

Satversme. Statehood, Constitutional Culture and Traditions in Latvia

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Abstract: The article retraces the historical development of Latvia from the Middle Ages to the Modern Era, singling out the factors that laid down the foundations of the rise of a sense of Latvian statehood. A survey of the political landscape is provided in order to contextualize the Latvian annexation to the Soviet Union and its newly established independence in the early 1990s'. Eventually, an overall assessment of the relevance of the basic law – Satversme – and of its influence over the evolution of the Latvian State throughout the decades is offered.

Keywords: Statehood; Satversme; Latvian History; Soviet Domination; Independence.

1. – Notwithstanding Latvia is a relatively new State with short statehood history, it certainly should be ranked within the circle of European states with ancient traditions of constitutionalism: an example is that for the first time the principle of rule of law was formulated at territory of Latvia in a legal source Privilegium Sigismundi Augusti (Privilege of Sigismund II August) in the middle of XVI century¹.

The periodization of constitutional history in territory of Latvia can be articulated in 9 periods²: 1) Prehistoric period (approx. 9000 BC-IX century AD), when tribes and chiefdoms emerged; 2) period of the Barbarian States and Chiefdoms (IX-XIII century) when early States (Jersika, Koknese), chiefdoms (Zemgale, Kursa) and tribes (Livs) consolidated; 3) period of ecclesiastical feudal States (XIII-XVI century): Riga Archbishopric, State of Livonian Order, Courland Bishopric, Livonian Confederation; 4) period of secular feudal States (XVI-end of XVIII century): Province of Livonia (Polish Lithuanian Commonwealth), Duchy of Courland; 5) State absolutism period (end of XVII-beginning of XX century): Swedish Livonia (Kingdom of Sweden), Governorate of Livonia; Governorate of Courland (Russian Empire); 6) National State formation period (early XX century-1940): Republic of Latvia; 7) Period of the Socialist State (1940-1990): Latvian Soviet Socialist Republic (Soviet Union); 8)

¹ V. Bluzma, *The Formation of the Elements of Parliamentarism and Constitutionalism at the Territory of Latvia in the Middle Ages and Early Modern Times (13th-18 th centuries)*, in *Giornale di storia costituzionale-Journal of Constitutional History*, 2015, II, 39.

² V. Bluzma, *ibidem*, 40.

Transitional period of Post-Socialist State (1990-2004): Republic of Latvia; 9) period of the integration of the national States within NATO and European Union (2004-onwards): Republic of Latvia as a member of NATO and European Union.

In the 10th century, ancient Baltic tribal chiefdoms started forming early realms: Curonians, Latgalians, Selonians, Semigallians and the Western Finnic Livonians developed regional cultures in the territory of modern-day Latvia and northern Lithuania.

By the end of the 12th century, Latvia was increasingly often visited by traders from Western Europe who set out on trading journeys along river Daugava, to Kievan Rus'. Among them German traders came together with Christian preachers who attempted to convert the pagan Baltic and Finnic nations to the Christian faith³.

Pope Celestine III decided in 1195 that Livonian Crusade would be undertaken to convert pagans by force, “the first political change by which territory of the present time Latvia was included into political held of Western Europe”⁴.

Bishop Albert of Riga founded Riga in 1201, that became the largest city in the southern part of the Baltic Sea.

The state of Terra Mariana, later Livonian Confederation, was established in 1207. It consisted of various territories that belonged to the Church and Order in current Latvia and Estonia and was under the direct authority of the Pope. In 1228 the Livonian Confederation was established.

By the end of the 13th century, Curonians and Semigallians were subjugated (in 1290 the majority of Semigallians left German-conquered areas and moved to Lithuania), and the development of the separate tribal realms of the ancient Latvians came to an end as Germans introduced direct rule over subjected peoples.

In 1282, Riga (and later Cēsis, Limbaži, Koknese and Valmiera) were included in the Northern German Trading Organisation, known as the Hanseatic League (Hansa). Riga became an important point in west-east trading, and it formed closer cultural contacts with Western Europe⁵.

The Livonian Confederation ceased to exist during the Livonian War of 1558–82. The Livonian Order was dissolved by the Treaty of Vilnius in 1561. With the treaty, the non-Danish and non-Swedish part of Livonia, with the exception of the Free imperial city of Riga, subjected itself to the Grand Duke of Lithuania, Sigismund II Augustus, with the *Pacta subiectionis (Provisio ducalis)*. In turn, Sigismund granted protection from the Tsardom of Russia and confirmed the Livonian estates' traditional privileges, laid out in the *Privilegium Sigismundi Augusti*. In Privilege of Sigismund II August for the first time in Livonia some rights of citizens were guaranteed and the important principle of the rule of law was declared. In this royal document of privileges and legal guarantees (basically for nobility) article 18, which declared that "the government should submit to

³ P. U. Dini, *L'anello baltico. Lituania, Lettonia, Estonia. Un profilo storico-culturale*, Vocifuorisca, 2018, 52 ff.

⁴ V. Bluzma, *ibidem*, 41.

⁵ R. Tuchtenhagen, *Storia dei Paesi baltici*, il Mulino, 2008, 17 ff.

laws”, had a special value⁶: it prohibited arbitrary confiscations of fiefs and other real property and fines by administrative institutions without appropriate hearing of the case in the court and its decision based on law; it recognized the presumption of innocence and the king of Poland-Lithuania had to guarantee the observance of this article as the victims of arbitrary acts could submit a complaint to king. The significance of this norm in constitutional history of Latvia has been compared to article 39 of English *Magna Charta Libertatum* of 1215⁷.

Constitutiones Livoniae” were the first legislative act of Polish-Lithuanian Commonwealth for province of Livonia in which title the term "constitution" was used: they were adopted and promulgated by Polish king Stephen Bathoły in 1582. The term "constitution", moreover, was not used in the modern meaning of the word: following the Polish legal thought of XVI century, "constitution" was a legislative act adopted in Polish Diet (*Sejm*); the plural word "constitutions" was used to denote a single section of the act. Every section regulating some special object was a specific constitution. The content of the *Constitutiones Livoniae* consisted of several constitutional, but mainly administrative rules which regulated the governance of the province of Livonia after its re-conquest from Russia.

Constitutiones Livoniae established a new representative organ for the province of Livonia — the Convent - which might be convoked by Polish king for decisions on public affairs. Delegates were elected by nobility in three territorial administrative units in province of Livonia. Delegates were also sent from cities — two from Riga and one from Dorpat, Pernau (Pärnu) and Wenden (Cēsis). One delegate represented the Duke of Courland.

The Livonian Ordination adopted by Sejm in 1598 prescribed that the Sejmik of province of Livonia should send six delegates to Sejm — two delegates from every of the three nations — Poles, Lithuanians and Germans.

During the Polish–Swedish War (1600–1629) Riga and the largest part of Duchy of Livonia came under Swedish rule in 1621. Riga was the second largest city in the Swedish Empire at the time. Together with other Baltic Sea dominions, Livonia served to secure the Swedish *Dominium maris baltici*. Unlike Swedish Estonia, which had submitted to Swedish rule voluntarily in 1561 and where traditional local laws remained largely untouched, the uniformity policy was applied in Swedish Livonia under Karl XI of Sweden: serfdom was abolished in the estates owned by the Swedish crown, peasants were offered education and military, administrative or ecclesiastical careers, and nobles had to transfer domains to the king in the Great Reduction. These reforms were subsequently reversed by Peter I of Russia when he conquered Livonia.

During XIII - XVIII centuries western constitutional tradition exercised a strong influence on territory of Latvia, as the formation and development of representative bodies on the principle of the representation of political estates, formed in the cities of Livonia as city councils (Rat), in the ecclesiastical states of Livonia as assemblies of vassals (Manntag) in

⁶ V. Bluzma, *ibidem*, 45.

⁷ V. Bluzma, *ibidem*, 46.

Livonian Confederation as Livonian scale Diet (Landtag) of Livonian estates. These representative bodies functioned as legislative and often also as judicial institutions. The representative institutions continued to exist in territory of Latvia also in period of secular feudal state when territory of Latvia was split between different European states, as well as in vassal state of Duchy of Courland. The representative institutions as predecessors of modern parliamentary institutions continued functioning also in period of incorporation of territory of Latvia into absolutist Russian Empire as a policy of confirmation by Russian emperors of previous political institutions and legal systems in Baltic region till its end in 1917, when they were replaced by democratic parliamentary institutions⁸.

In 1700 the Great Northern War between Sweden and Russia started largely because Peter the Great wanted to secure and enlarge Russian access to the Baltic ports. In 1710 Russians conquered Riga and Estonia and Livonia capitulated⁹.

In 1713 Peter established the Riga Governorate, and after various administrative and territorial reforms, Governorate of Livonia (Vidzeme Governorate) was finally established in 1796. Sweden officially gave up its claims to Swedish Livonia with the Treaty of Nystad of 1721. The Treaty enshrined the existing privileges and freedoms of the German Baltic nobility. They were allowed to maintain their financial system, existing customs border, self-governing provincial Landtags and city councils, Lutheran religion and German language. This special position in the Russian Empire was reconfirmed by all Russian Emperors from Peter the Great (reigned 1682–1725) to Alexander II (1855–1881). Only the judicial reform of 1889 imposed Russian laws and a program of russification enforced school education in Russian.

After the First Partition of Poland in 1772, Russia gained Inflanty Voivodeship which was first included in the Mogilev Governorate and later in 1802 in Vitebsk Governorate. This led to the increased cultural and linguistic separation of Latgalians from the rest of Latvians.

After the Third Partition of Poland and financial settlement with the last Duke of Courland and Semigallia in 1795, the Courland Governorate was created: Germans retained their privileges and autonomy for another century. Russian empire now possessed all the territories inhabited by Latvians¹⁰.

In 1812 Napoleon's troops invaded Russia and the Prussian units occupied Courland and approached Riga and proclaimed restoration of Duchy of Courland and Semigallia under French and Polish protectorate.

2. – Latvia welcomed the 20th century with an explosion of popular discontent during the 1905 revolution. It started with the shooting of demonstrators in Riga on January 13, went on with mass strikes in October and armed uprising in December. The revolution was aimed not only against the czarist authorities, but against German barons. It involved not only left wing social democrats and industrial workers, but also conservative

⁸ V. Bluzma, *ibidem*, 49–50.

⁹ R. J. Frost, *Le guerre del Nord*, LEG, 2022.

¹⁰ R. Tuchtenhagen, *Storia dei Paesi baltici*, cit., 63 ff.

peasants and Latvian intelligentsia. Following the shooting of demonstrators in St. Petersburg on January 9, 1905, a wide-scale general strike began in Riga¹¹.

During the summer of 1905 the main Russian revolutionary events moved to the countryside. Demonstrations and violent attacks took place against Baltic German nobles, burning estate buildings and seizure of estate property, including weapons.

Martial law was declared in Courland in August 1905 and in Vidzeme in late November. Special punitive expeditions by Cossack cavalry units and Baltic Germans were dispatched in mid-December to suppress the movement.

In November 1917, the Communist Bolsheviks took power in Russia: the Bolshevik government tried to end the war and in March 1918; the Treaty of Brest-Litovsk was signed: Courland and Livonian Governorate were attributed to the Germans, who quickly established an occupational regime which lasted until November 11, 1918. During this time Germans tried to create the United Baltic Duchy in union with the Crown of Prussia.

The course of World War I, which directly involved Latvians and Latvian territory, led to the idea of Latvian statehood¹². During the chaotic period of Russian and German empire collapses, February Revolution and Bolshevik revolution, Soviet westward offensive and onset of the Russian Civil War, there were efforts to establish a state in Latvia. Not all of them were aimed at establishing an independent state or even a Latvian State¹³.

After the February Revolution in Russian Empire, majority of Latvians were not expecting more than a federated status in a Russian state. "Free Latvia in Free Russia" was the slogan of that time. During March 12–13, 1917, in Valmiera the Vidzeme Land Congress was held: it created the Provisional Land Council of Vidzeme. Courland was occupied by Germans, who increasingly supported the idea of creating a Duchy of Courland and Semigallia in order to annex it to Germany. Latgalian inhabited counties of the Vitebsk Governorate were demanding unity with other Latvian provinces (unification of Latgalian Latvians and Baltic Latvians), which was realized only after the Bolshevik revolution.

On July 5, 1917, the Russian Provisional Government recognized the elected Land councils of Vidzeme and Kurzeme. Encouraged by the liberalism of the Provisional government, Latvians put forward proposals which envisioned a broad local autonomy. On August 12, 1917, Latvian organizations jointly asked the Provisional government for autonomy and self-determination. During this Congress from August 11–12 (July 29–30) in Riga, the left wing Social Democrats, influenced by the Bolsheviks, established Iskolat government, the Executive Committee of the Soviet of Workers, Soldiers and Landless in Latvia, the governing body in the

¹¹ R. Tuchtenhagen, *Storia dei Paesi baltici*, cit., 87 ff.

¹² W. Borodziej- S. Ferhadbegović- J. von Puttkamer (eds.), *The Routledge History Handbook of Central and Eastern Europe in the Twentieth Century*, Volume 2: *Statehood*, Routledge, 2020.

¹³ P. U. Dini, *L'anello baltico. Lituania, Lettonia, Estonia. Un profilo storico-culturale*, cit, 125 ff.

territory of Latvia that was under control of the Latvian Riflemen in 1917–18.

After Riga was occupied by Germans on September 3, 1917, Iskolat retreated to Vidzeme, where it assumed executive powers. The so-called Iskolat Republic existed from November 21, 1917 until March 3, 1918. Under German attacks it evacuated to Cēsis, then Valka and was disbanded on March 1918 after the Brest-Litovsk treaty left Latvian lands (except Latgale) to Germany.

On September 23, 1917, in the German-occupied Riga, the Latvian Social Democratic party together with Latvian Farmers' Union and some smaller republican and socialist parties created the Democratic bloc which petitioned “Ober Ost” (*Oberbefehlshaber der gesamten Deutschen Streitkräfte im Osten* - Supreme Commander of All German Forces in the East) for the restoration of elected Riga City Council, re-opening of schools and press freedom. On October 19, 1918, Democratic bloc representatives delivered a petition to the German Imperial chancellor Prince Maximilian of Baden, in which they asked for the removal of occupational forces and recognition of independent Latvian state.

In October 1917 centrist politicians met in Petrograd and agreed to create a united Council of all Latvian parties, refugee support organizations and soldiers committees. On November 29, 1917, the Latvian Provisional National Council was established in Valka. On December 2, 1917 it proclaimed the creation of Latvia's autonomy in Latvian inhabited lands and proclaimed itself to be the only representative organ of Latvians. The Council announced three main goals – convening of a Constitutional Assembly, creation of political autonomy and uniting of all ethnic Latvian inhabited lands.

On its second meeting, which was held in Petrograd on January 30, 1918, the Latvian National Council declared that Latvia should be an independent, democratic republic, uniting Latvian regions Kurzeme (which includes Zemgale), Vidzeme and Latgale.

On March 3, 1918, Soviet Russia signed the treaty of Brest-Litovsk with German Empire, by which Russia gave up Kurzeme and Vidzeme (but not Latgale). The National Council protested against the splitting of Latvian lands and the annexation of Kurzeme by Germany.

On November 11, 1918, the British Empire recognized Latvian National Council as *de facto* government; despite these successes, the National Council had a major problem, as the Social Democrats and the Democratic Bloc refused to join it. This prevented the creation of a truly national consensus for proclaiming independence. This was overcome only on November 17, 1918, when the People's Council was created.

On September 22, 1918, the German Emperor Wilhelm II proclaimed free the Baltic provinces and on November 5 Germans proclaimed the United Baltic Duchy headed by the Duke Adolf Friedrich of Mecklenburg, but the project collapsed together with the German Empire on November 9 and the Armistice of November 11. On November 26, 1918, the new General Plenipotentiary of Germany August Winnig recognized the Latvian Provisional Government which was established by the People's Council. On November 28 the Regency Council of the United Baltic Duchy disbanded itself.

After the German collapse on November 9, the National Council and the Democratic bloc began unity talks. Social Democrats insisted that the new Latvia should be a socialist state, which was not acceptable to other parties. They also refused to join the National Council, instead insisting on creating a new unitary organization. The unity talks were led by Farmers' Union leaders Kārlis Ulmanis and Miķelis Valters, while National Council leaders Voldemārs Zāmuēls, Arveds Bergs and Ādolfs Klīve were sidelined.

On November 17, 1918, competing Latvian factions finally united in the People's Council, which on November 18, 1918 proclaimed the Independence of Republic of Latvia and created the Latvian Provisional Government.

The Latvian Provisional Government was formed on November 18, 1918 by the People's Council of Latvia as the interim government of the newly-proclaimed Republic of Latvia during the Latvian War of Independence. The term encompasses three cabinets led by Kārlis Ulmanis, the leader of the Agrarian Union, who was elected Prime Minister. The Ulmanis' government led the country until the formation of an elected cabinet after the elections to the Constitutional Assembly of Latvia in June 1920.

In December, the first ministries were created.

From December 1918 until May 1919, the Latvian territories (that were not under German occupation) were invaded and controlled by a provisional Soviet Latvian government led by Pēteris Stučka. During these months, the Ulmanis government had evacuated from the capital Riga to the western city of Liepāja, which was defended by troops of the nascent Latvian armed forces and the Baltic German Landeswehr. Joint military operations of the growing Latvian armed forces of the Ulmanis government together with the Landeswehr and the German Freikorps, coupled with supportive attacks from the Estonian Army in Vidzeme, succeeded in pushing Soviet armies back into Latgale during the late spring of 1919.

In April 1919, however, the German forces attempted a coup d'état in an effort to install a pro-German puppet government led by pastor Andrievs Niedra. With protection of the British Royal Navy and the French Navy the Ulmanis government took refuge on the ship *Saratov* in the Baltic Sea near the coast of Latvia. After the German forces were forced to leave Riga due to an Estonian-Latvian offensive and the Niedra government collapsed, the Ulmanis cabinet was able to return to land in July 1919.

A few days later Soviet Russia started westward offensive aimed at regaining its western provinces and the War of Independence began.

On December 1, 1918 Soviet Russia invaded Latvia. Soviet offensive met little resistance coming just a few weeks after the collapse of German Empire and proclamation of independent Latvia. The Social Democratic party decided to leave the People's Council and rejoined it only in April 1918. On December 17, 1918 the Provisional government of Workers and Peasants, led by the veteran left-wing politician Pēteris Stučka proclaimed the Soviet rule. On December 18 Lenin officially recognized the new Soviet Latvia.

On January 13, 1919, the Latvian Socialist Soviet Republic was officially proclaimed with the political, economic and military endorsement of the Soviet Russia. Stučka established a radical communist regime of nationalizations, expropriations and executions of class enemies. Revolutionary tribunals were established.

On January 3, 1920, Latvian and Polish forces launched an attack against the Soviet army in Latgale, reaching by the end of January the ethnographic border of Latvia: peace negotiations with Soviets soon began.

On August 11, 1920, according to the Latvian–Soviet Peace Treaty, the Soviet Russia relinquished authority over the Latvian nation and claims to Latvian territory.

The Allied Supreme War Council recognized Latvia's independence on January 26, 1921. Latvia also became a member of the League of Nations on September 22, 1921.

On August 19, 1919, the People's Council of Latvia issued the law about elections of the Constitutional Assembly. Elections were open to male and female citizens who were older than 21, no minimal vote percentage was set, so many small parties were elected.

After the end of Latvian War of Independence in January, 1920 Constitutional Assembly elections were quickly organized and held on April 17–18, 1920 when the people of Latvia voted in universal, equal, direct and proportional elections. 25 parties competed for 150 seats.

84.9% of eligible voters participated (677.084 people). There were 57 candidate lists covering 5 regional constituencies and 16 parties won seats in the Assembly. One hundred fifty members, including 5 women, were elected. The most successful parties were the Latvian Social Democratic Workers' Party (57 seats), Latvian Farmers' Union (26 seats) and Latgalian Farmers Party (17 seats). The remaining part of the seats went mostly to ethnic minorities — Committee of the German Baltic Parties, Democrats Union, Polish Party of Latvia and the Worker's Party, Jewish parties and others.

The first meeting of the Assembly took place on May 1, 1920, at Riga, in the House of the Livonian Noble Corporation which houses Latvian Parliament up to day. The Constitutional Assembly drafted the basic law of the state — the Satversme — as well as other laws. It adopted a law on agrarian reform, a law on the election of the Saeima (Parliament), laws about the State flag, State coat of arms, national anthem and other laws. The Constitutional Assembly had 21 standing committees. It held 213 plenary sessions and adopted 205 laws and 291 regulations having the force of law.

This voting pattern marked all the future parliaments – high number of parties representing small interest groups required formation of unstable coalition governments, while the largest single party, Social Democrats, held the post of Speaker of the Saeima, not participating in governments. Between 1922 and 1934 Latvia had 13 governments led by 9 Prime Ministers.

On February 15, 1922 the Constitution of Latvia was passed.

3. – The independent state was being founded as a new state, based on the principle of self-determination of nations, having the form of a democratic republic: “the Satversme was developed as an integrating instrument,

establishing a special structure of state institutions. Its general task was also to promote arrangement of the community, i. e., to create a constitutional form being able to solve the existing social and political contradictions and conflicts, thus, ensuring that fight for power, waged in the name of different interests, would pass off by peaceful means, in the conditions of freedom and democratic solidarity of definite level”¹⁴. The constitutional experience of the Western countries of that time and the principles of constitutionalism influenced both form and content of the Satversme, that incorporated a set of constitutional components in connection with the contemporary democratic constitutional models, appearing as a synthesis of the Weimar Constitution of 1919 and the Westminster model¹⁵.

During the parliamentary era, four elections were held which elected 1st Saeima (1922–25), 2nd Saeima (1925–28), 3rd Saeima (1928–31), 4th Saeima (1931–34). Three State Presidents were elected – Jānis Čakste (1922–27) who died in office, Gustavs Zemgals (1927–30) who refused to be re-elected and Alberts Kviesis (1930–36) who accepted the May 15 coup d'état.

The Social Democratic Workers' Party, as the largest party, held the position of the Speaker of the Saeima in all the interwar Saeimas. The first Saeima was chaired by Frīdrihs Veismanis, the second, third and fourth Saeimas were chaired by Pauls Kalniņš. The refusal of the Social Democrats to participate in governments (except twice in short-lived cabinets) meant that government was usually led by the center-right Farmers' Union, or by a coalition of smaller parties, as the Saeima seats were divided among many parties, each with just a few MPs.

The Social Democrats were split between the main Social Democratic Workers' Party led by Pauls Kalniņš, Ansis Rudevics and Fricis Mendērs (which first won 30 seats but had a tendency to lose votes in subsequent elections) and the splinter Social Democrat Minority Party led by Marģers Skujenieks, who were more centrist and managed even to lead governments on two occasions. The mainstream Social Democrat party maintained a strong policy of Socialist International ideals and criticized the existing capitalist system. The Party avoided using the State flag and singing the National anthem, instead using the Red flag and singing the "Internationale" in their meetings. Their popularity increasingly fell, and in the 4fourth Saeima they had only 21 seats.

Officially banned , the Communist Party of Latvia in the 1928 elections managed to get 5 seats standing as the Left Trade Union (which was banned in 1930). In the 1931 elections Communists won 6 seats as the Trade Union Workers and Peasants Group, but were once again banned in 1933.

¹⁴ Z. Mikainis, *The influence of the Constitution upon the development of constitutionalism of Latvia*, in *Jurisprudencija*, 2002, 172-173.

¹⁵ C. Taube, *Constitutionalism in Estonia, Latvia and Lithuania. A study in comparative constitutional law*, Justus Förlag, 2001, 112. See also D. Auers, *Comparative Politics and Government of the Baltic States: Estonia, Latvia and Lithuania in the 21st Century*, Pgrave Macmillan, 2015, 7 ff.

The Latvian Farmers' Union, comprising the second-largest parliamentary faction with 14 to 17 MPs, was the largest of the conservative parties. It increasingly had to compete with some smaller farmer, catholic-farmer and Latgale-farmer parties which won more votes in each election. The Farmer's Union was led by Kārlis Ulmanis, Zigfrīds Anna Meierovics and Hugo Celmiņš. The decreasing popularity of Ulmanis and of the Farmers' Union may have been one of the reasons behind the May 15, 1934 Latvian coup d'état, as Ulmanis tried to prevent further loss of his political influence and power in the elections scheduled for October 1934.

The Democratic Centre Party, led by Gustavs Zemgals represented mostly urban, middle-class office-workers and state employees.

The National Union, led by Arveds Bergs, was nationalistic, anti-Soviet, center-right party that attracted urban followers. The extreme nationalists were represented by the anti-semitic Pērkonkrusts (founded in 1933), led by Gustavs Celmiņš.

Most of the remaining small parties were either ethnic – German, Jewish, or Polish – or represented single-issue economic groups – small-holders, house owners, even railroad workers. The small parties usually formed larger coalitions (blocks) and then used their influence to join governing coalition. One of the most influential was the coalition of Latgale parties.

On the night between May 15 to 16, 1934, the Prime Minister Kārlis Ulmanis and Minister of War Jānis Balodis, fathers of Latvian independence, took power with a bloodless coup d'état. Parliament and Constitution were suspended, state of war introduced, all political parties banned and press censorship established.

The Soviet Union signed the Molotov–Ribbentrop Pact with Nazi Germany on August 23, 1939. Under threat of invasion, Latvia (as well as Estonia and Lithuania) signed the Soviet–Latvian Mutual Assistance Treaty with Soviet Union. Seven months later, the Soviet foreign minister Molotov accused the Baltic states of conspiracy against the Soviet Union. On June 16, 1940, threatening an invasion, Soviet Union issued an ultimatum demanding the government being replaced and an unlimited number of Soviet troops being admitted. The government acceded to the demands, and Soviet troops occupied the country on June 17. The newly elected "People's Assembly" declared Latvia a Socialist Soviet Republic and applied for admission into the Soviet Union on July 21. Latvia was incorporated into the Soviet Union on August 5, 1940.

Nazi troops occupied Riga on July 1, 1941. A large number of Latvians resisted the German occupation. The resistance movement was divided between the pro-independence units under the Latvian Central Council and the pro-Soviet units under the Latvian Partisan Movement Headquarters.

Riga was re-captured by the Soviet Red Army on October 13, 1944.

The post-war years were marked by particularly terrible events for the Latvian nation: deportation to Siberia of rural residents and Latvian patriots, forced adoption of Soviet farming methods and eradication of the economic

infrastructure developed in the 1920s and 1930s, collectivization of rural areas¹⁶.

The liberalization of the communist regime began in the mid-1980s in the USSR with the perestroika and glasnost promoted by Mikhail Gorbachev. In Latvia, several mass political organizations were constituted: the Popular Front of Latvia, the Latvian National Independence Movement and the Citizens' Congress. These groups promoted the restoration of national independence.

On the 50th anniversary of the Molotov-Ribbentrop pact (August 23, 1989), Latvians, Lithuanians and Estonians formed a human chain, the Baltic Way, that stretched 600 kilometers from Tallinn, to Riga, to Vilnius. It symbolically represented the united wish of the Baltic States for independence¹⁷.

Subsequent steps toward full independence were taken on May 4, 1990. The Latvian SSR Supreme Council, elected in the first democratic elections since the 1930s, adopted a declaration restoring independence, including a transition period between autonomy within the Soviet Union and full independence. In January 1991 pro-communist political forces attempted to restore Soviet power. Latvian demonstrators managed to stop the Soviet troops from re-occupying strategic positions. On August 21, after a failed coup d'état in Russia, parliament voted for the end of the transition period, restoring Latvia's pre-war independence. On September 6, 1991, Latvian independence was recognized by the Soviet Union¹⁸.

The declaration 'On the Restoration of Independence of the Republic of Latvia' mentions explicitly the goal to restore Latvia's independence based on the 1922 Constitution, emphasizing the legal continuity of the State of Latvia established in 1918. The declaration underlines the illegal nature of the occupation of Latvia in 1940, thus acknowledging the validity of its *de jure* status in international affairs, i.e. "the Republic of Latvia still exists *de jure* as a subject of international law, recognized by more than 50 countries in the world"¹⁹. After the declaration of independence "a peculiar period of double-government" began: the Supreme Council of the Republic of Latvia elaborated independence-related legislation, re-shaped State institutions, initiated economic reforms towards market economy and began to establish customs offices on borders; on the other hand, the USSR authorities, the Communist Party, the Soviet army, border guard and the Committee for State Security were still present. President of the USSR Mikhail Gorbachev issued decrees to repeal the declaration of independence; pro-Soviet forces

¹⁶ P. U. Dini, *L'anello baltico. Lituania, Lettonia, Estonia. Un profilo storico-culturale*, cit., 192 ff.

¹⁷ S. Urdze, *Letland*, in A. Benz-S. Bröchler-H.J. Lauth (eds.), *Handbuch der europäischen Verfassungsgeschichte im 20. Jahrhundert. Institutionen und Rechtspraxis im gesellschaftlichen Wandel, Band 5: seit 1989*, Dietz, 2019, 1391 ff.

¹⁸ A. Di Gregorio, *Le transizioni alla democrazia nei Paesi dell'Europa centro-orientale, baltica e balcanica*; Idem, *Le Costituzioni*, in A. Di Gregorio (ed.), *I sistemi costituzionali dei paesi dell'Europa centro-orientale, baltica e balcanica*, Cedam-Wolters Kluwer, 2019, 1 ff., 49 ff.; L. Mezzetti, *Teoria e prassi delle transizioni costituzionali e del consolidamento democratico*, Cedam, 2003, 107 ff.

¹⁹ A. Gusachenko-V. Kleinberga, *The emergence and restoration of the State: Latvia in 1918 and 1990*, in *TalTech Journal of European Studies*, 11, 2021, 68.

concentrated their efforts against independence in the so-called All-Latvia Rescue Committee; an attack on the building of the Supreme Council was organized by the pro-communist International Front of the Working People of the Latvian SSR (Interfront), fighting for Latvia's stay in the USSR with the support of the military. On 20 January 1991, the Soviet OMON forces attacked the Ministry of Interior. On August 21, when the OMON units were approaching the Supreme Council, attacking the barricades that protected the building, the Supreme Council made a fast and decisive decision to adopt the Constitutional Law on the statehood of the Republic of Latvia, declaring the restoration of the Republic of Latvia *de facto*, removing the transition period, which was introduced by the Declaration of Independence in order to ensure the transition from a socialist State to a democratic one via a legal and negotiated approach. The law affirmed that "Latvia is an independent, democratic Republic wherein the sovereign power of the State of Latvia belongs to the people of Latvia and the statehood thereof is determined by the 15 February 1922 Constitution of the Republic of Latvia". The Republic of 1918 was *de facto* restored, finalizing the debate about the conceptual choice of Latvia's path to independence²⁰.

4. – The fifth parliament, elected in 1993, restored the Constitution of 1922, and upheld the legal continuity of the Republic of Latvia²¹. On October 15, 1998, a new chapter on human rights was added to the Constitution²²

Soon after reinstating independence, Latvia became a member of the United Nations and, in 2004, a member of the European Union and NATO²³.

Satversme guaranteed its performance during the period of consolidation of national independence (1922-1934) and in the time of restoring national independence after 1990. In both cases the Satversme guaranteed the basis for founding the constitutional system of Latvia, as it was connected with the orientation of peculiar values of the Latvian people, as well as social conformity with the needs of national independence, democracy and the protection of human rights²⁴. Satversme still plays a positive role of mediator in transformation processes; several changes have been emphasized, promoted by the Satversme: "First transition from a totalitarian one-party system to democratic political pluralism, as well as pluralism in other fields of life. Second transition from the system of state power, not troubled with a burden of rights, to a different system, to the system where „the rule of law— has been consolidating slowly and

²⁰ A. Gusachenko-V. Kleinberga, *The emergence and restoration of the State: Latvia in 1918 and 1990*, cit., 69.

²¹ I. Ziemele, *State Continuity and Nationality. The Baltic States and Russia*. Martinus Nijhoff, 2005.

²² R. Balodis, *Evolution of constitutionality of the Republic of Latvia: from 1918 – 2006*, in *Jahrbuch des öffentlichen Rechts*, 2006, 277.

²³ K. Krūma-S. Statkus, *The Constitution of Latvia – A Bridge Between Traditions and Modernity*, in A. Albi-S. Bardutzky (eds.), *National Constitutions in European and Global Governance. Democracy, Rights, the Rule of Law*, Asser Press, 2019, 951 ff.

²⁴ S. Hearne, *Latvia and Latvian Identity in Historical Perspective*, in M. Loader-S. Hearne-M. Kott (eds.), *Defining Latvia. Recent Explorations in History, Culture, and Politics*, Central European University Press, 2022, 17 ff.

gradually. Third participation in the progress of Latvia towards the legal system of the European Union”²⁵.

The Satversme still represents an instrument of democratization of public power, the main guideline of the constitutional reform, in the framework of the transition from a totalitarian state to a pluralist state. The Satversme incorporates the basic values of constitutionalism: checks and balances, pluralism of political process, legality of opposition, human rights, protection of national minorities. Four functions of Satversme have been emphasized: “Firstly, the Satversme on a whole is a constitutional instrument functioning in reality and in such quality it is a superb factor of establishing the constitutionalism in Latvia. Secondly, the Satversme’s influence and role in the development of constitutionalism, is characterized by the fact, that its principles and norms are implemented in the legalization of constitutional process, i.e., in common laws as well as in legislations and resolutions. These are basic principles of constitutional regulation, namely, people's sovereignty, popular ruling, division of state power, basic rights, a state subject to the rule of law, constitutional monitoring. Thirdly, the Satversme is the consolidator and enforcer of constitutionalism in the real, practical life, in the processes of constitutional legality and thus it consolidates the juridical-political constitutionalization of Latvia. The principles of the Satversme are used in the legal action of the Court of the Satversme. The Satversme guarantees basic protection in the field of basic rights and in the sphere of protection as to components of a judicial state. Fourthly, with the constitutionalization of Latvia, the Satversme ensures an optimum development of civil society in the area of social regulation, and in it consolidates the worth of the human freedom”²⁶.

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²⁵ Z. Mikainis, *The influence of the Constitution upon the development of constitutionalism of Latvia*, cit., 173.

²⁶ Z. Mikainis, *The influence of the Constitution upon the development of constitutionalism of Latvia*, cit., 177.