

BETWEEN MODERNITY AND NEOPATRIMONIALISM: THE DEVELOPMENT OF THE STATE AND POLITICAL SOCIETY IN CONTEMPORARY UKRAINE

The major purpose of presented essay is to analyze the ever-changing constellations of power relations in Ukraine and to find out what their prospects for the overall society might be. The paper discusses the political degradation of Ukraine while aiming at theoretical conceptualizations of the nature of Leonid Kuchma's regime. Current Ukrainian regime is defined in terms of oligarchic rule bearing features of superpresidentialism and based on clientelism.

Introduction

As an American political theorist Jane Flax noted in her book «American Dream in Black and White», the US «came into being literally through war, contract, and convention... Consequently, the prevailing nature of our founding is the founding. The foundation is potentially very shaky and unstable. ...Only certain kinds of individuals can make a valid contract. Only certain actors can represent and enact the will of all; they must act on behalf of universal principles, not their own interests, and be «abstract individuals» [1]. This passage brings us to the heart of the problem to be discussed in this essay — actions of major political players on a nationwide Ukrainian scene and their implications for the direction and outcomes of multi-dimensional transformation. Rapid societal changes, which Ukraine is undergoing now, are an outcome of different factors where structure and agency are tensely intertwined. For the sake of ideal typical analysis it is productive to consider political changes in Ukraine as a result of conscious construction of critical political players, acting under constraints imposed upon them by existing institutions, rules, and available resources. The paper is going to provide a theoretical background for the discussion of actors within the state and political society as well as relations among them.

Thinking of Ukrainian Political Regime Theoretically

Recent developments in Ukrainian politics have convincingly shown that key social and political actors are incapable of making valid contracts, thus, making political life highly personalized and unstable affair. According to Weber, the specific function performed by parliament and, generally speaking, political establishment, we may add, «to make it possible to achieve the «best» solution (relatively speaking) by a process of negotiation and compromise» [2].

British sociologist Nicos Mouzelis has suggested to define the institutional design the most salient features of which are political organizations based on powerful oligarchies that cut across different levels of society, «oligarchic parliamentary rule» [3]. This situation entails the existence of a regime, which severely restricts autonomous public sphere, thus, making politics the concern of a limited group of people. Strengthening of the state capacities merely leads to acquisition of control over the state by these oligarchies from within. While the formal dimensions of democracy are being persevered under the aegis of such a system, the participatory character of a liberal arrangement is being rejected. The peculiarity of Ukrainian situation in comparison with that of inter-war Greece is that originally oligarchic parliamentary-presidential rule has successively been transformed into oligarchic regime dominated by president.

Presidential oligarchic regime tends to replace the rule of law by a rule of man. Rule of man in traditionalist setting is usually a dominance of a «big man» — phenomenon typical for South East Asian cultures. Anthropologists point out that in a situation when the society is lacking formal institutions, structures and norms typical of impersonal «modernity», the vacuum is filled by a «big man» or a leader who «creates a network of patron type relations... The society is entangled by the network of such relations, every its member is a patron, client or both altogether; perhaps these interpersonal relations fill in discovered «blanks» of structuration» [4]. This, of course, redefines the whole system of seemingly Western practices — «South East Asia does not know the principle «one person — one vote», for different people have different influence attributed to their votes. Less fortunate agrees with a richer one not because he shares his more successful neighbor's views but because he is hoping to get a sop from him» [5]. Surprisingly, «traditionalism» does not presuppose stability of networks (e.g., political parties), on the contrary, the whole arrangement is highly

unstable. Similar phenomenon is being witnessed in current Ukrainian politics where practices of shifting alliances and switching sides have become a norm of political activity. It is «morally permitted to leave [big man] for somebody who gives more, it is even necessary» [6] for reasons of personal and economic safety. Former prime minister of Ukraine Pavlo Lazarenko's Hromada (Community) Party faction member and his former closest ally Yuliya Tymoshenko oscillation between President Kuchma's camp and opposition exemplifies this type of organization and behavior in its purest form. It is therefore legitimate to define the dominant mode of relations within emergent political system as clientelist one. The student of Greek politics offers the following penetrating account of clientelism and its implications for the workings of party-political and parliamentary systems as well as a whole state machinery: «What does clientelism mean? Its immediate implications are primarily structural and organizational: it inhibits the formation, or subverts the expected operation of ostensibly modern institutions and groups. Political parties in particular, regardless of labels, programs, and other paraphernalia of modernity merely consist of unstable coalitions of patrons at the head of their respective clienteles — coalitions put together solely for the conquest of office, which is essential (and sufficient) if protection and services to clients are to be provided. Voters in turn behave as clients, each supporting his own patron and switching parties with him. Moreover, they respond to private inducements rather than policies, issues, or group identification and interests. The political system is thus constantly flooded with an amorphous mass of particularistic or rather specifically *personal* demands, which it can meet only erratically, while collective or categorical demands are not made or at least not met. Politics are fundamentally issueless and non-ideological. The performance of the state bureaucracy is characterized by corruption, inefficiency, and waste. Economic development and long-term policies in general cannot be effectively undertaken, etc.» [7]. Thus, it is critical for the successful establishment of modern political institutions in Ukraine to break away from post-Leninist neo-patrimonialism, for, as Weber observed, «mass democracy which makes a clean sweep of the feudal, patrimonial, and — at least in intent — the plutocratic privileges in administration unavoidably has to put paid professional labor in place of historically inherited «avocational» administration by notables. ...This applies not only to the state. For it is no accident that in their own organizations the democratic mass parties have completely broken with traditional rule by notables based upon *personal relationships and personal esteem* (italics added. — P. K.)» [8].

Institutional and cultural background outlined above is conducive to the consolidation of coercive dimension of power («despotic power» in terms of Mi-

chael Mann) defined as a «power of state elite *over* civil society», at the expense of «infrastructure power» which means «the power of the state to penetrate and centrally coordinate the activities of civil society through its own infrastructure» [9]. The former type of power finds its paradigm expression in a superpresidentialism which preserves the democratic procedures on a surface, but undermines them critically in terms of their legitimacy and universal validity. Besides, according to M. Steven Fish, superpresidentialism «represents one of the greatest global political frauds of the last quarter of the twentieth century» since «it has relegated one polity after another to chronic underdevelopment» [10]. Comparative analysis suggests that the rise of superpresidentialism on the post-Soviet terrain cannot be explained by the presence of a charismatic father-like figure of a national hero — note a conspicuous lack of charisma in Kuchma. Rather the success of such a political arrangement is embedded in overall political culture, more specifically, its readiness to embrace a strongman who is viewed in mass consciousness as an arbitrary yet just a counterbalance to the selfish arbitrariness of state managers and emergent class of robber barons. In sum, superpresidentialism can be defined as an encouragement of personalism and patron-client relations and as a debasement of impersonal institutionalization.

The Politics of Constitutional Change in Independent Ukraine

In a period of less than seven months Ukrainians had to cast their ballots three times — twice during two-round presidential elections in October-November 1999 and finally at referendum held on 16 April 2000. What at first glance may seem as a triumph of the «full time» Swiss style democracy, which ensures the expression of the will of the people [11], is in fact a direct assault against fragile institutions of Ukrainian electoral, illiberal democratic arrangement. Weber spelled out the following formula, underlying the behavioral patterns of mass public and its susceptibility to manipulation: «The fact that the property-less masses, who must struggle daily for survival, are relatively more susceptible to all *emotional* motives in politics,... as compared with the «cooler head» of the man whose wealth raises him above such worries, makes it a matter of great urgency for democratic parties in particular to have people in secure economic circumstance occupying *leading* positions who can devote themselves to political work purely out of personal conviction» [12]. As a counterweight he suggested the creation of orderly, *responsible* political leadership by *parliamentary* leaders since «such an arrangement weakens, as far as this is possible, the impact of purely emotional influences both from «above» and «below» [13].

Ukrainian referendum was supposed to come as a final brush stroke in a long line of cynical but skillful

measures masterminded by President of Ukraine Kuchma and his entourage. These actions were aimed at soliciting population at large support to finalize the redistribution of power(s) that has been underway since Leonid Kuchma's reelection. Therefore, it is relevant to begin the discussion of major political actors position on a nationwide scene with a brief analysis of power relations and influence of respective players. The analysis is complicated by the contradictory nature of a 1996 compromise, which brought the current Constitution of Ukraine into being on 28 June. The Council of Europe suggested that the referendum be postponed until the law on referenda is adopted by the parliament, but this call was ignored by Ukrainian head of state. The Constitution of Ukraine is marked with conspicuous ambiguity with regard to the status of president. President of Ukraine is defined as the head of state — not as a chief executive as in case of US president — which staves off the possibility of holding him/her accountable for the failures of government's policies. Substantially, president has enough powers to play the role of the chief executive even under the auspices of current constitution, but this idea is not being entertained by Leonid Kuchma and his entourage because of its obvious drawbacks for the authority and reputation of president. Students of Ukrainian constitutional process point out that previous drafts of constitution stipulated that president be a head of government as well, but this initiative was rejected by Kuchma. Therefore, the major purpose of the referendum and subsequent reconfiguration of powers in Ukraine can be viewed as an attempt to curtail powers of legislature *de facto* while relieving the institute of presidency of any responsibility of the state of country's affairs *de jure*.

Ukrainian road from socialism has been more peaceful and evolutionary so far than that of Russia, for example. Since his first term in presidential office Kuchma has been trying to impress everyone with a rhetoric of radical course of market reforms — the term coined in depth of presidential administration for the sake of deceiving Ukrainian voters, Western lenders, and Western academic commentators. Miserable failure of all initiatives and chronicle inability to deliver have been explained by the president by the lack of powers on his part. Negotiations with Verkhovna Rada, which took place in 1995-96, brought their results, and the compromise was struck between president and parliament, culminating in adoption of the constitution, which outlined powers of institutions of state in a relatively balanced manner.

Having won the second presidential trophy in a run off on 14 November 1999 after the dirtiest electoral campaign in the history of independent Ukraine, Leonid Kuchma set out to consolidate his personal powers further and subdue resilient legislature. The best solution of the problem was to tailor the constitution to president's personal needs. Ukrainian political system,

according to its framers intentions, was initially designed as a presidential-parliamentary republic — which replaced the parliamentary-presidential arrangement of Leonid Kravchuk era based on amended Soviet era constitution — with an elaborate mechanism of checks and balances to prevent both branches of power from getting an upper hand in their strive for hegemony. At the same time, «neither presidentialism nor parliamentarism» formula has led to confusion with regard to the actual execution of power — giving a new meaning to old time dilemma of «who gets what and how». Obviously, the constitution of 1996 was a step toward legitimizing and consolidating president's powers — president, apart from being in charge of state's foreign policy and commander-in-chief, also received the right to appoint the prime minister with a consent of Verkhovna Rada, appoint the members of government nominated by the prime minister, sack both the prime minister and the cabinet of minister at his will, veto bills adopted by the parliament (the veto can be overridden by two thirds majority of the legislature), submit bills to the parliament, appoint heads of oblast and rayon state administrations. As a result, presidential powers were made much more significant not least at the expense of the prime minister, who lost almost all features of a political actor, having become «a chief steward of the state», (*zavgosp* in Soviet newspeak) «manager in charge of economy», for constitution foresaw few provisions for parliament's role in prime minister appointment — to be appointed, the prime minister needs the support of a majority in a parliament but president is not obliged to nominate the representative of majority. The only serious limitation to president's power was the lack of a right on his part to dissolve the Verkhovna Rada unless it fails to convene the session for 30 consecutive days. The lack of right to dissolve the legislature in case of its dissent to president could endanger president's supremacy in relations with the Rada — having created an effective majority oppositional to president, the parliament would have a chance to vote down the government and refuse to approve president's nominee without fear of being dissolved (which is the threat Russian lawmakers always face) and, thus, creating a stalemate in relations between the head of state and Verkhovna Rada. Potentially, such a situation could lead to transformation of Ukrainian political system into French direction, where president is dominating the scene, only provided that his or her party controls the legislature. The defeat in parliamentary elections automatically creates the *parliamentary* system where president has little levers of power at his or her disposal and becomes a figurehead. The 1998 parliamentary elections during which about 34% of voters supported communists, socialists and peasant party — left wing organizations with the articulate ideology and elaborate party structures — hinted that a scenario of strengthening the legislature at

the expense of president was not unlikely. Given that personal traits of power hungry Leonid Kuchma are compatible with material interest of his entourage, this dangerous electoral trend could not be left unnoticed by president. This explains the wave of presidential speeches and comments, condemning the limitation of presidential powers by newly adopted constitution. The adoption of the basic law so vigorously pushed through by the president suddenly became a hasty decision taken by the parliament unilaterally without «the people's» consent during now infamous «constitutional night» and aimed only at satisfying deputies corporate interests.

April Referendum and the Balance of Powers in Ukraine

One of the critical components of Kuchma presidential campaign in 1999 was a pledge to establish a parliamentary majority after his electoral victory. More generally, this measure was said to have been aimed at providing political support for reforms. As Kuchma himself put it in his annual «state of the nation» address delivered to the parliament — «Shortcomings in reforms implementation, reforms insufficient effectiveness are to be explained by significant sharpening... of the confrontation between executive and legislative branches of power, destructive actions of oppositional forces aimed at discrediting at any cost the course of market transformations and undermining people's faith in their historical prospective. The latter has been manifested through constant attempts of opposition to upset the work on creation of the elaborate legal basis for market changes». This constitutionally ambiguous promise — it is doubtful whether the constitution vests the president with the task of interfering into and organizing the work of the legislature — was put into effect through the idea of referendum, which brought about virtual destruction of a parliament as an independent institution. The assault against the legislature and the idea of parliamentarism in general was wrapped up in a proposal to strip deputies of their immunity from criminal prosecution. (Relevant constitution's article stipulates that a deputy «cannot be prosecuted, detained or arrested without Verkhovna Rada consent».) The victory in presidential race gave Kuchma a right to claim a popular legitimacy for his mandate to run the country and made possible the use of powerful weapon against parliament — the referendum. According to the constitution, the referendum can take place after 3 million signatures have been collected in at least two thirds of Ukraine regions, no less than one hundred thousand signatures in each region. This was not a formidable challenge for executive branch, supported in this mission by a handful of puppet political and government controlled non-government organizations — signatures, supporting the referendum, were collected smoothly. Unlike presidential elections, those political

forces, opposing referendum, had either no interest or *I* and resources to scrutinize the process of gathering signatures, thus, making the whole affair a sheer responsibility of the central electoral commission (CEC). Chair of CEC is appointed by the president and has shown his unquestioned loyalty to the sitting president during parliamentary elections of 1998 and presidential race of 1999.

The 6 questions proposed for referendum were dealing with the following constitutional issues:

1) to give president the right to dissolve the parliament if it either fails to form a permanent majority within one month period following its election or adopt state budget of Ukraine submitted by the cabinet of ministers in three month time;

2) reduce deputies immunity and allow law enforcement agencies to detain, arrest, and prosecute them without seeking parliament's consent;

3) reduce the number of deputies from current 450 to 300;

4) to replace current unicameral legislature by bicameral one;

5) to vote no-confidence in current Verkhovna Rada, thus, giving president the right to dissolve it;

6) to adopt new constitution on all Ukrainian referendum.

The right of president to dissolve the parliament is not something unthinkable even in well liberal established democracies; but it should be borne in mind that Ukrainian supporters of a «delegative democracy» provided neither the definition of their notion of majority nor the mechanism of a parliamentary influence on the budget process. In theory, forming the majority in the parliament would eventually elevate the legislature's role in prime minister appointment — president's nominee and then head of government would have to deal not with separate power brokers, pursuing their private interests within the framework of parliament, but with well defined political identities, ideologies and interests. The indispensable precondition of such a majority is an effective party system — the latter is now unattainable goal, given the population's mistrust in parties (easily explained by totalitarian legacy and experience with Leninist single party rule) and president's opposition to the strengthening of a party system.

Unsurprisingly, the idea of a plebiscite was not particular welcomed by the Parliamentary Assembly of the Council of Europe — the body which oversees the adherence of member countries to human rights and democracy — given the weakness of political and civil society in Ukraine. Political parties have not been able to become powerful and autonomous actors, representing interests of broad social strata, therefore, the strengthening of presidential powers would endanger fragile achievements of Ukrainian illiberal democracy. The defenders of referendum, including primarily president himself, claimed that consolidation of president's

powers would increase efficiency of administrative machine of the state, thus promoting overall welfare. Comparative evidence (e.g., Russian experience with Yeltsin's super-presidentialism) suggests that the direct link between amount of chief of state powers and performance of government institutions is doubtful. On the contrary, insightful students of post-Leninism Stark and Brust have suggested that economic reforms are best implemented under the circumstances of political society activism and control over government. For the detailed and penetrating discussion of the notion of extended accountability. The defenders of referendum, including primarily president himself, claimed that consolidation of president's powers would increase efficiency of administrative machine of the state, thus promoting overall welfare. Comparative evidence (e.g., Russian experience with Yeltsin's super-presidentialism) suggests that the direct link between amount of chief of state powers and performance of government institutions is doubtful. On the contrary, insightful students of post-Leninism Stark and Brust have suggested that economic reforms are best implemented under the circumstances of political society activism and control over government. For the detailed and penetrating discussion of the notion of extended accountability [15]. The vast literature on development and the role of authoritarian regimes in it, has produced rather contradictory account whether «enlightened despotism» is conducive to growth and prosperity. The only thing is obvious — Kuchma's regime does not fit the description of reform minded pragmatic technocrat and, therefore, undermines the legitimacy of his claims for additional powers. To sum up, the reality again defies naive belief of transitologists who still take promises of Ukrainian political establishment at face value (the extreme version of such a «naivety», which reveals author's complete misunderstanding of the subject matter in question, can be found in Paul Kubicek writings [16]. It is not difficult to imagine the possible consequences of stripping deputies of their immunity — in a country with a weak tradition of a rule of law it will not be difficult for law enforcers to harass and destroy both politically and economically almost any member of parliament (the rise and the fall of Hromada (Community) Party and its leader Pavlo Lazarenko can serve as a paradigm example of such a pattern).

Constitutional Court of Ukraine proved sensitive both to concerns of international organizations and foreign governments over Ukrainian referendum as well as to interests of president and his entourage. The Court ruled out on 29 March 2000 that two last most controversial questions be excluded from the ballot. At the same time, the Constitutional Court stressed that referendum decisions are binding. If the former decision had to please the Parliamentary Assembly of the Council of Europe, the latter confirmed referendum legiti-

macy for which its supporters were striving. Harsh exchange between Ukrainian officials and PACE once more showed that Ukraine as «a young European state» — as Kuchma once put it — is a myth, which exists only in minds of its creators, while rhetoric of European choice remains what it is — just a rhetoric with little connection to reality of policy making. Cautious attempts of PACE and its bodies to delay the referendum until the new law on referenda is adopted were rejected by president, governmental officials, and representatives of new leadership of parliament as interference into Ukraine domestic affairs: Kuchma on different occasions expressed his dissatisfaction with the fact that the West treats Ukraine as a colony and suggested that it look at Ukraine through new lenses.

Referendum of 16 April 2000 showed overwhelming support to all proposals — about 80% of voters turned out at voting stations endorsing even obscure to the public mind idea of bicameral legislature, which received 80% of the vote cast. Public opinion polls conducted before the referendum in March found that about 60% of eligible voters expressed the desire to cast their ballot. Apart from this only 38% of voters were in favor of bicameral parliament (survey conducted by SOCIS Gallup International). These figures, supplied by one of the most reliable Ukrainian pollsters, suggest that forgery of the voting outcomes cannot be totally excluded. The subsequent events of 25 April 2000 clearly demonstrated that the referendum was used by president to settle scores with the parliament, for he submitted the bill to the Verkhovna Rada, proposing that constitution be amended only with regard to the first three questions approved at referendum, while ignoring the issue of bicameral parliament. Referendum decisions favorable to the executive branch are to be incorporated into constitution immediately, while more ambivalent idea of transforming the legislature into two chamber parliament will be discussed by a special commission set up by president and made up of officials from presidential administration, members of parliament, representatives of regions, local government, political parties and public associations. Such mixed composition of this body is a guarantee of long lasting deliberation. In other words, the binding decision expressed by the people in unequivocal form — if we are to accept the idea that the referendum was really initiated by the group of citizens from Ukrainian provincial city of Zhytomyr — was openly ignored by President Kuchma after his goal of upgrading presidential powers had been attained. The sincerity of Ukrainian political establishment with regard to practice of «direct democracy» so successfully employed in April referendum has become even more questionable in a light of Kuchma's reaction to idea of holding a referendum, offering president to step down. This initiative entertained by Yuliya Tymoshenko — leader of *Batkivshchyna* (Fatherland) Party and former

powers would increase efficiency of administrative machine of the state, thus promoting overall welfare. Comparative evidence (e.g., Russian experience with Yeltsin's super-presidentialism) suggests that the direct link between amount of chief of state powers and performance of government institutions is doubtful. On the contrary, insightful students of post-Leninism Stark and Brust have suggested that economic reforms are best implemented under the circumstances of political society activism and control over government. For the detailed and penetrating discussion of the notion of extended accountability. The defenders of referendum, including primarily president himself, claimed that consolidation of president's powers would increase efficiency of administrative machine of the state, thus promoting overall welfare. Comparative evidence (e.g., Russian experience with Yeltsin's super-presidentialism) suggests that the direct link between amount of chief of state powers and performance of government institutions is doubtful. On the contrary, insightful students of post-Leninism Stark and Brust have suggested that economic reforms are best implemented under the circumstances of political society activism and control over government. For the detailed and penetrating discussion of the notion of extended accountability [15]. The vast literature on development and the role of authoritarian regimes in it, has produced rather contradictory account whether «enlightened despotism» is conducive to growth and prosperity. The only thing is obvious — Kuchma's regime does not fit the description of reform minded pragmatic technocrat and, therefore, undermines the legitimacy of his claims for additional powers. To sum up, the reality again defies naive belief of transitologists who still take promises of Ukrainian political establishment at face value (the extreme version of such a «naivety», which reveals author's complete misunderstanding of the subject matter in question, can be found in Paul Kubicek writings [16]. It is not difficult to imagine the possible consequences of stripping deputies of their immunity — in a country with a weak tradition of a rule of law it will not be difficult for law enforcers to harass and destroy both politically and economically almost any member of parliament (the rise and the fall of Hromada (Community) Party and its leader Pavlo Lazarenko can serve as a paradigm example of such a pattern).

Constitutional Court of Ukraine proved sensitive both to concerns of international organizations and foreign governments over Ukrainian referendum as well as to interests of president and his entourage. The Court ruled out on 29 March 2000 that two last most controversial questions be excluded from the ballot. At the same time, the Constitutional Court stressed that referendum decisions are binding. If the former decision had to please the Parliamentary Assembly of the Council of Europe, the latter confirmed referendum legiti-

macy for which its supporters were striving. Harsh exchange between Ukrainian officials and PACE once more showed that Ukraine as «a young European state» — as Kuchma once put it — is a myth, which exists only in minds of its creators, while rhetoric of European choice remains what it is — just a rhetoric with little connection to reality of policy making. Cautious attempts of PACE and its bodies to delay the referendum until the new law on referenda is adopted were rejected by president, governmental officials, and representatives of new leadership of parliament as interference into Ukraine domestic affairs: Kuchma on different occasions expressed his dissatisfaction with the fact that the West treats Ukraine as a colony and suggested that it look at Ukraine through new lenses.

Referendum of 16 April 2000 showed overwhelming support to all proposals — about 80% of voters turned out at voting stations endorsing even obscure to the public mind idea of bicameral legislature, which received 80% of the vote cast. Public opinion polls conducted before the referendum in March found that about 60% of eligible voters expressed the desire to cast their ballot. Apart from this only 38% of voters were in favor of bicameral parliament (survey conducted by SOCIS Gallup International). These figures, supplied by one of the most reliable Ukrainian pollsters, suggest that forgery of the voting outcomes cannot be totally excluded. The subsequent events of 25 April 2000 clearly demonstrated that the referendum was used by president to settle scores with the parliament, for he submitted the bill to the Verkhovna Rada, proposing that constitution be amended only with regard to the first three questions approved at referendum, while ignoring the issue of bicameral parliament. Referendum decisions favorable to the executive branch are to be incorporated into constitution immediately, while more ambivalent idea of transforming the legislature into two chamber parliament will be discussed by a special commission set up by president and made up of officials from presidential administration, members of parliament, representatives of regions, local government, political parties and public associations. Such mixed composition of this body is a guarantee of long lasting deliberation. In other words, the binding decision expressed by the people in unequivocal form — if we are to accept the idea that the referendum was really initiated by the group of citizens from Ukrainian provincial city of Zhytomyr — was openly ignored by President Kuchma after his goal of upgrading presidential powers had been attained. The sincerity of Ukrainian political establishment with regard to practice of «direct democracy» so successfully employed in April referendum has become even more questionable in a light of Kuchma's reaction to idea of holding a referendum, offering president to step down. This initiative entertained by Yuliya Tymoshenko — leader of Batkivshchyna (Fatherland) Party and former

deputy prime minister in the government of Yushchenko — was met with a stiff resistance of authorities (e.g., central electoral commission) faithful to the president. Public opinion polls have shown that the idea of referendum is supported by 85% of respondents and 63% of them are prepared to vote for the demand of a voluntary resignation of Leonid Kuchma [17]. The possibility of direct expression of no-confidence to president is ruled out by the same decision of the Constitutional Court of Ukraine which excluded two last questions from president's list and maintained that the issue of dissolution of institutions of state power — including president and parliament — can not be included in referendum ballots.

Kuchmagate and Its Implications for the Political Process in Ukraine

According to the Constitution of Ukraine, referendum decisions can be implemented, provided that two thirds of constitutional composition of Verkhovna Rada vote in favor of amending the constitution. Although the pro-presidential forces never reached that level, president and his supporters might well have achieved two-third majority (300 members of the parliament) necessary to implement the referendum results, but their plans ran unforeseen obstacle with a disappearance on 16 Sept. 2000 of Georgy Gongadze, a freelance opposition journalists, head of Internet newspaper «Ukrainska Pravda» («Ukrainian Truth»), known for his vocal criticism of President Kuchma. Despite the fact Gongadze was well known in professional circles as an opponent of president's policies, the political rationale behind his disappearance was vehemently denied by authorities in general and law enforcers in particular. The case, most likely, would have dragged forever and ended nowhere, like similar investigations into assassinations of other journalists, had not Socialist party leader Olexandr Moroz announced on 28 Nov. 2000 to the parliament that he possessed a tape, linking president to the high profile case. The tapes were allegedly recorded by former presidential bodyguard responsible for communication security of the office of the president. The cassettes — if real — revealed a foul mouthed president, who discussed with his chief of staff and minister of interior how to get rid of Georgy Gongadze. The first independent — although unofficial — expertise conducted by Dutch Institute of Applied Scientific Research concluded that the tapes were unlikely to be fake, though the poor quality of recordings made impossible the identification of the voices [18]. The second expertise conducted by Vienna based International Institute of Press was inconclusive and suggested that events described on tapes be juxtaposed with reality. This solution is obviously impossible under current Ukrainian conditions, for chief law enforcement officers who would normally have to conduct such an investigation, are either

themselves implicated in scandal or act under direct supervision of president. The scandal took an unlikely direction when the author of recording former Security Service of Ukraine (SBU) officer major Mykola Melnychenko in his video-recorded testimony to the parliament on 12 December 2000 said that he was willing to testify in the court. He explained that he recorded the president's conversations, having used an ordinary digital dictaphone that he had hidden under a sofa [19]. In November 2000 two villagers found headless corpse whose bracelet and other jewelry were found belonging to Georgy Gongadze. (In a latest twist of the saga the U.S. State Department confirmed on April 16 that Major Mykola Melnychenko sought and received asylum in US on April 13, 2001.) Kuchmagate has become a manifestation of a deep legitimation crisis of a regime caused by the contradiction between declaration of universal and participatory nature of Ukrainian democracy and its merely procedural character.

Kuchmagate events shattered the stability of the regime, precluded it from swift amendment of the constitution and gave rise to the opposition to Kuchma. At the same time, Front for National Salvation — an oppositional umbrella organization, uniting a broad range of political forces — has failed to achieve its ultimate goal and unseat Leonid Kuchma. The reasons for the failure of «Yugoslavian» scenario in Ukraine are numerous. Suffice it to say, that the opposition from the beginning was hindered by inability to work out a common strategy of actions against Kuchma and his regime. While some leaders of opposition stress the regime change, the others were striving for unseating Kuchma. If the former have decided to focus on coming parliamentary elections, the latter are trying to hold a referendum of no-confidence to Kuchma. The opposition was also weakened by its own diversity — it included former Pavlo Lazarenko ally Yuliya Tymoshenko — leader of the Party Fatherland, extreme right — Ukrainian National Assembly — Ukrainian National Self-Defense (UNA-UNSO) as well as Olexandr Moroz's Socialist Party. It is worth noting that the party, which always sought to monopolize the banner of opposition to Kuchma's policies — Communist Party of Ukraine — has stayed away from opposition struggle with the regime adopting the strategy of its Russian counterpart who have opted for the politics of integration and accommodation with Putin regime in exchange for lucrative positions within the system of government. The opposition was also incapable of getting its message across the whole nation due to the lack of resources and insufficient access to mass media, which are mostly controlled either by the state or Kuchma's allies. Last but definitely not least, opposition to Kuchma's regime was desperately yet unsuccessfully looking for a charismatic leader capable of uniting different anti-Kuchma, reform-minded political forces. Great hopes were pinned on Victor Yushchenko — for-

mer National Bank governor appointed prime minister after Kuchma's reelection to boost an ailing Ukrainian economy. Since Yushchenko's government policy — despite his personal loyalty to president — was aimed against material interests of tycoons, belonging to Kuchma's close circle of economic and political allies, he was dismissed by the parliamentary vote of no-confidence. In this case the ideal interests of communists, who radically oppose politics of market oriented reforms out of ideological motives coincided with material interest of oligarchic factions whose economic interests and, thus, political prospects were being undermined by Yushchenko's policy. Nevertheless, despite the split of opposition and its failure to unseat Kuchma, this movement has succeeded in tainting the image of Leonid Kuchma as a Western-oriented politician with solid technocratic credentials. Dissent and dissatisfaction with his rule might be expressed at ballot box during parliamentary elections in March 2002 thus affecting chances for victory of oligarchic pro-presidential parties. While figures of recent opinion polls give Yushchenko support at 25%, if presidential elections were held at the time of survey, against Kuchma's 5% [20], Yushchenko does not seem to be willing to capitalize on his «symbolic capital» and establish a viable political alternative to Kuchma's regime.

Conclusion

One should be extremely cautious making predictions on possible outcomes of a current political constellation to avoid being fortune teller whose prophecies never fulfill. For the time being, political parties are preparing for the upcoming in March 2002 elections to Verkhovna Rada, consolidating their resources and making alliances. The non-left pro-presidential majority in the parliament has seized to exist due to Kuchmagate and is replaced by a number of situational majorities. For example, oligarch-communist cooperation was instrumental in bringing down first Ukraine's successful reform-minded government of Victor Yushchenko, while the nexus of the left-wing forces

and mostly pro-Yushchenko factions ousted leader of oligarchic United Social Democratic Party of Ukraine Victor Medvedchuk from the position of the first deputy speaker of Verkhovna Rada.

Leonid Kuchma himself seems to have returned to the idea of tailoring the constitution to his interests and in his speech in Kharkiv on 21 June 2001 criticized the parliament for unwillingness to implement the referendum results and threatened to address the nation on the eve of parliamentary elections, denouncing those political forces and members of the parliament who were in favor of opposition goals. President Kuchma made another step towards political system modeled on Alexander Lukashenko institutional design, having introduced by his decree of 29 May 2001 an unconstitutional network of state secretaries who would act as first deputy ministers at respective ministries and be vested with a task of preserving the stability of executive in case of government change. Since state secretaries are appointed and dismissed by the president and serve a term equal to that of president (5 years), the government will be rendered merely symbolic importance in policy-making process and its accountability to the parliament will be eroded. Accompanied by the actions to stave off the change of electoral system into proportional and thus party friendly one, this politics once more buttress the prophetic quality of Weber's discourse on modern democracy which allows for two mutually exclusive choices: «either the mass of citizens is left without freedom or rights in a bureaucratic, «authoritarian state» which has only the appearance of parliamentary rule, and in which the citizens are «administered» like herd of cattle; or the citizens are integrated into the state by making them its *co-rulers*» [21]. Ukrainian political establishment appears to have made a decisive choice in favor of the latter option, confirming another Weber's insight about turn of the century German politics, which is equally valid for Ukraine almost hundred years later: «the trees of democratic individualism will not grow up to the heavens» [22].

1. *Flax J.* The American Dream in Black and White: The Thomas Clarence Hearings. — Ithaca and London: Cornell University Press, 1998. — P. 6—7.
2. *Weber M.* Political Writings. — Cambridge: Cambridge University Press, 1994. — P. 128.
3. Cited in *Mishkova D.* Modernization and Political Elites in the Balkans before the First World War // East European Politics and Society. — 1995. — Vol. 9. — № 1. — P. 74.
4. *Агаджанян А. С.* Общая концепция традиции и традиционные структуры в Юго-Восточной Азии // Традиционный мир Юго-Восточной Азии. — М.: Наука, 1991. — С. 17.
5. *Подберезский И. В.* Малая группа и социальная динамика в Юго-Восточной Азии // Традиционный мир Юго-Восточной Азии. — М.: Наука, 1991 — С. 30.
6. Там само. — С. 35.
7. *Mavrogordatos G.* Still-born Republic: Social Conditions and Party Strategies in Greece, 1922— 1936. — Berkeley: University of California Press, 1983. — P. 12.
8. *Weber M.* Economy and Society. — Berkeley: University of California Press, 1978. — P. 984.
9. *Mann M.* The Autonomous Power of the State: Its Origins, Mechanisms and Results // Mann M. States, War and Capitalism: Studies in Political Sociology. — Oxford and Cambridge, MA: Blackwell, 1988. — P. 7.
10. *Steven Fish M.* The Executive Deception: Supcrpresidentialism and Degradation of Russian Politics // Building the Russian State: Institutional Crisis and the Quest for Democratic Governance I Ed. by Valerie Sperling. — Boulder: Westview Press, 2000 — P. 178.
11. Full Democracy // The Economist. — 21 Dec. 1996. — P. 3—14.
12. *Weber M.* Political Writings. — P. 113.
13. Ibid. — P. 125.
14. Україна: поступ у 21 століття. Стратегія економічної та соціальної політики на 2000—2004 рр. Послання Президента України до Верховної Ради України // Урядовий кур'єр. — 28 січня 2000. — С 6.

15. Stark D., Brust L. Postsocialist Pathways: Transforming Politics and Property in East Central Europe.—Cambridge: Cambridge University Press, 1998.
16. Kubicek K. Post-Soviet Ukraine: In Search of a Constituency for Reform // The Journal of Communist Studies and Transitional Politics—1997—Vol 13—№3—P 103—126
17. Жданов И. Новые игры в старый референдум // "Зеркало недели",— 9 июня 2001.— С. 4.
18. Byrne P. Experts Claim Gongadze Tapes Real // Kyiv Post.— 7 Dec. 2000.
19. Kryzhanovska O. Maverick's Testimony Fuels Fury in Rada // Kyiv Post,—14 Dec. 2000.
20. Kyiv Post.— 24 May 2001.— P. 4.
21. Weber M. Political Writings,— P. 129. It is no accident that president's «State of the Nation Address» delivered to the parliament was entitled «Ukraine: Progress into 21st Century: The Strategy of Economic and Social Policy for 2000—2004» (Україна: поступ у 21 століття. Стратегія економічної та соціальної політики на 2000—2004 рр. Послання Президента України до Верховної Ради України // Урядовий кур'єр.— 28 січня 2000). This carefully selected wording serves the purpose of giving wrong impression that the task of political society construction has been fully completed, allowing president to focus on matters of «good governance».
22. Weber M. Political Writings,— P. 69.

Кутуєв П. В.

МІЖ МОДЕРНІСТІ) ТА НЕОПАТРИМОНІАЛІЗМОМ: РОЗВИТОК ДЕРЖАВИ ТА ПОЛІТИЧНОГО СУСПІЛЬСТВА У СУЧАСНІЙ УКРАЇНІ

Головною метою статті є аналіз змін у констеляції владних відносин в Україні та їх можливих наслідків для суспільства в цілому. Стаття аналізує політичну деградацію України та прагне запропонувати теоретичну концептуалізацію природи режиму Л. Д. Кучми. Сучасний український режим визначається за допомогою таких понять, як олігархічне правління, що має риси суперпрезидентської системи та базується на клієнтелізмі.