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Ukraine 2014 – a test of national spirit

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Postcommunist Ukraine: from Maydan to Maydan

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Abstract

After the decay of the Soviet Union, Ukraine has declared its aspiration to strengthen democracy. However, oligarchic-clan model of the political regime was created instead of democracy in Ukraine. This hybrid model is characterized by close coalescence of politics and economics. The oligarchic-clan model formed gradually, acquiring specific features, in the time of all the four presidents of independent Ukraine. Discrepancy between front (declared) aims of Ukrainian government and the real political process eventually has started to gain threatening dimensions, which caused the appearance in two powerful Maydans - the Orange Revolution (2004) and EuroMaydan (Fall - Winter 2013-2014).

The reason for the first Maydan - Orange Revolution of 2004 - was the falsification of the presidential elections in Ukraine. The main cause of the second area - EuroMaydan (Fall-Winter 2013-2014) - was the refusal of the signing the "Association Agreement between Ukraine and the EU" by the current Ukrainian President Viktor Yanukovich.

In general, the main cause of the second Maydan (EuroMaydan) was the same as the reason for the first Maydan (the Orange Revolution) - categorical rejection of political double standards.

Key words: *Ukraine, Orange revolution, Ukrainian political system*

Methodology

A wide variety of methods is used in the article. Problem-chronological method provided an opportunity to describe the structure of the research. This contributed to the identification of specific aspects of the research object, which in accordance have been monitored in sequence-temporal development (mental determinants, the process of constitutionalism). The retrospective method was used for evolution's monitoring of the constitutional process in Ukraine. By dint of the comparative method the comparative analysis of two Maydans in Ukraine (Orange Revolution and EuroMaydan) was made. Institutional method gave an opportunity to find out the efficiency of the political institution's functioning in Ukraine during the period between two Maydans. Historic-situational method was claimed in analysis of the Ukrainian mentality.

Introduction

Ukraine, which became an independent sovereign state in 1991 due to the decay (dissolution) of the USSR, has a long history of state processes. The origin of Ukrainian statehood reaches a depth of centuries: Kievan Ryus, Galicia-Volhynia, Cossack republic, Hetmanate, etc.

After the decay of the Soviet Union, Ukraine has declared its aspiration to strengthen democracy. During two decades the primary emphasis was focused on the issue of democratic transit in Ukrainian social and political discourse. At the same time, the gap between political theory and political practice is impressed with

its scale in Ukraine. For a long time transit logical concepts executed strictly instrumental role. They were used only in order to simulate the process of democratization in front of the European Community. Facade of democracy was emphasized by functioning political institutions in Ukraine. Behind the scenes of its action there is actually hidden opacity of power, corruption schemes, law ignoring, neglecting of basic human rights, etc.

Finally, in Ukraine, which is allegedly embarked on democratic reforms, oligarchic-clan model of the political regime was created instead of democracy. This hybrid model is characterized by close coalescence of politics and economics. The oligarchic-clan model formed gradually, acquiring specific features, in the time of all the four presidents of independent Ukraine.

The first President of Ukraine Leonid Kravchuk (1991-1994) demonstrated some non-conformism in politics. Of those days "political regime in Ukraine was non-conformist – controversial, political will of the Ukrainian President had a weak reflection in activities of political institutions, searching for political and economic compromises turned into political maneuvering without certain purpose» [Mikhailchenko 2010 was 86-87]. Even during the presidency of Leonid Kuchma (1994-2005), Ukraine was considered to be a corrupt and oligarchic state in the world's sight. During the presidency of Viktor Yushchenko (2005-2010) - through its activity and inactivity - state's corruption and oligarchization acquired completed forms. These trends were fixed and substantially strengthened during the presidency of Viktor Yanukovych (2010-2014). During the presidency of Yanukovych democracy performed as camouflage netting of regent oligarchic-clan regime, that obtained new specific features again. In the end, it transformed in criminal-oligarchic regime. That is, in the formation of clan-oligarchic political regime, (which occurred during the presidency of Leonid Kuchma and Yushchenko), there was a close coalescence of two domains - politics and economics. During the presidency of Viktor Yanukovych the criminalization became a significant element, which changed the substance of the oligarchic-clan regime.

The perspective of transformation towards democratic standards existed in oligarchic-clan regime. There are several oligarchic clans, which constantly have competition for some resources in Ukraine. The existence of multiple influence centers on the authorities can promote democratic development, but only with their willingness. M. Myhalchenka defines this form of the term as "semi-democratic oligarchy".

Due to the multiple oligarchic clans existence there are several centers of power and influence on the government, which do not allow the dominance of the one oligarchic clan and respectively "rolling" to the totalitarian regime [Mikhailchenko 2010 was 91]. In general, this situation is positive for society, as far as it contains the potential of democracy.

At the same time, during the presidency of Viktor Yanukovych, the coalescence of three elements (politics, economics and criminal) transformed clan-oligarchic regime in a criminal-oligarchic regime. The criminalization of regime crossed out all Ukrainians hopes about need for changes towards the democratic reforms inside the oligarchic clans.

Maydan 1 and Maydan 2: the main causes

Consequently, it appears that democracy does not "work" in Ukraine. That is, the model of democratic transit existed only in theory but in practice there was neglect of fundamental democratic principles. Discrepancy between front (declared) aims of Ukrainian government and the real political process eventually has started

to gain threatening dimensions, which caused the appearance in two powerful Maydan - the Orange Revolution (2004) and EuroMaydan (Fall - Winter 2013-2014).

The reason for the first Maydan - Orange Revolution of 2004 - was the falsification of the presidential elections in Ukraine, when exit-polls demonstrated an obvious victory of opposition presidential candidate Viktor Yushchenko and the Ukrainian government announced the winner of the race pro-government candidate Viktor Yanukovich. The wave of nation's indignation was proved in rejection of screaming fraud from the government side in mass consciousness. The Orange Revolution was peaceful. This is proved by particular genetic pacifism of Ukrainians. Finally, the authorities decided to make certain concessions by appointing an additional tour of Ukraine's presidential election. Viktor Yushchenko became the winner.

It should be mentioned that by the time of the Orange Revolution Ukrainians have already used to live in a country with double-standard's policy, when the government declared (for the wide consumption) certain principles, but in fact, it has used radically different principles practically. The Orange Revolution proved that a strong request for a clear and fair game rules revealed in Ukraine.

The main cause of the second Maydan - EuroMaydan (Fall-Winter 2013-2014) - was the refusal of the signing the "Association Agreement between Ukraine and the EU" by the current Ukrainian President Viktor Yanukovich. Though he constantly declared propensity to the European integration course of Ukraine. Ukraine's course towards the EU (in the mass consciousness of the average Ukrainian) meant the actual (rather than facade) developing democratic institutions and the dismantling of clan-oligarchic model of political relations. The EU is clearly associated with the rule of law, respect to the personality, transpire rules of the political system functioning for most residents of Ukraine. This means that Ukrainians expected for a peaceful way of building democracy in their country, getting involved into the family of European nations. That is why Ukrainians closed their eye on the power's corruption, oppression of free speech, lack of clear rules in all areas of public life. Ukrainians anticipated that the European integration course, which was declared by authorities, will approximate the country to democratic standards.

EuroMaydan united people regardless of their places of residence, ages, social status, ethnicity, religious preferences and ideological views. Many Ukrainians qualify Maydan as a Revolution of Dignity. They consider that Maydan demonstrated the examination of humanity. The request for politicians, who are sincere in their actions, honest and decent emerged in Ukraine. Populism was not perceived.

EuroMaydan outlined the prospects of forming a new network-corporate identity. Everyone, who has been there once, noted the presence of unity, kindness, sincerity, and high self-organization. Each individual could produce their own interesting ideas fitting into in the general structure of diverse Maydan's projects, which were organized by the participants. This synthesis of multilevel network-corporate relations contributed to the emergence of plethora self-initiatives.

Second Maydan - EuroMaydan - was not peaceful. The government periodically tried to suppress nation's protests, which led to bloodshed and death of many people. Finally, the wave of popular indignation reformatted the power in Ukraine. EuroMaydan as the Orange Revolution proved, that strong request for a clear and fair rules has already formed in Ukraine.

Consequently, the main cause of the second Maydan (EuroMaydan) was the same as the reason for the first Maydan (the Orange Revolution) - categorical rejection of political double standards.

Mental foundation

Maydans in Ukraine became peculiar form of expression of direct democracy, which is not new for the Ukrainian mentality. In the days of the Cossack republic "Nation's Veche" was gathered occasionally (general meeting of urban population), which established the elements of democracy in the Ukrainian people's mentality.

After the Orange Revolution there was a noticeable electoral structuring society in Ukraine. On the one side of the barricades - was "orange" camp (supporters of Yushchenko), on the other - "blue and white" (supporters of Yanukovych). Both the "orange" and "blue-white" camps had their own values – not ideological - priorities. In public consciousness such priorities can be identified even at superficial observation of the supporters with various values. A typical "orange" adept sincerely does not understand the reason for European value's deprecation. In fact these principles mean creating the conditions for ensuring freedom of every person, the establishment of self-worth and individual uniqueness. How can you oppose the openness and transparency in government, the establishment of national ideals? Instead, he believes that with the advent of the "white-blue", Ukraine gets into Russian (imperial) yoke, in corruption and power secrecy, in neglect of national interests, which threatens to the state's split.

The "white- blue" camp had absolutely diametrical views. They sincerely did not understand the reason for supporting the so-called European values, which were interpreted by election campaign leaders, as a Ukraine's enslavement by foreign forces headed by NATO. How is it possible not to love and turn away from native neighbor Russia, which is good-natured and ready to take paternal care of us? Why do we need this transparency in government actions (which is supported by the "Orange"), if it leads only to political instability? They believed, if every official begins express its own view on the nature of political and economic processes in Ukraine, it will only lead to the power imbalance. Political decisions have to be made by the highest authorities and executed unquestioningly. Such reasonings, of course, are reflection of the Soviet past, when the only right decisions were made somewhere in the mysterious power corridors by wise and grave person. According to this logic, extremely dangerous could be made: the less observing of political decision-making, the more confidence in the stability and predictability of government. Consequently, political actions and processes, which were defined by the "orange" as democratization and openness, "white-blue" called populism, chaos and instability, and - vice versa.

If you advance interior into the problem of value conflict, we will make out in front of us ancient differences between Latin and Byzantine values. Classical Latin values are strong family, religious norms and perseverance [Zakaria 2004: 47 y]. Byzantine values are most typically associated with paternalism and secretive solving problems. While Latin values mean the person's reliance in its own forces in solving different problems, Byzantine human believes, that the state should take care of it. People impose all their hopes on the highest wisdom of the ruler. Consequently, individuals, who came to the Maydan, believe mostly in Latin values, while people who strongly perceive Maydan support Byzantine values .

The coexistence of two cultural traditions - the "western" and " eastern" is observed in Ukraine nowadays. Moreover, the Western cultural tradition is the foundation of social and political interactions, while the eastern tradition is Christian-spiritual at its core [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 : p. 287]. It is necessary to emphasize on the fact, that "the eastern" cultural tradition extended mainly on spiritual level of Ukrainian culture. Talking about the socio-political level, the rejection of Byzantine traditions, their exclusion was often observed. In particular, this was about rejection the idea of the limitation of

individual freedom, the idea of autocratic despotism, expansionism, etc. Finally, the "eastern"(Byzantine-Orthodox) and "western "(democratic) cultural traditions (by intertwining and interacting), defined the character and development course of Ukrainian social and political thought" [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 p. 288].

In general, Ukrainian mentality is characterized by individualism, freedom, rejection of authoritarian principles. These values correlate with the values of liberalism in some way. On the other hand, there is also some correlation with the principles of conservatism. "The specificity of Ukrainian culture type is caused by the Ukrainian territory belonging to the area of the ancient tiller sedentary culture. This areal found its reliance of existence in traditionalism for many centuries" [Yevropeys'ka ta ukrayins'ka kul'tura v narysah 2003 : p. 277].

Constitutional background

The 2004 became symbolic for the political system of Ukraine not only because of the Orange Revolution, but through the adoption of so-called political reform (law number 2222), which amended the Constitution of Ukraine. The adoption of political reforms have not only changed the state's form of governance from the presidential-parliamentary to parliamentary-presidential, but led to the imbalance of power in certain way. In other words, the problem of political instability that befell Ukraine in "postpomaranchevy" period was primarily determined by constitutional amendments. This problem consisted from the imbalance of power institutions, that reflected in vague powers and functional uncertainties, which political institutions of the executive branch had.

On the one hand, paradoxically is the fact that many people in Ukraine believe that the Orange Revolution led to chaos in the government. structures. On the other hand, point of view of many experts in Western countries seems equally paradoxical. They believe that main problem, which led to political instability in "postpomaranchevy" period, was only personal relationships between the President and Prime Minister of Ukraine, which, indeed, seemed to be very confrontational. However, some facts are dropped out of sight due to such a simple explanation of political instability.

First of all, the power imbalance was not primarily caused by the Orange Revolution, but the Law "About the amendments to the Constitution of Ukraine ", which was adopted December 8, 2004. Since the law was adopted by the Parliament of Ukraine in the package along with the decision of the third presidential election round in 2004, it was not perfect. The reason for its adoption was political expediency. Adepts of Yushchenko - the candidate for the President of Ukraine - were forced to agree to adoption of the Law (which significantly limited the president powers) in exchange for a second vote due to peaceful settlement of the revolutionary situation. This means that these two events - the Orange Revolution and Constitutional Reform are connected only by a common date of resolving its destinies. Consequently, the Orange Revolution could not cause the chaos in power system.

Secondly, confrontational relationships between the president and Prime Minister were observed not only between Yushchenko (the President) and Yulia Tymoshenko (Prime Minister).A similar situation was in the times, when Viktor Yushchenko was the President and Viktor Yanukovych was the Prime Minister.

It is necessary to note that there were reasons for personal animosity between Viktor Yushchenko and Viktor Yanukovych. However, these permanent demonstrative-confrontational relationships between the leaders of the country had to touch up at identifying the deeper reasons of conflicts, which were caused not only by the personal ambitions of politicians, but the mine of institutional action

that was laid by amendments to the Constitution.

Regarding the 1996 Constitution [Konstytutsiya Ukrainy 1996] it is necessary to note that it is based on liberal principles. However, the existence of fundamental liberal principles did not secure the Constitution of Ukraine against substantial defects. These defects were related to primarily basic liberal position regarding the separation of powers into three branches - legislative, executive and judicial branches, which is reflected in Art. 6. But the problem is that other articles of the Constitution nullified Art. 6. With the coherent perception of the Constitution, it appeared that the executive branch of government has actually become "double-headed" through the excessive powers which were provided to the institution of the presidency. Despite of the fact that Art. 6 prescribed existence of three branches, it seemed that the Basic Law foundered the existence of four branches in Ukraine.

This problem was not raised during the presidency of Leonid Kuchma. The contradiction, (which was beneficial for Leonid Kuchma), was founded in the Constitution exactly in that time. This problem has been actively discussed (with the filing of the President) by the end of the second term of Leonid Kuchma presidency. At the time, Leonid Kuchma understood that he has no right to be president thrice, it was beneficial to curtail presidential powers and transform Ukraine into a parliamentary- presidential republic. L. Kuchma probably hoped to occupy the post of Prime Minister of Ukraine with the help of such constitutional changes. This could secure his further staying at the Power Olympus. However, due to the Orange Revolution Leonid Kuchma was unable to use the results of the reform. This constitutional reform was used by surrounding of presidential candidate Viktor Yanukovich in order to limit the president's powers, realizing that the Yushchenko presidency was inevitable.

Therefore, the problem of the imbalance of the executive branch caused the birth of the Law "About the amendments to the Constitution of Ukraine", which was adopted on 8 December 2004. It was dubbed the law "Four Deuces" because of its specific serial number - 2222. Basic changes that made this law was empowering the Parliament to determine structure of the Cabinet of Ministers, as defined in Art. 83 [Zakon Ukrainy 2004]. The prerogative of introduction candidates on prime minister position belonged to president in the 1996 Constitution.

Consequently, it seemed that curtailed presidential powers would automatically lead to a harmonious balance between power institutions. It seemed that the principle of checks and balances is ensured. However, the principle of checks and balances did not led to the result. Moreover, the law "Four Deuces" contributed even more chaos and instability at the level of political institutions in Ukraine. This was caused, on the one hand, by the rush of adopting the Law "Four Deuces" in the turbulent period of the Orange Revolution in Ukraine. On the other hand, the Parliament, which played the role of first violin in the power system, failed in further development and adopting a legal framework aimed at defect's elimination regarding the separation of powers.

The 1996 Constitution re-entered into force after the victory of Viktor Yanukovich in the presidential elections (30 September 2010). The decision - made by the Constitutional Court of Ukraine- led to the fact that more than forty laws and large number of regulations were unconstitutional (they were adopted on the basis of the Constitution, which was amended by 2004). In addition, the system of checks and balances was unbalanced again. The revived Constitution transformed Ukraine from the parliamentary-presidential to a presidential-parliamentary republic again. The powers of parliament were truncated, while the powers of president were generously endowed. Having received the long-awaited presidency of Ukraine in 2010, Viktor Yanukovich started to build unified power vertical. Therefore, re-entering the 1996 Constitution was one of the elements of the concentration power

in the president hands. Most of Ukrainians believe that democracy is a supreme value. The processes of clotting democracy were activated after becoming Viktor Yanukovych the president.

President of Ukraine Viktor Yanukovych left the country after the second Maydan - EuroMaydan (Fall and Winter 2013-2014). New presidential elections scheduled for 05/25/2014. The transformation of constitutional rules of the game became one of the essential government steps after the overthrow of the dictatorial regime of Yanukovych. Parliament of Ukraine adopted the Resolution 02/22/2014 [Postanova 2014] about the returning to constitutional reform of 2004 and, consequently, to a parliamentary-presidential model of government.

Today - after EuroMaydan - all citizens of Ukraine understood that making history is happening before their eyes. This process is both exciting (involvement in global changes) and terrible (awareness of inevitably rupture with the past and the uncertain future).

Conclusion:

Postcommunist Ukraine always declared its aspirations of democracy building. However, oligarchic-clan model of the political regime was created instead of democracy in Ukraine. Discrepancy between front (declared) aims of Ukrainian government and the real political process eventually has started to gain threatening dimensions, which caused the appearance in two powerful Maydans - the Orange Revolution (2004) and EuroMaydan (Fall - Winter 2013-2014).

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Ukraine is situated on the edge of two cultures: between East and West. This "midpoint" occasionally leads to various forms of confrontation (political, religious, electoral, etc.). However, the mentality of the Ukrainians - both in the East and in the West - is deeply individualistic. Exactly this individualism, which is the basic installation of the Ukrainian mentality, may be a prerequisite of democratical political culture establishment.

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