Democratic Revolution in Ukraine

From Kuchmagate to Orange Revolution

Edited by
Taras Kuzio

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In 2000 a beheaded journalist was found in a remote forest near Kyiv. The corpse led to a scandal when it was revealed that it was that of a journalist critical of the authorities. The President was heard on tapes, made covertly in his office, ordering violence to be undertaken against the journalist. The scandal led to the creation of a wide protest movement that culminated in the victory of democratic opposition parties in 2002. The democratic opposition, led by its presidential candidate Viktor Yushchenko, fought a bitter and fraudulent election campaign in 2004 during which he was poisoned. Widespread election fraud led to Europe's largest protest movement since the Cold War which became known as the Orange Revolution, known after the campaign colour of the democratic opposition.

This book is the first to provide a collection of studies surveying different aspects of the rise of the Ukraine's democratic opposition from marginalization, to protest against presidential abuse of office and culminating in the Orange Revolution. It integrates the Kuchmagate crisis of 2000–2001 with that of the Orange Revolution four years later providing a rich, detailed and original study of the origins of the Orange Revolution.

This book was published as a special issue of the *Journal of Communist Studies and Transition Politics*.

Taras Kuzio currently teaches at the Institute of European, Russian and Eurasian Studies at Carleton University, Ottawa. He was a Visiting Professor at George Washington University, Adjunct Professor at the Department of Political Science, University of Toronto, and a Senior Research Fellow at the Centre for Russian & East European Studies, University of Birmingham. In these posts, he has taught on contemporary Ukrainian politics, nationalism, democratic revolutions, European Union politics and Trans-Atlantic Security. He was also Head of Mission at the NATO Information Office in Kyiv.

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Notes on Contributors

Paul D'Anieri is Dean of the College of Liberal Arts and Sciences and Professor of Political Science at the University of Florida. He is the author of *Economic Interdependence in Ukrainian-Russian Relations* (1999) and, with Robert Kravchuk and Taras Kuzio, *Politics and Society in Ukraine* (1999). His latest book is *Understanding Ukrainian Politics: Power, Politics, and Institutional Design* (2007).

Olga Filippova is Associate Professor of sociology at V.N. Karazin Kharkiv National University. She has published articles in Ukrainian, Russian and English on a variety of topics pertaining to politics of identity and Ukrainian national identity, and is currently researching cyber-ethnography of Ukrainian society.

Anna Fournier is Assistant Professor of Anthropology at the University of Manitoba. Her research on Ukraine has dealt with citizenship education, identity politics, and EU integration. Her articles have appeared in Europe-Asia Studies and the Journal of Communist Studies & Transition Politics.

Erik Herron is Associate Professor of Political Science at the University of Kansas. He has published articles and book chapters about elections in Eastern Europe and Eurasia. He is author, with Federico Ferrara and Misa Nishikawa, of *Mixed Electoral Systems: Contamination and Its Consequences* (2005). His latest book is *Elections and Democracy After Communism?* (2009).

Alexandra Hrycak is Associate Professor and Chair of the Department of Sociology at Reed College, and President of the American Association for Ukrainian Studies. Her research on the development of civic associations and identity among women in Ukraine and post-communist states have appeared in *American Journal of Sociology*, *Women's Studies Quarterly*, *Journal of Communist Studies & Transition Politics*, *East European Politics and Societies*, *Problems of Post-Communism*, and *Harvard Ukrainian Studies*.

Bohdan Klid is a historian and Assistant Director and Research Scholar at the Canadian Institute of Ukrainian Studies, University of Alberta. He has published articles in English and Ukrainian, mainly on

Volodymyr Antonovych and nineteenth to early twentieth century Ukrainian historiography.

Serhiy Kudelia is Adjunct Professor of Political Science at Kyiv-Mohyla Academy (Ukraine). His publications include *The Strategy of Campaigning: Lessons from Ronald Reagan and Boris Yeltsin* (2007) co-authored with Kiron Skinner, Bruce Bueno de Mesquita and Condoleezza Rice.

Taras Kuzio is an Adjunct Professor in the Department of Political Science, Carleton University, Ottawa. He is the author and editor of 14 books and 5 think tank monographs and has guest edited 6 special issues of academic journals. He has published 25 book chapters and 60 political science articles on post-communist, Ukrainian and European politics. His latest book is *Theoretical and Comparative Perspectives on Nationalism* (2007) and he is writing a *Contemporary History of Ukraine*.

Introduction

Taras Kuzio

The eight articles in this book cover a broad range of hitherto unexplored themes on the popular protests against election fraud in Ukraine's 2004 presidential elections that came to be known as the Orange Revolution. The articles analyse Ukraine's 2004 elections and Orange Revolution within the historical context of the struggle for power between the pro-democratic opposition and a coalition of centrist parties linked to big business and oligarch interests allied with President Leonid Kuchma. Kuchma's second term in office was plagued by scandal in winter 2000, which came to be known as Kuchmagate or Tapegate after tapes illicitly made in his office by a security guard implicated the president in the disappearance of a journalist who was subsequently murdered. The Kuchmagate crisis unleashed mass protests and pushed Viktor Yushchenko into opposition, both of which became the prelude for the mass protests four years later when Kuchma with Russia's massive intervention sought to engineer a victory by his chosen successor, Viktor Yanukovych.

The eight articles deal with a range of subjects that covers Ukraine's important transition from the Kuchma era to that of Yushchenko. The book is therefore a broader study that places the Orange Revolution in historical context and aims to locate our understanding of it within a twofold broader context.

First, the Orange Revolution took place not only because of election fraud during the presidential elections, but primarily because of a deep-seated political and social crisis in Ukraine that had been building up during Kuchma's decade in office. The first term of which had seen massive socio-economic collapse and impoverishment of Ukraine's population and the enrichment of a small handful of elites who became collectively known as oligarchs.

Second, the public face of the Orange Revolution was a popular

revolt that one in five Ukrainians in Kyiv and in the regions participated in. Another face of the Orange Revolution took place behind closed doors. A pacted transition between the opposition and ruling elites negotiated a compromise package at round-tables brokered by the European Union. The pacted compromise permitted a re-run of round two of the elections that would be inevitably won by Yushchenko. In return, Yushchenko agreed to constitutional reforms that would reduce his powers in the second year of his presidency.

Constitutional reforms, negotiated during the pacted compromise, transformed Ukraine from a semi-presidential to a parliamentary-presidential system. They were a major component of the regime's strategy to deny Yushchenko access to the executive's extensive powers under the June 1996 constitution. Kuzio and Kudelia discuss the implementation of Kuchma's strategy of constitutional reforms which dominated Ukrainian politics between the 2002 parliamentary and 2004 presidential elections. The strategy initially failed but then succeeded after Yushchenko agreed to them in the round-table pacted compromise. The fear within the regime's elites that Yushchenko would inherit the executive's powers, rather than lose them if constitutional reforms had been adopted, led to the authorities organizing a fraudulent election that reached its nadir with Yushchenko's poisoning, a crime that remains unresolved. In one of the many ironies of Ukrainian politics, defeated presidential candidate and Party of Regions leader Viktor Yanukovych became the first beneficiary of constitutional reforms when he returned to government in August 2006.

Eric Herron in chapter 3 discusses the introduction of a second set of reforms that came into effect in the 2006 parliamentary elections. During the 1998 and 2002 parliamentary elections, Ukraine utilized a mixed election system where half of the parliamentary seats were elected in a proportional system (with a 4 per cent threshold) and the other half were elected through single mandate districts. Discussion within the Ukrainian parliament centred on the expediency of reforming Ukraine's election law into a full proportional system, a step supported by ideologically driven opposition parties on the left and right with the ideologically amorphous pro-regime centre opposed to the reform. The Left demanded electoral reform in return for their support for Kuchma's constitutional reforms to reduce the presidential powers after he left office (i.e. under Yushchenko). The only manner in which constitutional reforms would obtain the minimum 300 votes needed for a constitutional majority would be if the pro-Kuchma centre aligned with the Left. Ukraine's parliamentary election law was amended in spring 2004 with an additional compromise to reduce the threshold from 4 to 3 per cent. Despite the low threshold this has not led to an influx of parties into parliament: five out of 45 registered parties and blocs entered parliament in the March 2006 elections and five out of 20 registered for the September 2007 pre-term elections entered parliament. The Party of Regions, which, like other pro-

Kuchma centrists, had initially feared a full proportional system, came first in the 2006 and 2007 elections.

Other themes in the book include an extensive study of the rise of Ukraine's oligarchs in the 1998–9 elections and their subsequent alliance with Kuchma (Taras Kuzio, chapter 2), the Kuchmagate crisis and rise of a new opposition (Serhiy Kudelia, chapter 4) and Yushchenko's move into politics as Prime Minister of a short-lived, but Ukraine's first pro-reform, government. The dismissal of the Yushchenko government in April 2001 led to his emergence as Ukraine's opposition leader, with the Our Ukraine bloc that he led winning the 2002 elections and he winning the 2004 elections.

In chapter 1, Paul D'Anieri provides an alternative view of regionalism to its traditionally negative image in Western scholarly literature. D'Anieri argues that regionalism contributes positively to preventing the monopolization of power by any political force by introducing a large degree of competition into the political system. During the 2004 elections, Ukraine's formerly pro-regime elites divided, with some supporting the pro-regime candidate Yanukovych, others backing Yushchenko while a third group backed both. Regional diversity and competition make it therefore unlikely that a parliamentary election win by the Party of Regions could overturn the democratic gains of the Orange Revolution. Ukraine is a state built on compromise, both nationally and politically, that prevents the institutionalization of an autocratic system.

Bohdan Klid and Olga Filipova investigate popular culture, the young generation and their NGOs, and the use of modern communications, all of which contributed to the democratic culture and counter-culture that pervaded the Orange Revolution. In chapter 6 Klid compares the different types of music used by the Yushchenko and Yanukovych election campaigns by investigating the youth and folk cultures underpinning each campaign. Yanukovych's campaign and music relied heavily on Russian and Russophone singers and drew upon Soviet nostalgia and a paternalistic desire for economic stability. Yuschchenko, on the other hand, drew upon Ukrainophone bands from the younger generation which fused Ukrainian folk and Western pop cultures. A similar contrast was to be found between the orange and blue camps in their utilization of modern communications. The Yanukovych campaign resembled an old fashioned Soviet election campaign that used a variety of administrative resources to pressure voters. Even the 'General Secretary' (i.e. President Vladimir Putin) visited Kyiv in what seemed like a replay of the Soviet era when Moscow 'instructed' Soviet voters on how to make the correct choice. Thanks in some part to this, Kyivites, who during the Kuchmagate crisis stayed aloof from anti-regime protests, played a central role and were first to hit the streets in protest during the Orange Revolution. The orange camp skilfully compensated for their weakness in administrative resources by using a wide array of modern communications tools in what has been described by some scholars as

the world's first internet revolution. Filipova in chapter 7 surveys the fascinating discussions on the internet during the Orange Revolution by investigating the manner in which young people debated the events unfolding around them through discussion forums and blogs and by e-mail.

The book also deals with the important issue of identity and gender politics. In chapter 5, Anna Fournier uses anthropological field studies to discuss the manner in which the 2004 elections and Orange Revolution impacted upon the attitudes and socialization of schoolchildren. Alexandra Hrycak in chapter 8 discusses the manner in which gender issues played out in Ukraine's post-transition and political system. Taking this as her background, Hrycak then surveys the way in which gender issues were raised and played an important role in the Orange Revolution.

The book fills an important gap in our political, social and cultural understanding of Ukraine's history from the 2000 Kuchmagate crisis to the 2004 Orange Revolution. Subsequent disappointments after Yushchenko's election should not blind us to the enormity of the transformation of Ukraine during this four-year period as without the former (Kuchmagate) there would have never been the latter (Orange Revolution).

Ethnic Tensions and State Strategies: Understanding the Survival of the Ukrainian State

PAUL D'ANIERI

At the height of the 2004 'Orange Revolution' in Ukraine, politicians in several eastern oblasts rekindled the threat that parts of eastern Ukraine would move toward secession. The Kharkiv regional administration took steps towards 'autonomy', while a meeting in Donetsk attended by Prime Minister Viktor Yanukovych, the Russian ambassador Viktor Chernomyrdin, and the Moscow mayor Yuri Luzhkov discussed outright secession.[1] The election returns that year – in the fair as well as in the rigged iterations of the vote – confirmed that Ukraine remained profoundly divided regionally.[2] In only one oblast (Kherson) did the winner in the region garner less than 60 per cent of the vote. The general pattern was one of polarization. The division was evident again in the 2006 parliamentary elections. Following those elections, language policy again became an issue, in coalition negotiations between the 'Our Ukraine' bloc, based in the west, and the Party of Regions based the east.

Fears of secessionism and ethnic conflict are not new in Ukraine. In early 1994, the Central Intelligence Agency leaked a report asserting that the fragmentation of Ukraine was a likely result of a mixture of ethnic conflicts and economic collapse.[3] Attempts in the mid-1990s by leaders in Crimea to move that region towards sovereignty, on top of an earlier movement in the Donbas, led many to fear that Ukraine might collapse into civil war on the Yugoslav model.[4] In a thorough analysis of nationality issues in post-Soviet Ukraine, Andrew Wilson concluded that confrontation between Ukrainians and Russians in Ukraine is 'more or less guaranteed', though he did not argue that secession or violence is inevitable.[5]

But serious conflict has not occurred, and despite the renewed

claims in 2004, it looks unlikely. Indeed, the speed with which the effort to stir up secessionism collapsed in 2004, when grievance in eastern Ukraine was high and people were already on the streets in Kyiv, shows that such efforts face important barriers. This constitutes a puzzle: why does Ukraine, which is divided regionally, ethnically and linguistically, and has elites willing to make secessionist claims, not see more ethno-political conflict? This article aims to develop a theoretically informed understanding of Ukraine's survival as a state, and to ask what lessons this case might provide for others.[6] The point is not to criticize those who predicted Ukraine's collapse: indeed, the author believes that the threat of ethno-political conflict was indeed significant. The danger was real, but Ukraine avoided it. The puzzle of how this was managed is magnified by the fact that in almost every other realm, the Ukrainian state has appeared both weak and inept.[7]

While it is customary to explain cases where something happened rather than those where something did not happen, much can be learned from this 'non-event'. Ukraine is a country that seemed headed for a large-scale calamity and yet avoided it. Since an increasing number of states are confronting ethno-political issues, and since others have not been so fortunate, we might ask whether there was something about the Ukrainian case that can be applied to others. Looking for new solutions to ethno-political disputes is particularly significant when one of the most widely recommended solutions – consociational democracy – has ended in calamity in Yugoslavia and has failed to ameliorate ethnic and regional divisions in Canada and Belgium. While peace in Ukraine may have been maintained by factors that cannot be replicated in other situations, it may also be that some policies of the government or other actors actually helped steer the situation away from violence. If such policies can be identified, we might learn something about how to ameliorate other situations where ethno-political violence seems inevitable. Our goals are first to explain why conflict was avoided in Ukraine, and second to identify the lessons of the experience.

A short examination of theories of ethno-political violence outlined by Ted Robert Gurr[8] helps us to apply broader research on ethno-political conflict to the case of Ukraine. By showing that most of the major causes of ethno-political conflict were present in Ukraine, it becomes clear that predictions of violence were *not* overblown, and that there is something to be learned from Ukraine's avoidance of conflict. The argument is that Ukraine was able to take its biggest vulnerabilities – the large size of the Russian minority and the Russophone Ukrainian population and its geographic concentration – and turn them to its advantage. Because of these factors, these groups could have a good deal of political influence without basing the political system on group, rather than individual, rights. While these factors increased the opportunity to make such claims, they also reduced the incentive. How deliberate those practices were is debatable, and Ukraine also had some good luck. None the less,

Ukraine succeeded with a policy of liberalization and representation that provides a distinct alternative to the more common model of consociationalism. A brief analysis of voting outcomes in Ukraine's parliamentary and presidential elections demonstrates that the ethnic Russian and Russophone Ukrainians have had no lack of empowerment in Ukraine. The conclusion focuses upon the lessons of this case, both for theories of ethno-political conflict and for practical efforts to contain ethno-political conflict.

Were Expectations of Ethnic Strife in Ukraine Well Founded?

This essay is based on the assumption that Ukraine's ability to avoid ethnic violence and secession was not inevitable. In order to assess the potential for ethno-political conflict in Ukraine, we turn to the literature on ethnic conflict and secession. To what extent were conditions in Ukraine consistent with those that have led to ethno-political conflict elsewhere? In a major work Ted Robert Gurr sought to develop a coherent picture from a huge number of cases. This may not be the last word on the subject, nor would I infer that his work is mistaken if his hypotheses imply that conflict is likely but it did not occur in this case, since this case does not constitute a thorough test of his hypotheses. I seek only to establish whether Ukraine's ability to overcome ethno-political tension is in fact an outcome worthy of explanation.

Attempts to explain mass protest and revolution are largely divided between those that focus on the level of grievance and those that focus on the ability to pursue such change in the face of opposition from the state. Approaches such as Gurr's relative deprivation theory and work by Tilly and Tarrow on resource mobilization fall into the former group. In the latter group lie explanations based on 'political opportunity structure' and the state's capacity for repression. In his most recent work Gurr recognizes that these two approaches are not mutually exclusive, but simply emphasize different aspects of the problem. Therefore he addresses the prospects for both factors increasing or decreasing the chances for ethnic differences to turn conflictual. Gurr elaborates factors that in a wide variety of cases tend to correlate with ethnic violence (or tend to prevent it). Applied to Ukraine, most of these factors lead to the conclusion that Ukraine was indeed ripe for ethno-political conflict.

The Effects of Geography

Among the most significant factors in making a group likely to seek autonomy or secession is the regional concentration of the minority. When a group is regionally concentrated, group cohesion tends to be higher.[9] This clearly is the case in Ukraine, where even if ethnic Russians are in a minority, they are heavily concentrated in the two

areas where secession was most seriously discussed: the Donbas and Crimea. If one considers language, rather than officially defined ethnicity, the populations of the Donbas and Crimea are over 90 per cent Russian-speaking. Moreover, the presence of compatriots in a nearby country increases a minority's ability to mobilize, 'by providing material, political and moral support'.[10] Those raising the question of secession were supported not only by compatriots within Russia, but in many cases by important elements of the Russian government itself. Throughout the early 1990s, Russian officials, including Foreign Minister Andrei Kozyrev, stressed that prior Russian commitments to the existing Ukrainian-Russian border were premised upon Ukraine remaining in the Soviet Union (and later the Commonwealth of Independent States).[11] The importance of geography in Ukraine's politics is emphasized by studies showing that regional cleavages, partly coinciding with linguistic and ethnic cleavages, explain attitudes among Ukrainian citizens better than either of those two factors.[12]

The Effects of State Building

Gurr argues (and others concur) that new states are most likely to repress minorities, and hence are prime grounds for ethnic conflict. State building, he argues, requires 'assimilating minority groups and restricting their historical autonomy':

> Virtually all new and post-revolutionary states in the world system have been committed to consolidating and expanding their power, following the precedents established by the successful states of the industrial North. This objective dictates, among other things, that states subordinate the special interests and relative autonomy of hundreds of ethnic groups to their own conception of national identity and interest.[13]

Alexander Motyl applies this argument specifically to the post-communist states, as does Rogers Brubaker, who contends that 'the question is not therefore *whether* the new states will be nationalizing but *how* they will be nationalizing, and *how nationalizing* they will be'.[14] Ukraine has undertaken nationalizing policies, but the moderation of these policies, as described below, may be one key to its success.[15]

State Strength

Gurr finds that while 'strong' states are more likely to face protest, 'weak' states are more likely to face actual violence. In a manner similar to Samuel Huntington, Gurr theorizes that, while strong states may engender more protest, they are able to contain dissatisfaction at that level.[16] Weak states, in contrast, can neither satisfy minorities' demands nor crush them; therefore, ethnic conflicts are more likely to

endure and to turn violent.[17] Gurr provides statistics to support these propositions, finding that state building tended to shift communal action away from protest towards open rebellion. Ukraine is a new state, and made state building a primary focus of policy in the first six years of its existence. In this way, Gurr's findings on state building support the notion that Ukraine was vulnerable to violence.

The Effects of Democratization

Gurr finds that, while 'institutionalized democracies' tend to resolve ethno-political conflicts through implementation of universalistic norms of rights and accommodation of minorities' desires for 'separate collective status', newly democratizing states have a much less rosy outlook. Again recalling Huntington, Gurr states that 'the Soviet and Eastern European regimes relaxed coercive restraints on nationalism and inter-group hostilities at a time when the institutionalized means for their expression and accommodation did not yet exist, or were fragile and distrusted'.[18] He concludes that, in democratizing autocracies, 'democratization is likely to facilitate both protest and communal rebellion. The serious risk is that the rejection of accommodation by one or all contenders will lead to civil war and the reimposition of coercive rule'. This description too seems to fit Ukraine well. The collapse of Soviet rule gave voice to both Ukrainian and Russian nationalism, and Ukraine's new institutions seem too weak to satisfy either group, or to foil an attempt at secession should one be made. It is fortunate for the state that separatist claims have generally received minimal support, because the state has never appeared strong enough to fend off a serious separatist movement.

Only one of Gurr's factors would lead one not to expect ethno-political violence in Ukraine: international support for Ukraine's government and for Ukraine's territorial integrity. The US and the West more broadly have put a high priority on Ukraine's continued stability and independence. However, during the key period 1993–95, Western support for Ukraine was still materializing, and while Russian Presidents Boris Yeltsin and Vladimir Putin have supported the maintenance of Ukraine's borders, many other Russian politicians have continually questioned them (focusing in particular on the status of Crimea).[19] Russian encouragement of ethnic and regional tension in Ukraine was especially noticeable in advance of the 2004 presidential election.[20] Clearly this factor cannot have been decisive. Of the other factors Gurr discusses, none leads to clear predictions in the Ukrainian case.

Theory aside, there was much specific to this case to make ethno-political conflict a genuine fear. Historically, the connection of both Crimea and eastern Ukraine to Russia created a feeling among many that the borders of post-1991 Ukraine were arbitrary and illegitimate, while others see these as the only legitimate borders.

The erection of trade barriers between Ukraine and Russia in the

early post-Soviet years had particularly harsh effects in the regions of Ukraine geographically closest to Russia, which hence had the highest concentration of ethnic Russians, namely the Donbas.[21] Thus there was an economic dimension of deprivation that overlapped the ethnic dimension. The prominence in early post-Soviet Ukraine of Ukrainian nationalists, most notably Viacheslav Chornovil's *Rukh* movement, seemed to foreshadow an adoption of ethnic exclusion policies in the areas of citizenship and language. While Chornovil and *Rukh* never espoused exclusive citizenship policies, some, especially in eastern Ukraine, perceived that this was their agenda. At the time of the greatest danger of ethno-political conflict, key issues of language rights were unresolved. As predicted, the government embarked on a nationalizing agenda.[22] Moves by the government of Leonid Kravchuk to 'Ukrainianize' the government, the military, the media and education picked up pace in 1992 with the support of Ukrainian nationalists, but caused widespread resentment in eastern and southern Ukraine.[23] Again following the Orange Revolution, when the west Ukraine-based and pro-Western government of Viktor Yushchenko came to power, many perceived that a renewed programme of nationalizing would take place.

In 1993–94 and again in 2004–6, the response of ethnic Russians and Russophone Ukrainians in both Crimea and the Donbas was strong, well organized, and supported by many local politicians. In other words, resource mobilization did not seem to be a problem. By early 1994, when the CIA issued its report, Crimea was actively seeking the right to secede and leaders in the Donbas talked openly of that option. A referendum on tightening integration between Ukraine and Russia was put on the ballot in the Donbas during the 1994 parliamentary elections over the strong protest of the government in Kyiv, and a majority supported the measure. While the election of Leonid Kuchma, from eastern Ukraine, helped stem some opposition in the Donbas, Crimean separatism and the accompanying threat of civil war waned only after a tense showdown in 1995. Strangely, that danger continued to recede, reasserting itself only during and shortly after the Orange Revolution.

A conclusion, therefore, is that fears of ethnic violence and secession in Ukraine were not exaggerated. Even if violence and secession did not occur, the threat of them was real, in terms both of the case itself and of the lessons learned from other comparable cases.

Variables and Competing Models

In order to make the argument as clear as possible, I attempt here to define and clarify the variables involved in the analysis and the hypothesized relationships between them. I will consider three models: first, a simplified standard model of ethnic conflict is derived from Gurr; second, an intervening variable is added to illustrate the contention of consociational democracy theory that the organization of

the regime can intervene between causes of ethnic conflict and their consequences; third, a model is presented that illustrates the argument made in this analysis, that a different intervening variable (or perhaps a different value of the intervening variable 'regime type') can also lead to ethnic peace, but without some of the dangers of consociational democracy.

In all three cases, the *independent* variables are those highlighted by Gurr in his analysis:

1. the geographic concentration of the minority;
2. the degree to which the state adopts 'nationalizing' policies;
3. state strength relative to society;
4. democratization, meaning the state is in the process of democratizing, and has the weaknesses that accompany that process.

A simplified version of Gurr's model indicates that the levels of these factors determine the likelihood of the dependent variable, ethnic conflict.

The three models also share the same *dependent* variable, the level of ethnic conflict. A standard measure of ethnic conflict rates this variable according to a seven-point Guttman scale, ranging from political banditry through terrorism, rebellion and civil war. Interestingly, Ukraine has had none of these, and the value of this variable would be close to zero in this case. Obviously an examination of the case reveals a good deal of political conflict, and some protest as well, but little actual violence. Therefore, I extend the dependent variable from physical conflict to political conflict in terms of *demands for increased regional autonomy or secession*. The level of this variable in Ukraine, by all accounts, increased during 1992–94, and then declined until 2004. After spiking in 2004 with explicit talk of secession in the Donbas, which quickly evaporated, the potential for conflict has since receded again.

The interesting issue is the *intervening* variable. If the independent variable does not cause the predicted result in the dependent variable, what has intervened? The most widely discussed answer in the case of ethnic politics (and one advocated by many for Ukraine) is a group of arrangements known as consociational democracy. In this model, the consociational arrangements intervene to cause a different outcome from what we would normally expect in societies prone to ethno-political violence.

The hypothesis advanced in this article is that in some conditions a different mechanism can intervene between the causes of ethno-political conflict and the result. More specifically, where an ethnic minority is large and geographically concentrated, tolerant citizenship policies and a focus on individual rather than group rights can achieve ethnic peace by assuring the minority of a prominent role in politics, while shifting the focus of politics away from ethnic groups. The

significance of this argument is that this intervening variable specifies remedies that are nearly opposite to those of consociational democracy.

An Explanation of the Absence of Ethno-political Conflict in Ukraine

Given that expectations of ethno-political conflict in Ukraine were realistic, how did Ukraine overcome the danger? The reasons can be separated into two analytical categories: structures and choices. In the first group are structural factors in the Ukrainian system, including the features of the political and social situation in Ukraine that were beyond the control of the actors involved, and induced compromise. As the discussion above indicates, most structural factors did not mitigate the conflict, but none the less this category is important. Second, we can study the policies of the government. What specific measures did the government take, and how did they work? A third group of causes may be categorized as fortuitous – as events that helped mitigate the situation, but have little relevance to other cases. These are given less emphasis here.

The second category is the most interesting for the political scientist and the policy-maker. The first category, circumstances, considers those attributes likely to lead to conflict or away from it. This issue has been widely studied, by Gurr and many others, and examination of one more case does not necessarily add to the findings, even if these factors lead to an unexpected outcome. Similarly, fortuitous factors are interesting historically, but since these factors are unique to this case, they reveal little about how other cases might be resolved. To the extent that these factors are prominent, however, we must be careful in attempting to derive general lessons from the case.

The policy factors are most significant for two reasons: first, they will help resolve the puzzle of why the structural factors did not lead to the expected outcome; second, by showing how Ukraine avoided the danger of ethno-political conflict, they have the potential to provide very important lessons for future policy, as well as providing insight into the nature of ethno-political conflict.

What follows then is an interpretation of the Ukrainian case focusing on how institutional and policy choices by the government turned structural problems into advantages. It should be emphasized what is *not* attempted here: no attempt is made to chronicle ethnic politics in post-Soviet Ukraine; numerous other studies have accomplished that. Nor is there an attempt to conduct a scientific test of the explanation proffered. Rather the goal is to advance an interpretation as a basis for further work.

Structural Factors: The Paradox of Power

The discussion above concluded that, according to widely held

theories of ethno-political conflict, Ukraine was predisposed to conflict by 1993. None the less, it cannot be said that the structure of the situation left no other alternative: the fascination of this case lies in how factors that should have led towards secession instead led to inclusion. In brief, the large number of ethnic Russians and Russophones, and their geographic concentration, made their mobilization easy and secession plausible (hence the danger in both 1993–94 and 2004–6).

This factor gave the Ukrainian nationalist movement substantial incentive to compromise with ethnic Russians and Russophones rather than to pursue their ideal language and citizenship policies. As a result of such compromise, ethnic Russians had fewer reasons to secede. In 1994, the election of the candidate widely supported in eastern Ukraine, Leonid Kuchma, showed that the region was being empowered, not excluded from politics. After the Orange Revolution apparently tipped the balance of power decisively against eastern Ukraine, the 2006 parliamentary elections again reassured eastern Ukrainians, as the Party of Regions, based there, captured a plurality of seats (with 32 per cent of the vote), and eventually claimed the post of prime minister and formed a government.

If some Ukrainian nationalists hoped to attain the maximum nationalist aspiration – a territorially whole Ukraine with an ethnically Ukrainianized population – the size and geographic concentration of the Russian minority made it abundantly obvious that this could not occur. These factors, which made it easy for ethnic Russians to mobilize and plausibly threaten secession, induced compromise in the Ukrainian nationalist position, which in turn undermined separatist sentiment. Herein lies the primary paradox of this case, and the most significant lesson to be learned: by making mobilization and secession more possible, the large size and geographic concentration of the Russian minority also made those actions less necessary, because they made it clear to Ukrainian nationalists that suppression was not a viable option (as the 2006 election results made clear). All that was necessary was an institutional setup to allow this large minority representation in the political system.

Had the Russian minority been smaller, Ukrainian nationalists might have found it easier to ignore its wishes and threats, and to adopt more exclusory language, citizenship, and voting rules. In such a case, secession might have been the only option left. In Albert Hirschman's terms, because the Russian minority possessed considerable 'voice', as well as a viable threat of 'exit', the Ukrainian state found it necessary to compromise to prevent that exit.[24] Because voice was substantial, it provided a viable, and much less dangerous, alternative to exit. Had that 'voice' been less substantial, 'exit' would have been the only available strategy.

The same logic obtained with reference to the Ukrainian state. Gurr (and other authors) argue that new states, still trying to build effective rule, invariably seek to suppress minorities or at least to bend

them to the purposes of state building. But when faced with a strong minority, a weak state (if rational) must recognize that it cannot win the struggle. Hence for Ukraine in 1993–95, and again following the Orange Revolution, to try to enforce Ukrainianization on its Russian minority clearly would have weakened the state rather than strengthening it. The power of the Russian minority, combined with the state's priorities (above all, survival), leads to a counterintuitive result. Instead of coercion, the state resorted to compromise, and the incentive to secede was eroded. Thus Arel, and also Kaiser and Chinn, show that the Ukrainian state did indeed try to nationalize (especially in the arena of language) but that those policies were not pressed when they met resistance, and eventually were dropped after Kuchma came to power.[25] Similarly, Viktor Yushchenko had to retreat from his nationalizing agenda, signing a 'Universal of National Unity' (*Universal Natsional'noi Yednosti*) with the Party of Regions that contained items protecting both Ukrainian and Russian languages.[26] In sum, the power of the eastern and southern Ukrainian population and elites led to moderate policies on the part of nationalists and the state. How these policies led to the satisfaction of Russian minorities and why, given their strength, those minorities did not complete the push to secession, will be addressed below.

Political Policies

If the structural factors addressed above could lead either to a mitigation of ethno-political conflict or to its intensification, more explanation is needed to show why the former occurred. In a variety of areas, Ukrainian policy accepted the political power of the Russian minority. The state and its laws did not merely accept that power, but actively channelled it into the political process. The Russian-speaking east thus attained at least as much influence as the Ukrainian-speaking west. At the same time, the Ukrainian state undermined the institutional basis for secession by insisting on a unitary rather than a federal state structure. Government policy made a virtue of necessity: it took the reason for Russians to believe they could secede and turned it into a reason not to secede; making the weakness of the Ukrainian state a reason for Russians to stay, rather than an opportunity for them to secede. While it was not possible to take ethnicity out of Ukrainian politics completely, government policy removed the most glaring reasons to complain. While social scientists are still documenting ethnic and regional divisions in Ukraine on a wide range of issues, clearly ethnic persecution as such is not high on the list of problems that the government is currently grappling with.

The government's policy, and the moderation of Ukrainian nationalists, had important effects on the ability of minority groups to mobilize opposition to the government and support for secession. Here political opportunity structure and resource mobilization become two sides of the same coin. When the government decides not to oppress a

minority group, and indeed to accede to the group's wishes, there is no doubt that the opportunity structure for the group improves – it is much easier to operate when publications and demonstrations are not banned, and so on. But if the group's primary complaint was of such repression, then its absence can diminish the group's ability to mobilize resources and members. Not only are rank-and-file members less likely to protest as repression decreases, but elites find opportunities for advancement within the established political arena. As the government makes concessions, dissatisfaction is reduced, and protest diminishes. Far from being contradictory or even independent explanations, political opportunity and resource mobilization in this case are related variables that at times vary together (though inversely).

Recognizing its limited options, the Ukrainian government adopted measures intended both to reassure minorities that their rights would be respected and to reduce their incentive to leave the country. Over time, these measures succeeded in defusing demands for regional autonomy and drives for secession, not only in eastern Ukraine, but even in Crimea, where the problem was (and remains) much more intense. Two types of measures served to undermine regional separatism: the de-emphasis of ethnicity and the organization of election laws. Combined with a much less compromising stance on the acceptability of actual separation, these policies apparently convinced most Russians that more could be gained from voice than from exit. As a result, while explicitly pro-Russian and separatist parties have continuously sought to compete in Ukrainian politics, they have never gained even a single seat in the parliament (in 2006, the 'pro-Union' party won only 0.2 per cent of the vote).[27]

The De-emphasis of Ethnicity

Ukraine de-emphasized ethnicity in two stages, the first covering citizenship and the second language policy. The question of citizenship was dealt with moderately, decisively, and effectively at the time of independence; it ceased to be a major issue almost even before it arose. Language policy has taken much longer to resolve, and moderation has been extracted from Ukrainian nationalists, who favoured a less moderate policy on language than on citizenship. On both issues, however, the results have been tolerant to the point where minorities have little to complain about. Indeed, in Ukraine citizenship is defined more openly and more in civic terms than in Germany or Switzerland.

Citizenship Laws

When Ukraine declared independence in August 1991, it declared that everything on the territory of the Ukrainian SSR became part of independent Ukraine. All territory, property and armed forces were declared to be Ukrainian, notwithstanding certain problems. Similarly,

citizenship was defined on the basis of residence at independence. This was the essence of civic nationalism: the state defines the nation rather than vice versa. No appeals were made to ancestry, language or length of residence – factors that became the focus in Latvia and Estonia. Thus the problem that plagued these two states, that ethnic Russians feel disenfranchised, was nipped in the bud in Ukraine. Because no one has been disenfranchised, one reason to leave Ukraine, either individually through migration or collectively through secession, never existed. Moreover, a reason to view the Ukrainian government as discriminatory or oppressive was also eliminated at the outset. Judging by the continuing protests caused by relatively small numbers of Russians in the Baltic States (let alone in trans-Dniestr Moldova), a significant mobilizing factor was evidently denied to potential leaders of protest and secession movements.

Language Laws

The story of Ukraine's language laws is considerably more complicated than those on citizenship,[28] but a few key points appear to demonstrate that, even when Ukrainian nationalists and the state have sought to be intolerant, the size and power of the Russian minority has been enough to convince the state to compromise, thereby heading off further protest or secession. The issue is particularly significant because many Western writers have identified this as a primary cause of secessionist sentiment among Ukraine's ethnic Russians.

In contrast to citizenship, Ukraine's language laws took several years to resolve, and are periodically put back on the agenda (as in the 2006 election campaign and the subsequent *Universal*). The primary issue concerned the legal status of Russian relative to Ukrainian. In general, Ukrainian nationalists have been less tolerant on this issue than on citizenship. Most have sought to have only Ukrainian declared the state language of Ukraine, despite the widespread use of Russian. This was primarily a symbolic issue. Much more concrete to ethnic Russian citizens of Ukraine was the question of education: would independent Ukraine try to reverse centuries of Russification with Ukrainianization policies, or would the status quo be embraced in some way?[29] On the symbolic issue, Ukrainian nationalists triumphed, but on all the practical issues, compromise has again undermined any ability to use discrimination as a means to mobilize protest or secession movements.

After several years of debating the 'official', 'state', and 'government' language of Ukraine, a practical compromise has seemed, if not to satisfy anyone, at least to be acceptable. Ukrainian remains the state language, according to the language law of 1989. Russian has not been given that status. In the 1994 presidential elections President Kuchma advocated giving Russian, as a consolation, the status of a second 'official language', but it is unclear what this actually meant, and the idea was dropped. More significantly, denying Russian the status of 'official language' has not

led to any limits on its use in practice. Much business – both official and private – in Kyiv is still conducted in Russian, many deputies use Russian on the floor of the *Verkhovna Rada* (national parliament), thereby infuriating nationalists, and the parliamentary newspaper *Holos Ukraiiny* is printed in both Ukrainian- and Russian-language editions.

Language in education was the more explosive issue: few decisions have more potential to mobilize protest than those concerning children's education. The issue hits close to home for a wide stratum of society otherwise often apathetic about politics. The original nationalist goal to Ukrainianize Russophone Ukraine by requiring Ukrainian-language education aroused widespread resentment in eastern Ukraine and in Crimea. Recent reports indicate that 93 per cent of the schools in Crimea use Russian as the language of instruction.[30] Russophone demands to maintain the status quo induced fears among Ukrainian nationalists who subscribed to linguistic theories of ethnicity and nationality that the basis for the Ukrainian nation and state was being deliberately undermined. For both sides, the stakes were seen as high.

Again however, the issue was resolved in favour of the Russian minority. Ukrainian was reduced from the mandatory language of instruction to a mandatory subject in schools with other languages of instruction, in effect recognizing that for many it is a foreign language. The decision of whether the language of instruction in a given school should be Russian or Ukrainian was left to local authorities and parents to decide. This reversed the provision of the law, which held that Russian could continue to be used in education only in oblasts with Russian majorities. At that level of aggregation, only Crimea would qualify, and elsewhere large numbers of Russian speakers would have to switch.[31] While more and more Ukrainians are apparently choosing to learn and speak Ukrainian, especially in Kyiv, there remains little coercion in that regard, and given the proximity of Russia and the continuity of Russian as the *lingua franca* in the former Soviet Union, Ukraine looks set to become a bilingual society, in fact if not in policy, for many years to come. This matter appears to be a favourite for politicians in eastern Ukraine at election time, but has not retained much salience between elections, perhaps implying that the issue resonates with voters more than with the elite.

Why did Ukrainian nationalists, and the Ukrainian state, compromise on this apparently crucial issue?[32] Again, the policy seems the result of a strategic choice to accept a minor defeat in order to keep the country together. On the symbolic issue of the state language, which had less potential to mobilize popular opposition, the nationalist position held, at least in law. On the practical issue of education, the state was faced with an immediate threat much more dangerous than the amorphous and longer-term problems of a duallanguage society. If a dual-language Ukraine might face separatism some time in the future, the effort to reverse Ukraine's

dual-language status promised to provoke separatism immediately. Moderation was not a popular policy among many Ukrainian nationalists, but it did reduce the threat of separatism, a pre-eminent goal.

On the question of citizenship, the role of choice was the key: before any major opposition could materialize, the Ukrainian government embraced a tolerant citizenship law. On language, the state and nationalists were much less inclined towards tolerance – but recognized that tolerance would serve their goals much better than intolerance. That compromise cannot be understood except as a combination of two factors: the substantial power of the Russian minority, and the discretion of Ukrainian leaders. The choice of a moderate policy was by no means predetermined. The presidency of Kravchuk must be given some credit for recognizing that compromise was necessary to avoid greater dangers. While Kravchuk's vacillation on key issues earned him scorn both at home and abroad, his unwillingness to push a decisive language policy was instrumental in undercutting support for separatism.

Not only the size of the Russian minority – 20 per cent of Ukraine's population by the final Soviet census in 1989 – but its geographic concentration worked paradoxically to empower ethnic Russians and hence to undermine the impetus to secede. The same concentration that engenders mobilization and secession also guarantees representation in a system of territorially based electoral districts. If a problem in general for democratic societies is how to ensure minority representation in majority voting systems, territorial concentration of minorities presents a built-in remedy. Rather than resorting to elaborate ethnic gerrymandering, as in some US congressional districts, or to consociational bargains in place of majority voting, concentration of minorities allows an electoral system that maintains the legitimacy of majority voting while guaranteeing minority access. While this solution is widely overlooked in literature on ethnically plural societies, it has worked as much as any other factor to preserve and domestic peace in Ukraine.

Evidence from Ukraine's Elections

Ukraine's four parliamentary elections (1994, 1998, 2002, 2006) and four presidential elections (1991, 1994, 1999, 2004) have all had a strong regional character to the campaign and to the vote. In all parliamentary elections, voters in eastern Ukraine and Crimea have voted for one set of parties (generally leftist and sympathetic to Russian language rights and close relations with Russia). Voters in western Ukraine have voted for a separate set of parties (generally more sympathetic to a nationalizing agenda, and sceptical of close ties with Russia). No party managed to elect candidates across Ukraine.

Presidential elections have been equally divided. In each case, one candidate has won huge majorities in the region west of the Dnipro

(Dnieper) river, while the other has won equally large majorities in the east and south. In three of four cases this has meant that the 'eastern' candidate has won (Leonid Kravchuk in 1991 and Leonid Kuchma in 1994 and 1999). In the rerun of the second round of the 2004 presidential election, the 'western' candidate, Viktor Yushchenko, won by crossing the Dnipro to win majorities in a few east-central oblasts. Even after the 'eastern' candidate, Viktor Yanukovych, had his efforts at fraud exposed, he gained a huge share of the vote in eastern and southern Ukraine, and made a credible showing (42 per cent) overall.[33]

The stark regional differences in voting have led many to assert that Ukraine is polarized, but this has not been the practical effect on politics. The political results of the elections show that, rather than guaranteeing the division of the country, the result of the elections may well have guaranteed the preservation of the Ukrainian state, even if it also guaranteed a stalemated government. Given Ukraine's societal cleavages, its election laws are sufficient to ensure that east Ukrainian (necessarily meaning ethnic Russian and Russophone Ukrainian) interests are not only well represented, but dominate the country politically. Moreover, while two completely distinct sets of parties compete in different regions, the parliament itself has not been dominated by regional cleavages but by a more traditional left-right cleavage (see Table 1).[34]

TABLE 1
VOTE IN PRESIDENTIAL ELECTIONS, 2004: SELECTED OBLASTS

Region	Oblast	Percentage for Yanukovych	Percentage for Yushchenko
East Ukraine	Donets'k	93.5	4.2
	Luhans'k	91.2	6.2
	Kharkiv	68.1	26.4
Crimea	Crimean Republic	81.3	15.4
	Sevastopol City	88.8	8.0
Galicia	L'viv	4.7	93.7
	Ternopil	2.7	96.0
	Ivano Frankivs'k	2.9	95.7

Source: Data are from the Ukrainian Central Election Commission, at <http://www.cvk.gov.ua/pls/vp2004/wp0011> and <http://www.cvk.gov.ua/pls/vp2004/wp0011>.

Whenever separatist sentiment has started to swell, the power of eastern Ukraine *within* Ukraine has been demonstrated. If many ethnic Russians from eastern Ukraine began 1994 convinced that they needed to leave Ukraine to gain political representation, by July they saw that, if anyone controlled Ukraine, they did. The largest single bloc of deputies (by far) in the Ukrainian parliament was that consisting of the communists and their allies – a group elected almost entirely in eastern

Ukraine and Crimea. Oleksandr Moroz, a socialist from Kyiv oblast, was elected chairman. Following the parliamentary elections, Kuchma defeated Kravchuk in the presidential election in July, completing the east Ukrainian takeover of the Ukrainian state. A huge majority of residents of the Donbas and Crimea voted for Kuchma in July 1994, and consequently felt that 'their man' had been elected. It was the Ukrainian nationalists, most notably in the western region of Galicia, who felt disempowered, with 90 per cent voting for the loser, but they would not secede. The combination of the number of ethnic Russians and Russophone Ukrainians, their concentration, and the electoral law, guaranteed that there would be no legislative basis for repression of ethnic Russians. Hence when debates over language laws continued, there was no question of adopting the more exclusive nationalist policies.

Following the March 1998 parliamentary elections, the empowerment of eastern Ukraine was even clearer: the largest bloc in the parliament was again the Communist Party, elected almost exclusively in the east and in Crimea. Moreover, the fragile parliamentary majority that elected a speaker was based on parties whose support was concentrated primarily in eastern Ukraine. The main contributors to the 237 votes that elected Oleksandr Tkachenko parliamentary chairman were the Communist Party (121 votes), the Socialists (35) and the Progressive Socialists (16) plus the Peasants' Party, all of them based outside western Ukraine. Parties with a base outside eastern and southern Ukraine contributed slightly, and those representing the west were largely excluded;[35] the same pattern recurred in 2004–6. After the Orange Revolution, many in the east feared (and many in the west hoped) that the government of Viktor Yushchenko would embark on a clearly pro-Western policy, including a foreign policy oriented westwards, away from Russia, and a domestic policy that reasserted the country's *Ukrainian* identity, in particular promoting wider use of the Ukrainian language. However, less than a year after gaining the presidency, Yushchenko found that he could confirm a new prime minister only with the votes of the Party of Regions, based in eastern Ukraine. Then, in 2006, the same party came first in parliamentary elections, and Yushchenko had to rely on it even more heavily to govern. In short, even at the nadir of their political power, eastern Ukrainian interests have been impossible to exclude from power in Kyiv.

The Resistance to Regional Autonomy

Because control of the Ukrainian government has been open to the east Ukrainian elite, when in power these have had a stake in preserving the state's integrity. It made no sense for eastern Ukraine to split off when it might control the whole country. Hence, the eastern elites in power in Kyiv have not supported regional autonomy arrangements. For example, Leonid Kuchma, who came from eastern Ukraine and

was heavily supported in the east and south, was as responsible as anyone for quashing Crimea's quest for greater autonomy. Under Kuchma, the Kyiv government gave in on every issue except those that implied the right to secession.[36] Thus Crimea was allowed a separate constitution and prime minister, and a level of administrative autonomy allowed to no other component of Ukraine. When the Crimean government pushed for more, however, Kyiv (first Kravchuk, then Kuchma) was quite firm, and attempts to include the right of secession in the Crimean constitution, to declare the Crimean parliament's laws superior to those of the Ukrainian parliament, and to allow Crimea to conduct a foreign policy, were resisted almost to the point of conflict.

Here, the policies discussed above became crucial. Before Crimean citizens and politicians could court military conflict with the state in Kyiv, they had to ask what they would gain. Since the government had already given them most of what they wanted, and they were guaranteed both representation in Kyiv and wide autonomy, there became less to gain from secession. Rivalries split the Crimean elite at the key stage of the process, helping stem the move towards secession; but including Crimean politicians in Kyiv helped fuel that split.

In the case of the Donbas, regional autonomy was not the status quo, and was successfully resisted. In considering a new Ukrainian constitution, many from eastern Ukraine sought a federal system that would leave greater local autonomy and allow them to diverge where desired from the Kyiv government's policies. Ukrainian nationalists strongly emphasized the importance of a unified state, and statists in Kyiv resisted devolving their authority to local governments (exactly as predicted by Gurr). A political system that guaranteed representation of all regions undermined support for federalism in two ways. Until 2006, parliamentary elections were conducted partly in singlemember districts. Therefore, it could not be argued that only federalism would give residents of a particular oblast a voice in politics. Because elections to parliament were based on geographically small districts, everyone had local representation in parliament. Here the advantage of singlemember districts over proportional representation (PR) was manifest: PR would guarantee that ethnic Russians were represented in Kyiv thanks to their numbers, but it would not provide for local representation. An additional measure, such as federalism, which might provide the institutional basis for secession, would be needed to provide for local representation under PR.

Moreover, elections from single-member districts meant that the most ambitious politicians in areas dominated by ethnic Russians would probably run for parliament, and that the most popular would win. Thus the elite in eastern Ukraine was effectively co-opted into the national parliament in Kyiv. For those with seats in the national parliament, secession of the Donbas or Crimea (whether a deputy represents one of those regions or not) takes on a very different colour.

So Crimean secession was opposed by the entire Ukrainian parliament, including Russophone members. The shift to PR seems to have had little effect on this factor: the most prominent politicians in Ukraine seek (and win) seats in parliament, ensuring that they have some interest in preserving the authority of the central government.

In both Crimea and the Donbas (and in other regions) local representation was guaranteed, while simultaneously the territorial basis of secession was undermined. Local representation was achieved not at the level of the oblast or of the republic of Crimea – where it might gel to form the institutional basis for secession – but rather at the level of local electoral districts, which were not intrinsically part of any larger unit except Ukraine itself. By making electoral districts fragment the larger political units that might aspire to secession, the impetus to conflict was undermined, while the impetus to participation was augmented. It remains to be seen whether the shift in 2006 to full PR will eventually strengthen the argument for regional autonomy.

Summary

The Ukrainian government turned an ominous combination of situational factors into one that provided little incentive for ethno-political protest or secession by Ukraine's Russian minority. Tolerant citizenship and language laws reduced much of the source of grievance for Ukraine's minorities. The combination of territorially based electoral districts and maintenance of a unified state structure provided for local assertion of democratic rights, but channelled that assertion into a single national entity: the *Verkhovna Rada*. Not only was ethnicity played down as a political issue but, to the extent that it featured, the debate was channelled into a unified central government, rather than supporting additional local autonomy bids. The one place that already had regional autonomy, Crimea, was not suppressed, and the fact that Crimea came much closer to seceding than did the Donbas implies that regional autonomy fed secession as much as stemming it.

The key structural disadvantage that Ukraine made work in its favour was the large size and geographical concentration of the Russian minority. If that minority were much smaller, Ukraine's solution would not have worked for two reasons. First, with a smaller Russian population, Ukrainian nationalists, the Ukrainian state, or both, might have found less reason to meet the minority's demands. With no need to contemplate disenfranchising 12 million people, restrictive citizenship laws might have seemed practical; without needing to face the votes and potential protest of those 12 million, politicians might be more willing simply to outvote them over language policy.

Second, with a smaller Russian population, it would be much harder to make democracy work in a way that would make Russians confident of their future. Given a smaller Russian population, parliamentarians favouring Russian minority rights would not have the

single largest bloc in parliament. Nor would a Russophone Ukrainian promising closer ties with Russia have been elected president of Ukraine. In short, it would have been much more difficult to build a system where the Russian minority had enough clout to block any significant attempt at suppressing its ethnic, linguistic or political interests.

Conclusions and Lessons

The explanation outlined above is essentially one of liberalism: Ukraine, despite little progress in some of the more important institutional aspects of 'democratization', has evidently achieved a quintessential liberal (in the Continental sense of that word) solution to the problems of minority representation. Ukraine faced the most basic problem of democratic society: preventing the tyranny of the majority. The solution advocated by liberal theorists, from Locke through Hume to the American Federalists and Kant, focused on building a political system in which the majority could not persecute the minority even if it tried. Institutions that inhibit majority factions are prized. For this reason, the large size and geographical concentration of the Russian minority proved to be Ukraine's solution rather than its Achilles' heel, rendering it easier for a relatively unsophisticated polity to ensure the rights of the minority. Hence, the minority found it more advantageous to remain in the polity than to exit.

This interpretation of Ukraine's avoidance of ethno-political conflict raises several broader observations and prompts additional questions. In this conclusion, I attempt to address two sets of issues. First, and most narrowly, what does this interpretation say about Ukrainian politics, given prevailing views of that country? Second, what are the implications for theories of ethno-political conflict?

Liberal Ukraine?

One strength of this 'liberal' interpretation is that it makes sense of the most striking anomalies of Ukraine's case: how a state universally regarded (both within and outside Ukraine) as weak and inept managed to negotiate such a hazard-strewn course. Two insights are relevant. First, as discussed above, from the liberal perspective, state weakness becomes a strength. Second, if we reverse the causality, we can see the state's ineptitude and weakness not as a cause of turmoil, but the result of the compromises necessary to maintain peace.

The paradox is that the main vulnerabilities in Ukraine, according to Gurr's theory, in fact became means of avoiding ethno-political conflict. The liberal interpretation dissolves this paradox without asserting implausibly that the Ukrainian government was both strategically brilliant and highly agile in its policy. The weakness of the state (and the strength of the Russian minority) promoted a peaceful outcome by making repression of the Russian minority

politically costly, thereby making secession unnecessary. To some extent, these incentives operate without the explicit design of the state or the benevolence of the majority. To understand the outcome we do not need to argue that the Ukrainian state was clever, or that the majority was incredibly tolerant (it was tolerant on citizenship, less tolerant on language). We need to know only that both the state and Ukrainian nationalists put a high value on avoiding secession, and that they recognized that the large size of the Russian minority made compromise the only reliable path to that goal. Nor need we argue that the Russian minority was more quiescent than originally estimated. Russians in the Donbas and Crimea may well have been intent on secession if their demands were not met, but since most of their more significant demands were met (most notably the right to maintain Russian-language education), and since they became as powerful as any other region or ethnic group in Ukraine, the incentives for secession were removed.

Thus, the Ukrainian state survived not *despite* its weakness, but because of it. The fragmentation and stalemate in the Ukrainian parliament are lamentable in view of the decisive reform measures advocated by most Western social scientists (and politicians), but it may well be the necessary result of democracy in a fragmented society. Since any decisive action by that parliament would be opposed by one major group or another, little can be done. This in turn ensures that no significant bloc of deputies (or the societal groups they represent) feels so alienated or oppressed by the system that rebellion is preferable to continued participation. In retrospect, some credence must be given to Kravchuk's protestations that his vacillation as president was necessary for peacefully preserving the state's integrity.

In a divided society, such as Ukraine, gridlock may reflect the democratic process, and may work to preserve peace. The key difference between Ukraine and the US is not the degree of gridlock, but the fact that the US has gridlock in a system that is essentially functioning, while Ukraine has gridlock in a country in dire need of fundamental reform. None the less, it remains unclear how that decisive reform can be pursued when opposed by a significant portion of the population.

This view also may help us to see Ukraine's experience as consistent with Gurr's models of ethno-political conflict. Our assumption has been that Gurr's major factors implied Ukraine to be ripe for ethno-political conflict. One of his major assertions is that, while democratizing autocracies are prone to ethno-political conflict, institutionalized democracies tend to resolve such issues peacefully through inclusive norms and institutions. Perhaps, despite conventional appraisals, Ukraine's democracy is more thoroughly institutionalized than some of the chaos implies (bad government is not necessary incompatible with liberal democracy).[37] Many Ukrainians have claimed that their country has internalized the norms of 'Europe' and of liberal democracy, and there is evidence to support

it. The ability of Viktor Yanukovych to return to power after the 2006 parliamentary elections, while frustrating to some, is seen by many as a sign that Ukraine has internalized democratic norms of political competition.

This proposition is clearly ripe for further study, especially since many discussions of 'democracy' in the former communist states are notoriously vague about the meaning of democracy. The converse of Gurr's findings on institutionalized democracy implies that, if a country successfully overcomes a high propensity for ethno-political conflict, it must be an institutionalized democracy. If so, perhaps Ukraine is indeed in better shape institutionally than we typically think (Gurr himself implies this when he asserts that, despite the potential for ethno-political conflict in the former Soviet Union, he expects that the Slavic republics will resolve such problems democratically).[38]

Implications for Theories of Ethno-political Conflict

The most provocative aspect of this case for theories of ethno-political conflict is not the fact that Ukraine avoided ethno-political conflict despite its apparently high propensity for it, but *how* it did so. As stated above, Gurr's hypotheses are sufficiently indeterminate that for one case to turn out differently from what is expected is not particularly damaging to the theory. What is more interesting, however, is that Ukraine seems to have achieved the desired result by ignoring many standard lessons of considerable theoretical and empirical research on ethno-political conflict.

Much conventional wisdom on dealing with ethnic conflicts still stems from seminal work by Lijphart and others on 'consociationalism'.[39] Built on the basic idea that ethnic peace and territorial integrity can be preserved by assuring minorities that they will not be oppressed, consociational solutions rely on institutionalizing ethnic and regional differences so that minority groups are guaranteed representation and a large degree of self-rule. While the details differ from case to case, such solutions often involve the following: federalism allows regional autonomy within the state, so concentrated minorities actually become a majority at a level of government that possesses substantial authority. Corporatism provides for coherent leadership in fragmented societies through elite brokering of the demands of different groups. A variety of measures to guarantee minority participation in government are used. In some cases, minority groups have a number of reserved seats in parliament or the cabinet. In other cases, linguistic equality is achieved through bilingualism, as in Canada, where every federal bureaucrat is required to know both English and French. Essentially, all these mechanisms aim at augmenting 'voice' and heading off 'exit' by reproducing the society's ethnic divisions in the political system. Prominent cases are Switzerland, Belgium, Canada and – alas – Yugoslavia.

Ukraine took a fundamentally different path, rejecting a federal

system and tolerating regional autonomy only in Crimea. Corporatism has been absent both formally and informally. And no special arrangements have been made to guarantee representation to minorities, in either parliament or the cabinet. These measures were eschewed in large part because nationalists and the leaders of the state saw them as building the basis for secession or at least for the fragmentation of society (a problem admitted by Lijphart, which has become quite visible in recent years, with secession along federal lines in Yugoslavia, the Soviet Union and Czechoslovakia, and the threat of it in Canada). The debate was starkest in writing a post-Soviet constitution in 1995–96. Many in eastern Ukraine sought to build a federal system that maintained the Ukrainian state while making the oblast a major centre of political activity. Nationalists and Kuchma's government objected, favouring a unitary state, on both symbolic grounds (they sought the image of a unified society and a strong unified state) and practical grounds (building up regional institutions would build the institutional basis for secession, as both Ukraine's secession from the USSR and Crimea's continuing recalcitrance demonstrated).

Preserving the state proved possible through liberalism rather than consociationalism in large part thanks to the factor highlighted in this study: the political power of the ethnic Russian minority. Given its size and concentration, a straightforward democratic electoral system would ensure substantial minority representation in the *Verkhovna Rada*, and a crucial voice in choosing the country's president. Consociationalism was simply unnecessary to ensure ethnic Russian representation, and was seen to contribute to the problem by focusing political attention on the regional level rather than on Kyiv. Ukraine's liberal approach guaranteed minority representation, but in a way that ignored rather than institutionalized ethnic differences, and that channelled that representation into a unified Ukrainian parliament. Rather than becoming the institutional foundation for Ukrainian politics, ethnic and regional issues became simply one in a series of cross-cutting cleavages. In the 1998 parliament, the left-right cleavage appears just as salient as regional or ethnic cleavages – or more so. The liberal approach underscored Ukrainian unity symbolically, while giving leading ethnic Russian politicians in Ukraine an incentive to support preserving the Ukrainian state rather than establishing a new state in which they might have little role, or joining Russia, where the Donbas or Crimea would become one of nearly 90 regions. How widely relevant is this 'solution'? Theoretically, this model should be relevant to other cases, because states where consociational solutions are possible are also those where a liberal approach is most likely to work. They are cases with large, territorially compact minorities, demanding guarantees of their rights and of a voice in politics. An additional mechanism for representation is clearly necessary only where the minority is so small that normal majoritarian practices leave it no significant voice in politics. But in those very cases such

arrangements are least likely to be granted. One remaining rationale for consociationalism is separation as a goal for its own sake. For a large and concentrated minority like Ukraine's Russians, liberal solutions provided for representation just effectively as consociationalism, and with less threat of future secession. However, without further research, the relevance of Ukraine's experience to other cases remains unclear.

To draw general conclusions from this case would be unwise. Further scrutiny may reveal that the Ukrainian experience was in some key way unique, leaving no lessons for other cases. Theoretically, however, a more fundamental point emerges: there is more than one solution to the problem of ethno-political grievance. While it is too early to establish empirically the circumstances in which a 'liberal' solution may work, this case indicates that such a solution *can* work. If this analysis is correct, the need for further research on this type of solution is clear.

Notes

1. *Financial Times*, 29 Nov. 2004; Radio Mayak, Moscow, 29 Nov. 2004, translated in BBC Monitoring Service, 29 Nov. 2004.
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26. 'Universal Natsional'noi Yednosti', website of the president of Ukraine, <http://www.president.gov.ua/done_img/files/universal0308.html>, accessed 15 Aug. 2006. The 'Universal', as it is widely known, was essentially a joint statement by leaders of various political parties agreeing on an agenda for the parliament elected in 2006 and the government subsequently chosen. It overcame a three-month deadlock in efforts to form a coalition, but did not appear to bind the parties in any meaningful way. The term 'universal' refers back to the use of Universals in the independent Ukrainian state in 1917–18. Four out of five parliamentary factions signed the Universal; the Tymoshenko bloc refused to sign it.
27. Ukrainian Central Election Commission, at <http://www.cvk.gov.ua/pls/vnd2006/W6P001>.
28. See Wilson, 'The Growing Challenge'; Arel, 'Language Politics in Ukraine'; and Chinn and Kaiser, *Russians as the New Minority*, pp.129–62.
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30. Press Office of the President of Ukraine, 'President Yushchenko Accepts Crimea Challenge', 20 Sept. 2006 at http://www.president.gov.ua/en/news/data/1_10440.html; accessed 8 Feb. 2007.
31. Chinn and Kaiser, *Russians as the New Minority*, p.155.
32. The case that the development of the Ukrainian language and national consciousness is indeed important for the future of the Ukrainian state is made in Taras Kuzio, *Ukraine: State and Nation Building* (London: Routledge, 1998).
33. Yanukovych and his supporter engaged in a wide array of fraudulent practices, such as coercion and bribery of voters, and multiple voting, as well as falsification of the actual vote count. These are discussed in considerable detail in Andrew Wilson, *Ukraine's Orange Revolution* (New Haven: Yale University Press, 2006).
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37. See Jose Casanova, 'Ethno-Linguistic and Religious Pluralism and Democratic Construction in Ukraine', in Rubin and Snyder (eds.), *Post-Soviet Political Order*, pp.81–103.
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Oligarchs, Tapes and Oranges: 'Kuchmagate' to the Orange Revolution

TARAS KUZIO

This study is divided into four sections. The first surveys the 1998 parliament and 1999 presidential elections during which oligarchic clans first made their appearance in Ukrainian politics.[1] In 1998–99 an alliance was struck between the executive and the oligarchs in Ukrainian politics that remained in place until December 2004. The second section provides an overview of Kuchma's second term in office (1999–2004) during which four main themes are covered: the 'Velvet Revolution' in spring 2000, political reform in April 2000, the Viktor Yushchenko government (December 1999–April 2001), and the 'Kuchmagate' crisis after November 2000. During 2000–2001 the centrist oligarchic-national democratic alliance against the left, which had existed since 1991, collapsed. A new reconfiguration of Ukrainian politics emerged with the national democrats allied to the moderate left against the executive-centrist oligarchic alliance, culminating in the Orange Revolution.[2]

The third section provides an overview of the consolidation of oligarchic centrist political parties in the second half of the 1990s and particularly after Kuchma's re-election in 1999. The three main oligarchic clans that emerged to dominate the pro-presidential centre revived the main regional clans (Kyiv-Dnipropetrovsk-Donetsk) that dominated and ruled Soviet Ukraine. The final section investigates the mechanics of how the executive and its oligarchic allies privatised the Ukrainian state through two strategic and eight tactical objectives. These strategies and tactics were an outgrowth of Ukraine's political crisis since 'Kuchmagate' and fear on the part of Kuchma and the oligarchs of their fate in the post-Kuchma era.

Oligarchs Enter Ukrainian Politics

The 1998–2002 Parliament

The combined number of leftist deputies elected in 1998 amounted to 171; of these, 122 were from the hard left (Communist Party – KPU – and Progressive Socialist Party) and another 49 from the moderate left (Peasant and Socialist Parties). Thus, the left did not possess an overall majority of seats in parliament (226–plus). These numbers were similar to the 40 per cent of seats they held in the 1994–98 parliament. The majority of the remaining deputies (253) could be divided into two camps depending on their attitudes towards President Leonid Kuchma: national democrats in 'constructive opposition' and centrist allies. Pro-Kuchma centrists held the balance of power as they numbered 166 compared with 91 national democrats (for summary information on the parliamentary election results in 1998 and 2002, see Table 1).[3]

TABLE 1
1998 AND 2002 (PROPORTIONAL) PARLIAMENTARY ELECTION RESULTS COMPARED

1998	Vote (%)	2002	Vote (%)
Centrists			
People's Democratic Party (NDP)	5.01	For a United Ukraine (ZYU)	11.81
Social Democratic United Party (SDPUo)	4.01	Social Democratic United Party (SDPUo)	6.27
Green Party of Ukraine (ZPU)	5.43		
Total	14.45	Total	18.08 ↑
Dissident Oligarchs/Populists			
Hromada	4.67	Yulia Tymoshenko Bloc	7.24 ↑
National Democrats			
Rukh	9.40	Our Ukraine:	23.55 ↑
Left			
Communist Party (KPU)	24.65	Communist Party (KPU)	20.01
Socialist-Peasant Parties Bloc	8.56	Socialist Party of Ukraine (SPU)	6.88
Progressive Socialist Party	4.04		
Total	37.25	Total	26.89 ↓

The 1998 elections saw for the first time the rise of pro-presidential centrist parties that represented regional, oligarchic clan interests who had benefited from economic reform and privatization in the 1990s. These included the Kyiv clan's Social Democratic United

Party (SDPUo), the Dnipropetrovsk clan's Labour Ukraine and the still ephemeral Donbas clan's Revival of Regions (later transformed into the Party of Regions of Ukraine). The SDPUo's weakness was that it was the only centrist clan unable to secure a popular home base as it never attracted support in Kyiv.

The SDPUo barely scraped into parliament in 1998 with 4.01 per cent. Apparently reliable rumours suggested that its success was due to some votes having been transferred to it from the Agrarians, who secured only 3.68 per cent. The SDPUo moved fully into the pro-Kuchma camp only in 1999, when it supported Kuchma's re-election (see below).

Ukraine's first attempt at creating a party of power took place during the Valeriy Pustovoitenko government that replaced that of Pavlo Lazarenko in 1997. Pustovoitenko headed the People's Democratic Party (NDP) that obtained 5.01 per cent in the 1998 elections, but failed as a party of power. The NDP faction was always the smallest of the pro-presidential centrists in both the 1998–2002 and 2002–6 parliaments. A similar ephemeral party was the Green Party (ZPU) which revived in the 1998 elections after being taken over by business interests. It secured 5.43 per cent in the 1998 elections but failed to cross the 4 per cent threshold four years later. Neither the NDP nor the ZPU had regional bases.

In 1997 'dissident oligarchs' had emerged with Lazarenko's Hromada Party, which obtained 4.67 per cent in the 1998 elections (Tables 2 and 3 reflect public understanding of the term 'oligarch' and identify ten leading figures named as oligarchs in a poll in early 2001). After his removal as prime minister, Lazarenko became a threat to Kuchma owing to his virulent hostility, his wealth and his presidential ambitions. In February 1999, Lazarenko fled Ukraine after being stripped of his parliamentary immunity because of corruption charges brought against him.[4] The Fatherland faction – led by Yulia Tymoshenko, deputy prime minister for energy in the Yushchenko government and former head of United Energy Systems – brought together defectors from the Hromada faction. In 2000 the Fatherland Party went into opposition to Kuchma and attracted the populist and nationalist camp which had backed former security service chairman and prime minister, Yevhen Marchuk, in the 1999 presidential elections. In 1999 Marchuk had broken with the SDPUo, on whose party slate he had been elected to the 1998 parliament.

TABLE 2
PUBLIC DEFINITION OF OLIGARCHS, JANUARY 2001 (%)

Wealthiest people in Ukraine	11.8
Small group who rule Ukraine	16.6
Very wealthy who influence senior levels of government	26.7
Mainly those who steal from Ukraine with the help of the authorities	55
Other answer	0.9
No answer	3.9

Note: The question asked was 'What do you understand an "oligarch" to be?'
Source: Kyiv International Institute of Sociology at <http://www.kiis.com.ua>.

TABLE 3
PUBLIC IDENTIFICATION OF OLIGARCHS, JANUARY 2001 (%)

Pavlo Lazarenko	33.9
Yulia Tymoshenko	20.9
Leonid Kuchma	11.8
Grygoriy Surkis	7.7
Leonid Kravchuk	4.5
Viktor Yushchenko	4.0
Viktor Medvedchuk	3.3
Oleksandr Moroz	3.2
Oleksandr Volkov	3.0
Petro Symonenko	1.0

Notes: The question asked was 'Name some people whom you believe to be oligarchs'. Of interest is the fact that the list includes no figures from the Donbas or Dnipropetrovsk clans. The poll conducted in January 2001 may reflect the legacy of the authorities anti-Lazarenko drive in 1998–1999 which also blackened Tymoshenko. The Donbas clan did not enter central politics until 2002 in the ZYU bloc and the Yanukovych government.
Source: Kyiv International Institute of Sociology at <http://www.kiis.com.ua>.

'Constructive opposition' national democrats consisted of the two wings of Rukh and Reforms Congress.[5] The Reforms Congress faction was linked to Viktor Pynzenyk's centre-right Party of Reform and Order. Although the 'reformist camp' (national democrats and centrists) had a numerical advantage over their leftist opponents in the parliament, they were divided by their attitudes towards Kuchma and to the type of reform they wanted Ukraine to pursue. This directly led to splits in four of Ukraine's largest parties in 1998–99 (the NDP, SDPUo, Rukh and Hromada).

The mutual suspicions between 'constructive opposition' national democrats and centrists were briefly put aside after the 1999 elections for two reasons. First, they were mutually hostile towards the left, which had controlled parliament since 1994. Second, 'constructive opposition' national democrats could not oppose the Yushchenko government (December 1999– April 2001). This alliance began to crumble through the combined impact of the 'Kuchmagate' scandal from November 2000 and the removal of the Yushchenko government in April 2001. The real opposition, led by the Tymoshenko bloc and the Socialists, dominated the Ukraine with Kuchma movement during 'Kuchmagate'.

1999 Presidential Elections

The three main left-wing presidential hopefuls were the Peasant Party

leader Oleksandr Tkachenko, the Socialist leader Oleksandr Moroz and the KPU leader Petro Symonenko. With very low popularity rating averaging 2 per cent, Tkachenko dropped his candidature before election day, leaving Moroz and Symonenko as the two left-wing candidates competing to enter the second round. Kuchma's main challenger within the left remained Moroz because he was well known throughout Ukraine and had no corrupt past. Moroz was also the only leftist candidate willing to evolve towards a more social democratic profile.[6] This gave him two advantages over his leftist rivals: first, if he had been pitted in a second round against Kuchma non-leftist supporters might have been tempted to vote for him, since Moroz, unlike the other three leftist candidates, had a less negative image in western Ukraine. Moroz would probably therefore have defeated Kuchma if he had faced him in the second round, as it would have reduced negative voting that worked in Kuchma's favour.

Second, Moroz had made overtures to other centre-left parties, such as Hromada, to forge an anti-Kuchma alliance. The alliance, although with Hromada's successors, Fatherland and the Tymoshenko Bloc, emerged during the 'Kuchmagate' crisis and endured through to the Orange Revolution. Three small social democratic parties, led by Vasyl Onopenko, Yury Buzduhan and Marchuk, aligned with Moroz's Socialists. Symonenko, leader of one of Ukraine's largest political parties (KPU) and the party with the largest faction in the 1994–98 and 1998–2002 parliaments, faced an uncertain presidential race. Symonenko lacked the necessary charisma to win, had refused to reform his hard-line KPU policies, and lost the support of Russia's communists.[7]

The non-left camp was even more divided, and the only two serious contenders were President Kuchma and former Prime Minister Marchuk. Kuchma had eliminated two potential non-communist presidential rivals by forcing Lazarenko into exile and allegedly organizing the murder of Rukh leader Vyacheslav Chornovil.[8] Kuchma's Accord (Zlahoda) election bloc – which united 12 political parties and was jointly led by then Prime Minister Pustovoitenko, former President Leonid Kravchuk and former parliament chairman Ivan Pliushch – backed Kuchma. Zlahoda included his two 'parties of power' (NDP and SDPUo), the Agrarian Party, the Party of Muslims, the Party for Regional Revival, Labour Ukraine, the Inter-Regional Bloc of Reforms (MRBR), the Liberal Party, the Republican Christian Party and the Democratic Party. Most of these parties in Zlahoda became the basis of the election bloc 'For a United Ukraine' (ZYU) in the 2002 parliamentary elections: NDP, Party for Regional Revival (becoming the Party of Regions), Labour Ukraine and the Agrarians. The MRBR merged with the NDP in 2001. The same parties that supported Zlahoda in 1999 and ZYU in 2002 also backed Yanukovych as the centrist candidate (and Kuchma's favoured successor) in the 2004 presidential elections.

The only two exceptions among the centrists who defected to the

national democrats were the Liberal and the Republican Christian Parties, both of whom joined Yushchenko's Our Ukraine bloc in the 2002 elections. In the 2004 elections only the Republican Christian Party, representing the 'constrictive opposition' wing of Rukh, which had always sought to co-operate with the executive, continued to back Yushchenko's candidacy. In 2003–4 the Liberals defected from Our Ukraine and moved back into the pro-Kuchma camp.[9] The Party of Industrialists and Entrepreneurs (PPPU) led by Anatolii Kinakh, prime minister in 2001–2, also joined ZYU. Kuchma had risen to power in 1994 through an alliance of the MRBR and the Union of Industrialists and Entrepreneurs, which he had then headed. The PPPU defected to Yushchenko in the Orange Revolution and has been a constituent party in the bloc 'Our Ukraine'.

In addition to establishing a five-party election bloc, the Kuchma campaign also adopted three strategies. First, dissident oligarchs, such as former Prime Minister Lazarenko and Vadym Rabinovich, were targeted because of their support for Kuchma's opponents. During June and July 1999 Rabinovich was threatened with a five-year banning order from Ukraine, which was lifted only after he agreed to back Kuchma financially. Second, in order to prevent a repetition of the defeat of the incumbent (Kravchuk) in the summer 1994 elections, government and regional elites were coerced into supporting Kuchma. Finally, independent media outlets were either placed under pressure (for example, the Kyiv-based STB television station), or closed (for example, *Pravda Ukrayiny* and four independent Crimean television stations). Others were bought out by pro-Kuchma loyalists (including *Kievskiye vedomosti* newspaper by the SDPUo).[10]

Marchuk had to create his own social democratic party in early 1999 after the SDPUo agreed to back Kuchma in the 1999 elections. His popular base of supporters (populists and nationalists) moved to the Fatherland Party and the Tymoshenko bloc during the 'Kuchmagate' crisis. Marchuk obtained 8.13 per cent of the vote in the 1999 elections, a result close to the Tymoshenko bloc's 7.24 per cent in the 2002 elections.

Kuchma's strategic objective aimed to repeat the Russian 1996 presidential election scenario in four ways. First, Kuchma portrayed himself as the flagship of 'reform' and state independence. All other candidates on the left were portrayed as a threat both to reform and to Ukraine's independent statehood. Second, Kuchma's election campaign deliberately ignored his weakest area, the economy.[11] Third, he strove to enter the second round against an extreme left candidate, hoping that voters would reject that candidate and thereby, by default, vote in favour of Kuchma.

Kuchma sought to engineer either KPU leader Symonenko or Progressive Socialist leader Natalya Vitrenko as his second-round opponent, because neither of them would be likely to obtain more than 50 per cent of the vote (they each led in only one Ukrainian region in pre-election polls). Vitrenko had reportedly received covert

encouragement from the Kuchma administration when her party was established in 1996 after splitting from Moroz's Socialists. The Progressive Socialists were therefore Ukraine's equivalent of Russia's Rodina or Serbia's Radical Party – in other words, loyal left-wing 'opposition' parties.[12]

Vitrenko, who represents the left populist wing of Ukrainian politics, accuses other leftist parties of being 'weak-willed' or 'turncoats'. In the 1999 elections, pro-Kuchma media outlets attacked all the leftist candidates with the exception of Vitrenko, who also received greater television coverage than other leftists. On 3 October 1999 an alleged assassination attempt on Vitrenko took place in Southern Ukraine. The RGD-5 grenades used by the assailants were stun grenades, giving out bright light and sound, and therefore could never have been intended to kill her. Vitrenko's ratings increased in consequence of the attack while those of Moroz declined because the assailants were members of his local campaign team and held criminal records.[13]

Fourth, strongman Marchuk played a role similar to Alexander Lebed's in the 1996 Russian presidential elections by attracting a large number of populist voters disgruntled with *both* the left and the incumbent. Unlike Lebed's military reputation, which worked in his favour, Marchuk's KGB past worked against him. After doing moderately well in the first round he agreed to back Kuchma in the second in return for being appointed secretary of the National Security and Defence Council (NRBO). This was a repeat of the Russian elections of 1996 where Lebed backed Yeltsin in the second round. Marchuk was sidelined from Ukraine's political process in the NRBO until he became defence minister in June 2003, a brief appointment until his dismissal on the eve of the 2004 elections.

The second round of the 1999 elections gave voters a clear, but not very palatable, choice between the 'anti-communist reformer' Kuchma and the KPU leader Symonenko (Table 4). The maximum leftist vote in both the March 1994 and the March 1998 parliamentary elections had never exceeded 40 per cent, and in the first round of the presidential elections five leftist candidates merely increased this to 45 per cent. Many moderate voters who had backed leftist candidates in the first round backed Kuchma in the second as the lesser of two evils, voted against both or did not bother to vote. This reduced Symonenko's vote to 37.5 per cent in the second round. Undoubtedly, as in the 1996 Russian elections, a large proportion of the votes given to Kuchma were in reality votes against Symonenko rather than for Kuchma.

TABLE 4
1999 PRESIDENTIAL ELECTIONS

Candidate	Round 1	Round 2

Leonid Kuchma	36.49	56.18
Petro Symonenko	22.4	37.49
Oleksandr Moroz	11.29	
Natalia Vitrenko	10.97	
Yevhen Marchuk	8.13	
Yuriy Kostenko	2.17	
Hennadiy Udovenko	1.22	

Note: Candidates who received less than 1 per cent have been omitted.
Source: Central Election Commission, at <www.cvk.gov.ua>

In a repetition of the second round of the July 1994 Ukrainian presidential elections, Kuchma, like his opponent Kravchuk in 1994, scored his most impressive support in the three Galician oblasts of western Ukraine. Here Kuchma's support never fell below 90 per cent; in this region most votes were probably against Symonenko, rather than for Kuchma. This could be seen in the rapid decline in support for Kuchma in western Ukraine after 2000, when the region became a bastion of the anti-Kuchma opposition. In the 2002 and 2004 elections, Our Ukraine and Yushchenko respectively swept western Ukraine.

Kuchma 2 (1999–2004)

After his re-election Kuchma promised to continue to speed up economic reforms, complete administrative reforms, introduce a bicameral parliament, increase regional devolution, move to a professional army, create one million new jobs, pay wage and pension arrears and maintain Ukraine's non-alignment. Marchuk, in his new position as secretary of the NRBO, also promised a tougher campaign against corruption.[14]

Kuchma reaffirmed his intention to 'accelerate' and 'deepen' reform, stalled since 1996, by consolidating the government and pursuing structural economic reform and growth. A major impediment to the acceleration of reform was the parliament, its leadership dominated by left-wingers from 1994 to 1999, and its membership characterized by a large number of unstructured centrist factions lacking in ideological unity.

'Velvet Revolution'

Immediately after his re-election, Kuchma launched an attack on the leftist chairman of the parliament, Tkachenko, and first deputy chairman, KPU party member Adam Martyniuk. Ironically, Martyniuk was brought back to this position in November 2003 as a trade-off for support for the election of a new prosecutor and was reappointed to the same position in summer 2006.

On 22 January 2000, Tkachenko and Martyniuk were deprived of state bodyguards, official cars and telephone lines. A parliamentary temporary commission began investigating allegations of corruption

surrounding Tkachenko going back to 1994 involving the theft of $70 million. This investigation had been dropped in 1998 when Tkachenko became chairman of parliament, showing once again how anti-corruption measures are politically motivated in what has been termed the 'blackmail state'.[15]

The factions within the parliament who backed Tkachenko's removal and the creation of an anti-leftmajority numbered 253 and hailed from 11 disparate centrist and national democratic factions. The four factions of the left, in contrast, commanded the loyalty of only 171 deputies, while the 11 centrist and national democratic factions were united less in their support for 'reforms' or Kuchma than in their hostility to the left's continued control of parliament's leadership since 1994.

After their numbers declined below the minimum of 14 members, the Hromada, Progressive Socialist and Peasant Party factions were disbanded. This meant that the left now had only two factions (KPU and Left-Centre – in reality only the Socialist Party, SPU). A pro-reform majority could not be created to support the desire to accelerate reforms expressed by Prime Minister Yushchenko, whose nomination in December 1999 was backed by all 11 of these non-left factions. On 13 January 2000, 253 deputies from 11 non-leftist factions announced the creation of a 'pro-reform' majority with the aim of speeding up reforms and harmonizing relations between the parliament and executive. They also began to collect the 150 signatures necessary to put to a vote the removal of Tkachenko and Martyniuk. If they were removed, the new parliament leadership was to sign a document on political solidarity between the government, the executive and the parliament.

The three top positions of the parliament were taken by pro-Kuchma 'parties of power'. Parliament chairman Plyushch, a member of the NDP, was previously chairman in the 1991–94 parliament. In 2003 he defected to Yushchenko's Our Ukraine, as did other NDP members such as the president's representative in parliament, Roman Besmertnyi. Besmertnyi's failure to launch the NDP as a party of power was repeated in 2005–6 with the failed attempt to transform Our Ukraine into the People's Union-Our Ukraine as President Yushchenko's party of power. The deputy heads of parliament were controlled by the SDPUo and the Revival of Regions.

Political Reform 1: All Power to the President

Kuchma, and his financial ally in the 1999 elections, Oleksandr Volkov, organized the collection of 3.3 million signatures to hold a referendum. Kuchma went ahead with his plans to hold a referendum on 16 April 2000 with four questions:[16]

1. the president's right to dissolve the parliament if it fails to

form a majority within one month or pass the budget within three months; this constitutional reform came into effect in 2006 following constitutional reforms adopted by parliament on 8 December 2004;
2. the abolition of deputies' immunity from prosecution;
3. a reduction in the number of deputies from 450 to 300;
4. the creation of a bicameral parliament (with an upper house composed of appointed regional governors).

The referendum was not popular among many factions, as seen by the vote by 307:24 deputies approving a temporary moratorium on local and national referendums. The decision to hold a referendum was condemned by the left, which called for an additional referendum to abolish the presidency and transform Ukraine into a parliamentary republic. The national democrats were also critical of a referendum, fearing that regional councils in Eastern Ukraine would add further questions; they also feared that a bicameral parliament would promote separatism.

The referendum had a negative image in the eyes of the electorate, which perceived it as 'a waste of money' and a 'game among politicians'. Only 32 per cent of the electorate understood or had heard of the questions posed. The creation of a bicameral parliament was the least understood by the electorate and had the least support, averaging only 30 per cent, making it likely that it would not be passed in the referendum. Kuchma had been lobbying for an upper house since 1994 when he had created a Council of the Regions. A bicameral parliament had negative connotations for many voters, who believed that it would lead to the growth of regional separatism and the decline of central authority. A pliant upper house composed of unelected regional governors would also act as a powerful ally of the executive against those opposed to the president in the lower house.

On 29 March, the Constitutional Court announced that two of the six questions were 'unconstitutional'.[17] These two were the most controversial and had received the greatest degree of criticism from the Council of Europe. The Council of Europe and the minister of justice at the time, Serhiy Holovatiy, had long argued what the Constitutional Court recognized; namely, that the executive has no right to dissolve parliament or change the constitution by referendum. The Council of Europe and Minister of Justice Holovatiy had feared that, if these questions had remained in the referendum, Kuchma would have been able to establish an authoritarian regime.

All four questions received highly suspect majorities. According to the Central Election Commission 78.77 per cent turned out for the referendum, a figure which, if believed, was higher than that for the presidential elections in October 1999; 84.78 per cent voted in favour of the right of the president to dissolve parliament if it failed to pass a budget within one month, or create a majority within three months; 89.06 per cent supported the withdrawal of immunity from

parliamentary deputies; and 89.97 per cent supported the reduction of the number of deputies from its current number of 450 to 300. The fourth – and most controversial – question, on introducing a second parliamentary chamber, was backed by 81.81 per cent. The highest turnouts were reportedly in western Ukraine and the lowest in the Crimean city of Sevastopol.

The referendum results could have led to greater executive power and a reduction in parliament's power, President Kuchma's long-standing aims and objectives. With the oligarchs backing the referendum, Kuchma was unlikely to want to use it to promote a faster 'reform' programme but instead to consolidate a super-presidential regime with a constitution typically found throughout the Commonwealth of Independent States.[18]

A reduction of the number of parliamentary deputies to only 300 would have meant that Ukraine would proportionately have had a very low number of deputies. The removal of parliamentary immunity from deputies was a popular decision because many individuals with criminal backgrounds do indeed hide behind their immunity from prosecution. The then head of the state tax inspectorate, Mykola Azarov, said after the referendum that parliamentary deputies and their enterprises controlled 25 per cent of Ukrainian imports and 10 per cent of exports; 364 out of 450 deputies were involved in economic activities as heads of 3,000 businesses.

The main difficulty in implementing the referendum lay within parliament. The constitutional court instructed parliament to implement the referendum results by changing up to 30 articles in the 1996 Constitution. The non-left majority controlled only 265 deputies in the parliament and therefore lacked the 300-plus majority required to implement constitutional changes (in 2003–4 attempts to introduce political reform had also lacked the necessary 300-plus votes).

The only opposition prior to 'Kuchmagate' to this creeping authoritarianism came from left-wing factions and the Fatherland Party. National democrats, who were in 'constructive opposition' and created the bloc 'Our Ukraine' in 2002, only moved to a mild opposition stance after the ouster of the Yushchenko government in April 2001. The 2001 referendum was ultimately undone only by the onset of the 'Kuchmagate' scandal seven months later.

Another problem for Kuchma was that the majority was united only by its hostility towards the left – not by its positive attitudes towards 'reform'. It included a diverse group ranging from national democrats to oligarchic centrist factions, many of whom would not back some of the constitutional changes required by the referendum. National democrats opposed the introduction of a bicameral parliament, while centrist factions were uninterested in the removal of deputies' immunity for fear of criminal charges being brought against them.

Yushchenko's Reformist Government

In March 2000, President Kuchma went on record to say that the government has the 'complete support' of the executive. This public announcement came after mounting criticism of the former National Bank governor and reformist prime minister Yushchenko from the oligarchs. Oligarchic centrists were unhappy with Yushchenko for two reasons. First, they were losing major sources of income from the cancellation of privileges for joint ventures, many of which they controlled. This applied particularly to the energy sector, which was being brought under control by Deputy Prime Minister Tymoshenko. Her efforts returned over $2 billion to the budget which was used to pay wage and pension arrears. Tymoshenko, herself formerly head of United Energy Systems, targeted energy distribution companies owned by the oligarchs which had accumulated large debts for energy supplied by Russia.[19] Second, centrists were angry at being left out of the government and with having little influence over Yushchenko. Calls were increasingly made for a 'coalition government' to be made up of national democrats and centrists. After the removal of the Yushchenko government this understanding of a 'coalition government' was narrowly understood as representing only centrists.

The Yushchenko government had difficulty in manoeuvring. Not only was it increasingly undermined by Kuchma (as proven by remarks made by him on the Mykola Melnychenko tapes made illicitly in the president's office) and by the oligarchs: the 'Kuchmagate' scandal also drove a wedge, on the one hand, between centrists and the national democrats. On the other, within the national democrats between the opposition Tymoshenko's Fatherland Party and the 'constructive opposition' that would become Our Ukraine.

In April 2001, the Yushchenko government was removed by a parliamentary vote of no confidence organized by President Kuchma and SDPUo leader Medvedchuk and voted through by centrists and the KPU. This would not be the last time that the KPU came to Kuchma's rescue. The KPU moved into the opposition camp only after the March 2002 parliamentary elections, refusing to back the 'Ukraine Without Kuchma' demonstrations in the winter and spring of 2000–2001. Ultimately, the KPU looked upon the centrists as less of an evil than Yushchenko. During attempts to change the constitution in 2003–4, and during the 2004 presidential elections, the KPU were direct and indirect allies of the Kuchma camp. During the 2004 presidential elections many KPU voters defected to Yanukovych and the KPU joined with the Party of Regions and Socialists to create the Anti-Crisis parliamentary coalition and government in 2006.

The 'Kuchmagate' Crisis

On 28 November 2000, Socialist leader Moroz released illicitly made tape recordings made within President Kuchma's office between 1998 and 2000 by a former presidential guard, Melnychenko. A member of the Ukrainian equivalent of the US Secret Service, Melnychenko had

regular access to Kuchma's office over a number of years. The tapes were revealed 25 days after the beheaded body of the opposition journalist Heorhiy Gongadze was found in Moroz's constituency in Kyiv oblast and a few days after Melnychenko had fled Ukraine.

Later known as 'Kuchmagate', this evolved into a deep political crisis that laid the foundation for the Orange Revolution four years later. The tapes provide evidence of many illegal acts:

- undeclared sale of weapons abroad;
- rigging of the October-November 1999 presidential election and the April 2000 referendum;
- persecution of independent journalists;
- manipulation of US money-laundering investigations;
- high-level corruption;
- abuse of office and misuse of public funds;
- violence against politicians and journalists.

Initially the authorities denied the tapes' authenticity. After proof of their existence was no longer in doubt, they changed track and claimed different parts of the tapes to have been spliced together to provide incriminating quotations. The majority of Ukrainian citizens accepted the authenticity of the tapes because the allegations confirmed what they had long believed about their leaders. The authorities were clearly thrown off-balance by the crisis and were at a loss how to react. During the first two months, Kuchma feared that he would be abandoned by his allies and removed from office.

By January 2001 the authorities had regained the initiative (see Serhiy Kudelia's contribution to this collection). The authorities used every available means to counter the opposition that arose from the crisis. State television poured scorn on them in a manner not seen since the anti-'bourgeois nationalist' campaigns of the Soviet era. President Kuchma used Soviet-era language when describing 'Kuchmagate' as a 'conscious provocation and clearly planned' campaign, an argument he has continually stuck to. The demonstrations were allegedly led by 'pseudo-oppositionists' and 'professional revolutionaries' who were like a 'herd of cattle' and a 'circus' that represented unemployed 'bomzhyky' (homeless people) who were paid from abroad. Their actions were allegedly based upon unpatriotic motives and threatened Ukraine's independence and territorial integrity because they were 'extremists', 'national socialists' and 'a brown [fascist] plague'. Similar comments were included in a statement issued in February 2001 and signed by President Kuchma, Parliamentary Speaker Pliushch and Prime Minister Yushchenko. Opposition to the president was understood as opposition to the Ukrainian state, reflecting a corporatist view where the private and public domains are ill defined and there is a lack of transparency in the political and economic process.

For the first time state television aired anti-Western programmes,

alleging that the West was in cahoots with Melnychenko to replace Kuchma with Yushchenko as president. This came to be known as the '[Zbigniew] Brzezinski conspiracy', which had allegedly been first successfully tried in Yugoslavia in October 2000 to remove Slobodan Milošević and then again in Georgia against Eduard Shevardnadze in November 2003.[20] These media campaigns became the backdrop for the anti-American campaign conducted by Yanukovich and Russian political technologists in the 2004 elections.[21]

Military cadets in civilian clothes were used to break up the Kyiv tent city set up by the opposition. 'Tryzub' (Trident) nationalist paramilitaries from western Ukraine were brought in to act as *agents provocateurs* in the 9 March 2001 demonstration against Kuchma. The violence that 'Tryzub' organized was blamed on the Ukrainian National Assembly radical nationalist group that supports the Tymoshenko bloc. Tryzub is linked to a loyal nationalist party, Rukh for Unity, and was one of four loyal nationalist parties used by the authorities in attempts to discredit Yushchenko in the 2004 elections.[22]

State employees, such as teachers, were forced to demonstrate in support of the 'constitutional order' or face dismissal; these demonstrations were then used to show mass support for the president. Soviet-style congresses of mainly oligarch-linked, centrist political parties were held which pledged their allegiance to the president. These tactics, showing virtual support for the authorities, were used extensively in the 2004 elections.

The 'Kuchmagate' scandal's lasting legacy upon Ukrainian politics in 2000–2006 was sevenfold. First, public trust in Ukrainian institutions and elites dropped even lower. Second, over 1,000 members of the 'Young Ukrainian Intelligentsia' signed a damning indictment, reflecting the disillusionment with the regime of young people who went on to become the foot soldiers of the Orange Revolution.[23] Third, the 1991–2000 informal alliance between former national-(sovereign)-Communists-turned-(oligarch)-centrists and the national democrats was irrevocably undermined. Within the national democrats two groups emerged: a real opposition (Fatherland Party-National Salvation Front-Tymoshenko Bloc) and a 'constructive opposition' (Our Ukraine). Many moderate national democrats were former members of the NDP who had been loyal to Kuchma throughout most of his decade in power, creating Our Ukraine after Yushchenko's removal as prime minister. The chasm between Tymoshenko and Yushchenko, set aside during the 2004 elections and Orange Revolution, was present in 2001–3 and resurfaced in 2005–6 when it became an irrevocable split.

Fourth, a gulf emerged between the pro-statehood, anti-Kuchma Socialists and the anti-statehood KPU. The SPU supported Yushchenko in the second two rounds of the 2004 elections while the KPU remained hostile and many of its votes went to Yushchenko. Fifth, plans to implement the April 2000 referendum results to reduce parliamentary powers and increase those of the executive collapsed.

Changing the Constitution would have required votes from centrists and national democrats (as centrists would never themselves have mustered 300 votes). Sixth, 'Kuchmagate' made the possibility of a Russian-style succession more difficult. Although Kuchma managed to retain office he remained fearful that the parliament elected in 2002 would not grant him a peaceful retirement and immunity from prosecution after his second term ended in October 2004.

Finally, if there had been no 'Kuchmagate' there would have been no Orange Revolution. The crisis did not lead to Kuchma's downfall; nevertheless, it severely undermined the legitimacy of the ruling elites, discredited Kuchma, created a hard-core group of activists and awakened young people from their political apathy. Many of the youth and senior activists from the 'Kuchmagate' crisis went on to play key roles in the 2002 and 2004 election campaigns of the opposition and strategic roles in the Orange Revolution.

State Capture

After the removal of the Yushchenko government, the pro-Kuchma centrist camp was isolated, with opposition on both left and right. Following the March 2002 parliamentary elections the executive and its oligarchic allies reinforced their capture of the state through two strategies. The first strategy ended in December 2002 and involved a wholesale takeover of all state institutions by pro-presidential forces who had lost the proportional half of the elections. The second strategy began in March 2003 and aimed to achieve a victory for pro-presidential forces in the 2004 elections. On 21 November 2002, 234 members of the Ukrainian parliament from the nine pro-presidential majority factions voted to support Yanukovych, who had served as governor of Donetsk oblast since 1997, as Ukraine's tenth prime minister. After the failure of the April 2004 constitutional reform vote, Yanukovych was proposed as the presidential candidate of the pro-Kuchma camp.

'Election Technology'

Seven tactics were used in the process of fulfilling these two presidential strategies.

1. Guiding Role of the 'Party of Power'. All the pro-presidential blocs and parties lacked substance except the SDPUo, which became the new 'party of power' during the last two years of Kuchma's rule, replacing ZYU which disintegrated a month after the election into regional clans. The SDPUo gained the most from the 2002 elections, despite winning only 6.3 per cent of the vote. The main architect of Kuchma's 2004 strategy was party leader Medvedchuk, head of the presidential administration from May 2002. The close association of the SDPUo with the Kuchma regime in its last years damaged the party irrevocably: in the 2006 elections it failed to enter parliament,

obtaining less than 1 per cent of the vote, meaning five years in the political wilderness.

2. Image Building. In the 2002 elections the SDPUo made use of the Fund for Effective Politics (FEP), headed by Gleb Pavlovsky, Russian President Vladimir Putin's image maker. FEP established a Ukrainian branch, the Centre for Effective Politics (CEP), led by Pogrybynsky, whose think-tank, the Centre for Conflict and Political Studies, has long worked for the SDPUo. The aims of the FEP and CEP were to improve Kuchma's image. The CEP also had an illegal side, being ultimately responsible for preparing *temnyky* (secret instructions) sent to television stations advising them what to cover and what to ignore.[24]

3. Marginalization of the Opposition. Kuchma successfully marginalized the two left-wing (KPU and Socialist) and two centre-right (Our Ukraine and Tymoshenko) opposition groups which had won nearly two-thirds of the votes in the proportional half of the 2002 elections. The opposition was unable to remove Kuchma from power through impeachment or forcing him to hold early elections. Demonstrations by the 'Ukraine Without Kuchma' movement (2000–2001) and protests under the slogan 'Arise Ukraine!' ranged from 20,000 to 50,000 participants, insufficient numbers to remove Kuchma. Hence the surprise within the opposition and the authorities at the one in five Ukrainians who participated in the Orange Revolution.

Passivity was especially pronounced in eastern and southern Ukraine, pro-Kuchma strongholds. Of the four opposition parties only the KPU has a base in these two regions. Ukraine's regional and linguistic divide negatively influences the ability of opposition groups to mobilize national support. Yushchenko's Our Ukraine failed to cross the 4 per cent threshold in the 2002 elections in the two Donbas oblasts (Donetsk, Luhansk) and the city of Sevastopol.

Second, as the 2000 Serbian and 2003 Georgian revolutions showed, a condition for the opposition to be able to force out a president was that it should be united. Yushchenko and Our Ukraine never supported Ukraine Without Kuchma, never gave their full support to Arise Ukraine! and never coordinated their activity with the other three opposition groups. Our Ukraine always remained badly divided over co-operating with the KPU (a factor preventing it from joining the Anti-Crisis coalition in 2006) and also over the tactical usefulness of street protests.

In 2002–3 Yushchenko and Our Ukraine's twin tactics failed, just as they did in 2006. While flirting with the opposition, Our Ukraine also conducted negotiations on creating a parliamentary 'democratic majority' based on Our Ukraine and the Dnipropetrovsk and Donetsk clans. The aim of such a coalition would have been to marginalize the SDPUo and return Yushchenko to government, permitting him to become Kuchma's official successor. In return, Yushchenko would

have given Kuchma immunity from prosecution and supported the adoption of constitutional changes in 2004.[25] Following the 2006 elections, Our Ukraine simultaneously negotiated with its Orange partners for an Orange coalition and with the Donetsk clan (Party of Regions) for a grand coalition.

On both occasions, in 2002–3 and in 2006, Our Ukraine's duplicitous tactics failed. Our Ukraine also failed to obtain Kuchma's support for a round table modelled on that which took place in Poland in 1988–89. The aim of the round table would have been to oversee a transition to the post-Kuchma era. Kuchma opposed Poland's proposals to hold round table talks in Warsaw, and public pressure was insufficiently strong to force Kuchma to negotiate. Kuchma was eventually forced to sit at the negotiating table with Yushchenko and Polish President Alexander Kwasniewski during the Orange Revolution. Crowds of over a million ensured a round table solution to the political crisis, which crowds of 20,000–50,000 during Arise Ukraine! protests in 2002–3 had failed to accomplish.

Tymoshenko's association with Lazarenko in the mid-1990s meant she would have an image of a 'dissident oligarch'. Only the Socialists had no qualms about co-operating with Tymoshenko. Our Ukraine believed that Tymoshenko had taken many of their votes in the 2002 and 2006 elections.[26] Ultimately, Our Ukraine and the Tymoshenko bloc had little choice but to co-operate in the 2004 elections, where Tymoshenko worked for a Yushchenko victory after he signed a secret agreement that would make her prime minister if he was elected.

4. Control over Institutions. In May 2002, SDPUo leader Medvedchuk was appointed head of the presidential administration. Medvedchuk orchestrated a drive against the opposition and a takeover of all key state institutions by three main oligarchic clans – SDPUo (Kyiv), Labour Ukraine (Dnipropetrovsk), Regions of Ukraine (Donetsk); five smaller satellite clans – Democratic Initiatives, European Choice, People's Power, People's Choice, and Agrarians; and the former 'party of power', the NDP.

The former head of the presidential administration and leader of ZYU, Volodymyr Lytvyn, was installed as parliamentary speaker in May 2002. Lytvyn obtained 226 votes, only one more than was required, with the help of former Prosecutor-General Mykhayko Potebenko who had been elected in the KPU list. Potebenko had stalled the enquiry into the murder of the journalist Gongadze that had sparked the 'Kuchmagate' crisis.

The finale of the executive's takeover of parliament was to have been its redistribution of the heads of its committees. But this was one step too far after the opposition threatened to boycott the parliament. Centrists again showed their true authoritarian colours, backing down only after a show of force. Although ZYU and the SDPUo elected only 54 deputies in the proportional half of the elections this grew to 234 through additional deputies elected in single-seat districts, which

favoured 'independent' pro-presidential centrists. Added to this were defections from the opposition through bribery and intimidation, such as the Liberal Party within Our Ukraine and leaders of the Federation of Trade Unions.

The appointment of Yanukovych as prime minister in November 2002 by a vote of 234 deputies heralded another step in taking control of state institutions. Nine pro-presidential factions representing the 'parliamentary majority' signed an agreement on co-operation with the new government after government positions were divided among centrists in the three main clans and their smaller allies. Kuchma's candidate for the head of the Supreme Court, Vasyl Malyarenko, was elected in November 2002. The Supreme Court would be important to head off any legal challenges to Kuchma's immunity deal and to regulate any potential disputes over the 2004 election results. Medvedchuk was also a long-standing head of the Union of Ukrainian Lawyers. Serhiy Tyhipko, head of the Labour Ukraine clan, obtained only 214 votes in the first attempt to place him in the position of national bank chairman, but after voting irregularities he eventually succeeded in being elected to this position. The national bank was crucial to ensure a relaxation of financial discipline to support populist social measures by the new government and to have 'administrative resources' available for the 2004 elections. This effectively divided the plum top three positions between the three main oligarchic clans. The presidential administration was obtained by Kyiv's SDPUo, the government was controlled by Donetsk's Regions of Ukraine and the national bank by Dnipro-petrovsk's Labour Ukraine.

The final element of presidential strategy was the takeover of the Federation of Trade Unions headed by Oleksandr Stoyan. Stoyan was number two on Yushchenko's Our Ukraine bloc in the 2002 elections and was pressured to defect to the parliamentary majority, which he eventually did. At the annual 2002 congress of the Federation of Trade Unions of Ukraine, the SDPUo backed the first serious challenge to Stoyan's decade-long leadership by his first deputy, Valentyna Pozhydayeva. Regional governors attended the congress for the first time to pressure delegates from their regions to vote for Pozhydayeva. This pressure worked and Stoyan defected to the pro-presidential majority. In the 2006 elections, Stoyan was elected to parliament in the Party of Regions.

5. 2004 as a Re-Run of 1994. The strategy used against Yushchenko in the 2004 elections was to re-use the tactics successfully followed in the 1994 presidential election by Kuchma against Kravchuk. Kuchma won on that occasion by promoting a pro-Russian orientation that helped sway voters in the more populous Eastern Ukraine. In the 1999 presidential and 2002 parliamentary elections the Donbas clan had proved itself to Kuchma by ensuring he received his greatest support in their region. Donetsk oblast was the only region where ZYU came first in the 2002 election, with every other region won by Our Ukraine

or the KPU.

6. Managed Democracy[27] The pro-Kuchma oligarchs and Prime Minister Yanukovych agreed on the outlines of a post-Soviet system that has been developed in other CIS states, notably Russia, of what has been termed a managed democracy or an electoral democracy.[28] Many of these features had been already implemented in the Donbas by the Party of Regions and, in the event of victory by Yanukovych, would be transplanted to the remainder of Ukraine. As Donetsk oblast governor in 1997–2002, Prime Minister Yanukovych presided over a politically authoritarian and corrupt regime in Donetsk. In 1996–97 Ukraine had already experienced an earlier example of a corrupt prime minister (Lazarenko) from one clan (Dnipropetrovsk) attempting to take over the whole of Ukraine. That experience had proved disastrous.

7. Russian Support. The same day that Kuchma arrived in Moscow for his summit with Russian President Putin on 8 August 2001, the Moscow garrison's military court ordered the main military prosecutor's office to rearrest the Russian defence minister's former chief financial officer, Colonel-General Georgii Oleinik. Oleinik was accused of abuse of office that had cost the Russian state $60 million. One month earlier, an old criminal case had been reopened against former Ukrainian Deputy Prime Minister Tymoshenko, who headed the eponymous populist bloc. The synchronization of the reopening of criminal cases against Tymoshenko and Oleinik dated back to 2001 when Putin began assisting Kuchma in his drive to neutralize the opposition that had grown up during the 'Kuchmagate' scandal. As in most such cases in Russia and Ukraine, the charges were politically motivated. Tymoshenko claimed that the presidential administration had offered to halt any criminal cases against her and stop destroying her business interests in return for her co-operation with the authorities.[29]

Tymoshenko was first charged on 5 January 2001 and arrested the following month, spending three weeks in jail, which made her opposition to Kuchma even more pronounced. At that time, she was deputy prime minister in charge of energy in the Yushchenko government. In September 2001 these charges against herself and her husband, Oleksandr, who was arrested in August 2000, were lifted. In August 2001 Russian prosecutors handed over evidence to their Ukrainian counterparts on two criminal cases against Tymoshenko involving charges of 'complicity in bribe giving'. The alleged recipient of the bribe was Colonel-General Oleinik. Tymoshenko was also accused of attempting to smuggle $100,000 out of Russia in 1995. The sum was alleged to have been confiscated by customs officials at Moscow's Vnukovo airport. A Russian newspaper article quoted Tymoshenko as saying that the attempt to link her to Oleinik was politically motivated.[30] A Ukrainian commentator wrote, 'The

Ukrainian authorities are taking unprecedented measures to neutralize Tymoshenko and Yushchenko, but they seem to have exhausted their own resources and to be relying on external help'.[31]

Different law enforcement bodies and courts argued among themselves over Tymoshenko's case. The Tymoshenko bloc, despite the numerous obstacles placed in her way by the authorities, obtained the impressive result of 7.26 per cent in the 2002 elections. After a US court threw out charges on 7 May relating to Tymoshenko's links to Lazarenko, the Ukrainian authorities were forced to switch to another angle in their attempt to indict her. Only 11 days later new charges were brought in what the pro-Kuchma media dubbed 'Tymoshenkogate'. On 10 June the prosecutor asked parliament to strip her of her immunity on new charges. As with an earlier attempt in June 2002, this attempt also failed (the Ukrainian parliament has only ever stripped Lazarenko of immunity).

Why was Tymoshenko seen as such a threat in election year? With 200,000 members, Tymoshenko's Fatherland Party, the cornerstone of her bloc, is stronger than any of the individual political parties who are members of Yushchenko's Our Ukraine.[32] As a very good organizer, Tymoshenko was crucial to Yushchenko's 2004 election bid, and the Orange Revolution would have been unlikely to take place without her; Yushchenko, after all, was never a revolutionary. In a joint statement, Yushchenko and Tymoshenko accused the authorities of using law enforcement agencies to crush the opposition and establish a 'fascist regime' in Ukraine.[33]

Political Reform 2: All Power to the President or Parliament

Kuchma's constitutional changes in 2003–4 were presented as aiming to improve the efficiency of the political system and move Ukraine to Europe. In reality, as during his first attempt to introduce constitutional changes in 1999, the proposals were an attempt to maximize power. 'They look upon the rest of the nation as just a crowd, who can serve as a tool for making power and money at an opportune moment', one commentator wrote.[34]

In 1999–2000 Kuchma attempted to secure greater presidential power as he was beginning his second term in office. This had been a long-standing aim since 1995. In 2003–4, as Kuchma was leaving office, his strategic aim was to deny his presidential powers to Yushchenko, the most popular candidate in the 2004 elections. During his second term in office Kuchma had twice attempted, but on both occasions failed, to introduce constitutional changes: in 2000 to *increase* presidential powers and in 2003–4 to *reduce* presidential powers. The second attempt was rescued only with the assistance of the round table, a format for negotiations between the authorities and opposition that he earlier rejected, in the Orange Revolution. The constitutional reforms rejected by parliament that spring were adopted by parliament on 8 December 2004 as part of a 'compromise package'

negotiated at the round table talks. Yushchenko was guaranteed a victory in the repeat election on 26 December but at the cost of losing some of his powers on 1 January 2006.

Ukraine's political crisis that engulfed most of Kuchma's second term in office had its roots in the delegitimization of Ukraine's ruling class. This delegitimization made it impossible to arrange a transfer of power as in Russia in 1999–2000 from Boris Yeltsin to Vladimir Putin. Since Kuchma is widely perceived as 'an extremely unpopular and incompetent leader', his endorsement would prove 'a heavy weight that could drown' any potential presidential candidate, Anatoliy Hrytsenko, president of the Razumkov Centre, believed.[35]

Pro-presidential leaders were unpopular because of the public perception of the ruling elites as corrupt, amoral and indifferent to the needs of the population at large. Not surprisingly, therefore, a Razumkov Centre poll found that 81.6 per cent were opposed to Kuchma standing for a third term, while a similar number of Ukrainians opposed any attempt at granting him immunity from prosecution.

Kuchma's 2003–4 constitutional changes added two new questions to those he had earlier sought in 1999–2000:

1. fully proportional elections to the lower house of parliament;
2. all elections were to be held in the same year. This would have meant that the 2004 presidential elections would have been moved to March 2006, when Ukraine held its next parliamentary elections.

The upper House of the Regions would have included three representatives from each of Ukraine's 24 oblasts, the Crimean autonomous republic, and the two cities with all-union status (Kyiv and Sevastopol), plus former presidents. This would have allowed Kuchma to become a senator for two additional years after he left presidential office, tiding him over until the next parliamentary elections in 2006. As Kuchma opposed introducing elections for the post of regional governors, the appointed Upper House would have acted as a pro-presidential body, watering down the power of the lower house: in Moroz's words, it would have become a 'second Presidential Administration'.[36]

In the 1998 and 2002 elections, 50 per cent of parliament deputies were elected in single-seat constituencies and the other 50 per cent under the proportional (party list) system. Kuchma's proposals for a fully proportional election law were discussed in parliament but failed to obtain the required number of votes until the left agreed to support constitutional changes. The draft was backed by the ideologically driven left (KPU, Socialists) and the right (Our Ukraine, Tymoshenko), but only by the SDPUo in the oligarchic centre.

The change of the law on parliamentary elections into a fully

proportional system was adopted in March 2004 as part of a compromise to entice the left into backing constitutional changes. The deal fell through when those members of the pro-Kuchma camp who stood to lose most from this law, who were elected in single-seat districts, did not vote for constitutional changes contained in legislative proposal 4105 the following month; less than three months later, however, an identical proposal, 4108, was passed (for results, see Tables 5 and 6). Among the centrists, the SDPUo were in favour of fully proportional elections because only they, among centrist parties, had invested resources in developing a nation-wide party structure. Hence, during the 2002 elections only the SDPUo among centrists stood alone and successfully crossed the 4 per cent threshold in the proportional half of elections. The Party of Regions, which feared the move to a full proportional system, came first in the 2006 elections with 32 per cent, the only former pro-Kuchma centrist force to enter parliament.

TABLE 5
PARLIAMENTARY VOTE ON CONSTITUTIONAL CHANGES 4105, 8 APRIL 2004

Faction	Yes: Faction size
Non-aligned	
Independents	6: 24
Opposition factions	
Our Ukraine	0: 100
Yu. Tymoshenko	0: 19
Communist party	58: 59
Socialist party	19: 20
Total opposition vote	77:198
Pro-presidential factions	
SDPUo	38:38
NDP	14:14
Agrarian party	15:16
Regions Ukraine	61: 68
Labour Ukraine	37: 42
Democratic Initiatives	16:17
People's power	17:18
People's choice	13:14
Total pro-presidential vote	211 (208): 227
Total pro-presidential not voting yes	19
Total parliamentary vote	294:449

Note: The first vote for bill 4105 took place on 24 December 2003 by an illegal show of hands. Although the pro-Kuchma camp claims there were 276 hands from the KPU and pro-Kuchma camp, this has never been recorded and the results are unavailable at the official site <www.rada.kiev.ua>. The vote was video taped by Our Ukraine which counted only 170 hands. According to *Ukrayinska Pravda* (8 April 2004) the 294 vote on 8 April 2004 includes *five* pro-presidential deputies not present, reducing the real total vote to 289.

TABLE 6
PARLIAMENTARY VOTE ON CONSTITUTIONAL CHANGES 4180, 23 JUNE 2004.

Faction	Yes: Faction size
Non-aligned	
Independents	10:23
Centre	0: 14
Opposition factions	
Our Ukraine	0: 100
Y. Tymoshenko	0: 19
Communist party	58: 59
Socialist party	19:20
Total opposition vote	77:198
Pro-presidential factions	
SDPUo	39:39
NDP and party indust. & Entrepreneurs	5: 16
Agrarian party	18:21
Regions Ukraine	54: 62
Labour Ukraine	28: 29
Democratic Initiatives & People Power	28: 30
Union	17:17
Total pro-presidential vote	189:214
Total pro-presidential not voting yes	25
Total parliamentary vote	276: 448

Note: Only 189 pro-presidential deputies voted in favour, 19 fewer than in the April vote for 4105; 25 pro-presidential deputies did not vote in favour of 4180 compared with 19 who did not vote for 4105.

A final 'insurance policy' was for Kuchma to run for a third term. This was encouraged by Medvedchuk who was as concerned about a Yanukovych presidency as he was about a Yushchenko victory in the 2004 presidential elections. The constitutional court ruled in December 2003 that Kuchma could stand again after it defined his 1999–2004 term in office as his first, arguing that the 1994–99 term in office did not count as it had begun before the 1996 Constitution had been adopted.[37]

Ultimately, the Yushchenko camp took a gamble in not supporting the Moroz variant of constitutional changes which still allowed for a nationwide vote. There was little fear of Yushchenko abusing the extensive powers inherited from Kuchma; indeed, he failed to use these powers in 2005. But, what about his main rival – Yanukovych? Not only the opposition, but many in the pro-Kuchma elites, feared the head of the Donbas clan coming to office and inheriting Kuchma's powers. Yanukovych failed to be elected through fraud in 2004 but returned to the more powerful position of prime minister in 2006 through free and fair elections that his party won – elections made possible by the Orange Revolution that had arisen against him.

Conclusion

Ukraine's oligarchs entered politics in 1998–99 in an organized manner through centrist political parties. After supporting the creation of the Yushchenko government in 2000–2001 they split from the national democrats. The centrist-national democrat split was more than an ideological conflict, as each group had a regional base of support, with centrists based in Russophone eastern and southern and national democrats in Ukrainophone western and central Ukraine. After a decade of stability, ensured by a national democrat-centrist cohabitation, the split served to divide Ukraine further in the ensuing 2002, 2004 and 2006 elections. Divisions between centrists and national democrats were not the only chasm that appeared during Kuchma's second term. Divisions within the national democratic camp also emerged in the 'Kuchmagate' crisis between the 'constructive [that is, loyal] opposition' headed by Yushchenko and Our Ukraine and the real opposition headed by the Fatherland Party and Tymoshenko bloc. In 2002–3 and again in 2006, Yushchenko and Our Ukraine failed in their simultaneous negotiations with the authorities and the opposition, on both occasions unclear about where their ultimate loyalties lay.

The rise of Ukraine's oligarchs, the discrediting of these elites during the 'Kuchmagate' crisis, and the ensuing Orange Revolution that followed an election campaign declared by the international community as neither 'free nor fair', are a series of linked events. The Orange Revolution was a call for change against corrupt political leaders and oligarchs whose attempt at consolidating a managed democracy had already been severely undermined by the 'Kuchmagate' crisis. The party of power during Kuchma's last years in office, the SDPUo, was marginalized during the 2006 elections because of the unpopularity of its leaders and hard-line policies. The Orange Revolution's enduring legacies are the holding of free elections in 2006 and the move towards a parliamentary system that could transform Ukraine along a Central and East European trajectory.[38]

Notes

1. One of the few studies of the rise of Ukraine's oligarchs is by Rosaria Puglisi, 'The Rise of the Ukrainian Oligarchs', *Democratization*, Vol.10, No.3 (Autumn 2003), pp.99–123; see also Lucan A. Way, 'Rapacious Individualism and Competitive Authoritarianism in Ukraine, 1992–2004', *Communist and Post-Communist Studies*, Vol.38, No.2 (June 2005), pp.191–206.
2. Taras Kuzio, 'Kuchma to Yushchenko: Ukraine's 2004 Elections and "Orange Revolution"', *Problems of Post-Communism*, Vol.52, No.2 (March-April 2005), pp.29–44; Lucan A. Way, 'Kuchma's Failed Authoritarianism', *Journal of Democracy*, Vol.16, No.2 (April 2005),

pp.131–45; Paul D'Anieri, 'What Has Changed in Ukrainian Politics? Assessing the Implications of the Orange Revolution', *Problems of Post-Communism*, Vol.52, No.5 (Sept.-Oct. 2005), pp.82–91; and Special issue of *Communist and Post-Communist Studies* on 'Democratic Revolutions in Post-Communist States', Vol.39, No.3 (Sept. 2006).

3. See special issue guest edited by Paul D'Anieri and Taras Kuzio of *Problems of PostCommunism* on 'A Decade of Leonid Kuchma in Ukraine', Vol.52, No.5 (Sept.–Oct. 2005).
4. Lazarenko was imprisoned on money-laundering charges in the US in 2006.
5. On the phenomenon of 'constructive opposition' in Ukraine see T. Kuzio, 'Groundhog Day Politics', *Kyiv Post*, 12 Oct. 2006; 'Yushchenko: Constructing an Opposition', *Transitions On Line*, 11 Aug. 2006, at <http://www.tol.c2>, accessed 8 Feb. 2007; and 'How to Understand Yushchenko', *Kyiv Post*, 15 June 2006.
6. See O. Haran and O. Majboroda, *Ukraiins'ki Livi: Mizh Leninizmom* i *Sotsial-Demokratieiu* (Kyiv: KM Academia, 2000).
7. On the Ukrainian left see Andrew Wilson, 'The Ukrainian Left: In Transition to Social Democracy or Still in Thrall to the USSR?', *Europe-Asia Studies*, Vol.49, No.7 (1997), pp.1293–316, and 'The Long March of the Ukrainian Left: Backwards Towards Communism, Sideways to Social-Democracy or Forwards to Socialism?', *The Masaryk Journal*, Vol.3, No.1 (2000), pp.122–40.
8. On Yevhen Marchuk's knowledge of the murder of Rukh leader Vyacheslav Chornovil see <http://www.Korespondent.net>, accessed 10 Dec. 2000; *Ukrayinska Pravda*, 11 Dec. 2000; and *Kyiv Post*, 26 Jan. 2001. Rukh's conclusion that Chornovil was murdered can be found in *Ukrayinska Pravda*, 24 March, 2, 10 and 18 Nov. 2003. Taras Chornovil remembers his father, Vyacheslav, and discusses his murder in <http://www.versii.com>, accessed 25 March 2004.
9. Liberal Party leader Volodymyr Shcherban fled Ukraine in early 2005 fearing arrest on corruption charges; he was extradited to Ukraine in November 2006.
10. Marta Dyczok, 'Was Kuchma's Censorship Effective? Mass Media in Ukraine before 2004', *Europe-Asia Studies*, Vol.58, No.2 (March 2006), pp.215–38.
11. Kuchma deflected blame for economic stagnation and high levels of corruption: see Thomas F. Klobucar, Arthur H. Miller and Gwyn Erb, 'The 1999 Ukrainian Presidential Elections: Personalities, Ideology, Partnership and the Economy', *Slavic Review*, Vol.61, No.2 (2002), pp.315–44.
12. See T. Kuzio, 'Loyal Nationalism in Post-Communist States', *RFE-RL Newsline*, 30 June 2003.
13. 'Violence, mud-slinging mar Ukraine election campaign', 20 Oct. 1999, available at <http://news.bbc.co.uk/2/hi/world/monitoring/480571.stm>, accessed 20 Oct. 1999.
14. Thomas F. Klobucar, Arthur H. Miller and Gwyn Erb, 'The 1999 Ukrainian Presidential Election: Personalities, Ideology, Partisanship, and the Economy' *Slavic Review*, Vol.61, No.2 (Summer 2002), pp.315–44.
15. See Keith Darden, 'Blackmail as a Tool of State Domination: Ukraine under Kuchma', *East European Constitutional Review*, Vol.10, Nos.2/3 (2001), pp.67–71.
16. Constitutional Referendum in Ukraine, Venice 31 March 2000, available at <http://www.venice.coe.int/docs/2000/CDL-INF(2000)011–e.asp>,

accessed 31 March 2000.

17. 'Kuchma gets chance of third term', 30 Dec. 2003, available at <http://news.bbc.co.uk/2/hi/europe/3356579.stm>, accessed 30 Dec. 2003.
18. See John T. Ishiyama and Ryan Kennedy, 'superpresidentialism and Political Party Development in Russia, Ukraine, Armenia and Kyrgystan', *Europe-Asia Studies*, Vol.53, No.8 (2001), pp.1177–91.
19. See Anders Aslund, 'Ukraine's Return to Economic Growth', *Post-Soviet Geography and Economics*, Vol.42, No.5 (2001), pp.313–28.
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21. T. Kuzio, 'Large Scale Anti-American Campaign Planned in Ukraine', Jamestown Foundation, *Eurasian Daily Monitor*, Vol.1, No.102 (8 Oct. 2004).
22. T. Kuzio, 'Russia and State-Sponsored Terrorism in Ukraine. Parts 1 and 2', Jamestown Foundation, *Eurasian Daily Monitor*, Vol.1, Nos.90 and 91 (22 and 23 Sept. 2004).
23. T. Kuzio, 'Civil Society, Youth and Societal Mobilization in Democratic Revolutions', *Communist and Post-Communist Studies*, Vol.39, No.3 (Sept. 2006), pp.365–86; and T. Kuzio, 'Ukraine is Not Russia: Ukrainian and Russian Youth Compared', *SAIS Review*, Vol.XXVI, No.2 (2006), pp.67–83.
24. T. Kuzio, 'Russians Run Censorship of Ukrainian Media', Jamestown Foundation, *Eurasian Daily Monitor*, Vol.1, No.35 (21 June 2004). For an expanded study, see T. Kuzio, 'Russian Policy to Ukraine During Elections', *Demokratizatsiya*, Vol.13, No.4 (2005), pp.491–517.
25. Anatoliy Halchynsky in *Den*, 15 April 2004. Halchynsky called it a major mistake that the pro-Kuchma camp aligned itself with the left, rather than with Our Ukraine, as the left is uninterested in Ukraine's Euro-Atlantic integration.
26. T. Kuzio, 'When Oligarchs go into Opposition: The Case of Pavel Pazarenko', *Russia and Eurasia Review*, Vol.2, No.11 (27 May 2003), and T. Kuzio, 'Dissident Oligarchs Under Attack in US and Ukraine', Jamestown Foundation, *Eurasian Daily Monitor*, Vol.1, No.30 (14 June 2004).
27. Special issue of *Communist and Post-Communist Studies*, guest edited by Taras Kuzio and Paul D'Anieri, on 'Regime Politics and Democratisation in Ukraine', Vol.38, No.2 (June 2005).
28. See Stephen Levitsky and Lucan Way, 'Competitive Authoritarianism: Hybrid Regime Change in Peru and Ukraine in Comparative Perspective', paper presented to the American Political Science Association, San Francisco, CA, 30 Aug.-2 Sept. 2001; Stephen Levitsky and Lucan Way, 'Autocracy by Democratic Rules: The Dynamics of Competitive Authoritarianism in the Post-Cold War Era', paper given to the American Political Science Association, Boston, MA, 28–31 August 2002; and Stephen Levitsky and Lucan Way, 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, Vol.13, No.2 (April 2002), pp.51–65.
29. *Moloda Ukrayina*, 12 Dec. 2001.
30. *Rossiiskaya gazeta*, 9 Aug. 2001.
31. *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 10–17 Aug. 2002.
32. *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 5 July 2003.
33. *Ukrayinska Pravda*, 26 May 2004.
34. Yulia Mostova, 'No Air to Breathe', *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 26

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35. The Razumkov Centre, available at <http://www.uceps.com.ua>, acted as the analytical centre of the Yushchenko election campaign in 2004; Hrytsenko became defence minister. *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 8–14 March 2003.
36. Moroz, interviewed in *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 13 Feb. 2004.
37. T. Kuzio, 'Will Kuchma Seek a Third Term?', *RFE-RL Newsline*, 4 Nov. 2003. A secret document prepared in November 2003 by Russian 'political technologists' working for Medvedchuk was leaked to *Ukrayinska Pravda*, 25 June 2004. The document outlines a strategy for Kuchma to stand for a third term, which the December 2003 constitutional court's decision allowed him to do.
38. In 2006, Freedom House upgraded Ukraine from 'partly free' to 'free' status, the first CIS state to enter this category. See map at <http://freedomhouse.org/template.cfm?page—22&year—2006&country—7081>.

State Institutions, Political Context and Parliamentary Election Legislation in Ukraine, 2000–2006

ERIK S. HERRON

Introduction

Instead of ushering in a period of stable democratic governance, Ukraine's 2004 Orange Revolution spawned a return to infighting among members of the former opposition, contentious implementation of constitutional reforms that shifted authority from the president to parliament and the prime minister, the dramatic defection of Oleksandr Moroz from the 'Orange coalition' to the 'anti-crisis coalition', and the return of Viktor Yanukovych to the post of prime minister. Political actors' decisions during this transition period from the Kuchma-to the post-Kuchma era have been characterized by efforts to maximize short-term advantages in a constantly shifting, politically charged, partisan environment. However, short-term calculations influenced by the political context of the moment are not limited to the post-Orange Revolution period. Debates over election rule design and the introduction of proportional representation (PR) manifested similar dynamics: shifts in behaviour prompted by short-term calculations and a fluid political context.

In democratic societies, elections allocate positions of power and authority, and are a mechanism to hold officials accountable. In semi-democratic and authoritarian states, elections are often used as a legitimization tool. While the process of casting, counting and aggregating votes might not be free and fair, rulers tout their 'democratic' credentials as demonstrated by the electoral process. Even in non-democratic states, election rule design and reform is often controversial; elections are seen as a way to manufacture majorities or gain access to some power over resource allocation.[1]

Ukraine has exemplified the grey area of semi-democratic[2]

governance in the period after the collapse of the Soviet system.[3] As the term of President Leonid Kuchma came to an end, Ukrainian politicians engaged in vigorous debates about institutional reform in anticipation of potential political change and a new presidential administration. Among the debates about institutions, two rose to dominate the agenda in the early 2000s: parliamentary election rules and constitutional divisions of power. This article addresses a puzzle posed by the debates over parliamentary election rules in Ukraine during this period. Why did pro-government and opposition actions on the question of PR switch between 2001 and 2004? Furthermore, what implications do these behaviours have for the future of Ukraine's politics?

The study is divided into five sections. The first outlines the empirical problem emanating from the debate over election rule reform in Ukraine. The second reviews the general literature on policy change and electoral rule design. The third section assesses the dynamics of election rule change from the early 2000s to the middle years of the decade. The fourth connects general expectations about policy change with Ukraine's electoral reform experience. And the article concludes with comments on the likelihood of future modifications to the electoral system.

The Empirical Puzzle: The Debate over Proportional Representation in Ukraine

Since the dissolution of the Soviet Union, politicians in independent Ukraine have visited election system design on several occasions. In its first post-Soviet parliamentary election in 1994, Ukraine's electoral system used several features inherited from the Soviet era: single-member district (SMD) constituencies with a majority formula, negative ballots requiring voters to strike out the names of candidates they opposed, and the 450-seat assembly. The requirement of majority support, even in subsequent election rounds, prompted several by-elections and left many seats unfilled.[4] The chaos produced by the election rules of 1994 served as the catalyst for electoral reforms, resulting in the adoption of a mixed electoral system for the 1998 election.[5] The mixed system combined party-list and constituency seats, evenly dividing the Verkhovna Rada into two 225–seat tiers. The rules adopted for the 1998 contest were modified for the 2002 election, most notably by eliminating the ability of a candidate to contest party-list and constituency seats simultaneously. The electoral system was once again changed for the 2006 parliamentary campaign, with Rada seats filled through national closed-list proportional representation. In addition to adopting PR for the selection of all seats, the threshold was lowered from 4 to 3 per cent and an imperative mandate was adopted, assigning 'ownership' of parliamentary seats to the parties, not the legislators.[6]

While a pure PR system ultimately prevailed in the debates over

the form of Ukraine's parliamentary electoral system, politicians discussed several formal and informal proposals to introduce party-list elections from the waning days of the Soviet Union until the system was adopted. An opposition faction in the Soviet-era Supreme Soviet circulated the idea of PR in 1990, but the proposal did not gain traction.[7] Opposition parties proposed the adoption of PR in at least half of the seats for the 1994 elections, but failed to introduce a PR tier until 1998.[8] The adoption of a mixed system provided some party-list seats, but it did not produce the same incentives or results as a pure PR system would have generated.[9] Rhetorical support for a pure PR system grew substantially as the 2002 parliamentary elections approached. Opposition politicians argued that the mixed system was more conducive to manipulation and fraud through the use of 'administrative resources' that benefited corrupt politicians and oligarchs.[10] In 2001, two proposals to introduce PR were passed in the Rada, but they were subsequently vetoed by President Kuchma. Additional proposals to modify the mixed electoral system, increasing the proportion of seats allocated via party lists, were passed and also vetoed. The final version of the law retained the mixed system with minor modifications.

Despite the influence of administrative resources on the vote in 2002, opposition parties – especially the electoral bloc Our Ukraine – gained a substantial number of seats. Our Ukraine won 110 seats, or 24.8 per cent.[11] The pro-presidential bloc, For a United Ukraine, won 101 seats in total, but only 35 through the party-list vote.[12] The success of opposition politicians, especially candidates associated with Our Ukraine and the Bloc of Yulia Tymoshenko, was a source of concern for the Kuchma regime. If trends of the 2002 parliamentary elections were to carry through to the 2004 presidential elections, the strength of opposition forces – especially the likely candidate Viktor Yushchenko – augured poorly for Kuchma's allies.

The changing context of Ukrainian politics, produced by the results of the 2002 elections, prompted an about-face by Kuchma and pro-government parties on the question of PR: they moved from opposing it in 2001 to supporting it after the 2002 elections. Many opposition politicians who actively supported the implementation of PR in Ukraine prior to the 2002 elections – including an author of the bill that ultimately became law – failed to cast their votes for PR when it came to a vote in 2004. This apparent reversal of attitudes and behaviour on the question of PR is the source of the empirical puzzle guiding this article.

Theoretical Expectations about Election Rule Change

In principle, institutional choices might be more just and equitable if they took place under a Rawlsian veil of ignorance.[13] However, institutional reform decisions are often made to promote partisan

advantage for political actors in positions of authority. The precise mechanism of policy change has been the subject of substantial scholarly attention, with election rule redesign occupying a prominent place in the literature.

All over the world, politicians engaged in a particularly active period of election rule change during the 1990s and 2000s. The collapse of communism contributed to the wave of experimentation in institutional design, but election rule change was not limited to Eastern Europe and Eurasia. Established democratic states also abandoned long-standing electoral practices; for example, Italy, Japan and New Zealand selected mixed electoral systems in place of their traditional election rules. Scholars developed several explanations to understand this trend and the more general phenomenon of institutional change.

Some focused on normative goals and the preferences of political entrepreneurs to explain electoral rule change. Political actors involved in the process of policy design may have strong beliefs about the benefits of a particular set of rules, and seek to implement that system or create opportunities to do so.[14] Beliefs about a policy may emanate from self-interest, but they may also be associated with value-based commitments for a policy, or simply personal satisfaction from involvement in policy-making. This explanation has been applied to electoral rule design in the post-communist region. The initial selection of a mixed electoral system for parliamentary elections in Russia has been associated with a political entrepreneur, strongly committed to multipartyism and mixed electoral rules, who managed to obtain his preferred outcome with the help of the uncertainty associated with the early transition period.[15] For this explanation to account for the dynamics of election system reform, a researcher must identify a political actor (or set of actors) who advocates the change, the rationale for commitment to the particular policy, the process of 'softening' the public and other actors to the consequences of the change over time, and the conditions creating a window of opportunity for policy change to be implemented.[16]

Political actors may have less complex goals when pursuing institutional change. Their primary – or sole – motivation may be the pursuit of self-interest. The findings of several scholars support actors' assessments of costs and benefits as the main force driving outcomes.[17] Political actors may pursue electoral rule change when new participants in electoral politics threaten established parties' hold on power,[18] or whenever changes may produce a higher yield of parliamentary seats.[19] Political actors at critical choke points may also strive to preserve their advantage by exercising an institutional or partisan veto over efforts to change policy.[20] Recent scholarship on electoral system design in the post-communist world has focused on shortterm calculations and strategic errors, noting that assessments of the best alternative for election rule modifications often reflect winners' experiences in the previous election.[21] If self-interest provides the foundation for electoral rule change, a model of election

system change from this perspective should identify the preferences of actors among available election rules and point to actions that support the achievement of seat-maximizing or policy-maximizing goals.

Self-interest does not always fully explain the outcomes of electoral system change. Because election rules are often produced through bargaining among politicians and parties, the final result may defy a clear connection with the narrow seat-maximizing or policy-seeking aims of individual political actors. The idiosyncrasies of the selection process and exogenous influences may strongly influence both the bargaining process and the outcomes that flow from it. These factors include inherited institutional features and norms, the distribution of power among those at the bargaining table, and the contemporary political milieu.

This approach has yielded several explanations of election rule choice in the post-communist world. For example, some scholars have argued that the residual power of communist parties in the transition period influenced the initial selection of majoritarian, mixed or proportional rules for parliamentary elections, concluding that communist parties generally favoured majoritarian rules and opposition politicians preferred PR. Mixed electoral systems that combine majoritarian and proportional rules evolved through the bargaining process.[22] Other scholars have emphasized regional divisions in some parts of the post-communist world, with bargaining between national and regional authorities defining the contours of initial electoral rules.[23]

In addition to accounting for path dependence, the role of inherited institutions and distributions of political power, this category of explanations also encompasses exogenous influences on decision-making. The unanticipated collapse of communism, extra-constitutional responses to political challenges, and other events jointly affected the timing, process and outcome of electoral rule design. To explain election rule change adequately, explanations based on the particular features of a given polity or exogenous events that drive change must identify the causal chain: how the strategy of political actors or the range of choices considered to be acceptable were influenced by these events. When these explanations integrate country-specific features with models of choice driven by political actors,[24] they can provide generalizable explanations that account for the sometimes idiosyncratic political dynamics at work.

Election Reform and Political Context in Ukraine

In the 2000s, several PR proposals were debated and three passed through final readings in the Verkhovna Rada with substantial support (see Table 1). The details of the bills differed, but the broad contours were similar: all envisaged national-level PR with closed party lists for elections to a 450-member parliament. While aggregate data on parliamentary votes suggest consistent support for PR during this

period, these data conceal shifting positions in the executive and legislative branches for substantively similar proposals. This section addresses the debates surrounding PR in the early 2000s and mid-2000s that ultimately resulted in the 2006 Rada elections held under national closed-list PR.

TABLE 1
PR BILLS PASSED IN THE VERKHOVNA RADA, 2001–4

	For	Against	Abstentions	Absent/did not vote
18 January 2001	252	17	4	172
22 March 2001	281	9	0	155
25 March 2004	255	4	2	188

Election Reform Debates, 2000–2002

The period following Ukraine's 1998 parliamentary elections was particularly contentious. The politically divided parliament initially struggled to select a speaker. After several votes failed over the course of two months, the movement of deputies among factions allowed a slim majority to elect Oleksandr Tkachenko.[25] This majority proved unstable, and Tkachenko was removed in early 2000 ostensibly for failing to adhere to the Rada's standing orders.

The recently re-elected President Kuchma, dissatisfied with political machinations in parliament, proposed a six-question referendum that would address citizen confidence in parliament, rules for the dissolution of parliament, its composition (number of deputies and chambers), the status of deputies, and constitutional reform. The initial referendum proposal was vetted by the constitutional court, which removed two questions from the ballot. The referendum was characterized by some observers as an effort to undermine democracy by enhancing the power of the president[26] and was challenged by many in the parliamentary opposition. The four questions on the referendum of 16 April 2000 passed, but were not implemented owing, in large part, to a new crisis.[27]

The Kuchma regime was often accused of engaging in nefarious deeds to silence its critics. In early 1999, Vyacheslav Chornovil, a leader in Ukraine's independence movement and the Rukh Party, was ousted from party leadership and within a month died in a car accident. Rumours that Chornovil's death was possibly not accidental, combined with other suspicious car accidents, presaged the major scandal of the period: the release of the Melnychenko tapes.[28] In November 2000, Oleksandr Moroz revealed the existence of secretly recorded audio tapes that allegedly implicated President Kuchma in the death of the journalist Heorhiy Gongadze, illegal activities to influence the 1999 presidential elections, and other illicit practices.

These revelations spawned several anti-Kuchma protests as part of the 'Ukraine Without Kuchma' movement that was active until spring 2001.

In the midst of strained executive-legislative relations, parliamentary deputies took up the question of changing the electoral rules. The first of several reform proposals came to a vote in January 2001. The draft law called for deputies to be elected via national PR with lists nominated by parties or party blocs. To participate in seat allocation, parties or blocs were required to pass a 4 per cent threshold.

On the day of the vote, several changes to the text were proposed: replacing PR with a mixed system, changing the threshold to 5 or 2 per cent, and several modifications affecting access to the ballot and other requirements. The election reform proposal had been vigorously debated and reworked; one of the original authors noted that 'more than 50 people's deputies and the cabinet of ministers introduced 1,100 corrections, proposals and comments'.[29] Some deputies asserted that a PR system would violate citizens' rights of equal treatment under the law, a point objected to by Deputy Gyorgiy Ponamarenko: 'The Constitutional Court ruled … that citizens' rights would not be infringed by any system – mixed, majoritarian, proportional – appointed by the Verkhovna Rada'.[30] Despite several tactics to delay the final decision, a vote was held on the draft law.

Table 2 shows the votes, by parliamentary factions, on the proposed PR system. It was supported by parties of the opposition, as well as some groups traditionally associated with pro-government positions. 'No' votes primarily took the form of 'voting with one's feet', with almost all deputies from the Social Democratic Party (United) (SDPU(o)), Labour Ukraine, Regional Revival, and Solidarity, and half of the People's Democratic Party (NDP) failing to cast votes. Deputies from the Communist Party (KPU), People's Rukh (NRU), Socialist/Peasant faction (SSPU), Green Party (PZU), Yabluko, Fatherland, Reforms-Centre and Ukrainian People's Rukh (UNR) supported the proposal.

TABLE 2
VOTE ON PR DRAFT LAW, JANUARY 2001

Party/faction	Yes	No	Abstain	Absent/did not vote
Communist Party	108	0	0	0
Fatherland	28	0	0	4
Green Party	14	2	0	2
Labour Ukraine	0	4	0	44
Non Faction	13	3	0	28
People's Democratic Party	9	0	0	9
People's Rukh	16	0	0	2
Reforms Centre	13	0	0	2
Regional Revival	0	5	0	30

Social Democratic Party (United)	0	1	1	31
Socialist/Peasant	16	0	0	0
Solidarity	0	2	1	20
Ukrainian People's Rukh	21	0	0	0
Yabluko	14	0	0	0
Total	252	17	2	172

Note: The parliamentary record indicate that 254 deputies voted for the proposal; however, electronically recorded voting data from the Rada and Laboratory F-4 totalled 252.
Source: Laboratory F-4 and Verkhovna Rada, available at <http://portal.rada.gov.ua>.

Parliamentary factions showed strong support for or resistance to the reform, generally depending on their position as pro-government or opposition parties. Individual deputies faced additional incentives, depending upon the type of parliamentary seat that they occupied. Deputies in constituency seats would be most negatively affected by the reform. To gain seats, majoritarian deputies generally need to cultivate regional support networks, but such networks would not necessarily advantage politicians in the allocation of national list positions. Consequently, deputies in majoritarian seats would be more likely to oppose change. This phenomenon is revealed in the data: among deputies elected to SMD seats, only 86 voted for the proposal compared with 158 PR deputies.[31] The division among deputies based on seat mandate is due, in part, to the distribution of majoritarian deputies among party factions. Some pro-government (anti-PR) factions were disproportionately populated by SMD deputies (such as Labour Ukraine, Regional Rebirth, and Solidarity). Conversely, some opposition factions had more members elected to PR seats (such as the Communist Party, Rukh, and the Socialist Party).

While the proposal passed through parliament, it was subsequently vetoed by the president in February 2001. In announcing the veto, President Kuchma argued that the law did not comply with the Constitution and several laws.[32] Although PR supporters could not muster enough votes to overturn the veto, they pursued another version of PR in a subsequent bill that addressed many of President Kuchma's specific complaints.

The new draft law, authored by Ponamarenko and Yuriy Klyuchkovskiy, modified 23 provisions along the lines of the presidential recommendations. Passages about voter documentation were altered, omitting prison identification cards as a document establishing identity for voting purposes, and modifying text about restrictions on voter rights. The president challenged several passages regarding electoral commissions and election administration issues; the text was altered to address his stated concerns. The absence of a ceiling for financial donations was noted as problematic, and a maximum level of 1,000 times the minimum income or wage was

established in the new version of the law. Also, the absence of a stipulated minimum number attending party meetings in which nominations were determined was criticized; the new version set the quorum at 200 delegates. Other changes addressed the rights of the media and government employees to participate in the electoral process.[33] While many presidential objections were directly addressed, 16 recommendations were rejected.

The president's strongest criticism was directed at the PR system itself, arguing that it violated the Constitution of Ukraine by providing too much power to parties and not guaranteeing equal treatment of citizens. Kuchma's objections were reiterated in the plenary discussion of the final bill on 22 March 2001. His representative at the session, Deputy Justice Minister Mykola Handurin, noted that the president 'could not sign, as its conceptual basis and enumerated norms violate the Constitution of Ukraine' because the changes would give power not to 'the people, but to parties and party organizations'.[34] He further noted that the bill would probably be vetoed if passed by the Rada.

Deputies briefly debated the bill and the president's objections, and brought it to a vote. The new proposal passed with some changes in faction support (see Table 3). Regional Rebirth disbanded and new factions emerged, including Regions and Democratic Union (DU). Both new factions opposed the draft law, with all but one deputy in each faction failing to cast a vote. Labour Ukraine and Solidarity continued to oppose institutional reform. NDP remained split, but fewer deputies supported change than in the January vote. The PZU also split on this vote, a majority of members supporting change. The only major switch in support came from the SDPU(o), which moved from strong opposition to support.

TABLE 3
VOTE ON PR DRAFT LAW, MARCH 2001

Party/faction	Yes	No	Abstain	Absent/did not vote
Communist Party	109	0	0	1
Democratic Union	1	0	0	21
Fatherland	25	1	0	1
Green Party	12	1	0	5
Labour Ukraine	0	2	0	43
Non Faction	23	0	0	25
People's Democratic Party	6	1	0	9
People's Rukh	13	1	0	0
Reforms Centre	14	0	0	1
Regions	1	0	0	19
Social Democratic Party (United)	23	0	0	13
Socialist/Peasant	17	0	0	0
Solidarity	3	3	0	14
Ukrainian People's Rukh	22	0	0	0
Yabluko	12	0	0	3

Total	281	9	0	155

Note: The parliamentary record and RFE/RL reports indicate that 284 deputies voted for the proposal; however, electronically recorded voting data from the Rada and Laboratory F-4 totalled 281.
Source: Laboratory F-4 and Verkhovna Rada, available at <http://portal.rada.gov.ua>.

Once again, consistent with the preferences one would generally associate with constituency-based members of parliament, SMD deputies opposed change more vigorously than their PR colleagues, although opposition dissipated from the previous vote: 100 SMD deputies supported a change to PR compared with 169 PR deputies.[35] This proposal was also vetoed by President Kuchma.

Parliamentary deputies changed tactics, generating a new proposal that would retain the mixed electoral system, but would alter seat allocation to choose 335 of the 450 deputies via proportional representation. These tactics failed, and in the end a slightly altered version of the election law was passed, preserving the essential elements of the mixed system. Efforts to introduce pure PR, or to increase PR in the framework of the mixed system, failed.

The results of the 2002 elections showed that many of the probable calculations by relevant political actors were realized. As noted above, opposition forces – especially Our Ukraine – performed well in the PR tier. The pro-presidential bloc, For United Ukraine, performed poorly in PR, but this failure was mitigated by successes in SMD and later support by deputies elected as independents in parliament. The successes of opposition parties – especially the rising star Viktor Yushchenko – influenced the next stage of the debate over PR.

Election Reform Debates, 2002–4

If the political environment prior to the 2002 parliamentary election was contentious, then the political environment leading up to the next round of debates over electoral system reform was explosive. In August 2002, President Kuchma publicly announced his support for a new attempt at sweeping constitutional reforms. The post-2002 constitutional modifications would reduce the powers of the president and move Ukraine's political institutions towards a parliamentary model. They would also, some claimed, provide Kuchma with a 'golden parachute' out of the presidency and potentially into the post of prime minister. Kuchma's interest in constitutional reforms opened up a new opportunity to negotiate for PR and was motivated by at least two factors: the increasing popularity of anti-presidential politicians, especially Viktor Yushchenko, and the forthcoming 2004 presidential elections that would elect a successor since Kuchma was ineligible to run for a further term.[36]

By September 2002, anti-Kuchma protests had returned to Kyiv, involving all elements of the opposition spectrum: Our Ukraine, the

Tymoshenko Bloc, the Socialist Party, and the Communist Party.[37] Political forces began outlining their positions on electoral rule reform and its relationship with constitutional changes. The preference of pro-presidential groups to link institutional changes is captured by former President Leonid Kravchuk's comment at the time: 'there can be no discussion of political reform without changes in the constitution'. The opposition countered by de-coupling the process of constitutional reform and election rule reform. Viktor Pynzenyk noted: 'There are things that do not demand constitutional changes. For example, a proportional system of elections'.[38] By linking constitutional and election rule reform, the government could more effectively co-opt the Socialist and Communist parties, which supported both PR and more modest powers for the presidency.

In late 2002, several proposals for electoral reform were under discussion and two emerged as 'favourites'. The first election rule proposal, devised by Yuriy Klyuchkovskiy, Ivan Plyushch and Mikhail Papiev, presented a straightforward version of the traditional national, closed-list PR. The second proposal, advanced by Stepan Havrysh, Yuliy Ioffe and Grigoriy Dashutin, created a hybrid of PR and majoritarian rules distinct from the mixed system in use.[39] The Havrysh-Ioffe-Dashutin proposal divided Ukraine into 450 districts for seat allocation, with parties nominating a candidate in each district. While overall seat allocation would be dictated by a national-level calculation with a 5 per cent threshold, seat allocation within parties would be based on votes at the district level. Prominent opposition figures dismissed this proposal as 'covert' majoritarian rules that would benefit the pro-Kuchma forces. Yulia Tymoshenko argued: 'if one reads the bill by Ioffe about elections, which personifies the view of the president on the proportional election system, then we see that it is a proportional system in name only but in the details is a majoritarian system'.[40]

Constitutional and electoral rule reform stalled. In August 2003, Kuchma floated the idea of cancelling the presidential election and converting Ukraine into a parliamentary state.[41] By the end of the year, the constitutional court ruled that Kuchma could contest the 2004 presidential election because he had been elected only once under the existing Constitution, and the Rada approved on the first reading constitutional changes that would eventually eliminate direct presidential elections. This decision prompted the parliamentary opposition to begin a protest in parliament, preventing the Rada from conducting its work. Western institutions weighed in on the proposed reforms, supporting Ukraine's right to reform its basic laws, but challenging the real intention of the process.[42]

By February 2004, Kuchma's negotiations with members of parliament led to several changes in constitutional reform efforts and moved the proposal towards a vote. Most notably, Kuchma agreed to retain direct presidential elections rather than having the president selected by parliament.[43] To secure the co-operation of the Communist

and Socialist parties in the implementation of constitutional reform, Kuchma agreed to alter the parliamentary election rules from mixed to proportional – reversing his position from three years before.

While pro-presidential forces characterized the votes on electoral rule reform and constitutional reform as a package, they were held separately. In March 2004, the Verkhovna Rada voted on the draft law adopting a national-level PR system (see Table 4). This vote revealed both change and continuity in positions on PR from the earlier debate. Tracing faction positions on the issue is complicated by personnel movement, the intervening election, and changes in faction identities. If factions are broadly grouped into pro-presidential and opposition categories, fluidity in positions over time is clear. Opposition factions in 2001 – Reforms Centre, UNR, and Rukh – favoured PR rules.[44] In 2004, opposition factions – Our Ukraine and the Yuliya Tymoshenko Bloc in particular – were absent from the vote, casting a 'no' vote with their feet. The left opposition was consistent in its position on PR, with the Communist and Socialist factions voting for PR in both 2001 and 2004 with few defections; pro-presidential factions such as the SDPU(o) and Labour Ukraine opposed PR in 2001, but supported it in 2004.[45]

TABLE 4
VOTE ON PR DRAFT LAW, MARCH 2004

	Yes	No	Abstain	Absent/did not vote
Agrarian Party	15	0	0	1
Communist Party	56	0	0	3
Democratic Initiative	10	0	0	6
Labour Ukraine	33	0	0	9
Non Faction	3	3	0	19
Our Ukraine	0	0	0	100
People's Choice	11	0	0	3
People's Democratic Party	9	0	0	5
People's Power	12	1	0	5
Regions	50	0	2	16
Social Democratic Party (United)	36	0	0	2
Socialist Party	20	0	0	0
Tymoshenko Bloc	0	0	0	19
Total	255	4	2	188

Source: Laboratory F-4 and Verkhovna Rada, at <http://portal.rada.gov.ua>.

Support for and opposition to the vote on PR parallels positions on the constitutional reform proposal that was looming over the electoral rule reform bill. The constitutional reform proposal, unlike the vote on PR, required a super-majority of 300 deputies to pass. Consistent with their votes on the PR proposal, Our Ukraine and the Tymoshenko Bloc

boycotted the vote, opposing measures designed to reduce the powers of the presidency. Pro-presidential and left opposition factions supported the constitutional proposals. While the total number of voting deputies increased, the supporters of constitutional reform were unable to secure the needed super-majority (see Table 5).

TABLE 5
VOTE ON CONSTITUTIONAL REFORMS, APRIL 2004

	Yes	No	Abstain	Absent/did not vote
Agrarian Party	15	0	0	1
Communist Party	58	0	0	1
Democratic Initiative	16	0	0	1
Non Faction	6	1	3	14
Our Ukraine	0	1	0	99
Patriotic Party/Labour Ukraine	37	0	1	4
People's Choice	13	0	0	1
People's Democratic Party	14	0	0	0
People's Power	17	0	0	1
Regions	61	0	0	7
Social Democratic Party (United)	38	0	0	0
Socialist Party	19	0	0	1
Tymoshenko Bloc	0	0	0	19
Total	294	2	4	149

Source: Laboratory F-4 and Verkhovna Rada, available at <http://portal.rada.gov.ua>.

The failure of constitutional reform – by just a handful of votes – exposed some lack of discipline in the pro-presidential factions. In principle, pro-presidential forces combined with the Communist and Socialist factions had the required votes; stronger compliance with party expectations could have resulted in success over the proposed reform.

Who were the defectors from the factions' primary positions? Our Ukraine and the Tymoshenko Bloc were consistent in their votes. All faction members boycotted the vote on PR; one member of the Our Ukraine faction voted against constitutional change. The Communist Party and Socialist Party showed strong discipline as well: three Communist Party members did not vote on the PR law, and only one failed to vote on constitutional reforms.

Among the factions that strongly supported the PR proposal,[46] there were several defections: faction members who voted no, abstained, did not vote, or were absent. Fifty-three deputies fit this category; 44 of these occupied majoritarian seats in parliament – the very seats to be eliminated by national-level PR. Defectors on the constitutional reform bill were similarly weighted toward deputies in

majoritarian seats: of the 18 deputies who did not vote with their factions in support of the constitutional reform proposal, 15 represented majoritarian constituencies.

Of the 18 deputies from the Regions faction who did not support the PR proposal, all but two occupied majoritarian seats in parliament. Nine of these deputies were affiliated with the pro-presidential For a United Ukraine in the 2002 election. Only seven Regions deputies failed to support the constitutional reform initiative; five of these also failed to support the PR bill. All but one were elected to majoritarian seats; the other was chosen through PR, but on the Our Ukraine party list. While defectors from the pro-presidential position did not affect the outcome of the PR bill, they prevented passage of constitutional reform.

The second round of election rule reform thus ended with a victory for PR rules and failure for the president's constitutional changes. While election rule change occurred in this period, its success was due, in large part, to the changing political context. The president's interest in constitutional reform – and the potential to co-opt some of the opposition by dropping his objections to PR – prompted a reversal in his position. The strategy of converting the Communist and Socialist parties to the cause of constitutional reform was inadequate, however, and the reforms failed. This victory for the opposition helped set the stage for the next round of debates during and after the Orange Revolution.

Institutional Reform and the Orange Revolution, 2004–6

The November-December 2004 Orange Revolution returned institutional change – specifically constitutional reform – to the political agenda. Just as the pro-presidential forces feared in the wake of the 2002 parliamentary elections, Viktor Yushchenko proved to be a formidable opponent. He succeeded in uniting an often fractious opposition, inspiring an indefatigable youth movement, and motivating a substantial proportion of the citizenry to commit active and passive acts of resistance after the fraudulent second round of balloting in which Viktor Yanukovych was initially reported as the winner.

The acts of resistance against the bogus victory claimed by Yanukovych generated great uncertainty throughout the country. The evolving crisis also created a new opportunity for pro-presidential forces to win at least one prize: constitutional reform that would limit the powers Yushchenko would wield in the presidency. The weight of protest activity and international scorn helped push government and the opposition to a compromise: in exchange for a 'third round' of presidential elections – pitting Yanukovych against Yushchenko in a second head-to-head battle – Yushchenko and his allies would agree to constitutional change to take effect at the beginning of 2006.

After Yushchenko's third-round victory and inauguration, members of the former opposition forces – now pro-presidential – began to talk publicly about revisiting constitutional changes. Yuliya

Tymoshenko challenged constitutional reform and promoted its repeal or at least a nation-wide referendum on the issue. The March 2006 parliamentary elections, held under national, closed-list PR with a 3 per cent threshold, yielded another surprise: a resurgent Party of Regions, led by Yanukovych, and a strong performance by Yuliya Tymoshenko's Bloc, even outside her traditional regions of support. The subsequent government crisis, precipitated by the failure of the erstwhile Orange allies to agree on a government, led to a compromise that returned Yanukovych to the post of prime minister. No serious efforts emerged to eliminate the PR system at this time, but politicians and political experts discussed potential modifications to the rules.

Discussion

This article has traced the debate over the codification of PR for the selection of deputies to Ukraine's Verkhovna Rada. While proposals for PR had been introduced into the policy arena even before the collapse of the Soviet Union, significant momentum for change to a pure PR system did not develop until the early 2000s. From 2001 until 2004, the Rada passed three laws on PR; only the final attempt passed through the legislative and executive branches.

In the third section of this article, three general explanations for election system reform were outlined. One explanation emphasized the role of political entrepreneurs who continue to support and promote a particular policy outcome until an appropriate opportunity arises to enact that policy. Several Ukrainian politicians, most notably Yuriy Klyuchkovskiy, supported PR and fulfilled some of the criteria of the political entrepreneur model. But when the window of opportunity opened, these actors did not support PR in the parliamentary vote. Rather, opposition to constitutional reform – the broader context in which electoral system reform was placed in 2004 – overwhelmed support for the introduction of PR. While PR had strong proponents over the years, its advocates did not manifest the behaviour expected from political entrepreneurs prepared to work for the final victory of their preferred policy.

Another explanation focused on political actors involved in making short-term, rational calculations of self-interest. In the first round of debate over PR, the opposition asserted that a pure PR system would undermine improper influences over the ballot by government representatives. As the election approached, public opinion polls also suggested that the opposition would do well in national-level PR balloting. The opposition believed that its performance would be enhanced by the use of pure PR; the government believed the retention of the mixed system to be to its advantage. In addition to government opposition to reform, occupants of majoritarian seats were threatened by the elimination of their path to parliament and were more likely to oppose reform than occupants of PR seats were. In the end, President Kuchma exercised veto power to ensure that the status quo prevailed.

The results of the 2002 parliamentary election suggest that the calculations by opposition and government were reasonable: opposition parties performed well in the PR tier and pro-government parties performed poorly. Moreover, evidence suggests that administrative resources and fraud contributed to government successes in SMD.[47] Rational calculations of the costs and benefits of PR seem to have guided decision making, and those calculations also seem to have been reasonably accurate.

Nevertheless, rational calculations about the direct effects of PR do not fully encompass decision making on election reform. The third explanation includes idiosyncratic or exogenous factors in the equation. In the case of Ukraine, the PR debate became part of a 'nested game'[48] involving broader constitutional change. In the second round of debates over PR, government actors reflected upon the lessons of the 2002 campaign and noted the looming threat of opposition success, especially given forthcoming presidential elections. Pro-government forces were willing to change their positions on PR to gain votes from the Socialist and Communist parties on the constitutional reform package. But in the negotiations over support for the two proposals, reform of the election rules was placed first in the sequence: PR was approved by a majority in the Rada and signed into law; constitutional reform narrowly failed to gain the needed super-majority. Voting records show that deputies occupying majoritarian seats were strongly represented among those opposing the change; they also constituted a substantial component of pro-government defectors on constitutional reform. Politicians acted in accordance with their preferences, but in the broader context of constitutional change rather than the narrow context of electoral rule reform.

Conclusion

The changes to PR reflect short-term calculations of costs and benefits, coupled with a changing political context in which the opposition's grass-roots and elite support were growing at the same time that the semiauthoritarian regime was attempting to engineer its presidential succession. Prior to the 2002 elections, a change to PR was not in the interests of pro-Kuchma forces as it could undermine success in the parliamentary campaign. Opposition politicians supported PR as a potential institutional solution to some forms of fraud that benefited the existing regime. Outside partisan politics, legislators in SMD seats were threatened by the elimination of their path to parliament and were stronger in their opposition to the change than those in PR seats.

After the 2002 elections, the changing political environment favouring the opposition and the forthcoming presidential contest prompted new institutional reforms. Pro-Kuchma forces offered changes to presidential power to hedge their bets in case of a victory by Yushchenko. Compromise on PR secured necessary legislative

support from the Communists and Socialists sufficient to pass constitutional reform legislation. The opposition viewed this round of institutional reform in the new context of its rising star and opposed institutional reforms that would undercut presidential power. The PR vote was viewed within this broader game of institutional change; opposition to PR by its former proponents was more importantly a signal of opposition to the constitutional reform proposal that would follow it in parliament.

This process suggests that the present law on elections may not be the last word. Opponents of national PR have aired the standard criticisms of the system – most notably that it eliminates direct connections between voters and representatives and encourages large numbers of parties to participate. National party lists for 450 seats, such as those in Ukraine, also preclude the implementation of preference voting. Finally, national PR lists reduce incentives for regional parties that can be important in a country like Ukraine with strong regional divisions.[49] The unforeseen success of the Party of Regions in the 2006 elections, and the subsequent coalition agreement including at least some deputies from Our Ukraine, once again changed the political environment. The Orange coalition has returned to its fragmented opposition status, and former pro-Kuchma forces have regained policymaking positions lost in the immediate aftermath of the Orange Revolution.

Political actors continue to discuss potential modifications to the system, from introducing regional PR to returning to a mixed system. The longer that the current parliament operates under the existing system, the more likely it is that its members will become resistant to change; those elected under the present system will strive to preserve their advantages. Nevertheless, given Ukrainian politicians' tradition of modifying election rules in advance of every campaign in an effort to secure advantages in the coming election, it is unlikely that the present configuration is the final word.

Notes

1. See, for example, Pauline Jones Luong, *Institutional Change and Political Continuity in Post-Soviet Central Asia* (Cambridge: Cambridge University Press, 2002).
2. Or semi-authoritarian.
3. See Paul D'Anieri, *Understanding Ukrainian Politics: Power, Politics, and Institutional Design* (Armonk, NY: M.E. Sharpe, 2006), which assesses Ukrainian politics since independence, noting its semi-democratic and semi-authoritarian features.
4. Marko Bojcun, 'The Ukrainian Parliamentary Elections of March-April 1994', *Europe-Asia Studies*, Vol.47, No.2 (1995), pp.229–49.
5. Natalya Bogasheva and Yuriy Klyuchkovskiy, 'Evolyutsiya vyborchoi systemy Ukrainy', published online (1 July 2006) at the Election Law Institute <http://www.eli.org.ua>, accessed 9 Aug. 2006.

6. However, there is no real enforcement mechanism.
7. Sergey Rakhmanin, 'Proportsii i portsii', *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 28 Feb. 2004.
8. Taras Kuzio, 'The 1994 Parliamentary Elections in Ukraine', *Journal of Communist Studies and Transition Politics*, Vol.11, No.4 (1995), pp.335–61.
9. For a detailed discussion of how mixed electoral systems produce outcomes that differ from pure SMD and PR systems, see Federico Ferrara, Erik S. Herron and Misa Nishikawa, *Mixed, Electoral Systems: Contamination and its Consequences* (New York: Palgrave, 2005).
10. Oleg Kravchenko, 'Osobennosti natsiolnal'noi politicheskoi kukhni. Polubol'shinstvo, poluoppozitsiya, poluvlast", *Delovaya Ukraina*, 23 March 2001.
11. Elections in three districts were deemed invalid; by-elections were held to fill the seats.
12. However, many independent candidates affiliated themselves with pro-presidential factions after the parliament was seated, increasing the pro-government contingent.
13. See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971). Individuals may attempt to create advantages for themselves when designing society's rules and norms; under the 'veil of ignorance', institutional designers choose rules that are just for the most and the least disadvantaged.
14. John W. Kingdon, *Agendas, Alternatives, and Public Policies* (New York: Harper Collins, 1995).
15. Michael McFaul, 'Institutional Design, Uncertainty, and Path Dependence during Transitions: Cases from Russia', *Constitutional Political Economy*, Vol.10, No.1 (1999), pp.27–52; and Michael McFaul, 'Explaining Party Formation and Nonformation in Russia', *Comparative Political Studies*, Vol.34, No.10 (2001), pp.1159–87.
16. Kingdon, *Agendas, Alternatives, and Public Policies*.
17. Kathleen Bawn, 'The Logic of Institutional Preferences: German Electoral Law as a Social Choice Outcome', *American Journal of Political Science*, Vol.37, No.4 (1993), pp.965–89; Steven S. Smith and Thomas F. Remington, *The Politics of Institutional Choice: The Formation of the Russian State Duma* (Princeton, NJ: Princeton University Press, 2001); and Kenneth Benoit and Jacqueline Hayden, 'Institutional Change and Persistence: The Evolution of Poland's Electoral System, 1989–2001', *Journal of Politics*, Vol.66, No.2 (2004), pp.396–427.
18. Carles Boix, 'setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies', *American Political Science Review*, Vol.93, No.3 (1999), pp.609–24.
19. Kenneth Benoit, 'Models of Electoral System Change', *Electoral Studies*, Vol.23, No.3 (2004), pp.363–89.
20. George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton, NJ: Princeton University Press, 2002).
21. Josephine T. Andrews and Robert W. Jackman, 'strategic Fools: Electoral Rule Choice Under Extreme Uncertainty', *Electoral Studies*, Vol.24, No.1 (2005), pp.65–84.
22. Jon Elster, Claus Offe and Ulrich K. Preuss, *Institutional Design in Post-communist Societies: Rebuilding the Ship at Sea* (Cambridge: Cambridge University Press, 1998); and Karen Dawisha, 'The Unintended Consequences of Electoral Reform', Working Paper, Johns Hopkins School of Advanced International Studies, 2000.

23. Pauline Jones Luong, *Institutional Change and Political Continuity in Post-Soviet Central Asia* (Cambridge: Cambridge University Press, 2002).
24. Such as Jones Luong's approach. Ibid.
25. Andrew Wilson and Sarah Birch, 'Voting Stability, Political Gridlock: Ukraine's 1998 Parliamentary Elections', *Europe-Asia Studies*, Vol.51, No.6 (1999), pp.1039–68; and Erik S. Herron, 'Causes and Consequences of Fluid Faction Membership in Ukraine', *Europe-Asia Studies*, Vol.54, No.4 (2002), pp.625–39.
26. Volodymyr Zviglianich, 'The Referendum and Prospects for Democracy in Ukraine', *Jamestown Foundation Prism*, Vol.6, No.6 (30 June 2000), available at <http://www.jamestown.org/publications_archives.php?publication_id=7>, accessed 9 Aug. 2006.
27. For a detailed discussion of this and other key events in Ukrainian politics during the 1990s and 2000s, see D'Anieri, *Understanding Ukrainian Politics*, Ch.4.
28. Taras Kuzio, 'Did Ukrainian Death Squads Commit Political Murders?, *RFE/RL Newsline*, 22 Aug. 2002.
29. Speech by Gyorgiy Ponamarenko, in Verkhovna Rada, 'Zasidannya dvadtsyat' pershe: Sesiyniy zal Verkhovnoi Rady Ukrainy, 22 bereznya 2001 roku', available at <http://www.rada.gov.ua>, accessed 25 July 2006.
30. Ibid.
31. This calculation includes only those deputies elected to SMD or PR seats; deputies who replaced members of parliament who left the Verkhovna Rada are not included because they probably face different incentives.
32. See 'Ukrainian President Vetoes Proportional Parliamentary Election Law… ', *RFE/RL Daily Report*, 21 Feb. 2001.
33. The source for comparisons of the draft laws was a document prepared by the Elections and Political Processes Project in Kyiv, Ukraine.
34. Verkhovna Rada, 'Zasidannya dvadtsyat' pershe: Sesiyniy zal Verkhovnoi Rady Ukrainy, 22 bereznya 2001 roku'.
35. As noted above, the calculation includes only those deputies elected to SMD or PR seats.
36. Taras Kuzio, 'Is Kuchma Genuine in his Political Reform?', *RFE/RL Poland, Belarus and Ukraine Report*, Vol.3, No.33 (3 Sept. 2002), available at <http://www.rferl.org>, accessed 15 June 2006.
37. Askold Krushelnycky, 'Anti-Kuchma Demonstrations Continue in Kyiv and Elsewhere', *RFE/RL Weekly Digest*, 24 Sept. 2002, available at <http://www.rferl.org>, accessed 15 June 2006.
38. Quotations from Olga Dmitricheva, 'strana pobedivshei nepredskazuemosti', *Zerkalo Nedeli/Dzerkalo Tyzhnya*, 14 Sept. 2002.
39. Viktor Desyantnikov, 'Prizrachnost' izbiratel'nykh zakonov', *Pravda Ukrainy*, 17 Dec. 2002.
40. Quotation from Dmitricheva, 'strana pobedivshei nepredskazuemosti'.
41. Tom Warner, 'Kuchma May Cancel Election', *Financial Times*, 23 Aug. 2003.
42. Taras Kuzio, 'Ukrainian President Backs Down in Wake of Harsh PACE Resolution', *RFE/RL Newsline*, Vol.8, No.27 (11 Feb. 2004), available at <http://www.rferl.org>, accessed 15 June 2006.
43. Jeremy Bransten, 'Parliament Votes Down Pro-Kuchma Proposal', *RFE/RL Feature Articles*, 3 Feb. 2004.
44. Fatherland, associated with Yulia Tymoshenko, was characterized at this time as a more 'pragmatic', oligarch-driven faction; beginning in 2001, it

'developed into one of Kuchma's most ardent opponents'. Consequently, it is not listed among the opposition factions here: see Sarah Whitmore, *State-building in Ukraine: The Ukrainian Parliament, 1990–2003* (New York: Routledge, 2004); quotation from p.96.

45. For a detailed discussion of factions and their positions, see Whitmore, *State-building in Ukraine*.
46. Communist Party, Regions, Labour Ukraine, SDPU(o), People's Power, Democratic Initiative, Agrarian Party, People's Choice, People's Democratic Party.
47. Erik S. Herron and Paul E. Johnson, 'Fraud Before the "Revolution": Special Precincts in Ukraine's 2002 Parliamentary Election', in Ingmar Bredies, Valentin Yakushik and Andreas Umland (eds.), *Aspects of the Orange Revolution III: Elections in Post-Soviet Ukraine* (Stuttgart: ibidem-Verlag, 2007), forthcoming.
48. George Tsebelis, *Nested Games: Rational Choice in Comparative Politics* (Berkeley, CA: University of California Press, 1990).
49. Natalya Bogasheva and Yuriy Klyuchkovskiy, 'Evolyutsiya vyborchoi systemy Ukrainy', published online (1 July 2006) by the Election Law Institute at <http://www.eli.org.ua>, accessed 9 Aug. 2006.

Revolutionary Bargain: The Unmaking of Ukraine's Autocracy through Pacting

SERHIY KUDELIA

When political scientists fail to foresee something, they rush to explain it. Scholarly debates about the phenomenon of protests against fraudulent elections may be a case in point. Sparked by the spectacle of the Orange Revolution in Ukraine, these discussions generated a new analytic concept – electoral revolutions.[1] The very fact that such popular uprisings even occurred became, for some, a puzzle in itself.[2] The various possible explanations range from idiosyncratic to structural, from common internal factors to favourable international circumstances. They share an assumption that 'electoral revolutions' possess an independent causal significance for producing democracy. This essay, by contrast, puts popular protests in the wider context of intense and protracted elite confrontation, challenging the notion of their direct and unequivocal impact on democratization.

In my view, the protest wave following the 2004 presidential election in Ukraine should be treated as an analytically inseparable part of the broader process, modelled by Dankwart Rustow in his seminal 1970 article, which advanced a novel insight into democratic transition as a process driven by the incessant and inconclusive political conflict between opposite elite groups.[3] Their mutual recognition that neither could achieve a convincing victory provides a crucial impulse for the warring elites to agree on the new democratic rules. In this framework, democratic breakthrough is achieved through elite negotiations and compromise, rather than through popular mobilization on the streets. Electoral revolutions thus represent a vivid, often moving, by-product of elite struggle, which characterizes, in Rustow's terms, the 'preparatory phase' of any transition. They may result in a genuine democratic change only as long as they push elites to the negotiating table. The quest to understand elite turnover in semi-authoritarian conditions should then start with the focus on the origins

of elite feud itself.

Severe political crisis in Ukraine in 2000–2001 became a starting-point for the gradual demise of Leonid Kuchma's regime. It fuelled society's resentment of the state leaders and roused distrust in state institutions. The crisis also precipitated a bitter clash between entrenched hard-liners in power and rising opposition leaders, who mounted their challenge in response to shifting public sentiments. The first section of this essay explains the sources of the political crisis in Ukraine, the patterns of societal mobilization during the crisis, and its effects on the nature of state-society relations, the regime's institutional coherence and the relative power of various elite actors. The second section looks at the 'preparatory phase' between the parliamentary elections of March 2002 and the presidential elections of October 2004, when the elite conflict escalated and reached its peak in the election run-off. It focuses on the attempts of the ruling elite to demobilize the society and achieve institutional re-equilibration, and on the strategies of the opposition to counter demobilization policies and sustain its strength. The third section analyses the 'decision phase' of the political process between the second round of presidential elections on 21 November 2004 and the third round on 26 December 2004. It explains how mass popular protests against the rigged election, and the regime's continued control over the coercive apparatus, led both sides to accept a compromise solution in the form an elite pact. I conclude by assessing the prospects of a 'habituation phase', when elites learn to live with each other under a new institutional arrangement.

Exposing the Regime: Ukraine's Founding Political Crisis (2000–2001)

In their eminent study of breakdowns of authoritarian regimes, Guillermo O'Donnell and Philippe C. Schmitter attribute the start of democratic transition to a division within the ruling elite between soft-liners and hardliners.[4] In Schmitter's earlier analysis of regime change in Portugal he argues that 'the sources of contradiction, necessary if not sufficient for the overthrow of authoritarian rule, lie within the regime itself, within the apparatus of the state, not outside in its relations with the civil society'.[5] The centrality of elites to both the beginning and the outcome of democratization has become the point of consensus in much of the literature on transitions.[6] In such an elite-centred framework, society plays a role only insofar as it influences the 'willingness and capacity of the two elites to negotiate with each other'.[7] In the case of Ukraine, however, societal mobilization tore the ruling elite apart and challenged the legitimacy of the existing regime. Protests in Ukraine, which started in late 2000, led to the rapid and irreversible polarization of the regime's relations with society, which later spread to relations within the political elite itself.[8] Growing

confrontation between the authorities and opposition elites in Ukraine emerged in response to the collapse of society's trust in state institutions.

The first, most serious, political crisis in independent Ukraine's history erupted just a year after President Leonid Kuchma was re-elected for another term.[9] Having secured his office largely through intimidation and fraud, Kuchma immediately moved to expand his powers *vis-à-vis* parliament. His proposed changes to the Constitution included giving the president the right to dissolve parliament, depriving deputies of immunity from criminal prosecution, and making the country's legislature bicameral. In order to ensure the success of his initiative, in April 2000 Kuchma held a nationwide referendum, which resulted in overwhelming public approval of all the proposed changes.[10] If adopted, these constitutional amendments would move Ukraine closer to becoming a full-fledged authoritarian regime, ending Kuchma's six-year effort at consolidating powers in his hands.

Already during his first term in office (1994–99), Kuchma strengthened his rule by acquiring new formal levers of power and establishing informal mechanisms of control. The president's additional formal powers allowed him to issue economic decrees and appoint heads of oblast state administrations; his informal means of control included using 'power ministries', such as the ministry of the interior, the security service, the tax administration, and the general prosecutor's office to ensure the full obedience of lower-level officials.[11] This provided Kuchma with 'administrative resources' to manipulate the election process and rig its outcomes.[12] Business oligarchs such as Viktor Pinchuk, Viktor Medvedchuk, Grigory Surkis and Oleksander Volkov became another important element of his informal network, providing critical financial and media support for his re-election campaign.

By 2000 Ukraine had moved into a political grey zone of hybrid regimes, which some scholars define as 'competitive authoritarianism'.[13] While having formal democratic institutions that provide for limited political contestation, these regimes are also characterized by constant abuse of democratic principles by the ruling elite. According to Rose and his collaborators, fully democratic regimes have four defining qualities: (1) prevalent rule of law; (2) active institutions of civil society, independent of the state; (3) free and fair elections; and (4) governors accountable to the electorate.[14] In Ukraine's case, rule of law was undermined by the mechanisms of informal control; civil society remained underdeveloped and tightly controlled by the state; elections were largely fraudulent; and the horizontal accountability of the executive was undermined by the president's domination over other branches of power. With the constitutional changes, Kuchma sought to suppress the parliament as the only remaining source of political dissent, thereby minimizing the likelihood of any future political challenge.

Kuchma's assault on the legislature's powers revealed the lack of an organized democratic opposition capable of defending the institutional status quo. By nominating Viktor Yushchenko to head the government and allowing Yulia Tymoshenko to become deputy prime minister for energy policy, the president co-opted parties of the centre-right flank, including the splintered Rukh factions, 'Reforms and Order' and 'Bat'kivshchyna'. In early 2000, national democrats entered into an alliance with the oligarchic factions and formed a pro-presidential majority in parliament. A few non-leftist deputies who refused to join a new majority, such as Serhiy Holovatyi or Anatoliy Matvienko, ended on the margins of Ukrainian politics. On 13 July 2000, 251 deputies (out of 450) gave preliminary approval to the draft legislation expanding presidential powers. Communists and socialists were the only two factions who, along with some independent deputies, resisted constitutional change. Armed with the referendum results showing public support for a stronger presidency, Kuchma confidently headed towards his goal of dominating the parliament.

The triggering event of the 2000–2001 political crisis in Ukraine was a public statement by the leader of the Socialist Party of Ukraine and veteran legislator, Oleksandr Moroz. On 28 November 2000, speaking from the parliament's podium, Moroz accused the country's top leadership of plotting the murder of an opposition journalist Heorhiy Gongadze. He named President Kuchma, Interior Minister Kravchenko and the head of the presidential administration Volodymyr Lytvyn as responsible for the crime against Gongadze. The journalist had become an outspoken critic of Kuchma during the 1999 presidential campaign. He later worked as editor-in-chief of the news website 'Ukrains'ka Pravda' (Ukrainian Truth), which provided hard-hitting coverage of Ukrainian politics. Gongadze disappeared on 16 September 2000, and his headless corpse was found buried in the woods near Kyiv on 2 November. Twenty-six days later, Moroz publicized recordings in which the Ukrainian president and his entourage were allegedly discussing ways to silence the journalist. Responding to these allegations, leaders of most factions in the pro-presidential majority signed a statement accusing Moroz of attempts to raise his political profile after losing his 1999 presidential bid. Although later the majority of deputies voted for the resignation of top law-enforcement officials, parliament still proved incapable of challenging the president directly.

Despite the authorities' immediate attempts to censor all the news about the shocking allegations, ten days after Moroz's statement 81 per cent of respondents in Kyiv said they had heard about it.[15] Although 51 per cent did not believe Moroz's accusations, 41 per cent said they were convinced of the authorities' involvement in the journalist's murder. In the absence of institutional channels to express their discontent, more aggrieved citizens were now ready for street protests. In early December, 75 per cent of Ukrainians fully or partially approved of attending a protest demonstration or a rally,

while just one in five disapproved.[16]

Students of social movements note that, apart from change in the political opportunity structure, popular mobilization requires the existence of a framework for collective action or a 'set of action-oriented beliefs and meanings that inspire and legitimate social movement activities'.[17] Evidence indicating President Kuchma's responsibility for Gongadze's murder created two elements of a collective action framework: a sense of injustice and an element of identity. The sense of injustice reflected people's moral indignation at the atrocity committed against a defenceless individual by the powerful authorities. It testified to the vulnerability of every citizen in the face of autocratic leadership. The fact that grievances could be shared equally among all members of the society added an identity element to the collective action framework, delineating 'us' (citizens) against 'them' (the authorities). The disadvantaged group was not just a cohort of journalists suffering because of their professional activities, but all citizens threatened for exercising their civil rights.

Protests started on 15 December in the form of non-stop sit-ins in tents on Kyiv's Independence Square (Maidan), demonstrations and marches along the central streets of the capital, and pickets on the main government offices, including those of the presidential administration and various ministries. Although representatives of some political parties participated in the protests, most protest organizers were not formally affiliated with any political force.[18] Moreover, political activists participating in protest actions represented the entire ideological spectrum from extreme right (Ukrainian National Assembly-Ukrainian National Self-defence, UNA-UNSO) to the left (Socialists), which testified to the civic nature of their involvement. The movement's radical goal was succinctly expressed in its name: 'Ukraine Without Kuchma'. In addition to demanding the president's resignation, protesters called for the dismissal of all top officials implicated in Gongadze's murder, plus the prosecutor-general, who allegedly supplied the investigation's cover-up. Finally, the movement's broader goal was to change the political system by expanding the powers of parliament and turning Ukraine into a parliamentary republic.

In calling for institutional change, the protesters challenged not only the legitimacy of the Ukrainian authorities, but the very basis of the regime.[19] In an address to parliament on 21 December 2000, one of the protest coordinators, Volodymyr Chemerys, characterized the existing regime as 'presidential authoritarianism'.[20] Subsequently, all the opposition manifestos throughout the crisis included demands to change the Constitution so that parliament could form the government, thereby limiting the powers of the president. They also demanded an end to the clan-based oligarchic system that provided Kuchma with the informal mechanisms of political control. So Ukraine's democratization was no longer a question of elite turnover, but of radical change in its institutional set-up. Consequently, the political

crisis led to the institutional breakdown of the state and attempts by the ruling elite to re-equilibrate the regime by acquiescing to some of the protesters' key demands.

The phase of active popular mobilization in Ukraine continued from mid-December 2000 to 9 March 2001. Initial protests in Kyiv, which gathered up to 7,000 people, diffused to the regions. Kuchma's decision to meet the leading protesters a few days after the first anti-presidential march in Kyiv indicated that the authorities could not thwart the rising collective action by coercive means. By January, however, the authorities recovered from the initial shock and used court rulings to dismantle protest tents in the regional centres. The decisive stage came in February 2001 when Kyiv's central streets became crowded with the largest number of demonstrators in a decade. Apart from more than 60 tents set up along Khreshchatyk, four massive demonstrations took place around Maidan, drawing up to 50,000 people. One of them, on 9 March, ended with the demonstrators' violent attack on interior troops guarding the presidential administration. This led to a sharp decline in protest participation and eventually resulted in the dissolution of the protest movement. As one of the movement's organizers later explained, 'We always felt that our strength was in not resorting to force, while the weakness of the authorities was that they had too much force behind them. After the events on 9 March, we could no longer feel this way'.[21]

Despite ending on a violent note and failing to achieve its declared objectives, the three-month protest movement 'Ukraine Without Kuchma' had a profound effect on both the society and the political elite. It reorganized state-society relations, cleared political space for democratic opposition, and linked the issue of further democratization to the idea of institutional change.

Popular mobilization in the winter of 2000–2001 produced the phenomenon that Steven Fish calls 'demonstration politics'.[22] Continuous street protests became the channel for the expression of public discontent, the means of mass communication thwarting state-controlled media, and a powerful instrument for swaying public opinion against the authorities. In March 2001, more than 80 per cent of those polled said that they were informed about the allegations against the top leadership in the case of a journalist's murder, and only 3 per cent had no knowledge of the so-called 'Tapegate' or 'Kuchmagate' scandal.[23] At the same time, only about 15 per cent expressed no interest in this case.[24] Moreover, just 16 per cent said that they did not trust the authenticity of the recordings implicating Kuchma and others in the crime, while 23 per cent trusted them fully. Half of those polled still remained ambivalent on this issue.[25] In their attitudes to the protest movement itself, 65 per cent of Ukrainians said that they were either positive or neutral, while just 26 per cent had a negative view of the protesters.[26] Moreover, 31 per cent asserted that protest was 'the only possible way to get rid of Kuchma's regime'.

The political crisis in Ukraine resulted in the virtual collapse of the society's trust both in the institution of the presidency and in President Kuchma himself. In January 2000, 60 per cent either fully or partially trusted the presidency as an institution.[27] By March 2001, 53 per cent expressed complete distrust in the office of the presidency and just 7 per cent trusted it. The least trusted institution at the time was still the parliament, with only 4 per cent expressing confidence in the legislature. Nevertheless, by March 2001, no Ukrainian politician was more distrusted than Kuchma. In an open-ended questionnaire, with poll participants naming the politician they distrusted most, Kuchma was mentioned by 29.1 per cent of those polled. In a similar poll in October-November 2000, just before the start of protests, Kuchma was distrusted by 17.6 per cent, while in July 2000 only 8.8 per cent of those polled did not trust the president. This sudden drop in the level of trust was the sharpest experienced by any politician over this period. Finally, in a further poll in January 2001, 48 per cent expressed their distrust in Kuchma; by the end of February this figure increased to 53 per cent.[28]

Thus, despite the demise of the protest movement, the majority of Ukrainians expressed their distrust of all the key state institutions, including the presidency, the parliament, law enforcement and the courts. These levels of distrust persisted throughout Kuchma's second term. They indicated not just people's alienation from the ruling elite, but also the collapse in popular acceptance of government institutions. Lack of popular trust undermined the rulers' legitimacy, thereby weakening their capacity to demand and enforce the public's obedience.[29] Such institutional breakdown had two major effects on future political developments in Ukraine. First, polarization of state-society relations was gradually transferred to relations within the elite itself. Second, the widespread distrust of the institutions of government meant that, in order to restore the regime's legitimacy and normalize relations with society, the authorities had to rebuild the country's institutional framework.

Apart from further polarizing state-society relations, the protest movement opened up an opportunity for the development of an organized democratic opposition. At the height of protests in Kyiv in early February, politicians from a broad ideological spectrum formed the Forum of National Salvation. For the first time in Ukraine's history, political leaders representing both right-wing (Yulia Tymoshenko, Levko Lukianenko, Anatoliy Matvienko) and left-wing (Oleksandr Moroz) parties agreed to a concerted action aimed at bringing down the ruling regime. Their immediate goal was Kuchma's resignation and early presidential and parliamentary elections. Some of those deputies (Taras Chornovil, Oleksandr Turchynov) who had earlier voted to expand the president's powers were now demanding his dismissal. Moreover, the weakening of Kuchma's control over the political elite during the crisis enabled centre-right parties to sabotage the implementation of constitutional changes, which never received

parliament's final approval. Thus, Kuchma failed to establish a formal basis for his autocratic rule, while the pro-presidential majority in the parliament disintegrated.

By early 2001, the anti-presidential opposition was reinforced as Deputy Prime Minister Yulia Tymoshenko joined the chorus of Kuchma's vocal critics. She was fired from the government on 19 January, and arrested less than a month later on charges of bribery. However, despite their principled opposition stance, neither Moroz nor Tymoshenko saw an increase in their public support. Their popularity in March 2001 remained within single digits (2–4 per cent), which indicated that the public did not associate protests against Kuchma with any specific political force.[30] The newly emerging democratic opposition was also incapable of turning those dissatisfied with the regime into opposition supporters. One reason was the lack of a leading figure among the opposition politicians. In May half of those polled still could not name a leader of the opposition alliance.[31] Only 14 per cent saw such a leader in Yulia Tymoshenko and 11 per cent in Oleksandr Moroz. However, Kuchma's de-legitimization did denote a great demand for a democratic alternative within society, which significantly enhanced the political prospects of the opposition forces.

The political crisis in Ukraine also revealed serious institutional deficiencies in the country's political system. The fact that the president could order state officials to commit crimes against citizens testified to the uncontrolled subordination of all state agencies to the single will of a president. It also indicated the president's freedom to act with complete impunity. After all, subsequent parliamentary efforts to oversee the investigation of Gongadze's murder or to oust Kuchma proved to be futile because there were no mechanisms to ensure accountability. So, the opposition leaders now repeatedly emphasized that Ukraine's democratization would require a fundamental institutional reorganization of the political system. Expanding the powers of the parliament was the first policy point in the programme of the Forum of National Salvation. Thus, the idea of transforming Ukraine into a parliamentary-presidential republic came to the top of the political agenda. Although only about one-third of the public supported such an institutional change, the majority of Ukrainians showed a clear distaste for concentrating all powers in the presidential office. Asked in March 2001 whether Ukraine needed a Pinochet-like authoritarian rule, only a quarter agreed.[32] Over the next three years, the issue of political reform dominated the political process in Ukraine and play a decisive role in its peaceful democratic breakthrough.

Challenging the Regime: Between Reform and Revolution (2002–4)

Having barely survived the most acute political crisis, the Ukrainian ruling elite faced new and serious challenges in the post-crisis environment. The authorities' primary tasks were to restore state

control over the political and social arenas and to regain popular legitimacy. These tasks were complicated by the emergence of an organized and vocal opposition that included political forces representing a broad ideological spectrum. Moreover, despite the end of the collective action cycle in March 2001, society remained highly dissatisfied with the regime. President Kuchma, however, seemed to discount both factors. In an interview on 4 April 2001, he again questioned the validity of any opposition other than the communist, adding that he would refuse to negotiate with his new critics unless they could prove they had public support during the forthcoming parliamentary elections.[33] At the same time, Kuchma's strategy of restoring the state's institutional coherence centred on expelling any potential dissenters from the ruling elite. In early March he demanded the resignation of all state officials sympathetic to the opposition, but his main concern then was the second highest ranking official in the country – Prime Minister Viktor Yushchenko.

From the start of the crisis, Yushchenko tried not to take sides in the confrontation and to avoid any definite political statements. But this tactic only made Kuchma more suspicious of his true intentions, given Yushchenko's rising popularity. In the second half of 2000, Yushchenko became the most popular political leader in the country. In September, according to the 'social Monitoring' poll, 40 per cent of Ukrainians said they fully or partially trusted Yushchenko (compared with 33 per cent in May). By contrast, Kuchma had the full or partial trust of 33 per cent (against 32 per cent in May).[34] This made the prime minister's support crucial for Kuchma to offset the sudden challenge from below. When the public mobilization reached its peak in mid-February 2001, Kuchma pressured Yushchenko and the parliament's speaker Ivan Plyush to sign a declaration comparing protesters to fascists and accusing the opposition leaders of provoking civil conflict in Ukraine. Although this statement enraged many protesters, opposition leaders still viewed Yushchenko as a potential ally. When in April 2001 he faced a parliamentary vote of no confidence, the Forum of National Salvation rushed to his support, calling Yushchenko 'a key for all positive changes'. For Kuchma, however, this statement was another proof that Yushchenko's continued presence in the government could only embolden his critics. At the end of April, oligarchic factions in the parliament, aligned with the communists, voted for the government's dismissal. In his farewell speech to the deputies, Yushchenko pledged that he was 'leaving in order to come back'. That day marked the start of his public political career.

Yushchenko's public criticisms of the protest movement and loyalty to Kuchma did not damage his national popularity. Moreover, the overwhelming majority of respondents – 67 per cent – said that he should not support any political force in the conflict and should continue performing his functions as prime minister; only 4 per cent thought that he should join the opposition.[35] Thus, after being

dismissed from the government, Yushchenko decided to form a moderate political alliance – Our Ukraine. It was an amalgam of national democratic and centrist parties that did not endorse protests against Kuchma, but also avoided siding with the pro-presidential oligarchic factions. Throughout the parliamentary campaign, Yushchenko consistently refused to characterize Our Ukraine as an opposition, calling it instead a constructive, non-radical and non-militant force.

Still, during the election campaign Kuchma took steps to accentuate the differences between the regime outsiders and the ruling elite. He pushed most of pro-presidential parties together in one bloc 'For A United Ukraine', which symbolized a new party of power. Its leader was the head of the presidential administration Volodymyr Lytvyn, while the new prime minister, Anatoliy Kinakh, held the second spot on the bloc's list. Throughout the campaign, the pro-presidential alliance dominated the media and received substantial administrative backing in the regions. By contrast, Yushchenko, who travelled extensively and visited some 400 towns across the country, faced constant obstruction and pressure. The authorities' clear irritation with the non-confrontational former prime minister turned his bloc into a quasi-opposition in the public perception. Although the supporters of Our Ukraine were not as radical as the supporters of the Socialist Party or Yulia Tymoshenko's bloc, the majority of them favoured Kuchma's resignation.[36] Thus, the 2002 parliamentary election marked the emergence of a 'new elite arousing the depressed and previously leaderless social group into a concerted action', which set off the 'preparatory phase' of elite struggle.[37]

The election results constituted a resounding vote of no confidence in the existing regime. Of the six political forces that reached the minimum threshold required to get into parliament, four represented the opposition (Our Ukraine, the Communist Party, the bloc of Yulia Tymoshenko and the Socialist Party):[38] together, they received more than 60 per cent of the votes in the party lists. The two pro-presidential forces (For a United Ukraine and SDPUo – Social Democratic United Party) received less than 20 per cent combined. This outcome indicated that the political cleavages that had emerged during the crisis remained no less salient, and that the authorities had failed to quell public discontent. Hence, the need to devise an effective demobilization and re-equilibration strategy in the run-up to the 2004 presidential election became President Kuchma's top priority.

The political process of re-equilibration, according to Linz, is aimed at making the institutions of a regime that has survived a political crisis operate at a new level of 'efficacy and effectiveness'.[39] In applying this concept to the communist regimes of Eastern Europe, Grzegorz Ekiert suggests that the necessary conditions for re-equilibration of non-democracies include the demobilization of challenging groups and the restoration of the state's institutional coherence.[40] According to Ekiert, demobilization involves re-

appropriation of the political space opened during the crisis in an attempt to 'stabilize institutional order and restore a specific type of relationship between the state and society'.[41] Successful demobilization takes away the capacity of previously mobilized social groups to act collectively on behalf of their goals and to influence the political process. However, the effectiveness of the demobilization strategy depends not only on the coercive resources of the state, but also on the 'capacity of actors outside the state to resist demobilization efforts'.[42] The political process in Ukraine over the two years following the parliamentary elections was marked by intense conflict between ruling and opposition elites around the regime's re-equilibration effort.

The centrepiece of the demobilization strategy employed in Ukraine was the so-called political reform – the initiative of the authorities to change the country's institutional structure by redistributing power between the president and the parliament. President Kuchma was a long-standing advocate of a strong executive, so during his first and early second terms he made repeated efforts to acquire new powers. Even in the aftermath of the political crisis he defiantly rejected any suggestions of transforming Ukraine into a parliamentary republic: 'I am 100 per cent, 200 per cent against it. This would be a defeat for the whole country. This would be a threat to Ukraine's existence as a state'.[43] However, in August 2002, Kuchma suddenly reversed his position. In a televised address to the nation on the occasion of Independence Day, he declared that Ukraine's transformation into a parliamentary-presidential republic would reinforce its European choice, since 'such a system already proved effective in Europe'.[44] The principal feature of the institutional change would be allowing the parliament to form the government, which up to that time had been a presidential prerogative. Another institutional innovation, according to Kuchma, would be changing the election law to a pure proportional representation system. This also signified a dramatic reversal since all the parliament's earlier attempts to introduce such a system had been blocked by the president's veto. Kuchma called on all political forces to start discussion of the details of the reform, and emphasized that the proposed changes would 'promote understanding between the authorities and the constructive opposition, which had often advocated this idea'.[45]

The socialist leader Oleksandr Moroz was the author of the first draft legislation expanding the powers of parliament. He submitted it for the parliament's consideration in May 2000, when Kuchma was pushing for the implementation of the referendum results. However, the constitutional court, under pressure from the president, ruled Moroz's draft unconstitutional. The protest movement returned the issue to the top of the policy agenda, and it became a part of the election platform of three main opposition forces – socialists, communists, and Yulia Tymoshenko's bloc. Although Yushchenko's Our Ukraine did not address this during the parliamentary campaign,

in May 2002 his bloc, striving to win some control over the executive, endorsed the idea that the parliamentary majority should form the government.

Thus, with his counter-initiative, Kuchma was neutralizing one of the opposition's principal policy demands. Moreover, he spoke in favour of reversing institutional roles three weeks before the second anniversary of Gongadze's disappearance. On that date, all four opposition forces planned to start a new wave of joint mass protests, calling this action 'Rise up, Ukraine!' So Kuchma's goals were to divide the opposition and draw parts of it from the streets to the negotiating table, and to demobilize the public by suggesting a willingness to limit his own powers. However, he achieved neither goal. Public opinion proved fragmented over a preferred political system, with 17.4 per cent supporting the parliamentary-presidential system, 14.4 per cent a presidential-parliamentary system, 12.5 per cent a parliamentary system, 10.2 per cent a presidential system, and 5.3 per cent opting for dictatorship.[46] At the same time, growing intra-elite polarization – what Rustow called a 'hallmark of the preparatory phase' – was fuelling distrust between the opposition and the authorities.[47] All the opposition leaders ridiculed Kuchma's proposal, claiming that it was merely a ploy to extend his term in office.

On 16 September 2002, protests were held in Kyiv and all across Ukraine, gathering, by different estimates, 40,000–150,000 people (with approximately 30,000 in Kyiv alone). Yushchenko not only participated in the protests, but also signed a joint declaration with other opposition leaders demanding Kuchma's resignation and calling for early presidential elections, and also asking world leaders to boycott Ukraine's president. The opposition also promised to continue holding mass rallies until Kuchma agreed to resign. Subsequent protests, however, gathered fewer and fewer active supporters: the opposition's next action on 12 October 2002 – the People's Tribunal of Kuchma – attracted only 10,000. The joint opposition movement's last demonstration was held in Kyiv on 9 March 2003 with approximately 30,000 participants. Although public readiness for active protests noticeably waned, with only 12 per cent nation-wide willing to participate in opposition demonstrations, society remained highly polarized in its relations with the regime and supportive of the opposition's demands. Half of those polled in March 2003 said they supported the call for Kuchma's resignation, a decline of only 3 per cent from September 2002.[48] The level of distrust in the office of the president remained at 56 per cent, the highest for any state institution in Ukraine. Furthermore, in a poll conducted in April 2003, 73 per cent of respondents said that the country was moving in the wrong direction, a proportion unchanged from that of a poll conducted in March 2001.[49]

On 6 March 2003, three days before the opposition's demonstration, Kuchma made another televised appeal to the public, presenting the main points of his draft legislation on constitutional

changes. Although this legislation provided for parliamentary control over most government appointments, it preserved significant presidential powers and even gave the president a new prerogative to adopt laws on the basis of referendum results, bypassing the legislature. The draft also proposed that parliamentary and presidential elections be held in the same year, thereby allowing for an extension of Kuchma's term until the next parliamentary election, scheduled for 2006. While paying lip-service to the idea of a parliamentary republic, the president was in effect trying to postpone the presidential election. The opposition saw through the president's draft and rejected it, while at the same time signing a joint memorandum committing itself to the principle of a parliamentary-presidential republic. Moreover, the presidential initiative received only limited support within the society. After an intense, month-long propaganda campaign in the media, the majority of those polled could not identify their position on Kuchma's key institutional innovations.[50] Thus, the president's first draft legislation failed to summon sufficient support at either the elite or societal levels.

Given the failure of his attempts to devise legal grounds to stay beyond the fixed presidential term, Kuchma decided to start constitutional reforms in earnest. With the opposition leader still at the top of the polls, the president realized that changing the winner-takes-all political system in Ukraine would actually correspond to his political interests. After all, his supporters still dominated the parliament and could effectively constrain any newly elected president. At the end of August 2003, Kuchma made his third major national address on political reform, declaring that the political elite had managed to reach a consensus on the main elements of a new institutional framework. He pledged that the parliament would now have a constitutional majority to implement proposed changes.[51] New draft legislation on constitutional changes was prepared during several weeks of negotiations between the head of the presidential administration, Viktor Medvedchuk, and two leaders of the leftist opposition – Oleksandr Moroz and Petro Symonenko. Apart from further limiting presidential powers, the legislation provided for eliminating direct presidential elections beginning in 2006. Instead, the head of state was to be elected by the parliament. This meant that anyone elected in November 2004 would be a transitional president serving just over a year.

Viktor Yushchenko, still the favourite to win the coming presidential election, fiercely resisted these constitutional proposals. His counter-strategy was to start a campaign of collecting signatures from those opposed to cancelling direct presidential election and demanding a referendum on the issue. Throughout autumn 2003 Yushchenko also held 26 rallies around the country, in order to maintain his popularity in the polls and keep the public mobilized. When the draft legislation was introduced for parliamentary consideration in December 2003, three opposition factions – Our

Ukraine, the socialists, and Tymoshenko's Bloc – blocked voting for two days, but could not prevent its preliminary approval. However, without the socialists' support, parliament still lacked the two-thirds majority necessary to implement constitutional changes. So, in February 2004, pro-presidential factions made another concession to the opposition, restoring direct election of the president in the draft legislation. Although only socialists agreed to join the parliamentary majority in favour of constitutional change, their support appeared sufficient. At an extraordinary session of parliament, meant to provide preliminary approval for the amended draft law, constitutional changes now received 304 votes and headed for a final vote in spring.

The final draft legislation on constitutional changes (registered under the number 4105) was almost an exact replica of the document introduced by Oleksandr Moroz in summer 2000.[52] It reflected what Ekiert calls the contingent nature of demobilization policies, which 'instead of being a simple implementation of the preconceived political scenario, were in fact ad hoc responses to the changing domestic and international situation and pressures'.[53] The draft law provided that the government's composition – the president's long-standing prerogative – would be decided by a majority coalition in parliament. It also left it to the deputies to nominate the candidate for prime minister, and to appoint the head of national bank and half of the constitutional court judges (previously only a third), and to approve and dismiss the head of the SBU (security police) and the general prosecutor. The president would retain exclusive rights to appoint the defence and foreign ministers, but have almost no influence over the government, which would now be accountable to parliament.

After almost two years of institutional improvisation, the authorities were finally seeing eye-to-eye with the opposition on the future design of the political regime. Kuchma's agreement to Ukraine's genuine transformation into a parliamentary-presidential republic amounted to his acceptance of the country's democratization. Realizing that all attempts to preserve total power would be futile, Kuchma opted for the second-best scenario – transforming the nature of the political system so that the interests of all political actors could be taken into account.

Draft law 4105 was, in effect, Kuchma's power-sharing offer to Yushchenko. While the new president, directly elected in 2004, would still exert power over the country's security and foreign policies, responsibility for the economy would rest with the majority coalition in parliament. Ultimately, however, this first effort at elite compromise failed, and the reasons can be traced to the fundamental disagreement between opposition forces surrounding Yushchenko – Our Ukraine and the Yulia Tymoshenko Bloc – and the authorities on their relative power balance.[54]

From the start of his public political career in 2001, Yushchenko enjoyed the highest level of support of all political leaders in the country, a status that he maintained until the very start of the

presidential campaign. Moreover, by organizing public rallies and engaging in direct communication with the people, the opposition forces managed to create in Ukraine what Steven Fish has called a 'movement society':[55] constant engagement of the society in the political process produced grass-roots mobilization in the form of 'myriad complex and interacting political campaigns'.[56] The overwhelming mass support for Yushchenko, combined with the absence of any serious competitors within the ruling elite, gave him a perceived advantage in the power balance. Public backing, in his view, should have been sufficient to replace the authorities through the democratic election, so any power-sharing agreement would, in effect, limit his future powers while guaranteeing him nothing in return.

By contrast, Kuchma's calculation of the power balance was based on his full control over the coercive apparatus, which he expected to provide him with a power advantage sufficient to neutralize Yushchenko's public support by rigging the election. At the same time, he constantly played down the capacity of Ukrainian society to mobilize for massive political protests against fraud on the scale of those seen in Georgia in 2003 or Serbia in 2000. However, Kuchma's preference for redistributing power reflected his inability to identify a trusted successor. Prime Minister Viktor Yanukovich was a candidate of a Donetsk clan, but hardly a consensus figure for the whole ruling regime, affiliated with different business groupings. So Kuchma and his 'grey cardinal' Medvedchuk expected the constitutional reform to serve as an insurance policy for both themselves and the opposition.

Surprisingly, the president's clout turned out to be insufficient to assemble the constitutional majority needed to approve the draft law. During the final round of voting on 8 April 2004, the alliance of the pro-presidential forces and the leftist opposition came up six votes short of the number needed to implement the reform. In last-minute negotiations, Yushchenko managed to draw enough deputies away from the pro-presidential camp to prevent final approval of draft law 4105. Just one week later, Kuchma declared that the main goal of the authorities was to win the forthcoming presidential election, rather than make another attempt at constitutional change. Failure to reach an elite compromise in spring 2004 exacerbated the political confrontation in Ukraine in the run-up to the presidential elections.

Changing the Regime: The Orange Revolution and Elite Settlement

The political cleavages that emerged in Ukraine during and after the crisis were further sharpened during the intense presidential campaign. Responding to the continued polarization in state-society relations, Yushchenko positioned himself as the people's candidate. Speaking on 4 July 2004 to approximately 100,000 supporters in the large park in Kyiv he reiterated: 'There is only one conflict in Ukraine today – a conflict between the people and the authorities … I have neither TV

channels, nor tax police, nor prosecutors. I rely on the power of the people'.[57] In mid-September, when coercion and intimidation of the opposition were reaching their peak, Yushchenko issued a striking warning. His face disfigured and half-paralysed from what proved to be dioxin poisoning, the opposition leader appealed in a nationally televised address:

> I would like to caution criminals in power – don't play with fire, don't rouse people's fury. You will be held accountable for all the falsifications, pressure and persecution of every single individual. The people will not forgive those who try to counter their will through violence![58]

By contrast, the authorities frequently asserted that they would not tolerate any attempt to mobilize people in the streets, thus reiterating their continued reliance on coercive resources to win the election. In his television campaign, Viktor Yanukovich talked specifically about the negative implications of the Georgian 'rose revolution' for the welfare of the people there, calling all possible attempts to repeat it in Ukraine 'stupid'. In his August 2004 address to the nation, Kuchma also emphasized that 'nothing of this kind is happening in Ukraine and will not happen'. He added that 'people want stability', and therefore 'they will vote for continuity with the past ten years, and not for their rejection'.[59] Finally, a day before the second round of elections, Kuchma went on national television to address the country for the last time. His message was loud and clear: 'the authorities will not allow the democratic process of elections to be turned into an undemocratic one, which is the essence of revolution'. Kuchma concluded by citing a statement of the 'Iron Chancellor' Otto von Bismarck: 'We all know that revolutions are planned by dreamers, perpetrated by fanatics, and their fruits are reaped by scoundrels. There will be no revolution. There will be elections worthy of a European, twenty-first-century country'.[60] The next day, as evidence of massive election fraud mounted, thousands of protesters in orange clothes started gathering on Kyiv's Independence Square. The following two weeks of round-the-clock protests against the falsification of election results became known to the world as the Orange Revolution.

According to one of the protest organizers, in early November, a few days after the first round of elections, the opposition realized that the 'election would be falsified and it had to prepare for the revolution'.[61] So, in the weeks remaining before the second round, Yushchenko's campaign stocked up tents for 10,000 people, organized student strike committees in universities across the country, and drafted an appeal to all Kyivites and Ukrainians to gather on Maidan in case of massive falsifications. During a meeting on 18 November, leaders of the opposition made the final decision to start mass street protests.[62] Two days later, Internal Affairs Minister Mykola Bilokon warned that the government was prepared to suppress any attempt at civil disobedience following the elections.

Popular support for the opposition exceeded all the protest organizers' expectations. They had hoped that perhaps 15,000 people might gather on the first day of the protests, and that the number might subsequently grow to 200,000.[63] In fact, at the peak of the protests on 27 November, the number of Orange Revolution protesters in and around Maidan reached 1.5 million. With so many involved, the law enforcement authorities were powerless to stop or subdue the protest movement, so they resorted to imitating the opposition, organizing counter-protests around Kyiv in support of Viktor Yanukovich. However, as in 2000–2001, attempts to neutralize the opposition by mobilizing public support for the ruling elite proved futile. Yushchenko's cheerful supporters far outnumbered the male-dominated and disorganized crowds hastily brought from Donetsk.

Two weeks of mass protests in Kyiv and across Ukraine lifted morale, renewed a sense of national pride, and helped the opposition to overturn the outcome of the second-round ballot in the Supreme Court. However, protests could not resolve Yushchenko's main concern: to prevent another fraud during the third round of voting scheduled for 26 December. After all, despite the severe weakening of the authorities, President Kuchma was still in full control of the coercive apparatus of the state. None of the major military or law enforcement divisions defected to the opposition, while the central election commission was staffed and headed by the same officials who had declared Yanukovich president-elect. This brought the issue of institutional change back to the political agenda.

The stalemate between the opposition and the authorities provoked another acute political crisis, which could have had much more dangerous implications for the country than the crisis of 2000–2001. With hundreds of thousands of citizens vigorously protesting on the streets of the capital, and some protest leaders advocating the seizure of government buildings, Ukraine's Orange Revolution could, at any time, have ended in a bloodbath. By early December, Ukraine had reached a point where the consequences of continued elite conflict would have been disastrous for both the authorities and the opposition. Compromise was the only way out of this devastating confrontation.

As Burton and Higley observed, political crises that trigger elite settlement often grow out of, on one hand, attempts by the ruling elite to retain power indefinitely and, on the other, mass mobilization aimed at preventing it from so doing.[64] The solution to such a stand-off required ending the conflict-inducing logic of winner-takes-all politics and ensuring that the vital interests of all parties are respected.[65] Rustow noted that that the 'preparatory phase' concludes with the 'deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure'.[66] In Ukraine, a more democratic institutional arrangement, in the form of a parliamentary-presidential system, had been on the table for the previous four years. However, only when faced with a staggering crisis did elite leaders

realize that none of them had a sufficient power advantage to impose its preferred outcome. As they reached agreement on the relative power balance, they also came to accept the idea of an institutional compromise as the ultimate solution for the crisis.

The process of elite settlement requires experienced elite leaders, intensive consultations behind closed doors, speed in decision making, a formal document committing to the new rules of the game, and relative autonomy from mass pressure.[67] The first face-to-face elite consultations in Ukraine since the onset of the political crisis took the form of round-table talks at the Mariinskii Palace five days after the second round of elections. The principal participants were President Kuchma, Prime Minister Yanukovich, parliamentary Speaker Lytvyn, and opposition candidate Yushchenko. Other parties to the talks were their original initiator, the Polish president, Alexander Kwasniewski; the Lithuanian president, Valdas Adamkus; the European Union high representative for the common foreign and security policy, Javier Solana; the secretary general of the Organization for Security and Co-operation in Europe, Jan Kubish; and the speaker of the Russian Duma, Boris Gryzlov. This small elite circle was about to play, in accordance with Rustow's model, a disproportionate role in deciding the country's path.[68] Although no substantive agreements were initially reached, the very fact that the governing authorities and the opposition agreed to start direct negotiations indicated the possibility of a compromise.

The formula for the compromise was worked out during a second session of talks on 1 December. In his introductory remarks at these talks, Kuchma expressed the feeling that continued confrontation would be devastating for everyone involved: 'If we want to find an agreement today in Ukraine, one side cannot prevail at the cost of the other side. Since, in that case, there would be no victors. We would have only the defeated, and the main blow would be dealt to Ukraine'.[69] Yushchenko echoed these sentiments: 'We all face the deepest crisis … and today we need to reach a comprehensive political solution, which would consolidate the president, the government, and the parliament'.[70] The president saw the solution in adopting the political reform, while Yushchenko insisted on changing the election law to prevent further fraud during the third round of elections. Their preferences formed the basis of a final compromise. Apart from the commitment on both sides not to use force and to respect the country's territorial integrity, it included an agreement to adopt changes to the Constitution limiting the powers of the president and simultaneously amending the election law in accordance with the opposition's demands.[71] Both constitutional amendments and changes to the electoral law had to be approved by the parliament as a package: they would be voted on simultaneously. All participants signed the round-table agreement, while Yushchenko and Yanukovich publicly displayed their willingness to reach a compromise with a symbolic handshake.

The final talks took place on 7 December and demonstrated the fragility of the agreement reached just a week earlier. By then, the Supreme Court had announced its historic ruling cancelling the results of the second round of elections and scheduling a new ballot for 26 December. The objectives of the last round-table were to commit all parties to following the Supreme Court decision and to finalize the institutional compromise. But the talks produced only a formal recognition of the court's decision.[72] Agreement on institutional changes was suddenly imperilled by divergent understandings of the substance of the pact. For Yushchenko, compromise on constitutional reform entailed having guarantees from the authorities that the elections scheduled for 26 December would be conducted in a free and fair manner. One such guarantee was amending the electoral law to prevent massive abuse of absentee ballots and voting in citizens' homes, two of the principal loopholes for fraud. He also required changing the staffs of the central election commission and territorial and district commissions to include his own representatives. All sides agreed to these items. In addition, however, Yushchenko demanded the dismissal of Yanukovich from the position of prime minister, which the opposition deemed necessary to prevent further administrative interference in the election process. President Kuchma had already signed an order for Yanukovich to take vacation leave for the period of campaign, but Yushchenko insisted on having him fired. This demand prevented the round-table participants from reaching a final solution to the conflict, and seriously endangered the elite settlement.

Still, a parliamentary vote on the legislative package had already been scheduled for 8 December, the day following the last round of talks.[73] An hour before the vote, Our Ukraine held its final consultations. According to two of the participants, Yushchenko's initial decision was not to support the constitutional changes.[74] However, his faction was divided on this issue. The strongest advocates of institutional compromise were deputies who had led the protests in the preceding weeks. They argued that the pressure of mass protests would not, by itself, be enough to stop Kuchma from rigging the election again; the only alternative to changing the electoral law would be for the opposition to stage a violent takeover of power. One of the prominent protest organizers, Taras Stetskiv, recalled his plea to Yushchenko and the rest of the faction:

> If you pressure Kuchma, but he still resists, then we should go and capture him. But, esteemed deputies, all of you will have to go at the very front. And you will have to be the first ones to climb over his fence. But remember, somebody might be shooting at you. Personally, I am not ready for this revolutionary scenario. But if you are ready, then let's go. However, if you are not ready, then you should go and vote for the political reform.[75]

Faced with a choice between risking violence and losing some of his

future presidential powers, Yushchenko announced his final decision: 'I suggest that the faction votes "for" the constitutional changes'.

The legislative package that formalized the elite settlement received an unprecedented 402 votes. While the constitutional amendments were to take effect no earlier than 1 September 2005, changes to the electoral law were to gain force right away. This outcome became the 'second-best' for all the parties involved. It virtually guaranteed Yushchenko the presidency, albeit with fewer powers; it gave Yanukovich an opportunity for a political comeback; and it provided Kuchma with relative safety after his retirement.[76] Present at the historic voting, Ukraine's embattled president immediately signed the text of the compromise in the parliamentary chamber. The elite settlement of 8 December 2004 paved the way to the fairest election in Ukraine's history and allowed the opposition leader Viktor Yushchenko to win the country's presidency.

Conclusions

The dynamics of Ukraine's political process in 2000–2004 fit the classic model of transition, which describes democratization as the outcome of a polarized and inconclusive power struggle between elites ending with an 'act of deliberate explicit consensus'.[77] It also shows the necessity of a 'shared knowledge about the distribution of power'.[78] Differing perceptions of the power balance prevented the opposition leader from reaching a consensus with the ruling elite in April 2004, which only added to the viciousness of the political conflict. Mass mobilization in support of the opposition after the second round of elections and the authorities' continued control of the coercive apparatus of government clarified the actual distribution of power for each side. Despite mobilizing all the resources, neither side managed to gain a conclusive advantage, while the prospect of a continuing stalemate was becoming ever riskier. Thus, each was willing to accept a second-best option that allayed the fears of one side and quelled the pretensions of the other.

The nature of the political compromise reflected earlier demobilization strategies of the ruling elite. Searching for ways to maintain their power, the authorities initiated a transformation of the political system that later provided the basis for intra-elite compromise. Thus, policy improvisations aimed at preventing the opposition elite from gaining power later helped the opposition leader to win the election and established a new institutional regime.

What role did society and elites play in Ukraine's democratic breakthrough? Societal actors, through mass mobilization in 2000–2001, cleared space for a democratic opposition and later, in 2004, acted as a critical counter-weight to the authorities' resources. In the end, however, it was the elite who decided the essence of the outcome. Their preferences prevailed over the demands of protesters, 'who wearily upheld the banners of the old struggle' as political leaders

searched for compromise. In this respect, the result of the political struggle in Ukraine was anything but revolutionary. The stark elite continuity, which differentiates it from other post-communist countries with electoral revolutions, shows that Orange protests by themselves cannot adequately explain the country's further path. They represent just one element in the jigsaw puzzle, which could acquire its full meaning only in the context of the country's preceding struggles.

The ultimate impact of the elite compromise of 2004 on Ukraine's democratic prospects is not certain. Although the elites explicitly agreed on adopting more democratic governing procedures, there is still a risk that they could abuse or overturn them in later political contests. Moreover, in order to gain legitimacy, new institutional rules need to become accepted and grounded in civil society, which was sidelined during the elite negotiations. Still, a political system favouring conciliation and power sharing may be an optimal fit for the country, scarred by numerous historical cleavages. Therefore, if it lasts, this revolutionary bargain can become a turning-point in Ukraine's democratic development, much more so than the Orange Revolution, which nevertheless made the compromise possible.

Notes

1. See, among others, Michael McFaul, 'Transitions from Postcommunism', *Journal of Democracy*, Vol.16, No.3 (2005), pp.5–19; Joshua Tucker, 'Enough! Electoral Fraud, Collective Action Problems, and the "2nd Wave" of Post-Communist Democratic Revolutions', paper presented at the First Annual Danyliw Research Seminar, Ottawa, Canada, 30 Sept.-1 Oct. 2005; Paul D'Anieri, 'Explaining the Success and Failure of Post-communist Revolutions', *Communist and Post-Communist Studies*, Vol.39 (2006), pp.331–50; Mark Beissinger, 'structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions', unpublished paper (2005).
2. Valerie Bunce and Sharon Wolchik, 'International Diffusion and Post-communist Electoral Revolutions', *Communist and Post-Communist Studies*, Vol.39 (2006), pp. 283–304 (p.284).
3. Dankwart Rustow, 'Transitions to Democracy: Toward a Dynamic Model', *Comparative Politics*, Vol.2, No.3 (1970), pp.337–63.
4. Guillermo O'Donnell and Philippe C. Schmitter (eds.), *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore, MD: Johns Hopkins University Press, 1986).
5. Philippe C. Schmitter, 'Liberation by Golpe', *Armed Forces and Society*, Vol.2, No.1 (1975), pp.5–33 (p.20).
6. Valerie Bunce, 'Comparative Democratization: Big and Bounded Generalizations', *Comparative Political Studies*, Vol.33, Nos.6–7 (2000), pp.703–34 (p.707).
7. Ibid., p.708.
8. On the contagious nature of polarization, see Nancy Bermeo, *Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy* (Princeton, NJ: Princeton University Press, 2003).
9. Political crisis is defined here, following Dogan and Higley, as 'an abrupt

and brutal challenge to the survival of a political regime': see Mattei Dogan and John Higley (eds.), *Elites, Crises, and the Origins of Regimes* (Lanham, MD: Rowman & Littlefield, 1998), p.7.

10. In an allegedly rigged referendum (April 2000), Kuchma's four proposals were favoured by, on average, 86 per cent of the voters: see <http://www.electionguide.org/results.php?ID=653>, accessed 7 Feb. 2007; see also Kataryna Wolczuk, *The Moulding of Ukraine. The Constitutional Politics of State Formation* (Budapest: CEU Press, 2001), p.275.
11. Keith Darden, 'Blackmail as a Tool of State Domination: Ukraine Under Kuchma', *East European Constitutional Review*, Vol.10, Nos.2–3 (2001).
12. Matsuzato describes how local elites built 'electoral machines' to deliver votes for Kuchma: see Kimitaka Matsuzato, 'All Kuchma's Men: The Reshuffling of Ukrainian Governors and the Presidential Election of 1999', *Post-Soviet Geography and Economics*, Vol.42, No.6 (2001), pp.416–39.
13. Steven Levitsky and Lucan A. Way, 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, Vol.13, No.2 (2000), pp.51–65.
14. Richard Rose, William Mishler and Christian Haerpfer, *Democracy and Its Alternatives: Understanding Post-Communist Societies* (Baltimore, MD: Johns Hopkins University Press, 1998), p.36.
15. 'Bol'shinstvo kievlyan schitayut, chto ot vlasti mozhno bylo ozhydat' i ne takogo …', *Zerkalo Nedeli/Dzerkalo Tyzhnya*, No.48, 9–15 Dec. 2000.
16. Thomas Carson, *Attitudes Towards Change, the Current Situation and Civic Action* (Washington, DC: IFES, 2001), pp.A1–35.
17. William Gamson, *Talking Politics* (Cambridge: Cambridge University Press, 1992), p.7.
18. Yuri Lutsenko, member of the Socialist Party and assistant to Moroz, was a major exception.
19. Following Fishman, 'regime' is defined here as 'the formal and informal organization of the center of political power and of its relations with the broader society': see Robert Fishman, 'Rethinking State and Regime: Southern Europe's Transition to Democracy', *World Politics*, Vol.42, No.3 (1990), pp.422–40 (p.428).
20. 'Vystup u Parlamenti Ukrainy Volodymyra Chemerysa, spivholovy aktsii "Ukrainy bez Kuchmy", *Ukrainska Pravda*, 21 Dec. 2000.
21. Interview by the author with Yurii Lutsenko, 23 March 2003.
22. M. Steven Fish, *Democracy from Scratch: Opposition and Regime in the New Russian Revolution* (Princeton, NJ: Princeton University Press, 1995), p.128.
23. *Sotsiopolis*, March 2001.
24. 'Gromads' ka dumka pro uriad Viktora Yushchenka', available at <http://www.dif.org.ua/modules/pages/files/1508011528.zip>, accessed 7 Feb. 2007.
25. 49 per cent could not say whether the recordings were authentic or not: see ibid.
26. The poll was conducted two weeks after the violent clash in Kyiv: see *Sotsiopolis*, March 2001.
27. *Sotsiopolis*, Jan. 2000.
28. *Democratic Initiatives*, Jan.-Feb. 2001.
29. Juan Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Re-equilibration* (Baltimore, MD: Johns Hopkins University Press, 1978), p.17.

30. In March 2001, 11 per cent named Moroz and Tymoshenko as the least trusted politicians in Ukraine, and only Kuchma had a worse result: *Sotsiopolis*, March 2001.
31. 'Holovni politychni aktory ta konflikty v Ukraini: otsinka hromads'kosti', *Instytut Polityky*, 21 May 2001.
32. *Democratic Initiatives*, March 2001.
33. Interview with President Leonid Kuchma, *Ukrainian Service of RFE/RL*, 4 April 2001.
34. 'Yushchenko ide u vidryv', *Ukrainska Pravda*, 16 Oct. 2000.
35. *Democratic Initiatives*, March 2001.
36. 'Yushchenko Startuet', available at <http://www.korrespondent.net>, accessed 30 April 2002.
37. Rustow, 'Transitions to Democracy', p.352.
38. For complete election results, see <http://www.electionguide.org/results.phd?ID=417>, accessed 7 Feb. 2007.
39. Linz, *The Breakdown of Democratic Regimes*, p.87.
40. Grzegorz Ekiert, *The State Against Society: Political Crises and Their Aftermath in East Central Europe* (Princeton, NJ: Princeton University Press, 1996), p.339, n.56.
41. Ibid., p.28.
42. Ibid.
43. RFE/RL interview, 4 April 2001.
44. 'Kuchma predlozhil pereiti k parlamentsko-prezidentskoi sisteme', available at <http://www.korrespondent.net>, accessed 25 Aug. 2002.
45. Ibid.
46. 'Ukraintsy ne podderzhyvayut deistviya Prezidenta', available at <http://www.korrespondent.net>, accessed 30 Sept. 2002.
47. Rustow, 'Transitions to Democracy'.
48. 'V aktsii "Povstan', Ukraino!" namereny uchavstvovat' 12 pertsent ukraintsev', available at <http://www.korrespondent.net>, accessed 4 March 2003.
49. *Sotsiopolis*, April 2003.
50. Ibid.
51. 'Kuchma obratilsya k narodu po sluchayu Dnya Nezavisimosti', available at <http://www.korrespondent.net>, accessed 23 Aug. 2003.
52. Author's interview with Oleksandr Moroz, 23 May 2004.
53. Ekiert, *The State Against Society*, p.314.
54. On the significance of the perception of a power balance between actors for democratic transition, see Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin* (Ithaca, NY: Cornell University Press, 2001).
55. Fish, *Democracy from Scratch*, p.61.
56. Ibid.
57. Viktor Yushchenko's speech on Spivoche Pole, Kyiv, 4 July 2004, available at <http://ww2.yuschenko.com.ua/ukr/Press_centre/168/846>, accessed 7 Feb. 2007.
58. Viktor Yushchenko's speech on European Square, Kyiv, 18 Sept. 2004, available at <http://ww2.yuschenko.com.ua/ukr/present/174/1150>, accessed 7 Feb. 2007.
59. 'Kuchma schitaet, chto ukraintsy nichego ne khotyat izmenit' v svoei strane', available at <http://www.korrespondent.net>, accessed 23 Aug. 2004.
60. 'Kuchma zayavil, chto revolyutsii ne budet', available at

<http://www.korrespondent.net>, accessed 21 Nov. 2004.

61. Tatiana Silina, Serhiy Rahmanin and Olga Dmitricheva, 'Anatomiya dushi Maidanu', *Dzerkalo Tyzhnya*, No.50, 11–17 Dec. 2004.
62. Ibid.
63. Ibid.
64. Dogan and Higley (eds.), *Elites, Crises, and the Origins of Regimes*, p.55.
65. On the essence of elite pacts, see O'Donnell and Schmitter, *Transitions from Authoritarian Rule*, p.37.
66. Rustow, 'Transitions to Democracy', p.355.
67. Dogan and Higley, *Elites, Crises, and the Origins of Regimes*, pp.55–6.
68. Rustow, 'Transitions to Democracy', p.356.
69. 'Druhyi kruhlyi stil pid chas revoliutsii', *Ukrains'ka Pravda*, 9 March 2005.
70. Ibid.
71. 'Uchastniki kruglogo stola prinyali sovmestnoe zayavlenie', available at <http://www.korrespondent.net>, accessed 1 Dec. 2004.
72. 'Peregovory po uregulirovaniyu politicheskogo krizisa v Ukraine zakonchilis' neudachno', available at <http://www.korrespondent.net>, accessed 7 Dec. 2004.
73. For procedural reasons, the draft law with constitutional changes was registered as 4180, although it was in essence identical to 4105, which had failed in April.
74. Silina *et al.*, 'Anatomiya dushi Maidanu'.
75. Ibid.
76. The elite pact has been rumoured to contain a secret provision giving Kuchma a guarantee of immunity from criminal prosecution. Although Yushchenko denied this, his decision to retain Sviatoslav Piskun, Kuchma's appointee, as prosecutor-general fuelled further suspicions regarding his unofficial commitments to the ex-president.
77. Rustow, 'Transitions to Democracy', p.356.
78. McFaul, *Russia's Unfinished Revolution*, p.19.

Patriotism, Order and Articulations of the Nation in Kyiv High Schools Before and After the Orange Revolution

ANNA FOURNIER

Some scholars have argued that the Orange Revolution was made possible by the rise, in the years following independence, of Ukrainian national consciousness.[1] I argue instead that in the Kyiv region prior to the revolution, the nation was usually articulated in terms of culture and folklore rather than in political terms. My proposition is that the meanings surrounding the concept of 'nation' changed with the onset of the revolution. The specific practices of community and solidarity found on Independence Square allowed the nation to become relevant to broader struggles, thereby re-politicizing it. Thus, I suggest that we see the nation in its politicized form as an *effect* rather than a cause of the Orange Revolution.

My goal is to offer an anthropological analysis of citizenship education in the era of the Orange Revolution. The first section of the study deals with the entanglement of 'patriotism' and 'order' found in state discourse both inside and outside the school context, arguing that this entanglement contributed to a definition of the nation as cultural and apolitical. The second section illustrates how, by challenging the equation 'patriotism equals order', the revolution allowed for new configurations of community and national belonging to arise.

This article is based on 14 months of ethnographic fieldwork in Ukraine conducted in 2004–5, and other field trips in 1998 and 2003. I worked in several schools of the Kyiv region, including public, private, semi-private and village schools, with pupils aged 14 to 17.

Citizenship, Order, and the 'Real' Patriot in Pre-Revolution Ukraine

The former president of Ukraine, Leonid Kuchma, stated in his 2004 Motherland Defenders' Day speech: 'The real patriotism of our time is in safeguarding the public order established by our independence and by the historical wisdom of Ukrainians. That is what it really means to be a modern patriot'.[2] Why would 'order' and its maintenance become the central element of 'real' Ukrainian patriotism? This section traces the discourses and practices surrounding the concept of order (*poriadok*) to show how the latter became entangled with Ukrainian citizenship and national belonging in the few years preceding the Orange Revolution.

During my field trips to Ukraine in 1998, but especially in 2003–4, people often commented on what they perceived as 'disorder' in the country. People, young and old, referred to their country as a mess (*bardak*) or a nuthouse (*durdom*), and engaged with the teleological discourses of transition by stating such things as 'We are going backwards'. A student's parent once remarked to me while driving in Kyiv:

> Look at how people drive! There is total chaos on the road, nobody respects traffic law, everybody does as they want, with no regard for others. I'm telling you, we're going toward this [making the motion of playing a drum with her hands], in the direction of the wild people. Although it seems to me there was more order then, you know, shortly after the appearance of man on earth (8 September 2004).

For others, comments on disorder veered into a nostalgic discourse about the structure and order of Soviet life. Svetlana, a high-school teacher in her sixties, found it difficult to deal with the number of people and chaos in the Metro:

> People are so undisciplined now. I remember in Andropov's time, there was no one on the streets during the day, no one crowding public transportation, everyone was working. It was so nice. Once, I was done with teaching early, around three o'clock in the afternoon, and I stopped by the food store. A policeman grabbed me by the wrist and asked me: 'Why aren't you at work?', and I had to show my documents and explain myself. But still – what *order* there was then [*takyi poriadok buv todi*]! (25 April 2004)

State authorities' practices only confirmed people's perception of society and of themselves as disorderly. This was so because police presence was always most conspicuous around the president and his entourage, suggesting that the government (*vlada*) needed to be protected from its own, potentially dangerous, people. For example, citizens became spectators of performances such as the president's journey to and from his suburban residence. I found myself caught in this 'suspension in time' on several occasions. While driving one's car or riding public transport along the road leading to the presidential

residence, one would first encounter traffic police officers standing at regular intervals along the highway. Then, an officer would stop one's vehicle and ask one to pull off the road and wait. Arguing at this point would only arouse suspicion and lead to a search of the car. (A female friend of mine once confronted police: 'What do you think, that I have a machine gun in there?' – 'We don't know that' was the solemn answer.) Once all the vehicles were safely stopped on the side of the road and after a wait of perhaps 30 minutes or so, a police car would come through with sirens blaring. Some time later, a few black cars (one presumably containing the president) followed at full speed, with flashing lights. More police cars would then end the procession. The traffic police would block the road for a further 20 minutes or so, and then let traffic resume. Although many people were used to this kind of 'cortege' (*kortezh*) from Soviet times, they considered it a real nuisance. Many saw it as a performance bordering on the ridiculous and inspired by paranoia. I also witnessed the clearly excessive police presence around the location of a so-called 'Democratic Forum' called by President Kuchma in the spring of 2004. Because the president himself was attending, roads had been closed and traffic re-routed. Cordons of police officers made sure that no one could approach the building on foot in a radius of 400 metres. The nearest Metro station had entrances blocked to deal with sudden 'repairs', and inside the station special forces poorly disguised as civilians lined the walls. This led an informant of mine to comment: 'What kind of "democracy" if the police are there to oppress the people, and not to protect them?'

A few months before the 2004 presidential elections, the authorities increased police surveillance, referring to concerns about terrorism. This entailed an increase in police presence and surveillance cameras, especially on the Metro. Many people believed this to be a good thing, claiming that, with Ukraine's participation in the Iraq war, they felt more vulnerable to terrorist attacks. But the sense that the authorities' surveillance was aimed at their own people was not lost on everyone. A friend asked: 'What are they [the authorities] so afraid of?' 'Of terrorists, apparently', I suggested. He directed an incredulous look at me: '*What* terrorists? They're making this up!'

However, surveillance is a powerful point of contact between people and state. The state practices recounted above sent a message to citizens to the effect that they are inherently disorderly, and therefore need the state to protect them, above all from *their own* chaos. Citizens' internalization of this message led to statements such as the one by a teacher in her late sixties, Vira. Lamenting Ukrainian people's disregard for the law, she said in class: 'We need a policeman for each person in this country'. 'What for?', I asked, and received the response: 'To make sure people respect and obey the law'. This perception of people as disorderly extended to politics as well. An eleventh-grade student expressed scepticism regarding the Ukrainian people's ability to adopt democracy:

> I don't think that democracy is for us. Our people need someone

> strong to tell them what to do. The Supreme Council [*Verkhovna Rada*] can never reach an agreement, everyone wants his own thing, and they even fight physically in parliament. It's our mentality: we need one person to tell us: 'This is what you must do!'

These two statements point to people's sense that order is something that must come from 'above' – from the state – because people are by nature incapable of self-regulation or self-discipline.

President Kuchma's speech, in which he articulated his vision of 'real patriotism', was once again a message to citizens about the need for them to be 'orderly'. In pointing to the 'historical wisdom' of the Ukrainian people as a guarantor of the maintenance of order, the president referred indirectly to a set of features attributed by the authorities to the people and internalized by the latter to some extent. For example, the authorities often portrayed the Ukrainian people as 'patient' (*terpliachyi*), or willing to bear or endure a lot, perhaps hoping to delay any active opposition to the abuses of the state. Ukrainians were also characterized as a 'peace-loving' nation. Although this characteristic is in itself positive, the love for peace was often a way of driving home the fact that order and political stability are, or at least should be, the supreme values in society. The way in which the state articulated these attributes both as 'models of' and 'models for' Ukrainian society shaped the contours of citizenship and the repertoire of possible agency for the patriotic Ukrainian.

The focus on order extended to the kind of national belonging promoted by the state. With the convergence of nation and state after the collapse of the Soviet Union, the expectation among scholars of the region was that 'nationalism' would lose its negative aura and become the dominant link between people and state. However, I would argue that state practices prior to the Orange Revolution resembled those of the Soviet state towards the Soviet Ukrainian republic, in that 'nationalism' (even of one's own people) continued to be construed as a major threat to the state and its stability. Throughout his presidency, Kuchma repeatedly stated that nationalism is 'bad', articulating it as a major threat to peace and order. The presidential candidate Victor Yanukovych also treated nationalism as a dirty word, blaming 'young nationalists' for his encounter with an egg thrown at him, and claiming in response to western Ukrainians' active opposition to his political programme that 'Nationalism is a disease'.[3] I am not suggesting that this is a unique way of characterizing nationalism. In many Western societies, patriotism is considered 'good' while nationalism is seen as at least problematic, if not bad. The point here is the way in which the Ukrainian authorities subsumed any act of popular dissent under this category. Indeed, during the presidential campaign of 2004, the term 'nationalists' as used by Kuchma and his government referred to people who were nationally conscious and *willing to act* on their nationalism, using it as grounds for *political* action, potentially against the authorities themselves. This stands in stark contrast to the peace-

loving and predictable patriotism championed by the state. Repeatedly during the 2004 presidential campaign I heard Yanukovych supporters refer to PORA (or 'It's Time', the group that initiated the demonstrations leading to the Orange Revolution) as 'nationalists' and 'terrorists' who wish to 'destroy the country and lead us to civil war'. In fact, the 'nationalist' was presented as the opposite of the 'patriot'. While the patriot was located *within* the state and the law, the 'nationalist' stood *outside* and *against* the state and the law.

Thus nationalism identified – as had bourgeois nationalism during the Soviet period – the possibility of transgression. Kasianov defines 'Ukrainian bourgeois nationalism' as 'any kind of show of national consciousness, cultural, ideological, or political tendencies which did not coincide with state ideology on the nationality question and could … threaten [the state's] rule or become the basis for separatist tendencies'.[4] Interestingly, despite the correspondence of nation and state brought about by Ukrainian independence, nationalism was still being construed as a threat to state power.

How did the state authorities define the 'nation within the state and law'? It was reproduced as a highly folkloristic 'national culture' reminiscent of the 'soviet Ukrainian nationality'. In fact, while 'national in form', it was devoid of political content. A benign culture such as this surely would not become grounds for challenging state power. This culture was disseminated through concerts on national television, holidays, historical monuments, state calendars and the like. A good example of it is found in the spatial organization of Independence Square after the renovations of 2002, and the assemblage of somewhat unrelated characters found there, be they Cossacks, archangels, or female figures in traditional Ukrainian dress. Like the Soviet Ukrainian national culture before it, it is 'national in form', but without substance. It is what a professor of philology from Kyiv referred to as national culture 'without teeth' (*bez zubiv*).

Not only was the national culture to pose no threat to state, but its specific articulation was also to legitimate state power. Verdery argues that the nation names the relationship between people and state.[5] Thus, the articulation of the nation sets the tone for a specific kind of citizenship. State-defined national culture depicted the Ukrainian people as in need of state protection. It is significant that the metaphors for the relationship between nation and state advanced by the authorities usually carried a characteristic of gender: the nation was depicted as a woman, and the state as a man. For example, state-produced Ukrainian national culture became epitomized in the programming of the first television channel (UT-1, a government channel), whether in concerts broadcast there, in documentaries about the history of Ukraine, or in Ukrainian 'patriotic segments' between programmes. Repeatedly, Ukraine was construed metaphorically as a female 'victim' of its history, whether as a wronged or raped woman, or as an old destitute woman in need of being rescued. With Ukrainian independence, the nation had finally acquired in the state a 'landlord'

or ‘owner’ (*hospodar*). But the state was also presented as a protector in other ways. During my visits to Ukraine, the traffic police (DAI) were perhaps the most visible representatives of the state. In the autumn of 2004, the news media focused on several stories in which these police (depicted as benevolent representatives of the state) had helped women give birth on the road. These reports emphasized a relationship in which the state helped to ‘give birth to the nation’ in some way, providing a sharp contrast to people’s perception of DAI as corrupt, bribe-loving ‘bandits in uniform’ (*bandyty u formi*). A striking metaphor for the relationship between state and nation was revealed on a huge billboard overlooking the highway. The billboard (presumably an advertisement for DAI) portrays a smiling uniformed police officer with his arm around a smiling young girl of about six dressed up in the traditional embroidered shirt and wearing a flower wreath; in the background stand the bell towers of the ancient monastery of Pechers’ka Lavra. The caption reads: ‘The safety of the people is the highest law!’ (*Bezpeka narodu, nayvyshchyi zakon!*). In this case, the adult uniformed man represents the state, while the small girl in national costume, presumably in need of protection, represents the nation. The relationship of paternalism here is obvious, as is the infantilization of the nation.

This complex of meanings surrounding the nation was to a large extent challenged by the Orange Revolution. Significantly, Ukrainian citizens rose against the government (*vlada*), the scenario most feared by the latter. The tame, folklore-influenced national culture promoted by the state was also exposed. In a popular revolutionary song by the western Ukrainian group Tartak, the words describe Ukraine under Kuchma thus: ‘We gained a state and lost the nation’ (*Zdobuly derzhavu, vtratyly natsiiu*). The song rejects the meaningless cultural forms that circulate in society – ‘“Language of the guelder-rose” … “song of the nightingale” … a little more chatter and Ukraine will be annihilated’ (‘*Mova kalynova’ … ‘pisnia solov’ina’ … shche trokhy pobalakaiemo – znykne Ukraina!*) – and affirms the need for Ukrainian heroes ‘without embroidered shirts or Cossack pants’ (*bez vyshyvanky ta bez sharovariv*).

Citizenship Education between the ‘Cynic’ and the ‘Patriot’

To what extent did the school as an instrument of socialization reproduce the constructs advanced by the state authorities, and how were these constructs challenged? Citizenship education relates to what schoolchildren are taught about their nation and their state in courses such as civics, history, geography, folklore, Ukrainian language and literature, and the patriotic education component of the military preparedness course. Children learn about their rights and duties as citizens, about democracy, about Ukrainian traditions, and so on. The question is, what kind of patriots do the discourses and practices in the school context produce?

Several teachers explained that schools focus on 'national culture' rather than nationalism. On a school trip to L'viv with a teacher of Ukrainian literature and her class in the summer of 2003, we were talking about national culture and nationalism, and I asked her to explain the difference to me. She stated that national culture has to do with 'the wisdom of our people, our traditions, our way of doing things'. She was unable to define nationalism for me and said she would have to think about it. Later in the day, we were going through a L'viv underpass when some graffiti caught my attention. One read: 'Death to Russians!' (*Smert' Moskaliam!*), while another read 'Heil Hitler!' and had a swastika beside it. The teacher turned to me triumphantly: 'Oh, now this, Anna, *this* is nationalism!' She went on: 'You see, nationalism is like chauvinism, like imperialism'. In an interview with the principal of a private school in which I worked, nationalism was also posed as something inherently negative. When I expressed an interest in patriotic education, the principal immediately told me that in Ukraine they had a different view from that found in America. 'You cannot force students to be patriotic', he claimed. 'That amounts to *nationalism*. There has been enough bloodshed in our country's history: the last thing we need is nationalism!' On another occasion, this same principal, who decided to devote a classroom in the school to a display of Ukrainian culture – including a *bandura* (a musical instrument), an embroidered towel, and a bust of Shevchenko, the national poet – justified himself in front of other teachers and administrators by claiming: 'I'm not a nationalist, but I'm for my country' (Ya *ne natsionalist, ale ya za svoiu krainu*). Nationalism was something educators constantly felt the need to define themselves against. Because nationalism was associated with hateful action against others, and seen as a threat to peace and order, it was unthinkable to most (at least in the Kyiv region) to have a citizenship curriculum based on it.

Even in textbooks, nationalism could be taboo. A civics textbook for ninth-year pupils, *We Are Ukrainian Citizens* (*My – Hromadiany Ukrainy*), contains a chapter entitled 'What is patriotism', in which three key words are defined: patriotism, chauvinism and cosmopolitanism. There is no mention of the word nationalism anywhere in this chapter, even though nationalism is probably the most contested of the terms.

Pupils themselves were unsure of how they should stand towards nationalism. Teachers of Ukrainian language routinely reprimanded them for not speaking Ukrainian among themselves in school (they speak Russian instead). However, some pupils confided in me that they do not speak Ukrainian in school for fear of appearing 'too nationalistic' to others. When I raised the issue of patriotism and nationalism in a group discussion with eleventh-grade children, opinions differed over how to differentiate the two. One student explained the terms thus: 'Nationalism is to love only your nation and hate all other nations, while patriotism is to love your country, to love

everything in your country. Nationalism is to hate nations that live in your country'. His class-mate intervened: 'But that's *fascism!* That's nazism, not nationalism', to which another pupil added: 'No, nationalism means that people should respect other nations, but have their own idea, and be as one community'. One pupil suggested that 'nationalism became a bad word, but at first it was a good word, like patriotism'. Most agreed that 'Patriotism is something that is not aggressive: people just love their country and enjoy their lives'.

There were very few opportunities to debate these issues in school. Instead, teachers focused on teaching the children 'facts' about their national culture. In consequence, both the content and the style of citizenship education in schools promote a domesticated Ukrainian patriotism associated with the concepts of order, obedience and spectatorship. This focus discourages national self-assertiveness, initiative, and active participation. In fact, too active a patriot might fall into the category of 'nationalist': a person seen as prone to excess and violence.

The patriot was typically defined in sentimental terms as one who loves his or her nation and state. The nation became a sentimental basis for obedience and compliance. In fact, the concept of Ukrainian patriotism as tied to soul and interiority discouraged the expression of national self-assertiveness. Over and over in the classroom, patriotism was posited as something in the soul or the heart. While lecturing on a poem in the Ukrainian literature class, a teacher stated: 'It's a soulful [*dukhovnobahata*] person who can appreciate nature like this poet, a patriotic person [*liudyna patriot*]. Someone who goes screaming around about their national identity, that's not a patriot'. A Ukrainian history teacher once told me that national identity is something that lives within you and that should not be expressed to others. She said, referring to a Russian colleague of hers who had stated how much she loved Russia, 'Why do you need to talk about it? You have to *feel* it and that's it'.

The style of teaching also limited pupils' range of possible agency and contributed to making the 'patriot' into a passive subject. This is so because the infantilization of pupils constituted a major element of the pedagogy. Although the schoolchildren I worked with were teenagers, teachers and administrators often addressed them as small children who should listen and obey. Pupils from grades one to eleven were referred to as *dity* (children). Frequent statements by teachers were variations on the theme: 'You're too little to have an opinion [*vy zamali maty svoiu dumku*]'. Pupils internalized this to a certain extent, so that they might say of themselves, 'We are too little to do [such and such]', or an eleventh-year pupil about to graduate and enter university might write in a composition: 'When I grow up, I want to be [such and such]'. The general infantilization of pupils had a significant impact on the way in which citizenship education was conducted. In fact, both child and patriot were posed as subjects who must repeat without questioning.

Repetition constitutes a large part of the Ukrainian pedagogical endeavour. It includes the *recitation* in class of literary works that comprise the essence of the Ukrainian literature class, and the memorization, narration and paraphrase (*perekaz*) of studied texts. It also includes repeated visual exposure to various Ukrainian cultural icons such as Taras Shevchenko, or Oleksandr Dovzhenko, who are presented as ideals to be followed. Repetition was also present in the ritualization of bodily gestures that signify respect for one's country. For example, most teachers are of the opinion that students must be constantly reminded of their culture, lest they 'forget what is theirs', and must repeat certain gestures (for example, hand on one's heart during the national anthem) until, 'whether you want it or not, you do it'.

The emphasis on repetition as a form of discipline appears to replace, or at least discourage, pupils' articulation of opinions about the material taught. Students were perceived as 'too young to really understand things', and therefore too young to doubt. Discussion in class was extremely rare. Therefore, students usually voiced their disagreement with the citizenship education material through isolated interjections, or jokes among themselves, during the lesson. Alternatively, expressions of dissent might be found scribbled on desks or walls, such as *Mazepa lokh* (Mazepa is an idiot, or a stupid peasant). Mazepa joined with Sweden to wage war on the Muscovites in 1709. The Soviet authorities always referred to him as a traitor, but in the new Ukrainian pedagogy he has been reconfigured as a Ukrainian patriot. A history teacher who happened to read the inscription *Mazepa lokh* on his wall said to his class, 'No, Mazepa is a *hero*' – not because he was necessarily sympathetic towards Mazepa, but because Mazepa is presented in textbooks as a hero, and children must learn and repeat what is in the book: in fact, their academic success depends on it. Teachers often saw 'deviation from the text' or differences in opinion as threatening to their authority. In one instance, a pupil was permanently expelled from the class for mumbling during the history lesson that Mazepa was a traitor. In another instance, a tenth-year student expressing a view different from that of the teacher in a foreign literature class was reprimanded thus: 'The teacher is always right, and in case you forget this, remember the first rule: The teacher is always right'. Some of the teachers were liberal, and were keen on communicating their ideas to their charges. However, the form in which these ideas were imparted was that of a lecture, in which pupils passively sat and listened. In one instance, the Ukrainian language teacher simply ended by saying: 'Well, anyway, you'll understand [the Little Russian complex] when you're older', which was intimidating and certainly not conducive to discussion or disagreement.

In addition, good patriots must love their country unconditionally. A recurrent theme in pedagogy is the idea that 'We must love our country no matter what'. Teachers praised great Ukrainians who could

love their country with all its faults, embracing or finding beauty even its negative elements. As a history teacher put it, 'We have what we have, and let's honour what we have' (*Maiemo shcho maiemo, i shanuiemo shcho maiemo*). On one occasion, in a ninth-year civics class, the teacher was explaining what it means to be 'equal under the law', stating that a member of parliament cannot prevent his murderous son from going to jail; the class screamed: 'But that's what they do!' And about the presumption of innocence, students said, 'Why do we need that? You just have to pay the court and you'll be found innocent. Everything can be solved with your wallet'. To this the teacher responded angrily: 'You're so cynical!' 'Cynicism' is the word many teachers of the Soviet generation use to describe schoolchildren's unwillingness to focus on 'what is beautiful and good about our country'. In fact, in teachers' discourse, the 'cynic' is the opposite of the patriot. Cynicism is also perceived as very 'un-childlike'. So we might say that teachers were disappointed in pupils' performance as children, and, by extension, in their performance as patriots.

The incidents I have just related illustrate the way in which the patriot and the child are produced as subjects who must repeat what they are taught, think as they are told to, and not question things. The school is a specific kind of institution, and thus cannot be posed simply as a microcosm of the state. However, the kind of national culture articulated there seemed to serve the same purpose as the one articulated at the state level, namely to instil in citizens (or citizens-in-the-making), respect for and obedience to authority.

Students' Response

School students know very well what is expected of them and are masters in the art of performing the required patriotism. In fact, there is a specific form linked with compliance, one that seems to mirror repetition as a form and discipline. The performance of compliance is evident in a certain tone of voice, and takes the form of recitation, whereby the answer to a teacher's question (for example, 'Why is it important to speak your national language?') is almost sung, without breathing pauses. Teachers (especially the older generation, trained in the Soviet educational system) are generally satisfied with these enthusiastic and sentimental performances, and may praise them as patriotic. However, what I would call the recitation mode is such that it always borders on parody. On one occasion, the Ukrainian history teacher asked one of her pupils: 'And *why* was Ukraine's territory divided among various empires?' The answer given was: 'Because our land is so beautiful and so rich and everybody always wanted to steal from us'. The answer and the tone seemed so overdone that the teacher responded mockingly, 'Oh, Natalka, what a patriot you are!' On another occasion, in a ninth-year civics class dealing with the Law on Ukrainian Citizenship, the teacher tested a pupil's knowledge thus:

- Misha, do you have the right to be a Ukrainian citizen?
- Yes.
- Why?
- I have Cossack blood! [U *mene kozats'ka krov!*]
- What kind of Cossack blood, if for example you're Jewish? Tell me the *law* about citizenship. The law says *one of your parents must be a Ukrainian citizen*!

But while pupils were eager to feed their teachers the cultural stereotypes they had been taught, evidence appeared that pupils also internalized some aspects of the patriotism taught in school. For example, one explained patriotism to me and to her classmates thus: 'If you have a brother or a sister, you love him or her whether or not they are pretty, right? It's the same with the country: people should love their country whether it is rich or poor – that should not matter. You should love it like you love your family'. In this case, the pupil was improvising on the theme of patriotism as 'unconditional love'.

They also used every opportunity for straightforward rejection of the stereotyped Ukrainian culture constructed for them. In fact, schoolchildren challenge – or perhaps not so much challenge as constantly dislodge, displace and hybridize – the identities produced for them in the school context. Since class discussions were extremely rare, and teachers did not usually receive formal criticism very well, pupils usually challenged the content of citizenship education through isolated comments and 'cynical remarks' in class. On one occasion, a Ukrainian language teacher was reading a dictation to her pupils, entitled 'Return to Childhood'. The heavily stereotyped narrative of the elderly man returning to his native village and admiring flowers and butterflies was too much to bear for one schoolboy. He finally burst out: 'This text sounds like a Poplavski song!' (Poplavski is a Ukrainian singer whose lyrics students considered 'cheap' and 'silly').

Very often 'resistance' is expressed in other ways, particularly through the de-centring of Ukrainian culture by the use of Russian elements. For example, students routinely correct each other's Ukrainian grammar *in Russian* during the Ukrainian language class. They might also answer the teacher's questions in Russian. For example, in the history class, a teacher asked: 'And what large entity was Ukraine a part of in the twentieth century?' And students answered '*sovetskii soyuz*!' (the Soviet Union, in Russian), and the teacher corrected them, annoyed: 'Radianskyi *soiuz*!' (The Soviet Union, in Ukrainian). Teachers lectured students on the Little Russian complex and attempted to drive home the message that Ukraine cannot exist without the Ukrainian language. On one occasion in the geography course, the teacher asked her students: 'And what is the largest ethnic group in Ukraine?', to which most pupils said: 'Russians!' The teacher replied: 'What is the matter with you? The largest ethnic group in Ukraine is Ukrainians! I'm ashamed'. Teachers often referred to their pupils not only as 'cynics', but also as 'cosmopolitan', another opposite of 'patriot'.

The fact that schoolchildren seemed constantly oriented towards Russia does not mean that they are 'pro-Russia' in any way. In the Kyiv region they have a high tolerance for Ukrainian-Russian cultural hybridity, as suggested by everyday practices such as speaking Russian (in a version heavily influenced by Ukrainian) among themselves, and consuming pop culture and various material goods from Russia. However, when political issues such as dual citizenship, two official languages and an economic union with Russia surfaced during the 2004 presidential campaign, it became obvious that most young people felt that these propositions would not be in Ukraine's interests. Statements such as the following were commonplace: 'We don't need Russia'; 'We want to have our *own* language, and only our own, as a state language'; 'We don't want to be citizens of a country [Russia] that is at war [with Chechnya]'. Only a small minority thought that an economic union with Russia would be beneficial to Ukraine.

It appears that pupils' references to Russia were, on the one hand, a conscious strategy for annoying their teachers (especially the teachers of Ukrainian), and, on the other hand, a way they found to escape from the narrowness of the Ukrainian culture taught in schools. I once asked a group of schoolchildren to define Ukrainian culture. They all started laughing. They then began reciting a list: 'Bread and salt', 'lard [salo]', 'embroidered shirts [vyshyvanky]' and so on. One added mockingly: 'Taras Shevchenko: we're proud of him'. Instead of associating themselves with these 'silly' elements, pupils preferred to locate themselves differently by bringing in elements of what they considered to be the less 'local' Russian culture. Thus, while irritating their teachers with elements of Russian-ness, they were also provoking a dialogue about identity by bringing in an alternative form of belonging. Both pupils' exposure to the Russian media, and the fact that they tended to consume Western products brought through Russia and advertised in the Russian language, contributed to making Russia seem more 'global', and therefore more appealing to them. This worked against Ukrainian culture by posing it as marginal to the world in some respects.

The Orange Revolution and its Impact

The Orange Revolution did much to reconfigure notions of 'order', and therefore of citizenship and national belonging. While state discourses and practices tended to present the Ukrainian people as disorderly, in the months leading up to the revolution, a large portion of the population began to point to the authorities themselves as the cause of disorder in the country. The metaphor of the 'bandit state' became a powerful expression of this shift. While the ordinary people (*prosti liudy*) were working, the *vlada* was stealing, pillaging the nation. It became clear that relations of power between people and government were being recast when protesters interviewed by

television reporters on Maidan (Independence Square) began addressing their leaders (Kuchma and his people) as *'ty'* (or the informal, less polite version of 'you'), making demands of them and instructing them on the course of action to take. Suddenly, a reversal had occurred whereby ordinary citizens were the ones 'interpellating' the government, including its representatives in the police and the army. This was also in sharp contrast with previous discursive practices, in which the authorities were talked about in the third person, as 'they' or 'them'. While people continued to make use of stereotypes about themselves, these attributes changed meanings when dissociated from state ideology. Thus, people could claim: 'We are patient [*terpliachi*]; we will stay on Maidan until we get the president we elected', or 'We are peace-loving: we don't want the authorities to spill the blood of the people'. In addition, the government's message that its citizens are 'disorderly' was proved wrong by the discipline and self-regulation shown by the thousands of protesters on Maidan.

As everywhere else in the country, classroom life during the presidential campaign and ensuing revolution became highly politicized, with pupils arguing with one another, chanting political slogans, waving flags (mostly orange), and trying to reproduce the atmosphere of political rallies during class time, to the exasperation of their teachers. They were fond of bringing back the streets into the school, chanting slogans, or screaming in unison: 'Yu-shchen-ko!' This exasperated teachers, who reprimanded them: *'Vy ne pryyikhaly na mitinh! Vy na urotsi!'* (You are at a lesson, not a political gathering!). A pupil in the tenth year recounted how during the revolution, 'we were told in school that we shouldn't go to Maidan. The principal said, "You don't have your own opinion. You're too young"'. In another school, the principal attempted to forbid children from singing the revolution theme song, *'Razom nas bahato'* (Together we are many), but the children sang it anyway, scribbling *TAK, Yushchenko!* on desks and walls, exchanging Yushchenko stickers and pens, crafting their own Yushchenko daily calendars (*shchodennyky*); and vandalizing Yanukovych flyers and posters. In fact, the revolution inspired schoolchildren to plot the overthrow of their 'unfair' (*nespravedlyvi*) principals. Part of the plan was to tape secretly evidence of what they considered the principal's abuses of power, and present this to the district administration to make a case that the principal should be removed. However, this idea failed because they were still afraid that they might not be successful in their efforts, and that the principal's revenge would be terrible. Nevertheless, the revolution gave school pupils a clear message about the impact of collective action on established authority, so that they often told me: 'Now we know that, together, we can achieve whatever we want'.

Because the revolution reconfigured the notion of 'order', it also reconfigured the notion of 'patriotism'. Patriotism suddenly became disentangled from its state-produced definition (including the one

encountered in schools), and therefore lost all connotations of compliance and obedience. In fact, the new patriotism produced on Independence Square was one that arose *against* the authorities, and against the latter's assumption that Ukrainian citizens would remain simple spectators of the political process.

What role did the concept of nation play in this new articulation of patriotism? Orange politicians were careful not to associate the revolution with 'nationalism'. In his numerous speeches on Independence Square, Yushchenko used the expressions 'Ukrainian people [*narod*]' and 'Ukrainian nation [natsia]', but refrained from using the word 'nationalism'. Yet the concept of nation was no longer articulated within the confines of state ideology: it was arising instead from a space (symbolized by Maidan) outside the 'order' established by the state. Thus the nation became articulated and performed in novel ways. The tent city became a microcosm of the nation, with people from every region of Ukraine coexisting in the same space. The graffiti around Independence Square, including those on the central post office's columns, listed the names of protesters' home towns, from the largest provinces to the smallest villages. Banners defied the division of eastern and western Ukraine along historical or political lines, proclaiming: 'East and West Together' (*Skhid i zakhid razom*). The 'imagined community', to use Anderson's formulation[6] no longer needed to be imagined, as people from various parts of Ukraine came face to face with one another, lived together, and bonded through various acts of kindness and selflessness. Social barriers seemed to dissolve as young punks helped the elderly, the wealthy donated huge sums of money to support the protest, and politicians mingled with the crowd. New forms of socialization on Maidan seemed to produce in people a sense of recognition of one another as equals, and as Ukrainians.

During the Orange Revolution, many schoolchildren (especially those who spent time on Independence Square), claimed that Ukrainian symbols such as the flag and the anthem, previously taken for granted or viewed as pure forms, had become *meaningful* to them. Some claimed that patriotism, a feeling that 'had always been inside' them, had suddenly become manifest on Independence Square, producing a state of 'total national consciousness' and a 'profound feeling of pride'. It is probable that such intense sentiment was made possible because these young people no longer felt 'compelled' to be patriotic, as they did in the school context. On Maidan, they experienced the spontaneous (unchoreographed) expression of solidarity and community. This was a unique opportunity for some of them to experience what national consciousness 'issuing from the people' might feel like. In addition, although Independence Square became itself a site of national pedagogy (for example, many pupils claim to have learned the national anthem there), it was one with an immediacy to it and an intensity that the school lacked. Indeed, the revolution was a 'total' experience for schoolchildren: solidarity was

felt *bodily* (in the sheer number of people present), brotherhood was felt daily in various small acts of kindness, and emotion became shared and genuine rather than staged. Crucially, the nation became a source of pride, endurance, and political action. One school pupil recounts:

> We were afraid for all people on Maidan, because we are a big family, I think, and we were afraid of blood on Maidan, because we came with peace in our heart, like Yushchenko. He showed in a peaceful way how to change something, and how to make things better in our country without the use of weapons. As in the song *Razom nas bahato* [Together We Are Many], he showed the power of our country, the power of our people, and the power of our *nation*, that we are all Ukrainians.

No longer was Ukrainian-ness associated exclusively with the local or village culture. One pupil said to me proudly: 'Now, we Ukrainians are *people* in the world'. An animated discussion with a group of tenth-year pupils shortly after the revolution revealed new-found feelings of pride in Ukraine. One stated: 'Ukraine has become famous!', with which all the others agreed. 'We are not famous only for Chernobyl and the bad things, for Kuchma – we are famous for Ruslana, Eurovision, and our revolution, our democratic revolution!' Another added: 'Now, all over the world, people protest and wear orange scarves. Orange has become the colour of democracy, of people's hopes, of love, of peace'. Her classmate agreed: 'I think revolution is such a powerful way to bring about change. It can be an example for other countries, even Kazakhstan, and it is *our* way, of peace, freedom and change'.

Conclusion

Despite the important ways in which protesters on Maidan challenged state articulations of the nation, the concept of 'nationalism' itself did not undergo radical change. In fact, while riding the Metro in Kyiv in April 2005, I noticed a small sticker on the wall, a message from UNA (Ukrainian National Assembly). It read: 'You were on Maidan? You defended your nation? And you think you're not a nationalist?' (Ty *buv na Maidani? Ty zakhyshchav svoiu natsiiu? To khiba ty ne natsionalist?*). Yet most of the people I interviewed, including schoolchildren, resisted the association of nationalism with the revolution. The protesters on Maidan were *patriots*, they claimed. The revolution had filled patriotism with new content, so that it was no longer associated with passivity, predictability and order. For a brief instant at least, Ukrainian citizens had a chance to break the web of meanings constructed by the authorities, and come together as a political community to fight a government that had in many ways 'turned against the people'. It remains to be seen what long-term effects this experience will have on the sense of national belonging and political agency of Ukrainians.

Notes

1. See, for example, Dominique Arel, 'The "Orange Revolution": Analysis and Implications of the 2004 Presidential Election in Ukraine', Third Annual Stasiuk-Cambridge Lecture on Contemporary Ukraine, Cambridge University, 25 Feb. 2005, available at <http://www.uottawa.ca/academic/grad-etudesup/ukr/pdf/Arel_Cambridge.pdf>, accessed 2 June 2005; see also Taras Kuzio, 'Everyday Ukrainians and the Orange Revolution', in Anders Åslund and Michael McFaul (eds.), *Revolution in Orange: The Origins of Ukraine's Democratic Breakthrough* (Washington, DC: Carnegie), pp.45–68.
2. Ukrainian television channel 1, UT-1, 23 Feb. 2004.
3. *Stolytsia*, 29 Sept. 2004.
4. G.V. Kasianov, 'Ukraiins'kyi natsionalizm. Problema naukovoho pereomyslennia', *Ukraiins'kyi istorychnyi zhurnal*, No.2 (1998), pp.39–54 (p.40).
5. Katherine Verdery, 'Whither "Nation" and "Nationalism"?', in Gopal Balakrishnan (ed.), *Mapping the Nation* (London and New York: Verso, 1996), pp.226–34.
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Rock, Pop and Politics in Ukraine's 2004 Presidential Campaign and Orange Revolution

BOHDAN KLID

When mass protests broke out in Kyiv following the rigged presidential election of 21 November 2004, journalists who made their way to Ukraine's capital observed that, despite the political tenseness, the incipient insurgency which developed into what has been dubbed the Orange Revolution was characterized by a carnival-like or festive atmosphere.[1] The celebratory mood was in some part due to the strong support shown for the demonstrators by many of Ukraine's rock groups who, according to one correspondent, may have played 'the longest rock concert in history'.[2]

The demonstrators gathered mainly near a large stage, which had been erected in Kyiv's Independence Square (*Maidan nezalezhnosty*) on the eve of the 21 November run-off vote. It was from here that Viktor Yushchenko and other leaders of the political opposition addressed their supporters. The stage also served as the main venue for Ukraine's leading and lesser-known rock groups and other performers, who flocked to Kyiv to play before audiences that at times approached or surpassed one million. They played to entertain the people, rouse them to action, lift their spirits, and show their support for Yushchenko. The role of music during the insurgency was so striking that one writer described the 17–day Orange Revolution as 'a symbiosis of political meeting and rock festival'.[3]

If the relationship between music and politics during the Orange Revolution can be described as symbiotic, then this link became most apparent when leaders of the political opposition and Ukraine's prominent rock and pop stars, such as Ruslana Lyzhychko, the 2004 Eurovision song contest winner, appeared on stage together. Such appearances served to bring into focus the connection between popular music and electoral politics in Ukraine.

This link – clearly visible during the revolutionary situation following the 21 November vote – was not, however, a phenomenon born during the course of the Orange Revolution. Holding concerts in support of candidates or political parties was a common practice in Ukrainian electoral politics as a means of attracting audiences to campaign rallies and of garnering voter support. Major concerts were held, for instance, during the 1994 presidential election campaign.[4] In 1999, during Leonid Kuchma's re-election campaign called 'Choose the Future' (*Obyrai maibutnie*), some of Ukraine's best-known rock and pop stars played in concerts in support of the then highly unpopular president, in part because they feared victory by his opponent, the communist leader Petro Symonenko.[5] During the 2002 parliamentary campaign the well-known pop rock group Skriabin even released a CD in support of the Resilient Generation Team bloc (*Komanda ozymoho pokolinnia*)[6] One journalist noted that singers and musicians, whether they wanted to or not, played roles akin to figures on a political chessboard during election campaigns.[7]

In the 2004 presidential elections, Ukraine's pop and rock singers and groups played for both major presidential candidates from the start of their campaigns. According to

support of the main opposition candidate, Viktor Yushchenko, while 38 played for Viktor Yanukovych, the government-approved candidate. Of the latter, 16 were from Russia and one from Belarus.[8]

The Party of Regions of Ukraine, headed by Yanukovych, sponsored a major concert tour called 'Youth – Against! Youth – For!' (*Molod'–proty! Molod'za!*), which began in early September.[9] The concerts were apparently organized by the promotion company Tavria Games (*Tavriis'ki ihry*), which had a reputation for cosying up to those in power in Ukraine.[10] The stated goals of the tour were to survey the views of youth on important political issues of the day, emphasize to them the importance of participating in the political process, and familiarize them with the candidates for the post of president. Surveys were distributed and completed by those attending the concerts.

The underlying and unstated purpose of the tour, however, was to lend support to Yanukovych's candidacy. Slogans on concert banners were consistent with those of his campaign, while the survey of concert-goers suggested a result supportive of Yanukovych's positions. Performers at the concerts were often heard telling the audiences that they favoured peace and stability over war and terrorism, which coincided with the messages of the Yanukovych campaign that a presidency under Yushchenko would lead to instability and civil strife.[11] During the tour, which ended on the eve of the first round of voting, groups and individual singers performed in 30 cities before audiences estimated at 779,000.[12]

The Yanukovych campaign also sponsored the 26–city tour, 'We are your children, Ukraine!' (My *dity tvoi, Ukraino!*), launched in the central Ukrainian city of Cherkasy on 6 September.[13]

The appearance of Russian singers and groups at pro-Yanukovych concerts, beginning in August 2004, caused controversy and was probably illegal under Ukraine's electoral law, which prohibits agitation by foreigners in presidential campaigns.[14] Complaints were filed with the Central Electoral Commission by Yushchenko's campaign team; however, these were set aside.[15]

The most controversial entertainer from Russia to participate in the pro-Yanukovych concerts was Iosif Kobzon – a pop superstar of the late Soviet era and since 1997 a deputy of the Russian Duma. He played an active role in the 2004 election campaign, heading the Yanukovych campaign in Russia and singing in pro-Yanukovych concerts, mainly in eastern and central Ukraine. Kobzon, born in Donets'k but now living in Moscow, has been linked to organized crime circles in Russia.[16]

In addition to the controversy linked to their appearances, some Russian singers made provocative and inflammatory statements. During a concert in Cherkasy on 12 November, Nikolai Baskov, a popular Russian tenor, told a contingent of Yushchenko supporters that they should 'leave for America' and that the 'government and president of Russia would never allow Ukraine to be placed on its knees before America'.[17] Kobzon posted an article on the Internet site of the Russian Club in Ukraine – a group of Russian political analysts and 'spin doctors' headed by Gleb Pavlovsky that worked in Ukraine on the Yanukovych campaign – in which he charged that Yushchenko's wife was a CIA officer. He also claimed that if Yushchenko were elected Ukraine would become destabilized, with the possibility of civil war.[18]

On 16 November, on the eve of the run-off vote, Ukrainian TV stations began broadcasting pro-Yanukovych advertisements which contained clips juxtaposing beautiful and serene-looking Ukrainian landscapes with scenes from Nazi Germany and confrontations involving Yushchenko supporters. A refrain from one of Kobzon's songs played during the advertisement warned of the dangers of civil war. The purpose of such TV promotions was to intimidate voters and convince them that victory for Yushchenko would bring violence, fascism and war.[19]

In contrast to the sizeable Russian contingent performing in pro-Yanukovych concerts, there were no Russian singers or groups performing in support of Yushchenko during the campaign.[20] There were other noticeable differences between the two musical camps. Some journalists, writing about the musical support of both candidates, commented that those who appeared in pro-Yanukovych concerts tended to be commercial pop singers, while rock and hip-hop groups were more likely to support

rock groups played for Yanukovych, while Yushchenko was supported by Ukraine's best rock groups.[22] However, despite the prominence of rock and hip-hip groups in the Yushchenko camp, pop singers who sang exclusively, or almost exclusively, in Ukrainian, and who also were known to be strong enthusiasts for Ukrainian culture, tended to support Yushchenko.[23]

Taras Hrymaliuk, the chief organizer of the pro-Yushchenko concert tours, claimed that his campaign team deliberately sought out rock groups to sing in support of Yushchenko. Hrymaliuk explained that, since Yushchenko was the main opposition candidate, and the aim was to throw off the old regime, it was natural that Yushchenko's campaign team turned to rock groups, as rock music was rebellious by nature, contained elements of protest, was energetic, and many of its texts carried meaning. This would partly explain why Ukraine's best known rock groups played for the Yuschenko camp.[24]

Two of Ukraine's most popular rock groups, Okean E'lzy and Vopli Vidopliasova (VV), played often at pro-Yushchenko concerts and stand out prominently among those bands that performed in support of the opposition candidate. The two played at Yushchenko's inaugural campaign rally concert at Singing Field (*Spivoche pole*) in Kyiv on 6 July.[25]

However, while both Oleh Skrypka, lead singer of VV, and Sviatoslav Vakarchuk, lead singer of Okean El'zy, played at the opposition leader's campaign launch, their official endorsements of his candidacy came at different times, which reflected the tentative nature of Yushchenko's support among some prominent musicians, at least during the early stages of the campaign. While Skrypka declared his support for Yushchenko at the outset, Vakarchuk did not do so until late September.[26] Okean El'zy's lead singer explained that, although he personally supported Yushchenko, he was reluctant to give a public endorsement as he believed that musicians should not get involved in politics.[27]

The Ukrainian pop superstar Ruslana Lyzhychko, who was quite prominently featured in the media as a strong Yushchenko supporter during the Orange Revolution, tried to maintain neutrality for most of the campaign. At the beginning of the campaign, however, she was seen to be friendly to the Yanukovych side. Following her victory at the 2004 Eurovision Song Contest, she accepted a post as cultural adviser to then Prime Minister Yanukovych. Also, during the annual celebration of Metallurgist Day in mid-July, Ruslana appeared on stage with Yanukovych in Novomoskovs'k, in Dnipropetrovs'k oblast, where she sang a Soviet-era song in Russian with the prime minister.[28] She did not declare her support for the opposition candidate until 17 November – four days before the run-off vote.[29]

In the late stages of the campaign, Oleh Skrypka and Sviatoslav Vakarchuk became exceptionally prominent among Yushchenko's supporters after accepting posts in his campaign team. Skrypka became an official agent (*doviryna osoba*), while Vakarchuk became an adviser to Yushchenko on youth policies. As a result of these decisions, but also because of their status as rock stars, the two were often interviewed in the press and other media during the campaign and during and shortly after the Orange Revolution.

Both singers were asked on more than one occasion to explain their involvement in the political fray in support of Yushchenko. VV's lead singer explained his decision as based on understanding that the time had arrived to take a strong civic position.[30] In an interview given in late September, Oleh Skrypka described Ukraine as 'at a crossroads. That is, Ukraine may go the way of the banana republics, Belarus or Turkmenistan, or it may take the route of the European countries'.[31]

In late October Okean El'zy's lead singer said that his public support for Viktor Yushchenko was brought about by the abnormal political situation in the country. In a rather dramatic statement he said: 'I do not want to go to the political barricades – I am being pushed there by life and my conscience'. Vakarchuk went on: 'Today, all of us have to speak out. This is our civic duty. Because when you are asked, for instance, "Does Ukraine need to be independent?", you cannot answer, "Don't bug me – that's politics." It is understood that these elections will decide the future of the country'.[32]

Other singers when asked why they agreed to perform at pro-Yushchenko concerts gave

Fear of a return to Soviet-style authoritarianism or something worse goes a long way towards explaining why some rock and pop singers decided to play in the pro-Yushchenko concerts. In an interview given after the Orange Revolution, Taras Chubai, lead singer of the rock group Plach Ieremii, expressed this fear as follows: 'All of us sensed very well that we were returning to some black, terrible, dark Soviet-style era [*sovok*] – even worse than what had existed earlier'.[34] Oleh Skrypka said that he, like many people, understood that Ukraine was in great peril, and that they were all merely fulfilling their civic duty by becoming involved in electoral politics and supporting Yushchenko's campaign.[35] The veteran soft rock singer Mariia Burmaka, Taras Chubai, Oleh Skrypka and many of Ukraine's prominent intellectuals signed an open letter in which they charged that Ukraine was faced with the threat of becoming a Third World dictatorship.[36]

In the 2004 presidential elections, Ukraine's voters seemed to be faced with a stark choice between two major candidates who proposed quite different paths for the country. It seemed to follow that the results of the vote could prove to be a watershed in the country's history. With stakes apparently so high, and with opposition supporters believing that Yushchenko could defeat Yanukovych, despite the latter's use of the state's administrative and police powers to win the election, the campaign was bound to be fraught with tension, with violence a real possibility.

Events such as the poisoning of Yushchenko stoked the rise in political tensions in the country. Yushchenko's poisoning, for instance, helped convince Svyatoslav Vakarchuk that he had to take a more active political position in the campaign.[37] The highly charged political atmosphere affected all sectors and layers of society, including those in the mainstream music industry as well as at its fringes and underground. Andrii Kuz'menko described the 2004 campaign as one in which the two political camps had become distinctly polarized, which affected the musicians as well, who in previous campaigns were much less engaged in the political process.[38] Vakarchuk quite aptly described Ukraine as a country in which 'politics has crawled into every corner'.[39]

Rising tensions associated with the campaign further politicized and even radicalized performers playing in pro-Yushchenko concerts. On 19 October, before the first round of voting, Oleh Skrypka said that, of necessity, his group's appearances at concerts were becoming increasingly more political.[40] On 19 November VV's lead singer commented that the concert tours had helped make members of his group more patriotic. Those who attended their concerts, especially the young, exhibited very strong emotions and patriotism.

> And so we ended up in a somewhat unusual situation – something in between a concert and a political meeting. This united the energy of a concert with that of a political meeting. There was a flavour of Latin America – that you are something akin to Che Guevara, who appears and brings truth to the people. These are strong emotions.[41]

Administrative pressures, threats and other means used to intimidate and put impediments in the way of pro-Yushchenko supporters served to inflame political feelings. Following a large pro-Yushchenko student rally in Kyiv on 16 October, a concert was given by Tartak, Okean El'zy and VV, at which the performers made overtly political statements. Vakarchuk called on students not to be intimidated into voting for Yanukovych by their university administrators and professors. During VV's performance, the authorities turned off the lights. Despite this, the group continued to play in the dark. During the performance Skrypka declared: 'We have gathered en masse against the regime. History is giving us a serious lesson. We can no longer remain silent against the bandit-cop arbitrariness. Let's play political rock'.[42] Okean El'zy also faced impediments from the authorities. On 24 October the group was scheduled to play a concert in Kharkiv in support of Yushchenko when at the last minute the venue was changed.[43]

Physically threatening incidents occurred as well. According to Skrypka, in Mykolaiv oblast barriers were placed on roads and the group's vehicle was run off the road by a Kamaz truck. In Kramators'k (Donets'k oblast), he claimed that drunken

on stage.[44]

Other irregularities occurred during the performances of VV and Okean El'zy. On 17 October, VV played at a rally in support of Yushchenko in Luhans'k, an eastern Ukrainian stronghold of Yanukovych. Here, banners and placards under the heading 'The Choice in 2004' (*Vybir 2004*) contained the slogans 'We like VV, we like Okean El'zy, and believe in Yanukovych' (*Liubymo VV, liubymo Okean El'zy, virymo Ianukovychu*).[45] This episode reveals not only how far the Yanukovych campaign was prepared to go in making obviously false claims to garner popular support among Ukraine's younger electorate, but also how the election campaign teams of both candidates tried to associate their respective candidates with popular Ukrainian musicians.

The incident at the Luhans'k concert proved to be a last straw for Skrypka, who announced the next day that he had agreed to become one of Yushchenko's official agents. VV's lead singer declared that he did this in part to make absolutely clear that he was supporting Yushchenko, not Yanukovych. He also stressed that the situation in the country had reached a point where the creative elite had to make a political choice.[46]

On 11 November Sviatoslav Vakarchuk announced that he had taken up the post of adviser to Yushchenko on youth policies and stressed that it was important for creative people take on an active role in this critical period of the country's history. Okean El'zy's lead singer further explained that his decision to become more active was taken following the first round of voting, which was fraught with irregularities and not conducted fairly.[47]

Both Skrypka's and Vakarchuk's statements during the campaign, and those of other pro-Yushchenko performers, point to the conclusion that their motives were in part rooted in their political convictions. The two lead singers tended to couch their explanations in discourse tied to civic duty and patriotism. Even after the Orange Revolution, Vakarchuk continued to explain his prominent and active role in support of Yushchenko as a manifestation of a civic position.[48] Other prominent performers who sang for Yushchenko gave similar explanations. It seems fair to conclude, then, that political ideals or beliefs lay at the root of their decisions to become involved in the campaign, not, strictly speaking, preferences related to electoral or party politics.

While the motives of Yushchenko musical supporters can be seen as driven in part by political convictions, or beliefs and fear of what a victory for Yanukovych would mean for the country, the same cannot be said of the motives of Yanukovych supporters. According to VV's lead singer, the composition of 'musical support' for Yushchenko and Yanukovych was very telling. 'On this side are the passionate and brave part of the Ukrainian musicians, most of whom themselves proposed to support Yushchenko, understanding what they were risking by doing this'. On the other side was 'pop high society that agitated at one time for Kuchma and is prepared to agitate for the devil's mother for money'.[49] According to Skrypka, about 90 per cent of the country's pop stars supported Yanukovych, which showed they were unprincipled and amoral.[50] Skrypka thus portrayed the singers for Yanukovych as elite pop stars willing to perform for anyone who would pay the most for their services.

Although Skrypka's views are not those of an unbiased observer, they are at least partially accurate, as payment for musical services does go some way in explaining why a good number of performers played for Yanukovych during the election campaign. The pop star Viktor Pavlik, for instance, admitted that he sang in the concert tour 'Youth – Against! Youth – For!' because the Yanukovuch camp offered him 'an attractive contract'.[51] According to Skrypka, Pavlik initially offered his services to the Yushchenko camp, who turned him down.[52] Other pro-Yushchenko singers pointed to financial gain or need as a primary motivating factor for singers and groups who performed for Yanukovych. Reporters who sympathized with the opposition camp, and who wrote about the concert appearances of pro-Yanukovych performers, stressed this in their stories.[53]

According to Serhii Fomenko, lead singer of the group Mandry and a Yushchenko supporter, most of those performing in the pro-Yankukovych concerts did so for money, as they were paid considerably more than their usual rates by Yanukovych's campaign

Yushchenko concerts did so because they honestly supported Yushchenko and what he stood for. Although he and others who performed in the pro-Yushchenko concerts were paid for their performances, the honorariums did not exceed the usual fees for concert appearances.[54]

Apparently, leading stars of Ukrainian pop who played in the 'Youth – Against! Youth – For!' concert tour, such as Taisiia Povalii, Iryna Bilyk, Nataliia Mohylevs'ka, Andrii Kuz'menko, Viktor Pavlik, Asiia Akhat and others, were paid exceedingly well for their services.[55] Andrii Kuz'menko admitted that top-rank performers could have been paid double their standard rates, but claimed that others were paid standard rates.[56] One journalist commented that almost all the pop stars regularly sang in support of candidates during political campaigns because they were usually paid handsomely for their performances.[57] It appears likely therefore that at least the better performers were paid substantial premiums over their standard concert rates by candidates and political parties during previous major election campaigns, including the Yanukovych camp in 2004. This windfall must have been a powerful incentive to singers and other performers in Ukraine, who lacked opportunities to earn incomes comparable to their Western counterparts. Apparently, some groups earned enough money during election campaign concert tours to support themselves until the next major election campaign. Also, most groups could not afford to organize commercial concert tours, so the election tours gave them an opportunity both to earn money and to appear on stage in many cities throughout Ukraine.[58]

The lack of opportunities for pop singers and other performers to earn money and gain exposure was due, in part, to the still underdeveloped or skewed nature of Ukraine's and Russia's economies. Pop stars and other performers earn considerably less from recording royalties than their Western counterparts as the rate of CD piracy in Ukraine and Russia, for instance, is quite high – estimated by the International Federation of the Phonographic Industry to stand at 68 per cent.[59]

According to one writer, because of the limits to earning money, pop singers and other performers seek to bolster their income by appearing as often as possible at concerts, including those sponsored by governments, business elites and even organized crime circles. Success in the show business circuit thus partly depends on personal friendships and connections to those in power. Some performers also become financially dependent on powerful business clans. Moreover, some singers are vulnerable to tax audits, as concert fees are often paid in cash and not declared in order to avoid paying taxes. Pop stars are thus not averse to singing at 'obligatory events' or to agitate for and serve those in power.[60]

The autonomy, or its lack, of Ukraine's and Russia's performers may also have been shaped and limited by the culture and practices inherited from Soviet times, when pop singers and other performers were almost completely dependent for their economic well-being on the political good will of the Soviet bureaucracy and Communist Party officials and ties to them. The Soviet pop elite was organized in a similar fashion to other Soviet-era professional associations, such as the writers' union, which provided the party and bureaucracy with levers of control over them during the Soviet period. While the dependency of pop stars on the country's political masters weakened in the post-Soviet period, the strengthening of authoritarianism in Putin's Russia and Kuchma's Ukraine probably led to some reversion to their reliance on and subservience to those in power.[61]

A combination of political dependency, fear of not performing for those in power, and lack of opportunities to earn a good income in an as yet unformed or deformed market economy, placed limits on the autonomy of performers, who were more likely then to accept offers and seek opportunities to earn money during election campaigns, regardless of their personal political preferences or beliefs. This must have been especially true of top-rank performers, who apparently earned twice their regular rate during election-related concerts. This situation served the interests of those in power who hired singers during election campaigns, and at other times, to bolster their popular support in some of the post-Soviet countries. One journalist commented, rather sarcastically, that pop singers had become one of the main pillars of support for the

political campaign was through contractual obligations. In the 2004 campaign, some performers probably felt obliged or were obliged by contract to perform in concerts for Yanukovych. This seemed to be true of Andrii Kuz'menko, the lead singer of Skriabin, who in interviews referred to his close relationship with 'Tavria Games', the promotion company close to the Kuchma-Yanukovych regime, and to his 'corporate obligations' toward the TV channel 'Inter'.[63]

In Ukraine, entering into contracts could prove to carry more than mere legal consequences for ostensible non-fulfilment of contractual obligations. Oleh Skrypka claimed to have suffered material losses, was threatened and chased by 'bandits along with the police', and had to hide because he refused to play in concerts in support of the Kuchma re-election campaign in 1999. Skrypka said that the threats against him occurred as a consequence of a contract he had signed over a year earlier.[64] This incident points to the corruption of the police and their ties to promotion companies and the criminal underworld. The possibility of coercion, or even violence, stemming from contractual obligations, therefore, may have been a motivating factor of some of those appearing in pro-Yanukovych concerts.

Some performers who sang at pro-Yanukovych concerts did express in public their support for that candidate, and gave reasons for doing so. The pop singer Al'ona Vynnyts'ka, for instance, on several occasions said she supported Yanukovych because he was a strong leader.[65] A leading Ukrainian pop star, Nataliia Mohylevs'ka, stated that she was very satisfied with the Kuchma-Yanukovych regime as she could sing in whatever language she chose, engage in creative work and make money. She also said that she believed that Yanukovych was taking the country in the right direction, although she added that she did not understand politics, and had no desire to understand it.[66] Even Kuz'menko said that he supported the government-selected candidate, as Yanukovych's positions were closer to his views than Yushchenko's were.[67]

Political preferences, therefore, did play some role in the decisions of those participating in pro-Yanukovych concerts. There is little doubt, however, that the singers and groups who supported Yushchenko were on the whole much more supportive of their candidate – and especially of his stated and assumed policies – than those appearing for Yanukovych.

One policy change that Yushchenko's musical supporters expected would take place with his victory was at least some state promotion and support of Ukrainian-language music, including rock. In an interview published about a week before the first round of voting, Oleh Skrypka complained about the lack of airplay that Ukrainian-language rock music received compared with commercial pop, which dominated the airwaves. He claimed that this domination was a consequence of corruption and the personal ties of those in the music and broadcasting industries to the Kuchma-Yanukovych regime.[68] A Western journalist, who visited Ukraine briefly in 2004, commented that while Europop dominated Kyiv, a type of Russian-language criminal music was prevalent in the southern Ukrainian industrial city of Zaporizhia.[69]

The lack of airplay for Ukrainian-language songs, especially on FM radio stations, was a particularly troublesome issue for Ukraine's performers and intellectuals, who charged that Russian-language music, mainly commercial pop, was given most of the airtime by Ukraine's radio and TV stations.[70] In an open letter the singers Burmaka, Chubai and Skrypka along with many of Ukraine's prominent intellectuals accused the country's political leadership of being people of low culture, who had no need for Ukrainian literature, theatre, cinema and music.[71]

Those performers who supported Viktor Yushchenko saw him as a Ukrainophile, and a more culturally sophisticated person than Yanukovych. Some had met Yushchenko and were aware that he listened to Ukrainian-language songs.[72] There is little doubt that groups and singers who performed largely in Ukrainian expected Ukrainian-language songs to gain more airplay following a victory for Yushchenko.

The high regard for Yushchenko and the expectations of those who performed for him were reinforced to some degree by personal connections between them and Yushchenko or with the leadership of his campaign team, which was evident during the campaign and its immediate aftermath. The fact that Skrypka and Vakarchuk were

The close connection of some of Ukraine's best known singers to Yushchenko's campaign team was evident immediately following the closing of the polls. After the first round of voting on 31 October, about 50 people gathered at the Yushchenko press centre. Among those were some of the musicians who supported Yushchenko, including leaders of the groups Okean El'zy, Mandry, Tartak, TNMK, and the singers Taras Petrenenko and Mariia Burmaka, who sang for all, creating a festive atmosphere in anticipation of victory.[73]

The public acknowledgement by Viktor Yushchenko of the importance of his musical support was also quite striking. In his last address to the Ukrainian people on the eve of the 21 November run-off vote, the opposition candidate noted that he had the support of Oleh Skrypka and VV, Sviatoslav Vakarchuk and Okean El'zy, Ruslana, and Oleksandr Ponomar'ov, a popular tenor and pop singer.[74] Although rock and pop stars have supported candidates in elections in the world's established democracies, it would be strange indeed for candidates for prime minister or president in Canada, Australia, Great Britain, France, or the USA to emphasize in their election eve speech that they had the support of the country's leading rock bands and pop stars.

Yushchenko's musical supporters were visibly close to Yushchenko's campaign team on the day of the run-off vote. Scheduled appearances at the opposition candidate's press centre that evening and early morning included Mariia Burmaka, the group Plach Ieremii and its lead singer, Taras Chubai, Sviatoslav Vakarchuk, Oleh Skrypka, Oleksandr Ponomar'ov, and the group Mandry.[75]

During the Orange Revolution, the musical supporters of Viktor Yushchenko continued to perform for their candidate, on the main stage in Kyiv's Independence Square and in other cities. Some took on overtly political and public relations tasks, or played dramatic roles seemingly thrust on them during the revolutionary situation.

For instance, Okean El'zy's lead singer was visibly involved in public relations work and political negotiating. He appeared in the TV studios of Era and Channel 5, where he debated with Taisiia Povalii, a leading pop star who sang in concerts for Yanukovych. He also negotiated with the rector of Taras Shevchenko National University in Kyiv to allow students to take part in the student strike without suffering punishment. On stage in Independence Square he appeared quite often with Yushchenko and other leaders of the opposition coalition, and also performed to the hundreds of thousands gathered there.[76] Vakarchuk was also with those blockading the presidential administration building on the night of 23 November, when it was rumoured that the building would be stormed.[77]

Oleh Skrypka also appeared on the Independence Square stage at the beginning of the Orange Revolution. On 22 November he sang songs along with the supporters of Yushchenko who had begun to gather by the Independence Square stage. From there, he announced the beginning of an all-Ukrainian strike of creative people and called on to the stage all those willing to perform free to rouse the people's spirits.[78] Skrypka, however, soon disappeared from the Independence Square stage. Along with several bards, including Eduard Drach, Serhii Solonyi, Taras Sylenko and Taras Kompanichenko, he organized and played in a series of mini-festivals on makeshift stages at so-called hot spots, such as the presidential administration building and the Ukrainian Home, where activists of the Orange Revolution gathered.[79] Skrypka later explained his exit from the Independence Square stage as motivated by his disgust over what he felt was its transformation into an entertainment zone, whereas there were real messages to be delivered in songs to people manning barricades and other danger zones.[80]

Musical supporters of Yanukovych, for the most part, appear to have stayed fairly subdued during the Orange Revolution. Some, such as the pop star Viktor Pavlik and the rock group Druha Rika, both of whom sing in Ukrainian, declared their support for Viktor Yushchenko.[81] Some were harassed, suffered damage to property and endured personal indignities and even threats from Yushchenko supporters. Pro-Yushchenko demonstrators, for instance, burned CDs and effigies of Andrii Kuz'menko in front of his parents' home. The pop star Nataliia Mohylevs'ka claimed that her car was badly damaged by people wielding baseball bats; furthermore, both she and her husband were

cathedral, where concerts were to be held, but this attempt to create an alternative to the Independence Square stage failed.[82]

It was the political events unfolding at or near the main stage in Independence Square that captured the attention of the international media, and revealed to the outside world, at least to some extent, the role of Ukraine's musicians and singers in the insurgency. The visibility of Yushchenko's musical support, and the presence of Ukrainian songs, was so striking during the Orange Revolution that the Russian newspaper *Novye izvestiya* described the unfolding events in a sub-headline as 'Ukraine sings, holds meetings and makes a revolution' (*Ukraina poet, mitinguet i delaet revolyutsiyu*).[83] One Ukrainian Internet journalist described the insurgency as simply 'A Singing Revolution' (*spivuchu revoliutsiiu*).[84]

In a sense, the successful outcome of the Orange Revolution also marked a victory for Ukrainian-language song, especially rock and hip-hop, over Soviet-style and commercial Ukrainian- and Russian-language pop associated with the Yanukovych campaign.[85] Ukrainian rock and hip-hop, while popular with Ukraine's youth, had been somewhat marginalized, receiving relatively little airplay by the country's broadcasting media. Through its strong presence on the Independence Square stage, it entered into the mainstream for the short period of the protest and its immediate aftermath. According to Skrypka, 'the cultural conclusion of the "orange revolution" was the victory of Ukrainian song'.[86]

Importantly, the concerts played during the political campaign and in the aftermath of the 21 November vote helped elicit powerful feelings and emotions, especially among Ukraine's youth. There is no doubt that the pro-Yushchenko musicians contributed in a significant way to raising patriotic feelings, which increased among those supporting and participating in the Orange Revolution. There is also little doubt that the musical support for Yushchenko was of some importance in mobilizing support for the opposition candidate, especially among youth, during both the election campaign and the Orange Revolution.

Sviatoslav Vakarchuk claimed that musicians in the Orange Revolution 'played an extremely important role and were one of the important factors that helped Yushchenko's team win'.[87] Oleh Skrypka described the Orange Revolution as 'half-political and half-song. Kyiv held out for 17 days because of a solid contribution by musicians'.[88] The singer Taras Petrynenko likened Ukrainian music to 'a weapon' during the insurgency.[89] According to TNMK's lead singer Oleh Mykhailuta, however, although the musicians helped secure the victory of the opposition coalition, their contribution was underestimated by the political victors.[90]

The pervasiveness and popularity of Ukrainian songs during the insurgency was reflected in the commercial production and proliferation of CDs associated with the Orange Revolution, both legal and pirated, the first of which began to appear in December 2004. Taras Hrymaliuk, programme director of the Independence Square stage, chose 14 songs, which were issued as a CD called 'We Are Together: The Best Songs of the Orange Square' (*My Razom: Naikrashchi pisni pomaranchevoho maidanu*) by Yushchenko's 'Our Ukraine' coalition and Atlantic Records. Another CD issued by Lavina Music in December was entitled simply 'Orange Songs' (*Pomaranchevi pisni*).

Oleh Skrypka produced a compilation CD with the title 'The Spirit Does Not Die, The Spirit Does Not Fade Away: Songs of the Orange Uprising' (*Dukh ne vmyraie, dukh ne zhasa: pisni pomaranchevoho povstannia*), featuring those who performed with him during the mini-festivals at the barricades and pickets. Skrypka commented that the songs on the CD, which appeared in January 2005, 'supported the invincibility of the spirit and the flame of hope of our people, and stands as an alternative to the mass of those productions which readily speculates on squeezing the orange juices out of our common revolution'.[91]

Skrypka was referring to the production and proliferation of pirated or bootleg CDs which capitalized on the successful outcome of the Orange Revolution and of the notable presence of Ukrainian song. One of the first pirate recordings to appear was the two-CD compilation 'YES. Music from [Independence] Square' (*TAK: Muzyka z Maidanu*). Among the pirated CDs produced were specialized collections, such as

tantsiuval'ni khity z Maidanu).[92] The production and proliferation of CDs related to the Orange Revolution confirms the visibility of music during the protest, as well as pointing to the importance of its role in supporting and promoting political change in Ukraine. This makes the phenomenon of the interrelationship of music and politics in Ukraine in 2004 unique.

By 2004 Ukraine was a country where politics had become paramount – increasingly so in the 2004 presidential campaign. So it was not surprising, considering the common practice of engaging Ukrainian musicians in electoral politics, that some of Ukraine's musicians, singers and other celebrities were drawn into the political fray. The division of Ukraine's popular musicians into two camps during the election campaign was striking, and reflected in a way the country's cultural as well as its political cleavages. In the 2004 campaign and the Orange Revolution, Yushchenko's musical backers were fairly effective in mobilizing support for the opposition candidate, especially among the country's youth. The same cannot be said for the Yanukovych camp.

The musical supporters of Viktor Yushchenko were motivated mainly by their political convictions and cultural politics. Their politicization was triggered by the previous regime's growing authoritarianism, grew as the political campaign showed the regime's willingness to resort to dirty tricks, intimidation and, ultimately, massive fraud, and reached a climax during the Orange Revolution, when some musicians took on overtly political roles. The country's cultural politics was an important underlying factor, as the regime's policies impinged on the personal careers of many of those who sang in Ukrainian, especially its rock and hip-hop performers, as well as on the well-being of the country's Ukrainian-language popular culture. The tendency of Ukrainian-language performers, especially rock and hip-hop groups, to support Yushchenko also reflects the tendencies of those close to or with roots in alternative and underground popular culture in Ukraine today to support political change favouring the democratization of the country's political life.

Notes

1. Mathew Collin, 'Orange Crush: Pop and Protest', *The Guardian*, 23 Jan. 2005. For a description of popular humour and anecdotes that sprang up during the Orange Revolution, see Olesia Britsina and Inna Holovakha, 'Karnaval revoliutsii', *Krytyka* (March 2005), pp.17–19; see also Kateryna Pan'o and Taras Pan'o, 'Draiv Maidanu', *Zerkalo Tyzhnia*, 4–10 Dec. 2004; available at <http://www.zn.kiev.ua/nn/show/524/48536>. The authors noted the spontaneity of the crowds, who took abandoned steel barrels used by Yanukovych supporters to burn wood, and converted them into drums, and incidents when demonstrators took up singing, from serious Ukrainian partisan songs to humorous tunes sung by TV cartoon characters.
2. Daniel Williams, 'Ukraine Rockers Set Protest to Their Unique Beat', *Washington Post*, 11 Dec. 2004.
3. See Oleksandr Ievtushenko, 'Muzyka maidanu', *Den'*, 16 Dec. 2004.
4. Author's interview with Andrii Kuz'menko, lead singer of the pop rock group Skriabin, 1 Aug. 2006.
5. I would like to thank Lada Hornjatkevyč for this information.
6. The CD is entitled, appropriately, *Ozymye liudi* (Resilent People).
7. See Alina Strizhak, 'Torhovtsi sovistiu. Iak vyhidno prodaty svoiu slavu na prezydents'kykh vyborakh, znaiut' uchasnyky turu "Molod' 'proty', molod' 'za'", *Ukraina Moloda*, 10 Sept. 2004; available at <http://www.umoloda.ua/number/261/175/9311>, accessed 27 April 2005.
8. See Andrij Duda, 'Vybir-2004 dlia muzykantiv: hroshi chy ideia?', available at <http://www.ria.ua/view.php?event=news&n_id=19199>, accessed 4 Oct. 2005. Lada Hornjatkevyc, who follows developments in Ukrainian popular music, compiled, largely from press articles, a list of 53 singers or groups who performed on the main stage at Independence Square during the Orange Revolution; she identified 23 performers or groups who played in concerts for Yanukovych during the campaign.
9. See Viktoriia Usenko, 'Ani Lorak: Ia khochu, shchob molod' 31 zhovtnia zrobyla vybir svoho sertsia, a ne chyis' vybir', available at <http://ukr.for-ua.com/analit/2004/1025/165525.html>, accessed 12 July 2005.

2005; see also Strizhak, 'Torhovtsi sovistiu'. Andrii Kuz'menko denied that Tavria Games sponsored the tour: see Mar'iana P'ietsukh, 'Kuz'ma (Skriabin): My ne politychni prostytutky', *Postup*, 30 Sept. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what=31163>, accessed 23 Aug. 2005. The promotion company Tavria Games was founded by Mykola Bahraiev in 1992; elected a Verkhovna Rada deputy in 2002, he is now the honorary president of the company. Information on the company is available at <http://www.tavriagames.com>, accessed 12 July 2005.

11. See P'ietsukh 'Muzyka, terroryzm ta molod", especially the photograph of the banner with the slogans: see also her interview with Andrii Kuz'menko, lead singer of the group Skriabin: 'Kuz'ma: My ne politychni prostytutky'; see also Strizhak, 'Torhovtsi sovistiu'.
12. Over six hours of concert footage was also broadcast over the music TV channel M-1: see 'Lai-lai-lai, Ianukovycha vybyrai', *Ukrainska pravda*, 26 Oct. 2004, available at <http://pravda.com.ua/news/2004/10/26/13019.htm>, accessed 17 April 2005.
13. See 'Bil'shist' populiarnykh ukrains'kykh vykonavtsiv uzhe zrobyly svii politychnyi vybir', available at <http://uzhgorod.net.ua/news/?id=3119>, accessed 5 Oct. 2005.
14. See Article 64 of the law 'Pro vybory prezydenta Ukrainy'. The text of the legislation is available at <http://www.sdpuo.org.ua/faction/laws/president-election>, accessed 5 Oct. 2005. The first appearance of Russian pop stars occurred at a campaign rally and concert on 1 August 2004: see Hans Zabyivoroh, "'Ia pryishov – tebe nema." U Kyievi znovu vyishov pshyk zi sproby orhanizuvaty masovu aktsiiu na pidtrymku Viktora Ianukovycha', *Ukraina moloda*, 3 Aug. 2004, available at <http://www.umoloda.kiev.ua/number/235/113/8351>, accessed 23 Aug. 2005; see also Anna Irynina, 'Rossia plache, Ianukovych skache. U dni zhaloby Prem'ier-minstr razom iz zirkamy estrady borovsia z terroryzmom pisniamy i tantsiamy', *Ukraina moloda*, 9 Sept. 2004, available at <http://www.umoloda.kiev.ua/number/260/113/9253>, accessed 23 Aug. 2005; and Duda, 'Vybir-2004 dlia muzykantiv'.
15. The Yushchenko camp, for instance, complained to the Central Electoral Commission about the participation of the Russian singer Nikolai Baskov in the campaign: see 'Baskovu razreshili pet' za Ianukovicha', available at <http://www.utro.ru/news/2004/09/25/354579.shtml>, accessed 4 Oct. 2005.
16. See Roman Kupchyns'kyi, 'Iosyp Kobzon i ukrains'ki vybory', *Ukrainska Pravda*, 11 May 2005, available at <http://www2.pravda.com.ua/archive/2005/may/11/3.shtml>, accessed 23 Aug. 2005.
17. Cited in 'Baskov mozhet sest' za reshetku?', available at <http://www.kiev.kp.re/2005/03/23/doc57486>, accessed 4 Oct. 2005. In what can be regarded as partial payment for Baskov's services, Leonid Kuchma, as president, awarded him the title of 'People's Artist of Ukraine': see 'Kuchma prigrel Baskova na grudi Ukrainy', 28 Oct. 2004, available at <http://www.utro.ru/articles/2004/10/28/367626.shtml>, accessed 4 Oct. 2005.
18. See Iosif Kobzon, 'Ukraina ne vyderzhit destabilizatsii, 8 Oct. 2004, available at <http://www.ukr.ru/positions/67749239>, accessed 4 Oct. 2005.
19. See 'Chornyi piar vid Iosypa Kobzona', *Narodnyi Ohliadach*, 17 Nov. 2004, available at <http:observer.sd.org.ua?prn_news.php?1d=5474>, accessed 4 Oct. 2005; see also 'Oi iakby znala, bula b ne stoiala…', *Kryms'ka svitlytsia*, 26 Nov. 2004, available at <http:svitlytsia.crimea.ua/?section=article&artID=2676>, accessed 4 Oct. 2005. Kobzon denied that he had given permission for the song to be used in this advertisement. Taras Hrymaliuk, the main organizer of the pro-Yushchenko concert tours, claims that a video clip shown on Ukrainian television featured Kobzon singing the words 'we won't surrender our country to fascists' (ne *otdadim fashistam nashu rodinu*): author's interview with Taras Hrymaliuk, 25 June 2005.
20. This was noted by Ukrainian reporters, and also by an American journalist, Daniel Williams, who wrote: 'For a while the Yushchenko–Yanukovych matchup was also a battle of the geopolitical bands. Yushchenko used homegrown talent while Yanukovych, advised by strategists from Moscow, imported Russian pop groups': see his 'Ukraine Rockers Set Protest to Their Unique Beat', *Washington Post*, 11 Dec. 2004.
21. See Oleh Suprunenko, 'Vazhko "spivaiuchy razom" odnieiu lysh pisneiu zhyty …', *Dzerkalo tyzhnya*, 7–13 Aug. 2004, available at <http://www.zn.kiev.ua/nn/show/506/47431>, accessed 27 April 2005. See also Kateryna Shchotkina, 'sviatoslav Vakarchuk: "Ia ne khochu vykhodyty na politychni barakady – mene tudy shtovkhaie zhyttia"', *Dzerkalo tyzhnya*, 23–29 Oct. 2004, available at <http://www.zn.kiev.ua/nn/show/518/48110>, accessed 27 April 2005; and Iana Dubynians'ka, 'Zvuky muzyky', *Dzerkalo tyzhnya*, 4–10 Dec. 2004, available at <http://www.zn.kiev.ua/nn/show/524/48537>, accessed 27 April 2005. The journalists Kateryna Pan'o and Taras Pan'o also noted the tendency of rock groups to support the Orange Revolution: see their 'Draiv Maidanu'.

Pop music is usually called *estrada* in Ukrainian, but the slang word *ponsa* is also

and performed on stage by individual singers or so-called vocal-instrumental groups. The singer/performers do not necessarily write their own words or music. The term *popsa* is a derogatory term sometimes used by rock musicians and critics of commercial mass culture to distinguish what they view as low-quality, mainstream, commercial pop from rock or alternative genres, or to designate commercial, at times officially sanctioned mass culture. The term *popsa* has also been used to designate commercial and sometimes vulgar Russian-language pop music.

22. See Evgenii Kuz'menko, 'Rok proty zony. Oleh Skrypka za Iushchenka, potomu schto ne khochet, chtoby ego deti zhili "na zone"', 30 Sept. 2004, available at <http://ru.obkom.net.ua/articles/2004–09/30.1510.shtml>, accessed 29 April 2005.
23. See Konstantin Bakanov's interview with Oleh Skrypka, 'Vlast' doshla do absurda', *Novye izvestiya*, 12 Nov. 2004, available at <http:www.newizv.ru/2004–11–12/15135>.
24. Author's interview with Taras Hrymaliuk, 25 June 2005. Hrymaliuk named the following rock groups that were approached: VV, Okean El'zy, Plach Ieremii, Mandry, Haidamaky, Tartak, Armada (of Donets'k) and Numer 482 (of Odesa). The latter two groups came from regions dominated by pro-Yanukovych voters.
25. Suprunenko, 'Vazhko "spivaiuchy razom"'; see also Lesia Voloshka, *'Dorohu narodnomu Prezydentu!* Shcho naspravdi diialosia u stolytsi 4 lypnia i choho ne pokazuvaly tsentral'ni telekanaly', *Ukraina moloda*, 6 July 2004, available at <http://www.umoloda.kiev.ua/number/214/243/7603>, accessed 27 April 2005. Others performing at the campaign launch concert included the pop singers Oleksandr Ponomar'iov and Taras Petrynenko, and the groups Komu Vnyz and Tartak.

    A reporter wrote that the event reminded him more of an American-style show than a Ukrainian Soviet-style pre-election gathering, and some of those present made analogies to the 1969 rock festival at Woodstock, New York: see Iurii Tyshkun, 'Narod proty oliharkhiv', *Postup*, 6 July 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what=26700>, accessed 29 April 2005.
26. See Alina Strizhak, 'sviatoslav Vakarchuk: Iakshcho vlada nas ne chuie, my mozhemo zrobyty tak, shchob vona nas pobachyla', *Ukraina Moloda*, 12 Dec. 2004, available at <http://www.umoloda.kiev.ua/number/319/164/11556>, accessed 27 April 2005. In the interview Vakarchuk said that the group officially backed Yushchenko in late August or early September; in an interview with the author, Vakarchuk said that this endorsement occurred toward the end of September: author's interview with Sviatoslav Vakarchuk, 23 June 2005.
27. Author's interview with Vakarchuk.
28. See Liudmyla Vanek's 21 July 2004 interview, 'Peremozhnytsia pisennoho konkursu "Ievrobachennia" Ruslana Lyzhychko zaiavliaie, shcho ne ahituvatyme za zhodnoho kandydata u prezydenta Ukrainy', available at <http://www.radiosvoboda.org/article/2004/07/09af54bcd-93d1–4095–8a62–24c0057e298D.html>, accessed 3 Aug. 2005.
29. See the text of her interview with Roman Skrypin on the Ukraine's Channel 5 TV programme *Chas* on 17 November 2004, available at <http://www.5tv.com.ua/pr_archiv/134/40/228>, accessed 3 Aug. 2005; see also excerpts from the text of her statement in support of Yushchenko, in Kateryna Tarchevs'ka, 'Nastaie moment koly…', *Slovo Prosvity*, No.48 (268), 25 Nov.–1 Dec. 2004.
30. Ibid.
31. See Mar'iana P'ietsukh's interview, 'Oleh Skrypka ("VV"): Ne khochu, shchob dity moi zhyly na zoni', *Postup*, 30 Sept. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—31162>, accessed 29 April 2005.
32. See Kateryna Shchotkina's interview with Vakararchuk: 'sviatoslav Vakarchuk: "Ia ne khochu …".
33. See, for instance, the reasons given for supporting Yushchenko by Plach Ieremii's lead singer, in Liubomyr Petrenko, 'Muzykanty-ahitatory: pro et contra', 20 Nov. 2004, available at <http://www2.dw-world.de/Ukrainian/kultur/1.111258.html>, accessed 12 July 2005.
34. See Anatolii Luchka's interview with Taras Chubai of 14 Feb. 2005, available at <http://imi.org/ua/?read—195:11>, accessed 28 Aug. 2005.
35. See the interview by Liubko Petrenko, 'Oleh Skrypka: My vykonuiemo svii hromadians'kyi obov'iazok', *Postup*, 19 Nov. 2004, available at <http://www.postup.brama.com/dynamic/i_pub/usual.php?what—33591&raz—1>, accessed 29 April 2005.
36. See 'Zvernennia ukrains'koi intelihentsii', *Postup*, 26 Oct. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—32412&raz—1>, accessed 5 Aug. 2005.
37. Author's interview with Vakarchuk.
38. Author's interview with Kuz'menko.

tusovka Ianukovycha za hroshi hotova ahituvaty za chortovu mamu', available at <http://www.razom.org.ua/news/2695>, accessed 3 May 2005.

40. See Marta Shokalo's interview with Oleh Skrypka, 'Iakshcho ne spivaty siohodni pro polityku, to ne zmozhemo zavtra spivaty pro liubov', 19 Oct. 2004, available at <http://www.bbc.co.uk/ukrainian/domestic/story/2004/10/041019_skrypka_yushchenko.shtml> accessed 3 May 2005.
41. See the interview by Petrenko, 'Oleh Skrypka'.
42. See Ievhen Dudenko, 'studenty za Iushchenka', *Postup*, 18 Oct. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—32014>, accessed 29 April 2005.
43. See 'Kontsert po-kharkivs'ky: zamist' "Konstytutsii" – "Roza Liuksemburh"!', available at <http://maidan.org.ua/static/news/1098416087.html>, accessed 29 April 2005.
44. Author's interview with Oleh Skrypka, 11 June 2005.
45. Roman Rak, 'Iushchenka planuvaly pobyty', *Postup*, 19 Oct. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—32072>, accessed 3 Aug. 2005.
46. See 'Oleh Skrypka: Estradna tusovka Ianukovycha za hroshi hotova ahituvaty za chortovu mamu'.
47. See 'sviatoslav Vakarchuk: Ia khochu, shchob Iushchenko buv prezydentom, i maiu na tse konstytutsiine pravo', available at <http://www.razom.org.ua/news/3426>, accessed 3 May 2005
48. See Mila Kravchuk's interview with Sviatoslav Vakarchuk, 'Chto ia takogo sdelal?!', dated 18 Feb. 2005, available at <http://www.music.com.ua/interviews/2005/02/18/16940.html>, accessed 3 May 2005.
49. 'Oleh Skrypka: Estradna tusovka Ianukovycha'.
50. Author's interview with Skrypka.
51. See Strizhak, 'Torhovtsi sovistiu'.
52. Author's interview with Skrypka.
53. Ibid.; see also P'ietsukh, 'Muzyka, terroryzmta molod".
54. See Serhii Tarhonia's interview with Serhii Fomenko, 'Foma (Mandry): Ia sam pidu na barykady', 26 Oct. 2004, available at <http://hotline.net.ua/content/view/3097/38>, accessed 12 July 2005. Fomenko claimed that one artist singing for Yanukovych would make US$5–10,000 per performance, and $50–80,000 for a tour.
55. Valentyna Klymenko claimed that Taisiia Povalii, for instance, received the astronomical sum of 500,000 euros for her participation in concerts for Yanukovych: see her 'Ukrains'kyi meinstrim', *Ukraina moloda*, 26 Nov. 2004, available at <http://www.umoloda.kiev.ua/number/316/164/11467>, accessed 27 April 2005. It is more likely that stars were paid about US$40,000 for appearing in the 'Youth – Against! Youth – For!' tour, while second-rate singers or groups received about US$6,000: see Roman Kul'chyns'kyi, 'Kandydats'ki muzy', *Ukrains'kyi dilovyi tyzhnevyk* 'Kontrakty', 27 Sept. 2004, available at <http://www.kontrakty.com.ua/show/ukr/rubrik_main/3900046.html>, accessed 12 July 2005. Another journalist, citing confidential sources, wrote that Ukrainian singers or groups appearing for Yanukovych were paid $30–40,000 per concert, while Russian performers received one and one half to two times more. Apparently, pro-Yushchenko singers received one-tenth of the rate paid to pro-Yanukovych singers: see Iurii Rudnyts'kyi, 'A ia idu za hroshyma. Za tumanom izdiat' til'ky durni', 14 Oct. 2004, available at <http://ua.proua.com/analitic/2004/10/14/105727.html>, accessed 23 Aug. 2005.
56. Author's interview with Kuz'menko.
57. See Strizhak, 'Torhovtsi sovistiu'.
58. Author's interview with Kuz'menko.
59. See the 23 June 2005 music piracy report, 'One in three music discs is illegal but fight back starts to show results', available at <http://www.ifpi.org/site-content/antipiracy/piracy-report-current.html>.
60. See Andrei Arkhangel'skii, 'Tsentral'nyi Komitet Popsy', *Stolychnye novosti*, 8–14 June 2004.
61. Ibid.
62. See Suprunenko, 'Vazhko "spivaiuchy razom"'.
63. Author's interview with Kuz'menko. See also the interview 'Kuz'ma: "500 dolariv, i ty – zasluzhenyi"', 16 May 2005, available at <http://obozrevatel.com/news/2005/5/16/13212.htm>, accessed 7 July 2005, Rudnyts'kyi, 'A ia idu za hroshyma', and P'ietsukh, 'Kuz'ma (Skriabin)'.
64. See Bakanov's interview, 'Oleh Skrypka: "Vlast' doshla do absurda"'; see also P'ietsukh's interview, 'Oleh Skrypka ("VV")'.
65. See 'Bil'shist' populiarnykh ukrains'kykh vykonavtsiv'.
66. See Ol'ga Sliaruk, 'Mogilevskaia: "Menia po politicheskim soobrazheniiam ubrali iz 'shansa', muzha uvolili s raboty, mne razbili mashinu, a potom razob'iut holovu"…', 4 Jan. 2005, available at <http://provokator.com.ua/p/2005/01/04/090139.html>, accessed 23 Aug.

67. See 'Kuz'ma: "Skriabin" za Ianukovicha potomu, chto khochet zhit' v 'derme' i lovit' ot etogo kaif', 8 Sept. 2004, available at <http://ru.obkom.net.ua/news/2004–09–08/1200.shtml>, accessed 23 Aug. 2005; see also P'ietsukh, 'Kuz'ma (Skriabin)'.
68. See 'Lider "VV" Oleh Skrypka vvazhaie, shcho u razi peremohy na vyborakh Yanukovycha Ukrainu chekaie nova khvylia emihratsii', 2 Oct. 2004, available at <http://www.radiosvoboda.org/article/2004/10/23818D43–2C8F-4AE7–A591–0046BC46589A.html>, accessed 3 May 2005.
69. See Mathew Collin, 'Curious Orange', *The Guardian*, 23 Jan. 2005.
70. See, for instance, Oleksandr Ievtushenko, 'Khto zamovliaie muzyku, abo FM-stantsii iak p'iata kolona v informatsiinomu poli Ukrainy', *Urok ukrains'koi*, Nos.11–12 (2000), p.4.
71. See 'Zvernennia ukrains'koi intelihentsii'.
72. See Lidiia Mel'nyk's interview with Mariia Burmaka, 'Revoiutsiia zmusyla mene zhadaty pro dyplom shvei-motorystky', *L'vivs'ka hazeta*, 20 Jan. 2005, available at <http://www.gazeta.lviv.ua/articles/2005/01/20/1848>, accessed 18 May 2005; see also Anatolii Luchka's interview with Taras Chubai, 'Taras Chubai: "Treba vidminyty posadu ministra kul'tury, a mene obraty ministrom vnutrishnykh sprav…"', 14 Feb. 2005, available at <http://imi.org.ua/?read—195:11>, accessed 28 Aug. 2005.
73. Mar'iana P'ietsukh, 'Manevry shtabiv Viktoriv', *Postup*, 2 Nov. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—32677>, accessed 29 April 2005.
74. See Viktor Yushchenko, 'Zvernennia Viktor Iushchenka do ukraintsiv', *Postup*, 19 Nov. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—33580>, accessed 29 April 2005.
75. Available at <http://www.silanaroda.com/index.php?itemid—983&mode—full>, posted 20 Nov. 2004, accessed 2 May 2005.
76. See Iana Dubynians'ka, 'Zvuky muzyky'.
77. See Kravchuk's interview with Sviatoslav Vakarchuk, 'Chto ia takogo sdelal?!'. In what might qualify as a surrealistic moment, he autographed the shields of special forces troops guarding the building, after which he noted that the autographed shields were replaced by others: see 'Reportazh podii vid [sic!] Administratsii Prezydenta', available at <http://www.razom.org.ua/ua/news/4010>, accessed 4 May 2005.
78. Valentyn Kontsevych, 'Myttsi pidtrymuiut' straikariv', *Postup*, 27 Nov. 2004, available at <http://postup.brama.com/dinamic/i_pub/usual.php?what—33775>, accessed 29 April 2005.
79. See Mykailo Brynykh's interview with Oleh Skrypka, 'skrypka: Iak roker, shcho zakhyshchav svoi kul'turni oriientyry, ia prohrav', available at <http://www.artvertep.dp.ua/news/530.html>, accessed 12 July 2005.
80. Author's interview with Skrypka.
81. See Kontsevych, 'Myttsi pidtrymuiut' straikariv'.
82. See Sliaruk, 'Mogilevskaia: "Menia po politicheskim soobrazheniiam ubrali iz "Shansa"'.
83. See Svetlana Gamova, 'Oranzhevyi noyabr. Ukraina poet, mitinguet i delaet revolyutsiyu', *Novye izvestiya*, 26 Nov. 2004, available at <http://www.newizv.ru/2004–11–26/16008>, accessed 28 Aug. 2005.
84. Iurko Zelenyi, "FDR-visti z kraiu", e-mail newsletter of 30 Nov. 2004. Commenting on the performance of Ukraine's musicians on Independence Square, he added that this was 'Politics, my dear [readers], but what politics!'. A hard copy of the e-mail newsletter was provided by Lada Hornjatkevyc.
85. Viktor Morozov, a veteran musician and singer, described the Orange Revolution as a rock and rap revolution: see 'Viktor Morozov: "Namahaiusia ne buty rabom sviatoho obov'iazku"', *Ukrains'kyi zhurnal*, Nos.6–7 (2006), available at <http://maidan.org.ua/static/mai/1156779749.html>, accessed 30 Aug. 2005.
86. Ievtushenko, 'Muzyka maidanu'.
87. See Kravchuk's interview with Sviatoslav Vakarchuk, 'Chto ia takogo sdelal?!'.
88. Ievtushenko, 'Muzyka maidanu'.
89. Ibid.
90. See Kateryna Khinkulova, 'Ukraine Cherishes Orange Sounds', 21 Nov. 2005, available at <http://news.bbc.co.uk/hi/Europe/4456858.stm>, accessed 22 Nov. 2005.
91. Interview with Oleh Skrypka, available at <http://vopli.com/ukr_web/11/7_03_05.htm>, accessed 3 May 2005.
92. These CDs and other pirated productions are in the author's possession.

Anti-Orange Discourses in Ukraine's Internet: Before the Orange Split

OLGA FILIPPOVA

The 'lengthy' 2004 presidential election in Ukraine and Viktor Yushchenko's victory were considered a beginning or an initial stage of a *new course* of Ukraine's development. In January 2005 among adherents of the 'Orange' camp there were no doubts that this course really was a new one and essentially different from those Ukraine had experienced previously. At the same time, it should be stressed that this new course was shaped in the 'sphere of hopes and beliefs' among the population and in the 'sphere of promises' within the presidential team. The Orange Revolution potentially created a ground for prospective change in Ukraine; nevertheless, its adherents and opponents understood (and understand) these changes differently. In this respect one of the most significant tasks for the new Ukrainian president and government was to meet the expectations of those who supported the Orange Revolution and, more importantly, to win over opposition groups by persuasive and successful new policies.

In this sense the success of the new Ukrainian president and government had to be strongly linked less to the adherents of the 'orange camp', which displayed their strong support, and more to the groups of the opposition camp that demonstrated a rejection of the prospect of a new course of development, or at least 'neutrality' towards it. Twelve million Ukrainian citizens who did not support Viktor Yushchenko in the 2004 presidential election potentially constituted the opposition camp, creating a strong ground for 'anti-orange discourses'[1] in Ukraine. Eight months later, the deterioration of the economic situation in Ukraine, and the political crisis that entailed the government's dismissal in September 2005 called into question the proclaimed 'new course', additionally feeding anti-orange discourses in Ukraine. In such circumstances anti-orange discourses, initiated by Yushchenko's opponents during the 2004 election campaign,

potentially could be taken up not only by accomplices of uncommitted or floating voters, who did not support any candidates, but also by those who previously projected loyalty to or even directly supported the orange camp.

In discussions of politics, the issue of 'the opposition' has become one of the significant concerns. Quite typically the analysis of the opposition is built around examination of a political opposition that is organized formally as a political party or a set of political parties, and officially positions itself as an opposition to the ruling authority's course. In other words, any officially proclaimed opposition forces are structurally organized political actors. Most analyses focus on this type of institutionalized opposition. Such approaches to the examination of the opposition underestimate the important role of the grass-roots components that exist rather non-structurally in the opposition movements and processes. Yet, seeing citizens as 'social actors' creates a ground for supporting pro- or anti-movements, and in this sense through their adherence towards one or another course of social and political development these social actors shape a 'legitimist domain' that can become a stepping-stone for political forces and leaders to base their actions on.

In this study I propose to examine the opposition in Ukraine not as an investigation of the structural political actors or institutionalized opposition, but as an analysis of the 'state of opposite opinions' of individuals who were, or are, involved in anti-orange discourses. The essay deals with the analysis of the anti-orange discourses and narratives in Ukraine and is based on a cyber-ethnographic examination of an Internet site '*Anti-orange.com.ua*: The Project of Ukraine's Anti-Orange Resistance on the Internet'.[2] The study does not reflect the results of the Ukrainian 2006 parliamentary election and its main aftermath – the creation of a new coalition and opposition. It focuses on the period of the first eight months of the 'Orange' authority, before it split in autumn 2005. Thus I analyse Ukraine Internet discourses until September 2005.

The essay consists of several parts. I start by concentrating on cyberspace, where I discuss the advantages and limitations of the Internet as a research field-site and also argue that the websites are a medium in which individuals have gained a public voice. The next section is devoted to the characteristics of the anti-orange group, where I try to define it and show its dynamics. I also focus on several issues articulated by participants in the anti-orange website in their discourses, particularly nation-building projects and federalization. The final parts of the essay concentrate on the issues regarding opposition – an institutionalized opposition and its links with the grass-roots.

Cyberspace as a Research Field-Site: Limitation and Advantages

Much of the recent theoretical literature on the Internet originates in Western countries where the Internet is considered a new source for social and political analysis.[3] In recognizing the Internet as a field-site for researchers' examinations, the following questions are raised: could the Internet be viewed as a reliable representation of social reality; and if so, what exactly might it provide for a potential study, and could it be viewed as offering representative data? The situation in the East European countries, where new technology and access to Internet services are limited first of all by economic concerns, reinforces these questions, creating doubt and forming a sceptical view concerning the relevance of the Internet as a research field-site.

It is true that there are differences between countries in terms of technological development and innovation that allow people to be included in Internet communication to different degrees. At the same time, Nicolas Negroponte suggests evaluating access to and use of the Internet not in the division between 'information-poor and information-rich countries', but in the generational division. He emphasizes the Internet as a tool of communication of the young generations.[4] Analysing the state of Internet development in East European countries, Dina Iordanova stresses that 'in spite of the limited access, the medium still has great inclusion potential, and it is a tool that could enhance the public sphere and could provide a vehicle for progressive politics and ideals'.[5]

Margaret Mead first brought to scholarly attention the idea of changing patterns of knowledge transmission between generations.[6] Now in a stage of acceleration of technology and a rapidly changing world we can observe the spreading of what she identified as a 'prefigurative culture' in which the older generation gains knowledge from the younger ones. It is true that the majority of the advancers and users of new technology and computer-based communication are persons aged 20–30 years. While serving as 'transmitters' of this new knowledge, at the same time they are 'speakers' on behalf of those who are outside or excluded from technology-based communication. In this sense, by mediating their concerns and opinions in hypertext the younger generation becomes representative of those who (potentially) share the same views but technologically cannot express them. As Iordanova pointed out, 'it will be their responsibility to continue speaking for those who remain excluded, and their struggle to make sure everyone is able to join in the future'.[7]

Quite often the Internet is viewed as a 'tool' for creating some cybercommunities. In this research I focus not so much on the members of antiorange cyber-community as persons (who they are in terms of their gender, ethnicity, occupational position, or region of residence) as on the discourses they produce. I am interested in *how* they create their arguments and *what* these arguments are based on: precisely *what* is refused or not admitted in a new course of development proposed by the new president and his team? Thus, the point I propose here is connected directly to the 'content' that appears

in the Internet discussion. The methods that I use in this research are derived from the interpretative paradigm, and include cyber-ethnography and textual analysis in gathering and examining the collected data. Yet, numerous chats and forums appearing now in the Internet could be viewed as a space for producing different discourses. And these discourses – following Foucault's ideas – do more than *describe* a society and its subject: they *define* and *constitute* them.[8]

Considering the content of an Internet discussion as discourses and narratives, I analyse them as one of the significant supplements to the official public sources. Applying such supplements permits us to utilize a 'cross-referential' approach that not only assesses a society through its official discourse and information, but gives a wider perspective from the grass-roots domain.[9] This notion is especially important taking into consideration the state of the opposition forces in Ukraine: the institutionalized opposition in Ukraine represents one of the 'official public discourses', emphasizing that they speak on behalf of people, yet at the same time possessing quite a weak connection with grass-roots groups.

The website '*Anti-orange.com.ua*: The Project of Ukraine's Anti-Orange Resistance on the Internet' appeared in December 2004, and its structure comprised information resources (mostly articles from different mass media) and an anti-orange discussion forum. Each article is accompanied by an interactive link to 'comments', which offers an exchange of opinions for participants. The forum is organized as discussions on a given topic proposed by a moderator.

This website is intended for anti-orange resistance on the Internet, and thus it assumed an exchange of opinions between those who did not support the orange camp. However, in certain circumstances they are open to discussion with the opponents:

> This is the Anti-Orange Forum. It means it is our home. And you – orange adherents of Yushchenko – are guests here … So, behave here as a neighbour who came in to drink a cup of coffee or tea and to have a talk but not a hit. (Natali, 24 Jan. 2005)[10] I think 'oranges' have to have access to the anti-orange site (this is not a totalitarian *Ukrains 'ka Pravda*). But it should be for a discussion and not for arrogant attacks. (Lesya, 24 Jan. 2005)[11]

Resorting to a metaphorical portrayal, Mark Poster describes the Internet as 'the agora, the New England town hall, the village church, the coffee house, the tavern, the public square, a convenient barn, a union hall, a park, a factory lunch room, and even a street corner'.[12] It is certainly not my purpose here to identify what kind of a space – an agora, a street corner or whatever else – Ukrainian cyberspace is, but it is obvious that the Internet becomes an actual *public sphere*. One important point is that this public sphere is opened up for discussions even if the websites are organized as a 'home for a curtain group'. In this respect one should highlight the notion of Bruce McClelland: 'The ability to communicate across political boundaries almost seamlessly

is a feature of the Internet's architecture that could only have been developed in circumstances where openness was considered a social benefit'.[13]

The websites with the forums and interactive communication are a medium in which individuals gained a public voice. It could be viewed as a significant contribution to the development of Ukrainian civil society and participatory democracy in ways not previously seen in the Ukrainian political sphere. However, it should be emphasized that, while technological expansion is taking place in Ukraine, there is little evidence to imply that the potentiality of the Internet is assessed to the fullest degree by Ukrainian academicians, policy-makers, representatives of the government, politicians or even political technologists.

Some Characteristics of the Anti-Orange Group and Its Dynamics

At a glance the anti-orange group consists of the electorate of Viktor Yanukovich, geographically located in southern and eastern regions and Crimea; ethno-culturally the majority of them are Russian-speakers. Yet, there is a widespread opinion that this group should consist mostly of representatives of the older generation. Also, there is a strong perception that geopolitically this group has an orientation towards Russia rather than Europe. Quite often this group is viewed as possessing strong elements of Soviet identity. Turning to the analysis of the anti-orange website, these characteristics could be reinforced and confirmed by the website's design with the logo Yanukovich used in his electoral campaign, and several hyperlinks that refer, for instance, to sites putting forward ideas about Slavic brotherhood and Orthodox unity.

But it would be a simplification to think of this group in the ways described above. One of the aims of the present study is to provide a window to the thinking of the anti-orange group. There are several questions that need to be answered. What are the individuals' concerns that led them to constitute an 'anti-group'? How do they advance their own arguments against the 'orange choice of Ukraine'? What is behind these arguments and what resources feed them? Countering these questions, could one talk about some 'matrix' of shared opinions, perceptions and attitudes that form this group? How stable could this group be, and under what circumstances could this group be extended or retracted?

However, I realize that alongside the advantages and potentiality the Internet resources ensure, there is also some limitation that cannot provide us with the comprehensive picture of the subject under investigation. It is clear that a comprehensive understanding of the anti-orange group must be accomplished by several research methods. In this essay I focus on some issues or points of concern that were mentioned as distinctive elements of the anti-orange group.

The analysis of the *Anti-orange.com.ua* showed that participants of

the anti-orange discourses were obviously not those who supported Yanukovich or, moreover, were ready to follow him in the immediate future. The composition (membership) of this group is *subject to change*. At the start, in December 2004, this site was developed for those who were 'anti' (against) the orange camp, but did it automatically mean 'for' the white and blue camp? Initially yes, especially taking into consideration that at the beginning this group united those who really supported Yanukovich during the election campaign. Nevertheless, this group also comprises those who voted for Yanukovich and against Yushchenko, and those who did not support either candidate. Thus, from the beginning the anti-orange group was not a monolith in terms of its direct support for Yanukovich. Eight months later, after a series of unsuccessful actions by the new government, court examinations, deterioration of the economic situation, increasing corruption, and political crisis that entailed the government's dismissal, this group has been extended to include those who previously displayed loyalty to or even direct support for the orange camp, but were disappointed by 'zero results' attained by the new administration. This does not mean that this represented a 're-colouring' of the electorate; rather, it meant that this electorate was on the road from 'orange' in search of a 'new colour' that could be presented by some other opposite force. It is obvious that under conditions of deepening instability in Ukraine the anti-orange group will be expanded, which could be supplemented by the former adherents of the orange camp.[14] The evolution of this group during the first eight months of the 'orange' administration shows that the anti-orange group did not constitute the same group it had been at the beginning of the presidential election campaign, and could hardly maintain some kind of 'indivisible front' in the immediate future. In September 2005 this became even more intriguing in connection with political actions of the former prime minister, Yulia Tymoshenko, who declared that her political bloc would remain independent[15] of Yushchenko's. This split in the orange team additionally affected the anti-orange group. At least during the first days after the dismissal of Tymoshenko's government, it 'disoriented' the anti-orange group's participants: 'Guys, you know, today [8 September 2005, dismissal of Tymoshenko's government] one picked out an image of the enemy from us' (*Russkiy patriot*, 8 Sept. 2005).

The demographic characteristic of this group is also under question. Since the majority of the Internet users are representative of younger generations, this raises a question about who constitutes the anti-orange group in Ukraine, and this brings into doubt a widespread assumption that those who did not support Yushchenko and do not support the orange camp mostly consist of representatives of the older generation. Also, the geographical distribution of the anti-orange website's participants is not obviously concentrated in one particular region. To the extent that it was possible to discern in the information that appeared in the Forum's messages, participants of the anti-orange

Internet group are inhabitants of different cities and regions: Crimea, Donetsk, Dnipropetrovs'k, Kharkiv, Kyiv, L'viv, Odesa. But what is interesting is how the 2004 election changed perceptions about the regional division of Ukraine. Contrary to the previously established divisions of east, west, and south, with an emphasis on the east-west dividing line, a new tendency appeared: a tendency to 'cell division', whereby local (not regional) identity is actualized (along the lines of: 'I do not want any "zapadentsy" or "donetskie" to rule in my city Dnepropetrovsk').

What are the Concerns About?

Since its appearance on the Internet, the anti-orange website has proposed different topics for discussion, but the tone and manner of these discussions were mostly critical and 'rejecting' rather than constructive: participants talked about what specifically they rejected in the course proposed by the orange team. It appeared that out of inertia participants transmitted on the website a style of accusations that existed during the election campaign. During the first period of its functioning the website remained an arena for the exchange of thoughts from the extreme rhetoric of the 2004 election campaign.[16] Only later was the flow of accusations against President Yushchenko and his team changed to a more constructive dialogue that included reflections that referred to the history of Ukraine and some other countries. While retaining a critical tone, participants of the anti-orange website changed the target of their criticism. At the beginning it was connected above all with distrust of the hypothetical ideas and orientation that the orange camp proclaimed; later, as the orange government began its work, its activity became a target of criticism.

During the initial period of the orange administration, one of its biggest mistakes was neglect of the anti-orange group in Ukraine. The government was carried away by de-privatization, and by struggling against and punishing the oligarch groups supported by the previous regime, and they let pass the moment when contacts with the anti-orange electorate could have been established. One can ascertain that at least over eight moths the president and government were unable to develop convincing and successful new policies; moreover, they made few efforts to build bridges with the anti-orange group.

Several issues articulated by participants of the anti-orange website are of particular interest. At a glance these topics are not new, but accentuating them could help to shed light on the anti-orange group. These issues are: the Ukrainian nation project, federalization, and opposition.

The Nation-building Project in Ukraine

In 2004 the election campaigns of both presidential candidates addressed issues of the Ukrainian nation in their programmes.

However, neither Yushchenko nor Yanukovich articulated clearly what nation project – ethnic or civic – they would follow. The 2004 election campaign 'was designed as remakes of Cold War motifs', with political advertising, images of hostility, and expression of ethnic phobias; 'stereotypical schemes served as populist references to different geopolitical orientations of the candidates, and a vehicle of creating conflicting identities of "two Ukraines"'.[17] In the portrayals both candidates were represented as advocates of these two Ukraines. Thus, the issues of the nation-building project (even though it was not articulated by the candidates) were presented latently.

For those who did not support Yushchenko one of the arguments for being against him was his image as a nationalist. It also linked to the perception that the ideology of the orange camp could be a personification of the ethnic-nation project, where Russian-speakers (and Russians) could be positioned as not really equal citizens. The language issue is also a concern of the nation-building project and of the status of the Russian-speakers in Ukrainian society: 'such a policy [on language] developed among Russian-speakers a feeling of guilt that the native and state language is not the same for them' (Maks, 22 Feb. 2005).[18] Moreover, any talk at any level – official or inter-personal – about 'conscious' (*svidomi*) and 'non-conscious' citizens further stimulated the issue of 'unequal citizens' and will continue to do so: 'It should be prestigious to be a citizen, and not artificially made a national minority [of Russians] in your own country … Moreover, it is not Ukrainianization that is going on, but Galicianization of all Ukraine' (Graf, 22 Feb. 2005).[19]

This notion of a 'Galician version' of national idea is repeated in other discussions, which could be summarized as discontentment with the fact (or belief) that 'Western regions have monopolized the national idea'. Does this mean, and does it signal, that those who constitute the anti-orange group, by resisting the 'monopolization' of the national idea, are striving to demonstrate that their opinions have not been taken into consideration, and that they as citizens have been excluded from participation in the shaping of the Ukrainian nation-building project?

One of the most significant topics for discussion in the anti-orange forum is the issue of *federalization*. Could this topic be regarded as a continuation of the rethinking of the nation-building project in Ukraine; is there a link between concern for the nation project and federalization?

Is it significant that this issue appeared in the sub-topic entitled 'Who are we, Ukraine?' It is obvious that the 2004 election campaign intensified debates on federalism in Ukraine. In their discussion of federalization the participants appealed to the historical heritage of Ukraine and introduced evidence from worldwide experience.

Recognizing the splitting of Ukraine after the presidential election, members of the anti-orange groups view federalization as a constructive approach that would allow for the avoidance of an

extension of this split. From this perspective, federalization could legislatively fix the existing division of Ukraine in a formula of 'two states in one', thereby preserving the territorial integrity of Ukraine. But in this case the question arises: would it create integrity of the society, or on the contrary, reinforce the alienation of the regions?

Federalization issues have acquired a new trend, which is directed towards a 'revenge discourse', as expressed in the following comment: 'Give wide autonomy to the regions and let's see who will live better' (Indin, 31 Jan. 2005).[20] This discourse of revenge is constructed as a project. It entails first of all notions of regional division of Ukraine and perceptions about the supposed disproportional contribution of the different regions to the Ukrainian economy. Keeping in mind the fact that the orange camp mostly consists of the western and central regions of Ukraine, they accentuate the significant role of the 'non-orange' regions in the Ukrainian economy. Projecting a federalist construction of Ukraine, they tried to convince their opponents that it could create a ground on which all regions could really demonstrate 'who is who in Ukraine' in term of their economic potential.

It might appear intriguing that in the anti-orange discourse there is a category that was never used before regarding Ukraine: 'Ukraine as an empire': 'Oranges … strive to retain the Ukrainian empire in its existing borders' (Vombatiy, 31 Jan. 2005).[21] It is difficult to draw any concrete conclusion on this issue, but I would propose questions for further rethinking: could ideas about federalization and even separatist trends in Ukraine be fed by the neglect in the state policy of the regional diversity (among other factors)? Could this neglect of regional diversity constitute a perception of Ukraine as an empire?

Discussing Opposition

The website *Anti-orange.com.ua* underlines that it is resistance on the Internet. For quite a long time this resistance took the form of exchanges of opinion regarding Yushchenko and his team. The 'opposition issue' appeared from time to time during the discussions of some other themes, especially when participants drew attention to and identified parallels with Russia and Belarus. The theme 'Discussing opposition' emerged in the Forum in April 2005 as a separate topic. At that moment there was a recognition of the fact that anti-orange groups need a strong opposition leader, who could represent the 'interests of the antiorange front'. This shift from a style of 'criticism' to a more constructive exchange of thoughts stimulated debates on opposition: what opposition is, what opposition should be, and what the state of opposition in Ukraine is.[22]

> Without an opposition authority becomes uncontrolled. (Dizel, 26 Jan. 2205)[23]
>
> A strong opposition is that opposition which acts 'for something' but not 'against something or somebody'. (Natali, 18

April 2005)[24]

> At the moment there is no a strong opposition force which could really do something. And what is also bad – there is no a strong leader. (Khel'ga, 16 April 2005)[25]

During the first year after the 2004 presidential election there was a strong tendency to discuss Ukrainian opposition in the regional dimension. In terms of Ukrainian regionalism it is very interesting that debates about an opposition shaped its geographical location, stereotypically fixing the regional division of Ukraine:

> Yes, Ukraine needs a serious opposition, but where is a strong leader? … Regions do not want to be in opposition. (Dizel, 16 Feb. 2005)[26]

> As for an opposition – this is a time to form a real leader of the south-east and a new opposition party. (Subavod, 29 Jan. 2005)[27]

The majority of the website's participants share the idea that an aim of the opposition is not to come to power, but to be a constructive counterbalance to the authorities; it should be 'a *legislative alternative* to orange authority' (Vombatiy, 31 Jan. 2005).[28] The specific characteristic of opposition in the Ukrainian case is that opposition was discussed and constructed in a regional dimension.

Anti-Orange Group and the Ukrainian State's Integrity

Could the anti-orange group be treated as a potential threat to Ukraine's state integrity? During eight months of the new regime in Ukraine, the anti-orange group went through several stages of its evolving self-image, its attitudes toward authority and its own positioning with regard to the authorities. Losing in the 2004 presidential election, the anti-orange group at the grass-roots level did not consider the results of the election as its own 'tragedy' that must lead towards some kind of 'revenge ideology'. It could be said that the anti-orange group at that level developed a readiness not for a 'barricade style' of acting but for a constructive dialogue. Any mass group needs a leader to follow, and it is very significant what style of actions this leader introduces to them. The anti-orange group could be a potential threat in the case where a leader of the opposition proposes radical actions (issuing ultimatums) and does not engage in contract-making with other parties, and speculates on the regional differences in Ukraine. In this way it could be transformed into separatist tendencies, which are real threats to Ukrainian integrity. This imposes on the opposition leaders a responsibility to create and to involve grass-roots groups in a constructive dialogue. But it is quite difficult to predict such an ideal scenario for Ukraine. For at least two years Ukrainian politicians have shown that the boundary between the

government authority and opposition is blurred. The majority of the apparent coalitions (in favour of or in opposition to the authorities) are rather *situational* and *instrumental* coalitions, which arise to achieve some concrete short-term purpose. Institutionalized opposition looks like a 'portfolio opposition', which activates itself and is consolidated only for an 'instrumental aim' – to gain power. The splitting of Ukrainian society, which reached a peak during the 2004 election campaign, has been transformed at present into a form of 'nonactivated split'. The situation is very fragile, and it is quite possible that the continuing process of creating new coalitions will make this split permenant.

Preliminary Conclusion

In recent analyses of the Orange Revolution's events, researchers underline several functions of the Internet, including organizational and mobilizational capacities, the effectiveness of the Internet as a means of resisting the authorities,[29] and as a resource and space for negotiating identities and debating Ukraine's 'choice'.[30] Keeping in mind that 44.2 per cent of the Ukrainian population did not support Yushchenko during the last election, and this number has been increased as a result of the first unsuccessful period of the orange administration, anti-orange web pages help bring these functions to fruition. The Internet page *Anti-orange.com.ua* constitutes an *Internet project* of anti-orange resistance in Ukraine and it mostly comprises a space for *discussions* by grass-roots groups. The question is: could such 'anti-websites' be transformed from a space of discussion into a political resource for organization and mobilization, and, hence, could virtual resistance in cyber-space become real? Also, taking into consideration political instability and uncertainty in Ukraine, one of the important questions is *which* political forces could galvanize such opposition groups among the electorate and how far they could go in using these groups' attitudes in pursuit of their own political aims.

The analysis of the anti-orange discourse showed that opposition attitudes at the grass-roots level constituted an 'abstraction' (or virtual form), with emphasis on discussions about *what are not admitted*, either *in* or *as* a new proposed course of development, rather than constituting a real legalized support of any existing opposition force. This situation is caused by several circumstances. The opposition forces as such are not manifested in Ukraine as a precise movement with clear ideas, understandable to the majority. They are uncoordinated among themselves. They are isolated from the grass-roots, and their ideas and demands do not meet (and do not reflect) grass-root attitudes. It is therefore not surprising that this gap between the attitudes of 'anti-groups' at the grass-roots level and interests that the opposition proclaims leads to a perception that the actions of both – opposition and government – are viewed and evaluated as a struggle for redistribution of property between two 'clans', 'business' or

'oligarch groups', which has nothing in common with ordinary citizens' needs and perceptions.

Opposition parties that have to express and defend the interests of the electorate's groups with the opposite views do not consider and do not reflect these views and demands. Institutionalized opposition consists rather of a 'subject for itself': it demonstrates *situated* solidarity and is able to create an *instrumental* coalition.

It seems that adherents of different camps at the grass-roots level are more open to the establishment of a dialogue than institutionalized political actors who have to represent their interests.

Notes

1. As an 'anti-orange discourse' I consider any discourse that involves criticism of President Viktor Yushchenko, his team, or the Ukrainian government after the 2004 election and their activity.
2. The website address is <http://www.anti-orange.com.ua>, accessed 14 Nov. 2006.
3. For example, Radhika Gajjala, 'The Sawnet Refusal: An Interrupted Cyberethnography', doctoral dissertation, University of Pittsburgh, 1999; Lorri Kendall, 'Recontextualizing "Cyberspace": Methodological Considerations for On-line Research', in Rob Kling (ed.), *Doing Internet Research: Critical Issues and Methods for Examining the Net* (London: Academic Press, 1999), pp.40–59.
4. Nicolas Negroponte, *Being Digital* (London: Coronet, 1996).
5. Dina Iordanova, 'Mediated Concerns: The New Europe in Hypertext', in Laura Lengel (ed.), *Culture and Technology in the New Europe: Civic Discourse in Transformation in Post-Communist Nations* (Stamford, CT: Ablex, 2000), p.109.
6. See Margaret Mead, *Culture and Commitment: The New Relationships between Generations in 1970s* (New York: Anchor Books, 1970).
7. Iordanova, 'Mediated Concerns', p.127.
8. Michel Foucault, *Discipline and Punishment: The Birth of the Prison* (Harmondsworth: Penguin, 1979).
9. Diarmaid Ferriter, 'suffer Little Children? The Historical Validity of Memoirs of Irish Childhood', in Joseph Dunne and James Kelly (eds.), *Childhood and its Discontents. The First Seamus Heaney Lectures* (Dublin: Liffey Press, 2002), p.103.
10. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=42>, accessed 14 Nov. 2006.
11. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=42>, accessed 14 Nov. 2006.
12. Mark Poster, 'CyberDemocracy: Internet and Public Sphere', in David Porter (ed.), *Internet Culture* (New York: Routledge, 1995), p.201.
13. Bruce McClelland, 'Online Orality: The Internet, Folklore, and Culture in Russia', in Lengel (ed.), *Culture and Technology in the New Europe*, p.183.
14. As the parliamentary election campaign of 2006 later showed, different political forces differentiated this group.
15. On 8 September 2005 Yulia Tymoshenko declared that it would be independent but still parallel to Yushchenko's bloc; five days later –

independent, but separate from Yushchenko's bloc.

16. For more detailed information on extreme rhetoric, see Lyudmyla Pavlyuk, 'Extreme Rhetoric in the 2004 Presidential Campaign: Images of Geopolitical and Regional Division', *Canadian Slavonic Papers*, Vol.47, Nos.3–4 (2005), pp.293–316.
17. Ibid., p.293.
18. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=145>, accessed 14 Nov. 2006.
19. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=145>, accessed 14 Nov. 2006.
20. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=42>, accessed 14 Nov. 2006.
21. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=63>, accessed 14 Nov. 2006.
22. These issues are still important ones for Ukraine, and the 2006 parliamentarian election and its aftermath only increased them.
23. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=83>, accessed 14 Nov. 2006.
24. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=215>, accessed 14 Nov. 2006.
25. At <http://www.anti-orange.com.ua/forum/phpbb2/viewtopic.php?t=215>, accessed 14 Nov. 2006.
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Gender and the Orange Revolution

ALEXANDRA HRYCAK

Accounts of the Orange Revolution view this event as a positive step forward for democratization. It has been widely interpreted as a signal that civil society in Ukraine has grown stronger and more vibrant and that citizens in that country feel more confident about rejecting the corruption and informal practices of social control that undermine the fragile foundations of democratization in post-Soviet countries.[1] Yet its slogan, 'Together we are many, we cannot be defeated!' (*Razom nas bahato! Nas ne podolaty!*), contrasts quite ironically with the disappointing political outcomes of the Orange Revolution. Indeed, many questions remain about whether civil society is sufficiently strong and cohesive in Ukraine to force its elite to move the country closer towards becoming a consolidated democracy like its western neighbours, and further away from the majority of post-Soviet states that have already become authoritarian regimes.[2]

Like most scholarship on post-Soviet democratic transitions, assessments of the Orange Revolution remain focused mainly on charismatic political figures and on the role elites play in formal political institutions. A focus on gender relations provides a corrective to such 'top-down' analyses. A 'bottom-up' perspective that uses gender analysis can gain a better and more complete understanding of the opportunities such democratic breakthroughs bring for citizens. This study examines the impact of the Orange Revolution from such a perspective. Its purpose is to stimulate further research that will go beyond analyses of democratization focusing mainly on the actions of political elites. It does not analyse the event itself in great depth, but rather uses it to explore the puzzling political weakness of the women's movement in Ukraine.

Gender is often overlooked in the literature on transitions because it is not considered a potential primary electoral cleavage akin to region, ethnicity or language.[3] Examining the marginal role women

play as civic and political actors, however, can help illuminate the practices and institutions that continue to prevent organized groups of citizens from developing meaningful influence over the state and the power elite. Although women participated in many ways in the Orange Revolution and in popular movements such as Solidarity in Poland that helped bring about democratization, their participation in post-communist politics after the transition is often obscured. In part, this is because women participate in politics on the basis of gendered social roles, as mothers and wives. They thus become associated with the home and private life. As a result, their participation in post-communist public life is covered mainly in scholarly analyses of Western aid and 'nonpolitical' projects to build civil society.[4]

As I demonstrate below, women as an organized interest group have been unable to take advantage of the reorganization of politics surrounding the Orange Revolution. In particular, the women's movement has benefited little from the rise to power of Yulia Tymoshenko, a woman who is arguably the first politician to command a mass following throughout the country. Within parliament, and also at nearly every level of society, there is still resistance in Ukraine to the argument of the women's movement that women as a group suffer from gender inequality and should unite politically in defence of their common interests.[5] On the contrary, rather than seeing Ukrainian women as too weak and in need of empowerment, popular accounts of women in Ukrainian politics often assume that at the heart of the country's troubles lies a very different gender imbalance: that, owing to a history of colonization, Ukrainian women are now strong – perhaps too strong – and Ukrainian men are now too weak.[6] Indeed, Ukrainian women are nearly always depicted through a myth of empowered womanhood and national redemption focused on the Berehynia, a figure invented by the ideologues of the independence movement.[7] According to this myth, Ukrainian women and men at one point enjoyed equal political and social status. But once colonialism robbed men of their traditional status, women became the main bearers of nationhood and national identity and eclipsed men as the 'stronger sex'. Their assistance is vital to their nation's recovery. They must continue to revive family traditions, and also help Ukrainian men to overcome the lingering inferiority complex that resulted from their superfluousness under colonial rule.[8]

Elements of this narrative are often present in discussions of a handful of 'empowered' women such as Yulia Tymoshenko who have entered the 'male' domain of politics. Through this myth, Tymoshenko's rise to power is rendered as follows: a young Ukrainian women who is talented and energetic (not to mention beautiful) is born into relative poverty and obscurity, achieves questionable wealth within the murky world of business (winning her the title 'Gas princess'), and then redeems herself by becoming nationally conscious and fighting as the 'goddess of the revolution' and 'mother of her nation' to bring Viktor Yushchenko, poisoned and near to death, to

power.[9] Furthermore, the series of fiascos that followed the Orange Revolution is retold as a story of epic gender imbalance, of a Ukrainian woman who is once again too strong (Tymoshenko) and a Ukrainian man who exhibits the pathological weaknesses found in all male Ukrainian politicians.

This essay goes beyond the myths and cults regarding empowered Ukrainian women to explore a puzzle: why, despite their symbolic significance, do women in Ukraine in reality play such a marginal role as political actors? The Orange Revolution marks the culmination of a period of political experimentation. During this time, the national independence movement, political parties and the state in Ukraine developed a new repertoire of strategies for mobilizing and managing electoral support among women as well as other groups of citizens (for example youth and pensioners).[10] Generous international support from foreign programmes to raise women's issues created further opportunities for improving political access for women and these other groups of citizens. However, so far women have remained unprepared to mobilize on behalf of their own interests as a group. Women's organizations continue to be vulnerable to co-optation by the state. Government support for their demands for increased state attention to key issues such as maternal and children's welfare, reproductive health and gender equality remains weak and ineffectual.[11]

This study surveys the central institutional and organizational dynamics that have prevented women from developing political power in the 15 years since Ukraine's independence. Below, I review social scientific studies that put forward a set of causal factors to account for variations in the level of female representation in post-socialist legislatures, and then explain how studies of informal mechanisms of social control offer a useful starting-point for understanding why, relative to other post-communist countries, women in Ukraine remain less politically influential. In the following section, I explore the role informal practices of gender domination play in confining women to a marginal position in the political system in post-Soviet Ukraine. I demonstrate that, during the formative period of the late 1980s and early 1990s, women were at a structural and ideological disadvantage within the workplace as well as within the parties and organizations that emerged from the Soviet political establishment and the independence movement. In the next two sections I analyse the consequences that their weak position in these three sites has had in the period of political opportunity surrounding the Orange Revolution. The third section explains why equal opportunity legislation that Viktor Yushchenko and Our Ukraine introduced to prepare the country for European Union membership has to date done little to strengthen the political position of the women's movement. The following section examines why gender issues played little role in the parliamentary elections of 2006 and are unlikely to be salient in the new parliament.

Gender and Democratization

Social scientists broadly agree that women have been marginalized within post-Soviet politics, and more generally that throughout Central and Eastern Europe women found themselves pushed out of public life after the fall of communism.[12] Yet even relative to most other post-communist countries, Ukraine has remained far behind. This is well illustrated by the disappointingly low level of women's representation in parliament. Studies have identified several main sets of constraints that have hindered the development of greater political power among women in all post-socialist countries. These include the end of gender quotas, a resurgence of neo-traditional attitudes regarding gender roles, the weakness of local feminist movements, the tendency for women in post-socialist societies to subordinate their potential group interests to other issues, and widespread gender discrimination in the labour market that results in economic insecurity and resource problems.[13] Before turning to examine the impact within Ukraine of the constraints common to all post-communist countries, I examine the formal and informal political structures that have provided strong disincentives for collective action for all citizens and narrowed political opportunities among women in Ukraine.

Gender and Political Influence in Post-Socialist Parliaments

Women fared poorly in nearly all post-communist countries in the first elections following the abandonment of gender quotas. However, significant differences have emerged in their ability to enter and influence post-communist political systems. These differences have resulted in considerable variation across countries in the gender composition of subsequent post-socialist legislatures. Scholars who have examined these variations at first wondered whether they could be attributed to the structure of electoral systems. Theories drawn from West European cases suggest that women do better in proportional representation (PR) systems than in either single-member territorial district elections or mixed systems that include elements of both.[14] This is because, in PR systems, parties are more likely to include women to balance party lists than they are to run women candidates in a single district. Yet PR helps account for some but not all cases in which there has been considerable growth in women's representation since the collapse of communism. According to the largest comparative study, 'countries with substantial representation of women where there has been a marked increase in representation since the first post-communist election [share] a number of traits in common … party list PR systems', combined with 'the desire to "join" Western Europe' and high levels of mobilization of women both inside and outside political parties.[15]

In Ukraine and other post-Soviet countries that have remained ambivalent about adopting European institutions and models, women have experienced difficulty gaining political power and there has not

been a strong upward trend in their representation in politics since the collapse of communism. Their political powerlessness remains even after the introduction of party lists. In Ukraine's first two elections since the opening up of the electoral process to competition in 1990, the country adopted a 'majoritarian' single-member territorial district system. In 1998, it switched to a mixed system in which half the seats were decided through single-member territorial district elections and half through national party lists. It then switched in its fifth parliamentary election in 2006 to its present purely PR electoral system. Throughout this period, the proportion of female legislators elected has fluctuated, while lagging well behind nearly all other post-socialist countries in Eastern Europe.[16] Women were elected in 1990 to 3 per cent of the seats in Ukraine's Rada; in 1994, their share increased to 5 per cent. We would expect women's parliamentary representation to increase in cases like Ukraine following the move to party lists. But perhaps because the 'turn to the West' and the rise of a strong women's movement have not occurred, the representation of women in parliament has remained lower than in neighbouring countries. Under the mixed system in place in 1998, the overall proportion of women elected increased to 8 per cent, with women somewhat more likely to be elected through party lists under PR than in single-member territorial districts.[17] It then dropped again in 2002 to 5 per cent (bringing Ukraine the distinction of being in last place in Central and Eastern Europe in terms of women's representation in Parliament). In 2006, after the Orange Revolution, it rose to its current level of 8.7 per cent. Thus today the gender gap in Ukraine is only slightly smaller than it was under the mixed system that existed before the move to pure PR.

Neo-Authoritarian Mechanisms of Social Control

Ambivalence towards Europe and the formal structure of the electoral system are not the only aspects of the political system that differentiate Ukraine from other post-communist countries and that create disincentives to collective action among women. Authoritarian practices have also limited mobilization of women and other groups of citizens into politics and public life. Most significantly, elites in post-Soviet Ukraine have resurrected informal mechanisms of social control that were widely used in the Soviet era to prevent women and other groups of citizens from developing political power.

Much scholarship in recent years has explored the revival of authoritarian practices in post-Soviet countries.[18] To indicate the mixed and contradictory outcomes of democratization in Ukraine, scholars have proposed categorizing the new political system as 'competitive authoritarianism',[19] 'delegative democracy',[20] or even 'the blackmail state'.[21] At the heart of these analyses lies a simple assumption: elite gatekeepers impede the consolidation and institutionalization of democracy by exploiting their control over

resources. Great attention has been paid in this literature to informal mechanisms of control, notably to the use of 'administrative resources' to rig the electoral system so as to win control of parliament and impose various substantive and procedural preferences on other political actors.[22] But as the outcomes of both the Orange Revolution and the 'clean' parliamentary elections of 2006 show, control over parliament and its procedures can also be achieved through means other than employment of administrative resources to rig elections.

A focus on elite control over resources – in particular, 'administrative resources' – is very useful for understanding the broader structural and institutional reasons why power imbalances remain after the Orange Revolution and the advent of 'cleaner' national elections. Since independence, elite gatekeepers continue to use their structural advantage to prevent the mobilization of women as citizens. Patriarchal notions of how political leaders and citizens should 'look and act' further undergird or legitimize the endemic material dependencies and relationships of patronage that cripple, co-opt or subvert grass-roots challenges to corruption in Ukraine.[23] As the studies of gender and proportional representation reviewed above suggest, embracing pro-European values and adopting models of gender equality are an important precondition not simply for the empowerment of women as civic and political actors; they also assist the institutionalization of a set of norms and values that support formal democratic political institutions.

Gender Inequality Prior to the Orange Revolution

To enter politics, a group that has little political power must have completed considerable advance work generating the basic elements of a social movement: articulating a common collective identity, building effective organizations and developing stable alliances to political allies and support groups.[24] The following section explores obstacles created by elite gatekeepers that deter women from accomplishing the work needed to develop into a social movement. It analyses in detail the mechanisms of gender domination that operate to marginalize women and camouflage gender inequality. It explores the marginalizing effect these had in the workplace, the party system and the independence movement, and, more broadly, within the political system that emerged during the first years of independence.

Gender Stratification in the Workplace: A Hidden Soviet Legacy

Officially, discrimination against women is illegal in Ukraine, yet hidden forms of discrimination remain widespread, particularly in the workplace. Women occupy a position of structural disadvantage as employees, yet their grievances remain obscured. The invisibility of gender discrimination is an institutional legacy of the Soviet era. Soviet state policies to promote the employment of women and

support the 'working mother' made it difficult for women to be seen as a disadvantaged group. Lengthy maternity leaves and other measures intended to encourage childbearing and employment among women reinforced perceptions that women were a privileged group that enjoyed an advantageous position under state socialism. This served to delegitimate women's political activity under post-communism.[25]

A heavy burden of maternal duties reduced the time and energy women in Soviet Ukraine could devote to advancing their careers, and branded them unreliable workers. It was considerably more difficult for women than men to be promoted up the levels of authority in the workplace and in the party. Indeed, outside intellectual circles, to refer to a woman as 'pursuing a career' was to imply that she had loose morals and was sleeping with her boss to get favourable treatment. Powerful organizational positions in Soviet workplaces as a consequence remained almost entirely dominated by men. Even though, generally, women in Soviet Ukraine were better educated than men, they were rarely found in decision-making positions.[26] Women were crowded into dead-end jobs where they performed 'women's work'. Many women were employed within low-wage economic sectors, such as catering, textile processing, childcare and agriculture. Professional women also faced gender discrimination; like other women workers, they tended to work in 'feminized' jobs within education, health care and other professions where most employees were women and most managers were men.

The transition from state socialism should have de-concentrated control over basic resources and increased opportunities for challenging or exiting this system of gender domination. But in the short run the transition instead increased the impact of these long-standing gender inequalities. Women have been hit far harder than men with unemployment and a host of problems associated with privatization.[27] Examination shows that in the main sectors of the economy they receive roughly 25–40 per cent less pay than men.[28] Women are also considerably more likely to experience unemployment.[29] The closure of manufacturing plants, day-care centres, scientific research units and many other organizations that employed a predominantly female labour force pushed women out of public sector jobs into private or informal economic activity more quickly than men. There are few economic opportunities for women workers in the private sector. Managers still consider women 'mothers first' and, hence, 'unreliable' workers. Many more women than men have difficulty finding new jobs that pay adequately. Women who have a higher level of education are more likely than men who are equally qualified to work in petty trade and within this sector to be engaged in less profitable and less secure activities.[30] Women entrepreneurs tend to operate smaller and more precarious businesses and are rarely found among executives in medium or large businesses.[31]

In summary, gender segregation in the workforce is an important if

hidden legacy of the Soviet Union. State programmes on behalf of 'working mothers' reinforced stereotypes rooted in traditional gender roles. These place women at a significant structural and ideological disadvantage. Despite the actual pervasiveness of gender inequality, its nature and extent remain obscured by widespread beliefs that the Soviet state promoted women and their interests. Strong associations with motherhood have been a significant liability for women in the workforce. Women in Ukraine consequently experience greater economic insecurity than men. Poor job opportunities leave women more vulnerable to a host of forms of exploitation and harassment, including abuses of administrative resources that rob them of their rights as voters and citizens.[32]

Gender and the Political Left: The Communist Party of Ukraine

Soviet legacies of gender segregation continue to restrict women's ability to play an active role in politics in the post-Soviet era. Men who formed a closed elite dominated the Soviet political system. There were no women in the Politburo and in the inner circle of the party leadership. Soviet Ukraine's party elite also never accepted women. Party leaders prevented women as a group from developing political influence and raising gender inequality as a political issue.[33] They channelled token women into 'feminized' organizational niches within the Communist Party and its post-Soviet successors. The promotion of token women within party channels contributes towards public perceptions that women are well represented in the political system and that their primary problems had been solved by the Soviet state.

In the post-war era, women entered the world of party politics in large numbers. By the 1980s, they made up roughly a quarter of the membership of the Communist Party of Ukraine and 30 per cent of the membership of various elected party organizations and boards.[34] Quotas ensured that women held about half of the seats in Ukraine's local and oblast councils, and a third of the seats in the republic's Verkhovna Rada (parliament). Yet the vast majority of women who were party members remained crowded at the bottom of the political system. Party leaders typically assigned a few token women to positions of secondary importance that were unofficially 'reserved for women'.[35] Usually this was the so-called 'third', or ideological, secretary in a local or regional party bureau. They also appointed women to another secondary and usually female position in politics: that of the deputy chairman of a municipality; this office usually dealt with issues of culture and education. Women who occupied such positions were confined to minor offices and, in fact, wielded little authority and experienced few opportunities for upward mobility.

Women were singled out as a group and encouraged to mobilize during *glasnost* and *perestroika*. As party leader, Mikhail Gorbachev acknowledged that Soviet policies had provided inadequate levels of support to women. He pledged to alleviate the stresses women faced in

the workplace and at home, and promised to promote more women to positions of authority. More importantly still, Gorbachev created an organizational channel for increasing women's political access. In 1987, he revived official organizations called Women's Councils and placed them under the jurisdiction of a small group of women party leaders who constituted the Soviet Women's Committee. This committee represented Soviet women internationally and thus had the potential to develop and expand ties to international women's groups from which the country's activists had been isolated for so long.

Reform of official organizations – the Communist Party, the Communist Youth League and other organizations linked to the party – alongside the revival of the Women's Council should have given a considerable number of women the opportunity to achieve new positions of visibility in local politics. These organizational shifts might have created opportunities for the emergence of a local women's movement or a political bloc that could have helped women develop political leverage within the emerging Ukrainian state. Indeed, high positions in official structures and a history of success in party work helped numerous men to enter post-Soviet politics. However, for women this was not the case. Women party workers did not benefit from their inclusion in niches defined by gender. Most women who had moved up through the ranks of the Communist Party in the Soviet era proved to have no political future in the post-Soviet system.[36] A mere handful of women party workers managed to find positions within post-Soviet political structures, leftist parties in particular. Over half of women candidates and well over half of women elected to parliament were associated with leftist parties during the first post-Soviet elections.[37] But, typically once again, women in parties of the left were assigned to subordinate positions and remained dependent on male gatekeepers who had no stake in advancing women's interests within the political system.

Gender and the Political Right: The Independence Movement

The official channels of the Soviet era failed to provide a welcoming environment for promoting women or introducing gender issues into politics at the time Ukraine began its transition. But, at least at first, the alternative route into politics was also blocked: advancement of women's interests within the independence movement and its successors on the political right. The independence movement expanded opportunities needed for women to mobilize for change. It facilitated the formulation of new grievances and the establishment of new organizations. It also invented a new collective identity for women as 'Berehyni', or guardians of hearth and home and Ukrainian national traditions.[38]

Some local feminists see the Berehynia myth as a potential resource for the development of a localized feminism and for engaging women in public life. Zhurzhenko demonstrates that the myth of the

Berehynia is 'ambivalent'. She agrees that such rhetoric could be used to marginalize women by confining them to domestic roles, but notes that it has also been used to engage women in politics and public life and has spurred productive debates among local feminists. These have helped them to stop viewing feminism as an 'imported, western-centred' phenomenon and allowed them to begin constructing a 'Ukrainian feminism' that has local relevance.[39] Similarly, Kis' finds that this way of framing women's political and social roles resonates with the understandings of women's roles held by politically active women.[40] But it has also channelled women into types of civic activism defined by traditional gender roles and oriented towards a revival of national traditions. It has therefore further reinforced pre-existing patterns of exclusion of women from positions of authority in politics and public life.

Understandings of women's roles that derived from the Berehynia myth have had the effect of marginalizing women and women's issues in public life. This is well illustrated by the pattern of activism that developed among women active within the independence movement. Women – in particular educators and scholars who were alienated from the Soviet system – were vital to the growth of the independence movement. They were the 'moving force' that formed the grass-roots base of Rukh.[41] Women became vital to Rukh because the movement recruited mainly through schools, churches and various other organizations in which women were often numerically dominant. Women also formed the primary base of grass-roots support for the ecological and cultural associations that, in turn, helped develop a following for the independence movement in western Ukraine and in Kyiv.

But gatekeepers operating with traditional gender stereotypes channelled most women away from prominent leadership roles. They also blocked their efforts to raise the issue of gender equality within the movement. Consequently, just as happened in the Soviet workplace and within the post-Soviet political establishment, women and men on the political right generally became segregated into different organizational niches and issue domains: men dominated politics writ large; women typically assumed subordinate roles and embraced traditional 'women's issues' associated with children, spirituality and national traditions.[42] Indeed, somewhat in keeping with the dictates of the Berehynia myth, gatekeepers in Rukh tacitly discouraged women from entering the 'dirty', 'male' domain of politics and instead encouraged women to look to the past for organizational templates through which to revive Ukrainian traditions. This search led women in the movement to devote energy to establishing women's organizations such as the Zhinocha Hromada and Soiuz Ukrainok based on pre-Soviet models.

These patterns of gender differentiation within the independence movement have hindered the ability of women to succeed in post-Soviet politics as an autonomous, non-partisan force. The women's

organizations that emerged from the independence movement for the most part tend to operate as extensions or satellites of political parties of the right and centre-right.[43] Their public activities and political positions remain very dependent on the views of their respective party's leadership. This inhibits the formation of coalitions with other women's groups. Moreover, even though some of the organizations that emerged from the independence movement later initiated discussions of issues that expanded opportunities for involving women in public life and for raising issues of gender equality, at first these organizations participated mainly in cultural, educational and charitable activities that focused on the family, children and national traditions.[44]

Furthermore, while many men rose to political prominence through the independence movement and the parties that succeeded it, not a single woman entered formal national-level politics through a career in the movement. Just under half of the 13 women who entered the 1990 Rada were local Rukh activists; none was re-elected in 1994 or subsequently. Only a few women were elected through, or attained positions of leadership within, the political parties of the centre-right and right. Although there was one woman among every 20 candidates associated with Rukh running in the elections of 1994, none won a seat. In the 1998 elections, the ratio of women among Rukh candidates increased to one in ten, but only two women (4.4 per cent of the total) were elected through Rukh channels.[45] The gender ratios within new political blocs of the centre-right, in particular Our Ukraine and the Tymoshenko Bloc, were at first similarly low, although they improved significantly in the 2006 parliamentary elections.

Gender Empowerment: The Orange Revolution and the Turn towards Europe

Elite control over resources lies at the heart of most accounts of post-Soviet political failures. It is also crucial to understanding why gender inequalities in politics persist following the Orange Revolution and the introduction of PR. The previous section traced the processes of gender stratification that placed women at a disadvantage in promotion opportunities within the workforce and within the two institutional sites that gave rise to the 'left' and 'right' of Ukraine's political spectrum: the Communist Party of Ukraine and the independence movement. It explored in detail the emergence of gender disparities that hindered women's empowerment and that continue to prevent women from exploiting the opportunities presented by the Orange Revolution and the new electoral system of party lists. Women were excluded from positions of authority and were also coded as a privileged group with no real grievances. This left them at a structural as well as an ideological disadvantage in the early post-Soviet years. Women's marginalization at that time within both left and right political forces diminished women's capacity as individuals to

compete for political office and develop political careers. It also diminished their group capacity to develop a legitimate political discourse for articulating their grievances, fashioning a viable collective identity, building stable organizations and developing political alliances to generate and sustain mobilization outside and inside formal political channels.

The Orange Revolution and the 2004 presidential election galvanized Ukraine and created many new opportunities for women to become politically active. Viktor Yanukovych promised to 'strengthen the family, guarantee the protection of women's rights in all spheres of social life, support women as mothers, provide for health care and also secondary education for every child, provide support for women's health consultations, for childbirth clinics, children's clinics and kindergartens'.[46] Furthermore, Yanukovych promised, 'we will uncover new sources of popular energy by guaranteeing the participation of women in a leading role in state administration and by giving youth a wide course for serving the people. This will strengthen the rule of the people and parliamentarianism'.

By contrast, Viktor Yushchenko did not raise gender issues directly in his presidential campaign; instead he typically discussed measures to improve living conditions for all Ukrainians. At times, he seemed deeply patriarchal and evoked the myth of the Berehynia, praising women as guardians of the Ukrainian family and its national traditions (and not as active citizens and political agents). As the much-photographed beautiful young women who cooked meals on the Maidan and presented special forces units with bouquets of flowers suggest, his women supporters happily played a supportive role in the revolution: they represented the 'Berehynia' and acted as symbols of popular values associated with domesticity and the family.

Although Yanukovych's campaign devoted attention in its platform to women's empowerment and Yushchenko and his supporters in Our Ukraine did not, the latter have done far more work to advance women's equality. We now turn to examining an important yet often overlooked side of the relationship between Yushchenko, Our Ukraine, and the women's movement: efforts to prepare Ukraine for European Union membership.

The Women's Movement and EU Integration

Women's movements have struggled to overcome the effects of the state socialist legacies that disempowered women and de-legitimated women's political mobilization under post-communism. As indicated above, studies find that aspirations to join the European Union create a favourable political context for the emergence of a strong women's movement and for increasing women's political influence after the fall of communism. This is because states seeking to join the EU must enact extensive equal opportunity legislation in order to qualify for membership.[47]

The 2004 presidential election and the Orange Revolution focused centrally on integrating Ukraine into Europe. In his inaugural address Yushchenko stated with great hope that 'we are no longer on the edge of Europe … We are situated in the centre of Europe'.[48] Indeed, he has long supported EU membership and other measures intended to move Ukraine from Europe's periphery and out of Russia's orbit.

Yushchenko's advocacy of gender equality programmes illustrates the unexpected ways in which his pro-European orientation in policy questions differs from the rather patriarchal persona and positions he adopts as a leader in public life. Since his first term as prime minister, he and his allies have taken important symbolic steps towards transposing EU gender equality directives into national legislation. This high-level turn towards Europe has enhanced opportunities for advocates of women's empowerment to raise new issues such as the need for gender quotas in the party system. The prospect of integration into European structures first began to create leverage for advocates of gender equality in the late 1990s. In 1999 the government approved a National Action Plan on Improving the Status of Women in Ukraine that, unlike the previous Action Plan, incorporates gender equality as a key issue. The prospect of European integration has also increased the salience of gender equality among supporters of Our Ukraine as well as a number of parliamentary deputies who are women. This shift away from a discourse of motherhood and national revival towards gender equality is evident in parliamentary discussions of gender issues, and also in the second parliamentary hearings on women's status held in 2005. Programmes and policies to prepare Ukraine to meet equal opportunity standards needed to qualify for EU membership have also resulted in the passage of legislation to combat domestic violence (2002) and to ensure equal rights and opportunities (2005). State projects oriented towards European models have also been developed to fight trafficking and assist its victims (2003).

Yet despite these achievements, the women's movement is still plagued by problems that have long blunted its political potential. Opinion polls consistently demonstrate that very few Ukrainian citizens know of the existence of women's organizations, most do not trust them, and only an insignificant number have ever participated in their activities.[49] These low levels of public trust, awareness and participation reflect the movement's incapacity for coordinating political campaigns.[50] There is still no structure through which to strengthen inter-organizational alliances: even organizations that work on the same issues and are located in the same town often fail to coordinate their activity.[51]

These low levels of public awareness of the women's movement also occur because the government of Ukraine has yet to proceed towards developing effective institutional mechanisms for implementing equal opportunity measures. The government has still not committed the resources or developed the political will necessary to establish the state structures for implementing equal opportunity

legislation and bringing Ukraine closer to compliance with EU requirements.[52] Instead, jurisdiction over equal opportunity legislation remains under the control of existing government structures focused on children and youth.[53] Their programmes to address 'women's issues' typically focus on children's and maternal welfare, and lack the capacity to develop and implement institutional mechanisms that bolster women's rights and opportunities outside the home.[54]

The women's movement also remains vulnerable to coercive management and informal mechanisms of control formerly used to rig elections. Prior to the Orange Revolution, state officials allied with President Leonid Kuchma created 'from above' several women's organizations and a women's party that received considerable media exposure. They then used them during elections to distribute administrative resources to shift the electoral preferences of senior citizens, needy families and other vulnerable sectors.[55] In the 2004 presidential election, the Yanukovych campaign employed such tactics widely. Directives and orders to drum up public support for Yanukovych were sent from the highest levels to a wide range of state agencies associated with women's issues. These agencies pressured women's organizations to create coalitions at national and local levels in support of his candidacy. Local tax authorities also pressured women's organizations (and other enterprises) to make extra payments to fund the Yanukovych campaign. In the 2004 presidential election, the Party of Regions also forged a close relationship with women's groups, and a new group called 'Berehynia' became the party's women's wing. Although it did not employ this group to distribute administrative resources in the 2006 parliamentary elections, given the party's history this remains a possibility in the future.

A third obstacle to the development of the women's movement into a unified political actor concerns fundamental disagreements within the movement on how to frame 'women's issues'. The Soviet establishment, the independence movement as well as the organizations and parties that they gave rise to have typically framed women's issues around the family and children. Foreign advocates, by contrast, encourage a shift towards such goals as achieving gender equality and addressing issues of economic or legal discrimination outside the home. Foreign funding and international contact have helped encourage local advocates of women's rights to establish new types of organizations such as gender studies centres, battered women shelters, and micro-credit projects that embrace Western understandings of women's empowerment. External opportunities have made possible numerous seminars, conferences and publications that assess women's status in Ukraine. But they have not resulted in strong political alliances between groups that uphold the populist discourse of motherhood and those that embrace foreign discourses based on feminism.

Foreign funding is intended to foster networks and alliances among local women's groups,[56] yet dependencies on foreign funding continue

to create nearly insurmountable obstacles to the development of the women's movement into a stronger political actor.[57] Foreign funding is the primary source of employment and resources among women's organizations in Ukraine today.[58] Competition for funding has increased considerably in recent years in response to frequent shifts in donor priorities and a decline in the availability of grants for women's empowerment. These changes have fuelled intense rivalries within the women's movement. They also have contributed to a decline in the capacity of most organizations to remain active.

The women's organizations that work most closely with foreign donors and trans-national advocacy networks are 'women's NGOs': small, professionalized and elite groups of experts modelled on the Western NGOs that work in international organizations. Foreign donors prefer to work with these professionalized organizations because they deem them the most efficient and effective intermediaries for transmitting crucial foreign resources aimed at empowering women at the grass-roots or community levels. Yet Ukrainian women's NGOs have nearly all failed to generate sustainable forms of activism that can coalesce into a broader movement mobilizing 'ordinary' women.[59] They also remain distant from local politics. Indeed, while elite women's NGOs nearly all supported Yushchenko in 2004, they played no part in his campaign, nor did they work with the women's organizations that volunteered to support him. Similarly, they did not participate as an organized group in the Orange Revolution. This disconnect between NGOs' missions of empowerment and their activities on the ground results in part because most self-styled women's NGOs in Ukraine look down on locally oriented women's organizations and on local understandings of women's issues. They do little outreach work with the populations they 'represent'; they are oriented more towards networking with foreign advocates and spend much of their time seeking funding from Western donors and participating in training exchanges with Western countries. Their failure to forge alliances with local political groups that support Western integration and their inability to work with non-feminist women's organizations has hampered the ability of the feminist wing of the women's movement to raise key issues.

Gender and the 2006 Election

The previous section argued that women's rights advocates now lack the bargaining power to promote gender issues. Social science studies indicate that they will have greater resource control and political opportunities when they have female allies in positions of power. We now examine potential alliances in the context of the 2006 election and the newly elected parliament. The analysis concludes that it is not likely that significant increases in high-level support for gender issues will arise within parliament in the immediate future.

Women within Political Parties

As noted above, women have been slow to develop power within the party system that has emerged since the shift to proportional representation began in 1997. Issues coded as 'women's concerns' have been, and remain, a low priority in party politics.[60] Despite the increasing salience of gender equality within the women's movement and within government programmes oriented towards EU membership, most political parties continue to adopt traditional positions that highlight the centrality of women as Berehyni, nurturers of the family and children. Many do not mention gender issues at all; others reiterate concerns that resemble Soviet approaches that (as argued above) have disempowered women. Typically, these parties promise to increase state benefits in order to 'protect mothers and children' (and they place 'women and children' alongside 'invalids', pensioners and other categories of the population deemed incapable of supporting themselves through work). In contrast to the Soviet era, parties generally fail to discuss the issues women face in the workplace or in public life. Nor do parties raise issues of domestic violence or trafficking.

Gender discrimination and gender inequality were not central issues in the 2006 election. They are not high priorities for the parties and blocs that won seats in the new parliament. While Yanukovych made mention of women's rights issues in the 2004 presidential election and orchestrated shows of support among women's organizations (see above), women's equal rights did not figure in the Party of Regions' platform in either 2002 or 2006. Instead, the party adopted a focus on the traditional family. This inattention to gender issues is not surprising bearing in mind the general hostility displayed by the Party of Regions to efforts to integrate Ukraine into the EU and these have provided the main opening for introducing gender initiatives into Ukrainian politics. None the less, it is a little surprising given that the Party of Regions has promoted several advocates of women's rights to prominent positions. The present co-leader of the Party of Regions' parliamentary faction is Raisa Bohatyriova, a physician and medical policy expert who has played a central role in formulating reproductive health policy. In her addresses assessing maternal and children's health in Ukraine, she has blamed gender inequality for a host of pathologies. Furthermore, Nina Karpachova, the former parliamentary ombudsman for human rights and a women's rights advocate, was ranked second on the Party of Regions' national list in the 2006 parliamentary election. Similarly, another highly ranked woman deputy (Liudmyla Kyrychenko) who has been re-elected is also closely associated with the women's movement.

Gender issues connected with integration into the EU are likely to remain a low priority for the near future. The two parties of the left that are now allied in parliament with the Party of Regions did not mention gender issues in their platforms during the campaign and also share opposition to the country's reorientation towards Europe. The

Socialist Party's programme states that it supports equality of opportunity and opposes gender discrimination.[61] By contrast, the Communist Party supports 'maternity', but makes no mention of gender equality. In the short run, within the new parliamentary majority, the Socialists' position is unlikely to sway the agenda of the parliamentary majority.

Situated across the deep partisan divide from this new parliamentary majority is the renewed opposition. Unfortunately, the Tymoshenko bloc also does not treat gender inequality as a high priority. The Fatherland Party includes in its party programme a blend of feminist and more traditional nationalist themes. It promises not only to guarantee equal rights for men and women and to end discrimination against women, but also to introduce measures 'facilitating the birth rate and providing aid to mothers, children and to family-style children's homes'. So far, however, Tymoshenko has devoted more energy and resources to pro-natalist objectives than to eliminating gender discrimination.

Our Ukraine and its member parties are thus the only political faction within the new Rada to have supported equal opportunity issues and participated actively in gender equality programmes. However, the Our Ukraine bloc's 2006 electoral programme did not raise gender issues either. Among the bloc's member parties, the Sobor Ukrainian Republican Party devotes the most attention to gender issues in its programme:

> The party promotes the traditionally high role of a woman in Ukrainian society, liquidating concealed and open forms of discrimination of women, creating conditions for increasing the role of women in social life, increasing representation of women in governmental bodies … Consolidating equality of women and men, the party promotes principles of gender justice … The party backs introducing quotas for women in party electoral lists.[62]

Thus Sobor is the one party with parliamentary representation that supports quotas. Quotas of 30 per cent were proposed in 2001 by women parliamentary deputies in an earlier draft of the equal opportunities legislation. However, quotas and other gender issues were not included in the Our Ukraine bloc's electoral programme and are unlikely to be priorities in the new parliament.

Women in the 2006 Parliamentary Elections

The introduction of proportional representation was intended to strengthen parties, reduce the number of non-aligned independent deputies and consolidate Ukraine's party system. It may not have achieved all these objectives, but so far it has increased very considerably the importance of political parties as gatekeepers in the political process. This has had complex effects on women as political

agents. While the new party system has created a set of niches for women in politics that did not previously exist, it has also meant that women who gain access to these spaces form a disparate group, which is divided in complicated ways that become apparent in the analysis below.

Nomination procedures and women candidates

In the past, a major reason for the low priority accorded to women's issues and gender was the absence of opportunities for women's advancement within the party system. The system of party lists has resulted in increased opportunities for women to enter national politics. Compared with the parliamentary elections held before the move to national party lists began in 1998, there are now significantly more women nominated to run for seats in the Rada. What is the logic behind nomination practices regarding women candidates? What achievements and characteristics differentiate those women selected for positions high in the party list from those lower down who may have been chosen primarily to suggest party commitment to women's advancement, but who had no real chance of entering parliament? The literature suggests that gender disparities in political representation originate in large part at the nomination phase, when party lists are formed.[63] In 2006, there were considerable differences between parties in the proportion of women nominated and in the occupational origins of these nominees, and so clearly there is no common formula. It seems that blocs and parties reserve the top five positions for nominees who will enhance their appeal to voters. They grant subsequent positions mainly by rank-ordering supporters and workers according to their importance to the party, and not by any desire to appeal to voters by balancing the party lists with women. Inter-party differences seem to emerge from overall patterns of gender stratification within a party's primary institutional bases from which it nominates candidates to its lists. The gender gap exists mainly because parties and blocs draw from institutions outside politics within which women do not occupy places of power and influence.

Women followed five main career pathways before political parties and blocs nominated them to top positions on their 2006 lists. The first and most important is the political party career path, in which a party rewards women it employs. Overall, some 7 per cent of all election candidates were employees of political parties or of parliamentary deputies; another 5 per cent were parliamentary deputies. Party activism is also the main path along which women candidates were nominated by the Communist and Socialist parties. A large share of the women nominated by Our Ukraine, the Tymoshenko Bloc and the Party of Regions are also party employees. Thus, today, we can conclude that political parties are the main channels through which women are entering national politics.

A second primary career path is that of the civil servant. Roughly 7 per cent of all candidates in the election were employed in local,

regional or state administration or in ministries and other national-level structures. Women constitute an absolute majority of civil servants in Ukraine, but occupy few of the executive positions from which most parties drew nominees. The Party of Regions recruited heavily from among high-ranking civil servants in Donetsk and neighbouring regions, and a number of the women nominees placed in mid-level rankings on its list were employed in this sector; Our Ukraine also recruited among women civil servants. Employment within the civil service thus seems to have become a second main channel through which women enter national politics, although here again gender disparities in promotion result in a lower relative proportion of women who enter politics through a career in the civil service.

A third main career path into national politics originates in the business world. Nearly a third (29.82 per cent, or 2,265) of all candidates who ran for parliament in 2006 were entrepreneurs, and another 5 per cent were employees of businesses. Relatively few women nominated to run for parliament are entrepreneurs or executives who have risen to top positions within the business world. Only the Tymoshenko Bloc recruited mainly through this channel, drawing roughly half of its top women candidates from the business world; Our Ukraine included only one (Ksenia Liapina). Although women do enter national politics via this route, they are still few and far between because, as discussed above, women have been marginalized within the business world in Ukraine.

A fourth path is women's rights activism. Overall, the organizational niche for women's advocates within the party system is very small. Only a handful of women candidates on party lists were leading members of women's organizations. Two of the most prominent blocs gave relatively high positions on their list to women closely associated with women's rights advocacy: Katerina Levchenko (number 35 on the Our Ukraine list) and Nina Karpachova (number 2 for Party of Regions). Both began their careers as heads of local women's NGOs and later came to be seen as advocates of women's issues nationally: Levchenko heads an international NGO that fights trafficking, and since 1998 Karpachova has been the Rada ombudsman for human rights; she was also the head of the organizational committee for the first parliamentary hearings to assess Ukraine's progress towards meeting its obligations regarding the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a treaty confirming the principle of unacceptability of discrimination against women and promoting the idea of gender equality in all spheres of economic, political and public life.

The fifth and final path into national politics is reserved for the figurehead who has achieved success as a performer of the party's gender ideology regarding the 'ideal woman'. Figureheads were once ubiquitous in the rubber-stamp councils of the communist era. For the

most part, since 1990, the Rada has included none of the token women who previously entered through quotas. The Second World War veterans, young milkmaids and factory workers who had broken production records, and the mother-heroines who had raised ten or more children shared the same fate as the handful of women who occupied positions of high visibility in the Communist Party of Ukraine and appeared as symbols of state commitment to 'women's issues'. Similarly, in 2006, there were only a few figureheads among the nominees, including the media celebrity Olha Herasymiuk and the pop star Ruslana, two prominent Ukrainian women who have not been active in formal politics but were chosen for the fourth and fifth positions on the Our Ukraine list. Several other parties also made similar choices for their top positions.

Outcomes: New Women Deputies

About a third of the new women deputies in the 2006 Rada are members of the Party of Regions bloc; that party won 186 seats, 14 of which (7.5 per cent of the total), went to women. Overall, 10.6 per cent of the party's national list of candidates were women. This difference between the overall percentage of women in the party list and the percentage that won seats reflects the lower placement that was given to women candidates. There were five women in the first 100 on the list, three fewer than in the 2002 election. As noted above, a prominent advocate of women's rights, Nina Karpachova, was number 2 on the Party of Regions list. Liudmyla Kyrychenko was number 46 on the same party's list: she heads the 'Berehynia' Oblast Women's Union, which acts as the women's wing of the Party of Regions. Kyrychenko has been a frequent participant in programmes to provide equal opportunities to women. In the previous parliament Kyrychenko was a co-author of equal opportunity draft legislation associated with EU integration.

The Yulia Tymoshenko Bloc came second in the 2006 elections, receiving 23 per cent of the vote and winning 129 seats. The bloc nominated 63 women to its national list (15.48 per cent), and women occupy 12 (9 per cent) of the seats won by the bloc. None of these new deputies has been active in women's rights campaigns. Tymoshenko and the leaders of her party do not participate in programmes that promote gender equality. They have never made explicit legislative proposals in parliament regarding women's economic rights, even though in private Tymoshenko has expressed support for increased attention to such questions.[64]

The Our Ukraine bloc came third. There were 42 women on its list, or 10.80 per cent of the nominees. Eight of the bloc's 80 seats went to women – precisely 10 per cent of the total. Several of these are likely to continue to promote gender equality initiatives, in particular Lilia Hryhorovych (number 10 on the list), Oksana Bilozir (number 19) and Katerina Levchenko (number 35). Indeed, in the previous parliament,

Hryhorovych and Bilozir (along with several re-elected male members of Our Ukraine) were co-authors of equal opportunity draft legislation mentioned above. They have strongly advocated the introduction of gender quotas.

The Socialist and Communist parties came in fourth and fifth. There were 55 women (or 14.14 per cent) among the 389 on the SPU list; two (6 per cent) of the 33 seats the Socialists won went to women. The Communist Party of Ukraine (CPU) had 84 women on its list of 364, or 18.75 per cent of nominees – the highest gender ratio among the victorious blocs. Women won three (14 per cent) of the party's 21 seats. The two women socialists were co-authors of equal opportunity legislation (although one has since resigned and is likely to join the Tymoshenko Bloc). However, women communist deputies have not expressed interest in such initiatives.

Although the number of women within parliament and the party system has increased, the advancement of women and of women's issues is likely to remain marginal to the concerns of leading politicians and their parties. Furthermore, it is very unlikely that those women who have been elected to the 2006 parliament will form a parliamentary women's caucus. Given the extreme polarities that dominated the formation of coalitions after the election, it is unlikely that the women who have been elected will unite around a common agenda. Even though both men and women elected to parliament are enmeshed in patronage relations and to a great degree lack independent power to set agendas, women are still expected to assume a subordinate role helping to advance the careers of men who are political leaders.[65] As Tymoshenko's example suggests, individual women develop greater autonomy and agenda-setting power only when they control significant resources. However, in order to be accepted as a serious player in the male club of parliamentary politics, she and other powerful women avoid raising issues of gender discrimination and, as in the past, had to be careful to avoid public association with women's rights or women's issues.[66] Yet it seems clear that gender discrimination affects Tymoshenko as much as the few other women who have entered policy domains as leaders in their own right and engage in issues coded as male (for example, regarding issues of big business, finance, energy or general political affairs). They are subjected to greater resentment and criticism and higher expectations than comparable men. Their competence and professionalism are questioned constantly. And, like all women in parliament, they are subjected symbolically to rituals of male domination through constant comments on their private life, outward appearance, and behaviour.[67]

Conclusion

This essay has explored why women as an organized interest group have been little affected by two dramatic shifts in the political system

in Ukraine: the changing structure of the electoral system associated with the move to a system of national party lists, and the reorganization of politics surrounding the Orange Revolution. As the first major episode of protest in Ukraine since the collapse of Soviet rule, the Orange Revolution constituted a turning-point in the country's democratization. The Orange Revolution suggested that beliefs fundamental to democratization are taking root in Ukraine: that citizens can resist coercion to participate meaningfully in politics and, in particular, that voters (not ruling elites) decide the results of elections. That event was followed by an election that for the first time employed a pure system of proportional representation, or national lists, which is believed to open up access to women and other groups that lack resources. The Orange Revolution and the election that followed should have enhanced opportunities for women as an interest group within politics and public life, but did not do so.

Lack of competition within the electoral representative system – or oligarchy – is considered to be a principal institutional obstacle to democratization in post-Soviet countries. Observers, particularly architects of foreign democracy projects, typically assume that engaging women and other subordinated groups in elections and in other forms of politics is a crucial first step towards successful democratic consolidation of countries undergoing the transition from Soviet rule. But post-Soviet states have tended to remain dominated by oligarchs and elites who reproduced a quasi-Soviet 'managed democracy'.

Ukraine seems to be developing civic and political organizations that increase electoral competition and act as a counterweight to oligarchy. The result is a political system deeply divided at present over several issues, chief among them Ukraine's geopolitical orientation. Such deep divisions can sometimes present opportunities for new groups to emerge and raise fresh issues. Studies of social movements predict that success at exploiting such divisions depends on the mobilization of resources, notably the basic resources needed for collective action. However, women at present lack resources and are deficient in their ability to mobilize. They appear in public life mainly as important symbols of nationhood, as Berehyni or 'mothers of the nation'. However, organizations that raise women's issues remain underrepresented in national politics in Ukraine and are likely to remain on the sidelines until they manage to overcome obstacles that prevent them from mobilizing. Although women's representation in parliament increased numerically following the 2006 elections, only a few new deputies are likely to become allies of organized groups of women working on key issues such as employment discrimination. Without alliances with supportive politicians, the women's movement is likely to continue as a weak force in politics and public life.

Notes

1. Adrian Karatnycky, 'Ukraine's Orange Revolution', *Foreign Affairs*, Vol.84, No.2 (2005), pp.35–52.
2. See, for example, Valerie J. Bunce and Sharon L. Wolchik, 'International Diffusion and Post-communist Electoral Revolutions', *Communist and Post-Communist Studies*, Vol.39, No.3 (2006), pp.283–304. For a further discussion of whether Ukraine is likely to head down the path towards democratic consolidation, see also Paul D'Anieri, 'Explaining the Success and Failure of Post-Communist Revolutions', *Communist and Post-Communist Studies*, Vol.39, No.3 (2006), pp.331–50; and Henry E. Hale, 'Democracy or Autocracy on the March? The Colored Revolutions as Normal Dynamics of Patronal Presidentialism', *Communist and Post-Communist Studies*, Vol.39, No.3 (2006), pp.305–29.
3. There are now many exceptions. For one of the earliest studies to incorporate gender into an analysis of political support, see Vicki Hesli and Arthur H. Miller, 'The Gender Base of Institutional Support in Lithuania, Ukraine and Russia', *Europe-Asia Studies*, Vol.45, No.3 (1993), pp.505–32.
4. The assumption that Western aid to develop civil society was 'non-political' has persisted among social scientists even though, from the start, studies demonstrated that all forms of Western aid were dominated by state elites and were being used to shore up their position of advantage. For analyses of state involvement in programmes to build civil society, see Sarah L. Henderson, 'selling Civil Society: Western Aid and the Nongovernmental Sector in Russia', *Comparative Political Studies*, Vol.35, No.2 (2002), pp.139–67; Alexandra Hrycak, 'Foundation Feminism and the Articulation of Hybrid Feminisms in Post-Socialist Ukraine', *East European Politics and Societies*, Vol.20, No.1 (2006), pp.69–100; and Janine R. Wedel, *Collision and Collusion: The Strange Case of Western Aid to Eastern Europe, 1989–1998* (New York: St Martin's Press, 1998).
5. See Tania Khoma, 'Chy Buv Feminizm v Ukraini?', *Yi*, No.17 (2000), pp.21–7; Oksana Kis', 'Modeli Konstruiuvannia Gendernoi Identychnosti v Suchasnii Ukraini', *Yi*, No.27 (2003), pp.37–58; Solomea Pavlychko, 'Feminism in Post-Communist Ukrainian Society', in Rosalind Marsh (ed.), *Women in Russia and Ukraine* (Cambridge: Cambridge University Press, 1996), pp.305–14; Solomea Pavlychko, 'Progress on Hold: The Conservative Faces of Women in Ukraine', in Mary Buckley (ed.), *Post-Soviet Women: From the Baltic to Central Asia* (Cambridge and New York: Cambridge University Press, 1997), pp.219–34; Marian Rubchak, 'In Search of a Model: Evolution of a Feminist Consciousness in Ukraine and Russia', *European Journal of Women's Studies*, Vol.8, No.2 (2001), pp. 149–60; and Tatiana Zhurzhenko, *Ukrainian Feminism(s): Between Nationalist Myth and Anti-Nationalist Critique, IWM Working Paper No.4/2001* (Vienna: Institut fur die Wissenschaften vom Menschen, 2001), available at <http://www.univie.ac.at/iwm/p-iwmwp.htm#Zhurzhenko>, accessed 23 Nov. 2001.
6. On the 'feminization' of Ukrainian men, see Nila Zborovs'ka and Maria Il'nyts'ka, *Feministychni Rozdumy na Karnavali Mertvykh Potsilunkakh* (Lviv: Tsentr humanitarnykh doslidzhen' L'vivs'koho natsional'noho universyteta, 1999), pp.80–89. On the 'feminization' of Ukrainian national character, see Elena Lutsenko, '"Zhinoche Nachalo" v Ukrains'kiy Mental'nosti', in Liudmyla Smoliar (ed.), *Zhinochi Studii v Ukraini: Zhinka v Istorii ta Siohodni* (Odesa: Astroprint, 1999), pp.10–19.
7. For analyses of the Berehynia myth, see Kis', 'Modeli Konstruiuvannia

Gendernoi Identychnosti', pp.38–45; Marian Rubchak, 'Christian Virgin or Pagan Goddess', in Marsh (ed.), *Women in Russia and Ukraine*, pp.315–30; Rubchak, 'In Search of a Model', pp.149–51; and Zhurzhenko, *Ukrainian Feminism(s)*, pp.1–5.

8. Zhurzhenko, *Ukrainian Feminism(s)*, p.8.
9. See Marian Rubchak, 'Yulia Tymoshenko: Goddess of the Orange Revolution: Calling Tymoshenko the Goddess of the Orange Revolution Is More Than Glib Praise', Maidan, available at <http://eng.maidanua.org>, accessed 14 May 2005; and Marian Rubchak, 'Yulia Tymoshenko, Goddess of the Orange Revolution', paper presented at the 37th National Convention of the American Association for the Advancement of Slavic Studies, Salt Lake City, Utah, 4 Nov. 2005.
10. On the crucial role of youth in the Orange Revolution and similar democratic protest movements, see Taras Kuzio, 'Civil Society, Youth and Societal Mobilization in Democratic Revolutions', *Communist and Post-Communist Studies*, Vol.39, No.3 (2006), pp.365–86. On the similar role youth played in initiating and sustaining the independence movement, see Alexandra Hrycak, 'The Coming of "Chrysler Imperial": Ukrainian Youth and Rituals of Resistance', *Harvard Ukrainian Studies*, Vol.21, No.1/2 (1997), pp.63–91.
11. See Wsewolod Isajiw, 'Civil Society in Ukraine', paper presented at the Chair of Ukrainian Studies Workshop 'Understanding the Transformation of Ukraine', University of Ottawa, 15–16 Oct. 2004, p.3; see also Alexandra Hrycak, 'Coping with Chaos: Gender and Politics in a Fragmented State', *Problems of Post-Communism*, Vol.52, No.5 (2005), pp.69–81, esp. pp.76–9.
12. Susan Gal and Gail Kligman, *The Politics of Gender after Socialism: A Comparative-Historical Essay* (Princeton, NJ: Princeton University Press, 2000); and Susan Gal and Gail Kligman (eds.), *Reproducing Gender: Politics, Publics, and Everyday Life after Socialism* (Princeton, NJ: Princeton University Press, 2000).
13. See Steven Saxonberg, 'Women in East European Parliaments', *Journal of Democracy*, Vol.11, No.2 (2000), pp.145–58; and Richard E. Matland and Kathleen A. Montgomery (eds.), *Women's Access to Political Power in Post-Communist Europe* (Oxford and New York: Oxford University Press, 2003).
14. For a discussion of the applicability of theories drawn from Western Europe to post-communist cases, see Saxonberg, 'Women in East European Parliaments', pp.147–55; see also Richard E. Matland, 'Women's Representation in Post-Communist Europe', in Matland and Montgomery (eds.), *Women's Access to Political Power*, pp.321–42.
15. Matland, 'Women's Representation in Post-Communist Europe', pp.322–3.
16. According to the Inter-Parliamentary Union, the percentage of women in national legislatures in Eastern Europe is at present: Belarus 29.1% lower house and 31.0% upper house (2004); Bulgaria 22.1% (2005); Lithuania 22.0% (2004); Republic of Moldova 21.8% (2005); Croatia 21.7% (2003); Latvia 21% (2002); Poland 20.4% lower house and 13.0% upper house (2005); Estonia 18.8% (2003); Bosnia and Herzegovina 16.7% lower house and 0.0% upper house (2002); Slovakia 16.0% (2006); Czech Republic 15.5% lower house and 12.3% upper house (2006); Montenegro 12.5% (2002); Slovenia 12.2% lower house and 7.5% upper house (2004); Serbia 12.0% (2003); Romania 11.2% lower house and 9.5% upper house (2004); Hungary 10.4% (2006); the Russian Federation 9.8%

lower house and 3.4 upper house (2003); and Albania 7.1% (2005): see <http://www.ipu.org/wmn-e/classif.htm>, accessed 23 Aug. 2006.

17. Researchers have debated how the move to a mixed majoritarian-proportional system affected the gender gap in Ukraine. One approach argues that women in Ukraine's 1998 parliamentary elections were no more likely to be elected in proportional than in majoritarian districts: see, for example, Anna V. Andreenkova, 'Women's Representation in the Parliaments of Russia and Ukraine: An Essay in Sociological Analysis', *Sociological Research*, Vol.41, No.2 (2002), pp.5–25. However, a different method of analysis leads to the conclusion that they were more likely to be elected through party lists: see Sarah Birch, 'Women and Political Representation in Contemporary Ukraine', in Matland and Montgomery (eds.), *Women's Access to Political Power*, pp.130–52.
18. For a comprehensive review, see Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven, CT: Yale University Press, 2005).
19. Lucan A. Way, 'The Sources and Dynamics of Competitive Authoritarianism in Ukraine', *Journal of Communist Studies and Transition Politics*, Vol.20, No.1 (2004), pp.143–61.
20. Paul Kubicek, 'The Limits of Electoral Democracy in Ukraine', *Democratization*, Vol.8, No.2 (2001), pp.117–39.
21. Keith Darden, 'Blackmail as a Tool of State Domination: Ukraine Under Kuchma', *East European Constitutional Review*, Vol.10, No.2/3 (2001), pp.67–71.
22. Jessica Allina-Pisano, 'Informal Institutional Challenges to Democracy: Administrative Resource in Kuchma's Ukraine', paper presented at the First Annual Danyliw Research Seminar in Contemporary Ukrainian Studies, Chair of Ukrainian Studies, University of Ottawa, 29 Sept.–1 Oct. 2005.
23. Organized groups of citizens have emerged. They have begun to articulate their demands and have even been able to engage in effective acts of protest, most visibly the Orange Revolution. But they have so far proved unable to use Western-style advocacy techniques to achieve the changes they have sought in their relationship with the state. For a discussion of the negative impact of adopting Western funding and advocacy techniques on women's engagement in local politics and public life, see Hrycak, 'Foundation Feminism', pp.89–100; and Alexandra Hrycak, 'From Global to Local Feminisms: Transnationalism, Foreign Aid and the Women's Movement in Ukraine', *Advances in Gender Research*, Vol.11 (2007), in press.
24. Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York: Cambridge University Press, 1998).
25. Gal and Kligman, *The Politics of Gender after Socialism*, p.8.
26. Solomea Pavlychko, 'Between Feminism and Nationalism: New Women's Groups in the Ukraine', in Mary Buckley (ed.), *Perestroika and Soviet Women* (Cambridge: Cambridge University Press, 1992), pp.82–96, esp. pp.82–4.
27. For in-depth examinations of gender issues in the economy, see Tatiana Zhurzhenko, 'Zhenskaia zaniatost' v usloviakh perekhodnoi ekonomiki: Adaptatsiia k rynku ili margynalizatsiia?', in Irina Zherebkina (ed.), *Femina Post-sovietica: Ukrainskaya zhenshchina v perekhodnyi period: Ot sotsial 'nykh dvizhenii k politike* (Kharkiv: Kharkiv Gender Studies Centre, 1999), pp.231–80; and Tatiana Zhurzhenko, *Sotsial noe vosproizvodstvo i gendernaya politika v Ukraine* (Kharkov: Folio, 2001).

28. Alexandra Hrycak, 'The Dilemmas of Civic Revival: Ukrainian Women since Independence', *Journal of Ukrainian Studies*, Vol.26, Nos.1–2 (2001), pp.135–58, esp. p.149.
29. According to the United Nations, the proportion of women among those who registered with the state reached a peak of over 80% in 1992. It later decreased slowly: in 1995, 73% of those registered as unemployed were women; since 1998 the proportion of women among the unemployed has remained stable at about 62%: see United Nations Development Programme, *Gender Issues in Ukraine: Challenges and Opportunities* (Kyiv: UNDP, 2003).
30. Allan M. Williams and Vladimir Balaz, 'International Petty Trading: Changing Practices in Trans-Carpathian Ukraine', *International Journal of Urban and Regional Research*, Vol.26, No.2 (2002), pp.323–43.
31. United Nations Development Programme, *Gender Issues in Ukraine*, pp.35–7.
32. Human Rights Watch, *Women's Work: Discrimination Against Women in the Ukrainian Labor Force* (New York: Human Rights Watch, 2003).
33. Pavlychko, 'Between Feminism and Nationalism', p.83.
34. Hrycak, 'The Dilemmas of Civic Revival', p.153.
35. For a discussion of the organizational niches women occupied in the Communist Party of Ukraine, see Solomea Pavlychko, 'The Role of Women in Rukh and Ukraine's Society in the 1990s', *The Ukrainian Weekly*, 8 and 15 April 1990, pp.5, 13.
36. For a thorough analysis of this issue, see Olha Kulachek, *Rol 'Zhinky v Derzhavnomu Upravlinni: Stari Obrazy, Novi Obrii* (Kyiv: Vydavnytstvo Solomii Pavlychko 'Osnovy', 2005).
37. Birch, 'Women and Political Representation', pp.135, 147; Vladimir Fesenko, 'Dinamika politicheskogo uchastiya zhenshchin: Samoorganizatsiya, politicheskoe dvizhenie, vkhodzhenie vo vlast' (1989–1998)', in Zherebkina (ed.), *Femina Post-sovietica*, pp.83–151, and Solomea Pavlychko, 'Women's Discordant Voices in the Context of the 1998 Parliamentary Elections in Ukraine', in Anna Cento Bull, Hanna Diamond and Rosalind J. Marsh (eds.), *Feminisms and Women's Movements in Contemporary Europe* (New York: St. Martin's, 2000), pp.244–62.
38. Kis', 'Modeli Konstruiuvannia Gendernoi Identychnosti', pp.38–45; Solomea Pavlychko, 'Feminism in Post-Communist Ukrainian Society', in Vera Aheyeva (ed.), *Feminizm* (Kyiv: Osnova, 2002), pp.67–78; and Rubchak, 'In Search of a Model', pp.149–51.
39. Zhurzhenko, *Ukrainian Feminism(s)*, p.1.
40. Kis', 'Modeli Konstruiuvannia Gendernoi Identychnosti', pp.42–5.
41. Pavlychko, 'Progress on Hold', pp. 220–22.
42. Pavlychko, 'Between Feminism and Nationalism', pp.220–21, 229; and Pavlychko, 'The Role of Women', p.5.
43. For discussions of the factors and conditions that influence the role women play in political parties of the right and centre-right, see Fesenko, 'Dinamika politicheskogo uchastiya zhenshchin', pp.108–14; Hrycak, 'The Dilemmas of Civic Revival', pp.153–5; Hrycak, 'Coping with Chaos', pp.75–6; and Pavlychko, 'Women's Discordant Voices', pp.191, 198–204.
44. For a further discussion, see Pavlychko, 'Between Feminism and Nationalism', pp.90–95; and Pavlychko, 'Progress on Hold', pp.229–32.
45. Birch 'Women and Political Representation', pp.143, 147.
46. At <http://www1.deputat.org.ua>, accessed 10 Aug. 2006.

47. Studies find that increasing integration into regional and international structures enhances opportunities to raise gender inequality as a political issue; on the EU, see Leah Seppanen Anderson, 'European Union Gender Regulations in the East: The Czech and Polish Accession Process', *East European Politics and Societies*, Vol.20, No.1 (2006), pp.101–25; on the UN, see Mark M. Gray, Miki Caul Kittilson and Wayne Sandholtz, 'Women and Globalization: A Study of 180 Countries, 1975–2000', *International Organization*, Vol.60, No.2 (2006), pp.293–333.
48. At <http://www.yuschenko.com.ua>, accessed 10 Aug. 2006.
49. Liudmyla Smolyar, 'The Women's Movement as a Factor of Gender Equality and Democracy in Ukrainian Society', in Oleksandr Sydorenko (ed.), *Zhinochi Orhanizatsii Ukrainy. Ukrainian Women's Non-Profit Organizations* (Kyiv: Innovation and Development Centre, 2001), pp.27–44, esp. pp.38–9, 43.
50. Nora Dudwick, Radhika Srinivasan and Jeanine Braithwaite, *Ukraine Gender Review* (Washington, DC: ECSSD, 2002), p.61; Alexandra Hrycak, 'From Mothers' Rights to Equal Rights: Post-Soviet Grassroots Women's Associations', in Nancy Naples and Manisha K. Desai (eds.), *Women's Community Activism and Globalization: Linking the Local and Global for Social Change* (New York: Routledge, 2002), pp.64–82; Hrycak, 'Coping with Chaos', pp.72–3, 79; Hrycak, 'From Global to Local Feminisms', pp.23–5.
51. Hrycak, 'From Global to Local Feminisms', pp.22–3.
52. Oksana Kyseliova, 'Instytutsiini Mekhanizmy Zabezpechennia Hendernoi Rivnosti v Ukraini v Kontektsi Ievropeiskoi Intehratsii', in Jana Sverdljuk and Svitlana Oksamytna (eds.), *Zhinka v Polityts: Mizhnarodnyi Dosvid dlia Ukrainy* (Kyiv: Atika, 2006), pp.144–55, esp. pp.152–3.
53. Hrycak, 'Coping with Chaos', pp.78–9; and Marfa Skoryk, 'Na Shliakhu do Hendernoi Polityky', in Zh. Bezpiatchuk, I.L. Bilan and S.A. Horobchyshyn (eds.), *RozvytokDemokratii v Ukraini, 2001–2002* (Kyiv: Ukrainskyi nezalezhnyi politychnyi tsentr, 2006), pp.71–92, esp. p.75.
54. Kyseliova, 'Instytutsiini Mekhanizmy', p.152.
55. Hrycak, 'Foundation Feminism', p.92.
56. Ibid., pp.79–83.
57. Hrycak, 'From Global to Local Feminisms', pp.19–23.
58. Oleksandr Sydorenko, 'Zhinochi Orhanizatsii Ukrainy: Tendentsii Stanovlennia', in Oleksandr Sydorenko (ed.), *Zhinochi Orhanizatsii Ukrainy: Dovidnyk* (Kyiv: Tsentr innovatsii ta rozvytku, 2001), pp.45–52.
59. Hrycak, 'Foundation Feminism', pp.93–7.
60. Hrycak, 'Coping with Chaos', pp.75–6; and Jana Sverdljuk and Svitlana Oksamytna (eds.), *Zhinki v Polityts: Mizhnarodnyi Dosvid dlia Ukrainy* (Kyiv: Atika, 2006).
61. See <http://www.spu.in.ua/program.php>, accessed 15 Aug. 2006.
62. Yet the party programmes of member parties of the bloc include a range of themes. The Our Ukraine People's Union claims in its programme to support the protection of rights for all citizens; it also supports increased social benefits for mothers and children. The Party of Industrialists and Businessmen of Ukraine supports equal constitutional rights and freedoms for all citizens, but makes no specific proposals regarding women or gender equality. The Congress of Ukrainian Nationalists makes no statements regarding rights; it backs increased state support for mothers and children. Narodniy Rukh Ukrainy states that it places priority on guaranteeing the rights of children and also advocates increased state support for mothers and children. The Christian Democratic Party makes

no direct references to material guarantees for maternity and equality of rights of men and women.

63. Andreenkova draws these conclusions about nomination and resource disparities, see Andreenkova, 'Women's Representation', pp.24–5.
64. Hrycak, 'The Dilemmas of Civic Revival', p.154.
65. Olena Bondarenko, 'Zhinky-Polityky', in Jana Sverdljuk and Svitlana Oksamytna (eds.), *Zhinka v Polititsi: Mizhnarodnyi Dosvid dlia Ukrainy* (Kyiv: Atika, 2006), pp.20–27.
66. Ibid., p.24.
67. 'Zhinky Verkhovnoi Rady: Bantyky Tymoshenko, Kvity Zasukhy, Khalatky Semeniuk', tabloid, available at <http://www.tabloid.com.ua/news/2006/7/12/709.html>, accessed 12 Aug. 2006; see also Bondarenko, 'Zhinky-Polityky', p.25.

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