

**WILL THE COLOURS FADE? THE SUCCESSES AND
FAILURES AFTER THE ORANGE REVOLUTION IN
UKRAINE**

by

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ABSTRACT

This thesis explores the aftermath of the Orange Revolution in Ukraine. The author also examines and identifies the most insightful approaches in understanding revolutions today. Structural theories of revolutions and conventional transitology share a negative evaluation of the nature of the Orange Revolution concluding that it cannot be qualified as a revolution. Agency-centered theories of revolutions and the critical school of transitology evaluate the same event positively due to their emphasis on civil society. Analysis of the after-Orange tendencies demonstrates that the negative trends (political instability and power struggles) do not threaten the long-term democratic developments in Ukraine. The positive results of the Orange Revolution (civil society maturity, increased media freedom, and political participation) are fundamental in building democratic governance. The author concludes that agency-centered theories are more insightful in studying the new generation of non-violent revolutions, whereas structural theories of revolutions retain a conservative outlook on revolutions and neglect the positive changes that are the result of the Orange Revolution.

Keywords: Orange Revolution; Ukraine; civil society; democratic transition; non-violent revolutions.

DEDICATION

*To my father,
and his dream of
an independent Ukraine*

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TABLE OF CONTENTS

Approval	ii
Abstract	iii
Dedication	iv
Acknowledgements.....	v
Table of Contents	vi
CHAPTER I. Introduction	1
Focus and Arguments of Research	4
Conceptualizing Democracy	7
CHAPTER II: Theoretical Review of the Orange Revolution	9
II. 1. Theories of Revolution: Will They Include the Orange One?	10
Does the Orange Revolution Qualify as a Revolution?	11
What Kind of a Revolution?	18
The Structure vs. Agency Debate over the Orange Revolution.....	23
II.2. Transitological Literature: Paradigm Problems	26
II.3. Alternative Literature: Normative Institutionalism.....	32
CHAPTER III. The Mixed Painting of the Orange Revolution: Failures and Negative Tendencies.	40
III.1. Red Under the Orange? The Persisting Communist Legacies.....	40
III.2. Divisions and Scandals within the “Orange” Coalition.....	49
III.3. Institutional Crises in the Wake of the Orange Revolution	54
CHAPTER IV. The Mixed Painting of the Orange Revolution: Successes and Positive Tendencies.	68
IV.1. Civil Society Development: “To Be Continued”.....	68
<i>The Framework</i>	69
<i>The Orange Revolution among the Electoral Revolutions</i>	73
<i>Empirical Evidence I: CSOs Infrastructural Growth</i>	79
<i>Empirical Evidence II: The Power of Public Protests</i>	83
IV.2. Deeper Societal Transformations	87
<i>The Culture of Resistance in the Orange Revolution</i>	89
<i>The Youth as a New Post-Orange Generation</i>	93
<i>The New Place of the Political Opposition</i>	99
CHAPTER V. Implications: On Balance.....	103
V. I. The Failed Ideals of the Orange revolutionaries.....	103
V. II. The Long-Term Democracy Prospects in Ukraine.....	112
V. III. Theoretical Implications	119
CHAPTER VI. Conclusions	127
Bibliography	131

CHAPTER I. Introduction

*Even if a revolution was victorious, victory described
in detail is hardly distinguishable from defeat.
(Jean Paul Sartre)*

Few revolutions have lived up to their expectations. One Soviet-era proverb suggests: revolutions are born in the heads of idealists, are carried out by the fanatics, but their results are reaped by the corrupt politicians. The coloured revolutions arguably have moved the process of democratic consolidation in post-communist Serbia, Georgia, Ukraine and Kyrgyzstan further ahead. However, were such revolutions exceptions to the pattern of degeneration and disenchantment that has followed any revolution in history? Were they revolutions, and if yes, than what kind of sociopolitical change was initiated as a result of the coloured revolutions? To answer these questions, my thesis will examine the tendencies in Ukrainian politics, from the Orange Revolution in November 2004 until the winter of 2008.

The overwhelming disappointment in the accomplishments of the coloured revolutions among the scholars and their participants is surprising, especially after the immediate positive reaction following those democratic outbursts. The coloured breakthroughs were initially valued in the West, and identified as “electoral” revolutions (Bunce and Wolchik 2006), as the “second wave of democratization in the postcommunist world” (McFaul 2005: 7), or a “wake-up call for many post-Soviet authoritarian leaders” (Silitski 2005: 94). Some noted that the Orange Revolution inspired the demonstrations after the 2005 presidential elections in Romania and the Cedar Revolution in Lebanon. Conversely, coloured revolutions became a concern for the authoritarian governments of Russia and Belarus. Their official statements emphasized that their countries will not be “coloured” and that those revolutions were “acts

of banditry” or insinuations of the US government.¹ Silitski (2005: 83) lists a number of “preempting democracy” policies that have been adopted by several post-Soviet countries and have been influenced by the fear of the potential diffusion of the coloured revolutions².

Despite their initially positive feedback, both the academic and popular assessments of the coloured revolutions changed drastically within a short time after each revolution. For instance, in September 2005 public opinion polls demonstrated that 22.6% of Ukrainians evaluate the Orange leaders as incompetent and populist.³ Overall, Ukrainians during the last few years seem to perceive that their new political leaders have betrayed the ideals of the Orange Revolution and have not fulfilled the promises made during the protest. In addition to this domestic disenchantment about the seeming reversal of the revolutionary changes, international commentators and decision making communities became increasingly skeptical about the chances of democratic consolidation in Ukraine⁴.

Indeed, many of the hopes and ideals of the Orange revolutionaries have not been achieved and some of the aims of the 2004 protests are slow to take hold. However, there is more to analyze in the post-Orange Ukraine than merely post-revolutionary disenchantment. For example, in March 2004 the Council of Europe information mission to Kyiv reported several restrictions on democracy in Ukraine under Kuchma. These impediments included a lack of

¹ See the quotes from the official speech in: Jan Maksymiuk, “Lukashenka Plans ‘No Democratic Change’ for Belarus,” *RFE/RL Belarus and Ukraine Report* 7, 25 April 2005. Available at www.rferl.org.

² Among those measures were: outlawing the opposition party in Kazakhstan; passing such electoral law in Russia which makes it almost impossible for political parties that are not allied with the president to win seats in the parliament; repressions of both the Azerbaijani media and the opposition party before the November 2005 presidential elections.

³ “Monitor of the Sociopolitical Situation in Ukraine”, Newsletter of the Institute of Social and Political Psychology of the Academy of Political Science of Ukraine, Kyiv, September, 2005, p. 11.

⁴ See, for instance, D’Anieri 2007; Tudoroiu 2007; Åslund 2006; Bukkvoll 2006; Bunce and Wolchik 2006; D’Anieri 2006; Hale 2006; Åslund 2005.

judicial independence, violations of media freedom, and widespread corruption.⁵ I argue that several of those restrictions have since been eliminated as a direct outcome of the Orange Revolution. For instance, Prytula⁶ notes that this protest opened a path for the radical change in Ukrainian journalism. Not only was it an event that eliminated censorship which paralyzed media, it also prompted journalists to realize the significance of their profession for the democratic progress in Ukraine. According to Prytula, the media was not merely emancipated externally. The most important change was the journalists' increased conviction that they ought to practice ethical and professional journalism (Prytula 2006: 120).

A negative tone is prevalent in the assessments of other coloured revolutions also. The Serbian revolution is now devalued due to problems in dealing with war criminals, which are the legacy of the previous regime and of international intervention but are not directly related to the October 2000 revolution. The Rose Revolution in Georgia, being the first genuine departure from post-Soviet corruption,⁷ was criticized because of an economic recession, the new government's lack of professionalism and an excess of power in the hands of the new president, Saakashvili (Hale 2006: 312). However, the revolutions in Serbia and Georgia did not set out to eliminate *all* of the problems in their respective countries, but rather to target specific manifestations of the corruption of preceding regimes – namely, the repeatedly ignored meaning of democratic elections.

In the case of Ukraine, the achievements of the Orange Revolution – amongst which are the first fair elections in 2006, the increase of free media, the freedom of the political opposition

⁵ Council of Europe, "Compliance with Commitments and Obligations: The Situation in Ukraine," SG/Inf(2004)12, April 8, 2004, available at [www.coe.int/t/e/sg/Secretary-General/Information/Documents/Numerical/2004/SGInf\(2004\)12E.asp](http://www.coe.int/t/e/sg/Secretary-General/Information/Documents/Numerical/2004/SGInf(2004)12E.asp).

⁶ Olena Prytula is editor-in-chief of the Internet newspaper *Ukrayinska Pravda* which was crucial before and in the course of the Orange Revolution.

⁷ This assessment of the post-Rose Georgia does not include the democratic crisis in the country when president Saakashvili cracked down on the opposition TV channels and the actual civil protests in November 2007.

and finally, an increased public awareness and participation in politics – are disregarded by many observers. These positive achievements are outweighed in the eyes of critics by the struggles and problems that the new elites have encountered as they face the challenge of governing a country in its quadruple transition.⁸ For instance, the Orange coalition was criticized for its internal corruption scandals which lead to the political “divorce” between President Yuschenko and Prime-Minister Tymoshenko in September 2005 and to the eventual disintegration of the coalition before the parliamentary elections of March 2006. This was called “the orange suicide”.⁹ A similar critique is expressed regarding the fact that Yanukovich, the incumbent candidate of *kuchmizm*¹⁰ in 2004, became the Prime-Minister as a result of the parliamentary elections in 2006. This is attributed to the mistakes of the Orange coalition, which negated the aims of the Orange Revolution. However, if to view *kuchmizm* not as a matter of personalities but of the complete neglect of democratic institutions, then the presence of Yanukovich and the Party of Regions in Ukraine’s political process cannot be considered as a continuation of *kuchmism*. Conversely, it should be viewed as a democratic success of a competitive, pluralistic political process.

Focus and Arguments of Research

The examination of the coloured revolutions critiques demonstrates a pattern of analysis which confuses the coloured revolutions themselves with the routine political process in their aftermaths. This leads to an underestimation of the positive changes that have resulted from those revolutions. The overly critical conclusions about the coloured revolutions as

⁸ Quadruple transition is a term introduced by Paul D’Anieri to describe the challenges of the democratization in the former USSR republics that, besides facing the usual problems in the economic, political and social spheres, also had to undergo the process of nation-building. (D’Anieri et al. 1999: 3-6, 143).

⁹ Oleksandr Sushko, “The Orange Suicide”, *Ukrayinska Pravda*, http://pravda.com.ua/news_print/2005/9/19/33617.htm (accessed September 19, 2005).

¹⁰ *Kuchmizm* is a name given by the civil opposition movement “Ukraina bez Kuchmy” (Ukraine without Kuchma, *ukr.*) to the corrupt regime formed during the second term of Leonid Kuchma’s presidency.

“failed” or “degenerated” are problematic. What is common in ordinary politics – namely bargaining, compromising, and changing alliances – cannot be associated with the extraordinary breakthroughs of the democratic energy, which are uncommon for routine politics and can even be considered *apolitical*. I agree with D’Anieri that,

... the Orange Revolution does not mean the end of politics in Ukraine. It does not mean an end to the competition for power, to the links between economic influence and political influence (D’Anieri 2005: 85).

Unfortunately, but realistically, the political struggle in the aftermath of the Orange Revolution cannot be expected to fulfill all the ideals proclaimed at the “barricades”. As history shows, no revolutions have immediately and fully accomplished their goals.

The underlying assumption of this thesis is that the negative perspectives on the Orange Revolution reflect a double misconception. These ultranegative views are dangerous, both analytically and practically, since they underestimate the positive changes that have occurred in post-2005 Ukraine. The first analytical misconception neglects the fact that the Orange Revolution’s aftermath is a distinct phenomenon, which cannot be analyzed within the same framework as the revolution itself. Moreover, the Orange Revolution should be viewed as the next step in the process of democratic consolidation in Ukraine, rather than a new democratic breakthrough in the start of another transition period. The second practical misconception disregards the post-Orange developments in Ukrainian politics as a mix of successes and failures. Instead, it pictures the Orange Revolution as a grand failure. Thus, one of the objectives of this thesis is to compare the nature and significance of negative and positive tendencies in order to evaluate the prospective of democratic consolidation in Ukraine. This analysis should demonstrate whether the successes outweigh the failures and what the long-term factors are for democracy prospects in Ukraine.

Democratic consolidation is not a single event but an evolutionary process. And the role of revolutions or breakthroughs in this process is not straightforward. Kamrava (1992: 134-137) suggests that there are at least two different patterns of the relationship between a revolution and the subsequent political process. He suggests that rarely do revolutions directly establish a more structured and normatively better political system. More often, he argues, revolutions launch a new system that is not necessarily more developed than the previous one. Rather, the new system is able to evolve into a more institutionalized democratic system. Even in the case of the French and American revolutions, which are considered to be profoundly democratic, one would have to take a long historical perspective to establish the connection between the revolutions and the consolidation of democracy in those states. As Dahl (1990) argues in his study of the American Revolution and the subsequent democracy-building in the United States, even a successful emancipatory revolution is far from establishing a democracy.

Only after the French Revolution of 1789, has the term revolution been understood by its current meaning: that is, a radical departure from the old conditions in political, economic or even scientific realms. However, originally the term was understood as a cycle of changing forms of government, according to Aristotle, and later as the circular movement of the planets discovered by Copernicus. As Kozelleck (2004) pointed out, the modern use of the term revolution thus contains an irony, for behind that, which we perceive as a radical change, the eventual return to the initial conditions is concealed. Perhaps that is why there were two French (1789 and 1793) and two Russian (1905 and 1917) revolutions? Also, those who had lived in France during the Jacobin terror had hardly thought that that revolution meant a split from the past tyrannical regime and a change for the better. Likewise, the

American Revolution by itself did not bring democracy. Rather, it was an opening for the evolutionary path of reforms that finally consolidated into a democratic state. In these examples it is only the unfolding of centuries of history which has revealed the democratic achievements of the revolutions. For this reason, it is puzzling why scholars take a static, short term perspective on the Orange Revolution, whereas it can be evaluated in a more dynamic and forward looking paradigm. Likewise the French and the American revolutions, it is possible that the 2004 protest will be evaluated positively in the future, as the event that contributed to the normative institutionalization of democratic values in Ukraine. To compensate for this shortcoming, I will incorporate the normative institutional theory in this study as a long-term perspective in the analysis of the changes after the Orange Revolution.

Conceptualizing Democracy

Democracy takes a long time to build, as it is a comprehensive phenomenon that should penetrate both society and state. The literature on transitions has developed a number of democratic indicators such as the representation of popular interests, fair elections, transparency, rule of law, freedom of speech, public participation, competitive political process, and freedom of political opposition. The way in which these indicators are used in the transition studies tends to emphasize the formal institutional side of political process when defining the “democratic-ness” of a nation. This is not substantial to cover such a complex phenomenon as democracy. The methodology I adopt here is critical of these minimalist conceptualizations of democracy (Grugel 2002: 60-62). By this minimalism I refer either to the Schumpeterian understanding of democracy (with alternative elections and pluralism as the only essentials of democracy), or the understanding of democracy as a polyarchy where, several elite groups have access to the power struggle thereby ensuring

competitiveness and the rotation of elites. These conceptualizations downplay the essence of democracy: the rule of the people over their government.

I employ Beetham's (1992: 40) understanding of democracy: "a mode of decision-making about collectively binding rules and policies over which the people exercise control." This conceptualization is normatively substantial, and suggests that the presence of a developed civil society is an essential component of democracy. The transitological literature rarely mentions civil society as an important factor in democratization. This omission is a consequence of the minimalist definition of democracy. Conversely, my hypothesis is that the developments in civil society which preceded and galvanized the Orange Revolution accomplished comprehensive changes in Ukraine. These changes are irreversible and forward-looking as they signify a deeper institutionalization of the democratic structures among Ukrainians. I will demonstrate that progressive changes have occurred within political culture and civil society in Ukraine. These are the changes that allow viewing the Orange Revolution as the event that marks the end of the façade democracy in Ukraine.

CHAPTER II: Theoretical Review of the Orange Revolution

In this thesis, I analyze the aftermath of the Orange Revolution within the theories of revolutions and transitology in order to determine the place of this protest within these frameworks and to define it either as a revolution, a democratic breakthrough, or an accidental spillover of the social movement which would have no lasting effects on Ukraine's politics. This chapter will apply the major theoretical arguments and positions of particular authors to the case of the Orange Revolution and its aftermath.

To provide a broad overview, all the literature engaged in this thesis can be divided into two groups: negative or hopeful perspectives of the tendencies in the wake of the Orange Revolution. The negative perspective is represented by the elite-centered and institutional approaches within transitology and the structuralist theories of revolutions; both are skeptical about the long-term democratic output of the Orange Revolution. Their critique is based on the structural and institutional changes in Ukrainian politics, which, as they argue, were neither significant nor have resulted in any major transformations. However, this skeptical position is debated by those scholars who focus on other than structural components of politics. Their standpoint is that the importance of the Orange Revolution was in igniting such issues as social solidarity, legitimacy, the recognition of the meaning of democratic institutions, and the development of civic discourse among Ukrainians. These phenomena cannot be adequately addressed by the structuralist theories of revolution or transitological literature. For this reason, I include normative and philosophical perspectives which enrich the conventional research on post-communist Ukraine. In particular, I rely on Hanna Arendt's view of true political action and the freedom of people, which were vividly

manifested in the 2004 protest. I also discuss the normative institutional theory and the ways in which it can enhance the analysis of the post-Orange Ukraine.

II. 1. Theories of Revolution: Will They Include the Orange One?

Was the Orange Revolution Really a "Revolution"?
(Michael McFaul 2006: 190)

There is an important connection between the transformations in Ukrainian politics after the Orange Revolution, and the issue of whether this protest can be classified as a revolution. The evaluation of the political change that followed the 2004 events in Ukraine depends significantly on whether they are identified as a coup d'état, a breakthrough, a rotation of elites, an act of civil disobedience, or a revolution. Even the particular definition of the phenomenon of revolutions would affect the analysis of its consequences, depending on whether it could be defined as a cultural, sociopolitical, violent or democratic revolution.

McFaul (2006: 190) discusses how using the term "revolution" was in the interests of both sides of the Orange protest. Applying this term, the "revolutionaries" ensured that their endeavor would be remembered as an exceptional event in the history of independent Ukraine, while the "contras" emphasized the revolutionary nature of the protest in an attempt to question its legitimacy. McFaul points out how the term "revolution" now presents an analytical problem for scholars, since those events do not fit in some definitions of a revolution but bear the name anyway.¹¹ There are few studies of the Orange Revolution within the framework of the theories of revolutions. However, any study questions whether the Orange Revolution was indeed a revolution, so it is important to assess those controversial events from the perspective of the theories of revolutions. This section applies

¹¹ In the same time, I argue that the nature and the achievements of the events that were called the Orange Revolution would remain unchanged regardless of how they are defined in this thesis or elsewhere.

general methodological and comparative theories of revolutions to the case of the Orange Revolution, and compares those applications with the arguments of transitologists.

Does the Orange Revolution Qualify as a Revolution?

“That so many immediately adopted the phrase Orange Revolution to describe the tumultuous events of the fall 2004 suggests that the term will stick, whether Western academics like it or not.”
(Michael McFaul 2006: 193)

Foran gives five conditions generally preceding revolutions: 1) dependent development; 2) a repressive, exclusionary state; 3) the elaboration of effective and powerful cultures of resistance; 4) a revolutionary crisis consisting of an economic downturn; and 5) a world-systemic opening (Foran 1997: 228). Since his analysis deals with “Third World” revolutions, factors 4) and 5) are more applicable within the paradigms of either development studies or international political economy, but other factors are relevant to the analysis of the Orange Revolution. For instance, under the presidency of Kuchma, Ukraine was characterized by a repressive, exclusionary state whose economy and foreign policy depended on the Russian Federation. The latter was partially a Soviet Union legacy since central planning had created an immense level of economic interdependence among the USSR republics. The government of the post-Soviet Russia retained artificially low gas prices for those post-Soviet countries whose governments were loyal, particularly with regards to their relations with NATO and the EU. In this way, Ukraine under Kuchma, was influenced by the Russian government not only in the economic sphere, but also foreign affairs.¹²

As for the other factor – exclusionary state – the decade preceding the Orange Revolution could be characterized as a progressing alienation of the officials from the citizens. As Prizel observed, the time of Kuchma’s presidency produced isolated, silent, and malleable

¹² For instance, the infamous Kuchma’s “double vector” foreign doctrine declared moving into closer integration with both the EU and Russia, which is unfeasible due to the opposing economic and political values of those governments.

population, which prompted him to name the time before 2004 Ukraine's "hollow decade".¹³

The overwhelming corruption, absence of transparency, persecution of the opposition, use of administrative resource¹⁴, and public distrust towards the state officials were the defining features of the regime that culminated in the massive fraud of the 2004 presidential elections.

These two pre-revolutionary conditions – dependent economy and an exclusionary state – have contributed to the third condition in the Ukrainian society, – a political culture of resistance. According to Foran, the nature and role of this factor is crucial in the making of revolutions. He defines it differently from the concept of political culture developed by Almond and Verba. By "a political culture of resistance", Foran means "radical ways of understanding one's circumstances that various groups... articulate to make sense of the political and economic changes they are living through" (Foran 1997: 208). According to this definition, a culture of resistance in Ukraine was present and had been attempting to challenge the repressive political-economic system of Kuchma since 2000.¹⁵ As further noted by Foran, when coupled with actual social forces, a culture of resistance usually culminates in revolutionary protests, which was evident in the case of Ukraine in November 2004.

Åslund (2005) looks at the writings of de Tocqueville and draws interesting parallels between his description of the pre-revolutionary situation in France in the 1830s and Ukraine on the eve of the Orange Revolution. Åslund shows that both Ukraine and France suffered from lawlessness¹⁶, which was one of the important factors in the Orange and 1848 Revolution

¹³ Prizel, Ilya. "Ukraine's Hollow Decade," in *East European Politics and Societies* (2002) 16: 2.

¹⁴ This term refers to the practice of central state authorities reaching their political and economic goals through using the cadre politics leverages, control and pressure on the regional state officials. D'Anieri uses the term "power politics" in describing virtually the same phenomenon (D'Anieri 2007). Wilson (2005) suggests that "administrative resource" is a euphemism that covers the nature of this phenomenon which is cheating and outright fraud.

¹⁵ I will present a detailed discussion of the culture of resistance as a part of the agency-based perspective on revolutions, which will be included in the section on civil society development in Ukraine after the Orange Revolution.

¹⁶ Alexis de Tocqueville described similar situation in the pre-revolutionary France: "... rigid rules, but flexibility, not to say laxity, in their application... under the old regime everything was calculated to discourage the law-abiding instinct." (quoted

respectively. As de Tocqueville argues, it is not the inefficiency and corruption of the old system that caused the revolution in France. Rather, the revolution was due to the fact that the French people had reached the limit of their tolerance to the inefficiency and corruption of the system. Likewise, Auer (2005: 12), Salnykova (2006: 38-40) and Kuzio (2006b: 45-46) note that in Ukraine the people's awareness of the corruption of Kuchma's regime was an important factor for initiating the protest. Similarly, McFaul (2006) defined Kuchma's steady decline in popularity since 2001 as one of the factors that contributed to the success of the Orange Revolution. He contrasts this with the defeated protest of 2005 in Belarus and Russia, where Lukashenka and Putin were authoritarian, yet widely supported by the public.

Another factor present in both France and Ukraine was that the revolutionary attitudes reached their peak not when the economic conditions worsened, but rather when they improved. For instance, in 2001-2004 Ukraine had the fastest growing economy (12% annually) in Europe (Åslund 2005: 329) and it was at precisely the same time that dissatisfaction with the regime finally burst out into the Orange Revolution. Åslund interprets this phenomenon in Marxist terms, where economic conditions are at once superseding and being constrained by the political superstructure. According to Åslund, in Ukraine before the Orange Revolution the economic growth entailed the presence of liberal capitalism and a free market, whereas political system was still acting as if it were under oligarchic wild capitalism (Ibid.: 331). This situation fueled a paramount dissatisfaction within the middle class who finally rose to revolt. In his words, "It was a truly bourgeois revolution, and the country's oligarchs may be seen as its feudal lords" (Åslund 2005: 337). This Marxist interpretation by Åslund is interesting; however, I hold reservations regarding

in Åslund, Anders. "The Economic Growth of Ukraine after the Orange Revolution", in *Eurasian Geography and Economics*, 2005, 46, No. 5, pp. 327-353.)

how accurately it portrays the reality. First, the Orange Revolution had a very strong and vivid moral drive, with people demanding truth and goodness in politics. Undoubtedly, there were financial factors of the Orange Revolution, and the normative component was not shared by all the Orange leaders.¹⁷ Yet overall, the Orange Revolution cannot be understood predominantly as materialist (in Marxist terms). Its normative nature and meaning were at least as strong as an economic one. Second, the most recent revolutions have radically departed from the Marxist understanding since they tend to stress non-violence and legality. This trend was initiated with velvet revolutions of 1989, and as Auer (2005) argues, was continued with the coloured revolutions.

It is hardly possible to find a unified definition of the term revolution. However, notwithstanding the methodological nuances there is an agreement that a revolution presupposes an extraordinary change, which is different from an evolutionary change. One of the definitions suggests that “Revolutions are most often defined by their combination of extraordinary means and ends, drastic social and political transformations that occur during and in the wake of vast mobilization of mass forces” (Lachmann 1997: 73). The Orange Revolution was an extraordinary event in Ukrainian politics with vast mobilization of masses. However, many scholars question whether “drastic social and political transformation” happened in its aftermath. Before labeling the Orange Revolution as not bringing any “drastic changes”, one should ask what exactly can be considered “a drastic change” in the XXI century. The French or Bolshevik revolutions undoubtedly fall into the definition of a revolution as events causing drastic transformations in the political, social, economic, and even religious compositions of societies. Other revolutions, however, tend to

¹⁷ Later, in September 2005, three Orange politicians – Poroshenko, Martynenko and Tretyakov – were accused of corruption by other Orange politicians – Zinchenko, Tymoshenko and Turchynov. This revealed some facts about the financial stakes that Poroshenko, Martynenko and Tretyakov invested in the Orange victory and tried to return afterwards.

be more limited and focused in their scope. For instance, the revolutions in Europe in 1848-1849 are often called the “Spring of Nations” because they were focused on the national struggle of Central European peoples against the Austro-Hungarian Empire. Many “Third World” countries have experienced anti-colonial revolutions that have targeted foreign presence in their lands. The “velvet” revolutions fought against a particular enemy – namely, communism. Only a comprehensive nature of communism resulted in the comprehensive restructuring of the Central European countries in social, political and economic terms.

How drastic one considers the change incurred by the Orange Revolution depends on a particular scholar’s methodology. For instance, D’Anieri (2005: 82) questions the seriousness of the transformations in the course of the Orange Revolution because the institutional change was insignificant. This begs the question – what kind of institutional change was supposed to occur with the Orange Revolution? Institutionally, Ukraine under Kuchma was a democracy, but not in practice. Thus, the change in the formal institutions was not needed as much as the change in norms of practicing those institutions. Although acknowledging that the power machine of the Kuchma era was destroyed, D’Anieri (Ibid.: 85) does not consider this change drastic enough to define the Orange Revolution as a revolution. His argument can be countered by those who regard the end of *kuchmizm*, with its opposition persecutions, political murders, and media censorship as the main achievement of the Orange Revolution and a crucial change in Ukrainian politics. For instance, Hallman, Director of “People-Centered Economic Development – Ukraine” states:

It was a revolution... the main thing is the appearance of free media and freedom of speech and expression. Any political opinion is tolerated; nobody gets killed for harshly criticizing government (*ForUm*, Kyiv, May 11, 2006).

McFaul (2006) discusses how structuralist definitions of a revolution, with an emphasis on comprehensive changes, do not describe the Orange protest as a revolution. On the other

hand, the Orange Revolution fits the conflict theories understanding of revolutions as a struggle between several political groups for the sovereignty over the same territory (Ibid.: 190). McFaul to a certain extent accepts the structuralist conclusion. Since the Orange Revolution did not replace a form of government nor demanded the rewriting of the institutions and rules of the political arena, it cannot be defined as a conventional revolution. Still, he acknowledges that the protesters fought for the meaningful recognition of the formally existing, but practically neglected, democratic rules and procedures (Ibid.: 191). Similarly, I argue that the Orange protest revolutionized the norms and ideals of the political structures qualitatively, if not formally. Moreover, the focus of the Orange Revolution on the meaning, rather than formal existence, of the democratic institutions reveals the rising democratic consciousness of the Ukrainians.

Kamrava (1992: 6-10) proposes an interesting distinction between true revolutions and events which merely pretend to be revolutions. He argues that a true revolution is galvanized not merely by a political crisis or upheaval, but necessarily through wide cultural and social changes in the country. Also, truly post-revolutionary societies should manifest certain conditions that were absent before the revolutionary events. There are several conditions that emerged in the Ukrainian sociopolitical life only after the Orange Revolution, such as the freedom of the political opposition, the elimination of censorship in the media, and free and fair elections in 2006 and 2007. Next, Kamrava named the following features that distinguish true post-revolutionary societies: an increased politicization of the broad masses, the development of a sense of collective identity, a greater desire for continued mass participation, an increased demagoguery and ideological polarization (Kamrava 1992: 2). These conditions are not embodied in the institutions; therefore, it might be difficult to

observe them. However, public opinion polls after the Orange Revolution show new tendencies in Ukrainian society. Regarding collective identity, 51.3% of Ukrainians (56.6% of age under 55) voiced their approval of President Yushchenko's encouragement to reconcile the nation with regards to the memories of WWII,¹⁸ which has been a contentious issue. Also, 69.6% of Ukrainians agree that, regardless of their "colour" identification in the course of the Orange Revolution, the only colours representing Ukrainians are the colours of their national flag.¹⁹ This percentage is significant because it is much higher than the percentage of those who voted for either presidential candidate in 2005. This means that those contentious elections did not become a divisive force among Ukrainians in the long run. The next condition that emerged after the Orange Revolution is an increased public participation in politics. Ukrainians, especially the youth, were widely involved in the 2004 electoral process, through which they exercised skills and knowledge about their citizens' rights.

Finally, according to Kamrava (1992: 105-107) there should be a noticeable ideological polarization in post-revolutionary societies. However, Ukraine in the aftermath of the events of November 2004 does not demonstrate a new ideological (on the left-right spectrum) polarization. Yet, it does not follow that the Orange protest was not a revolution. The main distinction between the opposing sides in the Orange Revolution was not in their ideological differences but in their normative understandings of politics. Since both candidates of 2004 stood on somewhat right to centre ideological positions, and both of their parties included the left²⁰ forces, it comes as no surprise that there was no new ideological polarization after the 2004 protest.

¹⁸ "Monitor of the Sociopolitical Situation in Ukraine", Newsletter of the Institute of Social and Political Psychology of the Academy of Political Science of Ukraine, Kyiv, September, 2005, p. 6.

¹⁹ Ibid., p. 12.

²⁰ The "Orange" political forces included the Socialist Party of Ukraine, whereas Yanukovich's "Party of the Regions of Ukraine" is regularly allied in the parliament with the Communist Party of Ukraine.

In summary, before and after the Orange Revolution, Ukrainian society and politics displayed certain pre-revolutionary and post-revolutionary conditions. On the eve of the Orange Revolution, Ukraine was characterized by an exclusionary repressive state, dependent economy, and developed culture of resistance (Foran 1997). The citizens' tolerance of the corrupt regime reached its end (Áslund 2005). The post-Orange Ukraine demonstrates a higher politicization and involvement of citizens in politics, as well as some qualitatively new conditions such as free and fair elections and censorship-free media (Kamrava 1992). Despite the presence of these post- and pre-revolutionary conditions, many scholars disqualify the Orange Revolution as such because it did not involve any major structural transformations in the country. In the same time, the focus of the events in 2004 in Ukraine was to transform the normative practices of the quasi-democratic regime, and this should not be underestimated only because it did not bring any formal structural changes.

What Kind of a Revolution?

*“Thus to see revolutions as only political events is to grasp only half of the picture.”
(Mebran Kamrava 1992: 6)*

The purpose of this section is to engage deeper with the definitions of a revolution and identify which qualifiers describe the Orange Revolution more precisely. It certainly was not a comprehensive revolution as in the case of the French, Bolshevik or Iranian revolutions. Yet, this is not the only type of revolution. There are also social, political, economic, even industrial, scientific, cultural, or sex revolutions. If a comprehensive revolution is not the only type of revolution, then what is a more precise definition of the Orange one? Finding a nuanced definition might counter the overly critical arguments which claim that the Orange Revolution was not a revolution since it did not produce comprehensive changes.

Auer notes that in studying the end of the XX and XXI century revolutions one has to depart from the traditional Marxist understanding of revolutions as violent and radical changes in the political systems. This new type of revolution can be compared more accurately with the 1776 American struggle for independence rather than with the 1789 Jacobin or 1917 Bolshevik terror. He suggests that the seeming paradox of the “velvet” revolutions, which sought both the renewal and preservation of the political order, fits within the political thought of Arendt and Burke. Auer in his analysis of the post-communist revolutions in 1989, coins a new concept: the “self-limiting” revolution.²¹ He argues that the nature of self-limiting revolutions is distinct because revolutionaries limit their actions by their ideals, in order to distinguish themselves from the regimes against which they fight. Their ideals can be summarized as liberty and rule of law, therefore the limits of the velvet revolutions prevented them from denying legal means and the freedoms of the officials representing the previous regime. One of the main concerns of this new type of revolutionaries is to preserve legality and order in the midst of their protests.

Auer conceptualizes the notion of self-limiting revolutions for the velvet revolutions; however, it is also applicable to the Orange Revolution. The legality and legitimacy of the Orange revolutionaries’ claims was assessed and supported by the Supreme Court and the Verkhovna Rada, Ukraine’s parliament. The negotiations of Yushenko with Kuchma and Yanukovich, though criticized by some radical revolutionaries at the time, have ensured the legitimacy of the new regime. The values and means demonstrated by the Orange Revolution leaders and participants were opposite to the ones displayed by the previous regime. The legality and non-violence were among those traits that allow us to identify the

²¹ Auer, Stefan. (2004) “The Paradoxes of the Revolutions of 1989 in Central Europe”, in *Critical Horizons*, Vol. 4, No. 1-2, pp. 331-360.

Orange Revolution as a self-limiting revolution. In a later paper²² Auer emphasizes this similarity of the velvet and coloured revolutions precisely due to their non-violent nature and the liberation of people's political power. Hence, "self-limiting" revolutions mark a new era of non-violent and thus more powerful revolutions. This understanding of power is borrowed from Arendt, who envisions force and violence in political systems as a lack of power of the official regimes. Subsequently, she negates Marx's understanding of revolutions as violent and wrote extensively about the "lost treasure"²³ of revolutions, which was in establishing the people's power in a non-violent way. Hence, the Orange Revolution exemplified the Arendtian ideals of power based on the consent of the people, not on violence. This normative view on revolutions provides a strong counter-argument to the structuralist critique of the Orange Revolution.

Another important aspect of the new revolutions identified by Auer is their non-teleological nature. Unlike their Marxist predecessors, the velvet and subsequently the coloured revolutions did not have a comprehensive project for the new future of their countries. This non-teleological nature of self-limiting revolutions can be described as attempts at creating a new beginning without a radical break with the past (Auer 2005: 1). I see this as one way to respond to the critical views about the Orange Revolution as "degenerated": its non-teleological nature accounts for the absence of radical comprehensive reforms in Ukraine's political system. Auer argues that if a revolution is defined as establishing a new order with property redistribution, then neither velvet nor coloured revolutions can be identified as revolutions. However, if a revolution is understood:

²² Auer, Stefan. "Power, Weakness and Violence in the Revolutions for the 21 Century", paper presented at the 3rd Annual ECPR Conference, Budapest, Hungary, 8-10 September 2005.

²³ Arendt, Hannah. 1961. *Between Past and Future: Eight Exercises in Political Thought*. New York: The Viking Press, p. 5.

“modestly as a historic event that makes new beginnings possible by political actions that seemed inconceivable under the constraints of the existing political regime, then the term appears to be less far-fetched” (Ibid.: 10).

Not only is this discussion a matter of preciseness in terminology, but even more so, this re-imagining of revolution has significant implications for the analysis of the post-revolutionary developments in Ukraine. If the Marxist understanding of a revolution is accepted, one must deal with violent means during and revanchism after the revolution. Thus, there are no immediate prospects for the emergence of democracy in the wake of a revolution. In contrast, the “conservative” understanding of revolutions successfully answers the question of how to build lasting democratic institutions as a result of a revolution. This paradox of a conservative revolution, as Auer argues, was one of the important reasons why the velvet revolutions were so highly praised by observers. Both the velvet and Orange revolutions advocated foremost a return to real political action, in Arendtian terms. Particularly, Ukraine was nominally a democratic state where the underpinning democratic ideals were neglected in practice by the officials. Thus, the Orange protest revolutionized the democratic institutions from within; it accentuated the importance of their normative meaning.

There is a different, yet equally important nuanced definition of a revolution that applies to the Orange Revolution. A number of scholars, McFaul, Bunce and Wolchik, and Tucker qualify the Orange Revolution as one of the “electoral revolutions”, where the immediate cause of the protests was the falsification of the elections by the officials. Electoral revolutions are defined as a regime change, which “transforms elections in authoritarian settings into genuinely competitive and fair processes with substantial popular involvement” (Bunce and Wolchik 2006: 289). The same scholars argue that successful electoral revolutions require a long-term development of civil society. This kind of revolution has a higher probability of success since the rigged elections become a common unifying target

and grievance for the citizens (McFaul 2006: 165). Among the post-communist countries that have experienced electoral revolutions are Slovakia in 1998, Serbia in 2000, Georgia in 2003, Ukraine in 2004 and Kyrgyzstan in 2005. These successful cases can be contrasted with the failed protests in Serbia (1996-1997), Ukraine (2001), Uzbekistan (2005), and Russia (2005). The fact that the trigger for those protests was not the rigged elections may have significantly decreased their chances of success. Considering this, the Orange Revolution is a successful electoral revolution because it reached its immediate goal: the conduction of free and fair elections. The 2006 and 2007 elections were also free and fair. This attests to the long term accomplishment of this revolution, because voting ceased to be only formally a democratic procedure used by officials to reach undemocratic goals.

While the Orange Revolution would never compare to the French or Bolshevik revolutions in the extent of the changes it initiated, this does not disqualify it as a revolution. In the last two decades the post-communist world has experienced a number of revolutions of a new type, which have been defined as self-limiting (Auer 2004) and electoral (Bunce and Wolchik 2006) revolutions. The Orange Revolution fits both definitions, which entails the following: 1) among its preconditions was a long-term development of civil society with a special focus on transforming elections from a façade into a genuine democratic institution; 2) the means of the Orange Revolution were non-violent, based on the rule of law and liberty, with no revanchism against the officials of the previous regime; 3) the nature of the Orange Revolution was non-teleological. The Orange revolutionaries intended to re-establish legitimacy of the elections as a truly democratic institution and to free the space for media, political opposition, and civic discourse. At the same time, they did not aspire to bring a project of complete transformation in Ukraine, which was evident from the revolutionary

slogans. The latter were concerned with honesty and truth in politics as a whole, and particularly elections; instead of some action program for formal changes in the country.

In conclusion, this overview of more nuanced definitions of revolution reveals a normative dichotomy with a clear trade-off. Revolutions can be fundamentalist, radical and violent if they intend comprehensive changes; or they can be more limited in scope, almost conservative, yet tolerant and conducive to a stable democratic development. Hence, judging by its means, goals and scope, the Orange Revolution was less comprehensive but more normative and democratic in nature.

The Structure vs. Agency Debate over the Orange Revolution

The multitude of methodologies in the literature on revolutions ranges from rational choice and elitist models to postcolonial and feminist approaches. The main dividing line within this body of literature is structure vs. agency debate (Foran 1997). Scholars who assign a greater importance to agency in making revolutions (Foran 1997; Lachmann 1997; Selbin 1997) would categorize the Orange Revolution as a vivid example of how culture and ideas of resistance can lead to a successful revolution. On the other hand, those of the structuralist view on revolutions (Goodwin 1997; Skocpol 1979; William-Crowley 1997) would challenge the idea that the Orange Revolution was indeed a revolution since the change in the political and economic structures was neither significant nor comprehensive. By comprehensive changes they understand a fundamental reorganization of the previous state system, and even more so, the collapse of the old state (Goodwin 1997: 15). Only this type of changes allows for the opportunities to revolutionize the old system, according to the structural theorists of revolutions. The central reason why they view the state apparatus as the only effective instrument of changing rules and practices of the political system is their disregard

of the agency and informal structures in political activity. This emphasis on formal institutions and structural reorganization as the constituting elements of revolutions is a reason for their skepticism about the Orange Revolution. Also, the emphasis on state power as the only effective channel for the revolutionary changes exaggerates the capabilities of institutions while neglecting those of citizens. It is telling that besides the structuralist approach, seizing state power is viewed as an essential part of a revolution in the Marxist framework (Auer 2005). However, the way in which the velvet revolutions liberated the people from the Soviet regime negated the idea that seizing state power is necessary in order to initiate transformations. Now the velvet revolutions are recognized as “people’s revolutions”. As stated by Arendt and Auer, the real power of revolutions is in people’s power and the quest for freedom. This power was evident in the coloured revolutions.

Both theories of revolutions and transitology attempt to define the crucial factors which lead to breakthroughs. These two approaches will be combined in the context of examining two tendencies in the aftermath of the Orange Revolution. These tendencies are the problems of the institutional transformations and developments in civil society, which are a negative and a positive tendency respectively. These tendencies are also central issues in the debates of two schools within transitology, namely elite-centered (conventional) and societal (critical) approaches. These two approaches are compatible with the structuralist and agency-centered theories of revolutions respectively and thus will be often combined in this thesis.

To summarize the review of the theories of revolutions, the question whether they would include the Orange Revolution has turned out to be controversial. It is difficult to answer this question since the survey of various arguments shows that the conclusion of a particular researcher is framed within his/her theoretical perspective. The scholars who adhere to the

structuralist and formal institutionalist theories are critical of granting the events of November-December 2004 in Ukraine the status of revolution. Their reasoning is that no significant transformations occurred in the institutional makeup of the country, which consequentially did not solve the problems of an imbalance of power, an unstable parliament and the stalemates between the different branches of power in Ukraine. Conversely, those scholars who focus on the role of agency in the course of revolutions are positive about the Orange Revolution being a true revolution. They observe significant changes in both the political culture and the civic consciousness of Ukrainians that contributed to their civil disobedience acts and mass protests against the corruption of the authorities. The Orange Revolution involved educational and organizational campaigns that changed the orientations of especially the younger generation of Ukrainians towards being more politically engaged and aware of their rights and democratic power as citizens.

Thus, there is a clear divide in the conclusions about the Orange Revolution with opposing sides, which raises questions about the methodological differences that determine such variation in the conclusions and whether they bear any analytical significance. My conclusion is that it is impossible to disregard any of the sides in this debate. It is equally important to respond to the negative arguments and to point out the limitations of the optimistic ones. However, it is also important not to confuse the Orange Revolution with its aftermath, which seems to be a problem for the structuralist approaches. It is so because they tend to look for the comprehensive changes as a necessary characteristic of a revolution and do not regard “self-limiting” revolutions as such. For the structuralists, the aftermath of any revolution is analyzed in the framework of the systemic changes which constitute their understanding of a revolution. Hence, the aftermath of a “self-limiting” or conservative

revolution which does not bring radical changes, yet initiates a political system conducive to democratic evolution is not considered to be post-revolutionary development. This results in an overly critical assessment of the Orange Revolution by the structural theorists.

II.2. Transitological Literature: Paradigm Problems

*“Thus the transition approach separates democracy from its essential meaning as rule by the people and conceptualizes it principally as the establishment of a set of governing institutions.”
(Jean Grugel 2002: 61)*

Transitology is one of the main approaches in studying post-communist Ukraine and is mainly composed of research on institutional transformations, which are essential in a country's transition from an authoritarian political system to a democratic one. This focus of transitology on institutions makes its framework and conclusions compatible with the structuralist theories of revolution. At the same time, Grugel (2002: 56) notes that transitology is an actor based framework that departs from structural democratization approaches such as modernization and historical sociology. However, transitology considers elites as the main actors in transition while diminishing the role of civil society, which again contrasts transitology with the agency-centered theories of revolutions.

Transitology has identified a number of common elements which are essential for democratic “openings” and consolidation. However, since democracy formation as an area of research is diverse, there is little agreement on the essential preconditions for democratic transition. At times, transitologists might be directly at odds with each other. For instance, some scholars emphasize the role of mass movements and revolutionary protests (Ekiert and Kubick 1998), while others argue the opposite: that mass protests can be detrimental for the transition period (Karl 1990; Przeworski 1991: 88-93). Some scholars advocate universal models for democratization, which are applicable regardless of spatial, cultural, and time

differences (O'Donnell 1986; Huntington 1991). Yet, many others emphasize the differences between the Latin American, South European and post-communist transitions (Offe and Adler 1991; Bunce 1995; Linz and Stepan 1996; Wiarda 2001). The international actors' role is controversial as well. They were not considered significant before (O'Donnell and Schmitter 1986); however, more studies suggest now that international influence was one of the crucial factors for the success of the velvet as well as the coloured revolutions (Auer 2005; Bunce and Wolchik 2006; Demes and Forbrig 2006: 97; Grugel 2002: 211-213; Sushko and Prystayko 2006: 125-141).

Rustow in his seminal *Transitions to Democracy* (1970) revolutionized the modernization assumptions of industrialization and liberalization as essential preconditions for democracy. Instead, he emphasizes the role of human agency in the democratization process and of the elite struggle over the project of development, which culminates in a deliberate decision to build democracy. His framework is appropriately called "process-oriented and actor-centered" (Gans-Morse 2004: 5). It is worth outlining his dynamic model of democratic transition and applying it to the case of Ukraine on the cusp of the Orange Revolution. Rustow argues that the initial precondition which is crucial for democratization is national unity. This can be understood as an institutionalized national identity, which ensures that the people have a sense of belonging to a certain political community. The next essential precondition for democratization is the emergence of new elite which opposes and leads the people against the non-democratic regime. These preconditions should be conducive to producing a formal decision in favor of democracy, and should be followed by a long term period of democratic institutionalization, or "a habituation phase" (Rustow 1970: 356).

Rustow's model describes the Orange Revolution case quite adequately. The first precondition of national unity in Ukraine is still forming, as the controversial issues are not fully reconciled between the "Western" and "Eastern" Ukrainians. However, if the Orange Revolution is viewed as a democratic breakthrough, the national unity can be considered to be the consensus of the majority of Ukrainians that *kuchmism* reached the limit in its corruption and neglect of the role of citizens in governing the country. Hence, in the case of Ukrainians before the Orange Revolution, this protest against the corrupt regime was exemplary of Rustow's idea of citizens having a clear perception "of the political community they belong to" (Ibid.: 352). The majority of Ukrainians, who were informed about the extent of Kuchma's regime corruption, rejected to continue supporting its legitimacy and expressed their desire to belong to a democratic country where the people's opinion matters.

The second factor of Rustow's model – new elite – was also present in the Orange Revolution. The opposition forces, which encouraged and led the Orange protests, for the first time united against their common opponent, regardless of their internal ideological differences. A conscious decision of both the citizens and the new elites in favor of democracy was reached anew, since under President Kuchma Ukraine could be characterized only as façade democracy. This meant that democratic institutions existed only nominally. Hence, Rustow's last precondition is seen before the Orange Revolution, when there was a demand to turn to genuine democratic institutions and practices. In other words, it was a request of reviving the legitimacy of the democratic state in Ukraine. This application of Rustow's model of democratic transition to the case of Ukraine seems relevant; it is, however, applied with some reservations. It requires a normative modification with an emphasis on the internal meaning of democratic institutions, which is generally omitted in

transitology. Thus, one of the methods in this study is to modify the transitological framework by engaging with a normative perspective on the democratic consolidation.

Gans-Morse (2004) discusses how transitologists in the 1970s-80s – in the era of unexpected democratic outbursts – rejected the macrostructural explanations of modernization theory as pessimistic and narrow. Particularly, O'Donnell and Schmitter (1986) argued that with the exception of Rustow's request of national unity, no set of preconditions is necessary for democracy to exist. They argued that some structural settings are more conducive to democracy than others but they are not the essential preconditions for democracy. This was supported by McFaul (2006: 186) in his analysis of the Orange Revolution factors, where he concluded that the level of economic development by itself was insignificant in galvanizing the breakthrough. This conclusion rejects the modernization argument that market economy is a necessary precondition for democratic developments.

Next, Gans-Morse points out that there was a general consensus among the early transitologists on what is decisive in the process of democratization. It was accepted that elite bargaining and, in particular, the strategic consensus between the representatives of the old regime and the opposition forces is necessary for democratization to occur. This last point was influenced by the volume *Transitions from Authoritarian Rule* (1986), edited by O'Donnell and Schmitter. The contributors to this piece focused on the bargains and pacts that happened between the authoritarian leaders and their democratic challengers, and considered them to be the beginnings of the transition period. The emphasis on these negotiations was paramount in early transitology. Even the specific makeup of the future democracy was defined as dependant on the elites' consensus about issues such as the jurisdiction of the military sector or property redistribution. Gans-Morse suggests that this

emphasis on “negotiated transition” led to conclude that revolutionary transitions and mass mobilization endanger democratization (Karl 1990; Przeworski 1991). Therefore, the role of civil society was believed to come into play only in the later stages of democratization: not at the stage of the breakthrough, but later, in the democratic consolidation.

The early transitologists were not alone in downplaying the role of civil society in the democratic breakthrough. There is also little agreement on the same issue among the recent papers. Some scholars²⁴ depict transitology as an elite bargaining approach of studying democratization, with little emphasis on civil society. Later developments in the field tend to give greater recognition to the role of civil society in democratization process (Gans-Morse, 2004), which is especially obvious in the studies on the Orange Revolution. For instance, Kuzio (2006: 62), Karatnycky (2006: 39), Kysseliova (2006), and Kysseliov(2006) argue that the developments in civil society preceding the 2004 elections were crucial for the success of the Orange Revolution. Unlike in 2000, during the *Ukraine without Kuchma* protests – which failed partially due to the lower involvement of civil society – in 2004, mass protests led to the victory of the Orange Revolution. Also, they succeeded due to allying with the opposition political parties, which was disregarded by the early transitologists as key to democratization. Contrary to them, Karatnycky (2006: 34) argues that one of the crucial differences between the anti-*kuchmizm* movements in 2000 and 2004 was the alliance of the protesting citizens with the political opposition represented by the Orange parliamentary forces. Therefore, in the case of the Orange Revolution the theoretical assumption about the insignificance of civil society in the democratic breakthrough was overturned by reality.

²⁴ Among those scholars are: Collier (1999), Baker (1999), McFaul (2002), Grugel (2002), Bunce (2003).

The main progressive assumption of transitology is that democracy does not depend on the structural context, such as industrialization, a free market economy, particular religion or high literacy rate, which were assumed in the modernization theories. Rather, transitology focuses on the role of the human agency, particularly the elites, in the process of democratic transition. However, at the same time, transitology neglects civil society and the people's power as actors of democratic transformations. Even though transitology is an agency based approach, its emphasis on the elite negotiated democratization leads to the paradox that, in the end, transitology views democratic transition only as a "contingent institutional compromise" (Przeworski 1986: 59, quoted in Grugel 2002: 63). Agents are important as long as they negotiate the pact of transition from an authoritarian to a democratic system which is formally embedded in such institutions as competitive elections and a multiparty system. Hence, democratic transition becomes a process of cost-benefit analysis between the old and new elites. This leads to the first problem of transitology: an overly elitist perspective which ignores or diminishes the role of civil society (Baker 1999; Grugel 2002: 59, 92). It is believed that elite-led democratization is beneficial for stability in the transition period. However, other scholars point to the dangers of the elite-centered approach, which in a number of countries has led to a general neglect of the citizens and their interests.²⁵

Some write about another weakness of transitology – namely, its teleological paradigm (Carothers 2000; Gans-Morse 2004), and there is no unanimous conclusion as to whether teleology (the perspective which assumes that the individual cases of post-communism will fit the liberal-democratic model) indeed dominates transitology. The problem with a teleological paradigm is not in its assumption of the end point of a developed democracy,

²⁵ For a more detailed account of the arguments that are critical of the overly elitist method of transitology refer to Jean Grugel, *Democratization: a critical introduction* (2002: 59-61).

but in its overly prescriptive analysis, which compares the post-Soviet countries while in transition against the “gold standard” of Western democracies, which have already gone through the process of democratic transition. This mode of analysis creates a “deficit model” of democracy in the post-Soviet countries (Burawoy 2001: 270) and fails to recognize the post-communist countries as they actually function. One of the ways to overcome the teleological paradigm and the “deficit model” in transitology might be to diminish the role of predictability in the transitological studies; and to focus instead on understanding the countries in transition. As has been suggested by Gans-Morse (2004), transitology studies should take a theory-building, rather than a theory-testing paradigm. His suggestion is derived from the essential unpredictability of the processes that began after the collapse of the Soviet bloc. This unpredictability creates a transition which might not evolve into a token of an existing type, but rather a transformation into something unique.

Overall, by providing a rigorous framework, transitology is useful for analyzing the post-Orange Ukraine. However, there are problems with transitology as well: a prescriptive teleological paradigm creating unbalanced (overly negative) analysis of the countries in transition, an overly elitist framework diminishing the role of civil society and norms in the democratization process. These problems influence the ultranegative evaluations of the post-Orange Ukraine because they overshadow the positive incremental changes that have occurred. Therefore, there is a need to engage normative institutional theories in order to gain a more comprehensive understanding of Ukrainian society after the Orange Revolution.

II.3. Alternative Literature: Normative Institutionalism

In this section I survey the segment of literature – normative institutionalism – that is less conventional in the post-communist studies. This alternative framework is different from

transitology, particularly in its perspective on the nature of changes in the post-communist countries, and provides insights into the transformations after the Orange Revolution.

It is generally agreed upon by rational choice and normative institutional theorists that institutions structure and stabilize the sociopolitical realm. Institution is a repeated pattern of behavior, is not necessarily established formally as an organization or a piece of law, and might have no material boundaries. Scholars define institutions as: ‘rules of the game’ (Lowndes 2002: 103), or ‘standard operating procedures’, which are different from rules of thumb or personal habits because they are specific to particular kinds of institutions (Rothstein 1996: 146). What makes any repeated pattern of behavior an institution is its recognition by participants and observers. Institutions entail predictability, rules, informal conventions, legitimacy and value for the political actors within and outside the institution. Being a recognized pattern of behavior, institutions – formal organizations and informal conventions – advocate a normative component in politics and solidarity in society. For this reason institutions are crucial in the process of democracy consolidation.

Transitology is similar to rational choice institutionalism since both methodologies are interested in the aspects of stability and predictability created by institutions. This leaves out the normative meaning of institutions, which is particularly important for the transition countries that seek to legitimize a new democratic order. To account for this shortcoming in transitology, I incorporate some ideas from normative institutionalism. Normative institutionalism is an approach within institutional methodology that focuses on the internal nature of institutions. This approach emphasizes that institutions bring the sociopolitical life from the rational pursuit of self-interest by atomized individuals into an environment of social interaction and constructive cooperation. Normative institutionalism suggests that

meaning, values and norms created by institutions are more significant than the external constraints they impose on actors. The main logic behind the functioning of institutions is 'appropriateness', rather than 'consequentiality' (March and Olsen 1989: 160-161). The logic of appropriateness suggests that institutions motivate actions to be coherent with social norms and expectations. The actor measures his/her behavior by how appropriate it would be. Conversely, the logic of consequentiality views institutions as formal boundaries that constrain an action and impose a set of positive and negative consequences on it (Ibid.: 21-25). This discussion is an extended version of the Kantian 'categorical imperative'; which has a pivotal influence on an individual because it is an internalized notion which becomes a part of his/her mentality, as is not the case with exogenous constraints.

The implications of this discussion for democratization studies are significant because they emphasize the inner part of democratic institutions over their formal existence. It follows that any democratic institution creates a normative rather than rational framework for actors' behavior. Also, people socialized within certain institutions are guided in their actions by the values and norms created by these institutions – a point which is overlooked in cost-benefit calculations. This understanding of institutions is an essential methodological tool for studying democratic consolidation and is underrepresented in transitology. One of the problems of transitology is its minimalist understanding of democracy and institutions, which can be compensated by normative institutionalism. This approach counters the critical arguments of the scholars who do not observe any comprehensive or visible changes caused by the Orange Revolution. Instead, normative institutionalism views this revolution as an event that emphasized the normative meaning of politics and democracy in Ukraine.

Though the political process in Ukraine is still marred with corruption,²⁶ there is hopeful evidence that the logic of appropriateness instead of consequentiality is becoming more of a norm for the political actors in Ukraine. The process by which actors acquire and enforce norms is a long-term process. It is also unlike the process of establishing formal institutions, which is defined and noticeable. However, as was the case with the democratic institution-building in the countries in transition, the formal existence of democratic institutions does not necessarily mean the presence of democracy. Any institution that only constrains the behavior of individuals within the established rules does not possess the innovative and progressive potential that stems predominantly from the agency's creativity. Institutions themselves do not create –they mainly recreate, whereas individuals are able to do both. Therefore, it is important for the democratization process that individuals themselves start upholding the norms embedded in the democratic institutions. As put succinctly by Finnemore and Sikkink:

Once more and more people accept these ideas as self-evident, one can talk about 'norm internalization' in any given society, in which 'norms acquire a taken-for-granted quality and are no longer a matter of broad public debate (Finnemore and Sikkink 1998: 894).

Thus, the trade-off for the country in transition is between stability, which is most likely brought by the formal institutions, and a much longer process of learning and acting according to democratic norms, which are the informal institutions of democracy.

I will outline several ways in which normative institutional theory can compensate for some of the shortcomings in transitology. For instance, it is hard to find a definite place of the Orange Revolution in the process of Ukraine's transition from Soviet rule towards

²⁶ According to the latest report of the Atlantic Council, Ukraine is likely to experience a serious economic, political and national security crisis if the new government will not attempt to deal with the pervasive systemic corruption. (the report can be accessed on-line at <http://www.acus.org>)

democracy within the transitology approach. If the collapse of the USSR in 1991 began the democratization process in Ukraine, then what was the Orange Revolution? As Carothers (2002) argues, the “transition paradigm” is flawed because post-communist countries have taken different, sometimes opposite, development paths. Many of them have stopped at the mid-point between an authoritarian Soviet system and a liberal democracy. This middle has been labeled as “delegative democracy” (Kubick 2001), “illiberal democracy” (Zakaria 1997), and “electoral authoritarianism” (Diamond 2002). These definitions convey the idea that some countries which declared their democratization have actually stalled their transitions, because democratic institutions and principles were not upheld as they are intended to be and practiced in liberal democracies. Carothers proposes to abandon the terms “democracy” and “democratization” when talking about those post-Soviet countries that are stalled in their transition. He argues that those countries find a niche in one of the “gray zone” regimes: “feckless pluralism” or “dominant power politics” (Carothers 2002: 11). Both regimes can be stable and superficially legitimate, notwithstanding their sham democratic practices. This was true of Ukraine under Kuchma, which was stable and outwardly legitimate, yet stalled in its transition and rooted in the “gray zone”. Up to 2004 the country was an example of the “dominant power politics” regime (D’Anieri 2007: 27).

When the Orange Revolution dismantled the fake stability and legitimacy of *kuchmism*, the transitological analysis attempted to fit “the Orange event” in the existing paradigm of democratic breakthroughs. This approach was successful to a certain extent because Ukraine under Kuchma was a nominal democracy, but in essence it was a regime of “electoral authoritarianism”. Thus, it was logical to define the Orange Revolution as any other breakthrough with an authoritarian regime, which starts a transition to liberal democracy.

However, this understanding has limitations for the analysis of the post-Orange Ukraine, namely its overly critical assessments among transitologists. This occurs because Ukraine already had major formal democratic institutions before the 2004 protest which demanded the meaningful practice of those. Hence, its focus was mainly on the informal recognition and deeper appropriation of the democratic institutions. Since these issues are generally overlooked in the transitological discussions, the Orange Revolution is depicted as a “second try” breakthrough from the authoritarian regime. However, this view omits a crucial qualitative difference in this “second try” – namely, that this breakthrough was focused on the meaning of the democratic institutions. According to the normative institutional theory, this focus suggests a new, higher level of democratic consolidation in Ukraine in the 2004 protest which was centered on the norms and ideals of the institutions, instead of their merely formal existence. This assumption is supported by those who refer to the Orange Revolution as the end of the Ukrainian revolution which started either in 1991 or in 2001 (Baranov 2005: 14; Prytula 2006: 105; Karatnycky 2006: 29). This view suggests continuity instead of a stalled nature of democratization in Ukraine and responds to those who argue that the Orange Revolution faded and cannot be considered a revolution in the first place. Viewing this protest as a continuation of the democratic consolidation in Ukraine highlights its focus on norms and meaning. It also gives a hopeful perspective on the present stage of democratization in Ukraine, because it points to the deeper level of the institutionalization of democratic principles, their recognition and advocacy by the citizens.

Since transitology views the actors primarily in the rational choice paradigm (Grugel 2002: 58), its agency-centered perspective is limited in comparison with societal theories of revolution. Particularly, it is short-sighted, value free, and focused on compromise, stability

and preserving the status quo; it is unaware of the normatively meaningful practices by the agents of democratization. Overall, the majority of transitologists accept the minimalist understanding of democracy, which is problematic. As was suggested by Schmitter and Karl (1993), democracy is an overly abstract phenomenon for the studies of transition. Hence, it requires a functionalist or procedural conceptualization in order to become an object of analysis that produces useful and practical recommendations for the countries in transition. This again creates a formal rational choice understanding of democratic institutions which downplays the importance of norms and meanings in the process of democratic consolidation. Transitological analysis attempts to explain how a particular set of political institutions affects democratization. It is guided by the belief that institutions necessarily constrain political actors in a way that produces a democratic outcome. Formal institutional methodology is successful, however, only in an already institutionalized environment. Conversely, institutions in the transition period are fragile and vulnerable to the manipulations by the actors. This means that the focus of transitological analysis should be turned towards the norm-oriented study of democratization, which accounts for the deep changes in the political culture of citizens and authorities. These are the changes which will be responsible for a deeper acceptance of democratic institutions. In this way, the normative institutional theory can enrich the transitological analysis.

In addition to diminishing the role of civil society and the normative understanding of democratic institutions, the rational choice perspective leads to the problem of short-termism in the transitological analysis. Democracy is expected to emerge proximately as a mechanical result of the newly established institutions, since the long-term process of normative institutionalization is neglected. Therefore, if the country was stalled in its

transition, the common diagnosis would be negative, focusing on the mistakes of the elites in the process of institution-building. Instead, I argue that “a stalled transition” is evidence of normative shortcomings in the rational choice paradigm, which neglects the fact that learning and acquiring new democratic norms is a long-term process. This process is not automatically produced by the institutions, yet is crucial for democratic consolidation. Grugel (2002: 61) points out that early transitology often failed to see the hidden obstacles for democratization which are rooted in the past regimes and specific anti-democratic practices. Transitology was unable to explain the multitude of the transition outcomes in the 1990s because such variables as culture and history were not accounted for. This problem was realized by the later transitologists who argue that the previous regime matters to the success of the transition. For example, some researchers stress how post-communist transitions are influenced by the preceding Soviet regime and thus differ from Latin American transitions.²⁷ One of the ways to deal with this problem might be to combine transitological rational choice with normative institutionalism, which views democracy building as a long-term process of learning and acquiring democratic norms by political actors. This would change the overly negative critique, which stems from observing the non-existent liberal democracy into a critique that views the “stalled transition” as a stage in a long-term process of appropriating democratic norms. Conversely, if the countries in transition are viewed through the normative institutional perspective, their developments will be understood as evolutionary changes where the building of a new system of democratic norms, a new political culture and institutions is occurring.

²⁷ Representative of these scholars are: Valerie Bunce, Paul D’Anieri, Taras Kuzio, Michael McFaul.

CHAPTER III. The Mixed Painting of the Orange Revolution: Failures and Negative Tendencies.

In this chapter I will survey some of the negative tendencies in the Ukrainian political life in the aftermath of the Orange Revolution. Among the most often named problems still encountered in Ukraine are the stalemates between the branches of power, unstable parliament, corrupt judicial system and ineffective bureaucracy. It will be important to define the nature and causes of those problems, as well as to trace their connection to the Orange Revolution. Due to the limitations of this study, I chose to examine three tendencies that are most often evaluated negatively in the literature. These are the Soviet legacies, the divisions and scandals within the Orange coalition, and institutional stalemates and crises.

III.1. Red Under the Orange? The Persisting Communist Legacies.

The Soviet pattern of personal rule, political corruption, and authoritarianism is embedded in an essentially unbroken post-Soviet tradition of cadre politics.
(Steven Jones)

As suggested by Sakwa (1999: 709), there is a particular set of challenges in the transition of post-communist societies in contrast to other regions. He defines those as Soviet legacies and emphasizes their negative significance in the process of transition. The Soviet state system was antagonistic to the ideals of a liberal democracy in many respects. Sakwa refers to a number of transitologists who focus on the post-communist states and the challenges to their transition. Some of them underline the challenges most relevant to Ukraine. For instance, Ekiert (1996) notices the pattern of “state against society” which precludes the successful transition of post-communist countries. He describes different modes of disentanglement from communism. These are determined by past crises and their legacies, and above all by the attempts of the authorities to demobilize the collective actors which

have emerged during these crises (Ibid.: xiii). In the case of Ukraine during both Soviet and post-Soviet times, those actors have been predominantly students.²⁸ For this reason, a number of the policies of *kuchmizm* were targeted particularly against the collective action by the students. Corruption in the universities was paramount, and was detrimental to the creation of social trust and cooperation among students. The use of propaganda in university lectures, required participation in electoral rallies, and even forcing students to vote for incumbent candidates were common as well. These Soviet legacies of demobilizing students under Kuchma were not entirely successful since the majority of activists and leaders in both of the anti-*kuchmizm* protests (2000-2001 and 2004) were students.

With respect to the type of legacies still persistent in post-communist Ukraine, the past crises experienced by Soviet authorities were often related to the issue of nationalism. The cultural uprisings of the 1960s and the 1980s in Soviet Ukraine were driven by political demands that were firmly rooted in the desire for a Ukrainian national self-identification that is separate from the Russian one. This was especially true in the 1970s, when most of the dissidents were less opposed to the Soviet system as to the fact that the predominant “titular” nationality in the USSR was Russian. The typical response of Soviet officials to those crises was to persecute the dissidents, banish their works, put them on trials and sentence them to GULAG. In the post-communist Ukraine there are repercussions of these past crises that are closely connected to the differences in cultural and language identifications. Especially under Kuchma, issues of nationalism were amongst the main targets for political speculation and the raising of antagonistic attitudes among Ukrainians.

²⁸ The prolific generation of the dissidents in the 1960s was largely comprised of students; and the participants of the hunger-strike in 1990 – remembered as “the Revolution on the Granite” – were also students.

The next challenge for the transition in Ukraine is the Soviet legacy of ineffective bureaucracy. The persistent nature of this problem for the democratic consolidation is characterized by Rigby. He suggests that the “change in the bureaucratic crypto-politics” would give way to more pluralistic forms of interaction in the whole sociopolitical realm and to “reconstruction of the whole range of civil associations from scratch” (quoted in Sakwa 1999: 717). Thus, the non-existent or weak civil society is a direct Soviet legacy²⁹ and I will discuss it later. Here, it is important to address Rigby’s first point that deficient Soviet bureaucracy presents a serious problem for countries in transition. A number of scholars have insisted that a successful reform of the state apparatus left from the Soviet period is a crucial prerequisite for Ukraine’s transition to a market economy (Kubicek 2000; D’Anieri Kravchuk and Kuzio, et al. 1999: 166-206) and further democracy consolidation (Wilson 2000: 185-187; Harasymiw 2002: 156-159). The crucial areas of reforms are: the de-politicization of the bureaucratic apparatus; the harmonization of the relations between the administrative, legislative and executive branches; the rationalization of the bureaucratic rules and procedures; an effective public control over bureaucrats; and the fighting of corruption.

Undoubtedly, the Soviet bureaucracy was politicized. It was dependant on the Communist Party’s decisions and detached from the citizens. However, reforming bureaucracy is a challenging task for reformers not only in the post-communist Ukraine. There are several reasons for the bureaucracy reform to be challenging in general. The bureaucratic apparatus emerged as the most effective management of state affairs, and later became static and isolated part of the government, unaffected by the volatile, and at times destabilizing,

²⁹ For an interesting assessment of the reasons for the weakness of civil society in the post-communist states see Marc Howard, *The Weakness of Civil Society in Post-Communist Europe* (2003).

political dynamics (Ertman 1997: 26-28; Schulze 1994; Tilly 1990).³⁰ Hence, the conservative nature of bureaucracy is not peculiar to the Soviet bureaucracy; and such nature in general was intended to create more continuity and professionalism in routine government functions. Second, countries in transition (such as the end of the colonial rule or the collapse of the USSR) face the following bureaucracy dilemma. On one hand, retaining bureaucracy impedes sociopolitical transformations since it carries the ideas and practices of the former regime. On the other hand, massive changes in the bureaucratic personnel may endanger economic and political stability because the new officials might be lacking expertise and experience. Moreover, the changes in the bureaucratic personnel, when caused by the elite rotation, might invoke allegations in retaliation. Ash argues that, “lustration has been instrumentalized by one part of Poland's political elite, represented by the Kaczynski twins, in a struggle against another.”³¹ Similarly, Tudoroiu (2007) criticizes the Georgian reformers who appointed civil servants based on their participation in the Rose Revolution.

After the Orange Revolution, the challenge of reforming bureaucracy doubled. The Soviet legacies of retrograde, corrupt and oversized bureaucracy were coupled by the residues of *kuchmizm*: again, corruption and the high politicization of bureaucracy. In addition, on the agenda was the highly controversial issue of initiating the lustration³² of the bureaucratic apparatus, since it was promised by the opposition that the officials who participated in the corrupt practices under Kuchma would be legally prosecuted. Andrii Shkil’, one of the radical MPs, proposed the law “On Lustration of Public Officials” shortly after the Orange Revolution. The aim of the draft bill was to “cleanse” bureaucratic personnel of the

³⁰ Only lately in the Western countries there has occurred a significant move towards a more accountable and open bureaucracy that can be influenced by the people.

³¹ Timothy G. Ash, “Poland has made a humiliating farce out of dealing with its red ghosts”, *The Guardian*, May 24, 2007.

³² Lustration was a legal procedure conducted by the post-communist governments in Poland, Hungary, Czechoslovakia and East Germany after their velvet revolutions in 1989. Lustration comes from Latin for “cleansing” and involved firing those state officials, bureaucrats, school teachers and other public professionals who served during the communist regime.

representatives of the former regime because they had no moral right to administer in the new democratic government. The draft bill did not pass the first hearing. Even the majority of the Orange politicians considered it to be retaliation with no substantial legal basis. This decision was politically wise and pragmatic. Lustration was neither necessary nor beneficial for Ukraine after the Orange revolution because it would not improve the administrative apparatus. Alternatively, an extensive re-qualification of the public officials was needed.

Instead of lustration, the Orange politicians attempted to re-organize, that is decrease in numbers, certain governmental agencies.³³ Some defined this as “extraordinary administrative chaos” (Åslund 2005: 339). Approximately 18,000 officials were appointed within the first four months of Tymoshenko’s government (Ibid.). These new appointments and re-organization of the deputy ministers’ positions were criticized by some observers. Åslund has stated that “most deputy ministers formed the brain trust of the government, hence their exclusion weakened the government’s intellectual base” (Ibid.: 340). While critical of Tymoshenko’s reforms of the bureaucratic agencies within the government, Åslund positively evaluated the re-organization of the Secretariat of the President,³⁴ and concluded that it became one of the most progressive, reform oriented bureaucratic bodies in post-Orange Ukraine. Indeed, Yuschenko successfully transformed this agency: the newly hired were highly educated professionals outside of politics, often from the academic community. Another problem inherited from Soviet times is a concentration of power in the centre. This is because all regional governors are appointed, and are still easily replaced by

³³ A large number of state agencies were merged or abolished altogether. The average number of deputy ministers has been reduced from about 10 in each ministry to about three (Åslund, 2005: 339).

³⁴ This was former Presidential Administration, which acted as a shadow government under Kuchma, especially while chaired by one of the oligarchs, Viktor Medvedchuk.

the President.³⁵ Therefore, attempts to re-organize bureaucratic apparatus after the Orange Revolution were not comprehensive and successful only in particular instances.

Corruption and a weak or non-existent rule of law are among the most persistent and dangerous Soviet legacies that inhibit democratic consolidation in Ukraine. A state governed economy afforded significant opportunities for systemic corruption. This, after the collapse of the USSR, transformed into rent seeking competition and created a regime of clan oligarchy where politics and business were undivided and interdependent. The political authority and monetary capabilities of the majority of Ukrainian politicians are essentially interchangeable and mutually reinforcing. Even though Ukraine is not alone in this problem (those post-Soviet countries that are already in the EU still suffer the consequences of this legacy),³⁶ the continuation of the regime of oligarchy seems more disheartening in Ukraine. This seems so because one of the factors of the Orange Revolution was the rising middle class in Ukraine (Åslund 2006: 25; Bukkvoll 2006: 105; Salnykova 2006: 50-58); and one of the revolutionary promises was that the criminal oligarchs would be legally prosecuted. Unfortunately, it is one of the recurrent themes in the critical assessments of the Orange Revolution because those promises were not fulfilled. The business influence in politics is perceived to be at the same level, and the middle class is still in an economically unfavorable position.³⁷ The public opinion is very critical of the economic policies concerning small businesses, which constitute the basis of the Ukrainian middle class. 24.7% of Ukrainians

³⁵ It should be noted that reforming local administration was always one of President Yushchenko's goals. On January 10, 2008 he submitted a packet of bills to the parliament, among which is a bill on reforming the local administrations and local legislative assemblies. The bill is aimed at increasing the regional powers.

³⁶ Aigars Stokenbergs, a Latvian politician, recently spoke of the presence of "the kleptocratic post-Soviet model" in Latvia, referring to the problem of business influence in politics. See the full account in: Bet-El, Ilana. "Ukraine's Politics: Rotten Apples of the Orange Revolution", in Action Ukraine Report # 878, October 13, 2007. (reprinted from EIU Politics, The Economist Intelligence Unit Limited, October 11, 2007).

³⁷ Romanenko, Yuri. "The Departure Point or What Will be the Future Revolution", in *Ukrayinska Pravda*, October 11, 2007. Available at: <http://pravda.com.ua/news/2007/10/11/65263.htm>.

believe that the immediate policies after the Orange Revolution have put the small business on the verge of “extinction”.³⁸ Åslund (2005) in his analysis of the first 100 days of Yuschenko’s presidency, gave a negative assessment of the economic policies of the government of Tymoshenko. Although his critique regarding the fulfillment of the revolutionary promises to improve economic justice is probably well-deserved, there are also some scholars who attempt to explain the reasons for the persistence of oligarchic economy in Ukraine. Kuzio (2005b), responding to Åslund, suggests that one of the caveats of all the ultranegative assessments of the immediate policies after the Orange Revolution is their short-term focus that overlooks the real role of Soviet legacies. He states:

In post-Soviet states, such as Ukraine, it is impossible to separate economics from politics. Although the separation of business and politics is an objective of the Yuschenko coalition, success in this arena will not take place quickly (Kuzio 2005b: 354).

Kuzio argues that the Orange Revolution was not capable of rapidly transforming the corrupt economic system that had been built over decades. Such transformation is simply a matter of a longer time frame, which should be considered both in the academic circles and among the citizens. Similarly, Bukkvoll (2006: 104) is critical of the post-Orange Revolution lack of reforms, particularly in the public administration sector. However, he suggests that it is not surprising since administrative reforms need significantly more time than change in personnel, which has occurred. Thus, the issue of time certainly influences the reforms or lack thereof in the aftermath of the Orange Revolution. Likewise, the issue of time should be adequately reflected in the analysis of the tendencies in the wake of the revolution.

From earlier discussion, one can infer that the Orange Revolution has not accomplished the goal of changing the oligarchic political-economic system because it was a “self-limiting”

³⁸ “Monitor of the Sociopolitical Situation in Ukraine”, Newsletter of the Institute of Social and Political Psychology of the Academy of Political Science of Ukraine, Kyiv, September, 2005, p. 21.

revolution, in particular, with regards to the protection of property rights. In this particular case, it means that the victors of the Orange Revolution could have engaged in the massive process of property redistribution, which would have endangered the democratic achievements. Having gone through the process of Kryvorizhstal³⁹ re-privatization, which was successful yet controversial, the Orange government did not go any further.

Another persistent Soviet legacy is evident in some aspects of Ukrainian political culture. For instance, a significant portion of Ukrainians are still influenced by Soviet nostalgia of a state “taking care” of its citizens. Thus, certain policies since the Orange Revolution make sense with respect to their catering to popular attitudes. This is especially true of Tymoshenko and Yanukovich, which appears as a paradox since those two actors are at radical political odds with each other. Some observers⁴⁰ often label Tymoshenko and Yanukovich as populist in their electoral programs and governing actions. One of the initiatives of Tymoshenko’s government in January 2008 was to compensate the deposits lost because of the collapse of the USSR. This populism of politicians⁴¹ is appealing to some Ukrainians because they still remember the paternalist policies of Soviet authorities. On the other hand, the Soviet mentality of Ukrainians has been characterized by a subordinate political culture, which suggests that the citizens considered themselves to be subjects interacting with the state authorities. This political culture of civic passivity was especially noticeable during *kuchmizm*, when the majority of Ukrainians were complacent towards the regime’s neglect of their

³⁹ Kryvorizhstal is Ukraine’s largest steel mill. In June 2004 it was purchased on a restricted auction by the oligarchic group under Rinat Akhmetov at the cost of \$800 million while the potential cost could have reached \$2.5-3 billion (Varfolomeyev 2005, quoted in: Åslund 2005: 341). Kryvorizhstal was “re-privatized” in October 2005 and sold in an open auction to the foreign company at the cost of \$4.8 billion.

⁴⁰ Åslund (2005: 350) was critical of Tymoshenko’s policies while she was a Prime-Minister in 2005: “her price control policies and quest for strong state monopolies reflect the thinking of old-line communist directors.” Kuzio (2005b) is even more critical of Yanukovich. He finds his electoral program “empty rhetoric, devoid of any ideological commitment... dominated by a Soviet-style mismatch between programmatic rhetoric and policy reality” (Kuzio 2005b: 356).

⁴¹ It must be noted that such populism is not exclusive to Ukrainian or post-Soviet politicians. For instance, it is a usual practice to announce tax cuts as a part of electoral program in many OECD countries.

rights and vote. However, it will be demonstrated further that this Soviet legacy diminished with the Orange Revolution and that a higher level of civic consciousness, democratic activism, and participatory political culture is displayed by the majority of Ukrainians.

D'Anieri (2007) suggests the reason for the problem of persisting Soviet legacies in Ukraine. He argues that it should not be attributed to the nature of the Soviet rule in general, since a number of other post-communist countries have progressed further in their democratic consolidation. Rather, Ukraine's democratization was a victim of the particular problem of the process of transition from the Soviet rule, which was negotiated, rather than revolutionary (D'Anieri 2007: 8). D'Anieri (Ibid.: 75-82) argues that the major problem in Ukraine's political system that precludes it from democratic development is the political and institutional legacy of the Soviet Union which was centered on the domination of the executive branch at the expense of the judiciary and legislature. Unlike the Central European and Baltic countries, Ukraine departed from Soviet rule in 1991 through the process of negotiation between the hard liners and soft liners of the Communist Party, --without a significant radical influence from the democratic opposition. The democrats in Ukraine were focused on national issues more than on the question of political reorganization. That is why they were satisfied with the proclamation of independent Ukraine, and did not request any further changes from those Soviet officials who remained in power and retained the Soviet system of power. Hence, the post-communist Ukraine inherited the same system founded on the executive domination; the communist label was merely changed to one of ideological pluralism and free market. Therefore, notwithstanding the personal moral qualities of President Yuschenko, the tendency of the concentration of power still remains in Ukraine

and may be utilized by those political actors who, unlike Yushchenko, would not be guided by normative considerations (D'Anieri 2007: 7, 20, 21).

One of the reasons for the negative tendencies in the aftermath of the Orange Revolution is Soviet legacies, which are still pervasive in the political, economic, and social areas of Ukraine. This means that many of such tendencies cannot be attributed to the mistakes of the Orange politicians, and in no way do they signify that the revolution has failed.

Undoubtedly, the new political forces were expected to conduct comprehensive reforms that would change some of the most pervasive Soviet legacies, such as corruption and a weak rule of law. However, as Kuzio pointed out, the absence of such reforms does not mean the absence of the intention to conduct such reforms. They simply require more time. This can be explained through the normative institutional approach, which emphasizes the role of time in political development, particularly, in building the institutions of democracy. Also, the lack of reforms was largely caused by the instability and lack of cooperation between the branches of power, and, in particular, by the opposition to the reforms on the part of Yanukovich's government (Karatnycky and Neutze 2007).

III.2. Divisions and Scandals within the “Orange” Coalition

*Since the two heroes of their revolt split over an ugly power struggle, the mood among Ukrainians had slid from euphoria to disillusionment.
(Mark MacKinnon)*

In September 2005, Oleksandr Zinchenko⁴² left the Secretariat of the President because he observed how some politicians, close to President Yushchenko, began pursuing business

⁴² Zinchenko was formerly one of the leaders of SDPU(o) – the pro-presidential party under Kuchma. Zinchenko left SDPU(o) for normative reasons and joined Yushchenko in the autumn of 2004 as the head of his presidential campaign. He was President's Yushchenko close ally and one of the leaders of the Orange Revolution.

interests through politics. Zinchenko directly accused Petro Poroshenko⁴³ of corruption and seeking financial returns for what he invested in the victory of the Orange Revolution. In his turn, Poroshenko blamed the Prime-Minister Tymoshenko for seeking too much publicity and overshadowing President Yuschenko. This scandal continued with more accusations by the formerly united Orange revolutionaries and finally led to what the media called “the orange suicide”⁴⁴, when President Yuschenko removed both Poroshenko and Tymoshenko from their positions. These allegations are often cited as negative aspects of the after-Orange politics in Ukraine. The commentaries described them as the “funeral”⁴⁵ or as “peeling away”⁴⁶ of the Orange Revolution, which was “losing its luster”.⁴⁷ The revolutionary ideals were perceived to be betrayed by the Orange politicians, because not only did corruption seem to be resurging, but the divisions within the Orange team, so soon after the revolution also led people to question the leaders’ sincerity in the course of the protest.

This theme of the Orange Revolution having “waned” (Weir 2006) reappeared in the spring of 2006, when the Orange forces campaigned separately in the parliamentary elections and failed to create a majority coalition in the new parliament after a month of negotiations. This was perceived again as a betrayal of the revolution, when personal ambitions prevailed over the need to create a functioning parliament able to conduct the urgent reforms.

Undoubtedly, cooperation and decision making among the Orange politicians, especially between the allies of Yuschenko and Tymoshenko, are complicated with the problem of the personal ambitions of some of the politicians. However, as Bukkvoll points out, it is

⁴³ At the time of Zinchenko’s accusations, Poroshenko chaired the Council on the National Security and Defense. He was one of the Orange leaders and a significant financial contributor to Yuschenko’s campaign.

⁴⁴ Oleksandr Sushko, “The Orange Suicide”, in *Ukrayinska Pravda*, http://pravda.com.ua/news_print/2005/9/19/33617.htm (accessed on September 19, 2005).

⁴⁵ Mark MacKinnon, “Feeling Blue about the Orange Revolution”, in *Globe and Mail*, 1 October 2005.

⁴⁶ Alexa Chopivsky, “Peeling away Ukraine’s Orange Revolution” – Can the beleaguered president weather the latest crisis? Available on-line at: <http://www.msnbc.msn.com/id/9428617/> (accessed on 23 September, 2005).

⁴⁷ John Dizard, “Orange Revolution Loses its Lustre”, in *Financial Times*, 10 June 2005.

impossible to find politicians free of personal ambitions anywhere, even in the developed democracies (Bukkvoll 2006: 112). At the same time, he adds, it is possible to channel personal ambitions into decision making which is beneficial for the country, provided political culture and state institutions are adequate. Again, during transition, the trade-off is between stability and a long process of acquiring democratic norms. Thus, one can see the corruption scandals within the Orange coalition as a betrayal of the revolution or as an attempt of some politicians to be transparent and accountable to the citizens.

In general, the divisions after the Orange Revolution should not be viewed as abnormal. In fact, as Foran argues, fragmentation of the broad political alliances that make revolutions is very common (Foran 1997: 213-214). Moreover, in order to try and keep the revolutionary coalition together, there is a need to create a shared revised culture of opposition, which is not always feasible. He names Cuba as the only success case in the task of creating a new post-revolution culture (Ibid.: 214). Foran states that this usual fragmentation process is understudied, and its causal mechanisms are still under-theorized. He suggests several possible reasons for the disintegration of the revolutionary alliances, such as: conflicting cultural discourses within the alliances, the discrepancies in the interests of their constituencies, changes in political economy and international processes, and even the high expectations caused by the revolutionary success (Ibid.: 213-219). In addition, Bunce and Wolchik (2006: 293) observe that the unity of the opposition after electoral revolutions was short-lived, particularly in those countries that have ethnic, regional or language issues, which complicate consistent movement to create democratic states. Among those countries, they named Slovakia, Serbia, Georgia, and Ukraine.

Therefore, there are reasonable explanations for the Orange coalition disintegration. First, the three Orange forces were always distinct political parties with different ideologies. The Socialist Party (SP) is a social-democratic party, the centrist parties of the Our Ukraine Bloc (OUB) are closer to the socioeconomic right, and the Bloc of Yulia Tymoshenko (BYuT) is characterized by a mixture of radical populist discourse leaning towards the socioeconomic left. Second, the only unifying factor between these three political forces was their opposition to the regime of Kuchma, in which they were all engaged, but to varying degrees. The SP was the most long-standing rival of the party in power and to both former presidents. The leader of the Socialists, Oleksandr Moroz, was one of Kuchma's challengers for the President's office in 1994 and 1999. He also initiated the "tape scandal" in 2000, revealing that Kuchma and his surrounding officials were involved in the ordered murder of the opposition journalist Heorhiy Gongadze. Contrary to Moroz, both Tymoshenko and Yuschenko were high officials under Kuchma – the first Vice Prime-Minister and the Prime-Minister respectively. Yuschenko was never antagonistic to Kuchma, and even during the "tape scandal" he still tried not to question Kuchma's legitimacy. Only with the dismissal of his government in April 2001 did Yuschenko go into opposition. Still, he remained the least radical in discourse and actions among the opponents of *kuchmizm*. The opposition history of Yulia Tymoshenko is drastically different from that of Yuschenko. She was charged with illegal actions in the gas trade, was confined and put on trial by the close surrounding of President Kuchma. This has made her position against *kuchmizm* the most radical among the three Orange forces. Therefore, the Orange coalition has always consisted of three ideologically distinct opposition forces and united specifically for the purpose of dismantling *kuchmizm*. This urgent situational purpose resulted in their joint leadership of the Orange Revolution, and there was no promise made concerning further unified actions. Thus,

disintegration of the Orange team before the 2006 elections was logical, since the purpose of their coalition was fulfilled in the protest, and their ideological standpoints and electorates were quite distinct. Due to these reasons it is inaccurate to label the fragmentation of the Orange coalition as their betrayal of the revolutionary ideals.

According to Åslund (2005), the ideological differences within the Orange coalition, especially in the economic area, complicated the work of the government immediately after the Orange Revolution. Åslund named at least four different inner groups⁴⁸ within the Orange Cabinet in 2005 which held opposing positions on the course of government actions (Åslund 2005: 340). This multi-vectored government was one of the many reasons for the lack of reforms in the aftermath of the Orange Revolution. Therefore, the disintegration of the Orange coalition can be viewed as beneficial for decision making in Ukraine. The government of Tymoshenko, formed in December 2007, was completely different in this respect. The new government did not include the Socialist Party and consisted of two Orange forces: BYuT the Our Ukraine-People's Self-Defense Bloc. However, the 2007 Orange coalition again became a target for critical commentaries, this time being labeled as "paper thin"⁴⁹, "tiny", and "slim".⁵⁰ These commentaries are especially puzzling since, for instance, Canada has not had even a slim majority government for some time, and, overall, minority governments are quite common for Western democracies.

⁴⁸ Åslund named the following groups: an informal inner economic cabinet (Minister of Finance Viktor Pynzenyk and Minister of Economy Serhyi Teriokhin, both liberals and loyalists of Yuschenko), a socialist circle (Chair of the State Property Fund Valentyna Semeniuk, Minister of Agricultural Policy Aleksandr Baranivskiy, and Minister of Interior Yuriy Lutsenko), a group of big businessmen allied with Yuschenko (the Secretary of the National Security and Defense Council Petro Poroshenko, Minister of Communications and Transportation Yevhen Chervonenko, and Minister of Emergency Situations David Zhvanya), and a fourth group consisted of Yuschenko loyalists, who focused on foreign affairs and represented by: Deputy Prime Minister for European Integration Oleh Rybachuk, Minister for Foreign Affairs Borys Tarasiuk, and Minister of Justice Roman Zvarych (Åslund 2005: 340).

⁴⁹ John Marone, "Give Way to the Lady in Braids", in *Eurasian Home*, Dec. 19, 2007.

⁵⁰ "Ukraine's PM Hopeful Tymoshenko Vows to Cede Some Powers...", in Associated Press, Kyiv, Oct. 12, 2007.

Finally, the Orange coalition disintegrated in 2006 as a result of the defection by Moroz. He switched alliances and was elected as a speaker of the parliament by the coalition of the Party of Regions and the Communist party. This incident was one of the reasons for the dissolution of the parliament by President Yushenko, as a call to accountability of the MPs to their voters. Moroz, as the leader of SP, had betrayed his voters by allying with the Party of Regions. In this situation, the trade-off again was between maintaining the stability and taking the next step in appropriating democratic norms. The decision to have early elections was not popular among Ukrainians and the international observers, who considered it to be a destabilizing factor for the investments and the state budget. However, instead of bringing chaos and instability, these elections can be viewed as a development of a new culture in the Ukrainian parliament – one which upholds the democratic norms of the MPs' accountability to their constituencies and is against corruption in the legislature.

III.3. Institutional Crises in the Wake of the Orange Revolution

*"The solutions to the democratic compromise consist of institutions."
(Adam Przeworski 1986: 60)*

*"Unless institutional performance improves, the Orange Revolution will likely be short-lived."
(Paul D'Anieri 2007: 7)*

There are two schools of institutional theory which give opposite perspectives on the institutional transformations in Ukraine – rational choice or formal institutional and normative institutional theories. The first approach suggests that the most important task is to establish the formal institutions, which in turn creates rules and constrains the behavior of the actors. Hence, democracy emerges as a result of certain institutions, such as elections, a multiparty system, and a representative legislative body. In this approach a specific design of institutions matters, since it is a particular form of an institution that will produce a respective outcome. Therefore, the main recommendation of rational choice institutionalism

to the country in transition is to design democratic institutions properly, in a way that will satisfy the interests of both the officeholders and citizens. Grugel (2002: 61-63) and D'Anieri (2007: 45-47) are critical of the fact that rational choice institutionalism has been a predominant approach in studying, particularly, the "third democratization wave" countries. The popular rational choice ideas are that "institutions themselves preserve liberal democracy and that well-designed rules lead directly to publicly minded behavior by rulers" (D'Anieri 2007: 32). However, these ideas do not account for the autonomous role of the actors in the political realm, who can change or ignore institutions, and who can act within the existing institutions, yet avoid being constrained by them. The latter happened during *kuchmizm* in Ukraine, when formally it had all the democratic institutions, however, the state officials managed to misuse their meaning. Besides the danger of creating a façade democracy, rational choice institutionalism reduces the initiative and creativity of agency in the political realm by assigning a deterministic value to institutions.

D'Anieri (2007: 45) discusses another problem of the rational choice institutionalism. He points out that institutional design is a dependent, instead of an independent, variable. It is caused by the power politics and possible imbalances of power among political actors. He argues that the problem of institutional design for the countries in transition is not a problem of choosing the correct design. Rather, D'Anieri proposes that the transition countries be analyzed within the "interest/power-based" approach, which views the problem of institutions as essentially political, not analytical (D'Anieri 2007: 14). This approach seems to be sensitive to the façade democracy phenomenon that emerged in several post-Soviet states which, in D'Anieri's words, is "characterized by the use of democratic forms and practices to attain fundamentally undemocratic politics" (Ibid.: 16). He observes that

Ukraine's problem is not in the absence of democratic rules and institutions but in their selective enforcement:

Most of the time, Ukraine's formal institutions do matter... a central question is: why do Ukraine's institutions seem to constrain behavior in some situations and not others (Ibid.: 7).

This selective enforcement is caused by the power arrangements that are conducive to more power being concentrated in the executive branch. This imbalance of power can always be used by a parliamentary faction or even an individual to obtain unlimited authority, as happened under Kuchma's presidency. Overall, D'Anieri points to the static and limited nature of the formal institutional approach because it does not consider the informal part of power politics, which seems to have been more influential in Ukraine's transition than the formal presence of democratic institutions. Despite this criticism and his more dynamic approach, D'Anieri still stresses structures in his research on Ukraine.

In fact, D'Anieri is representative of the structuralist skeptics, and is one of the leading critics of the idea that the Orange Revolution accomplished positive transformations in Ukraine's politics. In his article, published in 2005, he is already skeptical of attributing any fundamental changes in Ukraine's politics to the Orange Revolution. According to him, the central event of the Orange Revolution was "the ejection of the Kuchma political machine from power" (D'Anieri 2005: 82), which changed Ukrainian politics in practice. However, he considers this change to be a temporary leadership change that does not entail any long term results since it is only defined by the personal qualities of President Yuschenko.⁵¹ Even though D'Anieri acknowledges the change in the ways of practicing politics in Ukraine, – a change which signifies a departure from the old corrupt methods and rules – he does not

⁵¹ It is worth noting that other scholars see this leadership change as important for democracy consolidation in Ukraine. For instance, Kuzio (2005b) is sure that the transition of the Ukrainian oligarchs into entrepreneurs is only possible under Yuschenko's presidency. Thus, Kuzio attributes the possibility of a systemic change to the individual qualities of the leader who would encourage adherence to the norms.

assign great significance to this change. He argues that only a fundamental institutional reform that leads to establishing a liberal democracy would be a reason to identify the Orange Revolution as a revolution. In reality, he suggests, the institutional change in the wake of the Orange Revolution has been “only modest” (Ibid.: 82), and some of it has even worsened the situation. In a later publication, D’Anieri elaborates on this last argument. According to him, with the shifting of the Ukrainian political system towards a parliamentary-presidential form of government, the new institutions have possibly become more resistant to generating a “hyperpresidential” regime; yet, they are more prone to instability and stalemates, which are hazardous for the new democracies (D’Anieri 2007: 19). He argues that under Kuchma Ukraine could be characterized as a “dominant power politics” regime, where there is a limited competition for power. However, D’Anieri fears that under Yuschenko, Ukraine’s political system might resemble “a feckless pluralism” regime, under which there is enough competition but politics overall is perceived as largely corrupt (Ibid.: 27).⁵² The regime of feckless pluralism does not lead to progressive liberalization or reform, but simply to a change in the beneficiaries of state patronage and corruption (Ibid.: 30). D’Anieri asserts that this is a possible scenario in Ukraine since many citizens “see the teams of Viktor Yuschenko and Yulia Tymoshenko as little better than the Kuchma regime” (Ibid.). D’Anieri does not provide any data to support this last claim. In reality, the data on public attitudes towards the politicians after the Orange Revolution is at least controversial. In May 2005, 67.5% of Ukrainians expressed their trust towards Yuschenko, 66.2% towards Tymoshenko, and 30.0% towards Yanukovych. The levels of distrust towards the same politicians were 22.1%, 24.1%, and 54.8% respectively. In September 2005 (when the government of Tymoshenko was dismissed) these figures

⁵² The terms “dominant power politics” and “a feckless pluralism” (Carothers 2002) were discussed earlier (see p. 36).

reflected less trust towards all the named politicians: 50.0% trusted Yushenko, 48.5% trusted Tymoshenko, and 32.2% trusted Yanukovich. The levels of mistrust were: 39.4% for Yushenko, 41.1% for Tymoshenko, and 54.8% for Yanukovich.⁵³ While the decreased levels of public trust were similar for all three leaders, the Orange politicians were trusted more than the leader of the Party of Regions. Thus, D'Anieri might not be very accurate in his conclusion that Ukrainians do not see the difference between the old and new leaders.

It is interesting that in a different publication, D'Anieri (2006) assigns a greater importance to the choices of the opposition elite and security services, that is, to the human agency in the victory of the Orange Revolution. However, this view is still consistent with his structuralist framework because his argument does not consider the protesters as an independent agency. Rather, he evaluates their actions as being constrained and channeled by the institutions. D'Anieri does not view the demonstrations of the Orange Revolution as an attempt to uphold and to reinforce the democratic norms of people's power. According to him, even though the protests were successful in reaching their short term goal of new and fair elections, they have not established new institutions conducive to democratic progress, therefore the fundamental long term goals remain unfulfilled. Furthermore, D'Anieri (2007: 233-239) describes Ukraine under Kuchma as one of the "hyperpresidential" regimes, together with Chavez's Venezuela, Estrada's Philippines and Putin's Russia, which are all characterized by stability up to the point when they are destroyed by unplanned events. He contrasts a "planned, legitimate" transition to a "short-circuited, unstable" one, and suggests that the Orange Revolution was a case of the latter transition. By defining this revolution only as a side-effect of the hyperpresidential failure to reform the country into a

⁵³ The Analytical Report "Ukraine before the Parliamentary Elections of 2006" of the Ukrainian Razumkov Center for the Economic and Political Research, Kyiv, Ukraine, p. 24.

more legitimate democracy, D'Anieri reduces the significance of the protest, in particular, the development of civil society that it has continued.

Similarly, Hale (2006) is pessimistic about the changes in the institute of presidency in three post-Soviet countries that experienced coloured revolutions (Georgia, Ukraine and Kyrgyzstan). Hale characterizes this downfall of the after-revolutionary developments as the reemergence of the paternalist superpower of the presidential office, particularly, in Georgia and Kyrgyzstan. Ukraine in his analysis has a more favourable position. He argues that paternalist presidency there was weakened through the constitutional reform of 2004 which changed Ukraine into a parliamentary republic. However, Hale does not attribute those positive changes to the Orange Revolution. Conversely, he identifies all the coloured revolutions as examples of the predictable stages in the institute of “patronal presidentialism” (Hale 2006: 306), which sometimes experiences sudden “political openings” (Ibid.), one of which was the Orange Revolution. This argument is not fully accurate because to define the public protest of 2004 in Ukraine merely as a stage in a quasi-democratic regime of “patronal presidentialism” is to neglect the role of the human agency in the sociopolitical realm and to deny citizens’ power in the democratic transformations. By defining the events of the Orange Revolution only as “huge protests when passions run high” (Ibid.: 309) without any lasting effects, Hale also contradicts the evidence of civil society growth in Ukraine. A number of scholars argue that there were significant transformations in the political culture and civic consciousness of Ukrainians that preceded and culminated in the Orange Revolution.

I argue that a fundamental change indeed occurred with what D'Anieri called “the ejection of the Kuchma power politics machine” (D'Anieri 2005: 82). And this change was not in the

particular type of the constitutional reform, which, as D'Anieri suggested, was positive but incomplete and thus insignificant. Rather, it was in the change of political orientations and meanings. As put by Kamrava, “revolutions... entail the transformation of the very political fabric on which a government is based... they change the basic premises on which political culture is based” (Kamrava 1992: 5-6). In the case of post-communist Ukraine it was not the form of institutions that needed to be changed but the attitude of the leaders and the populace towards the existing institutions. I suggest that this was accomplished through the Orange Revolution, which signified a departure from the politics based on the overwhelming corruption of the officials and the alienation of the citizens from politics. Some public opinion polls support this suggestion. For instance, 31.5 % of Ukrainians believe that the Orange Revolution instilled faith in the people that political power belongs to them, instead of it being a monopoly of the state officials.⁵⁴ In 2001, only 10.3% of Ukrainians believed that the constitutional norms were upheld by the state officials, whereas in July 2005 this percentage almost doubled – 18.5%. At the same time, the number of those who believed that these norms were ignored dropped from 81.1% in 2001 to 68.5% in 2005.⁵⁵ These figures may be viewed skeptically, since it is still not a majority of people who believe that the norms are upheld by the officials. However, before the Orange Revolution, any progress in those indicators was unfeasible. Therefore, even the incremental positive tendencies in the public trust towards the officials should be regarded as significant.

Kuzio (2005b) also observes similar positive tendencies in surveys of the public opinion on the “mafia’s” influence in Ukrainian politics. These surveys were conducted continuously by the Ukrainian Academy of Science throughout the 15 years of Ukrainian independence and

⁵⁴ Institute of Social and Political Psychology of the Academy of Political Science of Ukraine, Kyiv, July, 2005.

⁵⁵ Ibid.

showed a consistently high level of public perception that the “mafia” rules in Ukraine.⁵⁶ A decline in this perception was noted only in the period when the government was run by Yuschenko in 2000-2001 (declined to 38.3%) and after the Orange Revolution (declined to 30.7%). Surely, those numbers are still too high for a country to be called a democracy. However, as Kuzio notes: “the decline in the perception of corruption was noticeable *only* with Yuschenko’s presence in power” (Kuzio 2005b: 358, italics in the original).

The critical assessments by Hale and D’Anieri give a formal institutional or structuralist perspective on the aftermath of the Orange Revolution and are limited in two respects. First, they tend to confuse the Orange Revolution with its aftermath, attributing such political events as corruption scandals, the disintegration of the Orange coalition, the victory of Yanukovich in the parliamentary elections 2006, and the stalemate between the parliament and president Yuschenko to the Orange Revolution backsliding. This is a problematic assumption because what is common for ordinary politics – namely, bargaining, compromising, and shifting alliances of political parties – cannot be associated with the revolution. It is important to stress the difference between the Orange Revolution and its aftermath for the following reason: those were two different phenomena and the downfalls of the latter events should not negate the accomplishments of the revolution. As it was expressed by one of the Orange Revolution participants, a political journalist Nadia Diuk:

“The significance and impact... of the Orange Revolution are likely to be felt throughout Ukrainian society long after the politicians it brought to power revert to the day-to-day battles that are part of politics. It is often difficult to quantify and capture the drive and inspiration that draw people to the streets during such periods of “people’s power.” And it is easy in the process of analyzing the events to lose sight of the extraordinary achievement of the citizens and the society involved” (Diuk 2006: 81).

⁵⁶ For instance, in 1999 and 2002 43.9% and 40.4% of Ukrainians respectively believed that the “mafia” had a high influence in Ukraine (Survey of the National Academy of Science of Ukraine, quoted in Kuzio, Taras. “Ukrainian Economic Policy after the Orange Revolution: a Commentary on Åslund’s Analysis”, in *Eurasian Geography and Economics*. 2005 (46), No. 5. pp. 354-363).

It is even easier to lose the sight of the long-lasting nature of the revolutionary events when the unusual and *apolitical* Orange Revolution is confused with its aftermath. The latter represents a routine political process in which conflicts between political parties are common. In contrast, the Orange Revolution was remarkable due to an inherent part of what a revolution is – an extraordinary event⁵⁷ that stands out from the general political process and marks a clear departure from the previous politics.

Second, structuralist arguments downplay the informal and cultural transformations in Ukrainian society, which are difficult to measure in institutional terms. Here, the structuralist critical position can be challenged from the perspective of normative institutional theory. D’Anieri tends to stress the formal institutions and the informal power game over the meaning and normative role of democratic institutions. His view of agency is consistent with the rational choice theory and thus reduces the motivations of the actors to their power concerns and the consequentiality logic. In contrast, the normative institutional perspective highlights the logic of appropriateness in the political actions of the officeholders and citizens. There are several important situations in the post-Orange Ukraine which illustrate this contrast. For instance, “the modest” institutional change in Ukraine from a presidential-parliamentary to a parliamentary-presidential form of government after the Constitutional agreement on December 8, 2004 has particular flaws in its design. These flaws, according to D’Anieri, are conducive to creating excessive competition and a stalemate between the executive and legislative branches instead of the intended system of checks and balances. As the most recent political practice shows, D’Anieri’s predictions seem to be true. In the

⁵⁷ A number of scholars support the idea that revolutions are extraordinary political events that cannot be evaluated in the same manner as any regular political process. Arendt in her work *Between Past and Future* says about a revolution that it comes “abruptly, unexpectedly, and disappears again, under different mysterious conditions, as though it were a *fata morgana*” (p. 5); or in the words of Kamrava, “Revolutions are at best spasmodic aberrations in the lives of political systems. They are infrequent and occur only within highly specific political and historic contexts... they are both extremely condensed and magnified episodes of political development” (p. 136).

period of September 2005 – December 2007, the Ukrainian parliament has been ineffective as a legislature, due to the numerous failed attempts to form a majority coalition. This problem is attributed to the new institutional design in Ukraine that created a completely new actor – the “parliamentary majority coalition” – which requires the adoption of new regulations for its proper functioning (Christensen 2005: 226). D’Anieri attributes the same problem to the power imbalances that are still present in Ukraine’s state institutions, which make the parliament weaker than the executive and thus discourage coalition formation (D’Anieri 2007: 39). Similarly to Christensen, D’Anieri argues that the Ukrainian legislature will start to function properly only if additional changes are introduced into the parliamentary procedures. Thus, both scholars suggest that the formal changes in the design of the Ukrainian institutions are a prerequisite for the country’s democratic progress.

However, any institutional design has its particular shortcomings which can be overcome by a democratic consciousness in the political players. The latter is provided not by a certain form of state institutions, because they do not work as a formula for attaining democracy. The enforcement of the meaning of democratic institutions among officials and citizens is more important than their formal existence. From the normative institutional perspective the same stalemates in the Ukrainian parliament may be explained as a conflict between the old logic of consequentiality and the new logic of appropriateness. There are several noticeable ways in which the representatives of the Orange forces advocate the appropriateness logic of the parliament functioning, which is confronted from those MPs who still employ the consequentiality logic and even reject any constraints caused by the norms. For instance, it was a common practice in the Ukrainian parliament to “buy” the votes of the independent MPs to ensure the majority vote needed by the pro-presidential parties. This happened again

in the notorious incident after the 2006 elections, when the Orange coalition (consisting of BYuT, OUB, and SP) disintegrated because some MPs from the Socialist Party had joined the Party of Regions. This was opposite to their electoral platform, which simply meant that some of the socialist MPs betrayed their voters. In response, President Yuschenko dismissed the parliament and called for the new elections. In examining the reasons for this decision he was guided by the logic of appropriateness, appealing to the fact that MPs are supposed to be accountable to their voters. Thus the early elections enforced the democratic norm that discourages the strategic switching of factions in the parliament. It was a successful case when the power holders in Ukraine were pushed to abide by the rule of law. It is telling that in the early elections SP did not reach the 3% vote required to get into the parliament. This confirmed the rising civic consciousness among Ukrainians and their use of the appropriateness logic since they did not vote for the party whose accountability is doubtful.

Another reason for the frequent parliament stalemates after the Orange Revolution is the fact that the legislature is now free of the pressures which were common under Kuchma. There used to be fewer disagreements between the president and the parliament during *kuchmizm*, because the majority in the legislature was pro-presidential, sometimes created artificially. Since the Orange Revolution, the political opposition is not being persecuted, and its functioning is not repressed. This creates a normal conflict among the various political groups as well as parliamentary fractions, which suggests that the stable but corrupt status quo of Kuchma's era has not returned in the Orange guise. These are a few examples of the conflicts between President Yuschenko and the Party of Regions, which has been in the opposition after the Orange Revolution: the blocking of the president's bills, required for Ukraine to enter the WTO; the attempts to proclaim Russian as the official language; the

supporting of the demonstrations against NATO in Crimea in summer 2006; the creating of a “shadow government” in December 2007 to oppose the official Orange coalition cabinet. These activities of the Party of Regions contributed to the stalemates in the parliament and between the branches of powers and also are rarely constructive in their opposition stance. However, the fact that the Orange forces have not attempted to challenge the existence and functioning of the opposition testifies about the logic of appropriateness they employ.

Departing from the formal institutional analysis, Bukkvoll (2006: 104) traces a significant change in the leadership at various government levels but not a comprehensive change. However, Bukkvoll acknowledges a new, positive tendency in the style and principles of the leadership organization, which are different from Kuchma’s style. This observation is crucial because it is not the state institutions – which were formally democratic – that needed to be changed in Ukraine, but the informal principles of governance. Thus, Bukkvoll observes a normative change in the leadership organization as a consequence of the Orange Revolution, which outweighs a lack of the formal changes. Another understanding of the Orange Revolution, in contrast with the rational choice perspectives of transitology, is represented by Ukrainian scholars and philosophers who are concerned with the emotional and humanitarian aspects of the Orange Revolution, which are difficult to explain in institutional terms. Nataliya and Oksana Musienko (2006) propose an insightful comparison between the Quiet and the Orange revolutions, which highlights the less visible, but nonetheless crucial changes in the colours of Ukraine’s politics. The authors draw parallels between the epoch of “Grande Noirceur” (Great Silence - *French*), describing the decadent moral condition of Québécois society after WWII, and *kuchmizm*, preceding and somewhat prompting the Orange Revolution. The sociopolitical climate in Québec was characterized by

overwhelming corruption and favoritism, conservative clerical and political dictatorship united against any progressive changes in society, a lack of education, and overall regressive indicators in comparison with the rest of North America. Similarly, the social mood in Ukraine leading up to the Orange Revolution could be best described as massive public apathy. As Diuk put it:

“Regime became reckless in its corruption and flouting of democratic principles. Anyone who had visited Ukraine between 2002 and 2004 could feel the almost palpable polarization between a society that was now well informed and angry about the government’s misdemeanors” (Diuk 2006: 74).

Some argue that the introduction of the social sciences at the Laval University in Québec first spurred the intellectual resentment against the outdated regime, and then it was channeled into coherent opposition activities in the political realm. Likewise, in Ukraine, various analytical centers and media outlets first initiated critical discussions, revealing to the public the misdemeanors of the state officials. Thus, both the Quiet and the Orange Revolution transformed the general “climate” in their societies into more democratic in the sense of interaction between the citizens and the officials. This change is not the matter of formal institutions, and it is hardly measurable. Nonetheless, it is a significant change that instilled the people with more hope and assurance of their role in their countries.

Among the crucial features of any revolution that distinguish it from the normal political process is its extraordinary appeal to justice, fairness, truth and other moral ideals that ought to be the foundation of a sociopolitical order. A Ukrainian political philosopher, Amelchenko, examines the moral quest of the ideals of the Orange revolutionaries. Their discourses were based predominantly on the appeal of honesty, cleanness, moral obligations,

and truth.⁵⁸ The Orange slogans were not concerned with changes in the balance of powers or in private property. Rather, the participants of the revolution aimed to bring to the public offices ethical politicians, cleaning the already existing democratic institutions, and making them moral. In this type of legitimization, based on the principles of morality rather than abstract law, Amelchenko observes an interesting fact about Ukrainian political and civic consciousness. On one hand, they have not yet reached the liberal democratic political consciousness because they do not perceive independent judiciary or institutionalized rights and freedoms of citizens as self-sufficient. For Ukrainians, the democratic institutions and constitutional norms also need to be ethically substantiated. Thus, this moral appeal to good and bad, or even righteous and sinful,⁵⁹ points to the traditional, folklore motifs in the political culture of Ukrainians, which defines it as “underdeveloped” for liberal democracy. On the other hand, this ethical component of the Orange Revolution demonstrates the need of Ukrainians to legitimize democratic transformations through shared meanings grounded in morality and justice rather than in a particular type of institutions. This view is different from the structuralist views that institutional design per se is conducive to or precludes democratic consolidation. Also, Diuk points out that the protests in the course of the Orange protest clearly relied on a strong moral drive, which should not fade quickly after the events. In her words: “Opposition politicians... and journalists... had felt a creeping censorship... and, for the first time, a sense of corporate interest and ethics united them” (Diuk 2006: 75). This is important because the normative nature of democratic institutions is stressed again as more important than mechanical constraints of the institutions.

⁵⁸ For instance, some of the revolutionary slogans: “Za Chysti Vybery” (For clean elections, ukr.), “Za Moraľnu Vladu” (For moral authorities, ukr.), “Bandyty Sydymut’ v Tiurnakh” (Criminals will go to jails).

⁵⁹ See, for instance, Schiotkina K. “Liniya hriikha” (Line of Sin, ukr.) in *Dzerkalo tyzhnia* (The Weekly Mirror, ukr.). 2004, #49. Petrasjuk V. “Boyusia nashkodyty Yuschenkovi svoimy komentariamy” (I am afraid to harm Yuschenko with my comments, ukr.) in *Hazeta 2000* (The 2000 Newspaper, ukr.). November 12, 2004.

CHAPTER IV. The Mixed Painting of the Orange Revolution: Successes and Positive Tendencies.

The literature refers to civil society growth and improvements in the social climate of Ukraine as the major achievements of the Orange Revolution. In this chapter I look at social transformations accomplished through the preparations and success of the revolution as well as their potential to secure democratic gains in Ukraine. Specifically, I survey the continuity of civil society development, consolidation of political pluralism, social solidarity, and emergence of a new generation with a strengthened democratic consciousness. These are considered to be successes of and the positive tendencies after the Orange Revolution. In my analysis I separate formal and informal aspects of these social transformations: first look at a more conventional, institutional, view of civil society changes and later present the deeper aspects of social transformations.

IV.1. Civil Society Development: “To Be Continued”

*In Eurasia, only Ukraine had an overall score increase [in civil society], reflecting continued progress since the “Orange Revolution”.
(The 2006 NGO Sustainability Index, USAID Report)*

It is generally accepted in the literature that a more mature and organized civil society was one of the crucial factors in the success of the Orange Revolution.⁶⁰ In 2001 parts of Ukrainian civil society led radical protests against President Kuchma and other officials, who were accused of ordering the murder of the opposition journalist Heorhiy Gongadze. However, this protest and a similar one in 2002 have not achieved their goal of holding the authorities accountable to people. Before the Orange Revolution, Ukrainian civil society has episodically attempted to establish its importance in the political realm, yet those attempts

⁶⁰ Among the scholars who support this view are: Demes and Forbrig 2006; Diuk 2006; Karatnycky 2006; Kuzio 2006; Prytula 2006; Binnendijk and Marovic 2006; Bunce and Wolchik 2006; Barkov 2006; Yakushyk 2006.

were neither continuous nor successful. In 2004, however, the civil disobedience movement against the rigged presidential vote was unexpectedly far-reaching in scope, and revealed a sophisticated preparation of the political activists and NGOs. As several authors in McFaul and Áslund (et al. 2006) suggest, civil society organizations (CSOs)⁶¹ had not previously succeeded mainly due to the insufficient support from the majority of the population. In 2001 only a few Ukrainians supported the anti-*keuchmizm* protest due to the perceived risk of repressions and political extremism (Kuzio 2006b: 370). Having learnt from their past mistakes CSOs developed larger and more effective networks as well as more venues for influencing Ukrainians. These included web-newspapers and awareness campaigns for a wider audience. Also, the opposition movement in 2004 emphasized non-violence, which made the Orange Revolution an extraordinarily numerous and peaceful protest. As a result of the changes and preparations made by CSOs, the revolution was supported by an overwhelming number of Ukrainians. The protesters reached the goal of pressuring the state officials and influencing their decisions. Citizens' demands of protecting their voting rights were one of the driving forces of the Orange Revolution; and its success boosted the self-confidence of civil society. The question however, remains whether civil society in Ukraine continued to develop or simply retired after the unexpected activation and success.

The Framework

In his overview of the literature on Ukrainian civil society, Isajiw (2004) concludes that this area is under-theorized. Even though there is no lack of publications, most are *ad hoc* and descriptive rather than analytical. According to Isajiw, one of the unproductive tendencies of literature on civil society in Ukraine is a deficit of hypothesis testing and of applying recognized theories to the case of Ukraine. These tendencies result in the absence of

⁶¹ The terms civil society organizations (CSOs) and non-governmental organizations (NGOs) are interchangeable hereafter.

comprehensive studies on Ukrainian civil society. I have further found that even after the Orange Revolution, which exhibited important transformations in civil society, the quality of the literature in this area has not improved much. The majority of publications focus on other than civil society issues in the transformation processes in Ukraine. This lack of attention to civil society reflects the general problem of transitology paradigm, in which the priority is given to the issues of institutional and elite transformations, legacies of the past regime, or to the analysis of instability and conflicts in the post-breakthrough politics.

Grugel points out that transition studies need a more holistic methodology for studying democratization, in which the latter is “understood as transition and consolidation” (Grugel 2002: 67). Among other ways of developing such holistic methodology, she emphasizes the pivotal importance of civil society in both stages of democratization, that is, in the breakthrough and the further consolidation of democratic institutions. In addition, Grugel discusses the confusion around the civil society concept, which can be interpreted as formal NGOs only, as any kind of civic autonomy from and opposition to the state, or as a broad notion of social capital and solidarity (Ibid.: 93-95). As Howard (2003) points out further, there are two prevalent frameworks of analysis in transitology. Scholars examine either new political institutions and economic policies as democratization factors or the legacies of the previous authoritarian regime and how those impede any democratic progress. As a result, civil society is covered in passing by each of these perspectives.

Some transitologists (Karl 1990; Schmitter and Karl 1993; Przeworski 1991) acknowledge that civil society is important only at the point of democratic breakthrough, which was evident in the 1989-1990 anti-communist velvet revolutions. In the subsequent period of democratic consolidation, social movements and active civil society are often considered as

impeding or irrelevant to the institutionalization of a democratic process (Hipscher 1996; Marata 2000). For Schmitter and O'Donnell (1986) it is logical that a democratizing state co-opts the radical activities of civil movements and that political society should eventually take over civil society. Elites, political parties and electoral systems, instead of civil society, are discussed as crucial in the consolidation stage by the majority of transitologists. However, these views are criticized by the scholars who consider civil society to be an essential component of not only democratic breakthrough, but of consolidation as well.⁶²

Baker (1999) points out another caveat in the way transition scholars examine civil society in the democratizing countries. According to him, transitology gauges civil society in the new democracies against the existing liberal standard of the West. Baker criticizes this framework since it devalues the radical democratic potential of civil society that led the breakthroughs of the 1980s. He describes civil society in liberal democracies as “tamed” and “less than value-free” because it has been subverted by the state (Baker 1999: 1). Likewise, transitology converted civil society from its radical ideals and discourse of participatory democracy into an analytical tool with the most efficient measurement scale (Ibid.: 2-3). As Baker puts it,

...civil society is viewed in largely instrumental terms - as a support structure for democracy at the state level - and earlier, more radical, models - which understood civil society to be a democratic end in itself - are forgotten (Baker 1999: 3).

The instrumentalized idea of civil society is present even in the innovative studies on civil society in democratization. For instance, in his influential *The Weakness of Civil Society in Post-Communist Europe* (2003) Howard employs a narrow understanding of civil society which consists of formal NGOs only, and a similar view of civic participation – only as NGO membership. His reason for limiting the concept of civil society is to operationalize it in the

⁶² Among scholars who advocate for the importance of civil society in the consolidation period are: Linz and Stepan 1996; Ekiert and Kubick 1998; Grugel 2002; Howard 2003; Uhlin 2006.

way that fits his quantitative research. Earlier, I discussed the critique of transitology for its narrow and instrumental understanding of democracy in the Schumpeterian tradition. This tradition was generally recognized as more rigorous and analytically productive, however it is less fruitful in advancing democratic norms and ideals. Likewise, I argue that the notion of civil society should not be limited to its formal and measurable aspects, despite the possible methodological conveniences. Kopecký and Mudde (2003) take Baker's critique of the liberal model further and argue that citizens' involvement in contentious politics and protests should also be considered as civil society actions, even though they do not qualify as such in the Western view of "normal and civilized" activities of the non-governmental sector.

I understand civil society in a radical perspective which originates from the work of Cohen and Arato (1992). This perspective entails three aspects: 1) it encompasses not only formal NGOs but also social movements and informal networks; 2) it includes the symbolic discourses and identities of citizens who are conscious of their role and purpose in a democratic polity and able to influence the government; 3) it views civil society as an agent that should promote social justice transnationally.⁶³ These aspects of civil society are neither formally institutionalized nor easily measurable, yet they encompass the democratic essence of people's political action. This essence signifies that citizens are aware of their rights and able to utilize their oppositional and critical stance towards the government (Kopecký and Mudde 2003; Baker 1999; Cohen and Arato 1992). It also means that the citizens are able to articulate their interests and develop solidarity through self-organization, not necessarily as a counter-activity to government, but rather as free civil networking (Linz and Stepan 1996;

⁶³ Due to the space limitations, I will not describe this last point with regards to Ukraine's civil society. However, it should be noted that many NGOs and civil society activists indeed participate in the transnational civil society, particularly in the post-communist realm. For instance, they have cooperated with the Serbian, Georgian, and Kyrgyz counterparts during and after the respective coloured revolutions in those countries. Also, they have provided and continue to provide various help and support to the opposition groups in Belarus and Russia.

Stepanenko 2004; Uhlin 2006). In this analysis I embed the radical perspective through the normative analysis of the empirical evidence. Looking at the indicators of growth in Ukrainian civil society, I present the underlying values of these changes that transcend their factual significance. In other words, I use a normative institutional approach.

Linz and Stepan are among the first transition scholars who concentrate on the role of civil society in democratic consolidation. In their seminal *"Toward Consolidated Democracies"* (1996), they identify civil society as one of the essential arenas of democracy⁶⁴. Linz and Stepan were concerned with people's potential to protect their rights and interests through their interactions with a state, and thus they had a more inclusive view of civil society. Their key suggestion is that civil society involves not only NGOs but also social movements and informal networks of ordinary citizens. In their words, the Schmitter and O'Donnell's argument in favor of civil society demobilization after a democratic breakthrough "is not only bad democratic theory, it is also bad democratic politics" (Linz and Stepan 1996: 18). They suggest that a robust civil society is essential to prevent a reversal of a democratic transition. Similarly, Ekiert and Kubick (1998: 578) discuss that social struggles in the form of NGOs, networks and protests are a positive sign of democratic consolidation.

The Orange Revolution among the Electoral Revolutions

Prior to the Orange Revolution the assessment of civil society in Ukraine was often pessimistic. Osadchuk (2005) describes two opposite perceptions among commentators: 1) that Ukrainian society was passive, discouraged and alienated from the officials who were consolidating the façade democracy and persecuting opposition and free media; and 2) that a wide anti-Kuchma movement was on the rise. There were several factors contributing to the

⁶⁴ The five arenas of democracy named by Linz and Stepan are: a vibrant civil society, autonomous and valued political society, rule of law, usable state bureaucracy, and institutionalized economic society.

protest intensifying within civil society. First, Ukrainians reached the threshold of tolerating regime corruption (Kuzio 2006b; Salnykova 2006). Also, the political opposition became more assertive and united with the opposition NGOs. Finally, the successful 2003 Rose Revolution in Georgia gave hope that Ukrainians, in similar circumstances of pervasive corruption, could take control of the presidential elections.⁶⁵ In fact, civil society and the opposition perceived the 2004 presidential elections as their last chance to reverse authoritarian tendencies in Ukraine (Vozniak 2004). Diuk (2006: 73-75) suggests that elections leading to revolutionary transformations demonstrate a rising maturity of civil society. She argues that for the 2004 elections in Ukraine to become a trigger of the protest, the opposition NGOs needed to document the electoral fraud and to present it persuasively. Activists needed to act efficiently and to provide evidence convincing for different audiences such as the incumbent regime, the opposition, the citizens, and the international community. As some publications note, one of the important preconditions for an electoral revolution is a long term development of civil society because it entails progressive democratic changes in the election procedure. Bunce and Wolchik (2006) show how these changes depend on the educational and awareness campaigns conducted by NGOs, as well as active support and participation on the part of citizens. These scholars discuss the critical importance of CSO initiatives to educate citizens about their rights and power over the voting process, and about the regime's abuses and the techniques of rigging the vote. Among the key initiatives that led to successful electoral revolutions were fostering cooperation among the opposition parties, pressuring the government for minor changes in electoral laws, alternative registering of

⁶⁵ Interestingly, even before the Orange Revolution, several independent academics and writers referred to the Rose Revolution in Georgia as an inspiration for possible changes in Ukraine (Vozniak September 2004; Stepanenko May 2004).

voters, exit polls and election result counts, using alternative media to counter the official media biases, and providing observers in the polling sites (Bunce and Wolchik 2006: 293).

These initiatives and campaigns are evidence of the long term developments in civil society that involved advanced planning and cooperation among various segments of the opposition. As Bunce and Wolchik suggest, the preparations for counteracting the falsified vote "... required an extraordinary amount of work, coordination and, in the politically dangerous situations in Serbia, Ukraine and Kyrgyzstan, bravery" (Ibid.).⁶⁶ The importance of these CSO initiatives reaches beyond the victorious protest and rerun of the presidential elections. Through the educational and awareness campaigns Ukrainians gained invaluable knowledge and practice regarding their voting and other civil rights. The effects of such learning experience are irreversible, positive, and far-reaching since electoral education can be transmitted and applied in the future. This also suggests that elections in Ukraine will become more representative and democratic in their essence, with more unbiased information in the electoral campaigns, and fair expression of the voting and its results. Importantly, the empirical evidence supports this assumption. As reported in a *Creative Counterpart Center* survey, in the 2006 elections NGOs demonstrated their improved organizational capacity to influence fairness of the voting process. They were able to analyze electoral platforms, motivate and educate voters, and stimulate public debates. Also, a survey found that 94% of NGOs cooperated with other NGOs to conduct their activities and exchange information, which was an 8% increase since the previous survey (*The NGO Sustainability Index Survey* 2006: 229). This trend is an indicator of a continued maturity of civil society in Ukraine because such cooperation expands the programs offered by various CSOs

⁶⁶ In the case of Ukraine, "bravery" was needed given the poisoning of Yushenko, assassination of Gongadze, and Kuchma's government provocations against the opposition NGOs and election observers that at times could involve physical assault.

and increases their effectiveness. As the Orange Revolution showed, a united power of the political opposition and civil society is crucial for persuading more people to support the protest and to create more pressure on the officials. The UICPR ⁶⁷ report confirms that the “Ukrainian third sector is now more consolidated and deeply ingrained... it starts realizing itself as one unit with similar interests and one vision” (*The Priorities of Civil Society Development* 2008: 9). Civil society consolidation stands in contrast to the challenges of forming the parliamentary coalition in the political society. In the area of cooperation, citizens and CSOs act more maturely than political parties, probably because they deal less with power issues. Civil society cooperation means that its activities are not affected by the elite tensions and political instability, which testifies to progressive developments in the democratic consciousness of common Ukrainians. CSOs involvement with democratic changes in Ukraine continues their experience in the Orange Revolution. As Bunce and Wolchik noted, the share and the scale of the local activism during the electoral revolutions in comparison with foreign participation and aid defines the extent of the positive and ongoing consequences for the development of civil society in a country (Ibid.: 293). In this respect, scholars suggest that the Tulip Revolution in Kyrgyzstan has the weakest lasting effects since it was not carried out by the internal civil society but largely with foreign help (Ibid.). It is telling that in the case of Ukraine, opposition activism was financially supported predominantly by internal sources.⁶⁸ The actual participation in the educational and protesting campaigns was predominantly performed by locals as well.

Notwithstanding its certain analytical advantages, there are some normative problems within the model of electoral revolutions. Beissinger (2007), Bunce and Wolchik (2006), and Tucker

⁶⁷ Ukrainian Independent Centre for Political Research, one of the first independent think tanks in Ukraine.

⁶⁸ One of the most active opposition NGOs Pora reported that out of its \$1.56 million total financing only \$130,000 was contributed by international donors (Demes and Forbrig 2006: 97).

(2005) propose a predominantly rational choice and elitist understanding of the electoral revolutions. They present this model of breakthrough as a well-defined set of activities and strategies that can be easily adapted to the local conditions of the country (Tucker 2005). Such conditions include the particular nature of the authoritarian regime, the opposition, and the immediate reason for the breakthrough (Bunce and Wolchik 2006). The limitation of this understanding is in its formal institutional nature, which considers only the measurable aspects of the changes and downplays their normative significance. In contrast, the normative perspective on the electoral revolutions would consider the increased level of appropriation of the democratic institutions by the citizens. In other words, the main value of electoral revolutions is the fact that the elections become recognized as the means of democratic empowerment of the citizens, their strengthened civic participation, and control of the government. This has a long-term significance for democracy consolidation.

Another normative limitation of the electoral revolution framework is the elite-centered paradigm. Bunce and Wolchik state:

Although electoral revolutions are often depicted as examples of “people power,”... “standard issue” politicians, or those who have already held high political office, have been key actors in all the electoral revolutions (Bunce and Wolchik 2006: 294).

In this they follow the pragmatism of Schmitter and O’Donnell (1986), who consider democratic breakthrough to be largely or exclusively an elite bargaining pact. Bunce and Wolchik present the electoral model as beneficial for the opposition elites due to its legitimate normative claims of fair elections and a repeatedly demonstrated success ratio. They state: “there is nothing abstract and sacrificial about emulating the model that promises, if successful, to give opposition chance to rule” (Ibid.). In other words, they diminish the role of civil society in the Orange Revolution and suggest that the opposition

elites did not consider the ideals of the electoral revolution but sought power by supporting the public protest. In this conclusion the scholars contradict their argument about a long term development in civil society — represented in the awareness campaigns by CSOs — which they consider to be a prerequisite for an electoral revolution. As noted earlier, the coalition of the political parties and CSOs was a new achievement that strengthened the Orange forces. Yet, the augmentation of the protest by the opposition elite cannot be overestimated so as to neglect the crucial role of civil society. It is doubtful whether the revolution could have succeeded had not the foundation of the protest been prepared by the CSOs and regular citizens. As stated by UICPR, the Orange Revolution revealed the decisive role of civil society in the political process of Ukraine since its activists initiated, motivated and provided the organizational basis for the successful protest (*The Priorities of Civil Society Development* 2008: 11). Overall, I suggest that a balanced conclusion is needed: that a synergy of forces — of civil society, citizens, and the opposition political parties — altogether contributed to the Orange Revolution victory.

It is worth revisiting Schmitter and O'Donnell's argument that civil society will be eventually subdued in a post-breakthrough state. Contrary to their suggestion, it is reassuring that the leaders of the Orange Revolution did not attempt to co-opt civil society and the media activism after the protest had succeeded. Conversely, the media became less censored and freely expresses criticisms towards the actions and decisions of the Orange politicians.⁶⁹ In several instances, new governors appointed by Yushenko were ousted almost immediately after their crimes were discovered and revealed in the media (Åslund 2005: 340). According

⁶⁹ Media started criticizing the Orange politicians immediately after the revolution: one could recall critical publications during the 2005 corruption scandal among the Orange politicians, as well as the negative assessments of sugar and meat prices regulations introduced by Tymoshenko government in 2005.

to the 2006 *World Press Freedom Review*,⁷⁰ state interference in the journalists' work decreased, and the editorial independence increased in Ukraine. Among other achievements is the emergence of informal taboo on the black techniques employed by the Kuchma government such as ordered tax and legal prosecutions, banning and withdrawing contracts and licenses from the opposition TV and FM stations. Undoubtedly, some structural problems in the functioning of Ukrainian media remained after the revolution, such as the availability of broadcasting licenses that can be sold during electoral campaigns. Dyczok and Olechowska point out that oligarchs still own a significant portion of the media. However, this problem is also present to some degree in Western democracies⁷¹, whereas in the case of Ukraine even modest improvements in the media functioning are remarkable when compared to the period of *kuchmizm*. For the first time during independence Ukraine has moved up into the category of "Partially Free" in *The Press Independence Survey* by Freedom House. In fact, Ukraine was the only post-Soviet country (excluding the Baltic states) that showed improvement in media independence.⁷² These gains became possible because the Orange Revolution gave an emancipating momentum for the media (Dyczok 2006; Prytula 2006).

Empirical Evidence I: CSOs Infrastructural Growth

I present some empirical evidence supporting the continuity of positive transformations in civil society, and its contribution to democracy consolidation in Ukraine. I rely on two recent empirical studies about the current state of civil society in Ukraine: 1) *The 2006 NGO*

⁷⁰ *World Press Freedom Review* is conducted by The International Press Institute, (http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0003/KW0087/&year=2006, accessed March 12, 2008).

⁷¹ These are a few examples: since 2003 Italian media has been classified as "partly free" in Freedom House Press Survey because of Prime-Minister Berlusconi's dominant influence through his media holdings (<http://www.freedomhouse.org/template.cfm?page=251&country=7295&year=2007>, accessed March 12, 2008). In Canada, the Asper family owns *The National Post*, 14 large cities dailies, 120 smaller dailies and weeklies, and *The Global TV* network as a part of CanWest corporation (James Winter, "Canada's Media Monopoly" <http://www.fair.org/index.php?page=1106>, accessed March 27, 2008).

⁷² "Freedom of the Press 2006: A Global Survey of Media Independence," (<http://www.freedomhouse.org/template.cfm?page=251&country=7295&year=2007>, accessed March 12, 2008).

Sustainability Index from USAID; and 2) *Priorities of Civil Society Development (2008)* from UICPR. These representative studies provide evidence of the growth of Ukraine's civil society at aggregate and individual levels. Notably, the 2006 USAID Executive Summary states on the first page that:

In Eurasia, only one country, Ukraine, improved its overall score, while a number of countries reported either overall or dimension score decreases as governments continued to restrict the space in which civil society operates.

This survey observed improvements in civil society practically in all areas of its functioning, such as the legal framework, organizational capacity, internal infrastructure, financial viability, influence on government, advocacy and service provision. It is telling that USAID directly links these developments to the Orange Revolution and classifies this tendency as “reflecting a continued progress” (Ibid.: 6). This continuity is important as it emphasizes that the revolution was not merely a spontaneous episode of civil disobedience, but a climax of civil society growth, whose activation was triggered by the rigged vote.

The USAID survey reports a growing cooperation between government and civil society in Ukraine. For instance, CSOs had succeeded in their demands against such conservative laws that would permit the officials to monitor the Internet and restrict volunteer movements (Ibid.: 228). The number of government contracts for NGOs in social and educational services to the population is increasing and these contracts cover more issues.⁷³ In November 2007, after a broad discussion with the CSO representatives, the Cabinet passed the “Concept of the Government Facilitation of Civil Society Growth”. This crucial document presents a program of a new public policy for state assistance in civil society development. The UICPR report emphasizes that the CSOs were united in their lobbying

⁷³ For instance, the Razumkov Center and The Democratic Initiatives Foundation were contracted to conduct workshops for educating Ukrainians about NATO. The government offers NGOs to administer educational campaigns in the spheres related to HIV/AIDS, human trafficking problems and in a variety of social services to orphans, people with disabilities, and other disadvantaged groups of population (*The 2006 NGO Sustainability Index*, USAID Report 2006: 231).

activities and presented consolidated demands for the government program (*Priorities of Civil Society Development* 2008: 7-9). Also, after the Orange coalition returned into government, the cooperation between civil society and the Cabinet became more consistent and professional. For instance, a section called “Civil Society” appeared in the Program of Government Actions, and representatives of CSOs are now more involved with the public policy decision making process (Ibid.: 8, 15). In the USAID survey, CSOs reported that the Orange government made many significant improvements in the legal environment. In particular, the new authorities democratized the laws regulating CSO registration and access to government funding and charitable contributions, which will significantly facilitate their functioning.⁷⁴ Notably, these changes in the legal sphere were reached due to the effective lobbying of the CSOs. This tendency shows the growth in the legal awareness and advocacy of CSOs. Such progress is also fostered as the government’s improving the availability of qualified attorneys, legal services, and hotlines (Ibid.: 229).

Overall, CSOs strengthened their advocacy efforts, moving Ukraine closer to the group of countries with “consolidated” civil societies in the USAID Report (Ibid.: 228). In general, the *Priorities of Civil Society Development* presents a more sober picture of civil society development in the wake of the Orange Revolution. However, it also states that after the revolution civil society has grown substantially in its advocacy efforts. In particular, it notes the successes in the areas of human rights protection, fighting corruption, and environment related issues (Ibid: 18). Another key change is the new quality of the NGOs that have emerged since 2004. UICPR describes that NGOs are formed on the initiative of the

⁷⁴ In 2006, The USAID survey reported the following progress in the legal environment: of the NGOs surveyed, 40% identified the “imperfect tax law” as a barrier to NGO development, a decrease of 9% from 2004. Similarly, 39% of those surveyed identified “imperfect NGO legislation” as a barrier to NGO development, a decrease of 7% from 2004. The specific improvements were the liberalizations of the registration – now NGOs have to be registered only with one ministry – and charity laws – the 2% tax was removed, which immediately resulted in a 20% rise in private donations (*The 2006 NGO Sustainability Index*, USAID Report 2006: 228).

citizens, are focused mostly on advocating the rights and interests of their clients or members, and are funded mostly by private local sources (Ibid.: 23). It is also telling that UICPR reported its success in monitoring the level of openness on the websites of the municipal governments. In 2006, after recording the openness level at 60%, the UICPR filed a petition to President Yushenko who reacted with an official statement of criticism addressed to 19 municipal governments. In 2007 UICPR documented the improved openness level at 70% (Ibid.: 13). Thus, the influence of CSOs on the government's decision making continues after the Orange Revolution. This trend signifies that in the preparation for and during the protest, Ukrainians have learnt about their political participation and the power they can exercise over the government. The continuity of this trend suggests that the process of internalizing democratic norms and civic activism started replacing the Soviet mentality of public disengagement from the state and the political apathy of Kuchma's era. According to Howard and his experiential approach to civil society, one of the key factors for societal changes to occur is a sufficient amount of time. He argues that several decades have to pass for changing people's habits and acculturation so that the societal change is enduring (Howard 2003: 9). His cautious argument prevents one from final conclusions about the changes in societal attitudes in Ukraine. Still, the evidence suggests that the trend of internalizing a more powerful role of civil society has taken hold among Ukrainians.

Another important improvement was reported in the area of civil society cooperation with private businesses, which has contributed not only to the financial growth of CSOs but also to the increased level of trust and mutual interest between the two non-governmental sectors. The level of corporate philanthropy is rising, as is the number of NGOs that

cooperate with more than 3 businesses at once.⁷⁵ In fact, the *Counterpart Creative Center's* 2006 survey of NGOs found a considerable decrease in the “internal barriers of NGOs.” The number of NGOs who indicated that the “Lack of Financing” was a barrier to conducting their activities decreased from 69% in 2005 to 64%. The NGOs report that many local businesses permit the use of their internet, fax machines, and other office technology in exchange for the services (Ibid.: 229). Overall, financial support from the business sector has increased by 4%, and many businesses partner with NGOs to mobilize resources within local communities (Ibid.: 230). Again, this fact illustrates a sustained trend of private businesses participating in civil society activities, which continues after their decisive contribution in the Orange Revolution (Demes and Forbrig 2006: 97; Salnykova 2006: 38).

Empirical Evidence II: The Power of Public Protests

As *Transitions Online* recently noted, Ukraine has one of the most vibrant civil societies in the region, even compared to some of the Central European countries (*Action Ukraine Report* # 878, October 13, 2007). The *Transitions Online* reporters conclude that Ukrainians have learnt how to stand up for themselves. This is evident in a number of small scale rallies and pickets against unpopular government decisions, such as the intrusive construction of highways and buildings, investigations and reports about corruption among the officials. One example of such protests was a campaign in October 2007 against building an entertainment complex on the territory of the National Museum of Folk Architecture and Life “*Pyrohovo*” at the outskirts of the capital. Scholars and museum workers lobbied for preservation of the Museum wholeness in the municipal council and also held a protest outside the mayor’s

⁷⁵ The creation of the Corporate Social Responsibility initiatives such as the UN’s Global Compact, PR League Forum, and individual corporate efforts by Avon Cosmetics and the Ukrainian and American Chambers of Commerce, have all contributed to the promotion of greater NGO-business cooperation. These efforts have sparked an interest in corporate philanthropy and have increased the capacity of NGOs to identify non-traditional sources of funding (*The 2006 NGO Sustainability Index*, USAID Report 2006: 230).

office.⁷⁶ Another example of a civil protest, which fully accomplished its demand, was a picket of small business representatives in March 2005. The protesters were against introducing a conservative tax regulation that would have forced many of the small businesses to shut their shops or to go into the shadow market (Áslund 2005: 346). First Deputy Prime Minister Kinakh together with various organizations representing small entrepreneurs led the protests. Due to this civil opposition, the parliament reintroduced the simplified tax schemes in June 2005, and eliminated a potentially harmful policy change (Ibid.). These protest rallies, according to Ekiert and Kubick (1998) and Kopecký and Mudde (2003), signify the strength of civil society in Ukraine because citizens' participation in contentious politics is one of the means of exercising civil control over the government.

It is also important that civil protests happen now outside the capital, against the municipal authorities, which means that civil society is strengthening in the regions.⁷⁷ In July 2006 about 360 CSOs from 13 regions of Ukraine, including Eastern *oblasts*, filed an open appeal to President Yuschenko and State Deputies against the politicization of the ombudsperson position in the parliament. CSOs reasoned that the office of a spokesperson for human rights should be excluded from the process of dividing the parliamentary committees among the coalition and opposition members. CSOs proposed to appoint the experienced human rights activist, Zakharov, for this position. They also organized campaigns and round tables in 18 cities to lobby for this decision. The Orange fraction supported Zakharov's appointment, however the ruling coalition did not pass his candidature. Nevertheless, this endeavour signifies a growing level of democratic consciousness, human rights advocacy,

⁷⁶ It is worth noting that in March 2008 the mayor of Kyiv Leonid Chernovecky was suspended from his office by President Yuschenko upon the request of Prime-Minister Tymoshenko due to civil society pressure, and in particular, journalist investigations which reported the unfair practices of the mayor with regards to selling property in Kyiv.

⁷⁷ Even in numbers, there is a trend of civil society strengthening outside the capital and Western Ukraine, which have always been leaders in this area. Importantly, the Eastern regions of Zaporizhya, Dnipropetrovsk, Odessa, and Luhansk recently reported on average of above 1000 active CSOs (*Priorities of Civil Society Development* 2008: 12).

and ability to cooperate among the CSOs in the regions of Ukraine. These are significant positive changes in Ukrainian civil society since the Orange Revolution.

A representative local protest occurred in November 2007 in Symferopol, where 5,000 Crimean Tatars demanded an investigation of the clashes that happened between the police officers and market vendors. The protesters wrote a letter of complaint to President Yuschenko and asked him to dismiss the Head of the Interior Security Office in Crimea, whom the protesters perceived as responsible for the violent actions against the Tatar vendors. Under the pressure of the ongoing protest, a special session of the Cabinet was held in Kyiv to investigate the circumstances of the clashes. As a result, Mohyliov, Head of the Interior Security Office in Crimea, resigned from his post in December 2007. Another successful local protest happened in Lviv in 2007. The city officials planned to restructure one of the squares, a registered UNESCO landmark, into a business and shopping centre. The NGOs “Civic Forum” and “Support” organized mass protests against this plan. Among their methods were: filing a complaint to the court, the prosecutor office, and to various government agencies; conducting street protests and blocking the traffic; building a tent city in the centre of Lviv; and finally, hunger strikes. The protesters’ demands were met and the plan of reconstruction was terminated (*Priorities of Civil Society Growth* 2008: 14). That civil society develops in the regions is also evident from the USAID survey. It reports an increase of social contracts between the local governments or businesses and CSOs in a number of regional centers – Mykolaiv, Odesa, Khmelnytsky, Luhansk, Lutsk, Lviv, and Rivne. Legal reforms at the municipal level have resulted in government contract increases for NGOs, of \$5,000-\$6,000 per contract (*The 2006 NGO Sustainability Index*, USAID Report 2006: 228). Other reforms encouraged CSOs to be present at joint policy making sessions with

municipal governments. In 2007, in Chernihiv, local CSO activists successfully lobbied for the passing of the City Statute which incorporated suggestions from communities.

The empirical evidence shows a trend where CSOs' influence on government decision making has continued since the Orange Revolution. On the other hand, some NGOs that actively participated in the revolution attempted to merge with the political society in order to transmit their democratic radicalism into political institutions.⁷⁸ The same attempt to enter political society was true of many Central European dissidents and CSO leaders after the revolutions of 1989 (Ost 1993). In the case of Poland, Czechoslovakia, and Hungary, this migration left the civil movement leaderless, which some authors described as a reason for the subsequent weakening of civil activities and even as a betrayal of democratic ideals by the former dissidents (Lomax 1997). Once the communist regime collapsed and the former dissidents became new political leaders, they became the major agents of democracy, with little opposition from popular organizations (Grugel 2002: 109). It should be noted that such an exchange of roles and replacement of influence was not common in post-Orange Ukraine, which indirectly suggests that civil society here does not experience leadership deficit or a usual post-democratic breakthrough "movement fatigue" (Schmitter and O'Donnell 1986; quoted in: Grugel 2002: 112). For instance, the NGOs that monitored the elections in 2004 and created the foundation for the electoral revolution continue their activities under the new officials. In fact, the USAID survey reports "consolidation" of civil society potential to ensure fairness of the electoral process (*The 2006 NGO Sustainability Index*, USAID Report 2006: 227). In other words, CSOs monitor the electoral practices of the Orange officials in the same way that they did previously. On a seemingly negative side,

⁷⁸ For instance "PORA", one of the most active and effective non-governmental organizations during the Orange Revolution, turned into a political party and ran in the 2006 parliamentary elections.

the survey reports that NGOs had less influence with the political parties during the government formation after the 2006 elections. However, this fact can be viewed as a usual practice in Western democracies where the cabinet formation is institutionalized as a realm of political parties, in which CSOs are not expected to take part as much as during elections.

Overall, to recollect Schmitter and O'Donnell's argument about the inevitable co-optation of civil society by a post-breakthrough state, it appears that in Ukraine the Orange elites have not demobilized civil society after its participation in the democratic revolution. Civil society displays strengthened abilities in influencing government decisions and advocating the interests of the citizens. CSOs appear to be more mature as a result of the Orange Revolution since they continue to act in consolidated efforts to a greater extent, monitor the election process, engage citizens in awareness campaigns, and protest against unpopular government decisions. The organizational and structural capacities of the Ukrainian civil society display a rising potential to prevent the reversal of the democratic transition and to consolidate the democratic gains of the revolution, such as open and fair elections, free media, elimination of administrative resource, and more transparency in the political process.

IV.2. Deeper Societal Transformations

*...in those days [during the Orange Revolution] something exceptional and revolutionary has happened in Ukraine, and that is a great inner transformation in the life of the nation.
(Yaroslav Hrytsak)*

In the earlier review I note several shortcomings in the literature on civil society, such as: a predominantly elitist and rational choice approach, inconsistencies in the conceptual understandings of civil society, the normative limitations of the Western ethnocentric model, a formalized view of membership and NGOs as the key civil society venues, and a restriction of the role of civil society to the episodes of breakthrough without extending it to the

consolidation period. Isajiw (2004) emphasizes the descriptive and ad hoc nature of the publications, as well as a lack of comprehensive and theory testing studies. Stepanenko (2004) notices another caveat in the academic discourse about civil society in Ukraine. In addition to being controversial and inconsistent, the conceptual understanding of the practices and values of civil society adhere to both the Western liberal and post-Soviet stereotypes about civic activities, which both are positivist. Stepanenko traces Western ideas about civil society “growth,” “strength,” and “increase” back to the Soviet era rhetoric (Stepanenko 2004: 201). He emphasizes a need for a critical understanding of civil society in Ukraine founded upon the socio-cultural, communicative, and solidarity perspectives (Howell and Pearce 2001). Previously, I analyzed the reports that document the changes in Ukrainian civil society in terms of its “growth,” “strength,” and “increase”. I approached their conclusions from a radical perspective on civil society, focusing on the normative rather than the formal structural components of civil society. Still, this analysis was inevitably limited by the measurable aspects of “growth” and “increase” in civil society. To balance this formal institutional analysis, I elaborate on the constructive changes in the wake of the Orange Revolution by discussing deeper societal changes. Here I include transformations in political culture, social solidarity, and political pluralism.

In addition to employing a radical and inclusive concept of civil society, it is important to incorporate agency-centered and cultural theories of revolutions in order to obtain a more comprehensive understanding of the social changes in Ukraine in the wake of the Orange Revolution. Agency-centered and cultural theories of revolutions (Foran 1997; Selbin 1997; Auer 2004, 2005) also focus on civil society, but do so from an alternate perspective to democratization literature. Since the Orange protest displayed certain characteristics of a

revolution, to interpret Ukrainians and their activities in this protest as an agent and culture of a revolution is as important as to employ democratization concepts of civil society, NGOs, and breakthrough. It is also important that agency-centered theories of revolutions are congruent with the radical perspective on civil society that I employ. In particular, the symbolic discourses and identities of citizens who are able to influence government decisions parallel the notion of the culture of resistance, as elaborated by agency-centered theorists of revolutions (Foran 1997; Selbin 1997). These scholars distinguish between various types of revolutions and emphasize that many of them bring a fundamental change, not in the political system but in the wider societal fabric as, for instance, the Quiet Revolution in Quebec or the 1968 student revolution in West Germany did. In particular, the latter never did reach its anti-establishment and anti-bourgeois goals, yet it accomplished certain changes in the university structure and formed a new generation of politicians in Germany.⁷⁹ Similarly, the Orange Revolution can be described more accurately as an event that marked deep change in Ukrainian society and political culture rather than as a revolution that has failed to change the institutional structure. Examining the way this revolution was shaped by the culture of resistance helps one to understand the significant transformations in civil society which mark a new generation of citizens in Ukraine.

The Culture of Resistance in the Orange Revolution

Foran (1997: 212) states that opposition cultural and social discourses were crucial in bringing forth a number of revolutions – from the French Revolution in 1789 to the velvet revolutions two centuries later in Central Europe. The opposition critical discourses were represented in the creative works of pamphleteers and dissidents in the respective

⁷⁹ Among this new generation of politicians in Germany were a recent chancellor, Gerhard Schroeder, and a minister of foreign affairs, Joschka Fischer.

revolutions. These discourses have not been embedded in particular institutions or transferred into a lasting political body; nevertheless, their impact on social transformations was decisive and comprehensive. They acted as the means to express public dissatisfaction and motivated people to join those individuals who constituted the critical mass of the tangible revolutionary movements. Chartier (1991) discusses how the intellectual discourse and culture of the Enlightenment were crucial in initiating the crisis of the absolutist monarchy in France. He argues that the new public sphere created by the middle class, writers, philosophers, and pamphleteers created the culture of resistance which criticized the monarchy and was ready to present a project for a new socioeconomic order in France.

Similarly, in the case of Ukraine the new culture of resistance to the consolidation of Kuchma's regime was initiated in 2000 around the web-newspaper *Ukrayinska Pravda* (Ukrainian Truth, *ukr.*), which was highly critical of the corrupt regime. The Internet was vital as the only venue of public information disclosure in a country with censored media and "temnyky."⁸⁰ A number of websites and online newspapers such as "Maidan", "ForUm", and "Telekritika" delivered the true information to citizens who otherwise would have been kept in a censored space by the state officials. For this reason several authors in McFaul and Åslund (et al. 2006) recognize the Internet resources that ensured space for freedom of expression and critique of the regime in Ukraine as critical in the success of the Orange Revolution. These websites were intellectual centers for providing true information about the state officials and for stimulating open public discourse, which are vital for civic engagement in politics. Some commentators speak of the existence of a "virtual Ukraine"

⁸⁰ "Temnyky" is a name for one of the means of media control and censorship which existed in Ukraine under Kuchma. They contained lists of allowed and prohibited topics for the news reports that the Administration of the President would send to the media outlets. In the case of ignoring "temnyky," the radio station or TV channels were faced with losing their licenses, tax administration insinuations, and even the murders of the journalists.

(Hrytsak 2005: A11), referring to a constellation of writers, philosophers, art performers, and journalists who were critical of *kuchmizm* and used available venues to spread the true information to Ukrainians.⁸¹ The forerunner of the “virtual Ukraine” is found in the anti-communist velvet revolutions of 1989-1991. Marin discusses how the intellectuals of Central Europe became “a voice of responsible opposition” in their dissident art (Marin 2004: 54). She emphasizes how their moral role of building and strengthening civil society was accomplished through their creative work and cultural discourses. In this idea Marin borrows from a Hungarian dissident writer Konrád. He separates the “ivory tower intellectuals” and “true intellectuals” according to their involvement with society’s relevant problems and their critique of the retrograde authorities (Ibid.: 56). In the case of Ukraine, intellectuals who opposed *kuchmizm* took a moral stand against the regime in a variety of ways, including critical discourses in such public and political actions as university and journalist strikes, as writing and speaking against the law violations by the corrupt officials.

Earlier, I briefly introduced Foran’s concept of a culture of resistance,⁸² which according to him is one of the crucial aspects of a revolution. He names several essential characteristics of this culture: evoking folk beliefs, historical memories of conflicts, shared “structures of feeling,” sentiments of injustice, religious idioms, and more conventional political ideologies (Foran 1997: 208-209). From his observations of a number of revolutions, he suggests that cultures of resistance are “plural and multiple, can be secular and religious, and that different social groups may embrace different versions” (Ibid.: 208). A culture of resistance necessarily awakens emotions and extraordinary activity among those who choose to participate in the

⁸¹ The representatives of the politically active intellectual and art elite include writers and poets Yuriy Andrukhovych, Oksana Zabuzhko, Bohdan Zholdak, singers Taras Chubaj, Ruslana, and Slavko Vakarchuk, journalists Olena Prytula and Andrij Shevchenko, professors Rostyslav Pavlenko, Oleksii Haran, Yuriy Hrytsak and Mykola Ryabchuk.

⁸² By “a political culture of resistance”, Foran means “radical ways of understanding one’s circumstances that various groups... articulate to make sense of the political and economic changes they are living through” (Foran 1997: 208).

revolution. In this, a political culture of resistance is clearly different from the classical concept of political culture by Almond and Verba which deals with loyal attitudes towards the political realm. In the case of the Orange Revolution, the culture of resistance was obvious in the variety of creative means employed by CSOs and political opposition to channel the rational and irrational perceptions of citizens about the corruption within *kuchmizm*.⁸³ The long term significance of the culture of resistance is two-fold. On one hand, the resourcefulness of the protesters activates civic creativity, which is essential for a citizen in a democracy (Arendt 1958), and a new attitude towards the authorities as accountable to the people. Also, as any other culture, it represents and fosters solidarity around a certain phenomenon such as a nation, a religion, or a trend in music. The Orange Revolution's culture of resistance created a powerful solidarity around defending the freedom and voting rights of Ukrainians and advocating for transparency and accountability in the government.

Selbin (1997) contributes to Foran's idea of the culture of resistance and its role in the revolutions. He discusses the heroic mythos around the revolutionary leaders and "a tool-kit of symbols, stories, rituals and world-views," and how those provide the actors with the resources necessary to create the strategies for action and practical protest (Selbin 1997: 125). He emphasizes this connection between the discourses and actions of resistance as a necessary bridge to a successful revolution. The culture alone will not produce an effective outcome, just as revolutionary leaders will not find the support of the masses unless they translate their vision of transformation into the protest vocabulary of the majority of the population. As Selbin put it succinctly, "revolutionary leaders can go no farther than the population is prepared for them to go" (Selbin 1997: 128). This idea is congruent with the

⁸³ For an excellent account of the creative means employed by both sides in the Orange Revolution refer to the chapter "Affective Response" in: Salnykova, Anastasiya (2006), *The Orange Revolution: A Case Study of Democratic Transition in Ukraine*.

earlier discussion on the level of civil society maturity necessary for a protest to succeed. As previously noted, the CSOs that protested against *kuchmizm* in 2001-2002 had to substantially modify their resistance methods in order to appeal to and gain a wide support from both the opposition elites and a vast number of Ukrainians.

Both scholars emphasize the importance of creating revolutionary heroes⁸⁴ and evoking past memories and protest traditions as a part of the culture of resistance. In the Orange protest, a number of youth NGOs were organized after the WWII anti-Soviet guerrilla movement in Western Ukraine. In particular, they worked in underground conditions, since the physical persecutions were real during *kuchmizm*, in a horizontal non-hierarchical system of responsibilities. Also, at the climax of the revolution, the logistics of feeding, sheltering and securing the protesters on Maidan was provided by the volunteers who in their activities emulated the Cossacks, medieval warriors from Eastern Ukraine. Diuk (2006) commented on this coalescence of the historical experiences from different parts of Ukraine as reinforcing the sense of unity among the opposition and displaying the Orange Revolution as a protest of not only the Western but of other parts of Ukraine as well.

The Youth as a New Post-Orange Generation

Interestingly, Kuzio is consistent with the agency-centered theories of revolutions in his publications on the Orange Revolution. He examines the role of youth in the event, and argues that student participation was critical for the consolidation of the opposition forces and mobilization of the public. He quotes one of the activists: “this was a real extreme, underground, creative youth movement. People sat in offices all day not for money or

⁸⁴ It is interesting to apply these ideas about personalities and the resistance mythos to the Ukrainian case. What immediately comes to mind is the heroic cult of the opposition journalist Gongadze, who is viewed as a democratic martyr of *kuchmizm*, and the political poisoning of the opposition candidate Yushenko, whose disfigured face was often compared to Ukraine under the corrupt façade democracy of *kuchmizm* (Hrytsak 2005).

because they were forced to, but simply because it was the place to be cool” (Kuzio 2006a: 366). Kuzio discusses in detail and concludes that the preparation and participation in the Orange Revolution was a youth movement, energetic, popular, and trendy (Ibid.). The young people established networks of creative resistance and activism against corruption, which was manifested in the revolutionary folklore, art, and music. According to Selbin (1997), these youth-led developments preceding the Orange Revolution are a vivid example of the culture of resistance, which played a motivating part in the success of the protest.

In addition to activating the protest discourses and the culture of resistance, student NGOs and informal gatherings⁸⁵ became the actual channels of public engagement. Besides their immediate members, thousands of Ukrainians went through workshops and training for participation in the 2004 presidential elections as agitators, observers, analysts, and reporters. Especially successful was the campaign for the education and mobilization of university students conducted by the NGOs. For instance, “Pora” had its cells in 20 universities and an overwhelming majority of its members were students (Demes and Forbrig 2006: 93). There are several reasons why the focus on students was strategically a forward-looking choice in the NGO opposition campaign. First, the students were easily motivated to protest because of their firsthand experience of the subordination of the university officials to Kuchma’s regime. Their corruption was obvious and was infringing upon the academic and political freedoms of students (Andriyevska 2003; Marynovych 2005).⁸⁶ Second, young people are psychologically more inclined to protest against the establishment, as demonstrated in the

⁸⁵ Among the most prominent student organizations were: the yellow and black “Pora” (It’s High Time, *ukr.*), “Chysta Ukraina” (Clean Ukraine, *ukr.*), “Za pravdu” (For Truth, *ukr.*), Znayul! (I Know, *ukr.*) “Ukraina bez Kuchmy” (Ukraine without Kuchma, *ukr.*), and the Student Brotherhood of Kyiv-Mohyla Academy.

⁸⁶ Under President Kuchma, the Administration of the President indirectly controlled the Ministry of Education and particularly the university rectors regarding the political attitudes and participation by the professors and students. The politicization of the educational institutions was a close reproduction of the Soviet system of control. It was a common practice of the majority of university officials especially in Eastern and Central Ukraine to expel those students who were noticed as participants in opposition rallies, agitators and distributors of opposition brochures, stickers, and other material that educated people about the possible electoral fraud.

1960s student-led revolutions in France, Germany, Quebec and the US. Students, who do not yet have anything to lose, unlike the middle age category, and are especially likely to protest if the establishment endangers their future. Notably, according to Reznik (2005) and Osadchuk (2005), the youth and private businessmen were the two citizen categories that made the most contribution to the success of the Orange Revolution.

It is also important that students at many universities in Ukraine are usually representative of various geographic, social, and cultural backgrounds. This is significant because their active participation in the Orange Revolution demonstrated that it was not the protest of a particular regional group. Rather, it was the protest of the Ukrainians who acquired the true information about the incumbent candidate and the electoral fraud and were aware of their rights and roles as citizens. I argue that this activation of the youth in the protest is possibly a long term positive trend, which signifies a rupture with the Soviet legacies of public alienation from politics. The data demonstrates that those under the age of 30 were three times more likely to participate in the Orange Revolution than other age groups among the Ukrainian population (Stepanenko 2005: 21). This fact can be interpreted as a generational change in political culture – from Soviet apathetic disengagement to post-authoritarian proactive political values and orientations. Those under the age of 30 were only partially socialized in the Soviet Union, and thus were able to modify their expectations and behaviours in the 15 years following the USSR dissolution. This younger generation adapted faster than the generation of their parents to the new realities of market economy and, more importantly, of Ukraine as an independent nation-state. According to the demographic analysis by Stebelsky (2005), there has been a noticeable change towards a stronger Ukrainian national identity and consciousness among younger Ukrainians. The same positive

conclusion is obvious when analyzing public survey responses among different age categories.⁸⁷ Likewise, Salnykova (2006: 32-34) identifies the demographic change, comprised of a new post-Soviet political culture and a deepened Ukrainian consciousness as one of the important factors in the success of the Orange Revolution. Demes and Forbrig conclude that the opposition movement “Pora” was carried out by “the first postindependence generation in Ukraine... shaped by... international experience, and global opportunity rather than the Soviet past” (Demes and Forbrig 2006: 97). This generation “realized the discrepancy between the democratic rhetoric and reality in the country and the personal disadvantages which that gap meant for them” (Ibid.). This is a significant observation which identifies the increased politicization and democratic consciousness of this new generation which would transmit the results of the democratic protest into the future and would depart from the post-Soviet political apathy and discouragement.

Bunce and Wolchik (2006) echo the idea of a political culture change in Ukrainian society. They define the electoral Orange Revolution as an event that marks the birth of a new generation, which amidst the hopeless electoral abuse of the authoritarian regime chooses not to boycott the elections but to advocate their democratic meaning (Ibid.: 299). This assumption about the changes in Ukraine’s political culture is illustrated by the words of Potekhin, leader of the youth NGO *Znayui!* (I Know): “this was the case when something very personal was stolen from us – our right to vote” (Kuzio 2006a: 366). Opposition NGOs ran various campaigns for providing potential voters with true information, but more

⁸⁷ For instance, a survey question about the recognition of the soldiers who fought against the Soviet Red Army in WWII as fighters for the independent Ukraine, which is one of the most controversial issues pertaining to national identity in Ukraine, demonstrated a sharp contrast between those under the age of 30 (56% in favor, 21% against) and above the age of 56 (40.9% in favor, 39.9% against). Another question asked whether the respondents consider the Day of Independence of Ukraine as a memorable day, and there were more than twice as many negative responses among those who are above the age of 56 than those under the age of 30 (18% and 7.9% respectively). These examples are found in: “Monitor of the Sociopolitical Situation in Ukraine,” Newsletter of the Institute of Social and Political Psychology of the Academy of Political Science of Ukraine, Kyiv, September, 2005, pp. 6, 13.

importantly, with the hope of taking the elections seriously through voting, monitoring, and preparing for the protests if needed. Likewise, Kuzio (2006a) notes a higher level of democratic political reasoning among the Ukrainian NGOs who employed their “get out the vote” strategies exactly for the specific groups who were politically disengaged or uninformed about their rights. In particular, the NGOs concentrated on reaching the audience of urban youth who were generally the most politically apathetic. This targeted nature of the opposition’s electoral strategies is comparable to the usual civic campaigns in Western democracies that concentrate on motivating the groups who usually ignore voting (Kuzio 2006a: 368). The educational and electoral awareness campaigns were a positive new experience for Ukrainian voters who are usually bombarded by expensive electoral propaganda. Thus the achievement of the Orange Revolution was not only in reaching its immediate electoral goals but also in awakening civic activism and consciousness in a new generation who is likely to transmit their democratic values and orientations into the future. Student engagement in the 2004 electoral campaign and the subsequent revolution is very significant for the sustainable development of civil society and is a mark of irreversible transformations in the political culture of Ukrainians.

It can be argued further that the young activists of the Orange Revolution display a new type of civic consciousness and patriotism which are not associated with their language, regional, or cultural background exclusively. As Kuzio (2003) argues, Ukrainian nationalism changed from an ethnic to a civic type, which strengthened a political rather than a cultural component in the national identity of younger Ukrainians. The “orange” youth represents an emerging generation with a new political mindset, which was evident in their ability to create a unified opposition to the preceding regime. In contrast to a number of national-democratic

political parties which have repeatedly attempted, yet failed to create a united democratic opposition since 1991, the young protesters succeeded in joining their forces together. One of the reasons for this success was their ability to avoid basing the Ukrainian political identity on their language or ethnicity. As Osadchuk points out, the Orange Revolution challenged the common perception of Ukrainians as divided into extremist nationalistic West and communist backward East. In the situation of the rigged presidential vote, the political identity entailed the act of civil disobedience against the authorities who violated their voting rights. For many of the young protesters whose first language was Russian, the Orange Revolution represented the national identity of citizens in a democracy. This phenomenon can be best described as emerging constitutional patriotism, according to Habermas (1987). Indeed, this fact signifies that the Orange protest was a unifying political revolution in favor of democracy, rather than a divisive nationalistic riot. Diuk (2006) argues that a new popular consciousness was created as a result of the Orange Revolution. This new consciousness was different from the “blue-and-yellow” national identity, which was predominantly supported in Western Ukraine. The “orange” democratic identity created a vision for a uniting and encompassing of the East and the West – a pluralistic Ukrainian identity. This “should be considered a new civic nationalism, one that has not existed in Ukraine as a nationwide phenomenon before this event” (Diuk 2006: 82).

As emphasized by Kuzio (2006a), the youth opposition “set examples to the older generation by uniting a broad range of political views in the youth NGOs” since the authorities used the allocation of influential political seats to divide those political parties in the opposition (Ibid.: 372). The latter problem was discussed by D’Anieri (2007: 103-123) as a challenge posed by societal fragmentation to parliament institutionalization in Ukraine. He

notices that both pro-Russian and pro-Europe parties would rather side with Kuchma's regime than give chances for gaining power to their opponents. This situation showed a rational zero sum game by the two major parliamentary wings and their weak democratic consciousness unable to compromise their ideology (in this case foreign policy orientation or language) for the sake of establishing a more influential and functional parliament. Unlike the older generation of politicians, the young activists of the Orange Revolution were able to form a wider alliance by disregarding the traditional East-West cleavages in Ukraine. Moreover, and were one of the crucial forces in uniting the ideologically different wings of the opposition to Kuchma's authoritarianism into what was known as the Orange coalition.

The New Place of the Political Opposition

Another positive transformation that is being solidified in the aftermath of the Orange Revolution is the place of the political opposition in the political process. Earlier I discussed that the return of Yanukovych as Prime-Minister after the 2006 parliamentary elections is widely criticized as a failure of the revolution. However, the values of political pluralism and a variety of electoral options have always been considered as pillars of democratic theory and practice (Dahl 1990; Lijphart 1977). Hence, it is puzzling that the return of Yanukovych and his party into the government, being the result of free and fair 2006 elections, has been ostracized as backsliding democracy in Ukraine. However, as was evidenced in the 2005 rerun of the presidential vote, Yanukovych had the genuine support of at least 40% of Ukrainians. Therefore, his score in the parliamentary elections was logical and representative of the vote of his supporters. Conversely, had not the Party of Regions obtained a sufficient vote for entering the parliament, the achievements of the electoral revolution would have been doubtful and inconsistent. The fact that the Orange forces have not monopolized the

political process after their victory in the revolution signifies their commitment to the democratic values of political pluralism and alternative elections.

As Karatnycky (2006) pointed out, even the very presence of the opposition in the official politics was important for democratization in Ukraine. His argument refers to the preceding pseudo-democratic regime, when the opposition was persecuted and discriminated by Kuchma's government. Unlike the previous regime, the Orange politicians have not excluded their former rivals from the political process. Thus, there is a new tendency in Ukrainian politics to give more freedom and significance to the opposition parties. Riabov (2006: 26) elaborates that it is vital particularly for the transition of post-Soviet countries to have a functioning and efficient opposition. Hence, it benefits democratic consolidation in Ukraine that the Party of Regions is included in the political process. However, Riabov identifies a caveat in considering the Party of Regions to be a legitimate opposition in the Ukrainian political process. As he notes, the opposition is a social or political entity which is an alternative force to the party in power, but is not antagonistic. Since the Party of Regions is often interested in destabilizing the political situation and thus defeating the Orange parties, rather than representing their voters, Riabov questions whether this political force can be considered a legitimate opposition (Ibid.: 29). A legitimate opposition, according to him, should serve as an institution for representing and lobbying for the interests of those social groups which are not represented by the party in power (Ibid.: 32-34). The true opposition does not exist for the purpose of toppling their more powerful rival. The Party of Regions has repeatedly used the "letter" of the law and a speculative understanding of democratic norms and institutions in order to subvert the process of stable government

formation⁸⁸. Still, regardless of whether its opposition nature is legitimate, the Party of Regions functions as an established alternative in Ukrainian politics. This carries several important implications for democracy consolidation in Ukraine. First, the Ukrainians who do not support the Orange forces have a functioning political party with which they can identify in the post-Orange Ukraine. Second, the Orange politicians cannot be accused of monopolizing the power since they are counterbalanced and controlled in a competitive political process. Finally, the values of pluralism seem to be more accepted in Ukrainian society, since the political rivals function and publicly oppose each other which was not the case during the previous regime.

In view of the discussion in this chapter, it is possible to suggest that the Orange Revolution should not be labeled as a failure since a number of constructive changes in civil society and in a wider societal fabric have occurred as the result of this protest. The strengthened infrastructural and organizational capacities of the CSOs, their increased influence on the government decision making, and the increasing number of successful protests and advocacy efforts all show that the preparations for the Orange Revolution have had a long-lasting effect on civil society growth in Ukraine. It is telling that there are even deeper post-revolutionary changes within Ukrainian society. A new generation with strengthened confidence in its civil rights and influence over the government emerged as a result of these people's experiences in the Orange Revolution. This generation shares a new Ukrainian identity which is not necessarily grounded in one's language or region and thus might be able

⁸⁸ Some examples of the subversive actions of the Party of Regions include: boycotting parliament budget approval sessions (January 2008); preventing members of the Party of Regions from being included into the Orange government, and forming "a shadow cabinet" instead (December 2007); bribing a number of the Socialist party members to defect from and destroy the Orange coalition (Summer 2007); blocking both Ukraine's accession into the WTO (2006) and negotiations about NATO membership (2006, February 2008); subverting the nomination of the Constitutional Court judges (2007); using minor procedural disputes to delay the formation and actions of the Orange government (July 2006, October-December 2007); and lobbying for and proclaiming Russian to be the second official language in several Eastern regions (May 2008).

to provide grounds for solidarity between Ukrainian East and West. It is also possible to trace constructive changes in the political culture of Ukrainians, which is changing from a politically apathetic and disengaged to a participatory activist political culture. Finally, political pluralism appears to be more accepted, as the former revolutionary rivals among the political elites and regular citizens do not engage in retributive actions but attempt to function together. These new tendencies suggest that, as a result of the Orange Revolution, Ukrainians have become more empowered as citizens, more engaged and influential in the process of democratic consolidation in their country.

CHAPTER V. Implications: On Balance

V. I. The Failed Ideals of the Orange revolutionaries

Ukraine's politics continue, as before the Orange Revolution, to be more in the nature of fundamental power struggles instead of democratic governance.
(Bohdan Harasymiw 2008)

Foran defines a successful revolution as capable of “taking and holding state power long enough to engage in a project of social transformation” (Foran 1997: 227). According to this definition, was the Orange Revolution successful or unsuccessful? Yakushyk compares the Orange protest to the 1905 revolution in Russia since they both remained unfinished. He describes both as revolutions because they opened new development strategies for their countries; however, they have not completed their projects of sociopolitical transformations. Similarly, Bukkvoll (2006) is skeptical about whether the Orange Revolution brought a regime change. Analyzing the post-Orange Ukraine, he employs the following criteria of a regime change: public administration reform, leadership change, retribution for the past, new elites, spread of economic power, civil society development, and openness of the political system⁸⁹. He traces a significant change in the leadership at various government levels in Ukraine, but not a comprehensive change. At the same time, Bukkvoll points out a new positive tendency in the foundational principles of leadership organization which are noticeably different from Kuchma’s regime as they show respect for the rule of law and other democratic values. He describes the change in the public administration sector as even less accomplished than the leadership change. However, he suggests that this is not surprising since administrative reforms need more time than a change in personnel⁹⁰.

⁸⁹ These criteria of regime change are developed by the English think tank Policy Exchange. See a report at <http://www.policyexchange.org.uk>

⁹⁰ For a more elaborate discussion of this issue refer to Chapter III.1 in this thesis.

Bukkvoll considers the absence of revanchism as a negative aspect of the Orange Revolution. Its leaders have not pursued the famous protest goal of criminals being put in jails, which he attributes to their rejection of the revolutionary ideals. However, other scholars express different positions on the same topic. For instance, Áslund was critical of the attempts to introduce re-privatization by the first Orange government, which he rendered as the populist and vengeful pursuit of the oligarchs aimed at political popularity (Áslund 2005: 339). At the same time, he supported Yushenko's 2004 electoral campaign as it was cautious about re-privatization⁹¹ and showed respect for private property and rule of law, which are essential in Western democracies. Also, a number of scholars name non-violence as one of the paramount strengths of the coloured revolutions and credit it to their inheritance of the 1989 velvet revolutions ideas (Binnendijk and Marovic 2006; Karatnycky 2006; Kuzio 2006; Auer 2005; Minakov 2005). When assessing the cases of revanchism in some revolutions in history, one should doubt that retribution for the past can be considered a criterion of success. Massive murders and persecutions resulting in terror marked the aftermaths of the French and Bolshevik revolutions. The violent fatal ending of the anti-communist revolution in Romania excluded it from the velvet revolutions cohort. As said by the Polish dissident Michnik, "history has taught them that those who start by storming bastilles will end up building their own" (Foran 1997: 212). In particular, if a revolution has democratic claims, retribution for the past can be viewed as a failure of this revolution. Hence, the absence of comprehensive revanchism after the Orange Revolution displays certain attempts to support its democratic claims.

⁹¹ Áslund commented that: "In his election program, Yushenko (2004) only addressed re-privatization in passing: 'I am against new redistribution of property, but the oligarchs are going to pay the real price for enterprises, which they are seizing for a trifle.' The sentence appears to suggest that bygones be bygones, but that in the future the oligarchs would be forced to pay realistic prices for privatized properties" (Áslund 2005: 342).

In many ways Auer (2005) is correct to compare the Orange Revolution to its velvet predecessors. Specifically, they were non-violent acts of civil disobedience, in which the people successfully contested the authoritarian power of state officials. However, there is one significant difference that separates the Orange Revolution from the velvet revolutions which also complicates the possibility of revanchism in its case. All Central European countries had a well-defined enemy – communism – represented by the bureaucracy and the party elite whose ideological dictatorship was challenged by the freedom fighters – the overwhelming majority of the population. In Ukraine, the enemy – *kuchmizm* – was similarly well defined and was represented by the corrupt authorities and their media censorship and suppression of the opposition. However, the Ukrainian citizens were divided in the protest. Thus, if after the revolution the Orange forces engaged in revanchism against the other half of the nation, this would have endangered the national unity and civil peace in the country. As noted by Bunce and Wolchik, the process of democratization in the 1990s faced severe obstacles in those countries that had “substantial tensions between cultural majorities and minorities” (Bunce and Wolchik 2006: 285). Among those countries were Slovakia, Moldova, Serbia, Ukraine, Georgia, and Russia. Therefore, democratization after the Orange Revolution would have been impeded again if the Ukrainian East, represented by the Party of Regions, was excluded from the political process. Even if the new leaders avoided using violence against *kuchmizm*, and instead initiated lustration as in Poland and East Germany after 1989, it still could have led to conflicts and reasons to blame the Orange coalition. Since recently the outcomes of lustration in Poland were questioned and criticized⁹², I suggest it was a wise decision of the Orange coalition to refrain from a comprehensive

⁹² For one of the critiques of the Polish lustration refer to Timothy G. Ash, “Poland has made a humiliating farce out of dealing with its red ghosts,” *The Guardian*, May 24, 2007.

revanchism. Conversely, if numerous criminal prosecutions and a re-privatization campaign were employed, they could have been blamed for building *keuchmizm* in orange.

On the other hand, the downside to this non-engagement with retributive actions is a **lack of anti-corruption measures**. It is a widespread criticism of the observers and a grievance of many Ukrainians that the campaign against the obvious crimes of the past regime was not launched by the Orange politicians and Yuschenko specifically⁹³. Public polls show that only 21% of Ukrainians believe the president has shown the political will to combat corruption (*Eurasia Daily Monitor*, Vol. 4, Iss. 11). For instance, not only did Yuschenko not fulfill his promise to unravel the political murder of Heorhiy Gongadze but he also granted a State Award to the Prosecutor General Potebenko who was internationally accused of stymieing the investigation process and protecting those officials who were implicated for the murder. Kuzio named Yuschenko's award "shameful" (*Action Ukraine Report 820*, Feb. 2007). Also, during the Orange Revolution Donetsk, Luhansk, and Kharkiv governors made separatist statements and actions, which are considered to be crimes against the Constitution of Ukraine. After the revolution there was an attempt to charge one of them for assaulting the territorial integrity of the country, but it was not pursued to the end. Overall, the fine line between justice and vengeance has often been violated in the history of revolutions. The Orange politicians chose to stay away from the risk of crossing this line but came close to ignoring the rule of law by leaving some crimes unprosecuted. In this way, the Soviet legacy of corrupt judiciary is still prevalent in Ukraine and continues hampering the establishment of the rule of law, which in turn limits democratic gains of Ukraine.

⁹³ According to *The Atlantic Council*, "While there are many reasons for the persistence of corruption in Ukraine, polling suggests that public disappointment is particularly strong in the case of President Yuschenko, as many voters believe he is one of the few top politicians who is not tainted by corruption" (*Eurasia Daily Monitor*, Vol. 4, Iss.11, January 21, 2008).

Some authors describe a revolution as a rupture with the past corrupted legitimacy and an attempt to build a fundamentally new **legitimacy** (Musienko and Musienko 2006: 170). In this respect, the authors compare the 1960s Quiet revolution in Quebec with the Orange revolution and define them as successful in revealing and destroying the illegitimacy of the preceding regimes. However, the authors also suggest that a revolution is supposed to bring a new sociopolitical project of development, which would put the new norms of legitimacy into practice. They conclude that in this respect the Orange protest was less successful than the Quiet Revolution since there was no comprehensive reform project put in practice in Ukraine. Structural scholars view this inability of the revolutionaries to accomplish their goals after they gain power as one of the reasons to disregard the role of agency in a revolution. Skocpol (1979: 168-171) concludes that if the results of revolutions are not foreseen, the objectives and ideologies of the revolutionaries must be insignificant as causal factors. However, cultural approach to revolutions provides a counterargument to this criticism. Specifically, one of the important factors that make revolutions unfinished is the **fragmentation** of the broad alliances which constitute revolutionary forces (Foran 1997: 213). This is evident in the case of the Orange Revolution where the conflicts and disbanding of the Orange coalition led to a wave of criticisms and doubts about the genuine nature of the protest⁹⁴. Hale (2006), D'Anieri (2007) and Åslund (2005) point out that the aftermath of the Orange Revolution has been marked with disorder, inefficiency, and conflicts. These scholars conclude that a weak parliament and a strong presidential office are a dangerous combination for consolidating the democratic changes made possible with the Orange Revolution. Åslund describes the Ukrainian parliament as an entity that consists of:

loosely integrated party factions, trading a few parliamentarians almost every week. Most parliamentarians are businessmen who transact and pursue their

⁹⁴ See Ch. III.2. for a detailed analysis of the causes and consequences of the Orange coalition divisions after the revolution.

business objectives in the halls of the parliament. Such an amorphous institution riddled with conflicts of interest cannot be expected to seriously address reforms (Åslund 2005: 340).

D'Anieri summarizes the situation in Ukraine as being caught in between liberal democracy and authoritarianism. In 1991 there was no rupture with the Soviet practice of concentrated control in the hands of the executive. Thus, the parliament in Ukraine cannot become as influential as it is in the developed democracies. In addition to this, weak political parties, frequently changing electoral laws, and regional cleavages reinforce the disproportionate power division between the executive and legislative branches. As a result, the informal power politics often takes over the legal rules in Ukraine. D'Anieri (2007) concludes that Ukraine's dilemma is that, after having escaped authoritarian presidentialism, it now faces conflicts between the legislative and the executive which can turn into political deadlock and instability. Harasymiw (2008) supports this conclusion with the recent evidence from politics in Ukraine: disputes over the ministerial appointments, and a call for a new constitution and elections. These power speculations overshadow the need for reforms that would consolidate the positive gains of the Orange Revolution. Both scholars conclude that despite all the democratic potential of this breakthrough to achieve consolidated democracy in Ukraine is no more inevitable today than in 1991. Ukraine might permanently remain neither fully authoritarian nor fully democratic. Scholars see this abnormal condition as a trend, since a number of countries besides Ukraine, such as Venezuela, Malaysia, Armenia, Kyrgyzstan, and Kazakhstan exhibit similar problems. This abnormal might become a new "normal" regime which ceases its transition from an authoritarian to a democratic government and amalgamates the pseudo-democratic mix of elections and power politics.

The fragmentation in the post-Orange political process in Ukraine is arguably the most serious negative tendency after the revolution. However, there are two limitations of relating

this critique to the Orange Revolution. First, the conflicts and inefficiency in the post-Orange political process of Ukraine cannot be attributed to a weakness of the Orange Revolution per se since those issues were not the target of the protest. The immediate agenda of the revolution was to take actions against the fraudulent presidential elections, which was successfully fulfilled. Thus, there is no immediate causal linkage between the Orange Revolution and the unstable politics in its aftermath. Secondly, the current instability in Ukraine's politics may testify that the country will not remain half-authoritarian and half-democratic but rather will continue its transition towards a consolidated democracy. The current instability is a result of a conflict of interests and of plural voices being represented in the political arena, and thus it is a sign of development rather than stagnation. Prior to the Orange Revolution the political situation in Ukraine was stable and the decision making process was not marked with conflicts. However, this was due to the regime's suppression of the opposition and the use of the administrative resource and other non-democratic leverages for reaching its goals efficiently. Conversely, the presence of conflicts and instability after the Orange Revolution is a result of more than one political force having power in decision making. As discussed earlier, the institutionalization of democratic norms is a long-term process which requires conscious actions on the part of the political elites and an adaptation phase in which the conscious decisions in favour of democracy, or any other mode of governance, become ingrained in the routine activities of the citizens (March and Olsen 2005: 9). Moreover, democratic institutionalization is commonly marked with conflicts due to the existence of competing interpretations of rules and situations (March and Olsen 2005: 10). The stability and predictability of the democratic process in the old democracies follow not only after considerable time but also after periods of instability and conflict over the definition of the democratic rules (Dahl 1990: 17). An example of such a

conscious decision in Ukraine was Yuschenko's call for the early elections in March 2007. It was caused by MPs changing their parliamentary fractions. This common practice in Ukraine not only destabilized the legislature and ruined the principle of electoral representation but was also illegitimate because bribery was often involved in such rotations. Yuschenko's decision to run the spun elections was unpopular since it again would bring instability and a financial burden on the budget. However, in the long run this action – in favour of democratic norms – becomes a reference point that sediments in the behaviour of both the elites and citizens, which will lead to the institutionalization of this norm. Overall, the instability of Ukraine's politics in the wake of the Orange Revolution is not a consequence of the protest itself and may be a sign of positive rather than negative political transformations.

Revisiting the statement that the success of a revolution should be measured by the degree of completion of its project of transformations, I suggest two counterarguments. First, in defining the success of a revolution one should consider not only its constructive but also its destructive accomplishments. In the case of the Orange Revolution, the removal of *kuchmizm* is a sufficient success by itself. Even critics recognize the removal of Kuchma's regime as a major achievement of the Orange Revolution (D'Anieri 2007; Bukkvoll 2006). McFaul (2006: 191) emphasizes that the Orange protest was not a revolution "for" some new project of development, but rather a revolution "against" the existing regime. The two authoritarian conditions that characterized *kuchmism* were the persecution of the opposition and the suppression of the freedom of speech. With the removal of these two anti-democratic conditions in the course of the Orange Revolution, the consolidation of democratic institutions received a new start in Ukraine. The media independence is substantial in the post-Orange Ukraine, which is a drastic contrast to Kuchma's era (Prytula

2006; Kuzio 2005a; Bukkvoll 2006). In the same way, the freedom of the political opposition is a new phenomenon in Ukraine which also emerged as a result of the Orange Revolution. Even if other benefits of established democracies such as a structured parliament and cooperation between the branches of power are not yet present in Ukraine, the deconstruction of *kuchmizm* is a significant accomplishment of the 2004 protest.

The next counterargument to the statement about the Orange Revolution as an unfinished project is its non-teleological nature. Auer suggests that the new generation of revolutions, particularly the velvet and the coloured revolutions, are different from the classical and Marxist revolutions because they do not propose a project of transformations toward a utopian end goal. Rather, these new revolutions open the authoritarian systems to plurality, freedom, and new development opportunities. It is significant that this assessment of the Orange revolution as non-teleological is shared by other scholars, such as Fairbanks (2007) and Brzezinski (2005). Brzezinski emphasizes that the protesters shared an abstract hope and inspiration about the democratic national identity of Ukraine. This hope represented the desire for truth, which was a powerful motivation for a collective action against the fraud. These “feelings” were symbolic and lacked long-term goals but their shared nature constitutes their value as a basis for solidarity. Fairbanks describes the coloured revolutions as gate that opens in one direction and provides an entrance into the new stage of their nations’ history. Although this description suggests that this stage is not necessarily defined, Fairbanks specifies that this gate closes the path to the undemocratic past of those nations. Auer envisions the non-teleological nature of these revolutions as their democratic strength since the revolutionary victors do not intend to monopolize the power in order to reach the

next utopian goal. Instead, they are open to negotiations and to reaching a consensus on what the new project of transformations might look like.

V. II. The Long-Term Democracy Prospects in Ukraine

“There are no insurmountable barriers to Ukraine becoming a vibrant democracy, integrated in Europe, and thriving economically. However, for its political problems to be solved, they must be clearly understood.”
(Paul D’Anieri 2007: 4)

Organizing the chapter on implications into strictly negative and positive tendencies in the wake of the Orange Revolution seems neither feasible nor fair because every critique has a strong counterargument. Also, it appears that a positive or a negative assessment of the protest is influenced by a scholar’s agency-centered or structural perspective respectively. Therefore, it seems more rewarding to provide conclusions about the Orange Revolution and its aftermath from an all-encompassing perspective. This section will concentrate on the long-term impact of the 2004 protest in Ukraine.

Despite his assessment of the Orange Revolution as somewhat unfinished, Yakushyk defines it as a true revolution in three spheres of the Ukrainian nation: political, social, and spiritual. He argues that it was a revolution judging by its means since the protestors challenged the legitimacy of the corrupt norms of legality, that is, of the façade democratic institutions of Kuchma’s presidency. Yakushyk further describes the Orange Revolution as a “democratic, anti-bureaucratic, anti-corruption revolution that has emancipated the spiritual and emotional energy of the people” (Ibid.: 93). Among the significant changes in the political system that resulted from the Orange protest he lists the pressure of the organized and spontaneous civil society on the state apparatus in the centre and in the regions (Ibid.). Indeed, the empirical evidence shows that, as a result of the Orange Revolution, Ukrainian civil society continues to monitor and control the government. Yakushyk also notes that one

of the most important accomplishments of this revolution was at the moral and humanitarian levels of Ukrainian society because people were the real agency in the protest, which left them more empowered. Ukrainians were able to change the status quo and finally to communicate their voice to the authorities. It is also true that the Orange Revolution injected into Ukrainians a “strong and effective vaccine” (Ibid.: 98) against possible attempts to destabilize the country through any non-legitimate actions of the officials. This “vaccine” metaphor conveys an institutional implication, namely the taboo of abusing administrative power and violating electoral law employed by the previous regime. It can be expected that the reality of “virtual politics” described by Wilson (2005) as the comprehensive fraud of the electoral process in the post-communist countries has disappeared in Ukraine because of the Orange Revolution. It is improbable that after this event any political force would rig the vote due to the increased electoral awareness of the population and the CSOs’ strengthened control over the voting process. Similar to the taboo of using nuclear weapons in international relations after the Hiroshima and Nagasaki tragedies, the anti-*kuchmism* vaccine is a definite success of the Orange Revolution that should not be taken for granted.

D’Anieri is the leading critic of the developments in the post-Orange Ukraine but even he acknowledges positive crucial changes caused by the 2004 protest. In addition to noting that the removal of Kuchma’s illegitimate power machine is a gain of the Orange Revolution, D’Anieri points out that as a result of the revolution a democratic coalition in the centre finally emerged and acted as a unified force. This new development can have lasting effects on the consolidation of the parliamentary democracy despite the current conflicts and lack of cooperation in the Ukrainian legislature. During Kuchma’s presidency the left and right cleavages dominated the parliament. It was impossible to form a democratic coalition in the

centre due to the disruptive actions of the president's office and due to the domination of the parliament's centre by the executive (D'Anieri 2007: 19). In the Orange Revolution three distinct political forces were united in a coalition, hence this artificially maintained division can be overridden. Since a slim majority in the centre already exists, some politically pragmatic MPs from the right or left have an opportunity to join and strengthen the political centre. The parliament in Ukraine is still far from functioning in a similar fashion to the parliaments in developed democracies; it still has less power vis-à-vis the executive, and the MPs often lack a professional parliamentary disposition. However, the characteristics of a strong and influential legislature come through the institutionalization process, over a substantial period of time, and through the repetitive practice of the democratic norms and regulations. One of the crucial moments during the Orange Revolution was when the parliament acknowledged the election fraud and dismissed the Electoral Commission which was involved in the fraud. This action can be viewed as a symbolic start to a new and more influential legislature in Ukraine. The consequent conflicts and inability to form coalitions or to elect the speaker of the parliament discourage one from concluding that there has been any positive development in this institution. However, this instability should be expected since the 2006 constitutional changes endowed the parliament with more power which increases the competition among political parties. Conversely, the stability in the parliament during Kuchma's presidency was the result of the executive domination of the legislative majority and the suppression of the opposition. Thus, the Orange Revolution and the 2006 constitutional changes gave a new start to the parliament as a more independent and influential institution, which has yet to realize and act upon this new role.

Likewise, Bukkvoll lists several crucial achievements of the Orange Revolution despite his criticisms. Among those he names the transparency of the political system, the freedom of the media, and the democratic values of the new political leaders. His overall conclusion is that the Orange protest indeed represents a rupture (though incomplete) with the past, particularly in the way the country is governed. Bukkvoll reserves a skeptical conclusion about the depth of societal transformations. He suggests that the Orange Revolution revealed the strong democratic potential of civil society in Ukraine, however he is not persuaded that this potential will be realized in practice. He stresses that deep changes in civil society are a matter of long-term development, similarly to reforming the administrative apparatus. However, looking at the post-Orange indicators of CSOs growth and citizens' protests it is possible to conclude that positive changes indeed have occurred and continue to persist in Ukrainian civil society. Perhaps this is so because the Orange Revolution was not a sporadic incident of public activity but rather a culmination of developments in civil society that had been maturing throughout the independence years of Ukraine. One of such developments is a generational change which is noted by several analysts (Baranov 2005; Kuzio 2006a; Stepanenko 2005; Stebelsky 2005). The young Ukrainians of the post-independence era are different in their political orientations and values from the Soviet-raised generation of their parents. They show more political engagement and awareness and they increasingly identify themselves with the Ukrainian nation regardless of the language they speak or the region they are from. Also, civil society was not altogether non-existent in the years preceding the Orange Revolution, but was rather suppressed by the government. There was no democratic interaction between the power holders and the people, and so the voice of civil society was not recognized by the authorities as influential. However, the culture and activities of resistance against the consolidation of authoritarian tendencies took

place in the underground and occasionally surfaced. Also, the scale and the persuasive victory of the Orange protest required advanced preparations on the part of the CSOs. This entailed seeking political and financial support, equipping activists, and raising public awareness, which furthered the already maturing organizational capacities of CSOs. Thus, even though the democratization in Ukraine prior to the 2004 protest was stalled by the authoritarian activities of the government, it was still developing at the grass root level. This discrepancy in the democratic development between the state and society continued for a decade but was terminated by the Orange Revolution. Hence, this event can be more accurately described as one of the stages in the consolidation of democracy in Ukraine rather than as a spontaneous breakthrough.⁹⁵ In turn, this means that the impact of the 2004 protest is more likely to be long-lasting, like a continued democracy consolidation, instead of a short-lived revolutionary euphoria. The foundation for the Orange Revolution success had been built by the civil society activists and democratic opposition during and despite the persecutions by the semi-authoritarian regime. And the same foundation will sustain democracy consolidation in Ukraine now, despite the instability and conflicts in the institutions of government. The evidence suggests that civil society transformations in the course of the Orange Revolution have been substantial and irreversible, and that civil society continues to be a critical factor in the democratization of Ukraine. If one accepts the elite-centered approach to democratization which is prevalent among transitologists, the prospects of democracy consolidation in Ukraine are indeed doubtful due to the power struggles among the political players. However, from the perspective of the critical school of democratization, democracy prospects in Ukraine are hopeful because the continuous

⁹⁵ This continuous understanding of the Orange Revolution is supported by a number of scholars who refer to it as a “grand finale” of the 1991 “Revolution on the granite” (Auer 2005; Baranov 2005; Kuzio 2005a; Hrytsak 2005) and other scholars who state that the Orange Revolution would have been impossible without earlier transformations in civil society (Diuk 2006; Karatnycky 2006; Kuzio 2006a).

developments within civil society demonstrate that the Orange Revolution left citizens more empowered. Grugel persuasively argues that a strong and vibrant civil society is a more reliable and more sufficient condition for democratization than elite commitment to democratic reforms. The elite commitment to democratization is often contingent, less stable, and can be overshadowed by short-term political gains, whereas the existence of a strong civil society is essential to a democratic rule by the people.

The structure vs. agency divide within the theories of revolutions originates the debate about the nature of revolutions in general. The central question of this debate is who has a paramount significance in revolutionary politics – structures or people. If one accepts the claim that culture and ideas make revolutions and the agency is crucial when analyzing revolutions, then “the focus needs to be on people, not structures; choices, not determinism; and the transformation of society, not simply transitions” (Selbin 1997: 123). In this respect, the Orange Revolution was a celebration of the fundamental transformations in Ukrainian society. First, the major actor in this protest was the people, in particular, representatives of the informal civil society – often not members of NGOs. This activity by the informal civil society was composed of social capital and spontaneous solidarity based on trust, common goals, and cooperativeness between members of society (Salnykova 2006: 37). The significance of the rise of the informal civil society during the Orange Revolution is long-lasting because this shared experience increased trust and solidarity among Ukrainians.

Another crucial transformation occurred in the public attitudes toward the state authorities. The Orange Revolution demonstrated that Ukrainians are changing the post-Soviet mentality of being voiceless subjects of the illegitimate authoritarian regime. The emerging mentality shows that citizens are more aware of their rights and are able to hold the state officials

accountable to the social contract. And this refers not only to the “orange” Ukrainians. Both sides of citizens were defending their rights before the government, which means there were no losers in the protest (Minakov 2005). As Yakushyk puts it: “The Orange Revolution was in the same time the revolution of those in white-and-blue”⁹⁶ (Yakushyk 2006: 101). The Orange Revolution has also provided a possibility for a dialogue between the two regional groups which has been one of the obstacles to democracy consolidation in Ukraine. It was a non-violent conflict between regional groups of Ukrainian society with different sets of values, ideologies, memories of the Soviet past, and future development projects for the nation. Such Ukrainian scholars as Amelchenko, Riabov, Hnatiuk, Minakov, and Rechyckyj emphasize that the Orange Revolution displayed some elements of communicative discourse between the opposing groups of Ukrainians. Their non-violent conflict exhibited the characteristics of a communicative action. According to Habermas (1996), communicative action is a vital component of a true democracy which is a mode of government that includes all groups in a public dialogue. Thus, such attributes of the Orange Revolution as publicity, non-violence, appeal to legitimacy, absence of retribution for the past, and beginnings of inclusive dialogue can foster social solidarity within Ukrainian nation. In this respect, the Orange Revolution has a long-term positive significance for democracy consolidation in Ukraine as it was a protest against illegitimate government practices and contributed to building social solidarity around the idea of people’s power. Overall, the long-term prospects of democracy in Ukraine after the Orange Revolution are hopeful if one focuses on the changes in civil society and political culture. The empowered citizens who are aware of their rights and who can take a proactive stance in controlling the authorities are a sufficient and a reliable guarantor of democratic consolidation in Ukraine.

⁹⁶ This is a reference to the supporters of Yanukovych whose presidential campaign was done in white and blue colours.

V. III. Theoretical Implications

“Events that have a significant international effect as in the case of the Orange Revolution tend to require an innovative assessment from the scientists and journalists who often take such challenges pessimistically.”
(Geir Flikke 2006: 10)

The remaining questions are: 1) what is the theoretical significance of this research; 2) is the term “revolution” appropriate for defining the 2000-2004 protests in a number of post-communist countries; 3) which theoretical perspectives accurately describe and explain those events; 4) what is the relevance of the term “revolution” in the 21st century and what are the conceptual changes and political results originated with the so called coloured revolutions?

Although this thesis focuses on a single case of such revolution in Ukraine, it does so because this case is of comparative utility. The study of the Orange Revolution contributes to the post-communist literature, studies on the fourth wave of democratization, and theories of revolutions. The complexity of each revolution makes it difficult to uncover the internal details and dynamics of all the cases in a limited space. The issue of dealing with Soviet legacies was paramount in each revolution, yet every country was struggling with a particular facet of this problem. Every coloured revolution was motivated and carried out through the same set of institutions, such as competitive authoritarianism, electoral fraud and consolidated opposition. At the same time, every revolution involved a unique context that influenced the peculiar unfolding of each protest. Defeat by NATO and ethnic tensions in Serbia; overwhelming regime corruption in Georgia and Ukraine; persistent nepotism in Kyrgyzstan, these were distinct conflicts preceding the revolutions in each country. Other differences include: the type of elections (presidential or parliamentary), the degree of unpopularity of the authoritarian leader, the level of unity among the opposition, and the

extent of international involvement (McFaul 2006: 170-171). All these differences were responsible for the unique patterns of mobilization in each country.

Despite these distinctions, their similarities allow these protests to be grouped as coloured revolutions. The common patterns that describe the four cases as a “wave” are: geographic and time proximity, snowballing effect and foreign influence (Huntington 1991). McFaul (2006) identifies other similarities which explain how the coloured revolutions were different from other democratic breakthroughs. He lists four critical features: 1) the “trigger” was national elections scheduled by those in power, 2) the opposition used extra-constitutional means to uphold the principles already defined in the constitutions, 3) the existence of dual sovereignty⁹⁷ during the protests, and 4) the revolutions were non-violent. McFaul stresses the fact that the challengers were not seeking a new system of government but pursued a full enactment of the rules and practices already prescribed in the existing constitutions (Ibid.: 166). According to him, this feature makes the coloured revolutions different from the past revolutions because there has been no radical change in political or economic regime.

The absence of radical changes and violent means, however, is not an immediate reason not to define the coloured protests as revolutions. Instead, it can be viewed as the distinct feature that makes them a new type of revolutions, namely **non-violent and non-teleological revolutions**, similar to their velvet counterparts. Whereas for some theorists a non-violent revolution is “a contradiction in terms” (Johnson 1982 in: McFaul 2006: 191), a peaceful revolution can be recognized as a new viable alternative to the protests that involve as much bloodshed as change. It is also important to note that violent and radical means are not the necessary and sufficient attributes of revolutions. If to apply Hagopian’s (1974)

⁹⁷ McFaul defines dual sovereignty as a short period of time in the course of the coloured revolutions in which both the incumbents and challengers claim to be the sovereign authority of the same territory (McFaul 2006: 166).

typology of protest and change to the coloured revolutions, they can be qualified as such since they were not a coup d'état, a revolt, or secession. Hagopian proposes the following concepts of revolutions: economic cataclysm, circulation of the elite, strengthening of the state, crisis of political modernization, the quest for freedom, and an attempt to build a utopia. The coloured revolutions fit in three of these concepts, namely circulation of the elite, crisis of political modernization and most importantly the quest for freedom. In important ways they also strengthened the state, in particular, its democratic foundation. Regarding the absence of radical changes, Kamrava argues that the majority of revolutions have initiated new dynamic systems conducive to qualitatively better changes, rather than accomplishing those changes. His argument describes the nature of the coloured revolutions. Thus, the conclusion is that neither violent means nor accomplished radical changes are necessary and sufficient conditions for a revolution. Hence, at the definition level the nature of the coloured revolutions not only justifies their name but also continues the trend of non-violent and non-teleological revolutions initiated with the velvet revolutions.

Structural vs. Agency-Centered Theories of Revolutions

McFaul points out other factors that led to the coloured breakthroughs: a semi-autocratic regime; an unpopular leader of this regime; a well-organized opposition; an ability to create the perception that elections were fraudulent; enough independent media to inform citizens about the rigged vote; a political opposition that is able to lead the protest; and a division between intelligence forces, the military, and the police. Importantly, only the first condition can be identified as structural, whereas all others refer to agency factors. Salnykova (2006) identifies the following internal conditions of the Orange breakthrough: demographic change; civil society development; alternative leadership; elite fragmentation; awareness of corruption; nationalism; economic transformation; technological innovation; and affective

response of the protestors. In her list only economic transformation, technological innovation and partially demographic change are structural factors. It is telling that among the forces of the coloured revolutions these scholars highlight more agency than structural factors. Likewise, others underline the crucial role of various agencies such as organized and spontaneous civil society, the opposition leaders, and even the foes of the coloured revolutions⁹⁸. Importantly, these scholars are hopeful about the nature of the transformations that have occurred due to the electoral protests. Agency-centered scholars agree that these protests were not spontaneous breakthroughs but acts of civil disobedience that signify important long-term changes in the civil societies of their countries.

Conversely, structural scholars do not attribute any significant changes within the state structures to the coloured protests and thus do not classify them as genuine revolutions. Despite their skeptical conclusions, D'Anieri, Bukkvoll and Áslund recognize some successes of the electoral revolutions, such as the improved competitiveness among the political players and increased transparency and openness of the political process. However, they do not see these positive results of the coloured protests as sufficient conditions for defining them as revolutions because they refer to changes in agency. The fact that structural scholars do not regard the agency as a crucial factor in revolutions leads to a number of lacunae in their analysis of the coloured revolutions. First, because the agency experienced the most significant transformations, which are downplayed by structural scholars, their negative critique of the coloured revolutions tends to be one-sided. Next, structural scholars blame the instability and increased conflicts among political players on the failure of the coloured revolutions to redesign the state institutions. However, this misrepresents the goals

⁹⁸ Among scholars who stress the role of agency are: Kuzio (2006a; 2006b), Bunce and Wolchik (2006), Karatnycky (2006), McFaul (2006), Binnendijk and Marovic (2006), D'Anieri (2006), Diuk (2006), Prytula (2006).

of the protests, which focused on eliminating the rigged elections and which have been fulfilled. Finally, by not acknowledging the electoral protests as revolutions structural theorists retain a conservative outlook on the nature of revolutions and disregard the emerging pattern of non-violent and non-teleological revolutions. Hence, this discrepancy and the opposite views of the 2000-2004 protests are influenced by the theoretical framework of a given scholar. This observation refers to the debate in the literature about whose influence is crucial in revolutions and in democratic transitions – the influence of structures or of agency. It appears that in the new generation of revolutions (velvet and coloured), political agency had a larger influence than structures, for which reason they are distinct from the classical revolutions. It is true that the scope of their transformations is less comprehensive than that of the French or American revolutions. However, the nature of these changes is deeper because the velvet and coloured revolutions reinforced the normative principles of democratic governance, namely the rule of the people and the accountability of the authorities. The agency-centered theories acknowledge these changes as significant and thus recognize these protests as revolutions.

Agency-centered Theories of Revolutions as Enriching Transitology

In addition, an agency-centered framework fills other gaps in the transitological analysis of the coloured revolutions. First, transitology mostly views the coloured revolutions as breakthroughs in the countries with stalled transitions. However, the evidence suggests that a strong and well-developed civil society existed before and became a leading factor in at least three of the protests⁹⁹. Because an active civil society is essential to democratic rule, the explanation of the coloured revolutions as sudden breakthroughs is limited. In contrast, agency-centered theories assign a key role in revolutions to cultures of resistance. Through

⁹⁹ Kyrgyzstan, according to McFaul (2006), Bunce and Wolchik (2006), had the weakest civil society out of the coloured revolutions countries which now endangers the lasting effect of the positive changes that happened due to the protest.

the underground protest activities the cultures of resistance eventually dismantle the regimes which suppress the opposition. This clearly resembles the CSOs activities in the countries that experienced electoral revolutions. Next, a number of factors considered necessary for democratic breakthroughs in transitology were either absent completely or present only in some of the coloured revolutions. McFaul points out several such factors: the state of the economy, the resolution of border disputes, a split between hard-liners and soft-liners of the previous regime, the elite negotiations, a regime relationship with the West, the importance of the alternative leaders, and the opposition techniques and slogans about the proposed change (McFaul 2006: 186-188). McFaul infers from this discrepancy between the theory and reality that the only conclusion¹⁰⁰ is that these events are unpredictable. Though in general this is a legitimate argument for most of the social phenomena, I suggest that the coloured revolutions did not come entirely unexpected. Here again, conventional transitology comes short due to its underestimation of the role of civil society in democracy consolidation. Conversely, agency-centered theories provide tools for explaining these events because of their focus on civil society. Because the cultures of resistance to the authoritarian regimes were on the rise and because formal and informal civil society were active in building the foundation for the public protests, the coloured revolutions were to a certain degree anticipated. Finally, the notion of the transition to democracy and its applicability to the former USSR countries has been questioned (Carothers 2002) due to the ambiguous developments in those countries. Thus, as Fairbanks (2007) suggests, the idea of and a need for revolution is most expected in the countries where citizens are fatigued by the pseudo-democratic transition. The scholar also states that since the name “revolution” has been accepted by the people, it means this name has correct connotations to them. Overall, where

¹⁰⁰ McFaul states that: “The stars must really be aligned to produce such dramatic events” (McFaul 2006: 188).

elite-centered transitology lacks in explaining the coloured revolutions, agency-centered theories compensate through their focus on deeper societal aspects.

Normative Institutionalism as Enriching Transitology

It is important to note that Serbia, Georgia, Ukraine, and Kyrgyzstan each had a regime which was a pretense democracy. The coloured revolutions benefited from this façade since the democratic institutions were in place formally, though not fully exercised. According to McFaul and Åslund (et al. 2006), the sham existence of the democratic institutions is vital for the democratic opposition to survive. Åslund attributes this to the nature of competitive authoritarian regimes where divisions between the oligarchs contribute to their weakening. McFaul argues that in competitive authoritarianism alternative elections create a rudimentary plurality of the democratic polity. Although I agree with the importance of competition in the form of oligarchic divisions and alternative elections, I think there is a deeper reason why the façade democracy can lead to a democratic breakthrough. The institutional theory talks about the “functional spillover” and socialization effects, which suggest that the existence of institutions eventually shapes the behaviour of the participating actors according to the institutional constraints. As a result of these effects, recognition and acceptance of the norms as main principles for political actions occurs among the actors. This idea is vividly present in the case of the electoral revolutions. Because elections existed formally but were not truly practiced, the citizens and the opposition elites eventually recognized and enforced the underlying value of the misused democratic institutions. McFaul and Bunce and Wolchik highlight the fact that the falsified elections were the direct trigger of the coloured protests without which they might have not occurred nor succeeded.¹⁰¹ Overall, institutional theory

¹⁰¹ Specifically, Bunce and Wolchik argue that for the public in most countries elections are directly linked to democracy, even though elections cannot be equated with democracy. Due to this close association with democracy the stolen votes produced such prominent public protests in those four countries (Bunce and Wolchik 2006: 299).

underlines a deeper transformation as the result of the electoral revolutions. The state institutions were finally realized as democratic and dependent on the recognition of the citizens. Beginning with elections this endorsement can spill over into other institutions in the countries that went through electoral revolutions and would bring their democracy consolidation efforts to a deeper level.

The normative institutional framework also enriches transitology through its attention on the continuity in any institutionalization process. Transitology focuses on the breakthrough aspect of the coloured revolutions and their rupture with the authoritarian regimes.

However, it is more appropriate to explain these events as a next step in the democratic institutionalization, which highlights the continuous development of civil society and its crucial role in the consolidation process. This emphasis on continuity describes the coloured revolutions more accurately by putting them in the context of the deeper societal transformations and suggests that long-lasting positive changes have occurred with the coloured revolutions. Hence, in contrast to the arguments that the coloured revolutions initiated no radical changes, normative institutionalism deciphers important transformations which they have caused. It states that the enforcement of rules that exist but are not practiced is a necessary component for any institutionalization process to become deeper embedded in the sociopolitical realm. Because the coloured revolutions enforced the existing but misused rules, it can be concluded that these protests brought crucial changes in the electoral process and the transparency of the political system in the respective countries. These changes constitute a new step in democratic institutionalization, moving Serbia, Georgia, Ukraine, and Kyrgyzstan away from the façade democracies closer towards a better democratic rule.

CHAPTER VI. Conclusions

This study of the tendencies in the wake of the 2004 Orange Revolution in Ukraine focused on answering the question of whether this protest has failed or produced positive results in the political realm of Ukraine. The conclusions about this protest to a certain degree extend onto the revolutions in Serbia (2000), Georgia (2003), and Kyrgyzstan (2005). In addition, this research evaluated several frameworks which study or apply to all four coloured revolutions in order to determine the most fruitful and accurate approaches. The analyzed frameworks are: transitology (elite-centered and critical schools), structural and agency-centered theories of revolutions, and normative institutional theory. Overall, this research carries out practical and theoretical conclusions of comparative utility.

I examined the transformations accomplished by the Orange Revolution as well as the tendencies in its aftermath. I found that the prevalence of the overly critical evaluations of the protest is unjustified and presents a one-sided picture of the post-Orange developments. Purely negative evaluations of the coloured revolutions reflect a **double misconception** in the understanding of these events. First, the conflictual political process in the aftermath of the coloured revolutions is described as one of their weaknesses. However, this is misleading since it was not among the goals of those protests to eradicate conflict and instability in the political process. The second misconception is that the positive achievements of the coloured revolutions are overlooked in the frameworks that disregard the significance of the changes within the agency which were paramount in the coloured revolutions. It can be observed that several impediments to democratic development have been removed as a result of the protests. For instance, the practice of rigging the public vote that used to be a norm in the semi-authoritarian regimes has been eliminated by the electoral revolutions. The

media and civil society acquired more freedom and publicity, and now they exercise more control over government actions. The overall transparency of the political process has also increased significantly. Finally, the citizens were empowered through the preparation and the course of the protests, which creates a lasting foundation for the democratic consolidation in Serbia, Georgia, Ukraine, and Kyrgyzstan. It is telling that the positive gains in these countries are proportional to the share of domestic factors of the revolutions. Particularly, the crucial success factor was the influence of formal and informal civil society in comparison with such factors as alternative elites or foreign aid. It is clear that the positive changes after the Tulip Revolution in Kyrgyzstan are less significant than in the Orange Revolution in Ukraine due to the level of civil society influence in the respective protests. This fact even further stresses the importance of civil society in the coloured revolutions specifically and in the period of democracy consolidation in general. This is significant as it refers to the deeper aspects of democracy, such as an empowered citizenry and the recognition of the normative values of the democratic institutions such as elections. In this respect, coloured revolutions challenge the minimalist understanding of democracy as a sum of specific procedures, which was abused by the preceding semi-authoritarian regimes.

Scholars who analyze the coloured revolutions in the elite-centered transitological framework consider them to be breakthroughs and thus overlook the aspect of the continuous development within the civil societies of those countries. Structural scholars question the depth and lasting effects of the changes brought by the coloured revolutions. They focus on the conflicts and instability in the four countries and identify the revolutionary ideals as failed. The latter position is unjustified since the primary goals of the coloured revolutions were focused on terminating the pattern of falsified elections, which

has been successfully fulfilled. Overall, these critiques confuse the coloured revolutions with the routine political process and overlook the positive transformations that occurred within the various agencies. Hence, these two approaches lack explanatory power in their studies of the coloured revolutions. In addition, conventional transitology and structural theories of revolutions prove to be conservative as they neglect the fact that the coloured revolutions continue the trend of non-violent and non-teleological revolutions initiated with the velvet revolutions and thus differ radically from the classical and Marxist revolutions.

In contrast, the agency-centered theories balance these misconceptions about the coloured revolutions due to their emphasis on civil society and social solidarity that emerges within the cultures of resistance. Most scholars agree that besides the spontaneous solidarity of the popular protests in Serbia, Georgia, Ukraine, and Kyrgyzstan there is also a more lasting influence of those events. Because of the preparations to monitor the elections and to provide awareness campaigns, civil society in the countries that experienced electoral revolutions has grown more mature and confident in its power as well as more rational and strategic in its activities. This conclusion confirms the position of the critical democratization scholars who argue that civil society must be active and increase its influence in the post-breakthrough period of transition if democratic consolidation is to take hold.

Overall, this research demonstrated that the coloured revolutions have raised a controversial debate about the nature of the transformations initiated by these protests and whether those changes reserve a place for them among the real revolutions. Structural scholars and conventional transitologists give a negative but one-sided evaluation of the coloured revolutions since their frameworks disregard the changes within the agency as insignificant for ensuring democratization. Besides the double misconception contained in this view, such

a conclusion is problematic for other reasons as well. For instance, they resemble the earlier pessimistic assessments of transitions in these four countries while they were experiencing critical developments that have resulted in the coloured revolutions. On the other hand, the critical school of democratization, the agency-centered theories of revolutions, and the normative institutional approach provide more positive conclusions about the coloured revolutions due to their emphasis on civil society and normative aspects of democratic institutions. Therefore, these frameworks should be used to enrich the one-sided assessments of the conventional transitology and structural theories. Such a combination will ensure a more accurate portrayal of the coloured revolutions and will enrich the social science on revolutions through acknowledging a new trend of non-violent and non-teleological revolutions initiated by the velvet and continued by the coloured revolutions.

A practical conclusion of this study is that the positive tendencies after the Orange Revolution outweigh the negative ones. Empowered citizens, matured civil society, more transparent political process and fair elections (positive changes) are crucial for a successful democratic consolidation. On the other hand, instability, fragmentation, and the absence of radical systemic changes (negative changes) represent normal aspects of a political system in the process of its institutionalization. In addition, the negative changes were not among the goals of the Orange Revolution whereas some of the positive changes were the direct reasons for the protest. This suggests that the protest was to a significant degree successful. However, the disenchantment with the Orange Revolutions is still present among many of its participants and observers. Ironically, this disenchantment with the Orange protest also confirms its revolutionary nature since the after-revolutionary pattern of degeneration that has followed any revolution in history has been repeated by the coloured revolutions.

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