

## POLITICAL SYSTEMS THEORY AS A CONTRIBUTION TO HUMAN SCIENCES

*by Andrzej Antoszewski*

When I was approached with a proposition to present a lecture, I scratched my head wondering what to discuss and then an old Yugoslavian textbook fell into my hands. It was on political systems theory, which a subtitle “contribution to human sciences”. It was then quite justified, the Yugoslavians put strong emphasis on their self-government ideas, on looking at the subjective side of politics and less on the institutional one, which, in my opinion, constitutes the main object of our interest. It is not an accident that our conference of chairs of political systems is held for the third time and there have been plenty of constitutional law conventions. It is not an accident that textbooks on the subject of “political systems” in Poland are mainly textbooks on constitutional law. It has its merits, especially in the case of multiple-choice exams, because if we ask students such questions, we can easily “harass” them by asking such questions as where the president can turn to electors with the proposal to dissolve the parliament: A. in Belarus, B. in Russia, C. in Latvia, D. in Estonia. And if they choose any other answer than C, they fail. This harassing of students is quite enjoyable, but it is my belief that probably we often pay too much attention to the analysis of rules themselves, to learning some formulas by heart, in which case the subjective side of politics is lost on us.

Please consider that in analysing, for example, the contents of a constitution – and this is usually a starting point, from which we most often begin – we deprive ourselves of the possibility to learn about some aspects of reality. For example: we are in the area of civil rights – the regulations in the Belarusian, Russian and Ukrainian constitutions on manifesting views, freedom of organising rallies, demonstration, and pickets are actually identical; in addition, the Ukrainian one is probably the strictest, because it has a constitutional requirement of notifying the authorities of such an intention. This is not present in the Russian and Belarusian constitutions. But if we consider where people are rebelling, they are rebelling exactly in the place where this provision is the strictest. As a matter of fact, this regulation alone will not tell us whether people are rebelling or not, and all the more so it will not tell us about what should interest us the most, that is: why are they rebelling. And of course I can multiply such examples.

If, for example, we focus on the structure of an institution, on the functions of an institution, on the relationships between institutions (it is also possible to harass students on this subject very easily), we are losing that which constitutes a human side of this subject, that is, in what conditions people initiate a decision-making process, in what conditions people participate in debates on solutions, in what conditions they decide on these solutions, and when, for example, they oppose these solutions. These are the issues that we will not find in any constitution, here the analysis of practice is essential, but with paying attention to such matters which are not simple and accessible to cognition, such as motivation for human actions or the intentions that politicians or the ones fulfilling political roles try to act on. For example, if we take into consideration a doctrinal structure such as O'Donnell's delegative democracy, in no constitution we will find a trace that would lead us to it, so again a question arises: when and in what conditions is this democratic model which we are able to describe, applying this or any other definition, or a model of democracy built one way or another, created. In other words, when the possibility of transforming a democracy formally understood in terms of O'Donnell's delegative democracy, where public supervision disappears, where the possibility of the abuse of power emerges, and where this abuse of power finally surfaces. However, the question: when do people agree to it, and

when do they not? – will remain without answers if we study only the rules which are supposed to guide this area of political life.

What will we gain from the analysis of the constitutions of Turkmenistan, Tajikistan or Uzbekistan to remain in (President's favourite) Asian subject matter? They can lead us astray, although in certain expressions we can look for certain meaning or give it meaning, although they gain their real meaning only when we compare them with practice, and this practice requires completely different areas of cognition and, what is more, other cognitive methods. So I emphasize this weakness, because in my opinion it is quite significant. In my belief, we still differ too little from specialists in constitutional law who have a completely different task than we have. For them, these constitutional norms are an object of analysis most of all in terms of detecting loopholes, inconsistencies, investigating in what cases they are not effective in practice in order to improve them; however, for us, the reality is the starting point. We can of course concentrate on answering the question "Why does the reality diverge from norms?", assuming that these norms constitute a starting point, but this question demands a completely different sort of an intellectual effort.

Very often we do not subject norms to intellectual processing. A law student, asked what is the deadline for filing an appeal to a judgement, will give a reply, and this reply can be either true or false, but we do not discuss whether 30 days could be 30 days or 45 or 15–30 days is 30 days. Here it is not necessary to show any understanding. However, if we think about the functioning or the influence of norms on political reality, we can say at once that they will not really answer the question "What is the desirable model of action?", but they should direct our attention to why and in what way they are evaded, why and in what way we shape what Piotr Winczorek probably accurately called the normative power of facts. For a political scientist this normative power of facts has a tremendous importance. We can discuss whether the annexation of the Crimea is in conformity with the provisions of international law or not, arguments of various sort will be put forward, but the annexation of the Crimea remains a fact. We are left with the question why politicians decided on it, why some recognize it and are willing to accept it, whereas others are protesting and taking measures of one sort or another.

If we consider for example the problem of resolving a conflict that occurs between the legislature and the executive, the subject of our deliberations will be very often such conflict that characterises contemporary parliamentary democracies, then of course we know the constitutional manners of its resolution, but what we call constitutional manners of resolution are, in fact, procedures. We can commit these procedures to memory (and then once again harass students – it is also very easy to do), but we will not obtain an answer to the question in what conditions these procedures find application, why in some cases they do not find application, and why, what are the reasons that, sometimes other ways of resolving this conflict are sought. These ways are also limited constitutionally. And once again our cognition should be turned in this direction: in what circumstances regulations of one sort or another find application, in what conditions these regulations are not applicable, and what the motives of those who decide to accept one of the possible procedural solutions are. Similarly, if we, for example, analyse a decision-making processes – it also lies in our interests – when we consider the stages of a decision-making process or roles in said process, from initiation, participation in a debate, participation in a decision, or voicing an objection, in each of these stages the following problems arise: why people decide to address a given problem that they consider to be important and possible to solve through political action, why they decide to take a given position in a debate, why they opt for a given solution, and, finally, why they voice objections or abstain. Essentially, each of these problems that for some reason remains in our area of interests requires something more than describing the normative model and something more than a reflection that this normative model is not always applied in practice, because what I want to know, it is exactly the answer to that question, why and when it is applied in practice and why and when it is not; furthermore, in what ways it is possible to evade it and in what conditions it is possible not only to evade these regulations, but straight out break them.

Therefore, if we declare that the political systems theory is essentially human sciences – but analytically limited to a certain area – it is a science on human actions but classified as political actions. I do not want at the moment to get into a debate on which actions we can determine as

political and in what way; this directs our attention to the essential, from the point of view of political systems theory, issue of political subjectivity. Of course, classical institutionalism leaves man, his motivation, interests, needs, and benefits somewhere on the side of this analysis. We sanctify these institutions, trying to capture their specificity in all way possible and trying to study the relationships between them, thinking how it is possible to improve them if necessary. But this is the classic approach that today seems to be not enough.

Neoinstitutionalists approach it in a more complex way, saying: we cannot (as functionalists did once) disregard the institutional infrastructure of political life. It exists, but the problem with it lies in noticing what is creating stimuli or, more often, limitations of human or politicians' actions. And we should give some thought to why politicians in stabilized democracies try not to make decisions that could be subject to fundamentally negative assessment. For example, why are they more radical in election campaigns, when it is possible to promise a lot of things, and more reserved when they win? It is possible to formulate different replies to this question, but probably we will notice such a regularity. In young democracies it appears to a lesser degree. Politicians do not hesitate to take radical actions, even actions opposing the public opinion, driven by other motivation. If we are looking for differences between stabilized or consolidated democracies, it is worthwhile to take this aspect into consideration. Thus, we cannot disregard the cultural environment of a political action, because these are also certain restrictions; we seek restrictions of human actions not only in the provisions of law. These include also regard for tradition and can result also from a peculiar structure of social conflicts; we need to consider the surroundings, which, generally speaking, are the subject of the research of such sciences like sociology, economics, law, and cultural studies. These surroundings are – just as it is often defined in political systems theory – an environment in which political system, political institutions, and, finally, politicians, who fill these institutions with life, function.

There is still one moment that I would like to pay attention to. If we talk about man as the subject of politics, it is characteristic that we most often understand man as an “object of protection.” For example, the civil rights – we are interested exactly in an object of protection against abuse

of power, state, institutions, etc. We take less care of man in the role of a politician, that is creator of decisions, initiator of decisions, and the one who appears in the role of an authority. Tomorrow Professor Godlewski will tell us about the relation between the ruling and the ruled, so I do not want to deal with it, I would like to only comment that, generally speaking, the issues of civil rights seems of little interest to experts on political systems, it is still the domain of constitutional law specialists. The doctrine which accompanies the discussion on civil rights is above all the doctrine of constitutional law, even though it of course reaches also to other science disciplines. However, from our point of view, the most important question is: in what conditions do people equipped or not equipped in constitutional protection of their freedoms and rights decide on rebelling against the authorities?

The question that Ted Gurr asked in the 1970<sup>s</sup> in his book entitled *Why Men Rebel*, in my opinion, is a question to which we have not found an answer yet. Moreover, recent developments bring us or open new paths to the answer to that question, although perhaps it will never be possible to give such an universal answer.

If we are observers of what is happening in Ukraine, of course it is possible to ask oneself why in similar, although obviously structurally different, political systems of Russia and Ukraine the relations between the ruling and the ruled are structured in diverse ways. Why Russian presidentialism, as it often happens, turned into a dictatorship, which today generally functions in a way that makes a successful confrontation impossible, and in Ukraine a system also based on strong presidency, even in the constitution from 1996 that has already been twice repealed, did not cause such effects.

The phenomenon of “Colour Revolutions” – which are inaccurately named as a matter of fact (I refer to these rebellions that occurred in new democracies in Centre and Eastern Europe and also in Asia) – is again a rich source of questions, problems, and research subjects. Why is Ukraine going through a third democratic opening? Why do electoral frauds provoke social rebellion in some states, while in other states they do not? How can it be explained? And I will say once again: certainly not with a difference in legal regulations or institutional arrangements; it is

certain that their analysis will not produce a desired result. The common feature of the first wave of Colour Revolutions starting from Belgrade in 2000 (I do not know why in literature it is treated as a colour revolution, since it was named the “Bulldozers Revolution”, which has little to do with any colour) was that these first social rebellions did not result from, did not grow out of resistance against dictatorship, wanting to change the existing system, its principles, norms, or institutions, but they resulted from a demand that they work the way it was imagined and promised they would. They wanted these provisions and norms which referred to civil rights, freedoms of choice, the right to elect and be elected to work in practice. In short, they demanded the authorities to fulfil their promises. And these promises were indeed fulfilled in Belgrade in 2000 and they were fulfilled in Ukraine indeed, to a lesser degree it concerned the Rose Revolution and Tulip Revolution in Georgia and Kyrgyzstan respectively. But what happens next? Once again we ask ourselves why some state smoothly fell back into the same old rut of authoritarianism, while the others did not. Further, if we study these colour revolutions and demonstrate their characteristic features, we observe that the literature to date neglected an unintentional negative effect, concerning the fact that autocrats in other countries learn to prevent occurrences of this type and that Russian and Belarusian leaders drew conclusions from what happened in Ukraine and continue in their efforts so that this epidemic does not outbreak in their countries using other methods and this difference in methods is also worthy of our attention.

Rebellions of citizens, who consider that declarations of democracy made by political leaders in these states should be kept, had characteristic features that included: a lack of the violence, using elements I would call entertainment, e.g. the role of songs, happenings, and bands that played in the first Maidan, similarly to what happened for example in Georgia and Kyrgyzstan. In these states the imperfections and the leakiness of authoritarianism were used. For example, the media acted at least in a certain scope as free media. In these states the neutrality of the apparatus of repression was used; it was expected that its reaction will not be supporting the authority in order to destroy this rebellion. If we look at the first and second Maidan, at once a number of questions is born on what

is the difference between them. Because indeed the Colour Revolution from 2004 which brought the second democratic opening in Ukraine is something else from the revolution from 2013/2014, considering which we do not even know whether it brought a subsequent democratic opening, or – which seems to be closer to the truth – this state will remain for some time in the so-called transition period, in which the uncertainty is high and things may go either way. I do not bring the issue of victims, because the difference between these two Ukrainian lies in the fact that in the second one blood was spilled; however, the mechanism of this protest seems to be incredibly intriguing.

We are dealing with a situation quite rare in political practice, where the origin of social opposition is a decision from the scope of foreign policy. We should consider the fact that foreign policy in general is not subject to protest or enthusiastic approval unless it regards conquests; the history also provides examples, when the society supported the authority that advocated expanding the living space or something along similar lines, but generally speaking, protests are rare in case of foreign policy. Meanwhile, this decision that turned out to be fraught with consequences was the decision to refuse signing of association agreement that took place during the peak in Vilnius, which caused an entire sequence of unpredictable and, I dare to say, unexpected events. On the one hand, we have this surprise that Ukraine did not sign this agreement, next we the surprise of the Kremlin that this fact was not taken calmly, next we have the surprise concerning the course of events, and next we have a surprising reaction, and so on and so forth. The entire sequence of events shows that this is a completely different phenomenon than the revolution from 2004 which also brought substantial consequences in the form of change of the political regime in Ukraine, undermining the position of the president, submitting the mechanisms of political life to inter-party games, brought a toughening, at least for some time, of the party system in Ukraine which was born in pains and was born generally later than in other Central European countries, but in the end it did not become a dam which would prevent events causing an authoritarian regression and withdrawal from the way of democracy. On this second attempt somebody said that events in Ukraine were an illustration of the thought of Marks that if history repeats itself, the



first time it is a farce and the second time it is a tragedy; as I said, during the first revolution there was a lot of these elements I called entertainment, it was high spirited so to say, while the second one is dramatic and bloody with consequences that are not possible to predict today.

This rebellion against the decision generally turned into a rebellion against the authorities and also against the mechanisms of political life, which for example allows such phenomena as corruption, clientelism, complete disregard for the opinions and expectations of the society, and, which often goes hand in hand with the above, election fraud. It is quite amusing that I read an article of a Ukrainian political scientist written 100 days after Viktor Yanukovych took his office in 2010. The author tried to analyse why Yanukovych will be a perpetrator, so to speak, of the comeback to authoritarianism; to support this thesis he quoted the argumentation of Viktor Yanukovych presented after he lost election in 2004. Yanukovych claimed that Yushchenko had come to power through electoral fraud, that repeating the second round was a complete abuse; he admitted that it is true that electoral fraud was committed for his benefit, but his rival committed these forgeries in a more or less similar scale, therefore it becomes even and there is nothing to talk about. Indeed such an argument in the mouth of a politician who wants to be regarded as a democrat is peculiar, but this does not change the nature of the prophecy made after one hundred days of Yanukovych's term in office: Ukraine was bound to change. The only question was, staying within the subject of our deliberations, whether Ukrainians would accept it. And Ukrainians did not.

And now I will return to constitutional reflection. What will the constitution of Ukraine tell us about the institution that is the most important today, that is the Maidan. Without understanding the Maidan, we are not able to understand what happened in Ukraine. Please note that the Maidan suddenly assumes the rights of the parliament, appoints ministers or opposes their appointment; in short, it participates in making significant decisions. Moreover, this unyielding attitude of Maidan extorts making some political moves, for example a lack of agreement or reaching such a limited agreement between the opposition and the authorities. On this basis it is possible to reach two conclusions.

The first one is that it will not be possible to make common assessment of these recent events in Ukraine, if we appeal to the constitutional order. Here constitutional order settles nothing, since it is very easy to show that every action actually infringed upon some norm. Was the president of Ukraine dismissed according to the constitution? No, the only question is how could he be removed according to the constitution if he had escaped. Was the government appointed according to the constitution? Well no, because there was no president who had been kind enough to escape. This way, we can go all the way to the Crimea, thinking what norms of the international law were violated, showing which ones they were, but this will not change the normative force of the fact that the currency in the Crimea are roubles, the language – Russian and that the authorities in Kiev have no means to act there.

This is one important conclusion, the second important conclusion is that if institutional mechanisms of democracy fail – and I do not have in mind only state institutions such as the parliament, the government or the president, but also, for example, the struggle between the ruling party and parliamentary opposition – then the power may indeed be passed onto the street, which amazingly complicates the situation. In the latest issues of “*Journal of Democracy*” there is an article by Venelin Ganey on the year 2013 in Bulgaria. As you remember, in May 2013 in Bulgaria election was held in the result of the resignation of the unpopular government, early election was the only solution in this situation, and the possibility alternation of power arose. However, this alternation did not take place on the election arena because the previously ruling party won the election, remaining the strongest party. But as it often happens, especially in young democracies, a particular coalition of losers was born and they took over the executive power. It gave an opportunity for a change of policy, but this change either did not take place or was negatively assessed by the society and three weeks after the election demonstrations started and lasted throughout the entire 2013. We are dealing with a situation in which some ruling group exists, in this case a coalition of political parties, and a parliamentary opposition exists, but neither have the trust of the people. Therefore such a Bulgarian Maidan appears. It was neither institutionalised nor as extensively present, for example, in the Polish television in order to

grant it this name, but we are dealing with a similar situation when people rebelled, recognizing that democratic mechanisms that should guarantee social peace, such as alternation of power when the authorities fell short of expectations, had completely failed. Similarly to the situation in Ukraine, we are dealing with a three-sided hierarchy: the authorities, the opposition, and the street which does not trust either. And similarly to Ukraine, the street does not have a leader, it is not able to organize itself, transform into a political movement that could in the future become a political party involved in the rivalry for power. Here these mechanisms were disrupted.

We do not know what the future holds for either Bulgaria or Ukraine. Ukraine, which probably wasted these 25 years in many aspects is in a much more difficult position in terms of economy, but most of all politics. All attempts to establish an efficient political mechanism have failed. Until 2013 in Bulgaria the mechanism of alternation of power, and I will remind that Bulgaria is a state in which every election resulted in change of authorities – for some it is a manifestation of destabilization of political power, for others it is a sign of political health (people do not like the ruling party, so they reject it), worked so far and it stuck only in 2013 and why? It was the effect of an ill-considered personal decision that even did not pertain to first-rate politicians. Thus, the reasons people become angry can be very different. Of course, the question is: what does this reaction consist in and what organizational forms does it take. If it does not take any organized form, it increases the threat of a political chaos; on the other hand, however, it would entail leaving the political games for politicians who seem to have brought disappointment and this refers to both states, Bulgaria and Ukraine.

To recapitulate, there are states that draw conclusions from such occurrences and there are politicians who draw conclusions, which means only more repressive measures, as it is possible to observe in Russia or Belarus. I will remind you once more that the fact that Russian and Belarusian constitutions grant the freedom of demonstrating and picketing is quite important. We know what happens to the ones who want to exercise these freedoms, because it was recently that the sentences for demonstrations in the Bolotnaya Square after the election in 2012 were announced. We also know how the Belarusian opposition looks like and we also know

enough about how autocracies try to strengthen their bastions so that this democratic virus does not spread, with much successes at the moment.

Ladies and gentlemen, my final reflection also comes from a book, this time not Yugoslavian but the book of Max Weber, i.e. *Economy and Society*, or, more accurately its subtitle *An Outline of Interpretative Sociology*, because it seems to me that it should be an inspiration for creating interpretative political science. To create political science that will be able to surpass the level of analysis of this institutional background, in which all political action is of course taken, that through attempting to give meaning to events, facts, phenomena, and processes, not seeking an objective meaning in them, because, as Weber says, the main difference between empirical and dogmatic sciences is that they do not look for meaning that is supposed to be somehow metaphysically real or objective, only giving meaning to concrete actions which can be an object of our observation that can arrange themselves in sequences connected with one another. It is a task that also stands before political systems theory. And the things we call political systems are in fact structures built by man, structures supported by man, structures evaluated by man, and structure used, in various meanings of this word, by man. So if we maintain man in our perspective then our knowledge about such occurrences as acquiring power, executing power, enforcing political responsibility becomes much fuller.

### SUMMARY

This text is a record of a speech given during the Third Polish Conference of Chairs and Departments of Political Systems. The main subject of this paper is the need to carry out research on political systems using diverse methods and takes, both legal and “humanistic”. The paper shows how important in terms of methodology it is to compare particular legal status with reality using examples when legal analysis is not sufficient, for example, on the account of social rebellion. The text identifies challenges that researchers of political systems face due to that fact. In this context is also discusses the problems related to studying such institutions as, for example, the Ukrainian Maidan.

**Keywords:** political system, political science research methodology, constitutional law