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Ukraine's Parliament Risks a Yeltsin Moment

By Robert Person

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Those who dreamed of a democratic Ukraine rising from the ashes of Euromaidan have yet another reason to find their hopes dashed.

In a troubling move that received little attention amid the ongoing conflict in Ukraine, in late July the Ukrainian parliament passed a law authorizing the speaker of the parliament to dissolve parliamentary factions under certain circumstances.

The following day, Ukrainian parliament speaker Oleksandr Turchynov dissolved the Ukrainian Communist Party faction in parliament, accusing them of supporting pro-Russian separatists in eastern Ukraine.

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Although individual party members will retain their seats in parliament, the denial of status as an organized faction could have important implications for the party's ability to function as an effective opposition in parliament.

Genuine aspirants for Ukrainian political office have reason to fear these developments. The most important rules in a democracy are those that govern power: how one gains power, how one loses power, how power is divided and constrained, and who is allowed to compete for power. Unexpected and ad-hoc revisions to these rules such as those in the Ukrainian parliament in July only serve to erode the legitimacy of the democratic process as a whole.

To be sure, the post-Maidan government was already on a questionable democratic footing due to the way in which it came to power.

Political scientist Adam Przeworski once famously distilled democracy down to its pithy essence: Democracy is a system in which incumbents lose elections. Ironically, it is the incumbent that loses an election and voluntarily exits from power that serves as the lynchpin of democracy.

The alternative — an incumbent who loses an election and then resorts to extraordinary measures to cling to power — is all too often part of the narrative of democratic collapse. Contentious transfers of power that lie outside ordinary electoral procedures (such as the overthrow of former Ukrainian President Viktor Yanukovych) are often not healthy in the long run for democracy, even though they may bring democrats to power.

This is because strong democracies are built on the rules, not the orientations or ideologies of the individuals in office. While it helps to have political elites who truly "believe" in democratic values, what is more important for the survival of democracy is to have elites who see no other alternative to democratic procedures to gain or lose power.

Seizing power through means outside the orderly rules-bound democratic process is obviously illegitimate. But we must also appreciate that taking away power from the opposition through similar means, as has been done to Ukraine's Communist Party, is equally illegitimate and corrosive to democracy in the long run.

The constitutionality of the measure used to dissolve the Communist Party is also questionable, making the abrupt passage and execution of the measure against the communists appear to ad-hoc, targeted and politically motivated. It is a far cry from the democratic ideal of stable, predictable, impersonal and universally applied rules.

Efforts such as this one open the door to further revisions of the rules. And every time the rules get rewritten via questionable avenues for questionable motives, Ukraine slips further and further from the distant dream of institutionalized democracy.

Of course, the matter is complicated by the fact that often the targets of these ad-hoc revisions are anything but defenders of democracy. Yanukovych could hardly be described as a liberal democrat, and the Ukrainian Communist Party has not exactly been leading the charge toward greater openness and liberalization.

But each of them did assume power via democratic procedures and each lost some or all

of that power through less-than-ordinary means. Even if the executors of such revisionary measures are in fact democrats acting in the interest of some greater good by deposing a corrupt leader or disbanding an obstructionist party, the Machiavellian slope of ends justifying the means is a dangerous one in a weak democracy.

It calls to mind another moment in post-Soviet history when a "democrat" resorted to extraordinary (and decidedly undemocratic) means to push aside the opposition and supposedly advance democracy.

Facing a recalcitrant communist-dominated parliament held over from the Soviet era, former Russian President Boris Yeltsin dissolved the Supreme Soviet in 1993 without the constitutional authority to do so.

This sparked the standoff that terminated with the shelling of the White House on Yeltsin's orders in October 1993. While many remember those violent images, today few recall the barrage of extraordinary presidential decrees issued by Yeltsin to consolidate his power as he pushed through a new constitution in December that year.

That constitution left two crucial legacies that define Russian politics to this day.

First, it gave the president sweeping powers, including the power of decree. Second, and less tangibly, it set the precedent that sometimes it is acceptable to break and rewrite the rules if the ends justify such means. Russians live with the consequences of these legacies today. It is a lesson that Ukrainians ignore at their own peril.

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