Orange Revolution and Aftermath
Mobilization, Apathy, and the State in Ukraine

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vices, leading international accounting firm, Kyiv, August 2, 2006; and with senior partner, leading local tax and legal firm, Kyiv, August 3, 2006.

79. Author’s interviews with partner, tax and legal services, leading international accounting firm, Kyiv, July 27, 2006; and with partner, tax and legal services, leading international accounting firm, Kyiv, August 1, 2006.

80. Author’s interview with partner, tax and legal services, leading international accounting firm, Kyiv, August 1, 2006.

81. Author’s interview with tax manager, Kyiv office of one of the big four international accounting firms, Kyiv, July 26, 2006.

82. Ibid.

83. Author’s interview with partner, tax and legal services, leading international accounting firm, Kyiv, August 2, 2006.

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Legitimizing Facades: Civil Society in Post-Orange Ukraine

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During the 2007 crisis that followed then-President Viktor Yushchenko’s decree to dissolve the Ukrainian Parliament, the Web site of the newspaper Ukrainska Pravda posted a photo essay titled “Holubiya Maidan” (Blue Maidan). The title was a reference to the Party of Regions supporters who, to protest the decree, took to the streets of Kyiv. Maidan Nezalezhnosti (Independence Square) had been a central gathering point for the massive Orange demonstrations that had taken place just two years before, as well as for the nationalist protests of previous years. Among the photographs of people waving blue flags and banners was a picture taken by the photographer as he pointed the camera at the ground. The image was of cobblestones; if one looked closely, the husks of sunflower seeds were visible in the cracks among the stones.

This photo conveyed a simple story: Party of Regions protesters had consumed the sunflower seeds and then spat the husks onto the hallowed ground of Maidan. Such an image suggested not only that “Blue” visitors to Kyiv from the east had treated the city like a train station, but also the Soviet identity and cultural background of those who had come to protest the decree. The message of the photo corresponded to a widespread belief among some members of the Orange constituency that the Party of Regions protesters were participating in an “artificial” political action—that the “Blue” demonstrators had come to Maidan because they had been paid for their time, and not because they believed in a cause.
According to this interpretation, the superficial similarities between the mass mobilizations of 2004 and the far smaller gatherings of 2007 belie a fundamental difference between the two: The first was an expression of voluntary civic participation, and the other was ostensibly motivated by economic interest rather than principled political conviction. In the scholarly literature, the first set of demonstrations has been taken as evidence of the success of participatory democracy in Ukraine, whereas the second type is broadly understood to be part of a subset of fake institutions in post-Soviet politics. In the latter case, demonstrations orchestrated by the authorities, in which people are paid for their participation, have long been a feature of political mobilization in post-Soviet space. As one observer recently noted, “Protests taken in the West as signs of grassroots political passion are often more a matter of dollars and cents.” In Ukraine in 2007, this meant that individual protesters were paid about 130 hryvnias ($26) to attend demonstrations in Kyiv for a day.

Institutional Facades

Like the demonstrators for hire who could be found staffing the tents of political parties in Kyiv, fake or Potemkin institutions—facades that legitimate and mask illiberal change—have appeared in multiple areas of political, economic, and social life across former Soviet space. As one analyst of Russian politics has described this phenomenon, “Institutions, while losing their role and content, aren’t being eliminated entirely; their content is vanishing, but the outward shell remains in place. They are turning into decorative elements, pseudo-institutions, pale shadows of themselves.”

References to partial, superficial, or cosmetic change abound in research on political and economic transformation in post-Soviet states, and scholarship on postsocialist politics in Central and Eastern Europe is full of descriptions of institutional facades. In some accounts, the character of institutional development in the new member states of the European Union is “hollow,” and the institutions that have emerged in these states in response to reforms emphasizing administrative capacity and policy harmonization have been described as “Potemkin institutions.” Like the village facades that, according to legend, were constructed to impress Catherine the Great during her travels in Crimea at the end of the eighteenth century, some postsocialist institutions exist primarily in the realm of the official record. These institutions are of little de facto use to the constituencies they are meant to serve, and their function is not always governance as such.

In much of Eastern Europe and Eurasia, post-Soviet institutional development thus has been characterized by two processes: first, the construction of formal, paper records that suggest the existence of liberal institutions (democracy, markets, civil society); and second, efforts on the part of those individuals charged with overseeing institutional reform to pursue strategies that, intentionally or unintentionally, undermine those very institutions. For example, during the process of farmland privatization in Ukraine, regional and district elites created a documentary record of land distribution, all the while pursuing policies on the ground that maintained large-scale agriculture, privileged the economic interests of farm directors, and limited the development of land share and labor markets. Likewise, institutional facades have been evident in the pre-elections (reelections) of incumbents in certain parts of the post-Soviet world since 1999. Such elections, though bearing formal similarities to competitive, free, multiparty contests, often more closely resemble tightly scripted theatrical productions than political races with outcomes unknown in advance. In Yushchenko’s Ukraine, officials and observers referring to reforms in sectors as disparate as security and secondary education have described institutional transformation as “imitation” reform, which, in the case of schooling, has meant the application of “a universal principle: not to act, but to imitate action. Teachers propose to imitate the process of teaching, and pupils—the acquisition of knowledge.”

Public belief in the prevalence of institutional facades is so widespread in post-Soviet politics that interest groups in Ukraine use it as a rhetorical tactic to advance their causes. For instance, among the small tent cities and protests sponsored by parliamentary factions in central Kyiv in the summer of 2006, the text on one poster asked:


The claims of this political advertisement regarding texts and media are not themselves accurate, but the reference to facade institutions in education is made because it resonates with public perception. Here, the important point is the existence of a social belief: Potemkin institutions are
not simply an academic theoretical construct, but also a reality perceived and experienced by post-Soviet publics.

Like the 2007 demonstrations, whose phenotypical resemblance to spontaneous civic participation belies more complex material and political motives, certain areas of institutional development in Ukraine thus evince such a deep disconnect between form and content that the institutions themselves cease to serve anything resembling their intended purpose. Instead, they are used to advance other distributive aims. In other words, in the case of institutional facades, the existence of formal institutions gives political and social actors the legitimacy necessary to pursue other goals entirely.14

Some analyses of Potemkin politics not only acknowledge the existence of institutional facades but also imagine that such facades constitute the central reality of post-Soviet politics. Andrew Wilson describes post-Soviet politics as complex stage productions conjured by the creative imaginations of political technologists.15 In this view, politics is drama-turgia, and the action that unfolds on the media stage in turn drives all other political life, including the activity of formal institutions of governance. This chapter takes a different tack. Performances of democracy may well shape the public’s experience of political life; but Potemkin institutions are not merely the product of political technologists’ fancy. Further, although facades appear to be characteristic features of postsocialism, not all Eurasian institutions are facades. The liturgy of post-Soviet politics instead emerges from concrete, structural incentives in particular domains. As political actors respond to these incentives, the resulting drama may seem a surrealism dream, but the economic and social conditions that lead to the performance are real.16 The nature of Potemkin politics as chimerical and deceptive obscures the reasons for its existence, which are tangible, concrete, and durable.

It is important to note that institutional facades are distinct from the shortcomings in policy implementation endemic in any sort of institutional change. Unlike weak institutional development, where departures from desired performance stem from a slow, anemic, or incomplete execution of policy, institutional facades result when political actors use formal institutions as a shield behind which to seek outcomes that diverge in spirit from the purpose of those very institutions. This is a different type of claim from that made in the literature that conceptualizes civil society and other institutions in Eastern Europe as weak; in Marc Howard’s influential study, for example, civil society in Eastern Europe is relatively weak because citizens in a range of postcommunist states have fewer organizational memberships than citizens elsewhere.17 However, as Kubik points out, low numbers of memberships in organizations do not necessarily translate into these organizations’ “functional weakness.”18 Furthermore, this assessment measures relative strength and weakness in a way that obscures the relationship between the legal frameworks within which civic associations exist and the work that they actually do; measurement in terms of numbers could theoretically generate an assessment of relative strength, even if the organizations in question were nothing but paper tigers.

The reality of the institutional facades that have come to characterize post-Soviet politics likewise differs both from the “democracy with adjectives” of concern to scholars in the 1990s and, more recently, from the varieties of “competitive authoritarianism” identified in the literature on regimes.19 Vladimir Putin’s use of the phrase upravleniia demokratiia (managed democracy) to describe Russia’s political order—and Viktor Yushchenko’s subsequent rejection of this descriptor20—falls squarely within the tradition of “democracy with adjectives”; contemporary regime typologies emphasize the modification of standard concepts to accommodate departures from accepted practices of democratic governance. However, in contrast to the theoretical rubrics that emphasize modification, whether in kind or in degree, of ideal types, institutional facades are constituted according to a wholly different set of rules.21 In other words, Potemkin politics do not entail hybrid regimes based loosely upon democratic or authoritarian progenitors. Rather, they are storefronts concealing political behavior that is less easily categorized.

This chapter examines the development of institutional facades in a single arena of politics in post-Soviet Ukraine: the constellation of civic associations and organizations that together constitute what is known as civil society. If, in the area of property rights, institutional facades mean that ownership confers few de facto rights upon property holders, or if, in the area of electoral reform, contests may be successfully manipulated weeks before balloting, institutional facades in what is here termed the “third sector” take a variety of forms: nongovernmental organizations (NGOs) that exist only on paper; putatively independent associations that are in fact deeply embedded in state networks; and social mobilization that bears a formal resemblance to civic activism but is in fact a massive theatrical exercise coordinated by state actors, with some members of the pub-
lic as paid extras. To be sure, not all forms of civic engagement in Ukraine are facades; however, the ubiquity of institutional facades influences both the environment in which genuine efforts at civic engagement develop and the relationship between state and society more broadly.

Due in part to the important role that societal elements played in weakening state socialism in the late 1980s, many analyses of civil society in Eastern Europe tend to conceptualize it as necessarily in opposition to the state, and take a critical approach to the role the state might play in supporting civic engagement. However, as many others have observed, the domain of politics ordinarily described as "civic society" is not, in Ukraine, the exclusive domain of societal action. Rather, it is a site in which state and societal actors interact to produce government-organized NGOs, state-funded civic organizations, and a variety of other hybrid forms of social association. In this context, "civic society" thus can imply partnership or another type of close relationship with state institutions or international governance organizations. In contrast to public choice and neoliberal approaches to civil society, this chapter adopts a Hegelian stance with respect to the role of the state, regarding it as, in Walzer's words, an "indispensable agent." This chapter further shares with neoliberalist approaches a critical view of civic association as an unqualified good. Finally, it conceptualizes civil society as encompassing both associations that represent specific societal interest groups and organizations that provide services.

This chapter draws upon research conducted in Ukraine at three key points during the administrations of Leonid Kuchma and of Viktor Yuschenko: in 1999–2000, in Kharkiv Oblast; in the late spring of 2004, in Zakarpattia, on the heels of a fraudulent election in Mukachevo; and again in Kharkiv and Kyiv in the summer of 2006, before the proclamation of national unity (universal national'ni iednosti) that brought to a close the constitutional crisis of the previous spring. The evidence presented here thus comes from Ukraine both at the heights of successful rule of poniatitti (rules of the game) by the Kuchma regime, and eighteen months after the Orange demonstrations, before the reevaluation of Viktor Yanukovych to the post of prime minister. This periodization captures three points at which, according to conventional wisdom regarding the democratic values of the Orange Revolution, one would expect to see maximum variation in state-society relationships—and, around and in the wake of the Orange demonstrations, support for and the development of a more robust civil society in Ukraine.

The Origin of Legitimizing Facades

What explains the development of Potemkin institutions in the post-Soviet world, and how may we account for their presence in civil society? Some observers have suggested that political actors deliberately construct institutional facades to create legitimacy in the eyes of domestic constituencies and international audiences. In 2005, Dmitri Fourman described the "imitation democracy" of Putin's Russia, in which the arbiters of power intentionally produce a superficial approximation of democratic institutions:

At the same time, he hopes to offer a positive image of the new Russia to the West and to the whole world. To achieve that without risking losing power, there is only one thing to do: imitate democratic processes. And that's precisely what he's done. He has established an appearance of democracy, . . . without calling into question his own place at the head of the state.

In Fourman's account, the creation of institutional facades represents political actors' conscious effort to mislead. However, given the weakness of most state institutions in the early years of postsocialism, the emergence of Potemkin institutions across a variety of political and economic domains is unlikely to have been the sole product of extensive coordination among state elites. Instead, as I argue here, social and state actors, responding to a relatively uniform set of underlying incentives, and deploying skills and discourses developed under socialism, made choices that obstructed or slowed institutional change, even as those same choices resulted in the appearance of institutional development. Their actions thus reflected both incentives produced in the economic context of postsocialism and the use of renovated Leninist bureaucratic and social legacies.

In the case of third-sector development, Potemkin institutions are explained by the interaction of three factors: Soviet discursive legacies that allowed the introduction of "civil society" discourse without accompanying institutional change, an unstable economic environment that discouraged active civic engagement, and a funding structure that implicates social actors in the co-creation of third-sector institutional facades. It should be noted that although facade institutions would seem in certain respects to be continuous with Soviet-era practices, many of the economic incentives that have led to their development in Ukraine are rooted firmly in postsocialism and in the policy choices of independent Ukraine.

Given the existence of Potemkin institutions in civil society, what ac-
counts for their presence? What explains the simultaneous development of a paper record that would seem to suggest a thriving civil society, with a multitude of organizations, and a crisis in the third sector, which—apart from the Orange sport—has little if any influence on social or political life?

This chapter identifies three key variables that have produced institutional facades in state-society relationships: first, the preservation of Soviet-era norms that reproduce a disjuncture between discourse and action, in which the one is often the inverse of the other; second, an environment in which economic incentives promote the formation of such relationships; and third, a configuration of state-society relationships that grants the state control over agenda setting for civic associations. The first of these factors results in a paper record of civic engagement that differs substantially from the reality of third-sector development, whereas the latter two factors explain the specific trajectory of change behind the facade.

Post-Orange Civil Society

How is it still possible to speak of Potemkin civil society in Ukraine after the mass mobilizations of late 2004? This chapter argues that for several reasons, the Orange demonstrations should not themselves be taken as an indication of a hidden, robust civil society in Ukraine. Further, the mobilizations did not presage a permanent departure from the legitimizing facade model that characterized third-sector development before November 2004. First, unlike social movements that target specific problems as objects of sustained collective action, the Orange Revolution did not demand mass involvement for a protracted period. Despite its symbolic importance for supporters and their dedication to the action, there was an evanescent quality to the popular aspect of the Orange mobilizations. The demonstrations were events “out of time,” and they attracted some participants in much the same way as do parades and other public events, where some people participate because they feel they have a direct stake in the events and others are drawn by the fact of a large gathering. Further, it may be useful to distinguish between event-centered mobilization, in which participation coheres around specific protests or other actions, and forms of association that provide ongoing, everyday access to social, political, or material goods. The events of late 2004 belong to the former category; the activities of most civic associations belong to the latter one.

Second, the mobilization actions of 2004 were not the sole product of social actors. In her work on the operational aspects of mass mobilizations in Ukraine, Ioulia Shukan emphasizes the central role of the “protest entrepreneurs” who planned and executed the events that came to be known as the Orange Revolution (see chapter 4 of this volume). Chief among the architects of the mass demonstrations were Taras Stets’kiv and Volodymyr Filenko, themselves members of the national legislature. Stets’kiv, Filenko, and others set and met quotas for public mobilization; created scripts and stagings for protest events; coordinated action with youth organizations; and tightly orchestrated marches, rallies, and other mass demonstrations. Their stage management of the rallies gave them the“appearance of popular celebrations.” In other words, the atmosphere of freedom that many who participated in the Orange demonstrations described was possible only within the context of careful, deliberate operational planning. Furthermore, Shukan argues, protest entrepreneurs were successful because of their previous experience in mobilization during the late Soviet period. Thus, they were able to draw upon repertoires from that time, and when the Kuchma regime made tactical errors, they recognized those errors and responded in a way that advanced their agenda.

Scholars and politicians alike have emphasized the role of international governments in the events surrounding the Orange Revolution—whether that support emanated from Russia or from dimly identified “Western” sources. However, as Shukan shows, Ukrainian state actors played central roles in planning the popular demonstrations of 2004. That national politicians like Yulia Tymoshenko and Viktor Yushchenko served as symbolic leaders of protests is self-evident. What is less obvious is that the Orange social mobilizations were, in certain important respects, the product of typical post-Soviet hybrid politics—of links between civic organizations and state actors and institutions. Thus, despite important differences between Orange tactics and official electioneering campaigns in the post-Soviet space, both were co-created by state actors on the one hand and citizens on the other. In each case, state actors played a leading role in determining the content and form of civic participation.

To the extent that the Orange social mobilizations represented a genuine product of civic engagement—a brief glimpse of a robust civil society that most analysts had not previously observed or predicted—we might expect third-sector development to have received support and encouragement under Orange leadership, during the period between January 2005 and the “Universal,” or Declaration of National Unity, of August 2006 that
established a power-sharing agreement between the Orange and then-opposition parties. However, beyond many Ukrainian citizens’ newfound belief in the power of civic action, there is little evidence that the underlying organization of Ukrainian civil society was transformed under Yushchenko. Instead, some third-sector organizations came under increasing state control.

Lenin Is Risen?

Persistent authoritarian elements of political culture in post-Soviet countries, including the disjuncture between official discourse and reality that characterizes legitimizing facades, frequently are portrayed as socialist residue, and analyses of institutional change in Eastern Europe often emphasize the persistence of what Ken Jowitt has called Leninist legacies. In cases of social mobilization and civil society, however, Potemkin institutions—and even paid, flag-waving demonstrators—are not exclusively an expression of direct continuity with the Soviet past.

In important respects, and in contrast to the ways in which some post-Soviet popular mobilizations drew upon scripts developed during the struggle for independence, early-twenty-first-century civic associations in Ukraine represent a rupture with their socialist-era analogues. Post-Soviet organizations bear little resemblance to the genuinely unofficial, underground associations of the late Soviet period; in contrast to many of today’s associations, the thriving informal society of the 1980s received no external funding and stood against, or at least apart from, state ideology. Today’s “fake” institutions, however, bear a formal resemblance to socialist-era official culture, even as the reasons for their existence are in part rooted in postsocialist economic incentives.

In the case of third-sector development, the persistence of Soviet-era practices thus explains only one of several constitutive components of legitimizing facades. Here, the facade itself (in contrast to the reality it conceals) is in part the product of the continued use of late Soviet discursive traditions in the context of decisionmaking. The paper record that reflects the creation and registration of NGOs, even where such organizations exist solely for the purpose of securing funding and perform no meaningful social function, is an expression of a political culture in which reported performance and actual activities are understood to be entirely different things.

To illustrate how Soviet discursive norms contribute to the formation of institutional facades in postsocialism, it may be useful to examine the mechanics of social communication within organizations in the late Soviet period. In this context, the cultural apparatus that underlay speech forms require that we distinguish between what Alexei Yurchak refers to as the “semantic” and “pragmatic” meanings that inhered in Soviet-era public communication. Semantic and pragmatic categories of meaning can appear to exist in tension with one another, producing not merely a disjunction between speech and action but even an inversion, in which semantic meaning is the direct opposite of pragmatic meaning. Yurchak writes,

The question “Do you support the resolution?” asked during a Soviet Komsomol meeting invariably led to a unanimous raising of hands in an affirmative gesture. However, to participants this was usually an act of recognition of how one must behave in a given ritualistic context in order to reproduce one’s status as social actor rather than as an act conveying “literal” meaning. In this sense, the raised hand was a response to the question, “are you the kind of social actor who understands and acts according to the rules of the current ritual, with its connection to the larger system of power relations and previous contexts of this type?”

Such performances of consent were endemic in Soviet politics. In the post-Soviet period, as socialist institutions were subject to policies aimed at their dismantling, similar liturgies borrowed from Soviet-era practices unfolded across Ukraine. For example, applying Yurchak’s insight to gatherings at which the members of a koikhaz (collective farm) voted to transform it into a joint-stock company, semantic and pragmatic meanings pulled at opposite poles. Here, the question “Do you support the resolution?” continued to carry the practical meaning of consent that Yurchak ascribes to it. A raised hand signaled one’s acceptance-of, or at least resignation to, a system of power relationships characteristic of late socialism. The semantic meaning of this act, however, suggested the opposite; in this case, the resolution called for the destruction of the relationships in question.

In the context of civil society in post-Soviet Ukraine, the introduction of political concepts that emphasized civic participation and other elements of democratic culture inserted new ideological content into existing discursive forms. This allowed discourse about civil society to be encoded in official speech without, necessarily, substantially reshaping political practice. Here, in a revision of Hayden White’s formulation, form would
not only precede content but supersede it. In other words, the discursive habitus of Soviet-era communication allowed people to articulate a new ideology of democratic participation, even as their performance of that ideology retained a distinctively Soviet stamp.

If the explanation for the development of a legitimizing facade in the domain of civic association were to lie primarily in mobilization of techniques learned under communism, then in the period following the Orange Revolution, with the establishment of pomoranchevskaja vlada—the rule of Orange politicians—we would expect to see a shift in the development of civic society. At the very least, to the extent that the Yushchenko government preserved some of the values of the movement that permitted its installation, it would stand to reason that civic associations would find the political environment between 2004 and 2006 more congenial than that of the preceding regime. Instead, post-Orange politics in Ukraine saw an increased politicization of relationships between civic organizations and the state and, in some areas, increased control by the latter over the former.

The reproduction of Soviet discursive practices is not necessarily a conscious strategy; it is not the argument of this chapter that state and social actors are engaged in the intentional production of Potemkin institutions, for there is no evidence of a widespread conspiracy across sectors to produce legitimizing facades. To the extent that members of civic organizations and state personnel in Ukraine reproduced practices that generated such facades, they did so because, first, they drew upon a common vocabulary of practices developed during the Soviet period; and second, as the next section will show, because they faced similar underlying incentives that encourage performances of compliance—without concomitant demands for substantive change.

The Role of Economic Incentives

As others have observed, the economic environment accompanying and following the collapse of Soviet power and the establishment of an independent state in Ukraine created significant challenges for the development of third-sector institutions. Both Soviet-era economic legacies and postsocialist economic policy choices contributed to this problem. For at least the first decade of independence and, in many locales, into the new millennium, economic constraints both drove some people to seek out civic associations and limited the extent of their actual participation in them.

Ukraine’s relatively low levels of membership in civic organizations, in comparison with other postcommunist countries in Europe, thus are both a cause and a product of Potemkin institutional development. If, under state socialism, associational life fostered the creation of informal networks that provided access to goods and services, few civic organizations in independent Ukraine were able to serve the same function. Amidst a prolonged economic crisis and growing differentiation between wealthy and poorer portions of the population, most people had few incentives to join civic associations. Finally, the structure of funding opportunities for civic organizations in postsocialism contributed to the creation of a paper record of civil society development, even as it prevented their substantive engagement.

As Sperling has shown for women’s civic organizations in Russia, changes in postsocialist labor markets reshaped economic opportunity structures for certain portions of the population, both driving people to organize and imposing time and financial limits on their opportunities to do so. People struggling with the increased labor burden of multiple jobs and, in many cases, the demands of growing their own food had an incentive to join organizations that might offer access to economic goods, as trade unions and other organizations had done during the Soviet period. At the same time, with the collapse of much public-sector employment and newly discriminatory labor markets, women, scientific workers, and many others lost access to regular income streams; as a result, interest-based NGOs often were left without a dues base and were unable to support programming.

Across post-Soviet space, the creation of civic organizations themselves was widely regarded as an avenue for improving one’s standard of living. Civic associations, in other words, sought funding not only to support operational activities, but also to give their founders money for life. In many cases, NGOs were created solely for the purpose of obtaining financial support, and this led to a proliferation of organizations, and post-socialist NGOs entered the vernacular in the form of such aphorisms as “One actor is a monologue. Two is a dialogue. Three is an NGO.” It should be noted that such an approach does not necessarily differ from that of Putnam and others working in the neo-Tocqueville tradition, for whom association is valuable because it generates social capital. Here, association likewise is valuable because it generates social capital, but the meaning of this social capital is primarily linked to the access it provides to material goods.
Without a social basis for financial support, civic organizations in Ukraine faced three options for financing their operations: international organizations, domestic and international state linkages, and oligarchic capital. This structure of funding, together with the underlying economic situation of post-socialism, created an environment in which few civic associations were able to function independently.

Post-Soviet politics may be relatively less likely than other parts of Eastern Europe to have high degrees of international state linkage.\(^5\) However, third-sector organizations in Ukraine continue to rely upon international funding sources; by some estimates, at least 80 percent of NGO funding in Ukraine comes from foreign donors and foundations.\(^8\) Further, beyond direct support from the United States and other governments— including the Agency for International Development, the Canadian International Development Agency, the U.K. Department for International Development, and other national and international development agencies—many of the international NGOs on which many civic associations in Ukraine rely receive funds from state budgets. This has led to the creation of patron-client relationships between post-Soviet NGOs and international donors,\(^9\) and it has buttressed the public legitimacy of claims by post-Soviet politicians who seek to portray local civic society as an instrument of Western interests.

The specific funding structure faced by Ukrainian civic associations contributes to the production of institutional facades in a number of ways, though it should be noted that many of the following problems are also found in other national settings. First, the short time horizon for funding, in which grant periods are sufficiently brief to prevent most organizations from executing their projects fully before the next round of funding applications, creates a “hamster wheel” model that stymies the substantive work of these organizations. This funding structure creates concrete material as well as time limitations, because most organizations need to reserve a portion of their grant funding for operational costs and are left with insufficient resources for their projects.

Second, the need to spend time cultivating relationships with possible funding agencies and individuals likewise funnels human resources away from other activities; for instance, describing NGOs in the arts, Shchotkina writes, “Equal to the necessity of conforming to the demands of this or that fund, and not in the least an attempt to bring something to the viewer, a certain group [nasovochnyi] principle is created: to be ‘close to the fund.’”\(^10\) Another observer notes that, “all of their qualifications, knowl-

edge, and labor go towards the struggle to obtain those resources, and concrete social changes in Ukrainian society are far from the main task that they set before themselves.”\(^10\) This is true for civic organizations concerned with economic, as well as political, activity; in the context of a conversation about an American colleague who both kept sheep and held a university professorship, one member of a Ukrainian farmers’ organization commented in 2000 that he could not imagine an analogous situation in Ukraine—the demands on one’s time as a farmer to visit bureaucrats and others who could render material favors were simply too great.\(^8\)

Third, stringent and seemingly arbitrary regulatory and tax regimes compel many civic associations to keep their operational costs extremely low and avoid major projects. Shchotkina attributes this fact to the explicit intentions of state actors:

The status of a “non-profit organization” in Ukraine means the absence of even a minimal item of income: holding charitable fairs, selling your own goods, and so on—even in the case when the received funds go toward prescribed activity. In this way, NGOs turn out to be radically unviable and weak, as far as they completely depend on the availability of a benefactor and his moods. With this policy the state drives NGOs into survival mode, which ensures it relative calm: no one is particularly fooled—everyone’s au courant [as it dilit].\(^8\)

Here, the legal framework within which third-sector institutions function helps create a facade; the state generates legitimacy for itself by according minimal support to civil society, all the while establishing obstacles that prevent third-sector institutions from generating credible challenges to state power.\(^8\)

Civil Society and the State: Patron-Client Relationships

Under such conditions, organizations are aware that at some point they may need to turn to the state for funding, and this awareness shapes the choices they make about the character of the work they undertake and the links they forge with other civic associations; thus, even organizations that rely primarily on private or foreign support must make their choices keeping in mind a possible future relationship with the state. Shchotkina writes of Ukrainian NGOs that “even those who call themselves ‘social organiza-
tions’ are certain that it’s simpler to make an arrangement with the authorities than to work up [zakhruchit’sia] the genuine support of the public.”

The persistence of close links between state institutions and civic associations, as well as the mobilization of support for political parties that can result from these links, proceeds primarily from the structure of funding opportunities faced by NGOs. Reliance on state funding, in addition to the more apparent ways in which it may compromise the independence of NGOs, ties the fortunes of civic associations to those of specific political elites and political parties. However, the fiscal condition of many civic associations remains unstable because of periodic state campaigns against NGOs, such as the government “attack on ‘grant eaters’ [hrantoridyi]” under Kuchma, that, like Russian legislation at about the same time, targeted NGOs that received funds from abroad. Here, where state actors conceptualize civil society as destructive opposition, civic associations face a choice either to foster a closer relationship with the state, potentially submitting to tight ideological controls, or to risk dissolution.

This situation did not appreciably change in the wake of the Orange demonstrations. Amidst the instability that has characterized Ukrainian politics under Yushchenko, links between civic organizations and state actors have left the former both financially and politically vulnerable when their political patrons have left their posts. Both under Kuchma and, later, under Yushchenko, this has been a particular problem for organizations operating in regions where the Presidential Administration has regularly replaced regional and district leaders. Furthermore, electoral turnover brings both new opportunities for patronage relationships and punishment for NGOs affiliated with the previous regime.

Such opportunities can create limited pluralism through competition for the support of state actors. As Sperling has shown in the Russian context, trade unions and other professional associations linked closely to state power under socialism have been resuscitated as such in postsocialism. Thus, as one journalist observed in 2005, the Federation of Trade Unions of Ukraine (Federatsiia Profspilkov Ukrainy, FPU), “the logical continuation of the former Ukpromraduy,” with 11 million “automatic members” and 3 billion hryvnias in property, “‘naturally’ is drawn to the side of the authorities.” In this case, “the authorities” meant Yushchenko, while the Confederation of Independent Trade Unions, which the same journalist describes as a “product of the miners’ strikes, with 250,000 new active leaders and a complete absence of real estate,” supported Yulia Tymoshenko (Bloq Yulyi Tymoshenko, BYUT).

However, in many other situations, state-society relationships resulted either in harassment, leading to a loss of resources, or in the absorption of civic associations into state institutions. In both cases, the interaction of state and social actors results in a hollowing out of civil society as a social institution; without the means or independence to conduct programmatic activities, civic associations become an instrument of state power, rather than a link between state and society that allows the expression of societal interests.

For example, in Eastern Ukraine after the Orange demonstrations, civic organizations providing genuine services to marginalized groups became the target of harassment at the hands of state officials. The officials in question were newly appointed to government jobs, not in recognition of their expertise, for “they’re not specialists [ne fakhvity],” but “because they stood on the Maidan and are being compensated for their revolutionary work.” As one district-level official put it, “the president, in thanks, appointed me to this position.” Harassment of civic associations in the post-Orange period took a number of forms—in Kharkiv, repossession of computers and other equipment obtained from state agencies through a competitive grant process; in demands for recertification and relicensing of long-established organizations; and in unannounced “checks” at a shelter for women who suffer from domestic violence (such shelters are, of necessity, at undisclosed locations and do not ordinarily receive visitors), spurred by a newly installed local politician who believed that the shelter in question was unnecessary because, in his view, domestic violence is a “family issue” and not a matter for societal or government concern. In relation to this last example, as the leader of one service-provision organization for women put it, “The situation for women has gotten worse. We have to start again from zero.”

The post-Orange attitude of regional authorities toward certain civic organizations appears to be linked to two factors: organizations’ support from and to the previous government, and the Orange regional leadership’s lack of familiarity with the local political landscape. As those who experienced such harassment describe the situation, organizations that supported the Orange mobilizations were able to operate freely. The resulting perception was one of continued corruption, this time at the hands of Orange politicians: “There’s a lot of talk, but we see how they work in practice.”

The destruction of some legitimate civic organizations through state regulation is not a new tactic. Similar strategies were employed during Kuchma’s second term against certain organizations receiving funding
from foreign sponsors. However, this action is not simply an expression of entrenched previous practices under an Orange rule otherwise more supportive of free civic engagement. Rather, despite revolutionary rhetoric regarding European values and civil society, it is an expression of turnabout in the wake of regime change. This turnabout took a relatively benign form after the Orange mobilizations; postrevolutionary enthusiasm in this instance only led to job loss or other administrative punishments, rather than bullets. It was nonetheless retribution; the players changed, as well as the players’ "public transcript" regarding third-sector development, but some of the underlying rules regarding engagement with the state did not.

An additional instance of post-Orange entrenchment of state control is likewise observable in the regulation of private farmers’ civic organizations. In the early years of Ukrainian independence, individuals engaged in commercial freeholder agriculture formed a political movement to advocate for private farming. At the beginning of Kuchma’s second term, the Kharkiv regional farmers’ association had been a robust organization. Members of its council met weekly during much of the year to exchange information and advice about credit, commodities markets, bureaucratic entanglements, and other challenges. For several reasons, including a shifting landscape of price regimes and a decline in social cohesion among some farmers, the organization lost some of its vigor over time. By the summer of 2006, although district-level chapters continued to meet regularly, the regional organization rarely convened.

In the face of such challenges, the association’s relationship with the state also changed. Around the turn of the millennium, the association had access to state resources: an office in the regional administration building with a telephone, and bureaucratic support. Then, farmers’ links with state officials at the national, regional, and local levels had helped sustain the organization with material, informational, and organizational resources. At that time, members of the inquiline association had wondered aloud how the organization might help the Presidential Administration in return for its support of private farmers, but they also worried that with limited resources, “we can’t do anything serious.”

In 2006, with a new crop of Orange regional and local state appointees well installed, the association no longer had a stable presence in the regional administration. Such a shift could be interpreted as an improvement in the configuration of this state-society relationship, but for the fact that it involved more, rather than less, state control. The previously symbiotic relationship between the state and private farmers, in which the farmers arguably had received more from the regional administration than they had themselves contributed, was transformed into more of a one-way relationship. If before, the regional office devoted to farmers’ affairs had been the “Regional Division of Private Farming,” by July 2006 it had become the “Office for the Regulation of Private Farms.”

It should be noted that state direction of state-society linkages is not only a legacy of Soviet-era organizational forms or a product of economic incentives tilted against the development of independent civic associations, but also a result of Ukrainian organizations’ interactions with Western governments and associations. Although public discussions about Ukrainian third-sector development in 2006 pointed to state-driven models of development, the inspiration for those models was not Soviet. Instead, commentators suggested, the solution to the problems of Ukrainian civil society lay in a North American model of state-society relationships, in which societal groups are funded and directed by state institutions:

The best path is the establishment of a national agency following the example of international development agencies—for example, USAID (United States Agency for International Development), CIDA (Canadian International Development Agency)—but its activity must be directed toward the resolution of internal tasks, and not external ones, as for those organizations.

In response to anticipated objections that such a project would be a waste of taxpayers’ money, the author of the above proposal argued that “it is a question of a structure guaranteeing use of the resources of civil society for the needs of the state,” in which business and government “must step forward as the primary customers for the work of nongovernment organizations.”

Conclusion

The presence of institutional facades in the post-Soviet world, including a civil society in Ukraine that remains not only tightly linked to state actors and institutions but also largely controlled by them, is thus a combined product of what have come to be known as socialist legacies and economic incentives generated largely in a postsocialist economic context. They point to a dilemma in both the study and practice of politics in Ukraine and
elsewhere in the postsocialist world: The form that institutions take does not necessarily correspond either to their function or to their social meaning. This problem is not limited to the postsocialist world; institutional facades are present in politics in other forms elsewhere—in the United States, for example, “Astroturf lobbying” by “professional consultants who conduct grassroots lobby campaigns” imitates popular mobilization but produces a “made-to-order variety” of politics for specific parties.18

Thus, like the flag-waving protesters who may be engaged in ideadriven social mobilization or employed as day laborers in the service of state power, civil society in Ukraine and elsewhere in the post-Soviet world is not necessarily what it would seem. But rather than causing us to turn away from the reality of institutions as performances that shield actors engaged in other types of work, the existence of Potemkin institutions should lead us to look more closely and critically at events and organizations that seem, at first glance, to reflect participation, voice, and other democratic values.

Notes
4. By the summer of 2006, the smaller tent city on Maidan was staffed by Pora activists, but also by representatives of various political factions, who readily admitted to having been paid to stand there.
5. Nikolai Petrov, “The Political Design of Contemporary Russia,” Johnson’s Rus-
7. Anna Gryzynska-Busse, “After Enlargement: Domestic Expectations and Out-
comes,” paper presented at the conference “Post-Communist State and Society: Trans-
national and National Politics,” Maxwell School, Syracuse University, Syracuse, Sep-
tember 30–October 1, 2005.
11. The year 1999 would seem to have been the watershed for the emergence (or reemergence) of administrative resources and other tools of electoral manipulation in Russia and Ukraine. Yizhak Brady writes, “Moreover, these two elections [1999 and 2000] taught the ruling elite how it could use the electoral process to perpetuate its hold on power and destroy political opponents.” Yizhak Brady, “Continuity or Change in Russian Electoral Patterns? The December 1999–March 2000 Electoral Cycles,” in Contemporary Russian Politics: A Reader, ed. Archie Brown (New York: Oxford University Press, 2001), 154–78; the quotation here is on 178. See also Jessica Allina-Pisano, “Social Contracts and Authoritarian Projects in Post-Soviet Space: The Use of Administrative Resource.” Communist and Post-Communist Studies 43: 4 (2010).
13. Author’s field notes, August 2006. See also www.nebudaidaizyum.com.
16. For a literary exposition of the surrealistic quality of post-socialist political landscapes, see Viktor Pelevin, Generation P” (Moscow: Vagrius, 1999).
17. Marc Morie Howard, The Weakness of Civil Society in Post-Communist Eu-
20. Vladislav Inozemtsev, “Na granitse Kuchma khodit khmuro,” Novaia gazeta, September 21, 2004. Here, Yushchenko notes, “The term ‘managed democracy’ sounds as awkward as, for example, ‘soft totalitarianism.’ Actually, the problem in Ukraine is that it could not construct a system of rule [vlady] that would have guaranteed demo-
cratic freedoms.”

23. Here, it may be useful to differentiate between what Foley and Edwards describe as "polemical and heuristic" uses of the concept of civil society; arguably, the visions of civil society advanced in the English-language literature on Eastern European politics frequently fell into the former category. Michael W. Foley and Bob Edwards, "Beyond Toqueville: Civil Society and Social Capital in Comparative Perspective," American Behavioral Scientist 42, no. 1 (September 1998): 5–20.


29. Quoted by Ackerman, "Entretien avec Dmitri Fournan," 255.

30. Syntheses of local and transnational politics have been observed in other accounts of post-Soviet institutional development, notably Janine Wedel, Collision and Collusion: The Strange Case of Western Aid to Eastern Europe (New York: Palgrave, 1998); and Juliet Johnson, A Fistful of Rubles: The Rise and Fall of the Russian Banking System (Ithaca, N.Y.: Cornell University Press, 2000).

31. However, on the utility of electoral fraud as a solution to the problems of collective action, see Joshua A. Tucker, "Enough! Electoral Fraud, Collective Action Problems, and Post-Communist Colored Revolutions," Perspectives on Politics 5, no. 3 (September 2007): 537–53.


34. See Beissinger, Nationalist Mobilization.

35. However, on Canadian activities in Ukraine, see Mark MacKinnon, "Canada: 'Agent Orange: Our Secret Role in Ukraine,'" Globe and Mail (Toronto), April 14, 2007.


38. Ioulia Shukan, "Crise et maintien au pouvoir: Le personnel politique commu-
60. Schotkinina, “Kul’turna polityka.”
61. Halych, “’Hrantoidy’ chy tshehlynky hromadians’ko ho suspiś stva?”
63. Schotkinina, “Kul’turna polityka.”
64. This contrasts with the strategy used in recent years by the Kremlin to co-opt and support youth movements that otherwise could pose a threat to the regime.
65. Schotkinina, “Kul’turna polityka.” I have translated “suspińnyi” and “ob-sechestvennynye” as “social” here.
67. Though note that in the United States (explicitly used as a model for “civil society” in Eastern Europe), “civil society” is often heavily funded directly or indirectly through public institutions.
70. This has also been problematic for civic associations in Russia, where greater party instability in the 1990s meant that support NGOs worked hard to acquire could disappear with the next elections.
72. In Sperling’s account, this pertains primarily to profsoi and the zenotodel.
73. Vedernikova, “Profsoi.”
74. Oral testimony, Kharkiv Regional State Administration, July 2006.
75. Author’s interview with a district official, Kharkiv Oblast, July 2006. The suggestion that the president himself was involved in the decision may, of course, have been an overstatement.
76. The author discloses that she made a financial contribution to the shelter in question in 2000.
78. Oral testimony, Kharkiv Regional State Administration.
79. Gritsenko, “Ataka vlasti na ‘granteevod环卫’.”