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"Mazepinstvo" and other Ukrainian Vexations Featured in Russian Conspiracy Theories (from Poltava 1709 to the Maidan Revolt and After)

> Il n'y a rien de plus terrible […] ou qui produise dans le cerveau des vestiges plus profonds, que l'idée d'une puissance invisible, qui ne pense qu'à nous nuire, et à laquelle on ne peut résister.
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> Nicolas de Malebranche: *De la recherche de la vérité* (1674)[1]

Abstract
The keyword of our title, *Mazepinstvo*, is meant to recall a basic rhetorical device of Russian imperial discourse: the image presenting Ukraine as being substantially a piece of non-Orthodox or Catholic ("Polish," "Habsburgian," "Jesuit") culture that has been treacherously driven into the body of *Rus'* and of Orthodox culture in order to undermine the stability of Russia's institutions, culture, and state.[2] It should not be neglected that from the West—among the Vienna politicians and the Polish elites—a similar conception was promoted: the claim that the Ruthenian or Ukrainian *nation* is an invention of the Slavs living inside the Habsburg Empire. Thus, Benedict Anderson's theory of the nation as "invented community" is paradoxically confirmed on both sides of the border dividing Ukraine in a Southern region of Russia and an Eastern province of the Habsburg Empire. In the following notes, however, we will be dwelling on the *Russian*-Ukrainian encounter only: it is so heavily fraught with political myths that it impacts the Russian imagination up to most recent times. Unlike available studies that view imperial discourse as a relatively *stable order of stereotypes* (as e.g. Shkandrij 2001) our paper emphasizes the anticipation or fear of *violence, conflict, and subversion*.
In the rich history of Russian conspiracy theories about Ukrainian personalities, events, or social movements we can address only selected stages: Pushkin's portrait of Mazepa and the issue of legitimate treason (1); Pëtr Struve, his conception of a "Common-Russian Culture", and the Ukrainian response (2); Mikhail Bulgakov's novel *The White Guard* as an anti-Ukrainian pamphlet (3); Russian conspiracy theories and their impact on the Ukrainian Famine 1932/33 (4); Zakhar Prilepin, the appraisal of partisan war, and the attack on Ukraine 2014 (5). Our last chapter tries to clarify whether the fortune of conspiracy theories is the symptom of a defective legal culture.

1 Between Decembrist Conspiracy and the Dark Heroes of the French "Frenetic School": Mickiewicz's *Konrad Wallenrod* and Pushkin's *Poltava*

Aleksandr Pushkin's 1829 verse tale *Poltava* results, at least in part, from a dialogue with Polish poet Adam Mickiewicz. The central issue of this dialogue is set by Mickiewicz's verse narrative *Konrad Wallenrod. A Tale drawn from Lithuanian and Prussian History* [*Konrad Wallenrod. Powieść historyczna z dziejów litewskich i pruskich*, 1828], first published in St. Petersburg. The later coining of *wallenrodism* indicates what Mickiewicz's text is about, namely treason as a means of self-defense that can be legitimate when committed by the leaders of an

[1] Malebranche 1979: 284 (Livre II, 3e partie. "De la communication contagieuse des imaginations fortes", ch. vi) – "There is nothing more frightening […] and nothing leaves deeper traces in our brain than the idea of an invisible power which is obsessed with damaging us and which we cannot resist." All translations without the indication of a published source are mine, A.S.
[2] Andreas Kappeler sketches this rhetoric in his study on the loyalty of the Ukrainians and their rank in the "ethnic hierarchy of the Russian Empire" (Kappeler 2003: 36 and passim).

oppressed people. Mickiewicz suggests this line of reception by providing his text with a motto drawn from Machiavelli's *Il Principe* [The Prince, 1513/32] describing the strategies of political combat: "The prince, or political leader, must be able to make good use of the beast; he must take as a model the fox and the lion […]. *One must be fox in order to know the snares, and lion in order to scare the wolves*."[3]

Mickiewicz's narrative is deployed in six cantos adding up to 1900 lines overall; the action is set in the last decade of the fourteenth century (an allusion to the historical Konrad von Wallenrode, Grand Master of the Order between 1391 and 1393). A Lithuanian pagan boy—Mickiewicz's fictional Konrad Wallenrod—has been abducted as a baby by his people's long-standing enemies, the Order of Teutonic Knights, and is then educated as a Christian to be part of their mission—the fight against the Lithuanian pagans in the name of Christianity. Konrad follows a steep career that finally earns him the position of Grand Master of the Order. Having been awakened to an awareness of his Lithuanian origins by Halban, a mysterious bard, he begins to doubt his Teutonic mission and, confronted to the Lithuanian army, intentionally leads his troops into defeat. His Teutonic brethren discover Konrad's treason and cite him in tribunal, but Konrad commits suicide and escapes the verdict of the Order.

Mickiewicz had some reasons to see the Polish elites (and himself) in a position inside the Russian Empire that could be compared to the stance of his hero among the Teutonic Knights. The poet had been deported from Wilno to Russia after the 1824 arrest of the Philareth students' association. The two years of work on *Konrad Wallenrod* (1825–27) coincide with the morose, repressive aftermath of the coup d'etat crushed in December 1825 on St.-Petersburg Palace Square. Although Mickiewicz's first readers easily decoded the subversive 'Decembrist' subtext of *Konrad Wallenrod*, the poem escaped censorship due to conflicts among the officials. Mickiewicz's homage to tsar Nikolai I (in the preface added to the second edition) saved the author from police surveillance and even gave him the opportunity to leave Russia for France. Mickiewicz later disparaged his poem, but its influence in Poland persists to this day.[4] Mickiewicz's message for the readers familiar with Russian imperial politics is this: the peoples living in the captivity of the Empire should try any method to defeat their oppressors; treason is a legitimate weapon. Mickiewicz thus continues a genealogical line including works such as Schiller's 'republican tragedy' *Fiesco's Conspiracy at Genova* [*Die Verschwörung des Fiesco zu Genua*, 1783], J.F. Cooper's *The Spy: A Tale of the Neutral Ground* (1821) or Heinrich von Kleist's play *The Battle of Hermann* [*Die Hermannsschlacht*, 1821].

However, the outcome of the plot shows that Mickiewicz does not simply celebrate conspiracy or treason. His intention is also to investigate the torn-up psychology of Byronist heroes. This aspect of *Konrad Wallenrod* had not escaped the first readers' notice: downright political readings of the poem were initially being frowned on. The suspicions of Nikolai Novosil'tsev, tsar Nikolai's Councilor of State, who had denounced Mickiewicz's poem as a political and ideological manifesto, were dismissed as narrow-minded pedantry. This opinion changed only in

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[3] "Sendo dunque uno principe necessitato sapere bene usare la bestia, debbe di quelle pigliare la golpe [sc. volpe] e il lione […]. *Bisogna adunque essere golpe a cognoscere e lacci, e lione a sbigottire e lupi*." (Machiavelli 1983: 88 [ch. XVIII]; italics A.S.).

[4] For the fortune of literary *wallenrodizm* in Poland, cf. Chwin 1993; part I and III trace the specific reception of Mickiewicz's poem.

the light of the Polish insurrection of 1830/31: after the defeat of the Warsaw resistance, the political subtext was perceived as the unquestionably dominant dimension of *Konrad Wallenrod*—a fact confirmed, among other testimonies, by Pëtr Viazemskii's memoirs (cf. Lecke 2015: 62).

Aleksandr Pushkin responded to Mickiewicz by writing the poem *Poltava* (first published in March 1829; Pushkin 1962–66/IV: 251–310). *Konrad Wallenrod* had kept him busy for quite some time—to the point that he left a 40-line fragment of a Russian translation ("Sto let minulo…"; Pushkin 1962–66/III: 53). His 'corrections' of *Konrad Wallenrod*, his veto against Mickiewicz's views on legitimate and contemptible treason, substantially preceded the turn of reception brought about by the Warsaw insurrection. Mickiewicz had invested Wallenrod's position between his Lithuanian birth and his Teutonic adult life with all kinds of ambivalence; his central hero was torn by inner strife. There is nothing of the kind with Mazepa, as described in Pushkin's verse tale. The Ukrainian hetman is so unambiguously ruthless, intriguing and demonic that his character is incompatible with the central features of a Byronic verse narrative, i.e., the mysterious, complex, and secret nature of the hero and his action.

The first canto of *Poltava* describes, successively, the Hetman's flirt with his godchild Mariia who is the only daughter of the rich Kochubei, the leader of the Ukrainian nobility [*shliakhta*]. Mazepa then abducts the girl, and finally marries her. Kochubei's denunciation of Mazepa miscarries as the tsar does not believe that Mazepa might nourish anti-Russian plans. The second canto shows Mazepa as an ambitious intriguer, entertaining clandestine relations with the Polish Jesuits in the hope of obtaining the throne of an independent Ukraine. As Peter the Great is still confident of Mazepa's loyalty, he hands over to the Hetman's revenge the Ukrainian nobles that had warned him against Mazepa. Kochubei is cruelly executed behind the back of his daughter Mariia, Mazepa's wife; the attempt of Mariia's mother to intercede comes too late. Only the third canto turns to Mazepa's alliance with Charles XII against Russia. Pushkin does not approach the ensuing battle near Poltava as a groundbreaking historical event of its own; he focuses on the consequences of the depravity that Mazepa had revealed in his political and family relations (cf. *Canto* I and II).

Pushkin provides his picture of the clash between the Russian Empire and Ukrainian autonomy with a series of subliminal constructions: *young Russia faces an old country*; in his portrait, Mazepa (1639–1709) is a very old man (during the year of the Poltava battle, he had actually reached the age of 70), while the image of Peter the Great is that of a youthful ruler (Peter's lifetime extends from 1672 to 1725). The emotional, passionate, and revengeful Ukrainians confront a rational and enlightened Russian rule. The end of the poem, which massively draws on 18th-century courtly poetry and epic, brushes a univocally panegyric portrait of Peter. Pushkin knows that it would be inappropriate to mention the tsar's less edifying actions, let alone the repeated breaches of the Russian pledge to stand by the Ukrainian 'protectorate' in case of military distress. Peter had often required Cossack troops to serve him outside the Ukrainian territories, but did not help Mazepa against Charles's XII attack on Ukraine. In the same vein, Pushkin omits the immediate sequels of the 1709 Ukrainian defeat at Poltava: the barbarous destruction of Mazepa's capital Baturyn and the massacre of its population, women and children included.

For the moral contrast between Peter and his recalcitrant Ukrainian protégé, Pushkin needs to feature Mazepa as a senile ruler courting a girl that must have

been his junior by over 45 years, and marrying his own godchild against all Christian rules of conduct. When celebrating Peter the Great, Pushkin articulates the panegyric intention of a poet who had escaped tsarist persecution after the 1825 Decembrist process. As the reading public would consider direct praise of Nikolai's regime as servile, the panegyric required by the Court is delivered by detour, via Peter the Great to whom later tsars often referred in order to borrow some of the celebrated predecessor's legitimacy. It is this mechanism that animates *Poltava*, not the intention of a historian.

The consequences for Pushkin's poetics are important. His central hero is no longer a secretive, mysterious man, but a hateful cripple and a repellent evil-doer. The monstrous figure, heightened by the stylistic clashes between the sublime and the outrageous, between purity and abjection, is imprinted on large portions of Pushkin's text. The balance that Pushkin had to elaborate between imperial ideology and historiography is, thus, massively influenced by an external imperative: *poetics and style*. If the complex character we observed in Mickiewicz's *Konrad Wallenrod* is supplanted in Pushkin's *Poltava* by an unambiguously negative, villainous, and treacherous central hero, this has to do with the fact that Pushkin has outlived Byronist poetry.

Actually, the poetic model for *Poltava* originates not in Byronism but in the French Frenetic School. The major specimens of the new literary current are Victor Hugo's early novels *Han d'Islande* (1826) and *Le dernier jour d'un condamné* [*The Last Day of a Convict* (under a death sentence; A.S.)], 1829). There is a Polish counterpart, *The Revengeful Dwarf and Masław* [*Mściwy karzel i Masław*], a "gothic" novel written in 1826/28 by young Zygmunt Krasiński. In France it is Charles Augustin Sainte-Beuve's morose poetry that prolongs the success of the school into the 1830s. The Frenetic authors inherited some of the literary devices of 18th-century gothic novels, but their specific emphasis is on features of the grotesque and on caricature, as in Jules Janin's novel *L'Âne mort et la femme guillotinée* [*The Dead Donkey and the Woman passing under the Guillotine*, 1829]. Emile Burat de Gurgy outdoes his competitors by publishing *La primadonna et le garçon boucher* [*The Primadonna and the Butcher's Apprentice*, 1831]. Titles of this kind are a secure promise of commercial success.

Pushkin comments on Jules Janin in his correspondence: "il y a du vrai talent dans tout cela" [there is real talent in all this] (Letter to Mrs. Chitrovo, November 1831; Pushkin 1962–66/X: 392). In April 1830 Pushkin addressed this remark to Pëtr Viazemskii: "Vous avez raison de trouver l'*Âne* délicieux. C'est un des ouvrages les plus marquants du moment. On l'attribue à V. Hugo—j'y vois plus de talent que dans le *dernier jour* où il y en a beaucoup." [You are right to find the *Donkey* delicious. It is one of the most prominent works of the moment. People ascribe it to Victor Hugo—I see even more talent in it than in the *Last Day of a Convict* where there was quite a lot of it] (Pushkin 1962–66/X: 284).[5] Pushkin's turn to this specific poetics soon came under hard attack—so much so that he felt obliged to justify the style of *Poltava*. He explains the horrible and cruel scenes of the poem by his intention to overcome Romantic commonplaces and to explore a *poetics of the characteristic*. He sketches the new notion of character in his article "A Refutation of critical reviews" [Oproverzhenie na kritiki, 1830]:

[5] The appraisal of the "dernier jour" refers to Victor Hugo's novel *Le dernier jour d'un condamné*.

> But what a disgusting subject matter! there is no single good, well-intentioned feeling! not one consoling trait! seduction, enmity, treason, cunning, faint-heartedness, savagery… Del'vig wondered how I could take interest in a plot of this kind. *Strong characters and the deep tragic shadow covering all these horrors*—that is what carried me along.[6]

Since the time when Pushkin postulates a new mode of "true romanticism" [*istinnyi romantizm*], he frequently uses the mixture of the sublime and the grotesque. Already in the articles that accompany his work on *Boris Godunov*, Pushkin abandons the idea of stylistic "proportion" [*sorazmernost'*]. The sketch "On Poetic Style" [O poėticheskom sloge], written shortly afterwards, also starts off with the reception of Shakespearean drama and describes the "spirits […that] turn towards the fresh popular inspirations and to this *strange, simple language [prostorechie] that initially was held so contemptible*".[7]

Pushkin's turn towards the new poetics of stylistic mixture is definitively achieved when he reviews the works of his colleague Katenin in 1833. Pushkin praises Katenin's style for one particular merit, which is "this simplicity and even rudeness of expression, these dregs [*svoloch'*] replacing the lofty chain of shadows, these gallows instead of a rural scenery illuminated by a summer-night moon".[8] In works like "A Feast in the Times of Plague" [Pir vo vremia chumy] or "The Queen of Spades" [Pikovaia dama], Pushkin puts this new writing to the test. But it is not without a particular logic that one of Pushkins's first steps towards "true romanticism" coincided with his choice of a Ukrainian subject: a specific "simplicity" and "rudeness of expression" instead of "rural views illuminated by a summer-night moon" first became Pushkin's own when he turned to *Poltava*. The new style spread far beyond his work and beyond the 1820s: Gogol's "Taras Bul'ba" (1835, 1842) and Taras Shevchenko's "Haidamaky" (1842) are notable instances of the East-European fortunes of the Frenetic school. However, it was the panegyric of Peter the Great that survived Pushkin's stylistic experiment more clearly than anything else.

An important factor of the 'ideological' impact of Pushkin's *Poltava* was the Orthodox liturgy ordered by tsar Peter, which implied an annual curse on the Hetman. As Mazepa had taken sides with protestant Sweden, he could be stylized into an enemy of the Russian faith (Subtelny 1978: 173–179; cf. Kizenko 2009/10 for an in-depth study of the liturgy). This is the basis of many of the later imprecations against Ukrainian "Mazepinstvo"; the demonization of the Hetman provided the anti-Ukrainian distrust with a religious sanction and a personalized target.

That the Southern neighbor—less well 'digested' by Peter's regime than the enlightened public had hoped—would critically resurge in Romantic times is to be explained by the early stirrings of national ideas among the adepts of the so-called Charkiv school. In the face of this challenge, Mickiewicz's poetic step beyond Byronism and Pushkin's experiment on post-Romantic style could be easily for-

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[6] "Однако ж какой отвратительный предмет! ни одного доброго, благосклонного чувства! ни одной утешительной черты! соблазнь, вражда, измена, лукавство, малодушие, свирепость... Дельвиг дивился, как я мог заняться таковым предметом. *Сильные характеры и глубокая, трагическая тень, набросанная на все эти ужасы,* вот что увлекло меня" (Pushkin 1962–66/VII: 193; italics A.S.).

[7] "уми […которые] обращаются к свежим вымыслам народным и к *странному просторечию, сначала презренному*" (Pushkin 1962–66/VII: 80p; italics A.S.).

[8] "[…] сия простота и даже грубость выражений, сия *сволочь*, заменившая *воздушную цепь теней*, сия виселица вместо сельских картин, озаренных летнею луною […]" (Pushkin 1962–66/VII: 266; Pushkin's italics).

gotten. The apology of Polish resistance and treacherous action against the three powers of partition, that could be distilled from *Konrad Wallenrod*, made its way into Pushkin's *Poltava*. However, the Russian poet turned the message upside down: *Poltava* rewrites Mickiewicz's affirmative tale of treason and 'anti-imperial' revolt into a warning against any anti-Russian musings whatsoever.
Although the result of a clearly imperial stance towards Ukraine, Pushkin's take on the Mazepa narrative does not have the paranoid touch of a conspiracy theory. But many events and questions of the decades from 1810–30 (Napoleon and the 1815 Vienna Congress; the renegotiation of Europe's contour; Decembrist unrest; the Romantic challenge of the Old Regimes, etc.) are tied up into an ideological statement that supposedly could help identify Russia's friends and foes. The epoch that followed Pushkin's era—the literary ascent of Nikolaj Gogol'—made Ukraine into a remote, inoffensive idyll;[9] the "invisible power obsessed with damaging us" (cf. the passage from Malebranche quoted at the beginning) tended to be identified now with Poland and other Western European countries. It is only the next upsurge of the Ukrainian national movement around 1900 that fueled new obsessions among the Russian elites concerning their Southern neighbor.

2 The Pretended Gravediggers of "Common-Russian Culture" (Pëtr Struve vs. Bogdan Kistiakovskii)

Some of the challenges that Russia faced between the 1905 revolution and the beginning of the First World War mainly stem from international politics, but the internal situation of the Empire was equally explosive. The quasi-constitutional concessions made by the tsar were short-lived; the return to authoritarian rule after 1906 was accompanied by pogroms and other violence of the proto-fascist "Black Hundreds" (see Kappeler 1992: Kap. 9.2. "Political Participation and Reactionary Turn in the Duma Period"). This is the backdrop against which the controversy between two Kadet politicians—Russian economist and philosopher Pëtr Struve and Ukrainian jurist Bogdan Kistiakovskii—gains its specific contour. Struve's pamphlets against the Ukrainians are of interest for our argument as they vividly illustrate the temptation of conspiracy theories.
We can do without a detailed presentation of Pëtr Struve (1870–1944), since his political biography, leading from Marxism to liberal and conservative positions, strongly marks the public discourse in Russia from 1900 to 1920, as do his numerous publications on economy and politics. Struve's name is connected to three books: *Problems of Idealism* [*Problemy idealizma*, 1902], *Landmarks* [*Vekhi,* 1909], and *From the Depths* [*Iz glubiny*, 1918], famous collections of essays by leading Russian thinkers dealing with problems of the intellectual community (cf. Pipes 1970/80 for a comprehensive picture of Struve's life and works). Struve's opponent Bogdan Kistiakovskii (Bohdan Kistiakivs'kyi) is less well known. Born in 1868 as the son of Kiev Law Professor Oleksandr Kistiakivs'kyi (1833–1885), he gained recognition between 1900 and his untimely death in 1920 as a leading figure of Russian legal theory.
Kistiakovskii's student years were a far cry from his later fame: in 1890 he was first expelled from Kiev University for "Ukrainophile activities". Shortly later a similar verdict hit him in Dorpat; this time the authorities banned him from studying at any university of the Russian Empire. Kistiakovskii left Russia in 1895 and registered at Berlin University for lectures given by Georg Simmel and Wilhelm

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[9] cf. Kappeler 2003: 37, 41 and 48 for a description of how the "rebels" and "potential traitors" became "Little Russians", i.e., a "picturesque variety of the Russian people".

Windelband. His German doctoral dissertation *Society and Individual: A Methodological Study* [*Gesellschaft und Einzelwesen: Eine methodologische Untersuchung*] was published in Berlin in 1899. Since that year until 1917 he commuted yearly between teaching positions in Russia and longer stays in Germany. From 1901 on he attends Georg Jellinek's Heidelberg lectures. Kistiakovskii's friendship with Max Weber, and his work for him as a Russian-language teacher, inspired the German sociologist's studies "On the State of Bourgeois Democracy in Russia" [*Zur Lage der bürgerlichen Demokratie in Russland*] and on "Russia's Transition to Pseudo-Constitutionalism" [*Russlands Übergang zum Scheinkonstitutionalismus*] (both printed in 1906). Since his return to Russia, Kistiakovskii was associated with Struve in liberal Kadet party circles, for publications in different journals, and for a two-volume edition (1905/06) of the political works of Mykhailo Drahomanov (1841–1895), one of the first democratic socialists in Ukraine.

From 1908 on, Struve steered out of this joint commitment. As editor of the journal *Russkaia mysl'* (Russian Thought) he published a series of editorials that added up, by and by, to a kind of campaign against Ukrainian activists and intellectuals.[10] Struve's first typical statement was "Great Russia. Selected Reflections on the Problem of Russian Power" [*Velikaia Rossiia. Iz rasmyshlenii o probleme russkogo mogushchestva*, 1908]. The article attacks both "radicals" and "conservatives" who "subordinate the issue of the external power of the state to the question of 'domestic well-being' in whatever sense"; Struve takes an explicitly opposing stance: "the criterion of all so-called 'domestic' politics implemented by the government and the parties is the answer given to this question: to what extent this politics contributes to the so-called external power of the state?" (Struve [1908]/1999: 183p). In order to restore the power of Russia, the political and military leaders must first replace the Far East, where they had suffered a major defeat in 1905, by a region where the Russian state can expect to successfully deploy its power:

> It is time now to recognize that for the creation of a Greater Russia there is only one way: to direct all forces to a region that is actually open to the real influence of Russian culture. That region is the *entire basin of the Black Sea*, i.e. all European and Asian countries bordering on the Black Sea. (ibid. 186; Struve's emphasis)

Ukraine is concerned by this "foreign politics returning *home*" in so far (and in so far only) as, in Struve's words, "the only possible basis of Greater Russia" since the times of Peter the Great have been the Donetsk coal mines (ibid.). This utilitarian conception of Ukraine sounds consistent with Struve's claim that "the ideal of state power and the idea of discipline reigning over the national labor […] shall be the iron fund of the new political and cultural consciousness of Russian man"; but it does not square with the somewhat perfunctory addendum that Russian man—besides *state power* and the *idea of working discipline*—should also promote "the idea of the *law* and of *rights*" (ibid. 189; Struve's emphasis). The reminiscence of tsar Peter I, anyway, represents an awkward opening to the Ukrainians (cf. the Mazepa episode related in our chapter 1).

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[10] Richard Pipes describes the larger context of Struve's ideas during the period in question (Pipes 1970/80: vol. 2, ch. 4 "Russian Thought"), including the confrontation with Vladimir Zhabotinskii on the multinational character of the Russian empire (ibid. 210–219), but leaves aside the controversy with Kistiakovskii. Yet this issue is substantially discussed in Heuman 1998; for details, see ch. 6: "The Ukrainian Movement within the Multinational Russian Empire" and 7: "The Debate on the Ukrainian National Question: Kistiakovsky vs. Struve".

Struve's next article on the same subject, entitled "Fragments on the State and the Nation" [Otryvki o gosudarstve i nacii, 1908), largely confirms such irritations. The opening statement alone—"The national principle is closely connected with the principle of the state and it shares with the latter its irrational or mystical character" [Национальное начало тесно связано с государственным и разделяет с ним его сверхразумный или мистический характер] (Struve [1908a]/1999: 205 and ch. I–II, passim)—must have been unpalatable to any literate citizen, let alone to Kistiakovskii, known as a neo-Kantian theorist of the rule of law. Although certainly shocked by his former friend's obscurantist ravings, Kistiakovskii swallowed his anger and published an anonymized reply, presented as a reader's letter addressed to *Russkaia mysl'* and signed "A Ukrainian": "On the Issue of a Distinctive Ukrainian Culture (A letter to the editors)" [K voprosu o samostoiatel'noi ukrainskoi kul'ture (pis'mo v redakciiu), 1911].

From the outset, Kistiakovskii limits his argument to questions of cultural autonomy and explicitly rejects separatist ideas; but he complains of the "sharply expressed egoism" of the Russian public concerning the Ukrainian question (Kistiakovskii 1911: 131–133). Organizations promoting Great-Russian nationalism engage in an ever more reckless show of force in Ukraine; their propaganda against Ukrainian activists makes the Russian urban public fear that the Southern neighbors might compromise the stability and military defense of the Empire. Anticipating a future war, even intellectuals from Russia paint on the wall the specter of *Mazepinstvo* and of Ukrainian treason. Kistiakovskii recapitulates: "Ukrainianism is considered the 'Ukrainian danger'; that concept was unknown before 1905, but it is now extremely characteristic […] that the strivings of certain sectors of the Ukrainian people are perceived as a danger for Russia and the great Russian people." (ibid. 134p).[11] Kistiakovskii denounces this perception of Ukraine as a delusion of Russian intellectuals. He then passes on to the core of his argument: Russian hegemony is not a "natural fact", as Struve claimed; it is the result of longstanding compulsory Russification. Russian coercion is evident not only in the 1876 *ukaz* banning Ukrainian literature, but also in the more recent prohibition (effective until 1906) to print and distribute a Ukrainian version of the Bible (ibid. 144, 138p).

Kistiakovskii's criticism remains conciliatory yet; in his conviction, "the future growth of the Ukrainian people is only possible in solidarity with the Great Russian people […]. I maintain the belief that of all the Slavic cultures, only the Great-Russian culture can attain world significance" (ibid. 132). However, Kistiakovskii pursues, any citizen of the empire, ready to take side with Russian culture and, thus, accede to universal culture, must have roots in a life-world of his own: only those who practice their mother tongue and consolidate it by elementary instruction can develop an identity capable to open itself towards world culture; only thus they can contribute to the future development of the empire (ibid. 135p). By linking language, cultural identity, and public education to the idea of a life-world, Kistiakovksii marks his distance from bureaucratic and authoritarian definitions of culture: "Unlike 'Russian' culture, Ukrainian culture is created […] not for the military and bureaucratic needs of the state, but for the most essential needs of the broad popular masses. It is created, resting only on democratic forc-

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[11] Some of the the English translations of Kistiakovskii's statements also appear in Susan Heuman's portrayal of the Struve-Kistiakovskii controversy (Heuman 1998: ch. 7). Cf. also the English translation of large portions of the article in Lindheim/Luckyj's *Anthology of Ukrainian Thought* (Kistiakovskii 1996).

es, and supported only by them" (ibid. 140). His conclusion once more affirms the right of the Ukrainians to cultural distinctiveness or autonomy [*samostoiatel'nost'*]:

> […] the striving of Ukraine for cultural distinctiveness is explicable as a centrifugal movement in opposition to the centralism and despotism of the Russian government. […] In the end, one must acknowledge that the Ukrainian people is inherently endowed with a specific will […] to uphold its distinctive, national individuality. […] Each genuine cultural movement is a manifestation of the divine spirit in man, and therefore […] violence against it is a sin. (ibid. 146)

It is this strong argument that triggered Struve's article "Common-Russian Culture and Ukrainian Particularism. A Reply to the Ukrainian" [Obshcherusskaia kul'tura i ukrainskii partikuliarizm. Otvet Ukraincu, 1912]. While Struve's 1908 articles for *Russkaia mysl'* were ingenuously "brimming with nationalist and imperialist sentiments" (cf. Pipes 1980: 194), the new pamphlet is pointedly anti-Ukrainian and marks a distinct shift towards conspiracy theory. Already in 1908 Struve had submitted an argument based on military strategy: as part of the Black Sea littoral, Ukraine is culturally compatible with Great Russia and, thus, a convenient base for the further military domination of the South (as quoted above: Struve 1908: 186). The central issue of Struve's 1912 statement is that Ukraine's cultural and political stirrings proper must be severely reined in, as they would stand in the way of Russia's southward advance. This implies acute premonitions of Ukrainian treason and other disasters.

Struve eschews Kistiakovskii's argument according to which Russia and Ukraine do not communicate on equal terms; he considers the *hierarchical relationship* between the two peoples as an ironclad principle: "Common-Russian culture" comprises Little Russia and Belorussia as subaltern provincial cultures; the autonomous Ukrainian culture as conceived by Kistiakovskii can only be regional [*mestnaia ili oblastnaia*] (Struve 1912: 66). Russian as the linguistic organ of the hegemonic culture—the language of Speranskii's attempted codification *Polnoe sobranie zakonov*, of Pushkin, of Turgenev and Tolstoi—is the only imaginable *Koinē* of all peoples of the Empire (ibid.). For Struve, this hegemonic position of Russia and the Russian language is determined by History itself, especially by the strength of Russian commerce and economic development. While "the Little Russian by himself almost never moves beyond his domicile" [malorossiianin sam pochti ne dvigaetsia s mesta], Russians and Jews bring capital and enterprises into Ukraine (ibid. 72–74). Struve emphasizes that this development is not the result of force or administrative order (a clearly misleading statement in view of the Russian regulation of South-Russian and Ukrainian commerce since tsar Peter I).

Struve's nervous argument then heads for conclusions concerning Ukraine's intellectuals and their possible ways of action: "[…] I have no doubt that the sharp political turn taken by the cultural aspirations of several regions may introduce many undesirable or even downright destructive elements into Russian life" (ibid. 82). The Ukrainians, hence, face a simple alternative: "One possibility would be to take the path towards a modest regional development." The other possibility would imply to develop "the local 'way of life' [*byt*] and the regional 'dialect'" into "a comprehensive national culture, expected to challenge and, eventually, to oust common-Russian culture from the territory of 'ethnographic' Ukraine" (ibid. 84). This second option, however, would create a "huge cultural problem":

> […] once the "Ukrainian" ideas of the intelligentsiia hit the popular ground and inflame it with its "Ukrainianness", the Russian nation will face a huge, unheard-of break-up [*raskol*], which in my deepest conviction represents a genuine disaster for the State and the people. […] Being personally (according to the new terminology) a traditional "friend of Ukraine" [будучи по традиции украйнофильским], I think that he progressive Russian public opinion must […] undertake a powerful *ideological* fight against 'Ukrainianness', as the latter stands for a tendency to weaken or in part even to liquidate a great achievement of our history—common-Russian culture. (ibid. 85p passim; Struve's emphasis)[12]

For a literary scholar, Struve's defense of Russianness is weird reading: one hastens to get across the flood of common places—the verbiage on the human significance of Pushkin's poetry or the tribute paid to the dry diet of Dobroliubov's *publicistika*. Struve's amazing indifference to Ukrainian poetry (Taras Shevchenko, Lesia Ukraïnka), though, is even less offensive than his blindness to the tsarist onslaught on Ukrainian literary culture: Struve does not waste a single word on the Valuev-Decree of 1863 and the Ems Ukaz of 1876, both designed to put an end to the public circulation of Ukrainian belles-lettres (cf. Subtelny 1994: 282pp).

In response to Struve's rhetorical onslaught, Kistiakovskii once more took the pen—this time under the name of A. Khatchenko (an allusion to the word "khata", signifying the Ukrainian habitation, and to one of the early 20th century groups of the Ukrainian national movement). His article—"M.P. Drahomanov and the Issue of an Autonomous Ukrainian Culture (On the occasion of the anniversary of his death)" [M.P. Drahomanov i vopros o samostoiatel'noi ukrainskoi kul'ture (K godovshchine smerti), 1912]—was printed in the special issue on Drahomanov published by the monthly *Ukrainskaia zhizn'* [*Ukrainian Life*]. Kistiakovskii probably seized the occasion also in order to open up a common territory with his opponent, as Struve had participated in the work on the 1906 Drahomanov edition. The first three chapters of the article, devoted to Drahomanov's merits for the Ukrainian national movement, are interspersed with occasional admonitions aiming at Struve. Only the fourth chapter explicitly returns to the controversy about "common-Russian culture" and to Struve's call for the "ideological fight against Ukrainianness".

The overall purpose of this chapter is to chastise Struve for his lapse into "old-testamentary compulsory nationalism" (Kistiakovskii 1912: 16). Referring to Drahomanov's *Letters to Dneper Ukraine*, he continues, in an almost personal address to Struve:

> […] we reject not the nationalities and national movements, but nationalism, especially the sort of nationalism that turns against humanity […] or *cosmopolitism.* We reject the enforcement of thought and feeling that pretends to be national; we reject the obligatory sanctuaries of national history, and we particularly disapprove of hate against other nationalities. (ibid.)[13]

Especially literature, as Kistiakovskii emphasizes, must take up issues of a general human significance instead of getting caught in a narrow national corner. In the

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[12] In Soviet times, the last part of Struve's argument reemerges in a symptomatic context: now, "ideological fight against Ukrainianness" is a slogan of Bol'shevik party officials (among them Russian-born Dmitrii Lebed', leader of the Ukrainian Communist Party), who in 1923 oppose the politics of "Ukraïnizatsiia" or "korenizatsiia" ["taking roots"] that was meant to concede limited cultural rights to the Ukrainian people in order to improve the narrow popular outreach of Communist politics (Kul'chyc'kyi 2002: 899; Subtelny 1994: 387–390).

[13] Kistiakovskii refers to part V of the *Letters to Dneper Ukraine* (Drahomanov 1994: 190).

concluding paragraphs of the article Kistjakovskij returns to Struve's call for an "ideological fight" against the development of Ukrainian culture: "The representatives of a curiously articulated common Russian culture usurp the right and power to draw the limits which our cultural activities are not allowed to overstep. They put a ban on some of our educational and cultural initiatives and declare them as dangerous" (Kistiakovskii 1912: 25). Struve and the Russian Liberal Nationalists preach culture and enlightenment, but only if these are confined to Russia. To put an obstacle to the exercise of a humanitarian activity, Kistiakovskii continues, is a form of "vandalism"—just as the "system of forcible Russification", "the main deep-seated ailment of Russian culture". The conclusion of the article calls for a counteroffensive:

> The progressive public opinion of Russia […] should give all-round support to this [sc. Ukrainian national] movement and make an effort to put an end to the system of forcible Russification as a historical sin of the Russian state. On the other hand, the progressive Russians who preach the ideological fight against the Ukrainian national movement, should become aware that they will not be able, by no imaginable cunning, to escape their moral responsibility for the Russification by coercion or, to be more precise, for an outrage committed against the human spirit. (ibid. 35)

Kistiakovskii is more outspoken than in his early articles; the turn to Drahomanov's writings politicizes the issue of a "distinctive Ukrainian culture". The 1912 statement demonstrates that the quarrel with Struve, after all, is not just about different views of the Russian-Ukrainian relationship, but about the fundamental conception of the empire. Richard Pipes characterizes the basic issue: Struve holds that "despite its ethnic heterogeneity Russia was not a multinational empire like Austria-Hungary […], but a genuine national state (or "national empire"), like Great Britain and the United States" (Pipes 1980: 211).[14]
Struve's conception of culture, public instruction, and enlightenment has many aspects of a nationalist curiosity; it is by his focus on a supposedly hostile and disloyal Ukraine that Struve gets involved with conspiracy theory.

3 Reports From a Besieged City: Michail Bulgakov's novel *The White Guard* and the play *Sonate pathétique* by Mykola Kulish

Among the Russian authors who contributed to the circulation of conspiracy theories for the interpretation of the Russian-Ukrainian relations, Mikhail Bulgakov (1891–1940) holds a prominent place. His novel *The White Guard* [*Belaia gvardiia*], first published in Paris 1927/29, and the adaptations for the stage of the Moscow Theater of Artists can vie with his equally 'conspiratorial' masterpiece *The Master and Marguerita* [*Master i Margarita*], which Bulgakov roughly completed before his death in 1940 and which was first printed in 1966/67.
The White Guard transforms the conflict between the Bol'sheviks and the "White Guard", i.e., the Great-Russian troops of the *ancien régime*, into a kind of triangular myth, the main part of which is the Ukrainian national movement headed since 1918 by the Central Rada, later the Directory. Bulgakov explains the fact that the Bol'sheviks are able to conquer Kiev several times (and irreversibly in 1919) by a mythically conceived power: Petliura, the military commander of the Directory, becomes the fetish and word of horror "Peturra", that robs the sleep from everybody in Kiev—Russians, Ukrainians, Jews, and the German military alike. Bulga-

[14] The intricacies resulting from the possibility to opt for various "circumstantial identities" [*situative Identitäten*] and the social rank of Ukrainians are highlighted by Kappeler 2003: 46p and his "Conclusion", 48–53.

kov's worldview is without ambivalence: while the administration of Kiev under Petliura and the Ukrainian Directory is depicted as an absolute disaster (not just for the Turbin family, loyal to the tsar, and for Russian culture, but for decency, human dignity, and the values of civilization at large), it is the seizure of power by the Bol'sheviks that finally brings peace and domestic security back to the city.
Special mention is in order for the dramatic adaptations of *The White Guard* that Bulgakov completed under the title *The Days of the Turbins* [*Dni Turbinych*] between the second half of the 1920s and the beginning 1930s.[15] Bulgakov did not author these adaptations individually; the work on the text took place under the 'guidance' of editors, political commissars, and censors—i.e. the same people that had taken care of banning the play from the stage in the beginning of 1929. The portrait of the Turbin family and of the political situation in Kiev after the defection of Hetman Skoropads'kyi gains a dramatic sharpness that endeared the play to the communist leaders and allowed for a staging by the Moscow *Art Theater* [*Khudozhestvennyi teatr* / MKHAT] where the play returned into the repertory from February 1932 on. *The Days of the Turbins* became a real blockbuster, significantly in the run-up to the anti-Ukrainian campaign that—after a strong kindling by the Moscow rulers and much conspiracy theory—ends up in the man-made Great Famine of 1932/33 (cf. infra, ch. 4).
Although Bulgakov's text was certainly manipulated and ideologically streamlined by dubious 'specialists' of Soviet dramaturgy, much of the malignant tirades leveled at Ukrainians in *The Days of the Turbins* are already part and parcel of Bulgakov's short stories published in the early 1920s. The author of the quintessential tale of victimization *The Master and Marguerita,* whom the Great Russian cultural canon praises as an advocate of "humanism in hard times" if not as a dissident, revels on the stage of *The Days of the Turbins* as a stark promotor of ethnic discrimination, designating for administrative liquidation the 'Mazepist' province, its language, and its operetta military—in shocking consonance with Stalinist propaganda featuring "unruly Ukrainians", "theft of grain", and the "sabotage" of socialist agriculture by Western-inspired "kulaks".
The state of admiration, enthusiasm, and empathy that, up to the present, befalls the reading public and some critics, when faced with Bulgakov's hymn to "creative freedom" (cf. Hoppe 2012), was denounced as phony from the very start of the stage success of *The Days of the Turbins.* Walter Benjamin, who sojourned in Moscow from December 1926 to the end of January 1927, commented on one of the early stagings of the play (just before the temporary ban that lasted until 1932):

> They were performing Stanislavsky's production of *The Days of the Turbins*. The naturalistic style of the sets was remarkably good, the acting without any particular flaws or merits, Bulgakov's play itself an absolutely revolting provocation. Especially the last act, in which the white guards "convert" to bolshevism, is as dramatically insipid as it is intellectually mendacious. (Benjamin 1985: 25)

Benjamin's *Moscow Diary*, however, omits a nuance which is essential to Bulgakov's narrative about the white guard's "'conversion' to Bol'shevism": the bourgeois opponents of Bolshevism turn over to the Communist regime in order to escape 'Ukrainian savagery'.
Thus, the definitive debunking of Bulgakov's xenophobic fiction about the battle

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[15] The successive versions of the play are documented in Bulgakov 1989. Our following remarks are indebted to the thoughtful interpretation in Skandrij 2001: 215–220.

between the Communists and their 'reactionary' enemies had to be effected by an author more familiar than Benjamin with Eastern Europe and the aftermath of the Tsarist Empire. Ukrainian playwright Mykola Kulish (1892–1937) was an author of this kind. He is the first writer to challenge Bulgakov's "dramatically insipid" and "intellectually mendacious" view of the Bol'shevik victory in Ukraine. During the *korenizatsiia* period of Ukrainian culture,[16] Kulish belonged to Mykola Khvyl'ovyi's circle and to the Charkiv experimental theater Berezil' founded by Les' Kurbas, both famous 'institutions' of indepependent post-revolutionary culture in Ukraine that perished during the 1930s. Kulish's fame around 1930 even reached the stages of Western Europe, as is evident from a German translation (cf. Kulish 1932).

Kulish's play *Sonate pathétique* [*Patetychna sonata*] is a drama on revolution just as *The Days of the Turbins*, but it also offers an astute dispersal of Bulgakov's paranoia and conspiracy theories. The play was composed in 1930 as (superficially speaking) a *pastiche* of Bulgakovs narrative on the Turbins. Kulish adopts the scenic model underlying the home of the Turbin family, but the central and privileged position of the house floor that Bulgakov arranged for the monarchists' apartment provided with elegant furniture, tender fayences and piano music has become shaky. Kulish shows the less opulent corners of the house, too: dropping water faucets in the basement lodging—home of a veteran of war who lost both legs, and of a tailor woman out of work, who prostitutes herself to the owners of the house (a Russian Major General and his son), in order to pay the arrears of rent. The quasi-naturalism of these scenes is not supposed to draw the compassion of the spectator for the humiliated and the offended, but it is intended as an attack on the rhetoric of a "solidary, unified, and indivisible Russia" and on the 'historiosophical' ambitions that *The White Guard* deployed by envisioning the starred heavens, the planets, and their forebodings. Bulgakov's pretentious style that vies with the "ornamental prose" *en vogue* is brought down to earth and confronted with historical fact. Kulish 'grounds' Bulgakov's soaring imperial rhetoric by eavesdropping on the Major General—not only as the aristocrat swaggers about Russia's mission, but also at moments when the rich owner of the house comments arrogantly on his less felicitous tenants and neighbors.

Kulish's *Sonate pathétique* articulates a pointed critique of the conspiracy-laden paranoia in both *The White Guard* and *The Days of the Turbins*. The Ukrainian play implies a deconstruction of the dramatic narrative by, in the first place, setting aside the "absolute quality" of the dialogue and its independence from any intervention by an author—the basis of traditional dramatic truth and objectivity (cf. Szondi 1987: ch. I: "Drama""). In a passage that oscillates between introductory remarks and *didascalia*, Kulish identifies *Sonate pathétique* as an intentionally subjective chronicle: as an excerpt "From the memories of my late romantic friend and poet Il'ko Juga, who at the October Celebrations at the Club of the Komsomol gave an account of his, as he put it, barely enviable, but instructive revolutionary course of life" [Із спогадів мого романтичного нині покійного друга й поета Ілька Юги на Жовтневих роковинах у клубі ЛКСМУ про свій незавидний, як сказав він, проте повчальний революційний маршрут] (Kulish [1930]: 241). Kulish's criticism of illusionist theater is also a blow aimed at Bulgakov and his tendenciously 'monological' staging of Stalinist ideology.

There is more to Kulish's veto on Bulgakov than the subjective downsizing of the

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[16] See above (footnote 12) for the term "Ukraïnizaciia" or "korenizatsiia" [indigenization, literally "taking roots"]; see also Kul'chyc'kyi 2002; Subtelny 1994: 387–390.

dramatic perspective; *Sonate pathétique* is not just a sarcastic blow on the 'drama of a world's end' by which Bulgakov tried to upgrade his novel. Kulish provides a far-reaching critique of Bulgakov's world view; his rewriting upsets Bulgakov's dramatic cast and satirizes the neat division of characters between Russian heroes and Ukrainian blockheads or scoundrels. The simple-minded edifying Russian tale clashes with the intuitions of a writer able to perceive events of higher complexity. There is a French equivalent of "conspiracy theories" besides the usual word "complotisme": the term "police-state conception of history" [*la conception policière de l'histoire*]; it perfectly designates not just Bulgakov's authoritarian and xenophobic penchant, but also his affinities with Stalinism.

4 Conspiracy Theories and the Great Famine of 1932/33

The history of the Great Famine of 1932/33 in Ukraine stands in an almost direct continuity with the 1932 staging of Bulgakov's *The Days of the Turbins*. The end of this play not only contains the episode "in which the white guards 'convert' to bolshevism" (Benjamin 1985: 25; cf. supra); its "intellectual mendacity" is also patent when the play suggests an image of the Ukrainian people self-complacently lost in their linguistic and military traditions and recalcitrant to progress and humanity.

As this narrative is staged by the *Art Theater* in Moscow, a tragedy begins to unfold in the Ukrainian villages. The dramatically exaggerated requisitions of grain imposed in 1932 by the central administration and the brutal attack on any farming that does not comply with the politics of collectivization has led to a monstrous crop failure in autumn 1932 and to a famine causing millions of victims—the *holodomor*[17]. The explanation of this disaster by bad weather conditions or other natural causes, the attempt to downplay the event by the claim that Kazakhstan and other peripheral republics also suffered a severe shortage of grain, are as grossly misleading as the blunt denial of the Ukrainian famine publicized by venal 'witnesses' like Walter Duranty or Douglas Tottle (cf. Sproede 2011: 317–322, 330p; on Duranty see Applebaum 2018: 316–325 and illustr. № 44).

The recently published monograph *Red Famine: Stalin's War on Ukraine* (Applebaum 2018) convincingly demonstrates how closely Stalin's decisions concerning collective agriculture were intertwined with hate campaigns against the Ukrainian population as such. In conformity with Marxist-Leninist jargon, the authorities announced, in the beginning, the "liquidation of the kulaks (sc. of wealthy peasants, politically influential in the villages) *as a class*". But the virtuously qualified announcement came to stand ever more unambiguously for the physical liquidation of any individual among the rural population of Ukraine unwilling to sacrifice his modest belongings to the construction of socialism.

For this deadly reframing of the initial semantics, the term "kulak acolyte" [podkulachnik] was as instrumental as were compounds of the type "kulak counterrevolutionary", "kulak-White-Guard-bandit" or "kulak-petliurite", i.e., follower of Symon Petliura, leader of the 1918/19 Directory (Applebaum 2018: 124–128).[18] Consequently, the term "kulak" came to be a word of abuse designating any per-

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[17] The neologism "extermination by hunger" refers to ukr. *holod* [hunger] and *moryty* [to starve sb., to kill].

[18] In the genealogical tree of *Mazepinstvo*, the place of the "petljurite" was later taken (and is still held today) by the "banderovec" [Banderite], the follower of the anti-Soviet militant and leader of the Organization of Ukrainian Nationalists/OUN Stepan Bandera (1909–1959); cf. Kappeler 2003: 52p.

son reluctant to submit to Stalinist rural policies, i.e., the arbitrary confiscation of farms and small lots of agriculture by Soviet officials. Applebaum's study shows that the confrontation engaged in the first months of 1930 reactivated a political rhetoric that had accompanied the 1921 famine resulting from the civil war period: "Very quickly, the kulaks became one of the most important Bolshevik scapegoats, the group blamed most often for the failure of Bolshevik agriculture and food distribution"; between the early clash of the Bol'sheviks with the Ukrainian national movement and the rigid campaign aiming at a full collectivization of farming in Ukraine, "hateful, anti-Ukrainian rhetoric became a standard part of Bolshevik language" (ibid. 36, 33).

Applebaum strongly insists on this obsessional perception of Ukrainian national culture—a feature of Bol'shevik thought largely consonant with Pëtr Struve's Great Russian nationalism (see above):

> As the Ukrainian communist Volodymyr Zatonskyi complained, 'it is an odd habit of comrades to look upon Ukraine as Little Russia, as part of the Russian empire—a habit that has been drummed into you throughout the millennia of the existence of Russian imperialism'. Others had deeper objections and argued that Ukrainian was actually a 'counter-revolutionary language'. (ibid. 71)

On a higher, less intuitive level, which Applebaum analyses in a second step, the "prejudice against all things Ukrainian" was anchored in ideology and was part of the Bol'shevik bid for absolute power:

> […] the Bolsheviks were committed to a heavily centralized state and the destruction of independent institutions, whether economic, political or cultural. Intuitively, they understood that the autonomy of any Soviet province or republic could become an obstacle to total power. (ibid.)

Based on an extensive screening of archival sources and of scholarly studies, Applebaum presents a broad factual history of the Soviet collectivization in Ukraine and of the *holodomor*. But at the same time—and this makes her book invaluable for the present investigation—she chronicles the escalation of Stalinist paranoia and the continuous *invention of enemies*, open or hidden anti-communists.

Already during "The Double Crisis, 1927–9" (cf. Applebaum 2018: ch. 4) the authorities—especially the Ukrainian secret service headed by Vsevolod Balyc'kyi—circulated warnings about a forthcoming war against the Soviet Union, prepared by Polish and Japanese spy networks, about a 'fifth column' of 'petliurite' intellectuals steered by Piłsudski and emboldened by his coup in May 1926 (ibid. 84p, 96). These warnings were followed by two fabricated trials. The Shakhty case, a lawsuit against engineers (including foreigners) charged for industrial sabotage, ended with five death sentences. At the issue of the huge trial of the ficticious "Union for the Liberation of Ukraine" [Spil'ka Vyzvolennia Ukrajiny/SVU], staged in the Kharkiv Opera premises, all forty-five defendants (the most prominent among them literary critic Serhii Iefremov) were condemned to prison terms or deportation to the GULag where, until 1937, many of them were shot (ibid. 98–102). Applebaum's conclusion: "In this atmosphere—of conspiracy, hysteria, uncertainty, suspicion—collectivization began" (ibid. 112). It should be added that the victims were not only renowned intellectuals, but also modest peasants. Soviet writer Mikhail Sholokhov, in later Brezhnev times a staunch defender of repressive Party measures, in his younger years informed Stalin about a deadly double bind: efficient work exposed the peasants to the suspicion of being kulaks hostile to official agrarian policies; but the contrary was no less dangerous: a lack of zeal meant *sabotage* (ibid. 87p).

The first clashes produced in the winter of 1929/30 by the Bol'shevik politics imposing collective farming seem to bring the countryside back to the peasant rebellion of 1918/19: the regime's large-scale attack on successful farmers, local leaders, village elders and priests leads to violent resistance (ch. 6: *Rebellion, 1930*). The rural victims drop their passive resistance, the simple refusal to cooperate, and try to save their property from confiscation. The killing of livestock (for own consumption or sale) is a boost for the hallucinations of activists responsible for the advancement of collective farming (ibid. 143): poor people are now taken for political agents and persecuted accordingly. The horrors of the 1921 civil war force themselves on the minds of the officials; the invention of counter-revolutionary conspiracies, embroidered reports on new contacts between rural rebellion and urban intellectual circles leave no place for an analysis of the real situation. Balyc'kyj rejuvenates his tales about activities of the "Union for the Liberation of Ukraine"; all this spurred "Moscow's paranoia about the counter-revolutionary potential of Ukraine" (ibid. 153–160). The invention of enemies followed an infallible logic:

> The secret policemen […] could not tell their superiors that their policy was failing, or that honest Soviet citizens opposed it for understandable reasons. Instead, they had to imply the influence of class enemies and foreigners, inventing of exaggerating links and connections. (ibid. 158)

A major contribution to this aberrant communication, that made the peasants pay for the rift within the Party hierarchy, was Stalin's article "Dizzy with Success" [Golovokruzhenie ot uspekhov] published in March 1930: now, the inferior party grades are made responsible for an abuse of the Great Leader's wise instructions: the lapse from sober political analysis into fiction is complete (ibid. 147).
Applebaum shows how matter-of-fact decisions are replaced by the search for (and punishment of) scapegoats (ch. 7: *Collectivization Fails, 1931–2*). The mass confiscations of grain hit not only the immediate provisions of the families (for their sheer subsistence), but also the crops needed for the next season. In the meantime, export of grain abroad—for foreign currency to be directed into the new industries—continued, although Odessa longshoremen that had refused to load the ships needed, beforehand, to be replaced by Red Army soldiers (ibid. 181). Ukrainian party officials (Vlas Chubar, Hryhorii Petrovs'kyi) who had protested against the "counter-revolutionary attacks on the peasantry", were rebuked by Stalin for their "criminally reckless approach to affairs" (ibid. 172, 180pp). While Stalin sticks to his preference for delirious explanations of the Ukrainian famine and for finding imaginary culprits, the OGPU sends a report in August 1932, suggesting "a clear connection between the grain collection problem in Ukraine and the threat of nationalism in the republic" (ibid. 360). The reminiscence of Ukrainian resistance in 1919/20 alarms the leader: the "loss of Ukraine" must be averted by all means.
In late autumn 1932, Stalin tries to ward off this eventuality by a series of punitive measures (ch. 8: *Famine Decisions, 1932: Requisitions, Blacklists and Borders*). It is these measures that gave the Ukrainian famine its specific deadly turn and made it indeed a unique event that had not occurred elsewhere in the Soviet Union (cf. ibid. 360). The backdrop is portentous: in November, Stalin's wife Nadezhda Allilueva had shot herself; weeks before, Stalin had been denounced as a ruthless dictator by a "Marxist-Leninist Platform" headed by his former party ally Marte-m'ian Riutin; the alarming reports from Ukraine, accompanied by his colleagues' call to moderation—"all this fed Stalin's growing paranoia that autumn" (ibid.

192). He now takes steps that make the hunger crisis in Ukraine irreversible: blacklists of villages "unwilling" (rather than "unable") to live up to the required grain quota, borders of certain districts and villages are closed, so that the hungry population cannot go to nearby towns or to other regions in search of bread (ibid. 197p, 201).
The consequences—millions of deaths, cannibalism, a huge demoralization of the whole nation—are well known since (ch. 11: *Starvation: Spring and Summer, 1933*); they are not part of this presentation, which was devoted to the element of conspiracy theory behind the gruesome events. But it is characteristic that the victims were hidden and the survivors were forced to keep silent about the events (ch. 15: *The Hololomor in History and Memory*). In the official enforcement of this decree, the regime's paranoia reached its peak: memory itself became a threat to the legitimacy not only of the Soviet system, but also of the Russian successor regime. It took president Medvedev a long time to reach a reasonable stance vis-à-vis the Ukrainian famine of 1932/33: his aggressive reaction to the first Ukrainian invitation to participate in the Holodomor commemorations was a diplomatic failure. It is only after massive critical press commentary that Medvedev decided to attend, first the Polish Memorial celebrations of Katyń and, later, the Kiev Holodomor Memorial.

5 Plotters and Legal Nihilism in Post-Soviet Russia: Zakhar Prilepin's novel *San'kia*, a new Theory of the Partisan, and its Application in Ukraine

The great Ukrainian famine unfolded in close temporal vicinity to the 1934 Writers' Congress that cemented the multiple (and in some cases aggressively competing) programs of 'progressive' art and literature into the unitary doctrine of Socialist realism. This doctrine heaps conspiracy theory on top of any aesthetic endeavor: Socialist realism is basically a chronicle of how people trying to conspire against the victory of Communism are detected and defeated. An illustration of this thesis by literary specimen would reach far beyond the limits of the present paper. But the core of sots-realist aesthetics—the basic significance of the divide between friend and foe—will be discussed here in some detail. The poetics of sots-realism went into decline since the 1960s (when Andrei Siniavskii and Daniil Arzhak turned the canonical heroes into a laughing stock), but the authors of the Putin era provided a broad revival of the friend-foe scheme.
Zakhar Prilepin's *San'kia,* published in 2006, was at once celebrated as Russia's most successful novel of the decade (cf. Prilepin 2006).[19] The novel depicts the unsteady life of Sasha Tishin, a young man who leaves his small town near Moscow to join the militants of "The Union of Founding Creators", in Russian *Soiuz sozidaiushchikh*, significantly abbreviated SS. Initially taking part in anti-regime demonstrations, brawls with Caucasian immigrants and games of cat-and-mouse with Putin's police forces, the military branch of the Founders soon turns to violent actions intended to force the liberation of imprisoned SS president Kostenko. This character is transparently modeled on Eduard Savenko (better known under his pen name Ėduard Limonov), the leader of the National-Bolshevik Party.
Prilepin tries to gain the reader's sympathy for his protagonist by telling the touching story of a young man in search of friendship and true love in an environment of youthful rebellion. Sasha Tishin grows up like an orphan; his father, a philosophy professor, had succumbed to alcoholism and died a year and a half before the

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[19] For an English translation see Prilepin 2014.

novel opens. His mother works long shifts and has little time to follow her son's development. She believes he is attending the university lectures of a liberal philosopher, Aleksei Bezletov, once a pupil of Sasha's father. She is too naive to grasp the danger of the radical company her son is keeping. Sasha's love life is far from successful; he falls in love with a Moscow girl, who is erotically attractive and feigns affection for him while in fact seeking only to further her own interests. The tender story ends in betrayal and disillusionment. Sasha's only consolation comes from his grandparents who live surrounded by poor, old people in a vanishing village located some 500 km away from Moscow and thus completely cut off from modern life. Prilepin's ideological geography draws an opposition between the presence of an alienating urban sphere and a distant Russian countryside that offers friendship and solidarity, but remains helpless and doomed to decline. Present-time Russia as an age of cynicism is opposed to the Soviet past as an era of concord and of harmony between the generations.

As the novel proceeds, Prilepin gradually shifts the anti-urban rhetoric in an anti-Western direction. This is the origin of the next imbroglio: The "Founders" entrust San'kia with the mission of assassinating a Latvian judge whom the party holds responsible for the persecution of their brothers-in-arms, as well as for oppressing Russian fellow countrymen that settled in Latvia in Soviet times. This episode of the novel bears distinct parallels to a series of real events: on the one hand, to the murder of Latvian judge Jānis Laukroze, supposedly assassinated by Russian right-wing radicals in 2001 and, on the other, to the scandal caused by former Soviet officers living in independent Latvia who boasted of having killed Latvian civilians in reprisal for partisan attacks in 1944.[20] The SS expedition to Riga has the effect of an initiation; Sasha realizes the total incompatibility between Europe and Russia. He now feels a distinct readiness to kill and die for his cause.

Back in Russia, he ultimately finds himself at the head of a bloody rebellion with obscure goals and a murky outcome. The last chapter of *San'kia* describes an armed SS attack on an army base, the theft of heavy weaponry after a deadly shoot-out with the guards, and the brutal takeover of the governor's administrative building. With barely concealed empathy, Prilepin presents his protagonist at the end of the novel in the governor's office. When he runs across Bezletov, his former university teacher, a liberal now transformed into a regime official, he flings the man from the window of the high building down into the street. Then Sasha leans out the window with his Kalashnikov (a mortar at his side), addresses the armored corps now encircling the governor's building, and rejects their ultimatum to surrender.

In the outcome of *San'kia*, conspiracy theory is turned upside down. While the story lines of Soviet novels followed the steps of the police tracking down the enemies of Socialist rule, post-Soviet fiction, visibly, can affirmatively take sides with the plotters. Conspiracy and armed action against "the system" are legitimate. The hidden idol behind these conceptions is German legal philosopher Carl Schmitt (1888–1985).[21] The vulgarized versions of his writings circulating in Russia avidly expound his anti-liberal tenets: the idea that the political realm is determined by the designation of enemies, disdain for parliamentary democracy, and geopolitical ambitions aiming at the construction of an imperial superpower.

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[20] The trial of Vasilij Kononov, a counterinsurgency agent condemned for crimes against humanity, is discussed in Schroeder 2011: Kap. I and passim.

[21] The following argument draws on Sproede/Zabirko 2015 (ch. II,3 – III,1), an essay on the legitimacy of Putin's regime as reflected and challenged in Russian fiction.

The scale of Schmitt's impact becomes strikingly evident when we confront Prilepin with one of the early post-Soviet readings of Schmitt, Aleksandr Dugin's essay "Carl Schmitt: Five Lessons For Russia", written in 1991 (we use the reprint in Dugin 2001).
Dugin summarizes the lessons derived from Schmitt's writings in five chapters that expound a single principle each: (1) Politics should be given absolute priority over the economy, law, and the deliberative public sphere; (2) the essence of politics is to distinguish between friends and enemies; (3) this urgent decision is to be made under a state of exception, not after public or parliamentary debate; (4) politics must submit to imperatives inherent in the order of continental spaces [*Großraumordnung*]; and (5) politics today is confronted with a world continuously at war, and the risk of defeat can only be contained if politicians develop—and eventually proceed to the practical application of—a doctrine of partisan combat. Dugin is attracted by the idea of a state of emergency demanding urgent decisions that are strictly 'political' and need not heed any statutory constraints. Thus, *politics unbound* means legal nihilism; or in Dugin's words: "Giving law an absolute significance is a veiled attempt to 'close history', to deprive history of its creative, passionate dimension [...]."[22] The obsession with enemies eliminates all moral fetters that might constrain political action.
Prilepin's novel *San'kia* places his protagonist in situations in which Russian standards of everyday life and morality are constantly violated by an aggressive Western civilization and its dubious claims to universality. Prilepin's obsessive Russianness is prefigured in Dugin's flamboyant rhetoric:

> If it is *the others* that take the decision, i.e., in the first place the supporters of the "approach common to all mankind", of "universalism" and "egalitarianism" [...], then not only will our future be "non-Russian", it will be "drowned in average mankind" […], but the drama of our great Russian history will turn into a stupid farce if we take the path toward globalization and toward the complete cultural leveling in "generalized mankind" and in "the hell of an absolute juridical reality"[к (…) полной культурной нивелировке в ‹общечеловеческом человечестве› (sic; A.S.), ‹в аду абсолютно правовой реальности›]. (ibid. 161)[23]

Prilepin's texts suggest two remedies to protect Russia from such humiliation. The first such decision concerns the reconstitution of the empire (corresponding to Dugin's fourth lesson); and the second calls for a passionate partisan fight against foreign influences—chiefly in the field of economics, law and culture (Dugin's fifth lesson).
While the first three lessons that Dugin distills from Schmitt's writings read like a defense of Russian autonomy and authentic culture, the following lessons and chapters reveal the hegemonic motives of his program. The text on which Dugin draws for his argument is Schmitt's 1939 publication *The Ordering of Great Spaces by International Law and the Ban on Interventions by Foreign Powers. A Contribution to the Notion of Empire in International Law* [Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte. Ein Beitrag zum Reichsbegriff im Völkerrecht]. The use of this theory for Dugin is plain: "

> If we summarize Carl Schmitt's theory of the "Great Spaces" with respect to the situation in Russia today, we can say that the disintegration and breakup of the "Great

[22] "За абсолютизацией права скрывается попытка ‹закрыть историю›, лишить ее творческого, страстного измерения […]" (Dugin 2001: 158).
[23] As Dugin's style cannot boast particular merits, the Russian original of the quotations is reproduced only for selected excerpts.

> Space" once called the USSR contradicts the continental logic of Eurasia […] (ibid. 164).

The reversal of this disastrous development is imperative. The "passionate energetics" flowing from the "decision" of the united peoples—Dugin pays homage to Lev Gumilev (1912–1992) and his "Eurasian" theories of race and *passionarnost'* (passionate action, collective vital force)—will "draw geographically neighboring cultures or states into the united tellurocratic bloc". Passionate attraction turns into conquest, or seizure by force:

> […] the reconstruction of a federal empire and of a "great space" on the eastern part of the mainland will *extend its field of force onto further territories* [*захватит в свое ‹силовое излучение› дополнительные территории*] that dramatically lose their ethnic and political identity in the face of the critical and unnatural geopolitical situation [в критической и противоестественной геополитической ситуации] that resulted from the breakup of the USSR. (ibid. 164p; italics A.S.)

The last issue Dugin develops on the basis of Schmitt's theories is the type of geopolitical fight that the Eurasian empire will conduct against the forces of 'universalism'. The partisan serves as a privileged arm of the land-based empires—or in Dugin's diction, the "tellurocracies": "[…] the partisan fighter […] embodies the ‹loyalty to the soil› and to the ‹land› [as opposed to the sea, A.S.]. The partisan is the candidly illegitimate response to the furtively illegitimate challenge of the modern ‹law›".[24] Dugin embarks on a fervent appraisal of partisan combat and its relevance for the history and legal culture of Russia:

> The partisan fighter is an essential figure of Russian history […]. In a certain sense, Russia herself is a gigantic empire of partisans who act outside the law, but are driven by the lofty intuition of the soil, of the continent, of "the great, the very great space" which amounts to the historical territory of our people. […] *maybe, it is only the figure of the Russian Partisan that can show us the path towards the Russian Future—he who practices an extreme form of resistance, who oversteps the limits of the artificial juridical norms that do not correspond to the authentic canons of the Russian Law.* (ibid. 168p)[25]

At this point, our examination of Dugin as a possible blueprint for Prilepin has come full circle: Prilepin's *San'kia* actually celebrates the "candidly illegitimate" forms of guerrilla warfare—and designates the geographical targets enumerated in the conclusion of Dugin's article:

> […] if we do not turn to ideology in order to arm the state, which temporarily can be taken from us by our enemies, we will certainly […] provide an ideological weapon to the Russian partisan who wakes up today to accomplish his continental mission *in places like Riga and Vilnius reminding us now of "foggy Albion", in the suddenly "blackened" Caucasus and Middle Asia "gone yellow", in "polonized" Ukraine and in Tartary, "colonized by the Mordovians"* […].[26]

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[24] "[…] именно Партизан, по мнению Карла Шмитта, воплощает в себе ‹верность Земле›, ‹Суше›. *Партизан является откровенно иллегитимным ответом на замаскированно иллегитимный вызов современного ‹права›*" (ibid. 168; Dugin's emphasis).

[25] The end of the quotation printed in italics ("maybe, *it is only* ...") does not appear in the 2001 reprint of Dugin's article. We refer to the internet version of the text.

[26] "[…] если мы не вооружим идеологией государство, которое у нас временно могут отнять ‹ненаши›, мы обязательно, непременно вооружим ей Русского Партизана, пробуждающегося сегодня к исполнению континентальной миссии *в напоминающих теперь ‹туманный Альбион› Риге и Вильнюсе, на внезапно ‹почерневшем› Кавказе и ‹пожелтевшей› Средней Азии, на ‹ополячившейся› Украине и в ‹помордовевшей› Татарии*" (ibid. 170). As in the previous quotation, the italicized words figure only in the 1992 (and internet) version of the article.

Before they could diffuse into Prilepin's prose, Dugin's political lyricisms underwent a 'scientific' upgrade in the book-length publication *The Science of Conspiracy* [Konspirologiia] (Dugin 2005). The author does not omit a single theme suitable for speculation and mysticism: from "Nordic matriarchy" to "Chassidic-cabbalistic and Talmudic occult organizations" [Хасидско-каббалистические и талмудические оккультные организации], from Leo Strauss's political theories and his Trotskyist past to the "Neo-Cons" using 9/11 as a pretext for "building an Empire of Evil" [*imperostroiteli zla*]—the rambling 'scientist' goes far beyond "places like Riga and Vilnius" in order to denounce a juridicized and oppressive global order promoted by the US.
The "Russian partisan" celebrated by Dugin and Prilepin did not have to wait for long before being called upon to materially "accomplish his continental mission": Dugin's 1991 "Five Lessons For Russia" took fifteen years to inspire the author of *San'kia*; after only eight more years, Prilepin, Ėduard Limonov and the like turned the literary speculations into practice for the seizure of Eastern Ukraine and Crimea by camouflaged Russian militiamen. Thus, Russia took revenge on Ukraine for two *quintessentially Mazepist offences*: the 1991 Declaration of Independence after a widely acclaimed popular vote, and the overthrow of pro-Russian president Ianukovych in 2014. Since these events, Mazepinstvo is back in present-time Russian debates, and more acutely so than ever.

6 A Hypothesis instead of a Conclusion: Does the Demand for Conspiracy Theory Correlate with the Deficiencies of a Given Legal Culture?

Malebranche's remarks (quoted in our motto) on "the idea of an invisible power which is obsessed with damaging us" seemed to indicate a correlation between conspiracy theories and Manichaeism or gnostic doctrines that personify the "invisible damaging power" as an evil demiurge. The encounter and mutual reinforcement of these 'mental complexes' in Russian culture is the object of Alain Besançon's groundbreaking book *The Intellectual Origins of Leninism*. The presence of Manichaean or gnostic thought in 19th-century Russian culture found a prominent public expression in moral philosophies strictly opposing good and evil, 'sanctified' countries (*Holy Rus'*) and sinful, perverse cultures, mainly in Western Europe (see Besançon 1987: chs. I and IV; Besançon 2012).
A strikingly similar hypothesis that reaches out from the 19th century up into post-Soviet times has been developed by Russian legal philosopher Ėrikh Jur'evich Solov'ëv (*1934) in an article on "The Deficient Perception of the Law in Russian Moral Philosophy" (Solov'ëv 1991). According to the author, the deficit derives from the exclusive "focus on ethics" (*ėtikotsentrizm*) in Russian philosophy and from the "advocacy of an absolutely moral approach of life" popular with Russian intellectuals. Aleksandr Herzen and Lev Tolstoi, but equally Solov'ëv's elder namesake, philosopher Vladimir Solov'ëv, have contributed to the process "that makes the law pale into insignificance on the point of becoming a peripheral, casual issue of ethics" (Solov'ëv 1991: 231p). This situation persists far into post-Soviet times. Solov'ëv concedes that today moral philosophy may well serve to hold at bay the "recent forms of cynicism"; but, as he argues, the philosophers regularly neglect "the contract over legal guaranties (*kontrakt o garantiiach*) that must be concluded between those in power and the citizens". The weak public interest in this issue results from the "moralistic indifference to the [...] constitutional and democratic implications of the law" [моралистическая нечувствительность к (…) конституционно-демократической проблематике

права] (ibid. 232pp).
In Aleksandr Dugin's quasi-philosophy (cf. supra ch. 5 on "Plotters and Legal Nihilism"), the disdain of the law and of democracy is not motivated by a "focus on ethics" or anything close to a "moralistic" stance. Dugin's condemnation of an international order regulated by law originates in the violent, imperialistic obsessions of a spirit irretrievably stuck with military categories. However, in the revengeful musings of this individual, just as in 19th-century or post-Soviet thought, we discover a symptomatic intertwining of friend-foe conceptions, of a Manichaean worldview, and of legal nihilism.

I. This ideological mix seems to be of fundamental significance for the emergence of conspiracy theories. In order to disentangle its components, we turn to German sociologist Niklas Luhmann, and especially to his sociological theory of law as a "generalized coordination of expectancy" (Luhmann 2014: ch. II). We believe that this theory can offer interesting clues for deconstructing ideologically motivated conspiracy theories. In Luhman's view, the genesis of a legal order is the result of social interaction putting the coordination of expectancy on a habitual basis: law originates from a stabilized recognition (and future expectation) of another actor's expectations. The methods of a sociology of law trying to elucidate this connection must

> (1) seek to consider the problem of meaning-oriented human coexistence in the light of the concepts of contingency and complexity and to show how the inherent overload is controlled by the development of structures of expectation. This occurs, for example, (2) by differentiating cognitive and normative structures of expectation according to whether learning or non-learning takes place in the case of disappointment. Normative expectations are adhered to even in the case of non-fulfillment and their problem and consequent conditions of stabilization are contained (3) in the process of disappointments. This secures temporal stability in the sense of a continuity of expectations. Apart from temporal conditions, the social and material conditions of the generalization of expectations must be noted; the former will be (4) dealt with under the heading of Institutionalization and the latter (5) under the heading of Identification of Expectation Systems. It is only on the basis of these preliminary investigations and on their foundation that (6) the function of law as congruent (i.e., consistent across all dimensions) generalization of structures of expectations can be defined and described. (ibid. 23p)

We assume that Luhman's working program allows for a telling picture of how conspiracy theories bypass or short-circuit basic steps towards a mutual coordination (respectively generalization) of structures of expectation. As a rule, conspiracy theories (ad 1) ignore the significance of *social contingency and complexity*. In Luhman's terminology they may be identified (ad 2) as basically *normative systems of expectancy* that are not open to learning in the case of disappointment. Normative expectations do not yield to the pressure of a frustrating environment. As conspiracy theories concentrate on normative structures of expectation to the detriment of cognitive ones, they are (ad 3) *immune to revisions* forced on them by the contact with reality and the ensuing disappointment. Besides the missing "conditions of stabilization" that distinguish conspiracy theories from the law as a "structure of coordinated expectations", conspiracy theories are characterized by the impossible "generalization of expectations", i.e. the fundamental lack of negotiations whatsoever (trials or other processes of understanding) with the intent of an alignment of expectancy.
If we can presume that "social behavior in a highly complex and contingent world requires acts of reduction which open up the possibility of mutual expectations of

behavior and are regulated by the expectation of such expectations" (ibid. 73 (ch. II.6: "Law as congruent generalization"), then conspiracy theories fall short of the requirements of a complex and contingent world. This deficiency is due to specific social and material conditions. Among the social conditions (ad 4) one notes the fluid and ephemeral existence of the "interpretive communities" that promote con-spiracy theories. These communities resist institutionalization, since they thwart the expectations of any "third party" to be part of the ongoing process. In the insider's horizon of expectations there is no reason for taking bearings on "possible co-experiencing persons" (Luhmann 2014: 50; ch. II.4: "Institutionalization"). The material side of conspiracy theories (ad 5) also precludes the identification of the corresponding expectation systems: there is no possible questioning or negotiating the expectations of communities engrossed in conspiracy theories, as these groups tend to insist on the esoteric (irrational) quality of their argument (a point also em-phasized by Eco 2019: 243–247). In sum, as roots of conspiracy theory we can identify abnormal or perverted "structures of expectation". Despite the risk of burdening Luhmann's theory with speculative illustrations and conclusions, we assume that a historical counterpart to the above considerations might be in place here.

II. As the Russian conspiracy theories dealt with so far regularly identified the Ukrainian danger as "Mazepism", we think that the deconstruction of these theories in the horizon of the sociology of law might usefully start with Mazepa's defection from the anti-Swedish campaign that lead to the 1709 battle at Poltava. The dissent between Russia and Ukraine over the legitimacy of this step cannot be reasonably explained without close attention to the legal premises of the event. We are tempted to identify, as the central point of this dissent, the "contractual misunderstanding" of Pereiaslav 1654. Orest Subtelny has published a thoughtful analysis of the legal arguments relevant for the agreement between the Cossacks and tsar Aleksei Mikhailovich concluded in 1654 in Pereiaslav (near Kiev) and later confirmed in Andrusovo.[27] Subtelny reveals a radical, but never explicitly addressed discord between both sides over the substance of the Muscovite-Cossack treaty. While the Cossacks considered it as a contract that could be revoked by either side (in particular when central clauses were not respected by the adverse side), in the Russian understanding of the pact, the Cossacks had submitted to Muscovite rule and had been graciously (but also irreversibly) accepted as Russian subjects under the tsar's authority.

This dissent, patently, reflects two diverging *political strategies*; but it is symptomatic of two different *legal cultures*, too. To start with, two historical epochs must be taken into account—first of all, the immediate context and unfolding of the 1654 agreement. A central occurrence is the tsar's refusal to take an oath on the treaty before the Ukrainian deputies of the Hetmanate. Tsar Aleksei Mikhailovich's emissaries explain this refusal by the sovereign role of the ruler and by his *legitimacy rooted in divine right*. The Ukrainian side is taken aback; the Cossack deputies embark on lengthy internal discussions and even consider breaking off the negotiations altogether. Their perception of a possible agreement is imprinted by the tradition of the *electoral capitulations* in corporate states, especially the

[27] The following paragraphs draw on Subtelny 1978 ("Mazepa, Peter I, and the Question of Treason"), who attracted broad attention to the legal subtexts of the Pereiaslav treaty; cf. Frick 1992 and 1997; Plokhyi 2001: ch. 8 ("The Orthodox Protectorate: Declarations and Misunderstandings"); Sokhan'/Dashkevych 2003; Horobec' 2007.

pacta conventa negotiated in the Polish Rzeczpospolita between the estates and the candidates for the throne before the election of the king.[28] These conflicting preconditions are hidden implications of the practices traditionally adhered to by the adverse sides, and they are practically ignored as a 'strange' aspect of the partner's actions.

The contractual misunderstanding of Pereiaslav 1654—in fact, a *clash of legal cultures*—is the source of many later Russian-Ukrainian confrontations and misgivings. For Subtelny, "the Ukrainian Cossacks were the products of the Polish-Lithuanian 'gentry republic' where the inviolability of the elite's rights was the dominant principle, while the tsar was heir to an uncompromising tradition of absolute rule" (Subtelny 1978: 175).[29] The Pereiaslav treaty, as concluded by the widely diverging parties, can plausibly be considered as an instance of what David Frick has called "episodes in cross-cultural misunderstanding" (Frick 1992).[30] If law can be defined, in Luhmann's terms, as the "congruent generalization of mutually coordinated structures of expectations", then the Pereiaslav agreement must be considered as a path into a legal no-man's-land.

The second historical context relevant to Mazepa's alleged treason is opened up in 1700 by the Great Northern War that lead, in 1708, to Polish projects threatening Ukraine and to the actual Swedish invasion of the Empire's South. The Cossack elite has been long since complaining of the arrogant treatment of the Ukrainian troops by the tsar's Russian and German officers. As Peter I. in rude and insulting terms rejects Mazepa's urgent call for Russian military help against Charles XII, Mazepa takes sides with the Swedish king, a reaction that Peter, at first, refuses to take seriously. When the defection of his Southern ally materializes, the tsar sets off a furious campaign against the Ukrainian "Judas".[31] The legal dispute that accompanied the military and propaganda campaign (or its *post factum* justification by ideologues and historians) on either side reproduces some of the dissensions at Pereiaslav, fifty years earlier.

Subtelny shows that Mazepa renewed the reading of the Pereiaslav treaty as a military pact leaving intact the Ukrainian "prava i volnosti" (rights and liberties). In his understanding the feudal interpretation of the agreements traditionally negotiated between the Cossacks and their future hetman applied to the Pereiaslav treaty, too. As tsar Peter had broken his vow to protect his Ukrainian "vassal", the latter was legally entitled to defy his obligations as "liegeman". For such reasoning, the Ukrainian leader referred to legal standards that had spread into Ukraine from Western European sources like the middle German lawbook *Der Sachsenspiegel* (ca. 1220/30). Mazepa could justify the 'breach of faith' blamed on him by referring especially to articles like "What the liegeman owes to his lord" [Was der

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[28] The tradition of electoral capitulations [pacta conventa, libertates; Herrschaftsverträge] is retraced in Kleinheyer 2004: 1048–1054 (part II, 1: "Herrschaftsverträge und Freiheitsgewährungen im dualistischen Staatswesen") and in Kersting/Fisch 2004: 907–914 (part III–IV: "Der Herrschaftsvertrag im Mittelalter", "Religiöser Bund und ständischer Herrschaftsvertrag bei Calvin und den Monarchomachen").

[29] Viktor Horobec' emphasizes (a) the ""relatively amorphous positions"" (or even *indifference*) of the Muscovite officials as to the legal status of the Cossacks in the empire and (b) the particular difficulties of the Cossack argument justifying the breaking-off of the former alliance with Poland. Cf. Horobec' 2007: I, 3: "The Legal form and political substance of the 1654 agreement with the tsar".

[30] In a later paper the scholar designates the Pereiaslav agreement as *the* capital event of the kind and characterizes it as a whole series of "misrepresentations" and "misunderstandings" (Frick 1997: 164).

[31] For other details, cf. the end of our first chapter (on Pushkin's poem *Poltava*).

Lehnsmann seinem Herrn schuldig sei] (III) and "When the man does not owe service to his lord nor the respect of feudal duties" [Wenne der man sime herren nicht dinen en darf noch lenrechtes phlegen] (IV):

> The (liege)man must, as a duty, attorn to his lord, and he must swear that he will be faithful and serve him […]. If a man sacrificed to his lord or lost while serving him […] any of his property, and is left unrequited, he does not owe service to his lord nor must he fulfill other feudal duties.[32]

The *Sachsenspiegel* is a "common European acquis" of legal development, well known in Ukraine, too. The usual formulae highlighting the contractual principles and practices regularly recur in Mazepa's statements of the time (Subtelny 1978: 164, 170–172). Tsar Peter strictly rejects these principles and practices as remnants of an outdated order based on personal relations. Peter's state, ruled in an absolutist spirit, is incompatible with the contractual principle, let alone with electoral capitulations. In turn, Mazepa's political horizon, tributary to a patrimonial idea of the state, ignores the anonymous conception of the state that in Peter's political consciousness supersedes the world of political contracts and personal loyalties (Subtelny 1978: 164p, 179–181).[33] Thus, quite as the conclusion of the 1654 Pereiaslav agreement itself, its later break-off, completed before the battle of Poltava 1709, takes places against a widely underestimated backdrop: the conflicting rulers lived, in fact, in mutually incompatible 'legal worlds'.

The Empire never managed to 'coordinate' these conflicting positions in a politically viable way—or in Luhmann's terms: the Russian side failed at the arduous task of reaching a "congruent generalization of mutually coordinated structures of expectations". The lasting challenge of Cossack contractualism was never digested by Russian autocracy. But Russia's domestic development did not produce anything close to a negotiated legal consensus, either. Law was understood exclusively as a command of the ruler (*zakon*) and was rarely counterbalanced by the subjective rights (*prava*) of the subjects. The only attempt at an electoral capitulation—the catalogue of "kondicii" brought up by the Supreme Secret Council before the enthronement of Anna Ioanovna in 1630—was immediately foiled by senator Andreas Ostermann and large portions of the gentry. Later Russian legal culture produced an imitation of the traditional contracts of government ("libertates"), when Catherine II. adopted the "Charter of the Nobility" [Zhalovannaia gramota, 1785]. A constitution did not exist before the short-lived "Fundamental Laws of the State" [Основные государственные законы][34] promulgated in April/May 1906 and derided by Max Weber as a symptom of "pseudo-

[32] "Der man sal sime herren bi phlicht hulde tun unde sweren, daz her em also getruwe unde also holt si […]. Swer so […] icht sines gutes sime herren gelegen hat oder icht an sime denst verloren hait, daz im unvergulden ist, derwile en ist her nicht pflichtig, sime herren zu denende noch lenrechtes zu phlegene." [Der Lehnsmann soll pflichtgemäß seinem Herrn huldigen und schwören, dass er ihm treu und dienstbar sei […]. Wer […] etwas von seinem Gut seinem Herrn geopfert oder in dessen Dienst verloren hat, das ihm nicht vergolten wurde, ist derweil seinem Herrn weder zu dienen verpflichtet, noch muss er andere Lehnspflichten erfüllen]. Cf. Ebel 2005: 174–176 (Lehnrecht, art. III–IV, passim) for the original (middle German) text; for the modern German translation cf. Sachsenspiegel online: fol. 59v–60r, passim.

[33] To the clash of fundamental legal convictions that motivates the conflict of tsar Peter with Mazepa, Subtelny adds the hypothesis about the impact of a 'modern' conception of an anonymous state and the "reason of state". Mazepa's political 'paradigm', based on the personal relationship between the ruler and the representatives of the elite, is not even *opposed* to this 'statist' conception—it cannot but ignore it as an outlandish, 'modernist' figment.

[34] The legislative committee had been urged to avoid the term "constitution" in order not to revive the memory of the Decembrist conspiracy and its rallying cry (Gitermann 1965/III: 420).

constitutionalism" [Scheinkonstitutionalismus] (cf. our chapter 2).
Russia's precarious legal order frequently led—and still leads today—to real and imaginary plots. It is the constant destabilization of 'normal' structures of expectation that prepares the ground for the rich blossom of conspiracy theories. Our paper attempted to sketch selected stages from a long history of this syndrome. We believe that further research would be appropriate to establish a valid correlation between conspiracy theories and a disfunctional legal culture.

Postscript, April 2022: This paper, completed in early 2021, could not take account of the military preparations or of president Putin's quasi-historical justification (as of July 2021) for the recent Russian onslaught on Ukraine. The dire realities of this war, expected (in the words of the aggressor) to overthrow "Ukraine's Nazi government", testify as clearly to a sustained impact of conspiracy theories on Russian politics, as the presumption of war crimes committed since February 2022 compels to further scrutinize the parallels between conspiracy theory and legal nihilism.

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