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To cite this article: Judith Beyer (2015) Constitutional Faith Law and Hope in Revolutionary Kyrgyzstan, *Ethnos*, 80:3, 320-345, DOI: [10.1080/00141844.2013.841270](https://doi.org/10.1080/00141844.2013.841270)

To link to this article: <http://dx.doi.org/10.1080/00141844.2013.841270>



Published online: 01 Nov 2013.



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Constitutional Faith

Law and Hope in Revolutionary Kyrgyzstan

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ABSTRACT *This article investigates the interrelation between law and hope in the context of constitutional change in the Central Asian country of Kyrgyzstan. Drawing upon ethnographic and textual data, it is shown that the constitution has acquired particular discursive importance in Kyrgyzstan each time the foundations of the state have been severely challenged or shattered. Paying particular attention to three major political conflicts, the article demonstrates how, in the aftermath of each, speeches, performances, presentations and conversations were infused with 'constitutional faith', binding together the political elite and ordinary citizens in an expression of their general hope that constitutional change could bring about a better future. I view constitutional faith as a practice of hope that allows people to actively engage with their being-in-the-world, particularly in times of crisis. In the aftermath of large-scale political conflict, with which I am concerned here, it can become a faith-based mode of conflict resolution.*

KEYWORDS *Kyrgyzstan, conflict, law, hope, religion, political change*

Introduction

In a refugee camp in southern Kyrgyzstan, a dozen people kneel around a low table inside a tent. Next to them stands a portable ballot box with the emblem of the country: a white bird flying over a blue lake, the sun rising over the snow-capped Tien Shan Mountains in the background. The photographer snaps a shot at the very second that everyone strokes their faces, moving the palms of their hands downwards from eyes to mouth. A quiet blessing or prayer while looking into one's cupped hands usually precedes this movement. Saying the word *omin* out loud signals the end of the prayer. These internally displaced people, who recently fled from their homes due to ongoing violence

between ethnic Kyrgyz and ethnic Uzbeks, had just cast their votes on 27 June 2010 in a referendum for a new constitution.¹ This scene raises the question of the connection between people and their constitution in contemporary Kyrgyzstan. The sense of urgency created by the dramatic events the country underwent in 2010 provides the context for this article: state power was seized by the opposition in April, and only two months later the country was plunged into the most violent conflict since its independence in 1991, leaving hundreds of people dead and thousands temporarily displaced.²

In this article I argue that the invocation of the constitution in Kyrgyzstan is an expression of people's hope (Kyrg. *ümüüt*; Russ. *nadezhda*) for a peaceful and prosperous future, a just society and a stable state. Hope always arises with fear and anxiety (Jackson 2011: xiii) and it springs 'from the fundamentally unstable and ambiguous nature of our relationships with others and with the world' (Jackson 2011: xiii). As such, it should be of central interest to anthropologists who, however, have only recently started to investigate it in a systematic manner (Crapanzano 2003: 5; 2004; Miyazaki 2004; 2006). In his article 'Hope dies last', Zigon (2009) discusses the work of these two anthropologists, and concludes that Crapanzano's stance focuses more on the passive aspect of hope, while Miyazaki emphasises its future-oriented aspect in which dreams and utopian visions help people imagine a better life. On the basis of his own work in contemporary Moscow, Zigon asserts that hope is 'necessary for the very activity of living a social life' (257). Even in a situation of potential hopelessness, Zigon argues, people continue actively to hope (267). In a similar vein, Pedersen (2012) refers to his Mongolian informants' defiantly optimistic belief that 'tomorrow will be a better day', and the actions they take to make this a reality, as 'the work of hope.' Lindquist has demonstrated for Russia that once trust in electoral promises has disappeared, her informants often 'conjure hope' by turning to magic. Hope, for her, is 'the foundational existential condition of being' (2006: 6). Louw's (2010) article on 'Dreaming up futures' in post-Soviet Kyrgyzstan shows how her informants use dream omens and magic 'as practices which help them to live with, rather than reduce, social complexity, existential insecurity and moral ambiguity' (287), and therefore allow hope to stay alive.

There is thus a growing body of ethnographic work on post-Soviet societies that analyses hope as a response to the particular challenges presented by the dissolution of the Soviet Union. People's faith in dreams, magic and fortune is examined as an attempt to (re)gain control over their lives in times of radical social change. In these cases hope is more than an existential stance; it is a

social practice, something that people are actively ‘doing.’ As one of Zigon’s informants says, ‘You can put your hopes in God, but you still have to act’ (259).

This article further develops the anthropological understanding of hope by specifically focusing on its connection with law. The link between constitutional referenda and the spiritual practices of hope may not be immediately apparent. After all, my Kyrgyz informants do not invoke omens or magic in times of political conflict. Nevertheless, their ‘work of hope’ often takes on a quasi-religious character. Praying for the constitution as described above can be seen as a spiritual act of anchoring one’s personal hopes by binding them to a legal text. This is particularly evident whenever the constitution is rhetorically employed as a sacralised text and when comparisons between the constitution and the Qur’an are drawn.

Such spiritual acts both constitute and demonstrate faith, a belief *in* and not just a belief *that* (see Berman 2005: 70). Throughout this article, I use the term ‘faith’ in a broad sense that includes both sacred and secular connotations. ‘Constitutional faith’ (Levinson 1988) opens up a range of practices through which people can express their hope; it also gives them the confidence that what they hope for will indeed come true.³ Constitutional faith is not based on the content of the constitution, but rather on the symbolic production of a sacralised text, a process that occurs through the draftings of the document, discussions on television shows, debates carried out in the print media, townhall meetings, online discussion fora, private conversations at home and, finally, in nationwide referenda in which a high percentage of the population takes part.

Moreover, constitutional faith materialises in public displays of the constitution, mostly depicted as a red book with golden letters. One finds these objects in many public spaces in Kyrgyzstan, such as on the wall of the prosecutor’s office in the capital city Bishkek and in school buildings all over the country. By focusing on constitutional faith in the aftermath of political conflict, I also explore a broader argument that goes beyond the post-Soviet context. Comaroff and Comaroff (2006; 2009) have drawn our attention to ‘the fetishism of constitutionality’ as an aspect of the increasing expansion of law into the political arena. This fetishism can be observed throughout the world, they argue, but it is particularly poignant in postcolonial societies such as the African ones where both the constitution as text and as object have become ‘*the* populist icon of nationhood’ (Comaroff & Comaroff 2006: 24, emphasis in original). While it is possible to view ‘constitutional faith’ in post-Soviet Kyrgyzstan as another instance of the juridification of politics (see Blichner & Molander 2008; Eckert *et al.* 2012), my material suggests looking at it more as a practice

of hope that allows people to actively engage with their being-in-the-world, particularly in times of crisis. In the aftermath of large-scale political conflict, with which I am concerned here, it can become a faith-based mode of conflict resolution.

My data stem from long-term ethnographic fieldwork conducted between 2003 and 2010 in two villages in the north-western province of Talas as well as in Bishkek. I carried out participant observation in people's homes, public places and courtrooms during elections and referenda, and conducted informal and semi-structured interviews with villagers, city residents, state officials and judges. As the interrelation between political conflict, hope and constitutional change is highly visible in official state discourse and the media, I draw upon the analysis of a variety of documents and transcribed speeches. All this serves to emphasise the potential of a methodological shift in the investigation of constitutional faith away from analyses of textual meaning and towards social interaction.

Analysing Constitutional Faith

In Kyrgyzstan, common utterances such as 'According to the constitution ...', followed by a normative or factual claim, do not require the scrutiny of legal experts and are not understood as pointing towards the actual content of the legal document. Rather, invoking the constitution is a powerful rhetorical device. It is a placeholder for all that is considered just, and its invocation demonstrates that the speaker knows how to give their claims legitimacy in a way that is widely accepted and understood by everyone. It also implies that it is 'the book' which demands that certain actions be taken, and not the individual who invokes it.

The US constitution is often admired in Kyrgyzstan for 'not having been changed since its establishment'. This was an argument I frequently encountered when discussing law and politics with my Kyrgyz informants in the countryside, usually accompanied by complaints about their own constitution, which has been substantially amended and put to nationwide referenda six times already since the country's independence in 1991.

While the US constitution has in fact undergone numerous amendments in its 200-year history, the founding of the constitution is still widely regarded as imbued with a special historical spirit. Purcell argues that the 'nineteenth-century understanding of American constitutionalism was rooted in a broad faith in democracy grounded in rational moral truths linked to religion,

American history, and the ideals of the founding moment expressed in the Declaration of Independence' (Purcell 1973: 5).

Lazare (1999: 60–65) cites a 1998 debate in the House of Representatives about whether to impeach then-President Bill Clinton as an example of the kind of 'total faith' that is encouraged nowadays by politicians such as Congresswoman Lofgren, who said, 'When we are lost, the best thing for us to do is to look to our Constitution as a beacon of light and a guide to get us through trying times.' Law professor Amar noted that the constitution serves to 'structure the conversation of ordinary Americans as they ponder the most fundamental and sometimes divisive issues in our republic' (quoted in Lazare 1999: 65). It is precisely this kind of faith in an eternal document that my Kyrgyz informants admire when they talk about the American constitution.

While very few of Kyrgyzstan's citizens have ever studied the actual text of their constitution, I found that many people would make strong assertions about it in their interactions.⁴ This observation resonates with Whittington's argument that 'constitutional meaning emerges from the interplay of multiple actors, rather than through the abstracted reasoning of an isolated judiciary' (2001: 267). 'While American law may be shepherded by prophets, judges, and would-be-saviors,' writes the American legal scholar Tsai (2005: 1109), drawing on faith-based vocabulary himself, 'it ultimately resides in the hearts and minds of ordinary believers, the true sovereigns.' So if ordinary citizens have their own interpretations of 'their' constitution that are potentially quite different from those of legal specialists, one needs to ask whether these lay philosophies of law should receive more attention, as Whittington suggests. Non-expert sections of a population might then be acknowledged as a relevant 'interpretive community' in their own right.

To take the wider interpretive community seriously, however, would mean leaving the courtroom and investigating 'the common places of law' (Ewick & Silbey 1998) such as neighbourhoods, workplaces and community organisations. These common places have long constituted a centre of interest in law-and-society research, which 'portrays law from the 'bottom up' as a continuing production of practical reason and action', and focuses on 'how, where, and with what effect law is produced in and through commonplace social interactions' (Ewick & Silbey 1998: 19–20). Ethnographic methods are sometimes explicitly mentioned in this body of literature, for example when Scheppele (2004) advocates 'constitutional ethnography'. For Scheppele, however, this term refers to 'the contextually detailed, empirical study of particular constitutional systems' (2004: 401), and her focus remains on 'the role of courts in

constituting and sustaining constitutional orders' (2004: 405) and 'comparative constitutional observation' (2004: 394) achieved through ethnographic research. So while most law-and-society research at least acknowledges the fact that law is also produced outside of legal institutions, there is still a tendency to concentrate on these very institutions when it comes to the investigation of constitutionalism.

Other social science subfields deal with similar topics. Some sociolinguists are interested in the relationship between language and law, but focus mostly on courtroom talk in Western and non-Western courts (see Jackson 1991; Conley & O'Barr 1998; Eades 2010: 3325).⁵ Some linguistic anthropologists (e.g. Brenneis 1996; Briggs 1996; Haviland 1996) do work in the 'common places of law', but tend to concentrate more on informal practices of mediation and negotiation, and thus areas outside of state law. Even in the legal anthropological literature, which has devoted considerable attention to the 'cultural power of law' (Merry 1995) and the interplay of state law, customary law and religious law (e.g. Benda-Beckmann & Benda-Beckmann 2001; 2007), constitutions and constitutional politics seem to have received comparatively less attention (for an important exception, see Elizondo & Hernández Castillo 1996).

The question of what role constitutions play outside the more narrowly defined 'legal sphere' has remained largely unresolved. My study demonstrates the possibility of exploring the 'interpretive community' outside and irrespective of official settings such as state courtrooms. In Kyrgyzstan, I have detected a remarkably positive attitude towards the constitution in the realms of everyday political speech, performances, rural meetings and village institutions such as the courts of elders (*aksakal* courts). The frequency of such positive expressions and the variety of contexts in which I have encountered them indicate that this attitude is widespread throughout the country.

Faith in Constitutional Change after Political Conflict: 2003–2010

In Kyrgyzstan 'politics' have come to be associated with topics such as corruption, nepotism and criminality. These are issues that are also dealt with in political analyses of the country (Abazov 1999; Jones-Luong 2002; Gullette 2010). But there is another element of central importance to national politics which has thus far only been addressed in academic publications as a curious anecdote: the fact that political change is dealt with through the call for and the de facto change of constitutions. Since the country declared independence from the collapsing Soviet Union in 1991, a country it had been a part of for more than 70 years, no fewer than six nationwide constitutional referenda have been

held. Obviously, something good is expected from referenda and new constitutions.

Below, I investigate three major political conflicts and show how, in the aftermath of each, constitutional faith was the subject of speeches, performances, presentations and conversations, binding together the political elite and ordinary citizens in an expression of their general hope that constitutional change could bring about a better future. These conflicts are (1) the so-called Aksy conflict in March 2002 in a town in the southern part of the country, which resulted in a new constitution in 2003; (2) the 2005 'Tulip Revolution', which led to the ousting of the country's first president and the formation of a new government and (3) the seizure of state power by opposition politicians in April 2010, which was followed by a large-scale conflict that took place at the very time that another constitutional referendum was being prepared. The photograph described in the introduction to this article was taken in this latter context.

Learning to Live According to the New Constitution': 2003

On 17 March 2002 demonstrators clashed with local police over the imprisonment of the opposition politician Azimbek Beknazarov in the southern Kyrgyz town of Aksy, leaving six people dead and 61 injured. In the demonstrations that followed this tragic event, people demanded 'justice'. President Askar Akaev subsequently dismissed Prime Minister Kurmanbek Bakiev (who would later become the country's president) and, after the protesters demanded his own resignation, Akaev released Beknazarov from jail. That same day Akaev announced the drafting of a new constitution. The International Crisis Group, which urged the leadership of Kyrgyzstan to ' [win] back people's faith in the constitutional process' (ICG 2002), had explicitly advocated this. On 26 August 2002 Akaev formed a constitutional commission that included members of the opposition. On 17 October he made the commission's proposals public and initiated a nationwide debate on the document. Citizens had until 18 November to express their views on the project and, according to official figures, the commission received 11,000 letters within this one-month period.

On 2 January 2003 Akaev issued a decree allowing him to rewrite the previously prepared draft constitution once again. As it turned out, the final version differed significantly from the constitution prepared by the commission. Among other changes, the president gave himself the absolute right to veto any new laws. On 13 January he announced that the constitutional referendum would be held on 2 February, leaving too little time for the opposition to

prepare and, according to international organisations, too little time for the general public to familiarise itself with the new version.

Throughout the reform period, Akaev gave three speeches that were published in a government-sponsored newspaper. In the first speech, delivered prior to the referendum and entitled 'The people discussed and proposed',⁶ he suggested that the new constitution not only proclaimed human rights, but that the document itself guaranteed each citizen the realisation of these rights. He even referred to the new document as 'the constitution of human rights'. People's calls for justice after the shooting of civilians was thus answered with the inclusion of human rights provisions in a new version of the country's basic law.

Opposition newspapers continued to doubt the promises being made. As was often pointed out, the US constitution had been changed less often in 200 years than the Kyrgyz constitution had been in two decades.⁷ After the constitution had been adopted on 2 February 2003 with an overwhelming 87% of voters approving, Akaev gave a second speech entitled 'Ahead of us lie high goals and difficult tasks',⁸ followed by a third speech on 18 February, the day of the official signing of the constitution, entitled 'Learning to live according to the new constitution'.⁹ The new document, Akaev explained, completed the transformation 'to a higher orbit of historical development'. He said that the 'spirit of political ascent and societal enthusiasm' needed to be nurtured in the years to come. Describing the previous constitution as the 'constitution of the transition period', he suggested that the problematic past had been overcome and left behind. These well-publicised speeches were all clad in the language of promises and expectations. The presidential rhetoric transcended bureaucratic public discussion in that he used explicitly religious vocabulary, emphasising the sacredness of the event. His speeches strived to sow the 'spirit' (Russ. *dukh*) of political ascent (Russ. *pod"em*) in the body politic. Akaev was not asking for faith in his own actions. Rather, he was sacralising the constitution by imbuing it with higher powers. In his words, the constitution would build a bridge to a bright future (Russ. *svetloe budushchee*). By attributing such agency to the new constitution, he encouraged people to have hope.

This rhetoric resonated with how my informants viewed the constitutional process at that time, despite their lingering doubts about the actual document and an overall lack of trust in Akaev. The economic anthropologist Hart has defined hope as conviction without evidence (1988: 187). This characterisation seems to describe well the attitude of lawyers and judges of the Bishkek city court with whom I spoke. They were seriously critical of several articles and the general coherence of the new constitutional text, but nevertheless expressed

their hope that the mere fact of having a new constitution approved by the general public through a nationwide referendum would bring more stability to the country. As one lawyer put it:

We, as legal professionals, are pessimistic about the law in Kyrgyzstan these days. During Soviet times, it was easier. Legal texts were more coherent and easier to adhere to. The new constitution is a bunch of incoherent articles and contains a lot of mistakes. Nevertheless, the country needs to have a constitution. Without a constitution, there is only chaos.

Freeing the Constitution on Nooruz: 2006

It turned out that the new era was filled less with ‘societal enthusiasm’ than with a continuing economic crisis, high unemployment rates and political authoritarianism. The people’s frustration culminated in March 2005, when demonstrations turned into the nationwide protest movement later dubbed the ‘Tulip Revolution’, resulting in the ousting of Akaev from power, but also in the looting of Bishkek (see Cummings 2009 for details). A year later, the new government under Kurmanbek Bakiev announced the celebration of the one-year anniversary of the revolution, scheduled to coincide with the *Nooruz* festivities on 21 March.¹⁰ When the main ceremony was broadcast live on the government-sponsored television station, almost all my friends were sitting in front of their TV sets at 10:00 in the morning. I wrote the following notes while watching the performance with some of them:

Bakiev enters the scene, taking his seat on a podium facing the square while solemn music is played. A woman’s voice can now be heard, speaking in Kyrgyz, reminding the audience that it is *Nooruz* – the time of new beginnings and the victory of light over darkness. The camera zooms closer into the middle of the square where a large black cube has been placed. To me it looks like the Ka’aba in Mecca. My friends seem to think the same thing: ‘That looks like Mecca!’ Nurzada said. The others nodded, looking expectantly at the screen. Around the cube a white net made of cloth has been stretched and a high fence erected. Several performers clad in dark clothing have grouped themselves around this statue, wearing balaclavas. Two commentators’ voices can now be heard, one speaking Kyrgyz, the other Russian. They interpret the performance for the audience in the square as well as for those in front of their television sets. I learn that the dark cube is the Kyrgyz constitution, and that the masked performers belong to ‘the old power’. Their presence, together with the fence and the net, shield the constitution from the general audience – the people and their new president, Bakiev.

Suddenly, a large group of young people enters the scene, with colourful bands wrapped around their wrists and with balloons in their hands. They run towards the black figures, trying to push them away, taking down the fence and removing the net. The two commentators eagerly explain that they are trying to free the constitution, which had been taken hostage by these unruly forces. While some of the young people are pushed away, others are entangled in the net. Now the woman whose voice was heard at the beginning of the performance appears on stage. She is introduced as Umai Ene, the spiritual mother of birth. Wearing a long white traditional dress, she slowly paces around the constitution while uttering blessings in Kyrgyz. I can now see that there are letters on the cube that spell out the words 'Constitution of the Kyrgyz Republic'.

Umai Ene recapitulates last year's revolution and how 'the Kyrgyz people' managed to free themselves from the dark powers that held their country and their constitution imprisoned for so long. Then the head mufti of Bishkek appears on the square. He delivers a sermon in Arabic and performs the 'omin' gesture at the end of his prayer. Invigorated, the youths start a second attempt to free the constitution, this time tearing the net apart and removing it from the constitution altogether. The commentators interpret what the audience has just witnessed: the freeing of the constitution and the dispossession of the old power. To frenetic applause a rider enters the square on his horse, waving the Kyrgyz flag, and the president leaves his elevated podium to join the other performers in the middle of the square in order to give a speech.

The identification of the constitution with the Ka'aba is striking. While the commentators refrained from making this analogy, both my friends and I had the same thought upon seeing the performance. It was a powerful symbol and an act of indirect communication that successfully linked the constitution to the people's Islamic faith. Photographs of the Ka'aba as well as pictures of the Qur'an can be found in most people's living rooms in Kyrgyzstan. The evening programme on state television channels often broadcasts the processions of pilgrims circling the Ka'aba in Mecca while suras from the Qur'an are recited in Arabic. So while my informants have never made the Hajj, are unable to read Arabic and rarely consult the Qur'an in its Kyrgyz version, Mecca and the images of the Ka'aba and the Qur'an are central to their religiosity.¹¹ I found that people watching the performance experienced the recontextualisation of the constitution and its placement in a new spatio-temporal setting as the spiritual transformation of a legal document, which was inscribed with new attributes that linked it directly to the end of political conflict, state crises and suffering.

Bell (1988: 368) has drawn our attention to the ritualisation of texts, arguing that one needs to pay attention to those situations in which a text is produced and deployed as an object within a wider set of social relations. In being represented as a black cube placed in the middle of the square, the constitution was objectified, freed from its text and its contents, and embedded in the victorious political struggle. According to the performance, 'the people' had taken to the streets with the intention of 'freeing' it. In other words, the constitution became the *object* of the people's agency, while at the same time the people were made *subjects* of the constitution and all it might entail. While a linkage between the constitution and the political conflict of 2005 was certainly intended, other elements of the performance prevented an association of the constitution with the dirty reality of politics: the performance was scheduled to coincide with the celebration of the *Nooruz* religious holiday, which signifies 'new beginnings' and 'light'. The fact that 'the people' were clad in light colours and the representatives of 'the old power' were dressed in black and obscured their faces further highlighted the fight of good versus evil. Moreover, performers such as the woman who played the 'mother of birth' used ritual speech usually reserved for blessings or when invoking spirits. The appearance of a mufti reciting an Islamic prayer further intensified the spiritual atmosphere in which all these actions took place. It was only after the two spiritual figures had taken the stage that the president entered the scene as well.¹² Following a blessing and a sermon, he was thus able to speak about the political situation in a syncretistic ritual frame, strengthening the *communitas* while clearly assuming the role of a leader (see Bell 1988: 391; Barber 2007: 72).

The Meeting: Talking about the New Constitution in 2010

In the following years, Bakiev maintained his authoritarian style of leadership through clever manoeuvring, including further revision of the constitution and referenda for its ratification in 2007 that were highly charged. Ongoing political crises, state corruption and economic stagnation led to a 'second revolution' in April 2010 that ousted Bakiev from power.

Two months after the event, in June 2010, the country was preparing for yet another constitutional referendum, which had been announced directly after the new interim government came to power under the interim presidency of Roza Otunbaeva.

I arrived at my old field site in north-western Kyrgyzstan on 9 June, the same day that violence between ethnic Kyrgyz and ethnic Uzbeks broke out in the

southern city of Osh. This outbreak needs to be seen in the context of the temporary power vacuum that the 'revolution' had created. Criminal groups that had flourished in southern Kyrgyzstan during Bakiev's time began to battle openly and violently for political and economic influence. Large groups of unemployed youth were mobilised, and the violence quickly took on an ethnic dimension.¹³ At that time, only rumours reached the northern provinces, and the preparations for the constitutional referendum continued. On 11 June I attended a village meeting during which a female journalist from the regional capital, who had been sent by one of the ministries to speak in an official capacity, explained what she considered the most important innovations of the new constitution. Copies of the new basic law came to rest in the laps of the audience, composed of members of the local administration, teachers from the village schools, members of the village council, elders and some passers-by. The journalist began to elaborate on the diminished powers of the president and his responsibility to the people, as stipulated in the new constitution:

In case of political turmoil he [the president] will be responsible for leading the country. Unfortunately, as you know, both of the presidents fled when we had chaos in the country. According to the reformed version of the constitution, any person who wants to become president will have to guarantee that he will remain with the people whatever the situation might be. This was not included in the previous version of the constitution.

She also addressed the planned transformation from a presidential to a parliamentary system of governance by saying that this change might better fit the people's 'mentality':

We used to be a presidential state; now let's try to have a parliamentary system of governance. Perhaps this new parliamentary system of governance will match our mentality and the worldviews of Kyrgyz people better, since we like to argue with one another. So let's all with great hope take part in this referendum. If it is God's will, the referendum will be successful.

This first part of the meeting closely resembled a sermon with its essentially monologic style and oratory by a knowledgeable leader (cf. Schieffelin 1996: 453). People at first listened politely, though looking slightly bored, to what the woman had to say, but did not ask questions or address her as an expert. After she finished her presentation, the journalist opened the floor for questions

and comments. One by one people stood up and expressed their views about the new constitution. For example, after having denounced the previous version as 'Bakiev's constitution', which had made possible the sale of all of the country's natural resources such as water and land, a man in his 40s praised the new constitution for turning these resources into state property again, arguing that this move was in line with 'human rights'. Instead of correcting his statements, which were hardly related to the text of the document at all, the journalist nodded and concurred, and another person began to speak. People thus offered their own interpretations, which were at the same time indications of their own personal hopes of what might happen once the constitution was approved. Although most of these interpretations had no foundation in the actual draft constitution, the 'legal expert' was not contradicting them: as she was not the author of the constitution, she was also not the one with whom to argue (cf. Schieffelin 1996: 456). Another man raised his voice, exclaiming, 'We all have great hope that the adoption of the new constitution will bring peace and calm to our country again. How can we go on without a constitution?' At the end of the meeting, attendees returned their copies of the constitution to the visitor, who tried to convince them that they should take the printouts home. But as none of the claims that were made during the meeting was contested by any of the participants, textual knowledge was apparently not necessary.

Later, workers from the office of local self-administration continued to compile a list of the names of the village's inhabitants in preparation for the referendum. One of the workers who was about to travel to the regional capital, to extend several villagers' passports so that they could also take part in the referendum, explained the current situation thus: 'Kyrgyzstan is on the edge of extinction. We are having this chaos because of the absence of a constitution. Our hope is that the situation stabilises after the constitution is adopted.' Finalising the necessary documents that would allow more villagers to take part in the referendum was hope 'at work'.

Invoking the Constitution

I also encountered constitutional faith in other settings not related to political conflict, such as in the Kyrgyz courts of elders (*aksakal* courts), an institution established 1993 in order to free state courts from such 'minor issues' as thefts and domestic troubles in the countryside. While the first president, Askar Akaev, had imagined an institution in which customary law (*salt*) would be applied, hearings often centred on the presentation, discussion and invocation

of official documents such as letters of complaint, written testimonies and certificates (Beyer 2013). Most of Kyrgyzstan's citizens have been exposed to and learned to manoeuvre within a bureaucratic apparatus shaped by decades of Soviet rule, during which the possession of written documents was of central importance (see e.g. Zemtsov 1991; Fitzpatrick 1999; Yurchak 2006). Navaro-Yashin (2007) has pointed to the affective significance of state documents in the Turkish Republic of Northern Cyprus (TRNC), which – depending on the context and the persons who employ them – can incite nervousness and anxiety or feelings of liberation. Moreover, these documents are crucial in declaring the legitimacy of the internationally unrecognised TRNC for its inhabitants by means of ‘mimicry of other state practices’ (Navaro-Yashin 2007: 87). Written evidence and official documents regularly stood at the centre of the *aksakal* court sessions I attended, even though no state officials were present. In most cases, however, the documents themselves were not consulted. When there was a disagreement between two conflicting parties in court or between the *aksakal* judges and the parties, the phrase ‘According to the constitution...’ (*Konstitutsiia boiuncha...*) was frequently used to start a sentence that needed additional ‘backup’ and legitimacy. The judges did this, for example, when they wanted to stress their position as judges whose role was codified in the constitution, in contrast to fellow villagers or respected elders who are not mentioned there. Alternatively, the constitution would be invoked by one party in a dispute to show that they were knowledgeable about ‘the law’. When consulting the constitution myself I found no validation for such assertions. I thus came to understand that its invocation allowed people in dispute situations to create strong symbolic statements that are not bound to an actual text but need to be understood in the context of particular interactions.

This handling of oral legal evidence has interesting ramifications as it aligns closely with how villagers talk about another sacralised text: the Qur'an. In both cases, invocations of ‘the book’ form the centrepiece of many speech acts and practices. When practising Muslims in Kyrgyzstan perform the five daily prayers, they ‘read a prayer’ (Kyrg. *namaz okuu*), although a book is never involved in the performance. Moreover, people frequently emphasise the importance of the Qur'an and Islamic law (*shariah*; in Kyrgyz, *shariat*) by proclaiming, ‘The Qur'an [or *shariat*] is our constitution’, or ‘The Qur'an [or *shariat*] is the constitution of Muslims’. As a rule, it is the Russian word *konstitutsiia* that is used in these utterances, and not, for example, *myizam*, the Kyrgyz word for law.¹⁴ In this way the most important religious legal text is aligned with the singularly most important state legal text. Despite people's relative lack of

scriptural knowledge of Islam,¹⁵ in the Kyrgyz language the fields of law and religion both draw extensively on vocabulary emphasising textual knowledge and practice. In neither case is actual textual knowledge required; it is rather a shared understanding of norms and values that is being communicated in social interactions. I argue that spoken references to the constitution serve as a keying device that invokes a particular 'frame' (cf. Bateson 2000; Goffman 2010), namely faith. Spectacular actions such as representing the constitution as a Ka'aba-like object during the *Nooruz* performance in 2006 are immediately recognisable as yet more instances of conflating spiritual and legal authority. This and other rearrangements of the material world, such as the display of the constitution as a 'book' on the outside of houses and in schools, can thus be considered interventions that encourage the development of new discourses of faith-like 'constitutional' understandings.

My research suggests that most people in the country engage in these entextualised discourses. Thus, the constitution seems to be one of the rare cases where political propaganda and people's perspectives align: seldom have I found any qualitative differences between statements by politicians, journalists and ordinary villagers, and they all employ very similar tropes. One might certainly question the sincerity of the political elite in invoking the constitution and promoting people's expectations of it, and one could argue that it serves merely to manipulate the legally uneducated public. But among the general population and across all social groups in Kyrgyzstan, we find a sincere conviction that the constitution has an important role to play in the wider social and even cultural development of the country, and that its existence is crucial for peace and stability. This is particularly evident in times of political crisis such as the large-scale conflicts which have thus far been put to rest ceremonially by means of constitutional referenda.

Constitutional Faith During the Soviet Era

Having allowed the ethnography to speak for the present-day situation, I would now like to discuss some of the historical background to constitutional faith in Kyrgyzstan. The practice of adopting new constitutions only after extensive periods of public discussion of draft versions and a nationwide referendum was not newly introduced when Kyrgyzstan became independent, but has its roots in the Soviet era. The Soviet constitution of 1936 in particular set a precedent not only because it introduced a completely new political vocabulary of democratisation and individual rights for the masses that is now frequently

employed by Kyrgyzstanis, but also because of the way people went about discussing, disseminating and interpreting it.

Stalin himself initiated the change from the constitution of 1923. With the declared victory of socialism, a new structure was required 'that could serve as a symbol of a new stage in social development' (Hazard 1978: 6). Having lived in Lenin's shadow up to that point, Stalin also wanted 'to perpetuate his name' (Hazard 1978: 6). A constitutional commission began to draft a new constitution in February 1935, the purpose of which was administrative and judicial centralisation at the expense of the republics, including those in Central Asia which, until then, had enjoyed considerable autonomy (Getty 1991: 20). Massell shows for Central Asia how law was used as an instrument of revolutionary change, aimed at transforming the 'traditional Islamic societies under Soviet rule in the late 1920s' (Massell 1968: 180), but he does not analyse Stalin's constitutional reform as a means of revolutionary law-making. Petrone argues that it was through the new constitution that the central leadership intended to offer a 'democratic' project to the people. She discusses the celebration of Stalin's new constitution as part of a larger effort to create a Soviet popular culture by means of which citizens were to be transformed into New Soviet men and women (2000: 15–16). Petrone notes that '[i]n Soviet celebrations there was always a tension between the rejection of the content of pre-revolutionary religious rituals and the adoption of their form' (2000: 12). By celebrating newly invented holidays, 'cadres hoped to decrease the power of religious celebrations to attract the population. Ultimately, however, they may have only succeeded in blending the two together' (Petrone 2000: 19; see also Fitzpatrick 1994). This blending can still be observed in present-day Kyrgyzstan, as the speeches of Akaev, the spectacle of the Ka'aba-like constitution and people's invocation of the phrase, 'The Qur'an is our constitution' attest.

Petrone further suggests that in Stalin's time the:

[o]fficial discussion of the constitution was couched in a quasi-religious discourse of mystery and wonder; like the proclamation emancipating the serfs or a heavenly letter sent by God, the constitution was a 'golden book' and its words were written in 'golden letters'. (2000: 180)¹⁶

Depictions of the constitution on the walls of courthouses and in schools follow the pattern established when the constitution was publicly presented in the early Soviet years.

The nationwide discussions of the 1936 draft version of the constitution expanded Soviet public discourse, and 'sacred words' reached the public everywhere via local officials and teachers. These cadres gave the people the impression of participation while at the same time denying them basic civil rights (Petrone 2000: 175). The constitution was adopted during the time known as 'The Great Terror', when purges were carried out and the first show trials took place.

After Stalin died, Krushchev and later Brezhnev continued the policy of drafting new versions of the constitution. In October 1977, on the occasion of the 60th anniversary of the 1917 revolution and following a nationwide discussion, a new basic law was adopted. Western scholars referred to the adoption of this constitution as 'the greatest non-event of the decade' (Osakwe 1977, cited in Ludwikowski 1996: 24) because it did 'not break any new ground in Soviet law', created 'no meaningful new expectations in the minds of the ordinary Soviet citizens' and failed 'to promulgate a new developmental policy for Soviet society' (Ludwikowski 1996: 24). Nevertheless, it did shape the way Soviet citizens came to understand the constitution: as a policy statement and not a technical instrument of government. In general, constitutions in the USSR were 'propaganda documents of value in the ideological struggle for the minds of men' (Hazard 1978: 28). Yurchak has argued that in the period of Soviet 'late socialism' there was a 'performative shift' from content to form in the sense that the form of authoritative texts became more important than concerns about the meanings corresponding to them (2006: 24–26, 51, 74–76). In Kyrgyzstan the practice of nationwide discussions and constitutional referenda is no longer clad in the language of Soviet heritage, but aligned instead with constitutional practices derived from or imagined to occur in the West, and in the USA in particular.

In other Central Asian countries, constitutional changes are likewise carried out through nationwide referenda, often involving questions regarding the extension of presidential terms. The turnouts are usually above 90%, with the majority of voters approving the proposed changes. There are also remarkable similarities in how the respective constitutions are treated as material objects. In Kazakhstan, President Nazarbaev supposedly keeps the 'original' constitutional text document from 1995.¹⁷ Thus, the aura of authenticity and legitimacy surrounding the 'original' document is extended to the country's leader, who is now president for life. In Uzbekistan, article 93 of the constitution gives President Karimov the right to issue acts of amnesty and grant pardon to citizens convicted by national courts. Since the country's independence, these acts of

mercy have recurred annually on the day when the nation celebrates its constitution.¹⁸ Not only do presidents in Central Asia inhabit the body politic of their nation states, they do so by laying their hands on constitutions – which in turn have come into being via the citizens' approving votes.

Cynical and Silent Voices

One might wonder whether there are in fact no diverging opinions in Kyrgyzstan about how the constitution as a sacred legal text is linked to political conflict and violence. Put differently, are there also voices of doubt and disillusion to be heard? After all, cynicism is one striking way of critically engaging with the processes described.¹⁹ But the statement 'according to the constitution ...' was intended to legitimise a given statement. It was not an effort to feign knowledge of the constitution, because it was clear that what was at stake in a particular interaction was not one's knowledge of the constitution's content, but rather one's ability to invoke it in the right way at the right time. This does not mean, however, that cynicism was completely absent; it simply surfaced in other situations: after the latest 'revolution' in April 2010, I closely followed online newspapers and social networks such as Facebook groups and Twitter, where the latest news, gossip and opinions were distributed to a global audience. On 17 July, just over two weeks after the new constitution had been approved by 90% of the voters, Linar_80 (screen name) posted the following message on Twitter, spread over several entries due to Twitter's space restrictions:

I'll tip my hat to the new constitution; take a bow for the new revolution. Smile and grin at the change all around. Pick up my guitar and play. Just like yesterday. Then I'll get on my knees and pray: we don't get fooled again. This is a song by The Who. One can learn a lot from pop music sometimes. (#freekg)

This comment, distributed to the Twitter hashtag 'freekg' where current news on the April 2010 revolution was collected, indicates that some people in Kyrgyzstan do see the contradictions inherent in how their country has been dealing with revolutionary changes in recent years. But it also shows that despite their awareness and their cynical leanings, they want a change that they can believe in. With such a cynical attitude, which I encountered frequently when talking to school and university teachers, journalists and local researchers, Kyrgyzstan's citizens express neither outward rejection of nor total indifference to the discourses of state officials, attitudes that have been

assumed to be characteristic of cynicism in the literature.²⁰ Rather, their outlook allows them to distance themselves from a state apparatus which they suspect will fool them again, while at the same time to hold on to the ideal of a new constitution brought about through revolutionary change.

In addition to such cynical utterances, I noticed the striking absence of voices other than those of ethnic Kyrgyz in public discussions. The country is home to different ethnic groups and has witnessed increasing tensions in recent years between the now dominant ethnic Kyrgyz population and others. In today's situation of rising ethno-nationalism, non-Kyrgyz citizens find themselves increasingly excluded from official politics, and might have a very different understanding of the constitution, which has so far done little to protect their rights or ensure their representation in political life. The new constitution may fit 'the mentality' and the 'worldview' of the Kyrgyz, as the female journalist mentioned earlier put it, but does it also fit the 'mentality' and 'worldview' of non-Kyrgyz citizens?²¹ We have little knowledge about how other groups perceive the constitution or whether their hopes for a better future are similarly attached to it.²² Thus, it is not enough to simply recognise constitutional interpretation 'in the street'; we also need to pay closer attention to who is participating. We should allow our analyses to be even more multivocal, as there are sure to be considerable differences in constitutional faith among 'ordinary people' as well.

Conclusion

Since Kyrgyzstan became independent in 1991, the constitution has been changed six times: in 1994, 1996, 1998, 2003, 2007 and 2010 completely new versions or major changes to the existing version were implemented through nationwide referenda. For a long time international and local legal experts have warned that, should the constitution continue to be constantly altered, it would become devoid of meaning. My impression is that this is not the case. In 2010, as in previous referenda, there was an explicitly voiced perception among the ethnic Kyrgyz segments of the population that only with a new constitution would there be peace and stability in the country, which is a continuation of Soviet-era propaganda that celebrated every new constitution as the beginning of a new era. Apparently, endowing a constitution with ceremonial weight and emotive force remains an effective way of drawing a line between a horrifying past and a more acceptable present and future. Some villagers in my field site even went so far as to claim that 'life will start' only when the new constitution is in force. In the eyes of my informants, the situation of

perceived 'constitutionless-ness' had even fuelled the violent conflict in June 2010. The fact that the country was not *de jure* 'without law' after the April 2010 revolution did not provide them with any sense of spiritual legal security. The old constitution was still in force, but it was identified and dismissed as 'Bakiev's constitution', and only existed 'on paper'. From 2005 to 2007 some of my informants had made similar statements about 'Akaev's constitution'.

It is striking that even in the face of such personalised denunciations of past constitutions, Kyrgyzstan's citizens continue to conjure their hope in the aftermath of large-scale political conflicts through constitutional change. As my material demonstrates, this expresses the aspirations of various sets of actors, ranging from high-level state officials to ordinary villagers, and how they envision their own personal as well as societal well-being.

The utterance 'according to the constitution ...' becomes a keying device at the metapragmatic level, symbolising notions of 'progress', 'change' and 'future', among others. The use of this keying device aligns in many ways with how people in Kyrgyzstan speak about the Qur'an and *shariat*. Similar in authority to the Qur'an, the idea of a constitution has assumed a presence in Kyrgyzstan that goes beyond those individuals who were responsible for installing each instance of it in the first place, and beyond those installed to safeguard and interpret it at an official level. 'Legal symbols have only the valence that society gives them,' argues Tsai (2005: 1161): both texts would become meaningless without continuous invocations that reinforce their sacredness.

People's faith in constitutionalism has been analysed as part of the return of the magic of the law (Ackerman 1997; Comaroff & Comaroff 2006). It has become an essential factor in how politics are shaped and performed the world over. Especially in countries where both the spirit and letter of the law are violated, argue Comaroff and Comaroff, we are witnessing an 'almost salvific belief in their [the constitutions'] capacity to conjure up equitable, just, ethically founded, pacific polities' (2006: 22). While similar developments have been noted throughout the postcolonial world, the material from post-Soviet Kyrgyzstan adds another dimension to this argument by showing how in the aftermath of large-scale political conflict, drafting, discussing and voting on a new constitution has acquired the quality of a faith-based mode of conflict resolution; it is a way to deal with past violence that aims at bringing citizens together in *communitas*. Instead of openly dealing with the violence by addressing systemic injustices or turning to the courts, an end to the conflict has been sought through constitutional reforms. To this day, this approach has resonated with many citizens, even or particularly in the case of those who have become

victims of violence – just like those internally displaced refugees who were praying for a new constitution in June 2010. While Berman (2005: 84) has argued that ‘a universal faith in law among the various cultures of the emerging world society constitutes an essential element of a world civil religion’, people in Kyrgyzstan do not have much ‘legal faith’: it is the constitution that has come to be the object of sacralisation in their practices of hope. It is the idea of an eternal basic law – one that is above dirty politics and beyond the corrupting reach of presidents, politicians and bureaucrats – that citizens engage with when changing their constitution.

Acknowledgements

The author thanks Felix Girke, Brian Donahoe, Eva-Marie Dubuisson, Sarah Kendzior, Nathan Light, Madeleine Reeves, the journal editor Nils Bubandt and the anonymous reviewers for their constructive comments.

Funding

Research for this article was financed by the Max Planck Institute for Social Anthropology and the Volkswagen Foundation.

Notes

1. The photograph appeared online in an article in the 27 June 2010 issue of the German magazine *Focus*. See http://www.focus.de/politik/ausland/kirgistan-referendum-in-unruhigen-zeiten_aid_524058.html for the complete article and http://p4.focus.de/img/gen/Y/r/HBYrDzFy_Pxgen_r_467xA.jpg for the photograph. The caption of the photo reads, ‘After Voting: Refugees and Polling Officers Pray Together’.
2. For more background, see Beyer (2010a; 2010b), Reeves (2010a; 2010b), McBrien (2011).
3. The term was coined by Stanford Levinson, who introduced it to describe Americans’ ‘wholehearted attachment to the Constitution as the center of one’s (and ultimately the nation’s) political life’ (1988: 4). In his book he investigates the history of and the problems emerging from the coupling of faith and (national) identity in constitutional discourses and practices.
4. Such acts have also been called ‘processes of inscription’ (Ricoeur 1976) and ‘instauration’ (Barber 2007:4).
5. But see Philips (2000), which combines the methods of linguistic anthropology with the interests of sociolinguists and legal scholars in its investigation of the construction of a Tongan nation-state through language ideology in the courtroom.
6. *Narod obsudil i predlozhi*. In *Slovo Kyrgyzstana*, 14 January 2003. All speeches were given in Russian. For the translation of Russian (and Kyrgyz) words, I follow the standard American Library Association and Library of Congress Romanization tables for Slavic alphabets (ALA-LC).
7. *Akaev reshil bol'she ne lukavit*. *Respublika*. 21 January 2003.
8. *Vpered! – vysokie tseli i trudnye zadachi*. *Slovo Kyrgyzstana*. 6 February 2003.

9. *Uchit'sia zhit' po novoi konstitutsii. Slovo Kyrgyzstana*. 20 February 2003.
10. *Nooruz* (Pers. 'new day') is a festival marking the first day of spring and the beginning of the Iranian calendar. It is celebrated on the vernal equinox in Iran, throughout Central Asia and the Caucasus, as well as in parts of China and the Balkans.
11. Approximately 80% of Kyrgyzstan's citizens are Sunni Muslims, and an increasing number of them pray five times daily and fast during Ramadan.
12. The same spiritual figures also played a role in Bakiev's second inauguration ceremony in 2009 (personal communication with Nathan Light).
13. For details, see Petric (2010), Beyer (2010a; 2010b), Reeves (2010a; 2010b).
14. The word is of Arabic origin.
15. Seventy years of Soviet rule had a significant impact on the practice of Islam in public, and many Central Asian Muslims today consider themselves 'bad Muslims'. Recent anthropological scholarship has shown the complexity and historical development of these widespread self-characterisations (McBrien 2008; Hann & Pelkmans 2009).
16. See Davies (1997) for more examples of the intertwining of religious and socialist discourse regarding the constitution.
17. According to the Constitutional Council of the Republic of Kazakhstan. See <http://www.constcouncil.kz/eng/norpb/constrk/>.
18. Amnesty is also granted on Uzbekistan's Independence Day (1 September).
19. In her treatment of secularism and religion in Kyrgyzstan, Louw (2012) asserts that irony often surrounds Kyrgyz peoples' reflections on and practices of Islam. This is not the situation I observed in relation to constitutional faith.
20. See for example Zizek (1989), Navaro-Yashin (2002). For a recent discussion of this body of literature in the context of political culture in neighbouring Uzbekistan, see Kendzior (2011).
21. Fieldwork from a multi-ethnic village in western Talas province suggests otherwise. There, I encountered reports of Meshketian Turks being pressured to 'support the constitution' and take part in the referendum even though 'they did not want to go along' (see Beyer 2010b for details).
22. It is not, of course, only the constitution that brings hope to people. Amsler (2009) and DeYoung (2008) have focused on education as a source of hope for Kyrgyz youth. Despite the lack of demand for highly educated workers, education has become a goal unto itself, argues DeYoung, a practice of hope. But here as well, ethnic minorities follow a different path. In the aftermath of the 2010 events, Uzbek language schools have been closed in Southern Kyrgyzstan. For many ethnic minorities, particularly Uzbeks, labour migration to Russia has become an alternative beacon of hope (see McBrien 2011; Reeves 2012).

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