plan’, which was implemented on 1 January 1990 and is characterized by Adam Przeworski (1993: 145) as “the most radical program of pro-market transformations attempted anywhere.” Yet, economic policies did not play a significant role in the run-up to the parliamentary elections 1989, and the following elections of 1990s and 1991 demonstrated to the population that the reform plan was not up for negotiation: “Most observers read the results of the presidential elections [of November–December 1990] as a defeat of the Balcerowicz Plan, and survey studies show that people opposed to the plan were more likely to vote for Wałęsa and against Mazowiecki. Yet Balcerowicz kept his position in the new government, and his reform program was pursued without major modification.” (Ibid.: 180)

This constellation can thus be formulated as a paradox: The electorate was given access to participate in state institutions, but not in state politics, as least as far as economic policies were concerned; and as the elections of 1989 and 1990 were not founding elections, they were conducted under the proviso of preliminariness. Poland thus emerges as a case of the transition from state socialism that is significant in a twofold way: It held elections that were doubly handicapped, while ‘jumping to the market’ without any real democratic legitimacy.

In essence, this paper argues that the conjecture between the non-legitimated pro-market reforms and the twofold retrenchment of general elections in late state-socialist Poland can be traced back to the emergence of a neoliberal imaginary couching voting in its own terms since the 1970s. Thereby, the notion of ‘neoliberal imaginary’ should not be misinterpreted as heralding any sense of ideological homogeneity and consistency. Rather, I will argue that conceptual components of neoliberal thought were, in a dispersed way, mobilized in the transition of Poland from state socialism to liberal capitalism, and that the elections in the period between 1989 and 1991 functioned as points of crystallization and condensation of these dispersed ideological tendencies and dispositives. Most importantly, they rendered neoliberal conceptual elements operable not only in terms of economic policies (known as ‘shock therapy’), but as conceptual frames for conceiving of political decision making and social coordination during the transition period.

I will first reconstruct Milton Friedman’s view, who for major oppositionists and later reform politicians in Poland was a towering intellectual figure, on participatory democracy as an order that has not elections, but the competitive market at its center. This section puts the emphasis on the fact that neoliberal thinking does not satisfy itself with recommending competitive markets as blueprint for the totality of society, but conceives of itself as a theory of *political* participation (section 2). Then, the presence of neoliberal ideas and impulses in oppositional circles, yet also within the camp of the communists, in the course of the 1980s will be discussed and connected to the emerging emphases on the role of ‘civil society’ in the transition from authoritarian rule since the 1970s. The major point made in this section is that the juxtaposition of state and society as presented in oppositional discourse, and sometimes also in political conceptions associated with the state, offered a certain proximity to neoliberal conceptual elements that contributed to displacing elections as a normatively relevant link between state and society (section 3). Last, an analysis of political commentary on the Polish transition from state socialism will reveal a presence of the sources of neoliberal thought even in those strands of the debate that, based on their analysis of elections and voting in 1989 and 1990, were critical of the ‘jump to the market’ (section 4). In conclusion, it will be argued that the neoliberal imaginary in the Polish transition was overdetermined: while having multiple and

thus contingent sources, at the same time the neoliberal imaginary installed ‘uncertainty’ as a major normative vehicle for conceiving of, and driving forward, the societal transition and the role of democratic voting in it.

2. The ‘market as participation’: The intellectual legacy of neoliberal transformation

The ‘jump to the market’ reform agenda was no invention of Jeffrey Sachs, whose support of the Polish reformers gave birth to the notion of “shock therapy” (Klein, 2007: 177). It can be traced back to Milton Friedman, a foundational figure in the discourse of neoliberalism and, according to Leszek Balcerowicz, one of the “main intellectual architects of my country’s liberty” (quoted *ibid.*: 171), whose opinion on democracy arguably informed salient characteristics of that agenda. Friedman advocated installing competitive markets in virtually all sectors of society, allegedly as a superior modality of social coordination. This aligned him with his mentor Friedrich von Hayek (1948), who claimed that social coordination is most effective with respect to the allocation of goods, services, and general wellbeing when it resembles a competitive market. As social reality is too complex to be knowable by any single actor or institution because it emerges from countless decisions taken by countless individuals, only a competitive market is capable of accounting for all the dispersed pieces of information left by individuals’ actions. It transforms them, through the mechanism of demand and supply, into a fully convertible idiom, which is price, that can be deciphered by any individual and institution and thus orientate and inform any action. Friedman’s influence on the intellectual and institutional formation of neoliberalism as a distinct political and economic agenda cannot be overestimated (Burgin, 2012: 152-213), and it also informed the development of public choice theory which became important in the transitions from state-socialism, notably in Poland (see section 4). Moving beyond Hayek, Friedman applied the claim of the competitive market as a superior way to coordinate action and allocate resources to concrete policy fields, notably education, arguing that the market mechanism enables individuals to participate in society much more effectively than any formal political institution could do – crucially including democratic elections.

In this respect, Friedman argued that market participation is a much more effective and less forced modality of participation in society, and thus preferable to political elections. The competitive market appears as the most uncompromisingly representative institution:

“The characteristic feature of action through political channels is that it tends to require or enforce substantial conformity. The great advantage of the market, on the other hand, is that it permits

wide diversity. It is, in political terms, a system of proportional representation. Each man can vote, as it were, for the color of tie he wants and get it; he does not have to see what color the majority wants and then, if he is in the minority, submit.” (Friedman, 1962: 15; cf. also *ibid.*, p. 13)

Markets offer a virtually unlimited choice of options and alternatives to choose from, as opposed to “explicitly political channels”, where, like in elections, the “typical issue must be decided ‘yes’ or ‘no’; at most, provision can be made for a fairly limited number of alternatives.” (Friedman, 1962: 23) From this concept it follows that the realm of genuinely political action – understood as action requiring political institutions of coercion, to which Friedman counts majority elections – should be as limited as possible, because genuine political action inescapably leads to imposition and conflict. In the ideal case, political action should be restricted to “indivisible matters – protection of the individual and the nation from coercion are clearly the most basic –” where “we can discuss, and argue, and vote.” (*Ibid.*) In other words, voting, as it belongs to the realm of “explicitly political channels”, is justified only in exceptional cases where the spontaneous order of the competitive market does not function. Yet even so, those “channels” are viewed by Friedman not as basic institutions but merely as “inevitable” (echoing Tocqueville’s [1835: 60] notion of majority elections as “necessary evil”), tending to “strain the social cohesion essential for a stable society” due to their proneness to create division and conflict (Friedman, 1962: 23).

Friedman thus separated the notion of democratic participation from that of voting: “The free market is the only mechanism that has ever been discovered for achieving participatory democracy.” (Friedman, 1994: 2) In other words, as Friedman subordinated ‘participatory’ agency under competition, he juxtaposed it as well with the logic of political institutions. Yet, through precisely that juxtaposition Friedman interrelated markets and elections as both being institutions that are politically and democratically significant. The important point to make here is that Friedman might have become such a great inspiration for Balcerowicz and other transitional politicians in Poland (cf. Klein, 2007: 179) by dint of his vision of competitive markets as a superior modality of political freedom and participation, and not only as the advocate of an economic vision that took the most radical oppositional stance toward state socialism. More specifically, Friedman related the market to the core democratic practice of elections, thus not only equipping the market with democratic dignification, but also, and crucially, rearticulating the functional location of voting in a liberal democracy.

3. Crafting the experience of a 'self-limiting revolution' in East Central Europe: society and state in political activism and political theory

Friedman also preordained the juxtaposition of state and (civil) society that became so influential in the formulation of transition agendas in the 1970s and 1980s, even as not every single one of these agendas shared Friedman's view of the competitive market as the superior modality of social coordination (Cohen and Arato, 1992: 33–34). In the 1980s, political theory in the West began to pay attention to an activist discourse and practice in East Central Europe, most notably in Poland, Czechoslovakia and Hungary, in which societal actors forced institutions of the authoritarian states to retreat from some of their power claims without trying to 'take over' the state. The theory of civil society was thus reanimated through what seemed to be, in Jacek Kuroń's formulation (Ibid.: 32), a 'self-limiting revolution'. This section will look at how this discourse built up some proximity to neoliberal thought, while also paying attention to the role of the state and the Communist Party in effectively, if involuntarily, strengthening it; and also, how it was reflected, and partly vindicated, in generalizations about 'civil society' and the 'self-limiting revolution' in political theory.

The discourse on 'civil society' as a sphere of social activity that can attain autonomy even under the conditions of a repressive state and party apparatus gained traction in the late 1970s among oppositional groups. It was an intellectual response to a situation in which, as a response to hardening political oppression and worsening economic conditions, hopes that the party and state could be changed from within toward more democracy and freedom were laid to rest. At the same time, as most notably epitomized in the formation of the "Committee for Workers' Defense" (KOR) in 1976, intellectuals, student activists and representatives of the Catholic Church extended gestures of solidarity with workers' protest activism (Ekiert/Kubik, 2001: 38). Thereby, the intellectual exchange spun transnational networks across Central Eastern Europe, most intensely between Poland, Hungary, and Czechoslovakia (see the contributions in Deppe et al., 1991 as well as Szulecki, 2019: 87–117). An important early manifestation was a joint 1979 Czechoslovak-Polish publication "On Freedom and Power". As Steven Lukes summarizes the spirit of that collaboration, "The Poles, in a sense, saw the Czechoslovaks as helping to develop the theory for their emerging practice – and the debate was continued by Adam Michnik and others in Poland." (Lukes, 2009 [1985]: 2) One of the most important references was Václav Havel's (2009 [1985]) "The Power of the Powerless", in which he juxtaposed the ideological power of the party/state apparatus with a social form of power that resides in everyday consciousness, interactions and solidarities that escape the radar of the state's reconnaissance machinery: "The effective range of this special power cannot be measured in terms of disciples,

voters, or soldiers, because it lies spread out in the fifth column of social consciousness, in the hidden aims of life, in human beings' repressed longing for dignity and fundamental rights, for the realization of their real social and political interests." (Ibid.: 22-23) For Havel, this power constituted the "independent life of society", at once crystallizing as a moral force (a "relatively high degree of inner emancipation") and as a principle of social organization: "It includes everything from self-education and thinking about the world, through free creative activity and its communication to others to the most varied free, civic attitudes, including instances of independent social self-organization." (Ibid.: 39) These manifestation of society's independent life were morally marked by Havel as "living within the truth" (Ibid. *et passim*), for which he found the much-quoted allegory of the greengrocer who, realizing his ideological complicity with the regime, "stops voting in elections he knows are a farce." (Ibid.: 21)

Havel's manifesto thus aligns elections, like all other institutions designed by the state to include the population into its power structure, with the project of, in his terms, 'post-totalitarian' authoritarianism. This argument was not only replayed in many contributions to the oppositional debate across East Central Europe, but also, according to Jan Kubik's (1994) analysis, helped consolidate the oppositional discourse in Poland that eventually crystallized as the Solidarity movement. For instance, analyzing the ways that the Pope's visit to Poland in 1979 was discursively framed by the authorities and how it was taken up by the population in a way that openly contrasted with the official version, Kubik highlights the popular experience "that civil organization of the society *outside* the state was possible" and that "the realization that national community can be defined *outside* the Communist state reached all sectors of society" (Ibid.: 145, emphases in the original). Thereby, the discourse on civil society, with its focus on societal self-organization and the difference between society and state, oscillated between two emphases, also reflected in the sociological and conceptual literature: first, an emphasis, also as a tendency shared by Kubik, on the formation of an oppositional societal *identity* vis-à-vis the state (Tatur, 1991); and second, an emphasis on the inner *plurality* of civil society, with the political rationality to prevent any single social force from taking total control over society (Dubiel, 1994). Both emphases, however, underwrote a skepticism regarding the potential role of elections as an interface between society and political system.

While the discourse on civil society and the confrontation between state and society engaged in by oppositional activists in East Central Europe has been broadly covered in the research literature (see, for instance, Cohen/Arato, 1992, Dubiel, 1994, Ekiert/Kubik, 2011), more recent research literature specifically looks at the presence of neoliberal ideological elements in that discourse. Neoliberal groups, who gained in number and influence within the oppositional movement in Poland in the course of the 1980s, had their specific vision of a society

emancipated from the state, namely, through a self-regulating market, which effectively relegated 'democracy' to something which must be hedged to start with. Bohle and Neunhoeffer (2006: 97) quote historian of liberalism Andrzej Walicki that a neoliberal critique of the Solidarność movement organization pertained to its ignorance of "the desirability of *limiting the scope* of all political power, including democracy". Thus, the discourse on civil society, in its neoliberal variety, instead of advocating a limitation of state power in any unitary way, instead could materialize in rather different forms, which however had as a common denominator an insistence on a free market economy as a political good. For instance, expressing an outright antagonism between demands for more democracy and demands for a competitive market, philosopher Mirosław Dzinski recommended the party in 1980 to introduce a free market economy in order to be able to avoid political democratization (Peters, 2020: 113). Roughly ten years later, Donald Tusk insinuated that "free elections" needed to be limited in their effects by "civil rights, where the priority of persons over institutions will be recognized [...] and where liberty stems from private property." (quoted in Bohle and Neunhoeffer, 2006: 100)

The figure of a necessary distinction between state and society, or 'civil society', could indeed be appropriated in rather diverse ways – also in ways that actually *strengthened* the position of the state. For instance, during the 1980s sociologist Jerzy J. Wiatr was working on a conception of civil society for the party that would offer the opposition some freedoms regarding foundations and voluntary associations while reserving political power for the state alone – an idea that, according to Florian Peters, was "quite in agreement with contemporary neoliberal conceptions" (Peters, 2020: 117, my translation). During the introduction of shock therapy to Poland, then finance minister Balcerowicz claimed the period to be one of "extraordinary politics" (quoted in Klein, 2007: 181) which of necessity had to be "antithetical to the Solidarity vision [of a socialist market economy] in both content and form" – as Klein characterizes it, "a democracy-free pocket within a democracy." (Ibid.)

Thus, the rise of neoliberal thought and political rationalities in the course of the 1980s was embedded in a general oppositional stance of antagonism between an authoritarian state and (civil) society. Yet, along with reducing the idea of a 'free society' to that of a free market, those ideas and rationalities also introduced the crucial tendency to devalue elections because they were seen (in total agreement with Friedman's arguments) as a political institution that per se needed to be hedged and limited. This reasoning left elections without any particular worth that deserved to be protected; and as Balcerowicz's political diagnoses of "extraordinary politics" confirmed, the priority was seen to consist of the substantial processes of pro-market reforms, which could ironically only be guaranteed by state (i.e., legislative) action, not through the democratic legitimation of such reforms.

While the remarks so far have covered the field of political *agency*, it is striking to see how discussions in political *theory* about the notion of ‘civil society’, which crucially referred to the East Central European experience of the late 1970s and 1980s, display a certain tendency to efface the political significance of elections as an interface between society and polity, too. Even where it was critical of pro-market reforms, the civil society discourse advocated an irreducible own-logic of society as a political entity that actually could well be fitted into the project of neoliberal transformation with its deliberate bypassing of the state as a crucial seat of the own-logics of the political. In order to demonstrate this, I refer to Cohen and Arato’s work (1992), which can be regarded a major attempt to rethink political theory from the perspective of societal actors, thereby encompassing discursive and political constellations in western democracies, newly democratizing societies in East Central Europe, and political orders emerging from authoritarian rule in South America. They start out with an affirmation of the argument that transformative impulses are unlikely to come from authoritarian states, but presuppose the agency of social movements and ‘civil society’ organizations. This observation is then discussed within a differentiation-theoretic framework known from sociological theory of modern societies, which accords different procedural and substantive imperatives to different societal spheres, such as the political system, the economy, and society. The question of democracy, according to Cohen and Arato, thus has to be placed within an argument that modern societies cannot achieve a structural totality, but are heterogeneous entities. Accordingly, their rendition of the discussion on the ‘self-limiting revolution’ in Poland since the 1980s capitalizes on the juxtaposition between state and civil society that Polish oppositional intellectuals saw as their basis of political mobilization and regime change: Instead of attempting to capture the state through a popular revolution – an attempt which was paradigmatically aborted by military force in Hungary of 1956 – their strategy consisted in wresting away leeway from the state, thus locking it into a circumscribed and predictable position of political power over society. Although Cohen and Arato diagnose problems in this discourse – for instance, the unresolved question in the Polish case of how civil society might relate to different economic regimes and forces (Ibid.: 31–35) – they arrive at a panorama in which the East Central European experience of transition from state-socialism sees civil society assigned a role where it works to limit both market forces and political institutions, including that of democratic decision-making (Ibid.: 488). Their vision for a further refinement of liberal democracy is thus a limit on market forces and on democratic decision-making that is guarded by civil society, conjoining an insistence on rights, public communication and associational life (Ibid.: 470–480).

While it is the undeniable merit of Cohen and Arato's work to synthesize political experiences with democratization in a virtually global way, they tend to problematize East Central Europe, and especially the Polish transition, in a way that heavily borrows from the experience of and intellectual reflection upon already established democracies. Hence, they warn that the experience of East Central Europe cautions against the dual threat of totalitarianism and populism, thus rendering the state as both a potential origin of domination over society as well as a potential victim of societal forces threatening to take it over. Against the background of this insistence of necessary *boundaries* between state and society, institutional *interfaces* between them, like elections, can hardly conceptually or normatively materialize. Instead, Cohen and Arato (ibid.: 503, original emphasis) side with Charles Tilly's view that "[e]lectorate politics thus offers an incentive to social actors to select the demonstration, public meeting, and strike as modes of collective action," and conclude that "*civil society* has become the indispensable terrain on which social actors assemble, organize, and mobilize, even if their targets are the economy and the state." Even as they critique Tilly's focus on the "political public sphere" as one-sided because it chiefly focuses on the ways that civil society actors watch and problematize power dynamics within the political system (ibid.), by not coming back to the question of the role of elections and voting, they effectively reduce elections to an epiphenomenon of the projection of state power over society. The juxtaposition of civil society and state thus tends to obliterate the significance of elections and voting as a crucial device in society's political *constitution* and *imagination* – and, as must be added, in particular for societies in a transition to democracy for which voting and elections are paramount devices of collectively constituting the political and of imagining the future.

Concluding this section, I wish to stress, first, that the juxtaposition between state and society had great currency not only among oppositional groups in East Central Europe since the 1970s, but even captured the imagination of the holders of power who tried to use it, if somewhat bizarrely, as a justification for limiting democracy. Second, that juxtaposition lent itself as a fertile intellectual ground on which ideas of the superiority of competitive markets in collective decision-making could be cultivated alongside the conviction that general elections cannot be of much significance for the constitution of a 'post-totalitarian' polity. For both oppositional activists and political theorists, 'civil society' had the significance of a realm of *autonomy* from political tutelage that could easily be aligned – without that being a necessary corollary – with ideas of unhampered market circulation; while the notion of elections, as epitomized by Havel's figure of the greengrocer, smacked too much of ideological ritual in order to be associable with the ambitions of autonomy.

4. Critiquing the ‘jump to the market’: Elections, uncertainty, and public choice theory

Cohen and Arato’s work was, arguably, not the only critical appraisal of transitions from state socialism. However, with respect to the way it displaced elections as a core driver of transition while accepting the necessity of a fundamental separation between state and society, it can be compared to other forms of skepticism towards elections and voting as a fundamental form of interrelating society and politics. Most profoundly, if ambivalently, this skepticism was articulated by political commentary that operated within an idiom of public choice theory. Public choice theory, which had been applied to working out dilemmas of democratic political processes within a rational choice framework in the political and economic reforms in Latin America and Eastern Europe, informed influential assessments of those reforms. Turning to a prominent protagonist of public choice analysis, this section reconstructs Adam Przeworski’s critical writing about pro-market reforms and elections in Poland of the transition period as an articulation of neoliberal conceptual elements as present even in fierce critiques of ‘shock therapy’ such as his.

Public choice theory was developed in the U.S. during the 1960s. It was designed as a libertarian alternative to Kenneth Arrow’s social choice theory, which was interested in developing a notion of collectively rational action, and became applied to the question of the governance of a democratically constituted society (cf. Amadae, 2003). Unlike Arrow, Buchanan and Tullock (1962), in a groundbreaking publication titled “The Calculus of Consent”, argued that any notion of rational action can only be applied to the level of the individual, and hence must proceed from the basic axiom of a rationally deciding, utilitarian individual acting only according to his or her genuine preferences. For the question of decision making in a democratic society, this implied a skeptical view in particular for the institution of majority voting. According to the authors, major political decisions – like, for instance, the introduction of redistributive policies – cannot be based on a simple majority decision because, as Amadae (2003: 142) puts it in her reconstruction of public choice theory, it “incurs too much cost for a rational agent who seeks to avoid the negative repercussions of unfavorable policies. Instead, Buchanan and Tullock advocate near unanimity in collective decisionmaking at the level of constitutional design to best serve individuals’ interests.” Moreover, they proceed from a theoretical model which axiomatically implies that rational actors act largely in uncertainty, or ignorance, about other individuals’ preferences (Buchanan and Tullock, 1962: 126) – a point which, according to Amadae (2003: 143), “obliterates the concept of ‘the public’ as a meaningful category for analysis”. This was echoed, and even enforced, by an early version of John Rawls’s “A Theory of Justice” which constructed a primordial scene in which rational individuals, deciding

about a constitution for the polity, act from within a ‘veil of ignorance’ (Ibid.: 150).

Public choice theory thus formulated a rational choice idiom of the constitution of a democratic polity. It was skeptical of majority voting as most election outcomes would leave too many individuals with suboptimal utility – a reason to not participate in elections or to subvert their results. Consequently, public choice theory also replaced an understanding of political constitution as the formation of a polity in which individuals could publicly participate with a vision of a polity consisting merely of legal restraints on individual utility.

These theorizations informed political scientist Adam Przeworski’s (1991) fear that what had been defeated in Eastern Europe was not “Communism” but “the very idea of rationally administering things to satisfy human needs – the feasibility of implementing public ownership of productive resources through centralized command; the very project of basing a society on disinterested cooperation – the possibility of dissociating social contributions from individual rewards.” To this fear he joined another one, namely, that that idea, born as is had been out of ideological conviction, was being replaced by another “blueprint developed within the walls of American academia and shaped by international financial institutions. [...] Replace ‘nationalization of the means of production’ with ‘private property’ and ‘plan’ with ‘market,’ and you can leave the structure of the ideology intact.” (Przeworski, 1991: 7) While obviously referring to the Balcerowicz plan and the influence of the ‘Chicago boys’, it is impossible to ignore the allusions to Milton Friedman’s views on the conduciveness of libertarian liberalism in Przeworski, who declared his social democratic inclinations explicitly (Ibid.). Przeworski thus emerged as a major critic of what he termed the “neoliberal fallacy” (Przeworski 1992) that tried to usher in competitive markets and privatization with “excessive ideological zeal” (Ibid.: 47). And yet, a few pages later in his monograph, Przeworski comes up with a theory of democracy that is foundationally based on the notion that democracies differ from other political orders through the mechanism of “competition”, echoing some of Friedman’s (and Hayek’s) hypotheses concerning the competitive market mechanism:

“[I]n a democracy all forces must struggle repeatedly for the realization of their interests. None are protected by virtue of their political positions. No one can wait to modify outcomes *ex post*; everyone must subject interests to competition and uncertainty. [...] Democratization is an act of subjecting all interests to competition, of institutionalizing uncertainty. The decisive step toward democracy is the devolution of power from a group of people to a set of rules.” (Ibid.: 14)

The point about this set of rules is that it guarantees uncertainty, not in an ontological sense, but in a perspectival sense: following Aumann, Przeworski argues that

“[t]he appearance of uncertainty is necessarily generated by the system of decentralized political decision making in which there is no way to be sure what others think about me. An omniscient observer could determine the unique outcome of each situation, but no participant can be an observer, because the observer’s theory need not be universally shared by other participants.” (Ibid.: 45)

In other words, the perspective of an observer is purely hypothetical and irrelevant for the political process: “Democracy is thus a system that generates the appearance of uncertainty because it is a system of decentralized strategic action in which knowledge is inescapably local.” (Ibid.: 49)

The neoclassical underpinnings of this argumentation clearly aligns it with Hayek’s notion that only the competitive market, through the price mechanism, is able to effectively coordinate social action as all market participants are restricted in the information available to them to their local contexts. Moreover, the legacy of public choice theory becomes evident when taking into account the game-theoretic way that Przeworski models democratic competition along the lines of non-cooperative prisoner dilemma models (Ibid.: 29, 43; cf. Amadae, 2015). Considering the roots of Przeworski’s argumentation in public choice theory and game theory and their neoclassical intellectual ramifications, it is not surprising that, for Przeworski, democracy, if consolidated, provides the epistemologically most reliable framework for coordinating action, because “Institutions replace actual coercion with a predictable threat.” (Przeworski, 1991: 27) This he terms an “equilibrium”, which makes disappear “the distinction between the rulers and the ruled” (Ibid.: 26, quoting Montesquieu). Democracy, in his famous phrase, is consolidated when it “becomes the only game in town” (Ibid.). Accordingly, in his 1991 monograph, Przeworski is mainly interested in the likelihood and the potential setbacks of such consolidation of democracy under the conditions of a market transformation. In other words, what bothers him is the potentially negative impact of radical market reforms on the consolidation of democracy as modeled after a competitive market.

This is obviously paradoxical. Przeworski, using public choice theory and game-theoretic methodology that places the mechanism of competition at center stage, is skeptical of the rapid introduction of competitive markets in Eastern Europe. In a later publication focusing on Poland, Przeworski (1993) is able to observe the initial years of the ‘jump to the market’, discussing the role of elections and the way they mediated the relationship between political actors and the electorate. On the one hand, he concludes that economic state policies between 1989 and 1991 featured a pro-market activism that first did not account for potential welfare problems ensuing from the radical introduction of market mechanisms, and then held on to those reforms even as the reform policies were widely disputed in the Polish public. Instead of

introducing welfare packages into the reform agenda, privatization was introduced as “the final wonder”, igniting entrepreneurship, battling bureaucratic excesses, “creat[ing] a middle class” and shielding the state from companies’ interests (Przeworski, 1993: 168). The ‘jump to the market’, in his analysis, is thus revealed as an ideologically driven project of creating competitive economic markets that shunned any state-initiated social reliefs, and when critiqued, was only intensified. On the other hand, due to the irresponsiveness of the market reforms to public political challenges, implying that the market course was not corrected even as administrations and presidencies changed, “citizens were taught that they could vote but not chose, the legislature was trained to think that it had no role to play in the elaboration of policy, and the nascent political parties and trade unions were taught that their voices did not count.” (Ibid.: 180) He concludes that “The policy style with which reforms were introduced and continued had the effect of weakening democratic institutions” (Ibid.).

In the absence of a competitive market order as in the late People’s Republic, the introduction of such an order would probably have to be counted among Friedman’s (1962: 23) “indivisible matters” that coercively change the frame conditions under which people have to act, and about which “we can discuss, and argue, and vote.” Przeworski’s diagnosis is that discussion, argumentation and voting over the market reforms did take place in Poland, but that voting was effectively disconnected from discussion and argumentation because the electorate “could vote but not chose” (see above), as the different political actors did not come up with real alternative options to the market reforms. They shied away from that political uncertainty which, according to Przeworski, is the basis for a stable democratic order, while at the same time exposing the electorate to existential uncertainties due to their ignorance of welfare considerations (Przeworski, 1993: 180–182).

Przeworski’s comments boil down to the argument that elections serve the function of constituting and increasing political uncertainty, not as a means of popular participation in the political process. Instead, voting interconnects society and polity through society becoming an, in the final instance, incalculable risk for political actors. We can depict here yet another variation of the theme of the confrontation between state and society that so shaped discussions in and on the Polish transition. The normativity of this argumentation, which envisages uncertainty as a societal check on political actors and institutions, becomes evident from Przeworski’s critique, referred to above, of the ways that political actors in Poland chose to deal with uncertainty: namely, instead of embracing political uncertainty by taking opposing sides in elections, to pursue a ‘reform’ policy despite all its inner contradictions and the social distress it causes, and thus to transform political uncertainty into social, existential uncertainty. This process is likened by Klein (2007: 181) to “Friedman’s crisis theory: the disorientation of radical political change combined with the collective fear generated

by an economic meltdown to make the promise of a quick and magical cure – however illusory – too seductive to turn down.” This also modifies the juxtaposition between political system and ‘civil society’ that both the civil society discourse and the neoliberal celebration of the market as the true seat of participation underwrite: Instead of having (civil) society gain back leeway from the political system, the political system emancipates itself from society by presenting it with no-alternative market reforms – Balcerowicz’s “extraordinary politics” (id.). Elections play the role of enforcing this self-immunization of the political system, as they clearly show that they make no difference.

Analyzing the structure of legitimation of capitalist political-economic systems, Boltanski and Chiapello (2005) have argued that capitalism has proved its capability to reproduce itself through incorporating critiques directed against it. In their prominent example, neoliberal capitalism rolled out in the course of the 1970s had incorporated the ‘artistic’ critiques of absent self-actualization and individual autonomy that social movements of the 1960s had directed against postwar capitalism. Przeworski’s critique of the ‘jump to the market’ is an example for a comparable dynamic, as he criticizes the introduction of neoliberal economic policies through ‘shock therapy’ from the point of view of a political decision theory that itself bears the marks of neoliberal thought (through joining the centrality of competition with the argument of actor’s limited knowledge). Neoliberal economic policies can thus be critiqued in the name of a neoliberal theory of political constitution. The price that Przeworski pays for this, however, is a view on elections as a mere environment for strategic political actors that precludes the possibility to view them as instances of political constitution.

5. Conclusion: Elections and the politics of uncertainty

In conclusion, I argue that neoliberal conceptions, arguments and rationalities were instrumental in displacing any understanding, be it that of political actors, political theorists, or political commentators, of the role of democratic voting in the Polish transition from state socialism as an act of political *foundation*. This tendency was overdetermined, in the sense of having multiple sources that, although interlocking, were yet in each case contingently situated. For instance, it has been pointed out that ‘shock therapy’ was not a mono-causal result of a neoliberal dogma that had gained transnational hegemony, but that it emerged from the consolidation of epistemic communities in Poland as well as from struggles about the possible future of market socialism in the country (Bohle and Neunhoeffer, 2006; Peters, 2020). Mirowski and Plehwe (2015) remind us that neoliberalism should neither be perceived too narrowly as a unified theoretical and ideological

edifice, nor too widely as an all-encompassing concept whose overuse threatens the loss of its distinctive force. In the light of this reminder I contend that the role of the elections that accompanied Poland from state socialism to liberal capitalism was that of a point of crystallization where conceptual and ideological components of neoliberal thought were mobilized for political ends, where they found fertile ground in the narrative of society-against-the-state, and where they lent themselves in order to critique concrete economic policies from a perspective that itself put neoliberal thought to work.

Taken together, however, these heterogeneous tendencies powerfully translated democratic voting and elections as an *uncertainty* that institutionally and imaginarily informed, or ought to inform, the political process. In epistemological terms, Friedman's understanding of 'participatory democracy' as a competitive market was based on Hayek's conviction that no social or political institution, apart from the competitive market, can effectively perform social coordination because all individual actors rely on strictly localized knowledge, thus operating under conditions of perspectival uncertainty. Inasmuch as this reasoning informed parts of the Polish opposition, who were able to further develop it in antagonistic cooperation with the party apparatus to effectively rule out the alternative project of market socialism favored by the constituency of Solidarność (Bohle and Neunhoeffer, 2006) and embed it into a wider discourse on 'civil society against the state', democratic elections were seen as belonging to the realm of the political, and hence as in need of being hedged and limited. During the phase when legislation introduced 'shock therapy', elections – instead of re-founding the Polish polity – were used to push through pro-market policies. Their role was not to set a new political scene or to make collectively binding decisions between clear alternatives (as these alternatives were absent), but rather to add to the general sense of crisis, disarray, and lack of political orientation in the population. This passing on of the uncertainty that elections confront political actors with to the population was, ironically, at odds even with public choice informed analyses which also capitalized on the epistemological significance of the uncertainties of democracy for the political process, as echoed in Przeworski's (1993) bitter commentaries – which are thus highly informative reflections on the limits of portraying voting in terms of uncertainty even from within rational choice theory.

Thus, the displacement of voting hinged on the stipulation of uncertainty as a frame condition for processes of political coordination. If understood as the major connecting link between society and polity, as is the case in neoliberal libertarianism, in public choice theory, and in the politics of governing neoliberal transition, uncertainty rearticulates voting as a socially and politically significant practice. This is how I regard the articulation of voting in neoliberal terms. It is not merely an almost allergic avoidance and restriction of democratic procedures, as Klein (2007) notes, but a, with Michel Foucault, 'productive' rendition

of power *through* such procedures, as clearly seen by Przeworski. The invocation and increase of uncertainty in democratic elections is thus a peculiar way of passing the uncertainty of political actors in a democratic order on to society – a revenge, as it were, for the fundamental democratic discontinuity between society and political system that Claude Lefort and Marcel Gauchet (1990) spoke of. As the example of the late People's Republic of Poland shows, such situations can be used to implement transformative agendas of absurd radicalism, through preventing democratic elections from making any real difference.

In the final analysis, this paper suggests that the traces of neoliberalism in the processes that ended state socialism in Poland be understood in a twofold way: first, as doctrinal artifacts concerning the societal and political centrality of a free market that could be connected to quite heterogeneous political motivations and serve both hegemonic and counter-hegemonic aims (as visible in the mobilization of the juxtaposition between state and civil society); and second, as ideas that by far surpass the realm of economic policies or the economy as such, amalgamated as they are with fundamental axioms regarding human decision-making and social coordination.

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UNITED NATIONS COLONIAL COMPLICITY IN DECOLONIZATION REFERENDA: UN-SUPERVISION OF THE 1956 REFERENDUM IN WESTERN TOGOLAND

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Abstract: The 2018 New Regions Referendum and 2020 general elections prompted “Western Togoland” secessionists to launch violent attacks in September 2020. While not credited as electoral violence, the events in Ghana have sparked a debate on the interplay between secessionism and elections, particularly on the historical implications of the 1956 referendum in British Togoland – the first independence referendum under UN-supervision. This article suggests that the 2018 New Regions Referendum parallels the 1956 UN-supervised British Togoland Referendum, which perpetuated secessionist conflict by the territorial division of Togoland. From a historicised statebuilding perspective, the paper concludes that the UN, through its supervision of the 1956 referendum, was unwittingly complicit in the realisation of French and British visions for the postcolonial order.

Keywords: Ghana; Western Togoland; United Nations; referendum; decolonisation

Introduction

On 6 March 2017, during Ghana’s 60-year Independence celebrations, Ghanaian police forces arrested Charles Kwame Kudzordzi, the then 78-year-old founder of the so-called *Homeland Study Group Foundation* (HSGF). Since 1994, after the return to constitutional rule,



Kudzordzi and the HSGF have been campaigning for the separation of Ghana's Volta Region and parts of the Northern and Upper East Region to form the state of "Western Togoland", which the HSGF claimed existed before Ghana's independence in 1957 (Osei, 2017). The group was arrested for wearing T-shirts with the inscription "9 May 2017 is OUR DAY Western Togoland" (Kafui Kanyi, 2017). The date is symbolic: 9 May 1956 was the day of the very first independence referendum under supervision of the United Nations (UN), which sealed the integration of the UN Trusteeship Territory of British (Western) Togoland into the colony of the British Gold Coast. The two amalgamated territories subsequently gained independence as Ghana in 1957. Contrary to historical evidence, the HSGF claims that although the 1956 referendum in British Togoland was rigged (Kudzordzi, 2018a), it was still bound to a moratorium, which required an approval of the "union" between Ghana and Western (British) Togoland within 50 years; otherwise, the union would be void (Amenumey, 2016; Kudzordzi, 2018b). Until then, the people of Western Togoland would merely remain so-called "plebiscite citizens in Ghana" (Dzamboe, 2016).

With T-shirts reading "Independence for Western Togoland – No Division of Volta", the HSGF protested in 2018 against the *New Regions Referendum* (Nyabor, 2019), which resulted in a split of the Volta Region, creating a new region in the north. The government-appointed *Commission of Inquiry into the Creation of New Regions* argued that the regional reorganization was "for enhanced socio-economic development and not based on ethnic, cultural and religious issues" (2018: xxiv); yet, the supported and proposed regional line fell on an almost perfect parallel to where it separated the Guans in the North from the Ewes in the South. The HSGF regarded the consultation as a weaponisation against the traditional inhabitants of the region, especially the Ewes, who have seen the borders around them constantly change over the last century due to foreign interests (Dzigbodi-Adjimah, 2017). In a 2018 petition calling upon UN Secretary-General Guterres to intervene, the US-based *Association of Volta Youth* linked the referendum to that of 1956 as "yet another fraudulent plebiscite" (*Association of Volta Youth*, 2018). After having declared the "independence of Western Togoland" in November 2019 (Aklama, 2019), Ghanaian security agencies launched a nation-wide manhunt for Kudzordzi and HSGF (Gomda, 2019). Ex-President Rawlings and the oppositional National Democratic Congress (NDC) condemned the ruling New Patriotic Party (NPP) for deploying military and security agencies in the region, causing hostility and intimidation among the people ahead of the December 2020 parliamentary elections (Amoakwa, 2020). At the beginning of voter registration, secessionists embarked on a No-Vote-campaign (*Ghana Vanguard*, 2020) to express their disavowal of the "model democracy Ghana". On 25 September 2020, events came thick and fast: militants of the "Western Togoland Restoration Front" (WTRF) stormed two police stations, kidnapped three officers, and stole two vehicles as well

as ten machine guns from the armoury. During an exchange of gunfire, a member of the secessionist group was killed (*Ghana Web*, 2020). An executive of the WTRF explained the attacks happened “because of the removal of most of the names from the voter register” (Anku, 2020).

The recent events in Ghana have triggered a debate on the interplay between secessionism and elections, which is taken as an opportunity to examine the first independence referendum under UN supervision from a historicising statebuilding perspective. While Ghanaian historians are “alarmed by the bogus and unsubstantiated claims about the scope and import of the plebiscite” (Amenumey, 2016), stressing “the legality of the integration of British Togoland into Ghana” (Asamoah, 2014: 23), notions of the UN’s colonial complicity have been expressed: “in the face of UN that annexation of Western Togoland by Ghana for the purposes of expansionism or preponderance have been allowed, questioned the sacredness of the UN trust”¹ (Mifetu, 2019). This paper argues that the UN, through its supervision of the 1956 referendum, was unwittingly complicit in the realisation of French and British visions for the postcolonial order of the territory, leading to the perpetuation of secessionist conflict (Distler and Heise, 2021). To this end, the role of UN election observation in the decolonisation process and the relevant literature on the 1956 Togoland referenda will be discussed in the following. The empirical section traces the resistance of France and Britain to the courting for a simultaneous referendum on reunification in the two Trust Territories until both authorities agreed on conditions for holding two separate UN-supervised referenda that would legitimise steering the fate of the two territories in different directions, thus securing colonial visions for the postcolonial order. The paper concludes that the 2018 *New Regions Referendum* revived the legacy of the 1956 British Togoland Referendum, aggravating the colonial continuity caused by the territorial partition of Togoland. The historic analysis draws on research of digitised documents from UN digital libraries, the United Nations Archive (UN ARMS), the Public Records and Archives Administration Department (PRAAD) in Ho and Accra, the British National Archives (TNA) in London, the Archives nationales d’outremer (ANOM) in Aix-en-Provence and documents in the private possession of Kudzordzi.

Literature Review on the 1956 Togoland Referenda

The 1956 referendum in British Togoland set a precedent as the very first independence referendum under UN-supervision. Its role has been subject to much scholarly discussion (Amenumey, 1989: 248–278;

1 Not to be mistaken with the UN Trusteeship System.

Bulgarelli, 2018; Coleman, 1956: 68–80; Digre, 2004, 2006; Nugent, 2002: 189–197; 2019: 374–375; Skinner, 2015: 152–166; Thullen, 1964: 159–162; Welch, 1967: 115–126) on the rise and fall of Western Togoland and Ewe nationalism, which in the absence of a pre-colonial Ewe or Togolese identity are commonly considered to have emerged as constructed nationalisms. Among these works, Nugent (2002, 2019) prominently highlights that local issues outweighed the Ewe and Togoland identity in the 1956 referendum, virtually foreshadowing the inevitable end of Ewe unification and Western Togoland secessionism. In doing so, he echoes Brown, who emphasises the region’s ethnic heterogeneity (1983) and attests the demise of the National Liberation Movement of Western Togoland (Tolimo) in the late 1970s (1980). While concurring with the insufficient nationalist mobilisation in the run-up of the 1956 referendum, Skinner (2015) overall challenges the supposed end of the Ewe and Western Togoland movements. Bulgarelli (2018) reiterates Skinner’s assessment by relating the polarisation of competing ethnic and territorial nationalisms of the 1956 and 2018 referenda, yet, like Nugent, counts on the unifying potential of a Voltarian identity under Ghanaian citizenship.

While these works have already discussed these nationalist affiliations around the referendum in detail, only a handful have considered the referendum or the UN-supervision in their own right (Amenumey, 1975; Digre, 2004, 2006) or in the larger colonial context (Keese, 2011). While Amenumey (1975), decrying the composition of the French voters register, the discriminatory indigénat code or double electoral college for the early territorial elections, holds that “from Togo and the example of what was happening in the French West African colonies there is little doubt that systematic rigging was being practiced” (1975: 53), Keese (2011) argues that, apart from a few isolated instances, there could be no question of systematic electoral manipulation in either French West Africa or Togo. Rather France, in an effort to hold on to her overseas territories, was forced by national and international public opinion to comply “with the rules of the democratic game” (Keese, 2011: 331). Digre, comparing on the one hand the British and French Togoland referenda with each other (2004) and with the Cameroon referendum of 1961 on the other hand (2006), points out the different imperial strategies in relation to UN oversight, but, nevertheless, favours UN oversight because it generally produced peaceful results.

Bringing both strands of literature together, this article argues that the framework of UN-supervision left the question of Togoland unification unanswered, thereby perpetuating potential for secessionist conflict.

Decolonisation Referenda under UN-Supervision

Electoral supervision (although not a new feature of world politics)² remained unusual until after World War II. Mainly prompted by decolonisation, it was the UN that made increasingly use of electoral supervision after the General Assembly stipulated in 1952 that the wishes of dependent people shall be “ascertained through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations” (United Nations General Assembly, 1952). Within this framework, the UN had sent approximately 30 visiting missions³ to either *supervise* or *observe* so-called electoral “acts of self-determination” (United Nations, 1983: 1), that is, referenda or elections that would decide on the independence of territories once under colonial rule. While *electoral observation* meant UN missions simply observing each stage of a vote, usually resulting in a public declaration by the Secretary-General on the conduct of the election, *electoral supervision* meant UN missions had to approve each stage of the electoral process to certify the overall credibility of the ballot. Since each requires a mandate from a principal UN organ, both *supervision* and *observation* were and still are rare.

Even though of all colonial territories only 11 were under UN trusteeship, these territories accounted for half of these missions as they could only be invited at the request of the Administering Authority⁴, if the latter was of the opinion that “the people had reached a sufficiently advanced stage to be able to make known their wishes” (TCOR, 1956a: 94). Not the UN but “the Administering Authority, either alone or in consultation with the territorial authorities, has been responsible for all aspects of organization and conduct of popular consultations” (United Nations, 1983: 5), such as regulations, ballot wording, voter registration, political education programme, calendar, etc., and thus exercised control over the terms of the vote, such as what issue to vote on, when and how. UN bodies could merely “draw attention” to certain aspects or irregularities, or, as the most serious rebuke, not recognise a vote. Although UN-supervision of an electoral “act of self-determination” was usually a condition for the termination of a trusteeship agreement, an Administering Authority was free to ignore such reprimands and (as will be shown in the case of the 1956 referendum in French Togoland) organise a referendum on its own terms.⁵

2 The first was the 1857 plebiscite in Moldavia and Wallachia (current Romania), monitored by most of the major European powers.

3 Calculation based on un.org/dppa/decolonization/en/c24/visiting-missions and United Nations (1983), Annex I (pp. 37–39).

4 “Administering Authority” was a UN Charter euphemism for the ruling colonial power represented at the UN Trusteeship Council.

5 “[M]ost of the ethno-national referendums in the post-Second World War Era were held to legitimise the process of decolonisation, and the majority of

Case analysis: Plea for a plebiscite

During the Scramble for Africa, most of the Ewe-speaking populations fell under the protectorate of German Togoland. In absence of a coherent pre-colonial Ewe identity, German colonialists popularised the Protestant idea of an *Ewe-Volk* (Amenumey, 1989: 28–29; Skinner, 2015: 38). After the defeat of Germany in World War I, the eastern two-thirds of Togoland became a French mandated territory and the remaining western third of Togoland became British mandated territory⁶. France wanted to keep French Togoland as an autonomous state in the French Union, whilst Britain wanted to keep British Togoland within the Commonwealth by integrating it into the Gold Coast. While the new colonial demarcation reunited the Dagomba and the Mamprusi in the north under British rule, in the south it cut through the Ewe territory, which was subsequently divided between the British Gold Coast, British Togoland, and French Togoland.

After World War II, the division led to the formation of a unification movement. Spearheaded by Sylvanus Olympio, the movement appealed to the UN Trusteeship Council in 1947 for the unification of “Eweland” under a preferably British administration. Advocating that the Ewe “belong more to the U.N. than to FRANCE”⁷, Olympio suggested to the Council that the request “should be settled by a plebiscite; by a majority, the people would select the Administering Power they wanted [...]. There is no doubt that certain elements prefer the British and other elements prefer the French” (TCOR, 1947: 338). While non-administering Council members were open to Olympio’s proposal, the Administering Authorities were worried about setting a delicate precedent. Olympio’s proposals ultimately threatened French intends to integrate the territory into the French Union. Despite several attempts, the British were not able to make any “progress at all with the French on the issue of consultation of the people of the Trust Territory”⁸. Instead, both powers worked together to depoliticise and to portray the movement as a mere appeal to the economic hardships

these referendums were held in former French colonies” (Qvortrup, 2012: 144). The most extensive one was the 1958 French constitutional referendum, held throughout the French Union, in which each of the twenty French colonies, except French Guinea (Schmidt, 2009), voted to become member-states of the newly established French Community. Classified as “Associated Territories”, the Trusteeship Territories of French Togoland and French Cameroon were not formerly part of the French Union and hence exempt from the consultation.

6 British Togoland was in an administrative union with the Gold Coast and was thus administered from Accra.

7 ANOM, 1AFFPOL/3297/1, Reinseignement (N° 576), 6 January 1948: 1.

8 PRAAD (Ho), VRG-AD-1028, No title (31614/7A, Secret), 22 March 1950, A.B. Cohen to C. Arden-Clarke: 1.

caused by the border, rather than a nationalist movement with political ambitions. However, Olympio's party, the *Comité de l'Unité Togolaise* (CUT), had already won the elections to the French National Assembly and all eligible seats in French Togoland's Representative Assembly. In part therefore, the 1949 UN Visiting Mission, which was tasked to investigate the Ewe question, confirmed the Ewe's political and nationalist consciousness and recommended measures favouring unification. Consequently, the French authorities went over to ostracize the CUT and support pro-French parties such as the *Parti Togolais du Progrès* (PTP) or the *Union des Chefs et des Populations du Nord* (UCPN). From 1951 on, French decrees put hindrances to public reunions and rallies (Amenumey, 1975: 50–51) and expanded the voting register to ensure that supporters of the CUT did not appear on the list (Thullen, 1964: 181; Welch, 1967: 111–112). Following a series of petitions in which the CUT complained about these practices, the General Assembly even impressed upon France “the necessity of conducting elections in a democratic manner that will ensure a true representation of the people” and ordered an investigation on the methods of election complained about by the CUT⁹. Yet, as the results stood, the CUT boycotted all representative elections from 1951 until 1955. Cornered by its own boycott, the CUT lost out to the pro-French PTP. The resulting lack of political representation drastically reduced the legitimacy and credibility of the CUT in the eyes of the UN. Olympio tried to convince the UN General Assembly of “manipulation of elections by methods familiar to everyone who knew the ways of France in Africa” (GAOR, 1952: 360). The British Council representative argued that the unificationists in both territories “refused to participate in the elections since no doubt they had no confidence that they would have a majority. Instead of appealing to the people they appeal to the United Nations”¹⁰. Against this background, the movement had to make a decisive change: In alliance with the Togoland Congress from British Togoland, the demand for Ewe unification was abandoned. Headed by Senyo G. Antor and Olympio, the demand was now unification of French and British Togoland, followed by complete independence. In 1951, the demand for a plebiscite was repeated before the UN Trusteeship Council: “the *unification of Togoland* would be a step towards the greater unity of Africa. The problem of the future fate of the unified territory and its external relations *should be the subject of a plebiscite*” (my emphasis, GAOR, 1951: 196).

9 A/RES/441(V).

10 PRAAD (Accra), ADM 39/1/106, Draft Speech by Sir Alan Burns on Ewe and Togoland Unification Question in the Fourth Committee on 11th December, 1952.

French & British arrangements for the 1956 Togoland referenda

The 1948 Accra riots and the subsequent Coussey Report forced the British government to make gradual constitutional concessions that heralded the imminent independence of the Gold Coast. After Kwame Nkrumah won the 1951 General Election from his prison cell, the British included him in the plan to integrate British Togoland into the soon to be independent Gold Coast.¹¹ Fuelled by the Cold War's ubiquitous anti-imperial liberation rhetoric, less than a year later Nkrumah declared his intention to "liberate" French Togoland once the Gold Coast was independent along with British Togoland (Luchoire, 1957: 79). Threatened by both Nkrumah's Pan-Africanism and the unificationists' modified demand for a plebiscite, the French and British agreed on a common strategy before the UN. A "Most Secret" action plan stated: "Undoubtedly the safest and best way of persuading UNO is to arrange for UNO to be bombarded by a broadside of petitions which demand the integration of British Togoland into the Gold Coast [...] a plebiscite, however, would not be acceptable" (Antor, 1954: 11). Yet, this "Most Secret" plan was stolen from Nkrumah's office¹² and fell into the hands of Antor, who – to the embarrassment of the British authorities – disclosed it to the UN (GAOR, 1953: 323). Now it was set in stone that without a referendum the UN would never agree to the integration of British Togoland into the Gold Coast.

A line of conflict formed between Nkrumah's Conventions People's Party (CPP), which demanded the *integration* of British Togoland into the Gold Coast, and the Togoland Congress, who wanted *unification* of British and French Togoland in their former borders under German rule (Nugent, 2002: 183–197; Skinner, 2015: 149–154). While the north of British Togoland (mainly, yet only sparsely populated by Dagomba and Mamprusi) clearly favoured integration into the Gold Coast for the sake of their territorial unity, the south, densely populated by Ewe but ethnically far more heterogeneous, was more in favour of a reunification of French and British Togoland. The British knew how to make ends meet. Due to the administrative union with the Gold Coast, British Togoland participated in the 1954 Gold Coast General Election, which was the "first real trial of strength between Government Party and the all-Ewe-Movement"¹³. The election functioned as "a species of plebiscite of integration

11 Kudzordzi (private possession), Memorandum by the Secretary of State for the Colonies (C.54) 169), Cabinet Meeting, 19 May 1954: 2.

12 TNA, FCO 141/4999, Telegram (Pol. F.21/1), 10 August 1953, P.M. Kirby Green to Chairman L.I.C.

13 Kudzordzi (private possession), Cabinet: Togoland under United Kingdom Trusteeship (C.54 169), 19 May 1954: 2.

versus unification”¹⁴. Based on the voting pattern, the British were now able to predict that a majority of British Togoland, taken as a whole, would prefer integration into the Gold Coast (Coleman, 1956: 77). For many, the promise of early independence seemed to have a greater appeal than the uncertainty of either Ewe or Togoland reunification.

The time was ripe: Shortly after the 1954 Gold Coast General Elections, the British government announced the termination of the trusteeship agreement due to the imminent independence of the Gold Coast. The proposal was met with mixed feelings in the General Assembly: While many committee members welcomed the soon-to-be first independence of a former colony in Africa, the Haitian representative cautioned that once the integration of Togoland under British administration in the Gold Coast became an accomplished fact, France would probably “seek to induce the other part of Togoland to join the French Union, by offering it self-government. [...] the elimination of Togoland under British administration would herald the end of Togoland as a whole and also that of the International Trusteeship System, the purposes of which would have been betrayed” (GAOR, 1954: 318). Unificationists saw the British memorandum as an affirmation of the “Most Secret” document and insisted on a simultaneous plebiscite (Amenumey, 1989: 240; GAOR, 1954: 365).

Subsequently, the UN Trusteeship Council dispatched a Visiting Mission tasked to make recommendations for the future of British Togoland. The mission endorsed a plebiscite as “the most democratic, direct and specific method of ascertaining the true wishes of the people”, yet, also proposed that four separate voting districts should be considered where the “future of each of these four units should be determined by the majority vote in each case” (TCOR, 1955: 15–16). The French authorities informed the Visiting Mission that they intended to hold a consultation in a few years to clarify the termination of trusteeship and Togoland’s potential incorporation into the French Union (TCOR, 1955: 17).

In November 1955, the British Secretary of State for the Colonies, Alan Lennox-Boyd and the French Overseas Minister, Henri Teitgen convened a meeting on the Visiting Mission’s proposals and discussed how the plebiscite in British Togoland could be favourable for both powers. Teitgen maintained that the procedure in British Togoland should be an exception and not a “dangerous” and “regrettable”¹⁵ precedent for all remaining trust territories, stressing “the powers of the UNO [...] do not give it any right to organize a plebiscite in a territory under trusteeship, regardless whosoever it is, but just to supervise it”¹⁶.

14 PRAAD (Accra), RG 3/5/2073, the Economist: The future of Togoland, 20 November 1954: 2.

15 ANOM, 1AFFPOL/3340/1, Note (without number), without date: 2.

16 ANOM, 1AFFPOL/2182/2, Procès-Verbal (without number), 14 November 1955: 1.

Furthermore, Teitgen was against the establishment of the four voting districts that the visiting mission had recommended because they would “prejudge the results of the vote” and lead to the “balkanization of Africa”¹⁷. They eventually agreed to hold two separate referenda in British and French Togoland, whereas the latter would decide upon French Togoland’s permanent inclusion into the French Union. The French were under time pressure: announcing the French referendum too early would risk the UN linking the future of British and French Togoland; announcing it too late would risk linking it with the Gold Coast’s near independence, which would lead to a young independent African state, whose anticolonial voice would have great weight in the UN. To thwart demands for equal treatment of both territories, the French would not announce their plebiscite before the British referendum was over. Teitgen solicited the assurance from his British counterpart “that the questions asked during the plebiscite in British Togoland did not refer, even indirectly, to the fate of French Togoland”¹⁸. A possible reference to Togoland reunification or independence outside the Commonwealth or the French Union were to be rejected at all costs.

In the upcoming sessions before the Trusteeship Council and the General Assembly, the British and French tried to assert their terms of the vote (Thullen, 1964: 160–161; Welch, 1967: 120). Olympio protested that he “knew no reason why the plebiscite could not be held in 1957 in both Togolands” (GAOR, 1955: 352). He held “[i]f there was any difference between the two plebiscites proposed by the Mission, it was only a difference in timing” (GAOR, 1955: 349). The French on the other hand argued that due to the state of development of French Togoland, a plebiscite in the foreseeable future parallel to that of British Togoland was not possible (TCOR, 1956a: 60, 75, 94). Since for many anti-colonial states the early sealing of the first independence of an African colony trumped the unification of Togoland, the General Assembly was divided and amendments favouring the pro-unification position were defeated, albeit narrowly (Amenumey, 1989: 257–258).

Ultimately, the questions were formulated in such a way that France and Britain could hope for a confirmation of their agenda. The people in British Togoland could vote for

“[T]he union [integration]¹⁹ of Togoland under British Administration with an independent Gold Coast”, or

17 Ibid.

18 Original: “il searait d’autre part préférable que les questions posées lors du plébiscite au Togo britannique ne se réfèrent pas, même indirectement, au sort du Togo français”. Ibid.

19 Today’s confusion around the HSGF’s claims concerning the “union” between Ghana and Togoland can be traced back to the Indian draft resolution, which changed the wording of the ballot from “integration” to “union” because it

“[T]he separation of Togoland under British Administration from the Gold Coast and its continuance under Trusteeship, pending the ultimate determination of its political future”.

Thus, the people in British Togoland could choose between either independence or the status quo. Skinner assesses that the “ framing of the plebiscite question reflects the extent to which the reunificationists had lost – or had been excluded from – control of the mechanisms through which the future of the trust territory would be decided” (Skinner, 2015: 153–154). The British willingly left open the question of whether British Togoland would gain independence as a federal state of Ghana or be subsumed under a unitary constitution. The question divided many unificationists and dominated much of the campaign, which was riddled by ethnic divisions and political manoeuvring.²⁰

The British Togoland Referendum

The referendum was held on 9 May 1957. As predicted, the northern section voted overwhelmingly for integration, whilst in the southern section the vote was divided between the Guans and Akans, opting for integration, and the Ewes, opting for separation. Overall, 54,785 to 43,976 voted in favour of integration.

The UN plebiscite commissioner attested that the plebiscite was held in an “ atmosphere of absolute freedom, impartiality and fairness” (GAOR, 1956b: 467). Especially Ewes criticised the result because it degraded them to an ethnic minority within Ghana and further removed them from the Ewes in neighbouring French Togoland. While the association with Ghanaian independence symbolised an anti-colonial victory for Nkrumah’s CPP, it was tantamount to an anti-colonial defeat in the eyes of the Togoland and Ewe unificationists. After the referendum, a delegation of the Togoland Congress made one last attempt before the UN. They agreed that the referendum was impartial but not interpreted correctly. The French feared that the question of the southern section could be reserved until the referendum in French Togoland²¹ but a resolution taking note of the plebiscite commissioner’s report decided upon the termination of the trusteeship agreement of British Togoland. Since the UN did not want to consider the different election results in the north and the south, Antor maintained:

sounded less aggressive and “ would leave open the question of the nature of the union of Togoland with an independent Gold Coast” GAOR (1955: 437).

20 Nugent’s (2002) analysis of the referendum, however, concludes that ethnicity played only a minor role in the referendum.

21 ANOM, 1AFFPOL/2182/3, Procès-Verbal des entretiens franco-britannique des Directeurs, 17-18 May 1956: 2.

“The plebiscite had, however, been held simply because the United Kingdom, having discovered a new kind of colonialism – the colonialism of the Commonwealth Club – wanted the Gold Coast to join that club as a larger, wealthier, and more desirable member than it would be were Togoland under British administration not integrated with it. In 1946, when the Trusteeship Agreement had been signed, the people of Togoland under British administration had already been under United Kingdom administration for thirty-two years. At no time during that period had it been suggested that they should be called upon to decide their own fate [...] If for thirty-two years Togoland under British administration had not been qualified to decide its own fate, it might be asked by what miracle it had been transformed within two years into a country fully qualified to express freely the wish to be self-governing. The truth was that [...] Togoland was therefore to be sacrificed to satisfy the requirements of the new colonialism of the United Kingdom and France” (GAOR, 1956a: 17–18).

The northern integration-favouring part of British Togoland eventually became the Northern Region of Ghana, while the southern separation-favouring and predominantly Ewe inhabited Trans-Volta-Togoland became the Volta Region.

The French Togoland Referendum

In June 1956, a month after the Togoland referendum, the French National Assembly passed a framework law with an of autonomy statute: while conferring more powers to French Togoland’s political institutions, thereby turning it into an autonomous republic, at the same time, the statute was intended to definitively integrate the territory into the French Union. The framework law foresaw a referendum in which the people of French Togoland could choose between the new statute and the continuation of trusteeship. The decision was thus either for the French Union or a simple step backwards. In July 1956, the French submitted an urgent request at a special session of the Trusteeship Council, inviting the UN to supervise the planned referendum in French Togoland (TCOR, 1956b: 299). The request came as a surprise since a couple of months earlier the French delegate had ruled out a referendum during the Trusteeship Council’s last session. Yet, the Council rejected the French request in a 7:7 tie vote (TCOR, 1956b: 342).²² The Suez crisis, the war in Algeria and the unificationists’

22 The seven Administering Authorities (Australia, Belgium, France, Great Britain, Italy, New Zealand, and the United States) supported the proposal; the seven non-Administering Authorities (Burma, China, Guatemala, Haiti, India, Syria, and the Union of Soviet Socialist Republics) opposed it. The distribution of votes is

past accusations of election rigging gave the Council much reason for its decision. The Council might have agreed to oversee the referendum if France would have agreed to revise the outdated electoral list, but the non-administrating Council members based their opposition to the proposal on several grounds: neither did the Council have enough time to consider the question nor had it been authorised by the General Assembly to supervise any referendum for the purpose of terminating the Trusteeship Agreement. While autonomy did not equate independence, sending United Nations observers could be seen as an endorsement of the referendum's results.

After the Council's decision, the French representative stated that France would refuse to be a party to any procedure which would delay the consultation. The referendum would, therefore, take place at the appointed time and under the conditions envisaged but in the absence of United Nations observers (TCOR, 1958: 8). Since the referendum was part of a law that had already been passed by the French National Assembly, the French were anyhow legally bound to proceed with the referendum.

Amenumey (1989: 286) holds that "Over the succeeding months it became clear that the [French] Government tended to conduct this popular consultation in such a manner as to achieve the particular results it wanted". As unificationist parties were not allowed to participate in the committee revising the electoral lists, they again called for an electoral boycott. Therefore, the referendum led unsurprisingly to a landslide victory in favour of the new statute. At a special meeting of the Trusteeship Council in December 1956, France announced to request the termination of the Trusteeship Agreement based on the referendum. The Council send the question to the General Assembly, which dispatched its own Visiting Mission to examine the implementation of the new statute. The mission concluded that the statute "represents a very significant step in the achievement of the objectives of Article 76 of the Charter and of the Trusteeship Agreement" (TCOR, 1958: 58), yet, it called for new Legislative Assembly elections on the basis of universal suffrage and UN-supervision to decide under which political party the trusteeship status would be lifted (TCOR, 1958: 55-56). In 1958, for the second time in its long-continuing history of electoral observation, the UN was to oversee again an election in Togoland. But this time, bound by the guidelines of the UN observer mission, to everyone's surprise, the CUT led by Sylvanus Olympio emerged as the clear winner. Internationally disavowed France did not interfere in the transfer of power and Olympio led Togo to independence in 1960.

not mentioned, but can be deduced from the speeches of the Council members.

The New Regions Referendum and Western Togoland Secessionism

Is the history of referenda in the Volta Region repeating itself? No. Unlike the unification movements of the decolonisation era, the Western Togoland secessionists of today are neither calling for the reunification of Ewe- nor of the former two Togolands. Crossing linguistic, ethnic, and religious boundaries, the HSGF represents nonetheless a straightforward revival of the territorial nationalism propagated by Tolimo of the 1970s, itself a successor to the Togoland Congress of the 1950s, the Togoland Union of the 1940s and the *Deutsch Togobund* of the 1920/30s. For his part, Kudzordzi (2016) makes no secret of his Germanophilia and glorification of the *Deutsch Togobund* as the national boundaries of the longed-for state are based on the borders drawn first by German colonial officials. Yet, these national foundations will hardly mobilise the masses. This is also the reason for a remarkable parallel to its predecessors: While the HSGF embraces a Western Togoland identity (Kudzordzi, 2016), it simultaneously propagates an Ewe identity (Kudzordzi, n.d.). Like the Togoland Congress before it, the HSGF's base is in Ho, in the middle of the Ewe-speaking areas of the Volta Region, where it recruits its following largely from Ewe-speaking populations. Western Togoland nationalism undoubtedly benefits from the comparatively weak economic and infrastructural development of the Volta Region, leaving many Ewes with a sense of neglect, disenfranchisement and being turned into an ethnic minority within Akan-dominated Ghana. As such, Western Togoland nationalism propagated by HSGF is neither the same as Ewe nationalism, nor can it be neatly separated from it. Much like the unificationists in the 1956 British Togoland Referendum, the HSGF tried to mobilise the population by portraying the 2018 *New Regions Referendum* as a territorial attack on the Ewe, who see that the borders around them are once again being changed by outside interests.

The 2018 *New Regions Referendum* also shows noteworthy parallels to the 1956 British Togoland Referendum. In 1956, the majority of Southern Togoland's former Buem-Krachi district, mainly inhabited by Guans and Akans, voted overwhelmingly for integration into an independent Ghana, while the Ewe-majority in the southernmost Kpandu and Ho District voted for separation (Coleman, 1956: 73). After the 2018 *New Regions Referendum* the border between today's Oti and Volta Regions runs almost parallel to this voting pattern. While the HSGF railed against the referenda in the region, it has always rejected proposals to campaign for a referendum on secession on the pretext of an excessive danger of manipulation by Ghana. It is more likely, however, that the HSGF knows it cannot achieve a democratic majority.

Conclusion

Contrary to the HSGF's allegations, there can be no doubt that the British Togoland referendum was democratic, legal, and largely free of manipulation. But were the conditions of the referendum sufficient in terms of decolonisation? Hardly, because the referendum reflected rather colonial strategy than popular initiative or democratic emancipation from colonial rule. The current contentions of the Western Togoland secessionist over the British Togoland referendum of 1956 cannot be meaningfully understood through a methodological nationalism, but only transnationally, that is, in the context of the French Togoland referendum. Considered together, these two referenda reveal a colonial complicity as both consultations were organised and international supervision was requested when the framework conditions safeguarded the desired result for France and Britain. By convincing the UN of the democratic support for their thesis, France and Britain prevented a simultaneous referendum in both territories, gerrymandered the Ewe and Togolese vote and thereby converted the two seemingly democratic referenda into colonial instruments to legitimise the division of Togoland.

In view of the recent secessionist outbursts of violence, Ghana is anxiously turning its gaze to the former British territory of Cameroon, where the UN supervised a referendum in 1961, after which the Muslim majority of Northern British Cameroon joined Nigeria and the Christian majority of Southern British Cameroon joined French Cameroon. Even though John Dring served as the British plebiscite administrator in both referenda, the voting districts in British Cameroon, unlike in British Togoland, were considered separately by the UN. Yet, a standalone independence of the territory was not on the ballot either and 60 years later secessionists from precisely this remaining English-speaking region of Cameroon are now fighting for the independence of "Ambazonia".

As the first in a series of UN-supervised referenda in the decolonisation era, the 1956 British Togoland Referendum illustrates the power which Administering Authorities held over them. The UN shares responsibility in this history, as UN-supervision was unintentionally complicit in legitimising French and British territorial interests. This was also made possible by the UN's involvement in a colonial discourse in which the introduction of Western-style democracy in general and independence referenda in particular played a necessary role – not in the emancipation of the electorate but in the "maturing" of dependent peoples. The French Union and the Commonwealth no longer exist in the form in which they were conceived after World War II. Nevertheless, the UN-supervised referenda that were conceived to integrate the Togolese territories into them, still influence African democratic politics today.

Frederick Cooper cautioned African history scholars to neglect paths not taken and alternatives not followed as this “risks misunderstanding not only the past, but the extend and limitations of alternatives for the future” (Cooper, 2008: 196). As for Togoland – the precedent of UN electoral supervision – one such path not taken was to hold a simultaneous UN-supervised referendum in both British and French Togoland. The unification movement has been calling on the UN since its inception to organise first a plebiscite on Ewe unification and later Togoland reunification. If the unificationists’ request for a simultaneous referendum had been granted, the Ewe votes alone would not have decided the matter. But if the CUT’s electoral victory in 1958 provides any indication that Togoland would have voted for reunification in a simultaneous referendum, or at least for the continuation of trusteeship, the map of West Africa might look different today. Even with the same event of a defeat, it would have taken the wind out of the sails of today’s secessionists. May the unwillingness to take this path be a lesson for future UN electoral missions.

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RE-CONCEPTUALIZING POST-SOVIET ELECTIONS: BETWEEN THE THEATER STATE AND OCULAR DEMOCRACY¹

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Abstract: The paper suggests a re-conceptualization of post-Soviet elections beyond comparisons with the Western ideal-typical model of liberal democracy on the one hand, and their marginalization in patronal politics (Hale, 2005; Wilson, 2005) on the other. It exposes post-Soviet politics as an aestheticized domain, where ‘democratic transition’ did not bring about political agonism in the public sphere, but political theatricality of various kinds, and analyzes that domain through the constructive functionality of elections and social imaginaries linked to them. Special attention is placed on the convergences and divergences between Ukraine, Russia, and Belarus. Three threads are subsequently analyzed to expose the genealogy of post-Soviet political theatricality: 1) the Soviet ‘no-choice elections’ as public acts of affirmation and displays of power; 2) elections as political festivities celebrating the ‘king’ in the ‘theatre state’ (Geertz, 1980) that provide the ‘population’ with the only available identification through and under the leader; 3) elections as an investment of trust within ‘ocular/plebiscitary democracy’ (Green, 2016) that create an affective bond between a leader as a media persona and his audience as a ‘sleeping sovereign’ (Chatterjee, 2020). The conclusion exposes elections as a battle of imaginaries, or, a game-changer when an election is about the choice of a political order, not only of a political leader or strategy. Whereas the

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liberal-rational imaginary remains a ‘minority faith,’ the ocular/plebiscitary democracy is currently gaining ground in Ukraine and beyond.

Keywords: post-Soviet elections, social imaginary, patronal politics, theatre state, ocular democracy, plebiscitarianism.

Introduction: performing elections in post-Soviet states

An anecdote about elections was popular in Ukraine in the late 1990s. The incumbent Kuchma was running for a second term. The head of the Presidential Administration supposedly came into his boss’s office the next morning after the run-off saying he had good and bad news: “Congratulations, you were re-elected! However, no one actually voted for you.” This story, albeit completely made up, gives a glimpse into the political imaginary behind the post-Soviet elections as a social institution. What appears to a Western observer as a hollowed-out version of a democratic instrument, has deep cultural embeddedness and different functionality in the local context. Stephen Holmes famously labeled Russia after 1991 a “Potemkin democracy”, where “[e]lectoral politics, a pluralistic press, freedom of travel, and so forth, have been *surface froth* and have made no dent in the underlying depredation of the many by the few”² (Holmes, 2002: 116). Thus, elections get often inscribed in the imitative democratization paradigm, being interpreted as window-dressing for the international community and, most importantly, for donors. As Geddes, Wright, and Franz prove in their research: “Since the end of the Cold War, international donors have tied foreign aid and other resources to holding elections that allow some competition. [...] Until the early 1990s, dictatorships that held uncontested executive election rituals, such as Egypt during much of the time after 1952, received the most aid per capita. Post-Cold War, however, dictatorships that hold semi-competitive executive elections, and can thus claim to be taking steps toward democracy, receive the most aid” (2018: 138–139).

Why the “end of history” triumphalism resulted in futile attempts of democratic import, is an important question gaining special attention within the recent backslide of democracy. To put it differently, why were competitive multiparty elections perceived as the main vehicle of democratization? Fareed Zakaria back in 1997 insightfully remarked: “Democracy without constitutional liberalism is not simply inadequate, but dangerous, bringing with it the erosion of liberty, the abuse of power, ethnic divisions, and even war. [...] As we approach the next century, our task is to make democracy safe for the world” (1997:

2 From here onwards, the *italic* is mine.

42–43). The apologetic perception of democracy as “everything good,” all in the same basket, be it the rule of law, the accountability of authorities, the checks-and-balances, or competitive elections, is both analytically feeble and practically discredited. Therefore, there is a need to distinguish between voting in liberal and illiberal (Zakaria, 1997), consolidated and non-consolidated democracies (Geddes, Wright & Franz 2018), and, finally, between representative and non-representative/plebiscitarian governance (Green, 2016; Urbinati, 2014).

The argument developed in this paper is that post-Soviet elections, rather than being just a “surface froth,” or a distorted version of the Western model, present a different political phenomenon that bring together some of the Soviet legacy with post-Soviet crony capitalism and neopatrimonialism. This phenomenon has a broader social and cultural meaning than being an instrument of political manipulation, part and parcel of “virtual politics” (Wilson, 2005), a formal political institution gaining second-rate importance against informal politics of patron-client networks (Hale, 2015; Magyar, 2019). Following Lange-nohl’s reading of elections and voting as “epistemic machines that render some truth about society to the political system” (2019: 80), the article focuses on social imaginaries attached to post-Soviet elections: how they mirror the respective societies in flux, what constructive functions they perform towards these societies, and how they re-arrange the political domain. With these, several theoretical premises are crucial to understand.

With regards to Richard Pipes’s remark that “[r]evolutions normally result in the replacement of one government by another; in Russia, and there only, do they cause a collapse of organized life” (1992), I would add the same holds for elections in post-Soviet space. On the one hand, nothing is changing with electoral cycles, as the patronal system constantly adjusts to internal and external challenges to remain intact (Mizsei, 2019). On the other hand, given weak state institutions, any election threatens to shatter the entire social fabric. This delicate dance between autocracy, strengthening the power vertical, and counter-democracy, as mass protests challenging the regime’s legitimacy (Hale, 2005), *shift an equilibrium point*, which subsequently informs the next elections and the hegemonic social imaginary.

The main social function of post-Soviet elections seems to be *forging the unity* of an otherwise heterogeneously fuzzy population. It stands in drastic contrast to the ideal-typical liberal-democratic model of *collaborative diversity*, structuring the polity and representing multiple interests in public politics. And it explains the post-Soviet obsession with high turnouts and unanimous voting (average support figures going above 70 percent). Against weak national identities remaining an active “minority faith” (Wilson, 2010) and largely dysfunctional state institutions disabling strong state-nation identifications (Stepan, Linz & Yadav, 2011), highly personified politics remains almost the only game in town, where *national unity is achieved only under*

and through a national leader. The exact configuration of his relationship with the electorate defines the content of the social imaginary: whether his authority derives from God and descends on people (the “theatre state” model (Geertz, 1980)), or he performs “under the eyes of the people” who could withdraw their trust from him at any point (the “ocular democracy” model (Green, 2010)).

Despite the bureaucratic Soviet legacy in-built in most of the post-Soviet political elites, the general framing differs significantly. The dismantlement of the USSR destroyed the impersonal charisma of the Communist party (Jowitt, 1993) and the ideological appeal of Soviet Communism as the reference point providing the society’s cohesion. The resulting ideological void opened up space for the public comeback of religion and de-modernization (Rabkin & Minakov, 2018). The parallel thread concerns technological super-modernization, the use of contemporary digital technologies for political purposes (Runciman, 2018). On top of that, integration of the region into the global capitalist world-system resulted in state capture and crony capitalism. The strategic goals of the ruling elites become twofold: “to weather economic and political storms and remain in power” and “to get fabulously rich, in a manner unimaginable in Soviet times” (Mizsei, 2019: 536). In a nutshell, authorities use ideologies without being driven by them. This instrumental/cynical political rationality interpenetrates the entire societies, thereby affirming wealth accumulation as the only valid goal.

The article opens by discussing the design and functionality of no-choice elections in Soviet times and their lasting legacy in post-Soviet politics. While primarily serving as rituals of loyalty and public displays of power, they also stand as useful checks on the society and on the bureaucratic power vertical, thus reversing the vector of accountability and binding the voters, not the voted. Upon acknowledging the institutional *inertia* dating back to Soviet times, I proceed with two alternative developments in political imaginaries and electoral tendencies. Geertz’s concept of “theatre state” is useful for marking the *re-archaization* trend, where the quasi-public space is emptied from political agonism and filled instead with political festivities celebrating the “king” as one conferred with divine power. An apathetic population deprived of any political agency acquires identity under the leader and compensates for the misery of daily life with the grandeur of political festivities. This model has limited applicability to former colonies that are prone to ridicule political power rather than sacralize it. Flattened postcolonial spaces with an absent center efficiently externalize imperial hierarchical power as foreign and imposed. The cultural proclivity to political humor and satire enabled the emergence of ocular democracy in Ukraine, which signaled a shift from elections as a political ritual of loyalty to elections as a revolt against hypocrisy.³ Interestingly,

3 Symptomatically, the 2019 elections in Ukraine were swiftly dubbed ‘an elector-

this synchronizes the region with the rising global trend of media populism. Ocular/plebiscitary democracy emerges out of people's frustration with predatory elites (either Western technocratic or Eastern oligarchic) and dysfunctional institutions (that stopped serving people or that never did). What the post-Soviet context demonstrates is that ocular/plebiscitary democracy does not come from worsening people's conditions but from people's empowerment: the rise of social media weakens gatekeeping in public politics, thus equalizing the media-political landscape.

Elections as public acts of affirmation: the Soviet legacy

Soviet elections have rarely been the focal point of scholarly attention. The general consensus is that they aimed to confirm the legitimacy of the political order by pushing for unanimous voting. As Stephen White notes: "Unlike, for instance, the major fascist dictatorships, the USSR and the other communist countries have always based their legitimacy upon the doctrine of popular sovereignty and, by *extension*, upon the electoral process as a means by which that sovereignty may at least notionally be expressed" (1985: 215). According to the official ideology, codified in the Soviet constitutions and in other legal acts, political power derived from the people served as the main sovereign. The Soviet order was proclaimed to be the order of 'workers and peasants,' where the Communist party stood just as a 'helmsman.' One might suppose that the more the heirs of the Great October established themselves as *nomenklatura*, the bigger the gap between them and the rank-and-file became, thereby buttressing the symbolic importance of elections.

Alex Pravda (1978) singles out three main stages in the electoral development of the USSR in explaining the seemingly paradoxical 1936 Constitution presenting a new electoral system in the wake of the Great Purge. In the 1920s, the Communist Party had to participate in party struggles in quite a challenging and hostile climate with a no clear majority. Yet, after getting rid of 'class enemies' and making political and economic changes, it was 'safe' to introduce universal suffrage. Pravda claims that Stalin felt empowered to introduce the plebiscitary elections: "Whereas in the period of outright proletarian dictatorship it had been necessary to use elections as an instrument of class power to forge unity, in a basically harmonious socialist society the role of elections was to give *unimpeded expression to existing unity*" (1978: 172). The ideological underpinning and the ideal-typical

al Maidan' (Schreck, 2019), which captured their protest character, uncommon even against the Ukrainian tradition of 'dissent elections.'

model were different. According to the Marxist-Leninist doctrine, the socialist society has no class conflicts, thus political agonism is artificial and harmful. Elections in the socialist society are, therefore, a temporary measure aimed to affirm unity. Hence, in the plebiscitary voting, a great emphasis was put on high turnouts approximating 100 percent. Accordingly, absenteeism became an important form of political dissent. Given that secret balloting was strongly discouraged, and any unclear signs on the ballot were counted as voting for a candidate, overt dissent came in the form of not attending elections altogether. However, if choosing, absentee certificates were granted by the authorities to potential dissenters as a lesser evil (Zaslavsky & Brym, 1978: 366).

The algorithm and the goals were substantially different from what is known as competitive elections. Yet, it was not an empty ritual either. Guy Hermet suggests that the East European Communist practices could be “*a better ideal-type model*” (1978: ix), or a more fitting yardstick for describing electoral developments in different corners of the world. If comparing the ‘Western liberal’ and ‘Eastern communist’ elections, some functions would seem unexpectedly similar, at times with an unusual twist. Zaslavsky and Brym’s research (1978) gives some extra insights revealing the functioning of elections also as a lift of social mobility for successful canvassers (‘agitators’) within the Party; as an educational tool, or as an opportunity to explain the governmental policies and their ideological backdrop (rather than negotiating and choosing policies); and, finally, as a tool of exposing possible islands of dissent in order to neutralize them.

Soviet elections performed the function of *communication* between the ruling elites and their constituencies but the flow of information was reversed. It stood as an *educational* tool: canvassers were explaining the central policies and their ideological meaning rather than inquiring about voters’ preferences. However, there was a share of bargaining concerning local extra-political issues: complaints about local mishaps were collected, and there was a good chance for the local infrastructure to be repaired or for unpopular local leaders to be replaced (usually moved to different constituencies): one in every 10 000 local elections resulted in the candidate’s defeat (Pravda, 1978: 177).

The apologists of Soviet elections as an alternative type of a democratic configuration use this argument: For instance, Jerzy J. Wiatr calls them “*consent elections*” that supposedly “do not decide who rules the country, but... influence the way in which the country will be ruled” (1962: 251). Despite a manipulative exaggeration packed within this claim, there was a degree of mobility and of surprise results, with the caveat that it was about the intra-party mobility and possible changes in the positions of different regional elites. The competition between various candidates was happening not at the ballot box but at the stage of the selection process within circles of local officials “accompanied

by a good deal of consultation and bargaining” (Pravda, 1978: 178). Another curious twist was that voting implied not certain obligations on the side of elected officials but the commitment of voters: As Pravda mentions, votes were “interpreted as the political equivalents of the *pledges* given by work-forces to fulfill production targets ahead of schedule” (1978: 191). In a similar vein, Zaslavsky and Brym confirm that the election campaign had a rationale of both “a thorough explanation of the domestic and foreign policy of the Communist Government, and the mobilization of the workers in the struggle for the successful fulfillment of the plans for communist construction” (1978: 370). It is worth noting in this context that workers’ meetings were important venues of the electoral campaign where candidates were approved, if not chosen.

Elections were also exerting *social control*, both over the population’s discipline and the fidelity and performance of the party cadres. Carrots and sticks were used in the process. Lay people flocked to the polling stations, as some deficit goods could be acquired only there. All in all, the no-choice elections in the USSR pursued the outer goal of affirming and demonstrating the almightiness of the Communist Party and the regime. On the inside, they were aimed at checking the functionality of bureaucracy on all the levels by tracing the weak spots in the apparatus and the islands of dissent in the society.

Elections as a *display of power* exerted a powerful psychological effect tangible also in the post-Soviet times: Those who are in power win the elections, not the other way around. Krastev and Holmes refer to Gleb Pavlovsky, a pioneer in electoral technologies in post-Soviet Russia. An anecdote goes that he asked a senior lady why she planned to vote for the incumbent when she favored the quasi-oppositional leader Zyuganov. The answer was: “When Zyuganov is president, I will vote for him” (Krastev & Holmes, 2012: 35). Therefore, the capacity of power-holders to rig elections proves their power rather than challenges their legitimacy, as one would expect from the “Western” vantage point. Researchers note that in (semi) authoritarian regimes, citizens do not trust the results of elections, while at the same time believing that an incumbent enjoys popular support and “would win anyway.” Rigged elections, or *show elections*, as Krastev and Holmes put it (2012: 39), demonstrate the capacity of power-holders to control the elites and the societies, thus affirming they are worthy of office.

At the same time, researchers note that both in the USSR and its post-1991 successor states, the electorate is quite immune to ideology and propaganda, not taking the claims seriously (Pravda, 1978: 187). Utechin mentions: “Stalin intended people to be aware of the fictitious nature of the theory, for an attempt on the part of the people to treat it as truthful (e.g., to believe that they enjoyed freedom of the press) would undermine the whole of his system of rule. Therefore, any action based on belief (genuine or pretended) in the truthfulness of the

official theory was treated as a most serious political offence” (1963: 242). Zaslavsky and Brym add that manipulated elections were in the toolkit “to adjust the population to the system’s *irrationality*, to resolve for them the blatant contradiction between official ideology and proscribed political practice” (1978: 371).

That brings us to the next crucial point inherent in the Soviet political system, that is its double-sidedness, an omnipresent cleavage between the proclaimed and the real. In it, Andrew Wilson sees the roots of the post-Soviet “virtual politics”: “The denial of truth in the Soviet Union throughout most of the twentieth century created many of the preconditions for virtuality in the twenty-first” (Wilson, 2005: 8). Kalman Mizsei echoes him on this: “The devastating cynicism of the Soviet system, and the general practice of “double-speak” practices by everyone in communist times, smoothed the path to creating this [patronal – V.K.] system of social organization” (2019: 535). These considerations, present in the rich body of literature on patronal politics (Hale, 2015; Magyar, 2019), reckon that the main legacy of Soviet-style elections inherited by post-Soviet political elites is the belief that elections must be staged with a pre-defined outcome, even if pocket parties and multiple candidates are introduced. Wilson aptly describes political technologies behind such ‘Potemkin elections,’ or ‘show elections,’ convincingly demonstrating their Machiavellian character, bluntly exposed in the name of a respectable political technology agency in Moscow “Nikkolo-M” (2005: xiii).

However helpful for an understanding of the design and internal mechanics of post-Soviet elections the literature on patronal politics is, it has its blind spots. First, it is overly focused on political elites and stakeholders, thus denying any political agency to the society, which has proven unable to explain the expansion of people’s agency, for instance, during mass protests – albeit successfully explaining their failure (Hale, 2005). Secondly, it one-sidedly elaborates on “arranging” as the post-Soviet *modus operandi* – as opposed to liberal “governing” and communist “commanding” (Hale, 2019: 13) – which acknowledges solely the cynical political rationality. However, the Soviet legacy includes constructive functions of elections, most importantly, as a temporarily opening of the otherwise hermetic sphere of governance, which re-connects the society with the governing elites and creates opportunities for providing feedback, social mobility of lay citizens, and rotation in local elites. This legacy has played out most saliently in the Belarusian case: While Lukashenka overtly proclaimed the intent to keep the Soviet institutional heredity, its positive component secured him wide popular support up until recently.

Thirdly, it oftentimes focuses on the convergences between Russia and neighboring states deriving from their shared past, while mitigating the divergences coming from elsewhere. Most importantly, Ukraine and Belarus are not only former peripheries of Moscow (that would explain them taking similar paths with a certain delay) but they

are also former colonies with absent power centers and power hierarchies. It is harder to suture this flattened space of an imperial wreck, yet it is easier to de-sacralize political power and to challenge imposed hierarchies. Symptomatically, Ukrainian political technologists in the 1990s dubbed themselves the 'Golokhvastov Club' (Wilson, 2005: 37) referring to a satirical character of a man of fortune, not an Italian diplomat.

On the one hand, Ukraine is a typical post-Soviet state, where elections were staged (at least, in the late 1990s) as political rituals with pre-defined outcomes; people had a vote without having a voice. Yet on the other hand, it stands out from the rest of FSU, as incumbents tend not to be re-elected (with a telling exception of Kuchma's second term). On the surface, Ukraine has passed Huntington's test for democracy: Elections did bring changes in power more than twice in a row. But if digging deeper, the situation looks much gloomier. After an initial chaotic stage in the early 1990s, an oligarchic patronal regime gained ground and remains intact to date (Minakov, 2019). The specificity of Ukraine is as follows: Paraphrasing Jerzy Wiatr, Ukrainians are prone to *dissent elections*, voting against incumbents and parties in power, and by the same token sending a message in the only accessible way. Thus, elections have a plebiscitarian essence and binary structure, standing like a total sociological poll with a usually negative result. If looking, for instance, at the unexpectedly high 10 percent for the right-wing Svoboda party in the 2010 parliamentary elections and analyzing the profile of this electorate (drastically divergent from the party ideology), it stands as a case of protest voting against the Orange revolution coalition having failed to deliver. Secondly, up until 2014, elections in Ukraine had *antagonized* the society, exposing the cleavages rather than celebrating the unity. The country's inherent diversity had prevented the authoritarian aggrandizing of power, yet also impeded any successful projects of common future. Thirdly, *the effective mechanism of changing high officials was not elections but mass protests* triggered by rigged elections and the impotence of existing legal institutions. However, after bringing the revolution leaders into high offices, citizens soon got frustrated with their inability to deliver. The "system" (not the Soviet but the post-Soviet, oligarchic one) seems to catch up on the protests' agenda to stay intact.

To cover the mentioned blind spots, I suggest complementing the instrumental rendering of post-Soviet political rationality – that implies top-down governance with contracted citizens' agency and intra-elites negotiations as the main site of political struggle – with the reading of elections as meeting points reconnecting the governing with the governed (Langenohl, 2019: 94). This reconnection is not arranged but performed, played out. Thus, political theatricality is crucial for understanding post-Soviet politics and politics.

Elections as a festivity celebrating the unity: a 'theatre state'

Clifford Geertz in his largely ignored but thoroughly cherished book "*Negara: The Theatre State in Nineteenth-Century Bali*" (1980) coined a useful notion of 'theatre state' that sheds some light also on the post-Soviet political developments. According to Geertz, a 'theatre state' is the one governed by rituals and symbols rather than by force. He argues that various public rituals are not ornamental add-ons distracting attention from real politics, but instead are the quintessence of the political in some specific orders. As he puts it: "A royal cremation was not an echo of a politics taking place somewhere else. It was an intensification of a politics taking place everywhere else" (1980: 120). From this perspective, a political ceremony not only manifests but also generates political power. It is a Steinberg self-writing hand that creates itself through publicly constructing and displaying its might: "The state drew its force, which was real enough, from its imaginative energies" (Geertz, 1980: 123). Geertz's core claim is that common conceptions of a state through the monopoly on violence, a site of interest groups negotiations, or a vehicle of economic exploitation fail to explain this aspect of political symbology, "the ordering force of display, regard, and drama" (1980: 121).

From Geertz's perspective, political performances construct a certain imaginary that subsequently puts people in line with official guidelines without force and repressions. This imaginary presents a specific *power hierarchy* with a 'god' as a divine source of power on top, a 'king' as a worldly site of power, and his 'court' / officials as parts of king's regalia attesting to the sacrality of his power. Lay people stand as the subjects who could establish their identity only through the symbolic person of a 'king.' Thus, the political power has a sacred nature. It derives from the divine order, and it has a perennial character. That explains the political importance of religion in contemporary political orders, be it Moscow as the Third Rome in the Russian imperial construction, or Poland as the Christ of nations in contemporary Polish populism. Communism as a 'social religion' (Berdyayev, 1906), and the impersonal charisma of the Communist party in the Soviet times (Jowitt, 1993) structurally play the same role through the messianic appeal of the Communist promise. It puts a ruler outside any social or political norms: The more he dares to benevolently misbehave, the stronger his power establishes itself. Krastev and Holmes argue on contemporary Russia that "the regularly rigged election can only be described as a central, load-bearing institutional pillar of Putin's regime" (2012: 34), as the capacity to mobilize mass voting and secure a unanimous result testifies to a power-holder. "In Russia, in other words, a leader's 'popularity' (as measured at the polls) is an effect and not a cause of his perceived grip on power" (Krastev & Holmes, 2012: 35-36). Belarus before 2020 is another case of elections as a similar "*plebiscite of silence*":

citizens tolerate electoral frauds gauged as the sign of power, not its lack thereof. Sierakowski quotes from a conversation he had with Maria Kolesnikava: “Lukashenka could have won all previous elections in Belarus democratically – he rigged them not in order to win, but in order to secure his status as the only politician in Belarus” (Sierakowski, 2020: 8–9). In this configuration, elections aim to celebrate the only politician and the national unity under and through him.

Another important feature of such symbolic geography is the distinction between the ‘little world’ (the court) as the site of politics, its sacred ‘inside,’ and the ‘big world’ (society) as the ‘outside’ of politics. The political anatomy is structured as concentric circles centered on the seat of the king as the “axis of the world” (Geertz, 1980: 109). Public politics in theatre states presume no political competition, debates, or articulation of diverse interests. It is monolithic, while the public outside the “little world” is dispersed, politically impotent, and apathetic. The only available identity is constructed through a leader as its nodal point: “Russia’s fraudulent elections [...] have also served to give at least a semblance of palpable form to the otherwise dubious political unity of the nation” (Krastev & Holmes, 2012: 38). Krastev and Holmes rightly point out the absence of any positive identity and even of any fixed national borders in the perception of ordinary Russians. Only the electoral map and the leader’s figure present the nation as a seemingly coherent political whole. *The grandeur of political happenings compensates for the misery of daily life.* Cora Du Bois’s diagnosis, elaborated on in another context, fits in here: “the king was the sign of the peasantry’s greatness” (Geertz, 1980: 102). In its post-Soviet rendering, public festivities compensate for the scarcity of public politics. Political performances substitute political struggle and debates.

Geertz develops his concept of a “theatre state” on the material of pre-colonial Bali but it has important implications for contemporaneity beyond a Western-centric vision. Byung-Ho Chung in the book “North Korea: Beyond Charismatic Politics” argues that North Korea is a contemporary theatre state, as the durability of political power there owes to its reliance on theatrics: The leader behaves “like a heroic actor in an epic revolutionary theater production and is continuously playing the role in the contemporary political drama” (Chung, 2018). In this case, elections are out of the equation. Thus, other performances are enacted, missile launching being the core display of power: “Guns, missiles, and nuclear bombs are the national identity of the theatre state of North Korea” (Chung, 2018). Let us compare with Putin’s Russia, where political theatricality reveals itself in happenings that aim to demonstrate the leader’s popularity, physical strength, and the state’s geopolitical weight. The crucial ones are the following: 1) military parades on Victory Day, missile launching, military exercises, warfare; 2) large sporting events (the Olympics, World Cups, and the like) arranged with gargantuan pomp; 3) the leader’s physical activities (diving, riding a horse, working out); 4) direct lines with Vladimir Putin,

opinion polls exposing his tremendous popularity, and elections. All public activities, even seemingly quotidian (like sporting events or the leader's leisure time), get political, as this is *the only acceptable public politics*. Depending on a specific display of power, a *celebrant-in-chief* is appointed among the officials: the head of the Central Election Commission; the head of a public opinion research center; the Minister of Foreign Affairs; a Commander-in-chief, President's spokesperson, or TV star. Rotating celebrants-in-chief serve their duties in various "exhibitions of symbolic capital" (Bourdieu, 1984).

Observers often note the huge social weight of sporting events and musical competitions in the post-Soviet region: Proverbial Eurovision song contests became overly politicized in the area (Seely, 2016), and to an even greater extent, so did the Olympics and FIFA World Cups. Many scholars tend to interpret them as instruments of the Kremlin's soft power. Makarychev and Yatsyk (2014) put together the Sochi Olympics and the annexation of Crimea as two major events (re)affirming Russia as a great power. Citing the political commentator Sergey Medvedev, they expose them as epic storytelling: "the Sochi story is propagated as an epic myth – from the miraculous award of the winter Games to this sub-tropical city to the even less expected victory of the Russian team in the overall medal count. This epos [...] has been transformed into the celebration of Russia's victory in Crimea – a highly mythologized and sacralized territory, blending cultural appeal with military glory" (2014: 63–64). In another contribution, they elaborate on the shifts in the 'Putinite sovereignty' from the 2014 Sochi Olympics to the (then prospected) 2018 FIFA World Cup, underlining how Agamben's paradox of sovereignty worked out in preparations for the Olympics in Russia. According to Agamben, the sovereign is, at the same time, outside and inside the juridical order he embodies (1998): He produces the laws, thus being their guarantor, and at the same time reserves the right to disobey, thus putting himself above the law. Makarychev and Yatsyk show that "in the lead-up to the Olympics, the Russian government introduced multiple exceptions to existing legislation, both as a response to requirements of the International Olympic Committee (IOC) and as a means of facilitating the logistics of the event. [...] The practice of legalized exceptions was extended to the FIFA Cup" (2015: 4). What usually is framed through Carl Schmitt's concept of the state of exception, fits well into the 'theatre state' model: The ruler is above the rules, while public happenings are the quintessence of the political.

Elections as a revolt against hypocrisy: ocular democracy

2019 was a revolutionary year in Ukraine's post-Soviet history. This time, however, a revolution happened not in the streets but in front of

monitors and at the ballot boxes. Not only did all the regions unanimously support one candidate, by the same token discarding the long-standing West vs. East framework, but also, for the first time, this candidate's political party gained a one-party majority in the parliament on the subsequent parliamentary elections, thus discarding the Ukrainian version of check-and-balances (cf. Levitsky & Way, 2010). All of that was accomplished with almost no political program and/or electoral promises. On top of that, the sixth president had literally no political experience before running for the office, whether in party politics or even as a civic activist. What he did have under his belt, was sizeable media popularity linked to his heavy presence on TV, a role of a teacher-turned-president in a TV series, and the image of a cheeky critic of political elites in a satirical TV show. Another side of his public persona presented him as a successful manager transforming a students' amateur performance gang into a successful business project producing comical media content.

Zelenskyy's supporters compared him to Ronald Reagan (Yurkovich, 2019). His opponents referred to him as the Waldo bear from the Black Mirror TV series (Makarenko, 2019). Philosophers and literary critics invoked Mikhail Bakhtin's concept of the carnivalesque culture that testifies to the human need to (temporarily) turn the metaphysical world hierarchy upside down by appointing a clown to be a king (Boichenko, 2019; Gaufman, 2018). Political scientists reckoned him yet another case in the global populist trend on the rise (Wilson, 2019). Indeed, Zelenskyy has been using Trump's and Johnson's playbooks, as Andrew Wilson reveals (2019), but such a perception misses a crucial point. Like other populists, the Ukrainian president criticized the political establishment and dismantled state institutions. He refrained from setting clear-cut political goals and rational means to achieve them. However, he gained office by mobilizing the *hopes* of the people, not the hatred; he attempted to suture the country together against the existing cleavages. Thus, this political phenomenon must be rendered as a case of plebiscitary democracy, where a leader stands as his electorate's *trustee*. The audience delegates their candidate the duty of political performance, whereas keeping for itself the privilege to *refrain from the political domain*. Secondly, it is an incarnation of ocular democracy, one that is operating with images and emotions, constituting the electorate as the audience connected to the leader, not via interests but bound with the special sense of intimacy.

This brings us to the tension between the two versions of political anthropology. According to the tentatively liberal one, people aim at maximally broad participation in politics. Thus, political representation could be considered a temporal limitation caused by technical constraints, as any contemporary democratic state is far bigger than a Greek agora. However, various procedures of constructive distrust

(Rosanvallon, 2008) keep the people as the symbolic center of power in a polity, which presupposes a will on the side of the many to have a grounded political opinion. An alternative, pessimistic political anthropology states that the majority has neither the capacity nor the opportunity to actively engage in politics, thus representation will always be requested (Lippman, 1993 [1927]). From this vantage point, ordinary citizens seek someone to delegate their political power to, be it elected officials or their fellow citizen-activists. Accordingly, civic activists stand rather as *counter-elites* than as laypeople, as they have the educational and organizational resources to engage in politics, unlike the mute masses. Jeffrey E. Green claims that “the Few-Many distinction is a permanent feature of political reality” (2016: xi), therefore “ordinary citizens understand themselves as being able to influence events only insofar as they can affix themselves to a larger mass of like-minded others” (2016: 3). That came as a surprise in Ukraine with its strong record of unrest and civic activism dating back to the Soviet and even Russian imperial times. When hundreds of thousands flood the streets to protest against the authorities and prove able to oust delegitimized rulers but also to take over the tasks that state institutions fail to perform, it makes it to the news around the world. The Maidans and mass volunteering presented Ukraine as a strong civic nation. Yet, despite how numerous the movements were, even more inhabitants of a 40-plus-million country stayed at home, alienated from ongoing events and unwilling to engage in politics on whatever side. Elections and opinion polls gave them a voice, and they voted for *extrapoliticism* (Green, 2016).

The 2019 presidential elections were not an ideological struggle between the ‘European values’ against the ‘Russian world’ (then it would have been Petro Poroshenko vs Yuriy Boyko in the runoff). Neither were they a pure populist fight against the establishment: Yulia Tymoshenko and Oleh Lyashko were most prominently elaborating on this, yet failed to make it to the second round. The landslide victory of Volodymyr Zelenskyy could be explained by his vision of the country presented in the later New Year address: “Where the name of the street doesn’t matter because it is lit and paved. Where it makes no difference, at which monument you’re waiting for the girl you love” (Zelenskyy, 2020a). Jeffrey E. Green labels a corresponding mindset “extrapoliticism” aimed “to protect the ordinary citizen’s private happiness from the unhappiness that engagement in politics is so likely to generate beneath the shadow of unfairness” (2016: 131). He explains that “ordinary citizenship is second-class citizenship” (9), and for political “plebs” it is impossible “to see their leaders merely as public servants;” they are perceived “as holders of an immense, disproportionate power beyond the scope of full accountability” instead (4).

The current moment reveals the futility of the assumption that humankind is moving towards general political participation, and modern technologies enable a more direct democracy. However, even though

“democracy has broadened, one cannot say with the same certainty that it has deepened” (Manin, 1997: 234). The main effects of social media seem to be producing the intimacy effect (cutting the distance between a leader and his electorate) and giving a broad spectrum of identities beyond traditional ones, including the ones from the party politics times. “Online communities offer a plethora of different ways to discover a sense of belonging. We don’t need politics to be our social club when there are so many other kinds on offer” (Runciman, 2018: 217). It transforms the nature of political representation. Voting becomes more *personal*: People tend to vote for a specific character presented on the screens. And his ratings depend on the ability to produce the right *impression*. Bernard Manin proves that it is a comeback of the initial idea of political representation, when elected were “*trustees*” of those who voted for them (1997: 203). But unlike the governance of the notable, contemporary elites are composed of those accustomed to media tricks: “television confers particular salience and vividness to the individuality of the candidates. In a sense, it resurrects the face-to-face character of the representative link that marked the first form of representative government. Mass media, however, favor certain personal qualities: successful candidates are not local notables, but what we call “media figures” / persons who have a better command of the techniques of media communication than others” (Manin, 1997: 220).

In this new “*media-political system*,” as, ironically, Marine Le Pen coins it (Davies, 2019: 51), media popularity becomes the main political asset, and media moguls become main political brokers (cf. Pleines, 2016). Moreover, through so-called ‘bot farms’ and big data analysis, power-holders manage to ‘hack’ the Internet as a free space of horizontal ‘many to many’ communication. Thus, Ukraine’s competitive authoritarianism (Levitsky & Way, 2010) transforms into a competitive ‘theatre state,’ where oligarchic media define the political agenda by choosing what events are ‘newsworthy,’ and what enters into the public debates. A recent act of self-immolation by Donbas war veteran Mykola Mykytenko protesting against Zelenskyy’s war strategy (Chernichkin, 2020) has been scandalously absent (or mitigated) in mainstream Ukrainian media. Instead, the media space was filled with discussions of the nationwide poll (a quasi-referendum) on the day of local elections on October 25th, 2020. The incumbent made an address to the electorate claiming that “everything will be as you decide” (Zelenskyy, 2020b). The initiative falls in line with the ocular/plebiscitarian governance. Not only does it contradict the existing law on referenda, thus having no legal force, but also the set of proposed questions is incoherent and tendentious, from the Budapest memorandum to the legalization of cannabis. The rhetoric dwells on the same tropes as the above-mentioned New Year address: it criticizes ‘politicians’ and ‘experts’ who are supposedly ‘damn scared,’ because “if direct democracy is really enacted, they will become useless. They will stop being invited to various talk shows. Their parties will not be funded. Their opinion

will be of interest to no one, as everything will be decided upon by the citizens of Ukraine” (Zelenskyy, 2020c).

The new era of social media is changing politics everywhere. In Ukraine, it clicked well with the neopatrimonial mindset. Dysfunctional state institutions and catchy public performances seem to be two sides of the same plebiscitarian coin. As Denis Semenov (2020) aptly remarks, *performatives and algorithms replace institutions*. Public politics are played out in media all over the world; political negotiations give way to Internet memes, bright happenings, and catchy images. William Davies calls the current situation a ‘nervous state’ connected to the rising speed of knowledge and decision-making where human reason is overtaken by emotions of all sorts. “Where events are unfolding rapidly and emotions are riding high, there is a sudden absence of any authoritative perspective on reality. In the digital age, that vacuum of hard knowledge becomes rapidly filled by rumors, fantasy, and guesswork” (2019: 7). This vacuum is caused not by the absence of experts but by the decreasing demand for their expertise that gets too slow, too boring, and too uncompetitive in catching attention and grasping the feeling of the moment. These are the times of the “*politics of spinal cord*,” when people have strong bodily reactions to events, and they are longing for trust. Under these circumstances, more and more people fall into the plebiscitarian niche. David Runciman argues that the illusion of transparency produced by social media camouflages the real struggle between the old Leviathan with a sword (a modern state) and the new Leviathan with a smartphone (social media) (2018: 199). And the latter is getting more and more powerful; its salient horizontal network shadows an opaque and rigid hierarchy behind it. “Like a modern state, Facebook is both a hierarchy and a network. If anything, it is far more hierarchical than any democratic state: Zuckerberg and his immediate circle exercise an extraordinary level of personal control. It is more like a medieval court than a modern polity. Power flows from the top” (Runciman, 2018: 170). However, it enhances the sentiment of people’s power against corrupt politicians.

Thus, elections turn into *a revolt against hypocrisy*: the hypocrisy of electoral promises (as it is considered more candid not to promise anything), the democratic hypocrisy that people are the main sovereign, and the inherent hypocrisy of Western values. Hannah Arendt back in 1970 aptly remarked: “if there is one thing most likely to convert engagement into enagement – more even than injustice – it is hypocrisy” (1970: 56). The emerging politics of feeling invokes political rage and, at the same time, produces a longing for trust and hope. Albeit Ukraine’s jump from apathetic post-Soviet voters to an enthusiastic audience frustrated domestic bearers of liberal-rational imaginary, saliently present in the Maidans (see details in Korablyova, 2020), it signified a shift from imitative to ocular/plebiscitarian democracy. Inter alia, it synchronized the country with the global trend

of “politainment,” the mediatization of politics, or the rise of the performative in politics.

Conclusion: elections as a battle of imaginaries

The recent democratic recession exposed the historical contingency of coupling liberalism with democracy. While liberal values and institutions are under attack in different corners of the world, elections still hold sway as one of the main political rituals. However, they drastically change in the design and prospected outcomes. As Fyodor Lukyanov, Scientific Director of the Russian Valdai Discussion Club, outspokenly remarked: “Elections play an important role in the political process but as a pretext for setting in motion other mechanisms for establishing a new balance. [...] Their main function is to *prevent surprises and uncontrollable scenarios*” (2020). There is a long-standing tradition of juxtaposing elections as a democratic procedure with an unpredictable outcome to their rendering as a tool for ‘normalizing’ the situation, that is, securing the grip on power by the incumbents in illiberal regimes. What is a rising trend, however, are elections as a *game-changer* both in liberal and illiberal orders. This new “winner-takes-all” politics implies not just a regular rotation in ruling elites but a wholesale regime change as an outcome of elections. Among the rest, it entails that competing candidates and their electorates hold *alternative political imaginaries*, divergent visions of the political process, state functions, and institutional design of the polity. The cornerstone tension is around the state–society relations, as well as about the basic unit of society, whether it is an individual, various social groups, or a community as a monolithic whole. As Andreas Langenohl aptly notes, “voting in general elections is not coupled to just one imaginary of society presupposed as a truth, but to many, which may be overlapping but also persist in mutual contradiction” (2019: 93). This encounter of mutually opposing imaginaries often acquires an antagonistic character moving from a “contact zone” to a battlefield for an imaginable future. Arguably, what sparked electoral protests in Russia in 2011–12 and in Belarus in 2020 was the sentiment of the “stolen future.” As Krastev and Holmes remark on Russia, “the country’s main political division now runs between those who dread the loss of a fragile stability and those who fear being deprived of an imaginable future” (2012: 43).

The article develops the argument that the post-Soviet political domain is grounded in political performances as an alternative to institution-building. Rather than taking the expected path of democratization enforcing the liberal–democratic rationality, it took a divergent route. Partly it could be explained with the mental rootedness of post-Soviet elites and laypeople in the Soviet past. As Minakov shows

in his research (2019), the initial stage in early 1990s was characterized by the ideational competition of multiple models of development “simultaneously rooted in Soviet totalitarian and perestroika experiences, pre-Soviet traditions, Western political and economic models, and experimentation with new forms of political and economic life” (229). However, there was little institutional memory to lean upon. As Pipes remarks bitterly: “there are no quick solutions to the Russian tragedy. The country must overcome the legacies of 75 years of Communism and of centuries of czar-ism, whose central institutions were autocracy and serfdom” (1992). Under such conditions, the main competitive advantage was the administrative experience and capacity of regional elites’ groups (Minakov, 2019). Their victory contributed to the instantiation of patronal politics in late 1990s, whether in a single-pyramid, as in Russia and Belarus, or in a multi-pyramid version, as in Ukraine. In any incarnation, it is distinguished with instrumental political rationality, ideological indifference, and despise for ordinary citizens.

The resulting arrangement of Potemkin institutions (Holmes, 2002) and the mafia state core (Magyar, 2016) left little space for people’s agency and marginalized elections as negotiations on the future involving broad citizenry. Bleak public politics, hollowed out of public debates and political struggle, was filled with political performances aimed at affirming the rulers’ power, entertaining the people, and forging national unity. Importantly, political opposition and dissent resort to performativity as well – from Pussy Riot’s Punk Prayer to mass protests with salient carnivalesque character. The telling case of Ukraine shows the tension between an active, even if quite numerous, minority promoting the reformist agenda of the Maidan – and the majority largely upholding paternalist attitudes and reluctant to active political participation.

Three divergent streams of top-down political theatricality embodied in elections have been discussed here. The Soviet-style electoral performance demonstrates the no-choice sterile political environment, even against the presence of pocket parties and puppet candidates on the ballot. As Stephen Holmes remarks: “Russian elections do not help the many to discipline the few. They are not connected to the struggle of the ruled to compel their rulers to act, at least occasionally, for the interest of large voting blocs, rather than for the predatory interests of well-placed private groups or for the corporate interests of top administrators” (2002: 112). Here, political power precedes elections and manifests itself through the capacity to rig elections and to ignore the political will of citizens. However, this Machiavellian reading (Wilson, 2005) must be complemented with the social contract legitimizing this arrangement. Lukashenka’s Belarus demonstrates strong paternalistic attitudes as its underbelly (the leader’s nickname testifies to that). People refrain from the political

domain in exchange for social and economic guarantees. Uninterrupted show elections re-validate this contract.

The 'theatre state' model widens the gap between the subjects and the 'king' figure whose political power has a sacred character. It does not derive from people but descends on them. As compared with the previous model, with which it shares a lot in common, the 'theatre state' is a move towards re-archaization, with an important role of religion in public life and the exclusion of the possibility to terminate the contract. The depletion of political life is compensated with the grandeur of political festivities. Moreover, with the absence of public politics, every public action gets political. While electoral maps forge the sense of unity, large sporting and musical happenings endorse national pride. This model could be traced in contemporary Russia, where it clicks well with the imperial sentiments and ambitions. Similar – largely failed – attempts were connected to Euro-2012 Football Championship in Ukraine during Yanukovich's presidency.

The ocular/plebiscitary model gives more agency to the people as a 'sleeping sovereign' (Chatterjee, 2020). Albeit still refraining en masse from the political domain, voters keep the right to demand transparency as 'ocular accountability.' The duty of a leader is to keep direct contact with his voters, to report on a regular basis on social media, to ignite the hopes of the voters and to comfort their fears. Institutions are mostly distrusted. The incumbent recurrently violates legal procedures to disperse the parliament, appoint banned officials, or claim a referendum aka a nationwide poll, and all this is greeted by the majority. Arguably, the iterations of successful mass protests in Ukraine known as the Maidans carved out more space for citizens' sovereignty, while incentivizing the rulers to have regard to the audience reaction. As Jeffrey C. Alexander notes, "politicians win power by convincing voters to believe, becoming symbolic representations of *the hopes and fears, and dreams of collective life*" (2011: 1).

In the Belarusian case, the jury is still out, and it is yet to be discovered where the failure of Lukashenka's Soviet-style model brings the country and its inhabitants. Back in 2005, Vladimir Fours compared Lukashenka to "a screen onto which life fears and hopes of thousands of people are being projected" (2005: 17), behind which "a small man with a big lust for power" is hiding. From summer 2020, his authoritarian power has been challenged by a mass protest movement against the rigged elections. Tatiana Shchytsova commented on Lukashenka's formal political opponent: "the uniqueness of the phenomenon of Svetlana Tikhonovskaya lies in the fact that she attained hegemony (she got to represent the whole society), without offering any specific discourse. This means that her political mission has become the personification – the embodiment – of *an empty signifier* as such" (2020). This ongoing tension between two alternative political screens, two empty signifiers for the hegemonic representation of collective emotions

stands as an apt illustration of ocular democracy that is arguably here to stay, both in the post-Soviet region and beyond.

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“THE VOICE OF THE PEOPLE IS THE VOICE OF THE GOD”: PRACTICES OF PEASANT ASSEMBLIES IN THE NORTHERN RUSSIAN VILLAGE OF THE LATE 19TH AND EARLY 20TH CENTURIES

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Abstract: The paper discusses the issue of decision-making practices of peasant assemblies in the northern Russian village of the late 19th to early 20th centuries. During this period, legislation and peasant traditions did not correspond to each other. While the government attempted to create a uniform body of legal norms for the administration of peasant communities in the wake of the abolition of peasant serfdom in Russia in 1861, the peasant communities themselves relied on peculiar traditional forms of community-based consultation and decision-making. The paper addresses the tensions arising from these non-overlaps between assembly practices and legal norms. These pertained, for instance, to the types of assemblies; the scope of jurisdiction allotted to each type of assembly; the ways that decisions were publicly presented, discussed and taken; how villages and their subunits were represented in the assemblies; and how processes of decision-making were validated and documented. Hence, various local forms of adaptation of norms regarding decision-making were created, involving flexibilities and permissiveness on the side of the administrative bodies overseeing them. These informal flexibilities enabled a sufficiently effective system of assemblies to function. Studying such local communities and their decision-making practices demonstrates that contemporary forms of decision-making in formal democracies are not only one option among many, but ought to be reviewed with respect to their informal and flexible components.

Keywords: peasant community, peasant assemblies, customary law, Tsarist Russia.



Introduction

Today one of the most common ways of collective decision-making consists in a legally and procedurally regulated practice of balloting, including a one-person-one-vote rule, a counting of votes etc. For this procedure, the participation or representation of a certain number of people, a compliance with the legal procedure, and a correct and transparent counting of votes are of utmost importance. However, is this scheme universal for voting? Are alternatives possible? Can other procedures of collective decision-making be effective? To answer these questions, it can be useful to refer to the experience of communities of other time periods. What aspects of the voting procedure did they regard as significant? Is it possible and useful to take into account their experience today? In this paper, I discuss the forms of collective decision-making that were created or preserved in the context of the laws and traditions in the northern Russian villages of the late 19th century. More precisely, the period under consideration are the 1890s. Prior to that decade, a period of 30 years had elapsed since the abolition of serfdom and the adoption of the “General Provision”, and different forms of adaptation of decision-making mechanisms had to be created during that period. Peasants used different decision-making mechanisms depending on local conditions. They formed different types of assemblies, including such not mentioned in the body of law, independently determined the circle of people who took part in assemblies, and used lots and “sequences” (see below) to solve some issues.

Law and tradition

In 1861, serfdom was abolished in the Russian Empire, and the legal regime for all categories of peasants changed. The “General Provisions for Free Peasants” (19 February 1861) established a model of governance of rural societies which applied to both former state-owned and former proprietary peasants. Each group of peasants before the 1860s had their own system of courts and administrations, entailing different traditions. It was only through the cancellation of serfdom that the Russian government tried to create a uniform legislation for all peasants. However, the legislation rather abstractly referred to peasant communities, and it quickly turned out that it could hardly be applied to real situations. This feature was noted by K. Golovin at the end of 19th century: “The compilers of the provision thought, apparently, that all settlements that do not bear the name of the city are certainly similar to one another and will forever retain this similarity” (Golovin, 1887: 12). I. A. Khristoforov noted that the law was based not so much on study and knowledge of the village as on general impressions and even stereotypes: “The understanding of the authors of the

law was based on a patriarchal picture: respected heads of household, well-known to each other, jointly analyse and solve issues related to their common interests” (Khristoforov, 2011: 263). But such a view did not coincide with reality. At the beginning of the twentieth century, a commission mandated to revise laws on peasants found that in artificially created rural societies, “their individual members were often unfamiliar to each other” (Trudy, 1903: 42).

The procedures in the law were described in very general terms, thus suggesting a wide spectrum of interpretation. Given these conditions, it is important to consider which particular features peasant societies singled out as important components of their decision-making processes. In the northern Russian village of the end of 19th and the beginning of 20th centuries, the main decision-making institutions consisted of various types of assemblies. On the one hand, their activities were regulated by the legislation of the second half of the 19th century, but on the other hand, they had been formed in various peasant communities since much longer historical periods. Thus, peasant assemblies were regulated by two different systems of norms, one based on formal legislation and the other on customs and tradition. George Yaney described the governance of the Russian village as follows: “For the peasant masses, law remained essentially a random mixture of local custom and arbitrary force” (Yaney, 1965: 387). The law as a document did not directly affect peasant governance but was accounted for and interpreted by the local bureaucracy, and it was only this interpretation that interacted with the local peasant tradition, creating a local legal regime. Theodore Shanin emphasised the significance of traditional institutions in this interaction: “When laws were contrary to customary law, they were neglected, and instead it was acted in accordance with custom, stubbornly ignoring everything else” (Shanin, 2003: 117). L.I. Kuchumova called this system ‘a kind of phenomenon of “dual power”’ (Kuchumova, 1992: 29–30).

Against this depiction of the general state of legal regulations in peasant communities by contemporary observers, the following remarks zoom in on the concrete practices of decision-making. They rely on the following historical sources and considerations. As a rule, resolutions resulting from collective decision-making contain a minimum of information about the actual procedure of assemblies. These documents were approved by higher authorities, so they had to comply with the letter of the law. Furthermore, additional descriptions of procedures can be found in complaints, petitions, and explanations. Therefore, the analysis of a large array of these documents allows us to see real practices and to understand the attitude of peasants towards them. The main sources for the topic were documents found in the State Archive of Vologda Oblast and in the Central Archive of Velikiy Ustyug. These documents mainly consisted of around 300 resolutions of various types of assemblies, 80 explanatory notes written by village officials in response to a request from a higher authority

and ethnographic descriptions. Finally, the analysis can rely on contemporary ethnography. In the 1890s, Prince V.N. Tenishev set up an Ethnographic Bureau in St. Petersburg, which was engaged in the collection of ethnographic materials from 23 provinces of Russia. Correspondents sent their observations to the Bureau, and the Bureau assessed the quality of the descriptions and, depending on the quality, paid for the work. The questionnaire developed by the Bureau contained a whole range of questions on the management of peasant communities, the practices of assemblies, and their interaction with external authorities. The Vologda province was one of the most active: About 80 correspondents sent their descriptions. I thus focus on the territory of Vologda province of the Russian Empire, one of the northern provinces of Russia, which was a vast and interesting territory, extending over three different zones. Before the 1860s, peasants of the southwest area of the province mostly had a proprietary status, while in the middle area both state-owned and proprietary peasants could be found, and the east was a territory populated practically exclusively by state peasants. Given this variation, it is not surprising that at the end of the 19th century one single province hosted a great variety of assemblies, legal courts, and general relationships between peasants and the regional administration.

Peasant assemblies

The “General Provisions” provided for the existence of two types of assemblies: the village assembly and the *volost* assembly. In practice, however, there were at least seven types of assemblies:

- the settlement assembly of all householders of one settlement,
- the incomplete rural assembly consisting of householders of some settlements who had one common concern or aim,
- the rural assembly consisting of householders who belonged to a rural society and of all village officials,
- the amalgamated assembly of householders from some different rural societies,
- the *volost* assembly of a larger administrative unit (*volost*), in which representatives of householders participated: groups of ten houses elected a person who became a member of the *volost* assembly (the so-called ‘ten-house electors’),
- the assembly of landless peasants,
- the parish assembly, whose official status was different from that of assemblies of all other types: according to Senate Decree No. 3357, dated 8 November 1883, “the resolutions of parish assemblies are only binding for the parishioners who take part in composing the resolutions” (Sbornik reshenii, 1889: 103).

In the 1860s, the law provided for the existence of assemblies only on two levels, that of the rural and the *volost* levels. After that, the legislation expanded the number of levels of assemblies through the Governing Senate decisions. The Senate approved new types of assemblies, yet these decisions had little impact on the real situation. For example, one more type of assembly was legalised by Senate Resolution No. 906, dated 4 March 1897, which stated: “Amalgamated rural assemblies as distinct bodies of municipal administration are permitted by law if their aim is to discuss issues concerning the proper performance by the peasants of the duties assigned to them” (Borovsky, 1905: 2). However, this type of assemblies had been common in village since earlier time, and it had been considering a fairly wide range of issues¹.

Depending on local conditions, each territory formed its own set of assemblies that were responsible for specific issues. In the former serfdom areas, rural societies were formed on the basis of the ownership of one landowner. Large land tenure in the Vologda province did not exist, so societies included one or several neighbouring villages, which encompassed ten to 80 families. The most common here were rural assemblies, from five to 60 well-known householders.

In the areas of former state peasants, rural societies were formed in the 1830s according to the standard of the number of householders (approximately 200 householders per society). As a result, at the end of the 19th century, any one society extended over 200 to 1000 families living in villages located at a distance of up to 40 kilometres apart from each other. According to one requirement of the law, 50 percent householders were to be present at the assembly, on some issues even two thirds. According to resolutions received by local officials, hundreds of householders participated in the assemblies of large rural societies during the wintertime. For example, the resolution of the assembly of Bogoyavlensky rural society of Tregubovsy *volost* of the Ustyug district, which took place in January 1895, had 367 signatures (VTsA. F. 11. Op. 1. D. 355. P. 63). The resolution of Nizhnee-Egorodsky society of Nikolsk district of December of 1899 included 380 signatures (VTsA. F. 353. Op. 1. D. 353. P. 9), and under the resolution of Travinskoe society of Nikolsk district of November 1900, 578 signatures appeared (VTsA. F. 569 Op. 1 D. 12. P. 117). The unreality of these figures was obvious: There were no buildings in the village that could accommodate such a vast number of people. The main assemblies took place in winter and lasted three to five hours. In large societies, they took place at night-time because participants needed time to get there from remote villages. Therefore, it was impossible to conduct assemblies on the street. At the beginning of the 20th century, the Vologda Province Zemstvo Meeting discussed the issue of assemblies and found that instead

1 On the system of assemblies, see Mukhin (2013).

of 400 to 500 declared in the resolutions, “at assemblies were only those who could fit in a close common heated room” (Tolmachev, 1903: 22–23). Thus, there were not more than 100 to 150 peasants. However, no decisions were taken by the province government. Although the government was well informed about regularly occurring violations of the law, it did not try to take any action in this regard.

Due to the lack of premises and the inability to organise discussion in crowded meetings, it was necessary to limit the number of participants in assemblies in large societies. An apt example for this is the regulations regarding the separation of families, when siblings intended to split up a large family consisting of two, three or more brothers with their wives and children to form new separate family units. Such a process raised the question of property, for instance, which brother should be given a samovar, winter clothes, instruments and so on after the separation. The law prescribed that the separation of families to be negotiated at a rural assembly; yet the smaller settlement assemblies lent themselves more effectively for such issues. It was practically impossible to execute the law in a correct way, and even the administration supported regular violations of the law. For example, the author from Nikolsk district of Vologda province, who signed as P.P., reported that the staff,

“realizing the fallacy to consider family separating issues at a rural assembly, had no choice but to interpret the law to the effect that cases of family separation, like land cases, could be resolved by settlement assemblies; while the decisions of the Senate, which disagreed with such interpretation, had to be ignored” (P.P. 1899: 1).

The peasants themselves determined what type of assembly was needed to resolve a certain set of problems so as to minimise the number of people who did not have a direct interest in the issue of the resolution. However, the resolutions of these assemblies were most often written by rural elders, thus authorising them as the resolutions of legal rural assemblies. This strategy helped to limit the number of critical questions coming from higher authorities.

Large rural societies limited the number of participants of assemblies by themselves. A number of methods could be used to achieve this. There were different systems of a formation of representation from each village, for example, the “sequence” (*ochered*) of householders, in attending assemblies. According to N.M. Mataliev, an ethnographer in Nesteferovskaia *volost* of Ustyug district, “at rural assemblies should be present every householder in a small village, and in the case of a large village, householders of parts of the village according to sequence” (Russkie krestyane, 2008, IV: 513). The rural assembly thus limited the total number of participants, yet formed representation from all villages. For instance, in Vozhbalskaia *volost* of Totma district,

one person was elected from each five houses, and only they participated in assemblies.

The northern Russian village knew practically no concept of quorum. All householders were informed about an upcoming assembly, and peasants believed if somebody did not take part in an assembly, he would agree to any of the decisions of the assembly. A resolution of an assembly was perceived as a solution and prescription for the whole society, even for those persons who were not present. For example, during the consideration by the Vologda District Court of the case of rural elder Jacob Ivanchilov (Rezhsky Rural Society of Totma district), accused of forgery of a resolution, the following was established:

“An assembly was convened, which, as usual, was attended not by all householders, there gathered not as many as was required but considerably less, and the peasants, as always, said that it was difficult to appear at the assembly, and that those who did not come would agree with those who were present at the assembly” (GAVO. F. 685. Op. 1. D. 392. P. 5 ob.).

The whole society knew about the assembly, householders were notified through the local police, and this was sufficient to render the assembly legitimate.

Decisions of assemblies were considered as common, with which everyone agreed. The law assumed the presence of voting and counting. Yet circumstances like the different opinions or the number of votes were not recorded in assembly resolutions. All participants were considered to be in agreement with the decision. “The sentence is always decided as if due to everybody’s consent, although in fact almost half [of the assembly] held a counter opinion” (Russkie kretyane, 2008, IV: 513). Voting mechanisms did not require accurate counting of votes. “the votes are not counted, and the sentence is decided by hearing: whether they scream louder “yes“ and “no“” (Russkie kretyane, 2008, IV: 80). So the level of screaming was the main argument. In a similar fashion, those who agreed with the proposal might gather in one group, and those who disagreed in another, with the village elder visually determining which group was larger and establishing the decision on that ground. In any case, the exact number of men supporting one or the other resolution was not recorded. However, the way the final agreement was achieved and recorded did not imply a lack of discussion; instead, “noise” was a regular part of the procedure. Thus, a winter room in which an assembly took place was even called “noise room”.

Other methods of decision that excluded personal initiative were used for a number of issues. The purpose of such methods was to protect and preserve relations in a village as in the case of some issues, the adoption of any decision might imply a conflict. For example, lots became a tool for determining decisions in the election of some village

officials, the distribution of plots of land among families, etc. Such an option of decision-making was considered fair, because

“according to popular understanding, lots fall not by accident and do not single out any odd person, but necessarily a known person according to the will and determination of God” (Kadnikov district) (Russkie krestyane, 2007, II: 502).

Accordingly, the lot was interpreted as God’s decision that people could not undo.

The mechanism of such lots was described in the explanation of the former elder of Goncharovsky society of Vologda district Alexander Prokopiev Karanin: “(A)t the assembly the lots who should be the elder were cast among four people, by the lot the peasant of village Goncharka Semyon Sakharnov was determined” (GAVO. F. 76. Op. 1. D. 458. P. 19). So initially several people were selected (unfortunately, the selection criteria were not disclosed in the documents) between which lots were cast. However, the method of election was not fixed in the resolution but only the result – who attained the positions of elder, collector of taxes, or the local policeman. In this case, the elections did not require a vote, so the possibility of a conflict was excluded.

In another type of lot, the assembly distributed the houses (old and new) among brothers during a family’s separation through the choice of icons: “Some do it like this: they veil two icons in the tablecloth secretly from others – the Savior and Nicholas the Wonderworker – and urge one of the brothers or sons to take one of them, and if he takes Nicholas the Wonderworker, he must leave to a new house [...], if he takes the Savior – then vice versa” (Russkie krestyane, 2007, I: 278). The movable property was distributed through the throwing of sleeves, described by ethnographers A.A. Shustikov in Kadnikovsky district (1889: 2) and N. Ivanitsky in Solvychegodsky district: “Parts are distributed by lot. They throw the mitten, as many mittens as there are shares; some item is placed in each mitten – a chip, a small piece of coal, etc., as a conditional sign [it is known in advance which sign refers to whom of those who separate – D.M.]. A person, who is not involved in dividing, puts these sleeves on piles of things assigned to dividing” (Ivanitskii, 1898: 62-63).

A number of elected posts were filled on the basis of “sequences” (*ochered'*). Such sequences ensured a fair distribution of duties in the community from the point of view of the peasants. For example, the election of *desiatskii* (elective from ten houses local policeman) was based on the location of houses in a village (Russkie krestyane, 2007, II: 677), or a choice of rural elder could be made by considering the sequence of villages from which these officials were elected. In his petition, the peasant of village Mstishino of Vologda district, Pyotr Korichev, stated in 1896: “In turn, the elder should be chosen for the next three years from our village of that society in which four villages are

located” (GAVO. F. 76. Op. 1. D. 1506. P. 2). So instead of a rural assembly once every three years, the elder actually was chosen by a settlement assembly only once every twelve years (without any written resolution), and the rural assembly only approved the decision of a corresponding settlement assembly.

In cases lots and sequences were used, the method of a decision-making in an assembly was not fixed in the resolution. Consequently, officials could not cancel the resolution for non-compliance with the procedure or other reasons. Such omissions were often used by peasant elders. Only the written document created the fact of the decision for officials. An oral resolution could not be cancelled because there was no written documentation to appeal. For peasants belonging to an oral culture, oral agreement was identical to deciding. If a written resolution was necessary, it might contain only parts of the decisions taken which, according to the estimation of the rural elder, would not be questioned by the staff. In large societies, most peasants, including literate peasants, did not participate in the signing of sentences. Thus, “according to the established procedure, an assembly elected two or three *rukoprikladchiki* [the people who sign a sentence] from the literate persons who would list the householders that appeared at the meeting, and after that would place their signature under the sentence” (VTsA. F. 11. Op. 1. D. 325. P. 150 ob.). As a result, “in the case of accusing officials of absentee signatures, the elder and the clerk turn to the *rukoprikladchiki*, and the case of fraud is never initiated, and complaints by peasants always remain without consequences” (Russkie krestyane, 2007, III: 554).

Resolutions and external officials

Such practices were important for peasant elders. According to the law, all peasant sentences had to be approved by peasants officials. Officials assessed not only the legality, but also the morality of the decisions, even of those that did not contradict the law. The category of “morality” was not disclosed in regulatory acts. It was assumed that officials belonging to the noble estate have a sufficient level of morality that peasants do not possess. This created a situation of uncertainty. The opinions of peasants and officials could vary significantly. For example, the official in peasant cases of the two sections of Nikolsk district, considering the sentence of electing a non-householder as an elder, noted: “Although it is possible by law, I still would be in doubt” (VTsA. F. 61. Op. 1. D. 457. P. 3). A non-householder had father or elder brother and had to submit them. If a non-householder became an elder, he became the chief of his father, and the administration believed that was a problem for peasant morality. So any peasant resolutions could be quashed not only on the basis of the law, but also on the basis of a particular official’s personal moral understanding.

The law contained a list of 18 points on which peasant assemblies could make decisions. The resolution of other issues was considered illegal and elders were supposed to be punished. According to Addendum 3 to Article 51 of the “General Provision”, “the village assembly may discuss and issue judgements only on the matters stated in this Article” (PSZ, 1863: 148–149). But the peasant understanding of the role of assemblies was different. “The voice of people is the voice of the God”, peasants said (Russkie krestyane, 2008, IV: 444). Therefore, first, it was considered that assemblies had an unlimited competence. Peasants believed that even God would consider assemblies’ decisions. For example, special attention was given to the question of working on holidays, which was considered a sin for which God could punish not only the perpetrator but also the whole community: “Not only the perpetrator himself will pay for committing a sin, but also his neighbours, so for example, for one or more persons working on holidays, God sends hail, worms, or drought to the entire *volost*” (Russkie krestyane, 2008, IV: 12). Yet in summer, the amount of work simply did not allow to observe all holidays. In this regard, ethnographer P.A. Peshkov described the dispute at the assembly in Ust-Velskaia volost of Velsky district:

“At first they wanted to establish no one would work and go hunting on holidays. But after disputes they made a restriction: it is allowed to go for mushrooms or berries into the forest; one may also do hunting using a gun; one mustn’t work, that is, take an axe or something else in your hands, or ride on a horse for wood and so on” (Russkie krestyane, 2007, I: 35).

So, peasants believed that if an assembly decided that picking mushrooms this year was not work, then God would not punish the community.

In local affairs, assemblies were the highest authority for peasants that could resolve even the violation of laws of the Russian Empire. Thus, the rural assembly in Ustyanskaia volost of Kadnikov district decided that the actions of the policemen, who prevented the peasants from viewing the corpse founded in the field was illegal (GAVO. F. 18. Op. 1. D. 4525. P. 9); in 1891 the settlement assembly of Hokhlevo village of the Vologda district decided to steal from the house of the widow Slukhova the hay which she mowed from disputable haymaking, especially as “the hay was not locked but was only covered with a stick” (GAVO. F. 97. Op. 1. D. 35. Pp. 1–1 ob.). In 1891, in Fominskaya village of the Vologda district, the assembly decided not to pay the bread debt, and whoever disagreed with the decision had to pay three rubles as a fine to the community (Shapkarin, 1959: 115). That is, the decision not only prohibited to carry out the law, but also imposed a fine for carrying it out. Ethnographer S.A. Dilatorsky recorded an interesting

incident in Dvinnitskaya volost of the Kadnikov district. There, one peasant “gathered the village together and asked permission to build a house without complying with building and fire regulations. The village did not show much interest in his request and suggested that he make some sort of agreement with his neighbours who were less than 6 *sazhens* away from him”. Eventually the house was built (Russkie kretyane, 2007, II: 514). In this case the settlement assembly gave permission to break the laws of the Russian Empire.

The legislation of the second part of the 19th century did not consider the specifics of the different regions of the Russian Empire. Hence, it could not work in local conditions. For example, in large societies it was impossible to collect for assemblies a half of householders. Therefore, at the local level, different systems of assemblies and participation of peasants, decision-making mechanisms, etc. were formed.

Conclusion

The experience of the northern Russian village is interesting not only in the anthropological aspect. Peasant communities were urged to form a system of government that was based on both tradition and law. Formal regulations like the quorum, constraints of competence, and counting of votes were not so important for the community in peasant societies. Instead, it was the communities themselves that identified significant aspects of collective decision-making and mechanisms for reaching agreement. The decision of an assembly was considered as common, with which everyone agreed, and because of that the exact number of men supporting one or the other alternative was not recorded. For some purposes, lots and sequences were more effective than voting. They made it possible to quickly make decisions (for example, when it was necessary at the assembly to elect about 60 *de-siatskie* of about 500 families at the same time) (VTsA. F. 353. Op. 1. D. 38. P. 9), as well as to avoid possible conflicts that could threaten relations within the community. Service in the most important positions, for example, the elder, was perceived as a duty carried by one family for the whole society. The reference to lots made such a service fairer in the understanding of the peasants since the actual decision was submitted to God. In local affairs, assemblies for peasants were the highest authority that could resolve even the violation of the law of the Russian Empire.

Studying such local communities demonstrates that modern forms of decision-making are only one of the possible options. Hence, it is important to further discuss whether anything from the experience of diverse communities can be used under modern conditions.

Abbreviations

- VTsA – Veliky Ustyug Central Archive (Velikoustyugskii tsentralnyi arkhiv)
GAVO – The State Archive of Vologda Province (Gosudarstvennyi arkhiv Vologodskoi oblasti)
PSZ – Complete Laws of the Russian Empire (Polnoe sobranie zakonov Rossiiskoi imperii)

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AFTER VOTING:
PANEL DISCUSSION ON BELARUS¹

Participants:

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Editors: *Who are the people protesting against election fraud and against Lukashenko's rule? Is it possible to indicate the protesters social-structural, political and generational differentiation, their relative strengths and various roles found in the protest movement?*

PIOTR RUDKOUSKI

Narodny Opros, a non-institutionalized survey initiative launched in August 2020, reveals the following picture of Lukashenka's and Tsikhanouskaya's electorate: Lukashenka's electorate was predominantly female, over-50-year-olds, people whose education was no higher than secondary, and those living in Mahylou and Homel regions. Tsikhanouskaya was most popular among male citizens, under-40-year-olds, people with higher or university education, and those living in Minsk.

1 The panel was organized virtually per E-mail in February 2021.



There were not, however, radical differences between society's segments. I mean it is not possible to say that, for example, old ladies living in Homel region unanimously supported Lukashenka and constituted an anti-pole for young educated people in Minsk who unanimously supported Tsikhanouskaya. There was hardly any segment of society among whom Lukashenka had a real chance of gaining the majority of their vote. Even among the 'most faithful' Lukashenka's support was estimated – on the basis of both internet and street surveys – in the range of 37-47% and was comparable to the support of Tsikhanouskaya, which was within the same range.

In other words, by August 2020 there was no significant polarization in the society along geographical, educational, gender, denominational, age, or any other lines. There could be differences about how to assess the 26 years of Lukashenka's rule – the percentage of those having positive opinion about his presidency was certainly higher than electoral support – but there was wide consensus concerning the need for Lukashenka to retire.

As the post-electoral protests erupted, the consensus turned into a society-wide solidarity: old and young, business people and workers, male and female, Minsk citizens and those in regions outside the capital became united in protest against electoral fraud and riot police violence. So, the main tasks of the regime, which chose to restore the status quo at all costs, was to destroy the spirit of solidarity. The whole propaganda machine is working on spreading hatred and playing different segments of society off against each other. So far, it has not succeeded so much in this respect as it has in stifling the protests.

TATIANA SHCHYTTSOVA

The protest movement is marked by a unique political consolidation of very different social groups. People of all sexes, generations, classes, and professional groups, and from very different places took part in the protests. Civil society has become consolidated in all its heterogeneity so that participation of each social group appears equally valuable due to the irreplaceable contribution to the social representativeness of the protest movement.

The encouraging solidarity of the protesters was built originally not on discursive hegemony of this or that political institution but on the ethico-political indignation they shared and felt necessary to publicly express. It is noteworthy that, until the presidential elections 2020, the majority of the future protesters were a-political and kept their distance from any engagements in political issues. Therefore the Belarusian revolution was a democratic manifestation that while having concrete political demands has been performing a *constitution* of a genuine political community of responsible citizens.

It was the civil society's self-manifestation and self-assertion as an autonomous *political* force that turned out to be unacceptable for

Lukashenko's rule. No wonder that being a democratic *polity in statu nascendi* this political community has to learn and – what is more difficult – has to invent what is joint political activity and how to cooperatively achieve political purposes.

The basic social-structural differentiation among the political constituencies of the protest movement correlates with the two social groups represented initially by Sergei Tsikhanousky and Viktor Babaryko respectively: those who, for a relatively long time, hoped to build their lives using opportunities offered by the socially-oriented state and those who sought to build their lives using opportunities offered by economical and cultural globalization. The former work mostly in the state sector throughout the country, have middle-low income, and essentially differ from the latter in that they used to have strong paternalistic expectations. The latter are mainly highly educated urban residents who work in the private sector and various NGOs and constitute a new social class (remarkably represented by – albeit not limited to it – IT workers). These two 'classes' have appeared as *complementary* political constituencies of the protest movement as Lukashenko's regime arose from the characteristic double dynamics: for decades, the authoritarian state apparatus on the one hand has been reproducing Soviet institutional patterns of total control under the slogan of social care, and on the other hand it has been seeking to profit from market economy and globalization. Over the past ten years, the double dynamics have yielded a paternalistic capitalism that has deeply frustrated both groups at issue since it implied neither social care nor perspectives for development (IT-specialists seem to be the only exclusion here. However, their values and world-view came into sharp conflict with these of the official authorities after August 9–11).

It is primarily members of the second ('new middle') class who demonstrated remarkable organizational skills and social creativity by launching different campaigns and establishing various foundations in support of the protest movement.

The crucial symbolic meaning of women's actions as well as marches of pensioners and people with disabilities should be noted. These are social groups that are traditionally coded as "weak". Their appearing at the forefront of the political struggle against terror had a *subversive* meaning i.e. it was aimed at overthrowing a social-political order built on physical violence.

Furthermore, the prominent role of women as politically active citizens should be mentioned separately. The "second sex" has become a key symbol of a political alternative to Lukashenko's authoritarian Belarus, of the political emancipation of the entire nation. What is crucial here is that the new positioning of woman as a political subject in Belarusian society did not occur due to promoting a special feminist agenda. The female subject got a very particular symbolic hegemony not through a feminist discursive struggle, but due to a historical

contingency. The female political subject (personified by Svetlana Tikhonovskaya and the leaders of the joint campaign headquarters – Maria Kolesnikova and Veronika Tsepikalo) has become a particularity that represents universality (a new Belarus). It implies that along with the assertion of a new Belarus, a new political subjecthood of woman is being asserted. The incipient revolution can be defined neither as ‘feminist’ nor as ‘female’ *per se*. Yet the historical contingency under concern is a unique condition of possibility for substantial re-consideration of gender issues in our society.

ANDREI YAHORAU

Various opinion polls show that the protests are supported by the majority of the Belarusian population. In this group, residents of large cities are more common than residents of small cities and rural areas; more educated people than people with a lower level of education; more often people employed in the private sector and the budgetary public sector than workers in state-owned industrial enterprises; more men than women. Nevertheless, from my point of view, such a socio-demographic description offers little for understanding the driving forces of the Belarusian revolution.

Rather, we can say that the Belarusian revolution was supported by people who “want more” from all social groups and strata of Belarusian society. Over the past ten years, according to the World Values Survey, the proportion of people in Belarus which professes self-expression values rather than survival values has grown significantly. There is a growing gap between people’s desire for greater freedom of expression, participation in decision-making, and greater economic freedom, on the one hand, and conservative state policies aimed at maintaining a minimum level of aspirations, on the other. The previous social contract between the population and the state, expressed in the exchange of political loyalty to the regime for the maintenance of social guarantees, turned out to be invalid.

But the gap between society and the state occurred not only due to the growth of social claims and the state’s inability to satisfy them. For a long time, Belarusian society saw no other political alternative than the current political regime. Dissatisfied with state policy, society pinned all hopes for change on the state. This vicious circle of codependency was broken only during the COVID-19 crisis, when, against the background of the state’s inadequate response, society saw another actor -- itself. For a long time, the structures of solidarity that have matured within Belarusian society have shown themselves in active public action.

A wave of pre-election political mobilization and, then, a wave of protests against election fraud and police violence reinforced the image of society as an active actor in the public consciousness. Moreover, this new actor appeared to be politically, ethically and aesthetically

different from the authoritarian state. In an act of rebellion against violence and injustice, society has committed a political action, realized itself to be performing such an action and recognized itself as a reflective and conscious force, thus becoming a political nation.

It is difficult to name any social and professional groups of the Belarusian society that did not manifest their political position, in a bright parade of collective petitions, video messages, public performances and street marches. For six months, different groups have been at the forefront of the general protest movement: women and workers in August and September, pensioners and people with disabilities in October, students and the academic community in late October and November.

Editors: *What are the political views of the public opposition, what is their understanding of political participation?*

PIOTR RUDKOUSKI

I would speak of the protest movement, not of 'the opposition'. Well, they are diverse: representatives of different denominations, worldviews, geopolitical preferences have participated in the protests. *Narodny Opros* did not survey protesters for all the possible views and opinions, but judging by what they did ask we can conclude that protesters' views reflect the opinions of the society in general. For example, the vast majority of protesters are Russian-speakers as is the society as a whole; there are no particular pro-Western or anti-Russian sentiments among protesters just as there are no such sentiments in the society as a whole; there is a strong belief that protests should be peaceful, which also reflects attitudes of society at large. One of the few discrepancies is the proportion of those who hold a positive view of Lukashenka: of course, there are almost no such people among protesters, while amongst the general population the percentage of those who hold a positive opinion about Lukashenka is between 35% and 40%.

TATIANA SHCHYTTSOVA

The public opposition (if one uses this word to define all people actively engaged in the protests) is very heterogeneous. The political views of these people may differ significantly. At the same time, many of them have a pretty vague understanding of political issues including political participation. However, they are united by a general – antiauthoritarian – demand of liberalization and a basic intuition of their ability to build a new democratic society on the principles of dialogue and justice. The ability is being cultivated in the course of the creation and development of various joint initiatives (e.g. foundations),

horizontal networks of local communities (neighborhoods), and independent trade unions. Correspondingly, the public discourse of the protest movement's political leaders appears as a characteristic mixture of liberal-humanistic values, social-democratic concerns, and the state sovereignty principle.

ANDREI YAHORAU

At the center of the opposition's political demands are the issues of restoration of justice (to stop violence, to investigate cases of violence against protesters) and insistence on the normal functioning of democratic institutions (new, free and fair elections, the peaceful turnover of power, separation of powers). There is a process of *de-etatisation* of public spheres, where new self-organized groups challenge the state monopoly. For example, in education, teachers and parents demand the de-ideologization of the school and participation in the school's governing; university teachers and students, voicing their political demands, demand the academy's independence from state political control. The total domination of the state has been established not only in politics but in most social areas: education, medicine, science, sports, labor relations, local politics, etc. New communities, acting on their own initiative, seek to reclaim their autonomy from the state.

But the depth of this process is not as great as it might seem. With a large number of new horizontal communities, they bring a relatively small number of people (1-2% of their respective constituencies) into the orbit of their active political actions. However, these new groups and communities today form the basis of the democratic movement and the prospect of the victory of democracy will depend on their development and their ability to sustain themselves despite the state's pressure.

Editors: *Unlike the protest movement in Ukraine in 2014, the protests in Belarus are not concentrated in the capital city, but are geographically and spatially more dispersed. They are allocated over the whole country, over different regions, over different sectors of public life, and they have a presence in neighboring countries. What is the role of these different sites as reference frames for the protests? What are the protest repertoires used for attaining mobilization and the survival of the protest movement?*

PIOTR RUDKOUSKI

I don't quite understand the expression 'different sites as reference frames'. When it comes to the repertoire, well, we witnessed incredible creativity: from classical marches and demonstrations, through actions in court yards to messages written on snow, under ice, on trees,

and upon riot police shields. If the variety of slogans are considered, it would require a book to describe them all.

Of course, methods guaranteeing the sustainability of protests over months or even years do not exist. So, despite such a rich repertoire of self-expression and self-mobilization, street protests have gradually subsided. However, the experience gained in 2020 will be a mighty source of inspiration for further actions, which most probably will be taken in the nearest future.

TATIANA SHCHYTTSOVA

Such a dispersed character of the protest movement indicates and induces the emergence of a new political imagination in Belarusian society. It gives a vivid feeling of national solidarity built on an essentially new experience of mutual relatedness and supportiveness between the capital and the regions, between the different sectors of public life, between Belarusians inside and outside the country. The protest repertoires are incredibly diverse and creative (one needs a book to describe them). As for aesthetical forms, the protest movement has been evolving as a continuing creative performance combining various mediums (bodies, sounds, images, language).

ANDREI YAHORAU

The Belarusian protests were and remain decentralized, encompassing the entire Belarusian nation, regardless of social status, place of residence, and even state borders. In the beginning, the protests were mostly spontaneous actions of citizens, they were rather crowds of strangers, sometimes taking up to 10% of the city's population to the streets. In September, the structuring of the protest begins. Typologically, we can talk about three basic types of new structures: protest communities (local, courtyard, professional, gender, etc.); communities of support and solidarity (material, legal, psychological, etc. support); hubs linking different groups to each other.

The technological basis of the Belarusian revolution is the Telegram messenger, through which the main communication is organized and which has become the main instrument of political mobilization and self-organization. A huge role is played by a system of peer-to-peer mutual support and solidarity, as well as crowdfunding and crowdsourcing campaigns.

Editors: *What is the role of international reference frames for the protests and their political orientation? How do the relationships to neighboring countries, their governments and political and societal constituencies inform the protests?*

PIOTR RUDKOUSKI

I am not sure I understand the question correctly, but if the role of the international community is concerned, I would say that humanitarian solidarity is of the highest importance here. By which I mean, support for those who were repressed and their families are of great importance. It is very difficult to make mistakes by offering such support and it is very easy to achieve palpable goals (such as giving safe space for people in danger or providing them a psychological relief after months of strain).

When it comes to other instruments: informational support, sanctions against the regime, diplomatic pressure – they also are of importance, but there are more chances of mistakes and effects are always probabilistic. However, a consistent and long-term strategy of action would be very welcome. Of course, we can only speak here of Western countries. When it comes to Russia or China we can think how to use their political fears or economic ambitions to drive them away from supporting the Belarusian autocrat.

TATIANA SHCHYTTSOVA

The political logic of the protest movement has been initially determined by the internal situation, not by making a geopolitical choice between East (Russia) and West. However, while the protest's leaders stress that the Belarusian revolution does not have a geopolitical agenda, Lukashenko counts on Putin's support and insists on the geopolitical explanation of the causes of the current political crisis in Belarus, instilling the idea of the aggressive plans of the West.

In a similar way, it is significant diplomatic-judicial and humanitarian support of the protesting civil society by the Western and the neighboring (Lithuania, Poland, Ukraine) countries that make it sympathize with them. Thus the protest's leaders' intensive international communication in the Western direction and their failure to contact Russian authorities create an appearance of a certain geopolitical choice albeit their basic presuppositions in this regard are rather more balanced.

ANDREI YAHORAU

The Belarusian revolution does not have clear geopolitical orientations, the protests do not have explicit pro-European or pro-Russian messages. At the same time, the reaction of neighboring countries and the assessment of this reaction on the part of Belarusians significantly affects their geopolitical sympathies. Russia's support for the Lukashenka regime has significantly reduced the level of sympathy for Russia. The positive attitude of the Belarusian society is evoked by international solidarity in dozens of countries around the world,

expressed in various forms: from mass street marches and chains of solidarity with Belarusians, participation in volunteer initiatives, solidarity with and assistance to the victims of repressions.

Editors: *Belarus is often viewed as a peripheral site, for instance, as a spatial corridor between East and West or as a historical periphery of empires. How can the protest movement help to re-center Belarus and its society? And how can it advocate a view on Belarus that does not reduce it to a geographical or historical appendix of its neighbors?*

PIOTR RUDKOUSKI

The protest movement has so far been a spontaneous solidarity movement against autocracy and violence. It is not an organization, not a structure, nor even a permanently working network. So it would be wrong to expect that such a leaderless movement would engage in advocacy or agenda setting on issues that require strategic planning and organization to make an impact. However, we can rephrase the question in this way: whether the fact of eruption of such protests have influenced the perception of Belarus? The answer is: Yes. It did influence the perception both inside and outside the country, and it did it toward perceiving Belarus as a country with a high potential for independence, with a consciousness of its own interests and readiness to pursue its own goals. Surely, in this respect the role of the protest movement has been important.

TATIANA SHCHYTTSOVA

The protest movement has led to a fundamental change in perception of Belarus from abroad. And in this way, it has opened a perspective for redefining the symbolic place of Belarus in the international context. What is crucial here is that the political agenda of the incipient Belarusian revolution mirrors on the one hand the global political moment, which is the crisis of Western neoliberal democracies and the emergence of right-wing populist governments in the EU. On the other hand, the political agenda of the emerging Belarusian revolution shares the regional agenda connected with the long-lasting painful process of de-Sovietization of the post-Soviet societies. What is thus at stake in the Belarusian protest is not just some kind of 'reputation' of Belarus as viewed by foreign actors, but some ultimate problems of modern Western/Eastern societies. To speak more generally, the Belarusian case seems to be highly important for the question of the future of democracy. Therefore I would say that the above-mentioned redefining of the symbolic place of Belarus in the international context might be a significant part of today's debates on the prospects of development of democratic societies and, in this respect, on perspectives

of development of Europe as a cultural space that gave birth to the idea of democracy as such.

ANDREI YAHORAU

Last year Belarus has temporarily returned to the agenda of the international community, but I'm afraid this is a temporary effect of a bright social upsurge and the shocking brutality of the authoritarian political regime against the protesters. The general structure of perception and international political response has not changed, even as it was larger in scope. The problem here lies deeper and is associated with the incompleteness of the intellectual conceptualization of the problem of Eastern Europe. And this is, first of all, the problem of collaborative thinking of European intellectuals and intellectuals of Eastern Europe on our region. Back in 2008, analyzing the place of Belarus in the post-communist transformations, we talked about Belarus as a place where the third wave of democratization stopped, and a place where authoritarian revenge began. Belarus was the place where the first modern authoritarian regime in Europe was built. Its basic features can be easily found today not only in Russia and in the authoritarian practices of the Eastern Partnership countries, but also in European political populism in Hungary or Poland. Without the return of the region, and Belarus in particular, to the center of Western intellectual attention one should hardly expect that the peripheral position of Belarus in political practice will change.

THOMAS M. BOHN

The White-Red-White Revolution – a Historian's View from Abroad

The peaceful mass protests against the 2020 Belarusian presidential election finally brought “the Last Dictatorship in Europe” to the attention of the world public – at least for a while. Because of the Corona epidemic, interference in internal affairs by sympathizers from outside could not take place. On the contrary, the regime maintained its self-isolation by expelling foreign journalists from the country. Through the repressive use of security forces, state control over streets and squares was restored, but the creativity of society continues to reveal itself in forums such as backyards or Internet platforms.

Regardless of this, the reactions from abroad shed light on the specifics of the historical and cultural development of Belarus. In Germany, for example, the Belarusian-German Historical Commission initiated a debate about whether to speak of “Weißrussland” (i.e. Whiterussia) out of old habit or – owing to the political realities of an independent state – of “Belarus”. In the end, the Foreign Office announced an action plan for civil society in Belarus as a matter of course. If we trace back

German traditions, then the contrasting use of terms in the Third Reich and in the GDR make clear what the explosive nature of the matter is. For terms like “Weißruthenien (White Ruthenia)” or “Belorußland (Byelorussia)” imply distance or proximity to “Sowjetrußland (Soviet Russia).” Against the background of the latent East-West conflict, the current Ukraine crisis or permanent historical wars, it is necessary to carefully examine the terminology if one wants to understand Belarus. With regard to the successor states of the Soviet Union, the country directory of the German Foreign Office still distinguishes between “Belarus ... in official intergovernmental correspondence” and “Weißrussland ... for domestic correspondence and the inscription of maps”. The Republic of Belarus is unique in this respect. Because the noun “Belarus”, transcribed from Cyrillic, is genderless due to the lack of a soft sign, word formations such as “die Kiewer Rus (the Kievan Rus)” or “die Ukraine (the Ukraine)” have not yet been able to establish themselves in German.

When Franz-Walter Steinmeier became the first German President to visit the Republic of Belarus on June 29, 2018, he pleaded in an interview for the newspaper *Frankfurter Allgemeine* for the country to emerge from the shadow of the Soviet Union. Following the opening of the Holocaust memorial *Malyj Trostenets*, he suggested the establishment of a commission of historians for this purpose during a panel discussion at the International Educational and Meeting Center (IBB Minsk). In German research on Eastern Europe, the country of Belarus is indeed still a “white spot” that needs to be filled with color. Up to now, topics such as the “war against the Soviet Union” or the “fate of Russian Jews” have attracted most interest. The Academy of Sciences in Minsk is officially commissioned to write a “History of Belarusian Statehood”, which is subject to the dictum of a continuity of 1,000 years and therefore makes use of archaeology as an auxiliary science. At the end of the year, almost a dozen historians had to leave the Academy of Sciences: the majority were experts on the history of the Grand Duchy of Lithuania. If the white-red-white revolution in the Republic of Belarus is to ensure the overcoming of dictatorship and the revival of the nation’s culture based on a real rather than mythological understanding of its history, then the centuries long, entire early modern period with the Commonwealth of Poland-Lithuania should be included just as much as the short 20th century with the Soviet Union.

Until Belarus gained state independence in 1991, it represented a historical landscape and a national idea that had first taken political shape in the People’s Republic of 1918. A historical perspective that refers to 400 years of belonging to Poland-Lithuania and 200 years of annexation to Russia and the Soviet Union sounds fascinating in terms of emphasis, but falls short in terms of content. In fact, the communities that came together on the territory of today’s Republic of Belarus had to reinvent themselves again and again. To put it bluntly, the development from an aristocratic republic to a workers’ and peasants’

state to a nation state can be described in three stages: White Rus, Belarusian Soviet Republic and Republic of Belarus.

In the long period of pre-modernity, the White or Western Rus was overshadowed by the Grand Duchy of Lithuania and the tsarist empire. The life worlds of Polish landowners, Jewish merchants, Belarusian peasants and Russian officials formed its essence. After the dissolution of peasant subsistence economies through Stalinist forced collectivization, the eradication of Jewish culture through the Nazi Holocaust, and the population exchange with Poland in the course of the westward shift of the Soviet Union, the “Belarusian” Soviet Republic inevitably had to take on a new shape.

The second stage, under the sign of a „Byelorussian“ Soviet Republic, marked a phase-shifted connection to modernity. Against the background of territorial consolidation, the Soviet republic experienced an industrial revolution after World War II, which fundamentally changed the character of the agrarian country. In the ideal world of Soviet planners, a metamorphosis encompassing all spheres of life took place, in the course of which the “locals” (*tutěshyja*) concerned about their farms disappeared and instead the “Soviet people” (*Homo Sovieticus*) committed to communist morality appeared on the scene. There could no longer be any question of a nation of peasants in a world of urban progress. Where the Soviet Union came up short, on the other hand, was in its provision of a life of comfort and well-being to its citizens – at least when that life was compared to the bourgeoisie life style found in Western Europe.

In the third phase currently underway, the inhabitants of the Republic of Belarus are inevitably asking questions about their identity. They articulate their displeasure with the white-red-white flag of opposition. Throughout history, from the development of the Polish noble nation to the formation of the Soviet party *nomenklatura*, it has always been the elites who have called the shots. For most families, the 20th century in particular consisted of an experience of catastrophe and trauma, but also of advancement and progress. How should a new, rebellious generation position itself that has literally experienced the violent nature of Lukashenko’s dictatorship firsthand? If it wants to learn lessons from history, there can only be one simple solution. “Byelorussia” has always been a transit zone for foreign armies and a transit country for foreign goods. “Belarus” must be a contact zone of different peoples and cultures or a transitional region between Eastern and Western Europe or a mediator between the European Union and the Eurasian Economic Union.

Still almost unnoticed by the world public, the regime has begun to strike back in a perfidious manner after the organization of a sixth national assembly. It has censured the symbols of the revolution as fascist. At the same time, the regime is taking active measures against the people who took to the streets for democracy: they are oppressed, i.e. imprisoned or banned from their professions. Enlightenment in the

form of a flood of information in the media and journalism is necessary. International solidarity is needed! If this continues, Belarus will be sucked into Putin's "Russian world". We should take the Belarusian language seriously. We need Belarusian teachers at all western universities.

AUTHOR GUIDELINES

Dear authors!

Journal for Philosophy and Cultural Studies “Topos” regularly accept material in the form of original articles (up to 40 000 characters), reviews (up to 20 000 character) and translated works (providing author license only), which correspond to the thematic scope of the journal, as well as materials for special calls published on the website: <http://journals.ehu.lt/index.php/topos>. Submissions can be provided in Russian, Belarusian and English. To make your submissions, please, send your material to: journal.topos@ehu.lt (marking it with Topos_Submission).

The Editorial Board requires that two versions of the submission be sent: the full text (please, name your document as follows: NameSurname_Topos_SubmissionYYYY, and change YYYY for the current year), and the anonymized text for double peerreviewing (please, name your document as follows: ShortTitle_Topos_SubmissionYYYY).

Materials in Russian/Belarusian:

1. Title of the article, author’s full name, affiliation (institution, position, post address, E-mail) – in Russian/Belarusian and English.
2. Abstract (300–350 words; structured as the original article; the object, main tasks, methodology and conclusions highlighted) and key words (5–7 terms) – in English.
3. Original text of the article (all comments be made in footnotes; Harvard Reference System citation; illustrations, charts and tables be placed in the text).
4. Literature List with references in all languages used (Harvard Reference System citation; all references be made in the original language).
5. References in English including the full list of the literature referenced in Roman script (Harvard Reference System citation; nonEnglish items be transliterated according to the rules of ALA-LC (Library of Congress) Romanization without Diacritics; transliterated references should include translated titles of the works in square brackets following the transliterated version).

Materials in English:

1. Title of the article, author’s full name, affiliation (institution, position, post address, E-mail).

2. Summary (up to 250 words; structured as the original article; the object, main tasks, methodology and conclusions highlighted) and key words (5–7 terms).

3. Original text of the article (all comments be made in footnotes; Harvard Reference System citation; illustrations, charts and tables be placed in the text).

4. References in English including the full list of the literature referenced in Roman script (Harvard Reference System citation; nonEnglish items be transliterated according to the rules of ALA-LC (Library of Congress) Romanization without Diacritics; transliterated references should include translated titles of the works in square brackets following the transliterated version).

For more details, please see the guidelines on the website in “Make a Submission” section.

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Матэрыялы на англійскай мове

1. Назва артыкула, імя аўтара, афіяванне (прыналежнасць да інстытуцыі, пасада, фізічны адрас, E-mail).

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Падрабязней глядзіце, калі ласка, інфармацыю на сайце ў раздзеле “Даслаць матэрыял”.

ИНФОРМАЦИЯ ДЛЯ АВТОРОВ

Уважаемые авторы!

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