DELIBERATIVE CAPACITY IN POST-SOVET TRANSITION:
EFFECTS OF COLOUR REVOLUTIONS, INSTITUTIONAL DESIGN AND INTERNATIONAL DISCOURSES
ON INTER-CULTURAL RELATIONS IN UKRAINE AND GEORGIA

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ABSTRACT
This dissertation explores the issue of deliberative capacity in the context of inter-cultural relations in the democratizing post-Soviet states of Ukraine and Georgia. Specifically, it enquires about (1) the effect of deliberative capacity on inter-cultural relations, (2) the factors that affect deliberative capacity itself, and (3) the extent to which implementing deliberative democratic models is feasible in the context of post-Soviet Ukraine. It is argued that both ethnic studies and democratic transition studies significantly benefit from the application of the deliberative democracy approach. Based on the application of this approach, this work suggests three further arguments. First, deliberative capacity is the underlying feature of a multitude of ethnic mobilization theories. It suggests that instead of treating the different factors of ethnic conflict as competing, they can be looked at as each illuminating a different form or aspect of the deliberative capacity in a specific case. This dissertation suggests that such an overarching explanation simultaneously provides a more comprehensive and parsimonious story of ethnic radicalization while, usually, nuanced complexity and parsimony are at odds in theory building. Second, this study argues that a variety of factors that influence deliberative capacity affect its various components in different ways. It follows that factors of deliberative capacity are not necessarily entirely positive or negative. Instead, certain factors may create mixed effects on deliberative capacity by facilitating some of its features while jeopardizing the others. This is illustrated with the examples of such factors as colour revolutions, institutional design and the international national minority regime. Third, this dissertation draws attention to the existence of different kinds of deliberative systems that create very different contexts for politics and policies. This dissertation also explored the difficulties of applying the deliberative model in Ukraine and found that it is as difficult as it is necessary. These difficulties are nevertheless counterbalanced by a number of opportunities, and several deliberation precedents. Finally, the work formulates practical recommendations for national ethnic policy-makers, institutional designers, deliberation experiments developers, and international actors, that are expected to increase the level of deliberative capacity and thereby the level of inter-cultural peace.
PREFACE

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INTRODUCTION

Cultural diversity can either be a treasure for society or a source of inter-cultural tensions, with ethnically based violence being an extreme case. The factors responsible for making cultural diversity either a blessing or a curse have long been subject to scholarly attention. And yet, the issue of ethno-cultural tensions remains underexplored in the sense that a clear antidote to this problem has not yet been found. At the same time, the problem of ethno-cultural conflicts continues to be pervasive in many corners of the world including Georgia and Ukraine. This dissertation therefore addresses the issue of ethno-cultural tensions in these two cases, asks about their underlying causes, and explores the ways out of this contentious situation. More specifically, it does so with the aid of the deliberative democratic theory in its application to interethnic relations in these cases.

The structural dilemma that initially drew my attention is the fact that some countries of the former Soviet Union experienced inter-ethnic conflict after 1991, Georgia among them, while other states did not, like Ukraine, at least prior to 2014. Moreover, in Ukraine the level of ethnicized rhetoric varied over time. Thus the question was raised over what is responsible for ethnic radicalization in Ukraine and inter-ethnic violence instead of inter-ethnic cooperation more broadly among the post-Soviet states or beyond? Based on my background in deliberative democratic theory, I hypothesized that it might be related to the level of deliberative capacities within these societies. This initial intuition brought me to this project on the importance of deliberative capacity for ethnically divided transition societies. Based on the conducted analysis and fieldwork, this study suggests that the level of deliberative capacity, meaning the ability of social space to contain genuine deliberation, represents an overarching umbrella explanation for ethnic mobilization and as a result for ethnic conflict in both the cases of Ukraine and Georgia.

The transition from communist authoritarianism to democracy has been studied for decades. Yet an important feature has been on the margins of these multifaceted discussions: the issue of deliberation. How important is this factor for democratic transition? How much deliberative capacity can be seen in new post-Soviet democracies? How can deliberation be fostered in these societies and does it need to be fostered? These and similar questions are discussed in this dissertation, which aims to locate the place of deliberation in post-communist transition and analyze the effects of deliberation on democratization, as well as understand the factors impacting deliberation in transition.

In addition, I was also drawn to the intersection of democracy and inter-ethnic relations because of the normative challenge of arriving at mutually acceptable policy solutions from the perspective of opposing ethno-cultural

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1 The term “inter-ethnic” is used interchangeably with “inter-cultural” in this work. Although these terms often have distinct meanings, in this work ethnicity is viewed from the cultural perspective primarily and therefore both terms are being used throughout the text to make the language less repetitive.
groups primarily in Ukraine, but also in Georgia. Although a lot has been written on the issue of inter-cultural relations in Ukraine and in Georgia, the focus of the literature has primarily been on mapping the demographics and the chronology of tensions, or on identifying the truth, in other words, on issuing a verdict on who is right and who is wrong among those groups. Not that much has been done on finding the way out of this contentious situation. Therefore, contributing to finding the way out, rather than identifying the greatest victim, is among the practical goals of this dissertation.

The normative significance of the issues raised in this dissertation rests on the idea that the possibility of ethnocultural identity realization is a dimension of democracy, and should therefore be an integral part of any democratization process (Nodia 1992). In turn, the practical significance undoubtedly lies in preventing ethnic violence and other forms of ethnic tension, and thereby saving lives and resources, and allowing people to focus on the quality of democracy and public policy reforms.

This dissertation speaks to a variety of research communities within political science, such as democratization, ethnicity, multiculturalism, institutional design, and deliberative democracy scholars. The contribution to multiculturalism and deliberative democracy studies is that the dissertation applies these theories in a non-Western, transitional context and advances the exploration of institutional forms in which they can be realized. The contribution to democratization studies comes from looking at the ethnic relations aspect of democratization, and proposing an additional, deliberative, component within the democratization concept itself. Finally, this work advances the understanding of the nature of ethnic mobilization by exploring existing explanatory theories from a novel, deliberative democratic, angle.

**Key Puzzle and Research Questions**

Since the late 1980s, at least eight violent ethnic conflicts occurred in former Soviet Union regions and countries: Nagorno-Karabakh, Abkhazia, Ferghana, South Ossetia, North Ossetia/Ingushetia, Transnistria, Tajikistan and Chechnia. At the same time, at least eight potential conflicts did not occur, among them: Crimea, Tatarstan, Bashkortostan, Gagauzia, Ajaria, North Kazakhstan and areas populated by Russian-speakers in Estonia and Latvia (Sasse 2007: 23). These two sets of cases demonstrate that structural conditions, including prior conflictual history and ethnically diverse demographics correlate with both conflict and non-conflict cases (Sasse 2007: 4, Beissinger 2002: 280-1) and, therefore, cannot be the ultimate causes of the political mobilization of ethnicity or ethnic conflict. Determining what is responsible for conflictual or non-conflictual outcomes creates an intriguing puzzle which has not been fully answered until now.

On the scale of a single state – specifically, that of contemporary Ukraine – this question also holds. Ukraine is characterized by various ethnic, linguistic, religious and socio-economic identities and cleavages, and their different
historical memories and political orientations make regional diversity in Ukraine its one of the most important characteristics (Sasse 2002: 1). Due to this diversity, the aftermath of the Soviet Union’s collapse was expected to be violent in Ukraine, given the triangle of the large Russian minority territorially concentrated in Eastern and Southern Ukraine (Kymlicka 2005: 205), the Ukrainian majority, and the indigenous Crimean Tatar population in Crimea (Kuzio 2007). The notion that “Ukraine is likely to fragment, probably with significant violence” was shared from academic circles to the CIA (Zimmerman 1998: 43-55, Larabee 1994: 14-19). Worse still, a corrupt government, economic crises and being a “state of regions” (Sasse 2002) divided into at least “two Ukraines” (Riabchuk 1992) served to potentially add further grounds for tension. Despite this blend that was ripe for conflict, the country managed to avoid such a violent scenario. Instead of ethnic division and conflict, the political struggle in the first post-independence years was focused on political and economic matters, while radical nationalistic claims were marginalized and the moderate national-democrats took a lead in the independence struggle (Podolian 2010). During the post-communist years, however, the development of the Ukrainian political realm was marked by periods of ethnic identity radicalization\(^2\) in terms of their importance in the political competition and broader social discourse (Hrycak 2007). Thus, the extent to which identity issues were mobilized in parliamentary elections campaigns and inter-electoral rhetoric varied over time.

Speaking of Ukraine’s non-violent development is not easy during the time of warfare that the country is going through, as it is at the time of writing this dissertation. It is especially difficult given that one of the narratives circulating internationally, and most powerfully out of Russia, is that the 2014-2015 war in Ukraine is a civil war based on internal Ukrainian inter-ethnic tensions. This dissertation, however, does not treat this war in Ukraine as a civil war. This Russia-Ukraine military tension is so heavily grounded in foreign military intervention that it goes beyond the framework of analysis of inter-ethnic relations within a separate state and becomes a problem of international security. Moreover, conceptually speaking, if a civil war needs to be spurred by an external force in order to happen, it means that it is not a civil, but an inter-state war.

Over the last two decades, considerable academic attention from numerous disciplines (namely, history, political science, sociology and anthropology) in Ukraine and in the West, was paid to interrogating inter-cultural cleavages in Ukraine\(^3\). The central focus of these studies was, however, either on mapping the situation or identifying who is right or wrong in this on-going tension - in other words, on establishing the historical truth. Little attention was paid to understanding how to soften the existing social tension. My work, in contrast, aims to address this gap by investigating, first, why ethno-cultural radicalization takes place, and, second, what are the ways to soften the situation in order to facilitate future democratic and socio-economic development. In this context, this dissertation

\(^2\) According to Hrycak (2007) the periods of especially notable ethno-cultural mobilization were in 1993-1994 and 2004 in Ukraine.

asks which factors can account for discourse ethnification⁴, and also discusses the feasibility of implementing the model of deliberative capacity in the explored transitional context. As I approach the issue of ethnic tension from the perspective of deliberative capacity, I ask more specifically how crucial events like people’s revolutions⁵, international discourses and domestic institutional arrangements affect deliberative capacity. Deliberative capacity is used in this work as a concept that helps to explain the puzzles observed. That is, deliberative capacity is instrumental in explaining socio-political rhetoric ethnification as well as designing the way out of the conflict. In sum, exploring the issue of deliberative capacity in the context of inter-cultural relations in democratizing post-Soviet states, this work investigates (1) the effect of deliberative capacity on inter-cultural relations in Georgia and Ukraine, (2) the factors that affect deliberative capacity itself in these cases and (3) the extent to which implementing deliberative democratic models is feasible in the context of post-Soviet Ukraine.

**Academic Contribution**

In my view, the value added of this work lies in its contribution to five research areas, such as: ethnic studies, comparative democratization, deliberative democracy, multiculturalism and area studies. Kymlicka notes that while Western theories can help shed light on the policy options in East-Central Europe (ECE), debates in ECE can also demonstrate the limitations of the newly-emerging ethno-cultural relations theories (Kymlicka and Opalski 2005: 15). He further elaborates that in the majority of cases the principles developed in the West are applicable in Eastern and Central Europe, although their implementation may be more difficult. Yet, there are some cases that do not have analogues in the West and therefore the West provides no useful models. Two of the hard cases that Kymlicka identifies are found in Ukraine: namely, the case of Crimean Tatars and the case of the Russian settlers in the “near abroad” (Kymlicka and Opalski 2005: 73). To effectively comprehend these cases, Kymlicka argues, there is a need for completely new models of ethno-cultural justice (Kymlicka and Opalski 2005: 82). ECE countries can learn from the mistakes of the West in order to avoid some of the problems that result from them. Yet there are many ways in which the problems in former communist countries are unique and for which the West offers no solutions (Kymlicka and Opalski 2005: 82).

In this context, this study demonstrates the ways in which the model of deliberative capacity can be applicable in contexts other than a Western liberal democracy and to what extent it is limited in its application elsewhere, specifically in the context of post-Soviet transition, which has yet to be systematically done in the academic literature. Thus, the rationale behind this dissertation is in line with the general motivation behind the third

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⁴ By “ethnification” I refer to ethnic rhetoric radicalization and ethic discourse gaining salience in social and political contexts.

⁵ This term is used for now for the lack of a more precise term. It is to denote the post-Soviet anti-government bottom-up movements such as the Orange Revolution 2004, the Rose Revolution 2003 (a.k.a. Colored revolutions or electoral revolutions) and the Euromaidan 2013-2014.
generation of deliberative democracy studies that have an increasingly institutional and empirical focus and attempt to put second generation deliberative democracy theory into practice in diverse contexts (Elstub 2010: 305). The importance of this kind of research is emphasized by Dryzek, who states that, to date, researchers have compared only developed liberal democracies amongst each other while it is necessary to extend their analysis to other systems in a research program on the institutional determinants of deliberative authenticity (Dryzek 2009: 1386).

Furthermore, this project offers a contribution to transition and comparative democratization literature. The transition approach stresses two key elements: long-term structural development through modernization, and contingent actor-driven strategies and elite negotiations. The effects of other types of cleavages, such as ethnicity or region, are not prominent in the analysis of classical transition theory, even in the cases where these cleavages are briefly considered (like in Linz and Stepan 1996: 16-37). Moreover, recent neo-modernization democratization theory contributions (like Przeworski et al. 2000, Boix 2003, Acemoglu and Robinson 2006) almost universally ignore ethnic divides. While there is some work that briefly looks at these issues, some of the most influential works of the last decade ignore them and it is one of the most important weaknesses of the literature. In this context, the current research is addressing this important gap. The project also contributes to comparative democratization literature by addressing the deliberative component of democracy, which is currently underutilized in this field (Dryzek 2009).

In addition, according to the democratization theory, heterogeneity poses challenges for a democratizing state (Rustow 1970; Offe 1996: 50-81; Linz and Stepan 1996). At the same time, however, the very existence of heterogeneity is one of the expressions of democracy. Some also argue that minorities represent a challenge to democratizing nation-states, a challenge that carries serious potential for instability and, consequently, these states are best managed by centralization and assimilation policies (Laitin 1998). The potential for instability, which in the worst case scenario leads to violent secession, is particularly associated with the presence of territorialized minorities (Hughes and Sasse 2003: 2-3). Thus, minority issues in transition studies are mostly viewed as a negative factor for democratization that needs to be eliminated (Linz and Stepan 1996: 16-37). Yet eliminating the ethnic identity problem in a democratic way, and without eliminating the ethnic identity itself, is no less important if the end goal is meaningful democratization (Nodia 1992). This democratic aspect of ethnic relations accommodation has attracted less attention in transition studies (Hughes and Sasse 2003); this work makes a contribution to this area as well. This study also contributes to the area of institutions of deliberation, which is also understudied (James 2004), by discussing the deliberative potential of different kinds of institutions, such as electoral systems and federalism.

Next, this dissertation contributes to ethnic identity mobilization studies by exploring the existing explanatory theories in transitional settings. This project moves beyond the multiple explanations of ethnic mobilization and
identifies the root cause behind the factors affecting the ethnification of political rhetoric. While the literature identifies myriads of distinct causes of ethnic tension, this dissertation argues that most of these causes in combination represent what can be treated as a contingent deliberative democratic space, or a deliberative system.

Moving towards such an overarching explanatory theory rather than focusing on discrete causal factors also has a broader relevance. It will be possible to apply the results of this analysis, as well as the policy implications that stem from it, to other conflict and non-conflict cases in the post-Soviet region and beyond, even if they do not have similar structural features. Thus, the findings of this study may be relevant to examinations in other jurisdictions beyond Ukraine and Georgia, for example, and other post-Soviet or, more generally, post-colonial polyethnic contexts.

**Theoretical Stance**

The developments in contemporary political theory have indicated the importance of deliberation in democratic governance. Some claim that the normative debate has reached such a level of conceptual maturity that it is no longer possible to think of democracy in the twenty-first century without considering the deliberative component (Ugarizza and Caluvaerts 2014). And yet, while a viable democracy needs the right mix of competitive elections, aggregative votes, deliberation and street protests, the role of deliberation in this mix is often not strong enough and must be strengthened (Steiner 2012: 1). Therefore, in tackling the issues of democratic transformations in post-Soviet societies, as well as the problem of inter-ethnic tensions specifically, this project departs from the aggregative conception of democracy and democratization and grounds itself in deliberative democracy, and more specifically, in the concept of deliberative capacity.

Deliberative democracy is generally understood as a kind of a political system in which political decisions are a product of fair and equal discussion and debate among those affected by the decision. The idea of deliberative capacity introduced by John Dryzek is claimed to be central to democratization and public policy decision-making, and it therefore deserves attention, especially in transition countries that undergo multiple transformation processes (Dryzek 2009). Dryzek emphasizes that a minimalist or electoral definition of democracy, which dominates the scholarship on democratic transition, misses a key aspect – that of deliberation. This is a major shortcoming since, he argues, the more authentic, inclusive, and consequential political deliberation is, the more democratic a political system is, and since effective deliberation is central to democracy, it should also enter any definition of democratization. Dryzek draws attention to the fact that, while this deliberative aspect is ubiquitous in theory, practice and the promotion of democracy, it is at the same time missing in comparative democratization studies. He concludes, therefore, that comparative democratization scholarship has missed the most important
aspect of democracy (Dryzek 2009: 1379-80). Building on Dryzek, this dissertation addresses the issue of deliberative capacity in post-Soviet democratization, specifically in the cases of post-Soviet Ukraine and Georgia.

This project focuses on inter-ethno-cultural aspects of deliberative capacity - in other words, on the ethno-cultural groups’ opportunities to voice their agenda, to communicate about it and to move towards their sought change through such communication. The dissertation explores deliberative capacity as it is manifested in both macro-level and micro-level deliberation and in this sense it follows the deliberative system approach promoted by Parkinson and Mansbridge (2012). Specifically, the study pays attention to the interconnection between the multiple potential sites for deliberation and assesses to what extent they contribute to or jeopardize the deliberative system overall.

**Core Argument**

The argument formulated in this dissertation is that the contingent constellation of political forces in Ukraine’s early transition contained crucial deliberative democratic elements of inclusion, moderation and reciprocity among the different ethno-cultural identity groups, which prevented the aggravation of social tension. In other words, the deliberative capacity of the system in the early years of Ukraine’s transition was comparatively high. In subsequent periods, however, new institutional and extra-institutional conditions - such as crucial events like the Orange Revolution, polarizing rhetoric and insensitive international discourses - decreased the level of deliberative capacity and thereby created a ground for the mobilization of ethno-cultural identities in Ukraine. These anti-deliberative effects were expressed in the incentives for the rhetorical and practical exclusion of the other identity group, in extremist rhetoric in relation to contested issues (such as the World War II heroes, language policy, evaluation of the Soviet legacy, and foreign policy orientations among others), and in opposition instead of reciprocity between the political forces. In the case of Georgia, by contrast, the deliberative capacity was low for non-Georgian groups right from the outset of post-Soviet transition, which can explain the aggravation of ethnic tension and resulting ethnic violence already in the late 1980s to the early 1990s.

Given the context of military tension in Ukraine at the time of writing, it is impossible to avoid the application of the suggested argument to the current developments in the case of Ukraine. An argument can be made that the low deliberative capacity and the resulting mobilization of ethnic identities have ripened the situation for Russia to foment conflict in Ukraine in 2014. Indeed, greater deliberative capacity developed in Ukraine in the years preceding the 2014 military conflict could have resulted in a greater opposition to Russia’s annexation of Crimea among the Slavic population within Crimea. Yet it would not have prevented such aggression entirely as the subsequent invasion into Eastern Ukraine (which was characterized by greater loyalty to the Ukrainian state) has demonstrated.
Factors of ethnic mobilization, such as the Orange Revolution or international discourses, are typically discussed as independent factors. I, however, move further by exploring what it is about all of these factors that affects political rhetoric in terms of its radicalization. I argue that the extent to which deliberative capacity is enabled by these separate factors is the root cause effecting ethnic identity mobilization and the ethnification of socio-political rhetoric. In other words, it is not just the separate events that matter, but rather their effect on the deliberative capacity of the system overall.

In a nutshell, the study suggests that the level of deliberative capacity, which is influenced by a plethora of factors from institutional arrangements to contingent social events, is the root cause behind many crucial processes like democratization and social polarization. Furthermore, the dissertation argues that all these various factors affect different components of deliberative capacity in different ways and may even create a trade-off between its dimensions. I also argue that different standings on different components of deliberative capacity create different types of deliberative capacity, which are consequential in terms of its further effect on democracy and public policy.

**Significance: Normative and Practical**

Why should we care about the level of deliberative capacity in the area of inter-ethnic relations? First, having a friendly deliberative system is instrumental for satisfying individual and group ethno-cultural needs and, thus, is closely tied to the broader issue of human and group rights realization. Therefore, normatively speaking, the possibility of ethno-cultural identity realization is a dimension of democracy, in part defining its quality and the justice of a socio-political system.

Second, closely linked to the previous point, deliberative capacity effects whether there is a conflict or not. If a contested ethnicity-based issue is not satisfied on a level acceptable to the groups, it poses a civil violence danger for the society. Ethnic mobilization associated with regime change can slide into ethnic violence, but it can also stabilize the polity if satisfied minorities demobilize or come to favour institutional forms of multiethnic engagement (Beissinger 2008: 87-89). According to Przeworski and Sprague (1986), the basis of cleavage politics is not an inevitable sociological process. Instead, political actors create, reinforce, and maintain the links between political parties and social groups within the context of institutional arenas, social structures and cultural histories that constrain their strategic alternatives. Indeed, the constructivist approach to ethnic identity treats it as a socially constructed, malleable phenomenon shaped by elites, external actors and events (Adler 2002: 103). Understanding the nature of deliberative capacity and its connection to ethno-cultural relations helps to avoid the escalation of conflict.

This is especially relevant in the context of contemporary Ukraine and other post-Soviet states where ethnicity-
related conflicts may be expected to escalate. The most important lesson that Kymlicka thinks is worth taking from the Western ethno-cultural relations experience is that controversies and conflicts over the management of ethno-cultural diversity will not disappear or spontaneously resolve themselves. This was a widespread opinion in the West and this is also widely believed in Ukraine. Ethnic conflict has been seen as a by-product of some other deeper problem and was expected to fade once the deeper problem is resolved. For example, there was an opinion that the real problem was in the incomplete democratization and poor rule of law, incomplete modernization and economic hardships, irrational personal stereotypes and prejudices, or a result of foreign meddling⁶ (Kymlicka and Opalski 2005: 82-83). Now it is known that these predictions were wrong. There is no evidence from Western democracies that the achievement of democracy, economic prosperity, and more tolerant attitudes will lead to an abatement of ethno-cultural mobilization. On the contrary, ethno-cultural demands have increased - not decreased - throughout the West, even as these goals were achieved. The achievement of democratization, prosperity and tolerance has gone hand in hand with increased ethno-cultural mobilization (Kymlicka and Opalski 2005: 83).

Although, fortunately, not all ethno-cultural tensions turn violent, even a non-violent conflict is disruptive enough for us to want to attend to it at an earlier rather than at a later stage. Finally, it is also worth noting that most ethno-cultural identities in Ukraine are also “identities in formation”, as stated by David Laitin. This applies to Ukrainians, Ukrainian Russians, Russophone Ukrainians, as well as Rusyns – an ethno-cultural group that has entered the public dialogue in the recent decade or two. Because of this, the issue of identity is expected to be continuously discussed in the near future in the rhetoric of political forces, media publications and university curricula, which makes it especially relevant for academic research as well.

Third, many authors express profound skepticism concerning the possibility of a stable democracy in societies with politicized ethnicity (Diamond and Plattner 1993: 18). This is in line with the conclusion of many democratization scholars that minorities pose a major challenge for a democratizing state (Linz and Stepan 1996: 16-37; Rustow 1970; Offe 1991). Yet, the existence of heterogeneity is itself one of the expressions of democracy and, therefore, there should be a normative commitment to support heterogeneity alongside with making it more manageable. Finding a way to achieve this dual goal is the task that this dissertation aims to contribute to. What is more, it can be argued that deliberation is connected to the consolidation of democracy. For Dahl (1989) the consolidation of democracy consists of three parameters: namely, regime endurance, inclusion, and legitimacy. As deliberative democracy is conducive to inclusion and legitimacy, it, therefore, should also lead to regime endurance as a result. Dryzek similarly argues that, due to its ability to promote legitimacy, heal division, secure tractable collective choice,

⁶ I agree with Kymlicka that the solution of those major problems does not automatically solve the issue of ethnic tension. Yet it also needs to be said that in the case of Ukraine, ethno-cultural tension started being associated with violence only after the foreign military intervention took place in March 2014, which illustrates that external factors indeed influence the intensity of the problem.
effectively solve social problems, and promote reflexivity, deliberative capacity contributes to state-building as well as to democratic consolidation (Dryzek 2009: 1394).

Fourth, dealing with the issue of deliberative capacity deficit with respect to ethno-cultural relations is also important for the quality of democracy as ethnic issues are used to distract voters from other issues with more immediate effects on the distribution of power and resources. Thus, playing the ethnic card jeopardizes democracy and a just distribution in society. Even when there is no security threat (instead, identity salience goes up and down and ethnic leaders turn into moderates when in power), the issue retains its significance. Identity concerns can also distract voters from other important issues; thus, they can jeopardize the quality of democracy and destabilize governance.

**Methodology**

This work represents a case-study-based project that compares the cases of post-Soviet Ukraine and Georgia. This work utilizes the comparative analysis logic, contrasting the case of Ukraine (which faced no significant ethnic tensions for many years after the collapse of the Soviet Union) to the case of Georgia (which went through a challenge of interethnic struggle from the very outset of its independence and throughout the post-Soviet period). However, this work is based on the Ukrainian experience more heavily, and therefore the discussion of the Georgian case, treated rather as a shadow case, appears less frequently and is less extensive.

As a case-study-based project, this dissertation relies on process-tracing methodology that asks how does “X” produce a series of conditions that come together in some way (or do not) to produce “Y” (George and Bennett 2005). In process tracing, the researcher examines histories, interview transcripts, and other sources to see whether the causal process that a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case (George and Bennett 2005: 6). Process tracing allows looking at the causal mechanism itself and “see” the logic through which the effect is taking place. Process tracing is also well designed for the cases characterized by the high degree of complexity and multifacetedness – as are the cases in this dissertation – as it allows zooming in into the intricacies on the ground and thus helps to avoid oversimplification. Dryzek also notes that quantitative measures of deliberative authenticity can inform comparison, but they cannot tell the whole story. He therefore suggests that histories of the development, or attenuation, of deliberative capacity can be investigated and comparative case studies may be useful in locating the aspects of deliberative capacity present in one society, but not in another (Dryzek 2009: 1388). In this project, I apply this logic to exploring how such factors as institutional arrangements, international discourses and colour revolutions produced an outcome of ethnic radicalization and I explore the hypothesis that it happens through the effect of these factors on the quality of the deliberative system.
In order to capture those hypothesized effects, the study is based on the analysis of secondary and primary sources such as academic literature, legal documents, and media reports. In addition, the research uses the data from 124 semi-structured interviews that I conducted with key informants from different sectors and regions in Ukraine and Georgia. Interviews were conducted with representatives of the Ukrainian and Georgian government, political parties, civil society, ethnic groups’ representatives, public relations specialists, journalists, scholars and think tank experts. A full list of interviewees can be found in Appendix 1.

Parkinson and Mansbridge argue that a reliance on experts or on lay citizens alone both have their own epistemic dangers for the deliberative system: both experts and citizens, when dominate the deliberation process, tend to overlook some aspects of reality while exaggerating the others (Parkinson and Mansbridge 2012: 14). In this context, using both experts and non-experts (for example, the regular members of an ethno-cultural group) in a study like this is beneficial from the point of view of deliberative democracy. A systemic approach also draws attention to the way that expert authority is itself often conditionally earned through deliberative means and within specialized deliberative communities. Thus, experts are often subject to deliberative accountability through the networks of their peers (Goodin 2003a in Parkinson and Mansbridge 2012: 15), especially in a context like mine, since I used a snowballing method (Tansey 2007) in the selection of those experts.

In geographical terms, interviews were conducted in seven cities of Ukraine: Dnipropetrovsk, Donetsk, Kharkiv, Lviv Kyiv, Odesa, and Simferopol. These locations represent the major cities of Ukraine and also the key regional and cultural cleavages. Such inclusion of respondents from various regions was important for studying Ukraine given the significance of the regional cleavage in this country. Additional interviews for use in a comparative section of the work were conducted in Tbilisi, Georgia. Although all the Georgian interviews were conducted in Tbilisi, I do not suspect that this could bias the findings as even these interviewees tended to be critical of Tbilisi policies.

Interview respondents from all the sectors and locations were asked about their vision of democratization and inter-ethnic relations in their respective countries and about the various factors that could have affected democratization and inter-ethnic relations such as colour revolutions, international influence, and institutional reforms. The interviews were conducted over the period of 2009 to 2010.

My personal identity and attachment to the matters explored in the dissertation may be seen by some as potentially biasing, as I identify with the Ukrainian-cultured and Ukrainian-speaking group in Ukraine. I, however, do not see that as biasing my work, as besides my ethno-cultural identity, I also hold a strong democratic identity, and a strong attachment to the ideas of justice, human rights, reconciliation and deliberation between the groups, as well as academic honesty. The last thing that I would consider would therefore be to fabricate my data or fashion my conclusions to “benefit my group”. During the interview process, I however experienced certain emotional difficulties while speaking to the out-group members due to their lack of recognition of my in-group and
due to their operating with the “facts” that I believed to be wrong. To deal with these feelings, I focused on my ideas and experiences as a researcher, as opposed to an ethno-cultural group member.

In order to establish a rapport with my respondents I wrote initial contact letters in the respondents’ expected language of preference and spoke with them in that language as well. In some cases, the language of preference was hard to identify, and I wrote initial letters in the state language and later asked them which language they would prefer for the interview. Usually I did not identify my own cultural background for the interviewees. I also tried to listen to them with as much understanding of their concerns and their logic as possible. In some cases, however, I was asked about my identity in the process of an interview. In those cases I responded with the truth, but, if I spoke to the Russian-cultured group, I also assured them that I also respected their different position and that I saw my role in bringing this position across to the other side in a hope that this would soften their perception. Overall, although I am aware of the potential dangers related to a researcher’s identity, in my view, this was not a major concern in this case.

Structure

This dissertation discusses both internal and external factors that influence deliberative capacity. Internal factors include crucial events or movements, formal institutions, and population attitudes, while external factors refer to international discourses. Specifically, this dissertation consists of seven chapters, an introduction and a conclusion. The first chapter provides historical and cultural background on the two cases, mainly synthesizing the rich body of literature produced on this issue in the past couple of decades. I focus, however, mainly on mapping the regional divide in Ukraine and Georgia and the history of inter-cultural relations and relations between a state and ethno-cultural groups in the case studies at hand. The second chapter discusses the interconnection between deliberative democracy and ethnic relations, drawing on both political theory and comparative studies. The third chapter analyzes the effects of colour revolutions on ethno-cultural relations in transition and on the democratization process in Ukraine and Georgia. Chapter four engages in a discussion on the matters of deliberative democracy and institutional design and discusses the changes in electoral rules and other institutional mechanisms and their effects on ethno-cultural relations in the two cases. The next two chapters focus on the case of Ukraine, due to its greater heterogeneity in terms of ethno-cultural attitudes and the centrality of ethno-cultural issues to Ukraines’s political and social realm. Thus, chapter five presents the attitudes towards each other and towards deliberation among the interviewed experts and groups’ representatives in Ukraine, thus revealing the micro-level reality of deliberative capacity on the ground. The sixth chapter discusses the feasibility of implementing deliberative democracy initiatives in the Ukrainian case. Finally, the last chapter addresses the effects of the international minority regime in the context of deliberative democracy and the specificities of post-colonial transition settings. The concluding section draws connections between the key issues in general debates on deliberative democracy and democratization and the findings from the explored evidence. This section also discusses theoretical and
practical implications for the broader audience: both those interested in theory debates and those looking for superior policy solutions in the area of ethnic relations.
The dissertation explores deliberative capacity using the cases of Ukraine and Georgia. They are both cases of transition and post-Soviet development, and both are characterized by post-colonial traits. Both countries also have ethno-cultural tensions, although of different nature. And both cases underwent periods of democratic breakthrough through electoral colour revolutions, which were followed by democracy deterioration soon after them, sooner in Georgia, but then also in Ukraine.

Yet, there are also multiple differences between the two countries. The ethno-cultural issues are talked about in Ukraine, and not talked about in Georgia, partly because in Georgia the diverse groups are not than much intermixed and are less involved into a common political space compared to ethnic groups in Ukraine. In addition, ethno-cultural tensions resulted in a civil war in early post-Soviet Georgia, yet did not lead to any violence in Ukraine, at least prior to 2014. Georgia went through more comprehensive socio-economic reforms in the aftermath of its colour revolution. Besides, Ukraine is also a clearer case of ethnic entrepreneurship, that is instrumentalizing ethnic identities for political goals, while Georgian interethnic fabric is more grounded in history and societal attitudes. The dissertation explores the Ukrainian case in greater detail. However, the Georgian case is also used as a shadow case throughout this work, especially for the analysis of the effects of colour revolutions on deliberative capacity.

Attention to the Ukrainian case is justified in this kind of research for several reasons. First, it is not straightforward who is the minority in Ukraine given Will Kymlicka’s distinction between majoritized minorities and minoritized majorities\(^7\), which would refer to Russians and Ukrainians respectively\(^8\). This confusion is significant in terms of formulating normatively based recommendations for public policy since these typically entail a choice between the principles of remedial justice grounded in conservatism or forward-looking justice of a more liberal stance. Second, the borders between ethno-cultural groups are also not clear in the case of Ukraine with a wide range of identities present from Ukrainian-speaking Ukrainians through Russian-speaking Russians, Ukrainian-cultured Russians and Russian-speaking Russians to name the major ones. Indigenous issues related to the Crimean Tatar population also add specificity to the case especially given that this group resides in a region with a majority of population being Russian, that is, belonging to a nation-wide minority. All these factors are important as they add more uncertainty to the appropriate “rights” of the different groups and thus require more deliberation to negotiate.

\(^7\) According to Kymlicka, a “minoritized majority” is a numerical majority that in terms of social power is dominated over by a numerical minority, which is therefore named a “majoritized minority”.

\(^8\) Or rather “Russian-cultured” and “Ukrainian-cultured” people.
The first part of this chapter starts with mapping ethnic identities in Ukraine, and then presents the groups claims, which are followed by governmental ethno-cultural policies in Ukraine. The second part of the chapter presents Georgia’s relationships with its diverse minority groups.

1.1. Ethnic Identities and Policies in Ukraine

According to Riachuk (2012), Ukraine is not an easy country to understand, as it possesses a great number of ambiguities. Ethno-cultural identities in Ukraine are deeply contested at all levels: societal, political and intellectual. Wilson (2000) even calls Ukraine an “unexpected nation” due to its high levels of ethnic, linguistic and regional diversity.

1.1.1. Mapping Ethno-Cultural Identities in Ukraine

The contemporary Ukrainian state was formed in 1991 with the collapse of the Soviet Union. Since then the Ukrainian society is marked by a number of culture-based cleavages (Sasse 2010; Wilson 2000; Riabchuk 1992, 2003; Shulman 1998) that create significant social and political tensions and prevent political, social and economic development of the country (Solchanyk 1994; D’Anieri 2007, 103-24; Sasse 2010; BTI 2010: 25). The depiction of Ukraine as a country split into two parts along the Dnipro river is widespread both among journalists (Economist 1994, Klebnikov 1996) and academia (Rumer 1996, 129-141; Wilson 2000, Shulman, Rianchuk, Loizides and MacGarry 2014, Loizides (forthcoming)). Yet, such dualistic presentation is simplified. Therefore, this section presents the ethno-cultural identity mosaic in Ukraine in more nuances.

The ethnic composition of Ukrainian population based on self-ascribed ethno-cultural identity is presented in Table 1. It shows that Russians represent the second largest ethnic group in Ukraine, and they are also spread across the country (although unevenly) and constitute between 20-67% of population in each region. A majority of Ukraine’s Russians were born in Ukraine, while one quarter of them migrated into Ukraine as adults (Fesenko 2005: 284). Even these percentages demonstrate that a “split into halves” image of Ukraine is far from reality. Yet the story is even more complicated as is discussed later in the chapter.
Before delving into those complexities, it also needs to be mentioned that among the ethnic groups present in Ukraine, Ukrainian-cultured, Russian-cultured and Crimean Tatar groups all consider the territory of contemporary Ukraine to have an important symbolic value. All of them also claim to have contributed to the state building of Ukraine at different stages and in different forms. Besides, these three groups are the largest in Ukraine and the issues pertaining to these groups’ claims (mainly Russians’ and Ukrainians’, however) dominate the ethnic component of political and social discourses. For these two reasons, this dissertation focuses on these three groups only.

### 1.1.2. Nuances and Complexities of Ukraine’s Ethno-cultural Map

Ukraine is characterized by a number of special features that make it interesting for analysis. First, the majority-minority division is not usual in the case; second, language choice does not fully correlate with the identity choice; third, identities are blurred, complex, ambiguous and overlapping; fourth, a factor of regionalism is having a role of its own, although it is somewhat tied to ethno-cultural identity as well. Finally, indigenous issues of Crimean Tatars add further complexity given that this group used to reside primarily in a region of Ukraine, Crimea, in which a majority of the population belonged to a nation-wide Russian minority. This, however, has changed after the 2014 annexation of Crimea by Russia, at which point Crimean Tatars became a tiny minority in the Russian-dominated Russian Federation.

#### 1.1.2.1. Majority-Minority in the Case of Ukraine

An important nuance is that it is unclear who is the minority in Ukraine given Kymlicka’s distinction between majoritized minorities and minoritized majorities, which would refer to Russians and Ukrainians respectively in this case. This confusion is highly consequential in terms of normative recommendations for public policy since they

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9 Notably, the classical purely ethnic census categories are in a stark contrast to the actual complexities and lack of clear group differentiation that take place in reality. Therefore, the next Ukrainian census is advised to have more nuanced categories in between “Russian” and “Ukrainian” and also use some self-definition options, like, for example, an open answer.
face a choice between the principles of remedial justice grounded in conservatism and forward-looking justice of a more liberal stance.

Numerically, Russians represent an ethnic minority. Yet at the same time after the collapse of the Soviet Union they also enjoyed a number of ethno-cultural benefits that are usually the privilege of a majority. For many years Russian schools were much more numerous than the proportion of Russians, and until now Russian is de facto dominating graduate and pre-school education in some demographically more Ukrainian regions of Ukraine. More generally, Russian culture, and most prominently language (but also Russian media, cinema, books, journals, and pop-culture) prevail in the de facto use in most regions of Ukraine and can freely and easily be used and accessed throughout Ukraine (Riabchuk 2012). Finally, ethnic Russians are over-represented in Ukrainian governing structures (Moser and George 2009). This situation is understandably interpreted as unjust and threatening by many from the Ukrainian-cultured majority.

In contrast, despite the de facto benefits that are enjoyed by Russians and Russian-cultured people, Russian language is not recognized as a state language in Ukraine and formal legislation proclaims the need to promote Ukrainian culture and language. Although this is not being implemented in practice to the extent declared (Moser 2014), the lack of formal recognition is interpreted by the Russian-cultured group as oppressive.

In understanding identity relations in Ukraine Kymlicka’s (2007) concepts of “minoritized majority” and “majoritized minority” are useful. These phenomena are pervasive in the post-Soviet area and much of the developing world. In the case of Ukraine, it is impossible to identify a clear minority in terms of victimization, since the Ukrainian culture (though numerically dominant and considered “titular”) was consistently oppressed by the Russian culture since the second half of the 1600s. In turn, the Russian culture in contemporary Ukraine, although broadly shared and supported by a high percentage of the population, is not officially recognized in any special way.

This minoritized status of Ukrainian group was most profoundly felt in Crimea. One of the interviewees has explained:

“There is a double paradox: Crimean Ukrainians receive less than national minorities here. While other ethnic groups get funds from the government since the early 2000s for ethno-cultural organizations, books and press publishing etc., when I came to ask for such provision for a Ukrainian cause the answer was a plain “No, this is for national minorities only”. That is how this formal principle is applied”\(^{10}\).

\(^{10}\) Interview with the President of Ukraine representative in Crimea
This is especially telling in the context of dramatic under-realization of Ukrainian cultural rights within the peninsula in terms of the ability to receive Ukrainian language education, to buy a Ukrainian book or periodical or simply to get governmental service in the native and national language.

In line with this classification, Beissinger argues that in cases where an ethnic minority has traditionally been favoured by an authoritarian regime at the expense of an ethnic majority, ethnic mobilization from below by the subordinate majority group is often a key driver for transition (as it occurred in Ukraine with Ukrainian national-democrats opposing Soviet authoritarianism). In such cases, changing the regime necessarily means fundamentally changing the system of ethnic stratification. The main problem facing democratizers in such countries is how to demobilize the previously favoured minorities and gain their acquiescence to their altered, less favoured role in a reconstructed social order (Beissinger 2008: 91). Thus post-imperial politics are complicated by the confluence of nationalizing states, old minorities, and new minorities comprising previously hegemonic peoples (Brubaker, 1996; Bremmer, 1994).

1.1.2.2. Ethno-cultural Identity vs. Language of Preference

The majority-minority divide in Ukraine is further complicated by the fact that ethno-cultural identity and linguistic preference are far from being proxies in the case. Although foreign observers often tend to equate the fact of speaking Russian with supporting the pro-Russian stance or holding a Russian identity this is far from being the case. As an interviewee has summed up, “In Ukraine, linguistic and ethnic identities exist on their own”. On the one hand, 85% of self-identified ethnic Ukrainians claim Ukrainian as their native language. At the same time, however, about 50% of Ukrainian citizens declare Russian to be their “language of daily communication” (Riabchuk 2012). It is also important that according to the 2001 national census over 5.5 mln ethnic Ukrainians (29.6%) consider Russian their native language. Also many Ukrainians who speak Ukrainian at home are ashamed (or afraid, because of symbolic violence) to speak it in public. As a result, in most Ukrainian cities, even those with a Ukrainian-speaking majority, the Ukrainian language may be virtually not heard (Riabchuk 2012). Even in the ethnically least Ukrainian territory – Crimea – 24.4% declared themselves Ukrainians, although only 10% named Ukrainian their native language as the Census 2001 census demonstrates. Moreover, people often pick Ukrainian as their native language, although they use Russian more often on a daily basis. As one of the respondents has shared about the situation in the East of Ukraine:

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11 Interview with Kudriavtseva
12 Interview with the President of Ukraine representative in Crimea
"Many people who speak Russian all the time still consider themselves Ukrainians, and are attached to the Ukrainian culture. We were in a village in Kharkiv region these days and the thing they approached us with was to prevent the closure of their Ukrainian-language school. Being Russian-speakers, they said they want to have Ukrainian language in their village."

In sum, currently many Ukrainians speak Russian and only their socio-political attitudes reveal their belonging to Russian-cultured or Ukrainian-cultured groups.

The 2008 Razumkov Center survey demonstrated that 69.9% of Russians and 43.5% of Ukrainians feel part of the Russian cultural tradition (Razumkov Center 2008). This suggests that not all Ukrainian Russians feel Russian-cultured, but a significant amount of Ukrainian Ukrainians do feel Russian-cultured. At the same time about 21.6% of Ukrainians and 4% of Russians and Crimean Tatars each classified themselves as part of the Ukrainian-cultured tradition (Tyschenko 2009).

Moreover, far from all who name Russian as the language of preference support the idea of granting it any sort of an official status, and many of them deliberately choose Ukrainian-language schools for their children. What is more, many politicians who position themselves as pro-Ukrainian and support the legislation that is to promote Ukrainian language, identity and culture, are themselves predominantly Russian-speakers, for example, the president of Ukraine Petro Poroshenko and the ex-prime minister of Ukraine Yulia Tymoshenko. As a result of all these complexities, it is unclear who constitutes the groups that are to be targeted by ethnic policy in Ukraine: Russians or Russian-speakers. The borders between ethno-cultural groups are also not clear given a wide range of identities from Ukrainian-speaking Ukrainians to Russian-speaking Ukrainians, Ukrainian-cultured Russians and Russian-speaking Russians to name the major ones. Given all these complexities, the very notion of linguistic minority/majority in Ukraine becomes ambiguous and susceptible to manipulations. For example, normatively speaking, which number should be treated as a basis for creating education in different languages: ethnic composition, numbers of people speaking a certain language, numbers of people naming certain language native, or numbers of people opting for an education in a certain language for whatever reasons (future prospects for their children, personal ethno-cultural identity, or ethno-cultural skills that they want to give to their children, although they lack those themselves).

1.1.2.3. Complex Identities

The boundaries between the ethno-cultural groups are fluid, multiple, blurred, overlapping and relational. While many political theorists argue that these features are the properties of any identities per se (see Young, Benhabib), it is especially apparent in the case of Ukraine. To a large extent this is caused by the Soviet policy of mixing people

13 Interview with Cherniavskyi
from different republics through allocating them for work or military service away from their homes. Consequently, the rate of intermarriage between different groups increased significantly.

Simonyi (2009) illustrates how blurred identities in Ukraine are in his ethnographic research on Ukraine’s Hungarian and Korean population. One of Symonyi’s respondents from Zakarpattia was raised in Ukrainian and as a Ukrainian. However, he learned to speak Hungarian because he married a Hungarian woman and in order to perform his business across the border in Hungary. When asked, he stated that he feels Hungarian at times, Ukrainian at others, and entertains a varied and cross-cultural social life. He does not fit a nice box called “minority X”. He is a part of a “community”, or rather “communities” in which individuals assemble, recognize themselves, speak and act together (Simonyi 2009).

Similar kinds of dual identities are also found among part of Ukrainian and Russian populations. For example, the dual culture of Russians in Ukraine is also a culture of many Ukrainians especially in large cities in eastern and southern Ukraine (Fesenko 2005: 284). However, the Russian-Ukrainian dual culture has also its limits since Ukrainian and Russian groups are more antagonistic with one another in the current social and political discourse than Ukrainian and Hungarian ones.

1.1.2.4. Regionalism

While it is true that ethno-cultural identities in Ukraine are multiple, flexible and relational, the conventional wisdom about Ukraine includes “notorious regional diversity” and it is widely understood that political competition and societal mobilization in the country is structured along the regional lines (Sasse 2010, 100). The issue of Ukrainian regionalism was also addressed by many other scholars like Birch (2000), Arel (1992, 1995), Barrington (1997, 2001, 2002), Kubicek (2000), Holdar (1997), Craumer and Clem (1999), and Wilson and Birch (1999) among others. Since contemporary Ukraine was formed in 1991, after the collapse of the Soviet Union, various ethnic, linguistic, religious and socio-economic identities and cleavages, as well as their respective historical memories and political orientations, have combined to make regional diversity the single most important characteristic in the country (Sasse, 2002: 1).

According to Shulman, since 1991, ethnic Ukrainians, concentrated in western Ukraine, and ethnic Russians and Russified Ukrainians, concentrated in eastern and southern parts of Ukraine, have engaged in a struggle to define the national identity of their new country and to advance their respective cultures (Shulman 1998, 288). Shulman also speaks of different mentalities in the two parts of Ukraine, resulting from their past in different empires14 (Shulman 1998, 289), and associated with them different historical experiences and institutional legacies. Even Samuel Huntington writes that a civilizational dividing line cuts right through Ukraine, separating the more Catholic

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14 The Russian Empire and the Austro-Hungarian Empire.
western Ukraine from Orthodox eastern Ukraine (Huntington 1993). Similarly, Riabchuk (1992; 2003) argues that there are ‘two Ukraines’ in a single state: “one Ukraine” - an aboriginals’ postcolonial project centered on self-determination and reverting past injustices, and the “other Ukraine” – a creols’ postimperial project, focused on retaining the balance of power created under the empire (Riabchuk 2003, 1992). In line with this, Sasse (2002) claims that Ukraine is a ‘state of regions’ (Sasse, 2010, 100). Ukraine is often referred to as a ‘nation without a common past’ (Prizel 1997: 331), or a nation of different political regions (Solchanyk 2001: 6), or a ‘stateless’ nation (Molchanov 2002: 171).

Following this train of thought, some studies of Ukraine tended to reinforce the perception of clear-cut ethno-linguistic cleavage in the country and assume that they made for an inherent conflict potential (e.g. Smith/Wilson). And Kuzio criticized this view (Sasse 2007: 30) by saying that there are more than just Russians and Ukrainians or East and West in Ukraine. Moreover, this view is opposed by Yaroslav Hrycak who, based on his research in Lviv and Donetsk, emphasizes the commonalities between these poles. It turned out that in Lviv greater national identity prevails, while in Donetsk regional and social identities are more salient. What is more, according to Hrycak, Donetsk regional identity is not that much more Russian (as it is now being reported by the Russian sources) but rather Soviet (Hrycak 2007a). While I agree with both Kuzio and Hrycak that the East-West division of Ukraine (e.g. in Shulman 1998, Riabchuk 2003) is a simplification, this approach also has some merit as identities indeed correlate with different regions and with various voting patterns (Arel 2005). Moreover, the respondents in this study also tended to support the regionalization view, especially those in Crimea. For example, a Crimean Tatar respondent has claimed that “although Hrycak argues that regionalization is fake, when I am in Crimea, I am sure that Ukraine is not united”\(^{15}\).

While most researchers of Ukraine agree that regions are important, there is less agreement on the regional division itself (Barrington & Herron 2004: 54). The simplest is the East-West division by the Dnipro river. The alternative is the four-region model consisting of East, West, South, and Center (Arel 1992) or East, Center-East, Center-West, and West (Sasse 2010: 101). At the same time, Garnett (1997: 22) called the stereotypical East-West divide into question, claiming that Crimea versus the rest of Ukraine is so much more obvious (in Sasse 2007: 4). The modification of this model is, for example, used by the “Image-control” sociological institute that divides Ukraine into the West, Center, South/East and Donbas/Crimea. Finally, the eight-region model shows an even more detailed, complex and interesting picture (Barrington & Herron 2004: 70). This classification is based on detailed differentiation of economic development patterns, differing historical experiences and demographic features of the

\(^{15}\) Anonimous no. 1
regions. As a result, it differentiates the following regions: East, East-Center, North-Center, South, West-Center, South-West, West and Crimea. In terms of the content of this difference, regionalism manifests itself in varying popular and elite attitudes to democracy, free market, state-society relations and key issues of foreign policy and cultural, educational, and language policy. The feature of regionalism is directly related to ethno-cultural tensions as it is to some extent grounded in different ethno-cultural demography. As a Ukrainian public philosopher has characterized the state of the Ukrainian society: “An average concerned Ukrainian is scratching his head and thinks hardly of the proper place for a comma in a sentence ‘To unite impossible to separate’. Some of them - in the west of Ukraine – think that if only it was possible to get rid of the troublesome Donbas, things would go right in the country. The others – in the east – are convinced that it is enough to “fix the Stalin’s mistake” and get rid of Galychyna, and Ukraine will live happily and quietly’ (Marynovych 2010).

It is argued that interregional cleavages have inhibited progress or are used as smoke screens to hide specific interests and individual ambitions (BTI 2010:25). In other words, conflicting attitudes are escalated in order to move the core of the debate away from the matters that are most important for the electorate and are worth deliberating upon towards the issues that separate easily and create intense emotional background that overshadows the more pragmatic discontent with economic and political decisions by the government. From the perspective of deliberative capacity, explored in this project, regionalism is also important since it created different conditions and thus distinct deliberative systems within the country. Notorious regional diversity is in particular related to the strength of regional elites. In the Donbas region in the East of Ukraine, for instance, a nexus of local business actors, the regional administration and the Party of Regions used to operate like an autonomously managed democracy (BTI 2010:6) for many years. This was largely achieved through information gatekeeping, as information access and control is a power resource (Pettigrew 1994) to affect the voters’ preferences. For many years in Ukraine a large share of the media used to be owned or controlled by politicians and affiliated businesses which made it easy to significantly distort the information supply (Dyczok 2009). This was especially true in the East and South of the country, which due to its political culture is generally less striving for such democratic goods like diversity of information and uncensored news. For example, a number of influential media sources used to be owned by local economic barons directly tied to the oligarchic “Party of Regions”. At the same time the oppositional TV channels like Channel 5 were not allowed to broadcast in the East of Ukraine during the Orange Revolution, for example, thus creating a monopoly on providing information.

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16 Donetsk, Luhansk; Kharkiv, Dnipropetrovsk, Zaporizhzhia; Poltava, Kirovohrad, Cherkasy, Kyiv, Chernihiv, Sumy; Kherson, Odesa, Mykolayiv; Zhytomyr, Vinnytsia, Khmelnitskyi, Rivne, Volyn; Chernivtsi, Zakarpattia; Lviv, Ivano-Frankivsk, Ternopil respectively

17 Among them are such as the TV channel “Ukrayina”, the all-Ukrainian dailies “Segodnia” and “Fakty” etc.
1.1.3. Ethno-cultural Claims

Generally speaking the main cleavages between these groups include: (1) language, including the official state language and language of instruction; (2) interpretation of history (key personalities and events), particularly in state commemorations, topography and history texts; (3) foreign policy, including integration with the EU and NATO or Russia and CIS; (4) land distribution, which is mostly a question relevant in the context of Crimean Tatar population. Understanding the nature of these claims is crucial for the analysis of the deliberative capacity through which those claims may be expressed or not.

1.1.3.1. Ukrainian-cultural Claim

Ukrainians’ cultural claims are highly connected to the needs of Ukraine’s statehood. That is why they are usually expressed less in the form of individual cultural needs, but more in the form of group cultural needs and are often conflated with non-cultural per se political desires of what is understood as the Ukrainian nation.

The representatives of the Ukrainian-cultural group most often stand for making Ukrainian the de facto dominant language in both public and private realm, including the mass media. As of now Ukrainian is the only state language, which, however, does not preclude Russian from being widely used in the public sphere and dominate in the media, business, art and in everyday communication. In other words, in terms of the official state language the Ukrainian group wants to at least maintain the status quo and therefore opposes granting Russian the status of the state language. Moreover, the group representatives often hope to extend the use of Ukrainian through governmental regulation of language use in all areas.

Second, the grievance of the Ukrainians is based on perverse historical memory as a result of the Soviet Union ideological impact on historiography. Most notably, the issues of the heroes of the World War II, the assessment of Ukrainian and Russian political leaders and the understanding of the origins, development and hierarchy of the Slavic cultures and nations are at stake.

Next, in close connection to statehood ideals, is the issue of close ties with Europe - or a “return to Europe” - and joining NATO that are at stake. This cluster of issues is primarily viewed through the security lens meaning that joining the West in institutional terms would safeguard from the possible Russia’s attacks on Ukrainian statehood, military (as it happened in 2014) or otherwise, by means of creating and maintaining formal and informal political as well economic/energy-based, informational and cultural dependence (as was arguably the case throughout the years of post-Soviet independence).

Part of the Ukrainian-cultural paradigm is a response to the Ukrainian Russians’ claim, especially in the context of that group’s powerful kin-state next door. Not only does it make the notion of self-government for minorities more dangerous, but also morally illegitimate since the groups’ right of self-determination is already fulfilled by having a
kin-state nearby according to this stance. In other words, the right of Russians to self-determination is exhausted by the existence of a Russian state (Kymlicka and Opalski 2005: 93 n 68), and therefore their need for cultural and language protection is not seen as pressing. Finally, Ukrainians focus on the remedial vision of justice, which is in stark conflict with the Russians’ perspective.

Education in one’s native language is also difficult in many parts of Ukraine, even as seemingly pro-Ukrainian as Kyiv. Although by law education has to be conducted in Ukrainian in most institutions, besides the ones created to satisfy the minority language needs, in reality many formally Ukrainian institutions continue operation in Russian. A respondent from Odesa reported failing to find a Ukrainian language daycare for a child\textsuperscript{18}, many respondents from Kyiv reported the same problem about Kyiv. A Ukrainian community in Donetsk shares a painful experience related to opening even several Ukrainian schools in Donetsk\textsuperscript{19}. Similarly, in Bakhchisarai a school director rejected opening a Ukrainian-language class for a group of parents willing to have their children taught in Ukrainian since it was an official state language\textsuperscript{20}. It needs to be mentioned, however, that the problem of accessing education in the native language was also reported by the respondents from the Russian group as well.

\textbf{1.1.3.2. Russian-cultured Claim}

Russians formed the majority throughout the Soviet Union and they came to see the whole Soviet Union as their homeland (Kymlicka and Opalski 2005: 76-77). Since Russians came into other republics of the Soviet Union, local nationalities would become bilingual in order to interact with this increasing Russian presence. A joke among the Baltic people was that for Soviets “someone who speaks two languages was a nationalist, and someone who speaks one language [meaning Russian] was an internationalist”. Notably, no other group had a privilege of taking their language rights with them as they moved throughout the Soviet Union (Kymlicka and Opalski 2005: n 88). This context has formed the expectations shared by the Russian people; however, after the collapse of the Soviet Union they had to gradually accept the fact of being a minority, and in certain cases an immigrant minority. In contrast, Russians expected and demanded to maintain the full-set of Russian-language institutions that they were accustomed to, which meant that they were demanding national minority rights (Kymlicka and Opalski 2005: 77), or even a co-founding nation status as in the case of Ukraine.

The key component of the Russian-cultured group’s claim is the status of the Russian language. The group requires it to become a second state language since it is native to the majority of the population. As a respondent put it, “Ukraine is probably the only country in the world in which the native language of the majority is not an official

\textsuperscript{18} Interview with Muzychko
\textsuperscript{19} Interview with Oliinyk
\textsuperscript{20} Interview with the President of Ukraine representative in Crimea
Moreover, the group also requires decentralization of power through Ukraine’s federalization in order to obtain self-government in the issues of language, culture and education: to have their own history, literature and historical memory commemorated and taught in schools in their regions. However, defining “their regions” is not easy since Russians are a minority in all the regions and being a Russian-speaker does not make one a necessary adherent of the Russophone claim. Moreover, control over the language use in the region most often means allowing conducting public service in Russian only, issuing media and advertising products in Russian only and switching education to Russian only, instead of ensuring the language and cultural rights of the Russian-speaking population alongside the Ukrainian-speaking one. Volodymyr Kulyk, a leading expert on language politics in Ukraine has aptly remarked, “they are fighting not for the right to use Russian, which is actually used everywhere, but for the right not to learn Ukrainian under any circumstances” (Riabchuk 2012).

Finally, the group demands closer political, economic and cultural ties with Russia, and opposes European integration and joining NATO. These attitudes, however, very much depend on the stance of the political elite. For example, under president Kuchma, who ran on a pro-Russian agenda, the percentage of population willing to join NATO turned out to be the highest. Even the pro-Russian president Yanukovych maintained the pro-European course before the November 2013 crackdown on a civil protest.

Among the possible strategies available to minorities, Kymlicka and Opalski (2005: 22) name seeking self-government needed to maintain a societal culture (creating own economic, political, and educational institutions in own language). This is the case with the Russian population in Ukraine, which does not want to emigrate, assimilate or be marginalized (the alternative strategies according to Kymlicka). However, the Ukrainian specificity is that the Russians are not forming a parallel societal culture to the Ukrainian societal culture, but rather two cultures are intertwined and at the same time none on them is fully satisfying to its adherents. Ukrainian societal culture exists on the de jure level, while the Russian culture often dominates de facto. Moreover, each side desires to substitute this duality in the future and achieve the domination of their respective societal culture over the other. In fact, Riabchuk mentioned that this expectation of future victory has both prevented violent conflict between the two sides, and at the same time keeps the issue on the agenda.

An education in native language is the most pervasive problem on both sides, and both sides are convinced that it is they who are discriminated against while the other has their needs met. A Russian-cultured respondent shared a story of a family not being able to find a Russian class in Kyiv in the early 2000s, and they had to seek help of a specialized organization. Even in Eastern Ukrainian Horlivka 25 parents reportedly were denied the formation of a

\[21\] Interview with Cherkashyn
\[22\] Interview with Riabchuk
Russian-language class in a secondary school\textsuperscript{23}. Importantly, the exact same problem was also reported by the Ukrainian group representatives.

Russian minority representatives usually want to be ‘first among the equals’ compared to other national minorities. As an interviewee complained: “\textit{Under president Kuchma they introduced the policy that Russian has the same level of protection as the Gagauz language, while the Gagauz speakers comprise 0.01\% of the population, and Russian-speakers according to Gallup – 83\%}\textsuperscript{24}. This is an interesting quote in several respects. First, it demonstrates opposition to both formal equality (which is represented by the discussed policy) and substantive equality (which would have to include affirmative action towards the Gagauz exactly because they are not numerous and therefore have very few opportunities for creating their own societal culture). What is more, the quote bases its assessment on the formal side of the status quo, while the situation \textit{de facto} favours the Russian-speakers significantly.

Another issue at stake is recognition. As an interviewee has put it: “\textit{Russian-speakers, same as Ukrainian-speakers, were the founders of this state. The Founders! We have not come from elsewherewhere. Three generations of my ancestors lived on the territory which now belongs to Ukraine, although before it was not Ukraine}\textsuperscript{25}. In connection to this most Russians dislike the symbolic titular status of the Ukrainian nation: “\textit{it sounds as if titular are real, and we, non-titular, are not real, a fifth column, don’t love Ukraine. And why is this so? This is my land, I was born here}\textsuperscript{26}.”

1.1.3.3. Crimean Tatars’ Claim

Crimean Tatars found themselves in an interesting position. While being indigenous to Crimea, and having had a history of statehood on the peninsula, they were deported by Stalin from Crimea to Central Asia by losing all their property and they only started migrating back to Crimea after the collapse of the Soviet Union. Yet their property had long been distributed among the new Russian settlers who were repopulating Crimea.

As a result an aboriginal nation of Crimean Tatars became an underprivileged minority, with little political or cultural rights and little property returned to them, in a region dominated by Russians, a Ukraine-wide minority. Because of this Crimean Tatars aligned with the central Ukrainian government and consistently cooperated with Kyiv, offering the center stable support on the peninsula in exchange for pro-Crimean Tatars national programs and lobbying their interests in front of the autonomous Crimean government. Thus, paradoxically, “\textit{Ukraine played a

\textsuperscript{23} Interview with Kudriavtseva}\n\textsuperscript{24} Interview with Kudriavtseva}\n\textsuperscript{25} Interview with Kudriavtseva}\n\textsuperscript{26} Interview with Kudriavtseva}\n
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role of Crimean Tatars’ “kin-state” in their opposition with the Crimean powers.” In fact, after Russia’s annexation of Crimea in March 2014, Crimean Tatars ended up finding refuge in other regions of Ukraine as well.

Between 1991 and 2014 the primary issue of concern for Crimean Tatars was to obtain land and housing, if not the ones that used to belong to their families, then at least some sort of a substitute. This issue was addressed to a large extent by the Kuchma administration yet it was not fully solved by 2014 and at the moment of writing the whole process is complicated by Russia’s annexation of the peninsula.

The next point of grievance was language and namely education in the native language. Certain progress was made in this area, like establishing some Crimean Tatar classes in existing schools and producing some Crimean Tatar textbooks. Yet, the issue is far from being solved and it is also complicated by the fact that the language itself needs certain development in order to be used for certain areas of science taught in schools.

Another problem is political representation of Crimean Tatars. There used to be a quota for Crimean Tatars in the Crimean Parliament, but not any more at the time of conducting research. Representation at the national level within Ukraine was limited to several Crimean Tatar politicians entering the Ukrainian Parliament through the “Rukh” (Ukrainian national-democratic party) list. Overall, Crimean Tatars cooperate with the Ukrainian leadership and support the Ukrainian-cultural claim, which is close to them ideologically by being an anti-colonial and post-imperial one. In fact, Crimean Tatars throughout the years of post-Soviet independence had a strong preference for staying within Ukraine and consistently and actively supported Ukraine’s independence. A Crimean Tatar thinker concluded that such pro-state position of national minorities is quite rare on the global scale, and he argues that at least on three occasions in the recent history Crimean Tatars have either helped achieving Ukraine’s independence or protecting its territorial integrity (Abliatif 2012: 258). The fourth occasion, yet unsuccessful this time, took place in spring 2014 when Crimean Tatars mobilized all their resources against the Russian annexation of Crimea. They tried to protect the Crimean Parliament from the coup, rallied actively and boycotted the puppeteered “referendum” that was used to legitimize Crimea’s incorporation into Russia. Such stance is rooted in a belief that solving Crimean Tatars’ problems is impossible without general democratization of Ukraine, provision of rights and freedoms, and the realization of Ukraine’s European choice (Abliatif 2012: 264).

There is also a problem of symbolic recognition: whether Crimean Tatars are indigenous or not, a nation or not; however as reported by a respondent, “lay Crimean Tatars themselves know very little about those fundamental issues”. The reason behind this is that these issues are not being discussed, they are like a one-sided monologue of Crimean Tatar intelligentsia: “No one even responds to those claims, there is no reaction whatsoever. This topic is nonexistent outside of the Crimean Tatar debates themselves.” Yet this makes the issue even more special:

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27 Interview with Kulyk
28 Anonimous no. 1
Crimean Tatars respondents compared it to the trauma that no one sees, and Holocaust that no one understands. In contrast, it was reported that some representatives of Russians in Crimea even went further to claim that Crimean Tatars are as aboriginal as the Russians are.

Crimean Tatars also suffer from socio-economic marginalization. It is not driven by ethnic prejudices per se, but rather is caused by them being out of the social system for many years, and as the system is connections-based, they are rarely hired for good jobs in medicine, legal system, or interior affairs. Thus they are outsiders because of the repatriation\(^\text{29}\).

### 1.1.3.4. Concluding remarks on ethnic claims in Ukraine

To conclude, comparing the Russian-cultured and Ukrainian-cultured claims, both groups are dissatisfied with the nationalities policies in post-Soviet Ukraine. Each side feels that the state is not “theirs” to the degree they would like it to be. The reason for such alienation is to be found in the languages that the state imposes on its citizens – too much Ukrainian, from the point of view of the Russophones, and too much Russian (through lack of the legislation enforcement) from the point of the Ukrainophones. The latter, as the “titular nationality,” have some privileges de-jure and would like to assert them de facto. The former, as the imperial majority in the past, still enjoy their dominant status de facto and would like to prevent the possible change of the post-colonial status quo de jure (Riabchuk 2012).

At the same time, the starkest difference between Russians and Crimean Tatars is the level of bottom-up organization. Sasse (2007) notes the contrast between the failed Russian movement and strongly resurgent Crimean Tatar movement in Crimea. Her monograph illustrates how Crimean Tatars are politically active and well organized, while Russians are fragmented and loosely organized. She connected this finding to the fact that Crimean Tatars referred to ethnocide and current ethnic discrimination, while Russians tried to build on a confused Russian-Soviet identity and had blurred political goals (Sasse 2007: 254). This depiction may seem contradictory to the events of the 2014 in Ukraine, which were presented by the Russian governmental sources, as well as part of the Western media, as the upsurge of the Russian minority. Yet, a deeper analysis also reveals that the context of which Sasse is writing is only an extra evidence to the fact of Russia’s initiation and maintaining the conflict and that without its involvement violence would not have taken place.

Finally, despite the highly conflictual potential of the claims of these three ethno-cultural groups, it is notable that Ukraine’ population in general tends to be very ambivalent. In other words, a large portion of the population, coming from all three groups, tends to hold conflicting views simultaneously, which used to serve a good service in terms of alleviating the conflict potential and keeping the country together for many years. To illustrate, Sasse

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\(^{29}\) Anonimous no. 1
found that Crimean population simultaneously opposed the exit from Ukraine and favoured integration with Russia\textsuperscript{30}. These ambivalent attitudes resulted from a strong Soviet identity (Sasse 2007: 253), which is still quite widespread among the older generation and outnumbers the Ukrainian identity in Crimea (Razumkov Center 2008). Similar ambivalence is also found among the rest of Ukraine’s population which supports both the integration with the EU and NATO and closer relations with Russia and the rest of the post-Soviet bloc\textsuperscript{31}.

1.1.4. Tracing Ethnic Policy in Post-Soviet Ukraine

Sasse (2010) argues that Ukraine has not taken the path of “ethnic democracy” unlike, for example, Estonia, Latvia or Georgia. The democratic opposition to the Soviet government in Ukraine consisted of several parties under the leadership of the most numerous and vocal National Movement of Ukraine for Perestroika (or Rukh) that was created by former political prisoners and cultural intelligentsia (Kuzio 2006: 188). Rukh represented a moderate national-democratic force committed to the principles of rights and freedoms. The ethnic nationalist wing\textsuperscript{32} that promoted the exclusionary “Ukraine for Ukrainians!” program became effectively marginalised after the right wing’s common goal – state independence – was achieved in 1991 (Kuzio 2006: 192), and they did not even enter the first Ukrainian Parliament (Wolczuk 2001). The vision of political community therefore was driven by a moderate pro-democratic Rukh, was inclusive and linked national self-determination to human rights (Kuzio 2006: 192).

At the same time, the Ukrainian Centre-Right interpreted gaining independence as a ‘return to Europe’ after oppression in the Russian Empire and a foreign occupation by the USSR, and as an opportunity to address the past injustices (Wolczuk 2001: 178; Porovskyi 1990), in particular, the Russification during the tsarist and Soviet rule\textsuperscript{33} (Kuzio 2006: 203). Therefore, in its view, Ukrainian ethnicity, language and culture should constitute the foundation of the new polity and be promoted through state-sponsored linguistic and cultural policies, or affirmative action (Kuzio 1998: 169; Wolczuk 2001: 167-9). Hence, the state to be created was a nation-state based on the right of self-determination of a titular majority (Podolian 2010).

Paradoxically, the creation of a political nation on the basis of ethnic nation was being connected to pre-Soviet democratic political culture and thus more democratic than the Soviet-style pseudo-constitutional, civic patriotism’ (Wolczuk 2001: 171). Hence, the distinction between the titular majority (the Ukrainian nation) and national minorities, absent in the Soviet constitutions, was introduced (Wolczuk 2001: 88). A pact between the pro-reform

\textsuperscript{30} A finding that is in stark contrast to the “results” of the fake referendum in favour of Crimea’s joining Russia.
\textsuperscript{31} Interview with Riabchuk
\textsuperscript{32} Represented by the Congress of Ukrainian Nationalists and Ukrainian Conservative Republican Party (Prizel 1997).
\textsuperscript{33} The Ukrainian language was banned in 1863 in the Russian Empire; the Russification policies resulted in the increase of Russian-speakers, predominantly in South-Eastern Ukraine, from 2 to 4.6 mln (Kuzio 1998: 172).
communists and national-democrats in 1991 resulted in a political consensus on state- and nation-building on the basis of ‘civic nationalist’ ground (Popson 2002: 193): ‘civic’ in terms of universal citizenship, ‘nationalist’ in terms of the ethnic-based definition of nationhood and language. Wolczuk concludes that the political community was conceptualised based on ‘a pluralistic civil approach’, or in political-territorial rather than personal-ethnic terms (Wolczuk 2001: 90). Therefore, the rationale behind a request for sovereignty was grounded in the need to improve the economic situation and to democratise the Soviet political system rather than to secure ethnic rights of the titular majority (Prizel 1997; Basiuk 2000: 32).

The rights of national minorities were recognised in the form of cultural autonomy granted foremost to ethnic Russians in Eastern Ukraine and Hungarians in Transcarpathia, as well as indigenous people in the places of compact living (Program and Statute of Rukh 1991: 2, Kymlicka 2001: 68; Wolczuk 2001: 230; Kuzio 2006: 204). This indeed demonstrates continuity with the non-territorial cultural autonomy applied in the Ukrainian People’s Republic (UNR, 1917-1920). The Rukh’s initial promise of territorial autonomy to national minorities, stated in the 1991 ‘Declaration of Minority Rights’, was curtailed by 1994 (Wolczuk 2001: 230), probably because of the state-building concerns shared by a broad majority of political forces. The main laws comprising the state’s ethnocultural policy included the law ‘On Languages’ (1989), the law ‘On Citizenship’ (1991), the Declaration of the Rights of Nationalities (1991), the Law on National Minorities (1992), and the Constitution of Ukraine (1996).

In the 1996 Constitution Ukraine was defined as a state with one titular nation (Preamble, Article 11). Yet the “Ukrainian people” used in the Declaration of Independence was already replaced with ‘the people of Ukraine’ or a ‘multinational Ukrainian people’ here and in the rest of foundational documents of the Ukrainian state (Yekelchyk 2007: 194).

According to the 1991 Law on Citizenship the form of citizenship was a ‘zero option’ (Article 3), meaning an inclusive conception with no ethnic barriers to becoming part of the Ukrainian political nation. The 1991 Declaration of the Rights of National Minorities, passed by then The Soviet Supreme Council, has legislated the use of national minorities’ languages in areas of their dense settlement as a state language, and allowed a free use of Russian language (Article 3). Furthermore, the Declaration ‘reasserted the territorial principle of Ukraine’s political community’ and granted ‘far-reaching collective rights’ to the minorities (Wolczuk 2001: 89). The rights for cultural development and political participation were furthered by the 1992 Law on National Minorities (Bugajski 2000: 171).

The largest ‘deviation’ from the inclusive concept of political community in Ukraine is often considered the introduction of Ukrainian as the only state language (Arel 1995: 609; Arel 1996: 87; Wilson 1997: 147) by the 1989 Law on Languages (Article 2). The introduction of Ukrainian as a state language was promoted by a Centre-Right as a stepping stone of nation-building (Arel 1996: 73-90; Kuzio 1999: 236), its basic aim being reversing Russification
and securing national revival (Wolczuk 2001: 169), with a consensus about that among major political actors except for the communists. The official status of Russian, despite the predominant Russian-speaking (including ethnic Ukrainians) population throughout South-Eastern Ukraine, was rejected as legitimizing the past injustice, ‘the centuries-long discrimination of Ukrainian language’, and thus was to be limited to the Russian minority only (Wolczuk 2001: 169). The law was, however, to be applied differently in different regions (Kuzio 2006: 201): a national minority language was to be used on par with Ukrainian in the areas in which a national minority constitutes a majority of population (Article 3). Moreover, Russian was to be used freely as a ‘language of international communication’ (Article 4; Article 10 of the Constitution). Finally, since citizenship was not conditional on the language, it did not result in disenfranchisement. Therefore, some scholars evaluate this Language law as inclusive as well (Kuzio 1998: 176; Harasymiw 2002: 225). The Law on Languages and the Constitution, while trying to achieve several goals at once, contributed to the ambiguity of ethnic policy perceptions mentioned above. Both documents recognize Ukrainian as the sole “state language” whereas Russian is placed among other minority languages that can be legally used and protected by law alongside the “state language.” No legal mechanisms, to enforce effectively the use of the “state language” have ever been elaborated, however. This absence has resulted in a de facto laissez-faire policy. The language law has been applied, like many other laws in Ukraine, arbitrarily, selectively, and in a highly opportunistic manner (Riabchuk 2012).

In 2011 the pro-Russian political forces submitted a new draft law “On The Fundamentals of the National Language Policy” under the pretext of implementing the European Charter of Regional and Minority Languages. The draft was approved by the Party of Regions dominated Parliament in the first reading, without any discussion, despite very critical comments from the respective parliamentary committees, expert community, NGOs, the OSCE High Commissioner on National Minorities and the Venice Commission. The law stipulated that any of 18 “regional and minority” languages spoken by at least 10% of people in a region can be used in that region as the “official” language alongside Ukrainian (Riabchuk 2012). Yet in practice the law only targeted the Russian group as no other group could meet the requirements mentioned in the law. Besides, the law says nothing about the duty to learn and use Ukrainian. Finally, it does not distinguish the rights of citizens to choose the language and rights of civil servants to do so. These flaws reflect the Soviet mentality of the bill’s promoters and the way they envisage the so-called “bilingualism” in Ukraine. According to Riabchuk, the bill has nothing to do with bilingualism in some Western democracies where citizens have priority while the state officials must provide services in the customer’s language of preference. The Soviet type “bilingualism,” on the contrary, prioritizes the state, i.e. the bureaucracy that chooses the preferable language (inevitably Russian) and imposes it upon citizens (Riabchuk 2012). This law was, however reversed, and the rightist “Svoboda” party has offered its alternative language law draft in 2013. At that point, the language policy in Ukraine has paused and will most probably be returned to after the Russia-Ukraine war over Ukraine’s Eastern border is over.
In the scholarly work on post-Soviet Ukraine, there is an agreement on evaluation of a number of state’s laws, such as the constitutional definition of one titular nation and state language, as ‘nationalising’ in principle if not in practice, and contradictory with the officially endorsed concept of a civic and a multi-ethnic state (Arel 1996; Lieven 1999: 55-61; Laitin 1996; Popson 2002: 193). As Wolczuk points out, the divergence between national (ethnic) and political (civic) identities was institutionalised by the 1996 Constitution in the form of the ethnicised differentiation (within the overarching civic concept of the Ukrainian ‘people’) between titular (ethnic) Ukrainian nation, national minorities and indigenous people (2001: 231). Moreover, the categories, which cut across a clear ethnic-linguistic divide such as Russian-speaking Ukrainians did not receive constitutional recognition (2001: 231). In particular, as noted by Kuzio (2000, 2002), the Ukrainian case illustrates the problem with delineating ‘nationalising’ and ‘nation-building’ policies, and more generally, the problem with the simplistic dichotomisation of ‘civic west’ vs. ‘ethnic east’. Thus the political community created by the 1996 Constitution incorporated some elements of both ethnic and civic perspectives on a nation (Podolian 2010). However, given the inclusive definition of nationhood and citizenship and hence - the electoral franchise and provision for group minority (and ethnic) rights, the legislatively defined concept of political community was more inclusive than not (Lieven 1999: 138, Baluk 2002: 262, Popson 2002, Kuzio 2006: 202-4). Therefore, there is an agreement that the Centre-Right’s stance was anti-imperial rather than ethnic and was for this reason compatible with the democratic values (Yekelchyk 2007: 193-4, Kuzio 2007, in Umland and Bredies 2009: 208).

Another important feature that differentiates Ukraine from the Baltic states, Russia and the Caucasus, including Georgia (Popson 2002), is in the constellation of political actors: the pro-independence democratic popular front did not win and the transfer of power to non-communists did not occur in Ukraine. Thus, the constellation of political actors in post-Soviet Ukraine is distinguished by the continuity of pro-Soviet communists (Wolczuk 2001: 93), marginalisation of the pre-independence ethnic nationalist movement (1989) and a pact between the Rukh and pro-reform communists in 1990-1991 (Kuzio 2006: 212) who adopted the Rukh’s civic nationalist concept of political community34 and further moderated it to accommodate the linguistic and regional differences (Kuzio 2006: 213, Karatnycky 1995: 117-30, Holovaty 1993: 110-13). The constitutional debates were centered on the executive-legislative separation of power rather than the issue of nationhood, except for the language issue (Holovaty 1999, Wise and Pigenko 1999).

Yet, despite the mild national minority policy in Ukraine in comparison to many other post-Soviet states, including Georgia, an attitude to the minority rights is not easy in Ukraine. Many authors, politicians and scholars decisively reject the idea of a more pluralist approach to minorities, citing its negative impact on the transition process in Ukraine35 (Fesenko 2005: 294). Even moderately pro-Russian political actors stay on the position of nation-building

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35 See Grabovskyy 1997: 81-84.
as a prerequisite of state- and economy-building. This explains why such pro-Russian presidents as Kuchma and Yanukovych did not pursue the pro-Russian minority policies even when they had all the possibilities to do so.

In line with Kuzio’s distinction between nationalizing and nation-building policies, Kymlicka and Opalski (2005) suggest the criteria of liberal nation-building that is supposed to represent a workable compromise between the minority rights and decolonizing majority needs. Liberal nation-building includes three criteria: (1) no group of long-term residents are permanently excluded from membership, (2) socio-cultural integration required for membership is thin (institutional and linguistic integration), and integration in common institutions operating in a common language should still leave maximal room for the expression of individual and collective differences, and (3) national minorities are allowed to engage in their own nation-building to enable maintaining a distinct societal culture (Kymlicka and Opalski 2005: 48). Based on these criteria, the Russian group was treated fairly in post-Soviet Ukraine. Russians received citizenship automatically, the integration requirements were set at a minimal level, and they did have a right for own nation-building project (in the sense of creating their own societal culture), which is expressed in the right to use Russian on the regional level, in the Russians’ over-representation in the Ukrainian politics, in the governmental financing of Russian-language culture and schools, and in granting Crimea an autonomous status by the Ukrainian government.

Interestingly, the emphases in ethno-national policy depended dramatically on the specific president in power. It has already been found that the role of presidency and the specific persons’ stance as a president affected the formulation of the Ukrainian nationalities policy in general (Podolian 2010). Similarly, the nuances of the policy were modified under every new person in power. Paradoxically, the respondents from all groups and categories consistently named president Kuchma as the most conciliatory and active in dealing with the grievances of all the groups simultaneously. A system of interests balancing and compromises created under president Kuchma was over after he was changed in office by Yushchenko. Although Crimean Tatars provided a full-fledged support to Yushchenko and the Orange Revolution that was tied to his election as a president, Yushchenko did not pay back. On the contrary, under Yushchenko the Crimean Tatar Council at the Presidential administration was not called even once (Abliatif 2012: 263). The next president – Yanukovych - went even further by changing the procedure of forming the Crimean Tatar Council into presidential appointing instead of election by Crimean Tatars themselves. In response to this Medzhlis representatives, who used to comprise the Council members before, boycotted the reformatted institution. In line with this policy, intolerant to Crimean Tatars personnel was placed on positions dealing with Crimean Tatars in Crimea (Abliatif 2012: 263).

Under President Yushchenko Ukraine faced a mild but ineffective attempt at Ukrainization. Reports about Yushchenko’s policy vis-a-vis cultures varied dramatically between the respondents of different groups as discussed in chapter 5. Yet the key to understanding these contrasting reports is in the fact that Russian representatives referred to formal decisions and perceived intentions, while the Ukrainian representatives based
their assessment on the usually failed results. This dynamic is well illustrated by the quote from a pro-Ukrainian
Crimean Tatar respondent:

“What Ukrainization? There was nothing like that! There were attempts that did not result in anything in Crimea; neither Yushchenko, nor Tymoshenko had resources to push these ideas through. They had some ideas, there were those orders to forbid Russian-language channels, to introduce the Ukrainian language school graduation test, some other stuff. But, frankly, none of these orders were implemented in Crimea. It just couldn’t go through. When this order to the Television and Radio Council was issued, the government here, on the contrary, said that they will protect everyone here, all the cable TV providers if they will be prosecuted. But no such prosecution was even possible as the prosecutor would not go against the local elite”36.

Another interesting facet of Ukrainization is the change of balance in the quantity of Russian-language and Ukrainian-language schools. Again, as discussed in chapter 5 as well, both Russian-cultured and Ukrainian-cultured representatives feel that they do not have enough schools and that the schools that they used to have were unjustly closed. For example, a Russian-cultured respondent complained: “We felt rejection after this shutting down started. There was an order, publically proclaimed by the Ministry of Education, I heard it myself, that they planned to close 150-170 Russian-language schools every year. It was some time in 1995-1996”37. The reported decree indeed took place and was also referred to by the Ukrainian-cultured representatives, except that they saw it not as an attack on the Russian group, but as a reversal of Soviet Russification and aligning the language of schools to the proportion of ethno-cultural groups living in the country. Formally, there are programs of Ukrainian language and Ukrainian school development. But in reality they are not being implemented; sometimes they are openly sabotaged. For example, the secondary education development program adopted in mid-1990s presupposed the creation of 44 Ukrainian-language schools in Crimea at the end of 1990s. Yet as of 2011 there were only 7 Ukrainian schools out of 620. About 90% of Crimean schoolchildren study in Russian, the remaining 10% - in Crimean Tatar (15 schools) and Ukrainian (7 schools). But even these 7 schools were opened not by the government, but only due to the immense efforts of parents and the Ukrainian community. The only exception is a Ukrainian gymnasium in Simferopol built by president Kuchma. This number of schools is far lower than the proportion of Ukrainian ethic group (24,4%) or even the Ukrainian-speakers (10%), saying nothing of other groups’ representatives who would like to send their children to a Ukrainian school with their future career on the mainland Ukraine in mind. For example, the data from the Ukrainian gymnasium suggests that 40% of its students used to come from ethnic non-Ukrainians, and the demand for entering that school was historically very high: “when the call for application is announced, people stay in line overnight in order to book a place in grade 1 for their child”38.

36 Anonymous no. 1
37 Interview with Kudriavtseva
38 Interview with Representative of President of Ukraine in Crimea
1.1.5. Salience of Ethno-Cultural Identity in Ukraine

Discussions of the issue of ethno-cultural identities in Ukraine are often followed by a caveat that these issues are not of major importance for Ukrainians, instead the issues of socio-economic well being, corruption and the spread of criminal activity are much more important. Indeed many of my respondents mentioned this idea, noting that those are the politicians who are pre-occupied with identity, people care more about other issues. A Director of the Institute for History Studies, Yaroslav Hrytsak, based on the 1994-2001 study claims that "the role of national factor in the post-communist development of Ukraine is exaggerated" (Hrycak 2007a). Among the most important issues that need to be addressed, the language issue is usually in the middle of the list. Only 14.3% of Ukrainians name this issue among the most pressing, and even a bit less (13.1%) - in the Eastern regions of Ukraine (Tyschenko 2006). Other data from the Razumkov center demonstrates that in 2008 in Crimea, despite the often-mentioned dissatisfaction with the realization of education and information in native language needs, the issue of language and culture was not among the most pressing. Thus not being able to study in a native language was important for 16.6% of Russians and a lack of possibilities to develop their national culture – for 6.9% (Tyschenko 2009).

This is not surprising, however. Based on the Maslow pyramid, physical survival and economic well-being (both of which are problematic in any transitional context) are expected to dominate the cultural self-realization in their salience. Besides, even if identity issues are not of paramount importance, they are still significant enough to mobilize people for collective action, from the Orange Revolution and EuroMaidan to more localized culture-related initiatives of both Russian-cultured and Ukrainian-cultured groups. In addition, there is no data measuring the salience of identity (say on the scale of 1 to 10). Instead, only the hierarchies of concerns are available, which does not show whether identity concerns became stronger or not, just that they still lose in competition with economic issues. One of the interviewed experts agreed with this concern and explained that:

"partly it is the lack of competence of experts who speak of the low salience of identity, partly it is a conscious manipulation to say that if people do not name Russian language as their main concern it means that this issue is not important to them. This is not true, those same people in focus groups say that it is important to them to have this Russian language, even though they would never say that it is as important as their salary level".

Finally, the question is in the implications of identity salience (or lack thereof) for scholars, policy-makers and activists. Should the issues of average importance not be addressed? Should only corruption and economy be studied? Clearly, not. A variety of problems need to be addressed to facilitate development, both of top and

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39 Interview with Kulyk
medium significance. Moreover, even the issues of low significance (like the choice of an electoral system, for example, which very few people care about) may have far-reaching effects on social development.

1.2. Ethnic Identities and Policies in Georgia

Georgian ethnic composition and ethnic policy are very different from those in Ukraine. Georgia’s largest minorities are the Azerbaijani and the Armenian people, yet there are no major tensions between them and the Georgian state that would be reflected in the political and social realms. The more problematic relations are with Abkhazians and South Ossetians that have resulted in two breakaway republics within contemporary Georgia. Table 2 provides the data from the 2002 national census in Georgia. The census, however, did not include the population living in the breakaway republics.

<table>
<thead>
<tr>
<th>Ethnic groups</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgians</td>
<td>83.75</td>
</tr>
<tr>
<td>Azerbaijanis</td>
<td>6.51</td>
</tr>
<tr>
<td>Armenians</td>
<td>5.69</td>
</tr>
<tr>
<td>Russians</td>
<td>1.55</td>
</tr>
<tr>
<td>Ossetians</td>
<td>0.87</td>
</tr>
<tr>
<td>Yezids</td>
<td>0.42</td>
</tr>
<tr>
<td>Greeks</td>
<td>0.35</td>
</tr>
<tr>
<td>Kists (Chechens)</td>
<td>0.16</td>
</tr>
<tr>
<td>Ukrainians</td>
<td>0.16</td>
</tr>
<tr>
<td>Abkhazians</td>
<td>0.08</td>
</tr>
</tbody>
</table>

Source: Census 2002

1.2.1 Relations with Abkhazians

Abkhazia region was a part of the proto-Georgian state since the 9th century BC (Suny 1994, Braund 1994: 359), although it used to have more extensive self-rule rights compared to other territories. In 1918 Abkhazia became part of the independent state of Georgia and although Abkhazians, same as South Ossetians, supported the Bolshevik Soviet power, Georgia managed to suppress that movement in Abkhazia. In 1921 Abkhazia was granted an autonomy status by Georgia, yet the Red Army has conquered Georgia the same year thus ending its short-lived independence. Within the Soviet Union Abkhazia enjoyed the status of an autonomous republic within the Georgian Soviet Socialist Republic.

The manifestations demanding secession from the Georgian SSR and inclusion into the Russian SFSR are reported to have taken place in 1957, 1967 and 1978. And in 1978, 130 representatives of the Abkhaz intelligentsia signed a letter to the Soviet leadership, protesting against what they saw as Georgianization of Abkhazia. Despite these long
problematic relations Georgians believe that historically Abkhazia has always been part of Georgia. Moreover, Georgians formed the single largest ethnic group in the pre-war Abkhazia, with a 45.7% plurality as of 1989 (Toal and O’Loughlin 2014).

As the Soviet Union began to disintegrate at the end of the 1980s, ethnic tensions developed between the Abkhaz and Georgians over Georgia’s moves towards independence. Many Abkhaz opposed this, fearing that an independent Georgia would lead to the elimination of their autonomy, and argued instead for the establishment of Abkhazia as a separate Soviet republic in its own right. The dispute turned violent on 16 July 1989 in Sukhumi. Under the rule of the Georgian president Zviad Gamsakhurdia (May 1991 - January 1992), and despite his nationalistic rhetoric (National Integration and Tolerance in Georgia), the situation was relatively calm in Abkhazia and a power-sharing agreement was soon reached between the Abkhaz and Georgian factions within Abkhazia, granting to the Abkhaz a certain over-representation in the local legislature (Coppieters and Bruno et al. 2005: 384). Thus, Abkhazians being the 17% of the population gained 43% of the total 65 seats; Georgians, being 45% of the population received 40% of the seats; with the remaining 11 seats being divided amongst the other groups like Armenians and Russians, the latter comprising 33% of the population (Marshania 2006).

On 21 February 1992, already under Shevardnadze, the Georgia's ruling Military Council announced the abolishment of the Soviet-era constitution and restoration of the 1921 Constitution of the Democratic Republic of Georgia. Many Abkhaz interpreted this as an abolition of their autonomous status (although the 1921 constitution contained a provision for the region's autonomy). As a result, the conflict began, and it led to the 1992–1993 War in Abkhazia that finished with Georgia’s military defeat, de facto independence of Abkhazia and the mass exodus and ethnic cleansing of the Georgian population from Abkhazia. Georgia accuses the Abkhaz secessionists of having conducted a deliberate campaign of ethnic cleansing of up to 250,000 Georgians and more that 15,000 killed\(^{40}\), a claim supported by the OSCE Budapest (OSCE 1994), Lisbon and Istanbul declaration (Chervonnaia 1994).

Finally, one of the respondents provided an important distinction between the Abkhazian and Ossetian cases, saying that:

“Abkhazia is more of an ethnic issue, while South Ossetia is different. There was this ethnic aspect during the Gamsakhurdia time in South Ossetia as well, but even then it was more about controlling criminal gangs, Abkhazia is more genuinely ethnically driven…. Abkhazians do not want anything in common with Georgia: they either want to be independent or if that is impossible – a part of Russia”\(^{41}\).


\(^{41}\) Interview with Jijelava
And the interviewee continued with a thought that Georgia was pushing Abkhazia too much in Gamsakhurdia times, as rhetoric during the 1989 demonstrations in Georgia included the ideas of the need to punish Abkhazia. Later, under Shevardnadze, a military confrontation with Abkhazians took place. As a result, Abkhazians say: in the beginning you Georgia had chances to reuniting with Abkhazia, but now we are closer to Russia and the idea of separate statehood is becoming more realistic. They were more open to such discussions in the 1990s, but then even Saakashvili started aggressive policy towards Abkhazia as he placed troops on Georgian territory near Abkhazia, which made Abkhazians nervous 42.

1.2.2. Relations with South Ossetians

Georgia history of contentious relations with Ossetia is also quite long. Already in 1920 Georgians had an armed conflict with Ossetians that resulted in thousands of deaths. Ossetians live on the Georgian territory since the 17th century, however their concentrated settling was on the territory of current North Ossetia (historically known as Ossetia) located in contemporary Russia, with just some Ossetians found in the mountain regions of contemporary Georgia. In the 19th and 20th centuries Ossetians continued settling in Georgia, which was then part of the Russian Empire.

The tensions between Georgians and Ossetians started with the Bolshevik Revolution, as Georgia opted for a Menshevik Georgian Democratic Republic and South Ossetians along with Abkhazians wanted to join the Bolshevik Soviet Union. In 1920 Georgian National Guard killed 5,000 Ossetians, and 13,000 more died subsequently of hunger and epidemics. In 1921 the Red Army invaded Georgia, and in 1922 South Ossetia was given an autonomous oblast status as a gratitude for its cooperation, although this territory was never a separate territorial unit before. Many predominantly Georgian-populated areas ended up in the South Ossetian Autonomous Oblast, including the predominantly Georgian-populated city of Tskhinvali that became the capital of South Ossetia. During the Soviet times, South Ossetia had a cultural autonomy that included education in Ossetian language, and the use of the Ossetian language for communication. In 1989 tensions started with the rise of both Ossetian and Georgian nationalism. Ossetians asked for an upgrade to an autonomous republic status, while Georgians proclaimed Georgian the only national language in response.

In 1990 Georgia banned regional parties, and Ossetia under the leadership of South Ossetian Popular Front announced a sovereign republic within the USSR. As Zviad Gamsakhurdia came to power as a President of Georgia, he declared Ossetian elections illegitimate and abolished the autonomous status altogether, saying that "[Ossetians] have no right to a state here in Georgia. They are a national minority. Their homeland is North Ossetia.... Here they are newcomers". In 1991-1992 the independent Georgia engaged into a war with South

42 Interview with Jijelava
A peculiar interested in integrating those groups into the Georgian society.”

showcase for the Armenian and Azeri communities, even though these MPs don’t even speak Georgian and therefore cannot even comprehend what is being discussed in the Georgian Parliament, to which they are being elected. “Both Shevardnadze and Saakashvili acted in a cynical way towards them, no one was interested in integrating those groups into the Georgian society.”

A peculiar feature of georgian politics is that the incumbent - whoever it is - receives a stable support from the Azeri and Armenian populated districts. The incumbent tends to maintain the support level of 97-98% in these

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43 Interview with Jijelava
44 Interview with Devdariani
45 Interview with Zurabishvili
areas. The situation is similar with the Abkhazian and South Ossetian refugees living in compact ghettos within Georgia. They have separate schools, separate housing, special officials who control them. And the government is not interested in their greater integration as they provide a similar stable support to the incumbent. One of respondents explained this phenomenon: “They leave the issue of government to the Georgians. They say they don’t understand anything in Georgian politics, so if Georgians want to change the government – let them do it.”

1.2.4. Georgia’s Ethnic Policy

The policy towards ethnic minorities was inconsistent in post-Soviet Georgia. General assessment is that it was much more ethnicity-driven and intolerant than the Ukrainian one (Eurobarometer 1999). Right after Georgia’s separation from the Soviet Union, Georgia’s president Zviad Gamsakhurdia became known for promoting a radically nationalistic agenda (Report on Georgia). At the same time, however, it is also argued that under Gamsakhurdia, the situation was relatively calm in Abkhazia and a power-sharing agreement was reached between the Abkhaz and Georgian factions, granting over-representation to the Abkhaz in the local legislature (Coppieters and Bruno et al. 2005: 384). In contrast, many accuse the next president Eduard Shevardnadze’s government of the initiation of senseless hostilities with Abkhazia, and then of ineffective conduct of the war and post-war diplomacy.

As for South Ossetia, the situation was different. As Zviad Gamsakhurdia came to power as a President of Georgia, he declared Ossetian elections illegitimate and abolished the autonomous status altogether, saying that “[Ossetians] have no right to a state here in Georgia. They are a national minority. Their homeland is North Ossetia.... Here they are newcomers”. This has resulted in the war, after which Shevardnadze managed to calm the Ossetian situation down.

In the early 1990s, ethnic minorities were virtually driven out of independent Georgia by the discriminatory policy of the political groups that came to power in the republic as soon as the Soviet Union ceased to exist. The nationalist rhetoric of president Gamsakhurdia – “Georgia – for the Georgians!” that gained popularity among the titular nation – suggested that the ethnic minorities were unwelcome in new Georgia and could only hope for the status of “guests”. A respondent has supported this by saying that the national movement under Gamsakhurdia focused on the idea that Georgians need to become masters on their land, and “when a word ‘master’ is heard, a word ‘guest’ is also implied”. Another respondent confirmed that “ethnic nationalists started claiming that Abkhazians who came 5 centuries ago, and Ossetians who came 3 centuries ago were guests on this land”. This was a popular propaganda back in the early 1990’s, and many wanted them to go away: “This was especially true with respect to Ossetians, as Abkhazians were treated more softly. There were many Ossetians in South Georgia,

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46 Interview with Zurabishvili
47 Interview with Devdariani
48 Interview with Devdariani
49 Interview with Zurabishvili
and they were forced out of their houses, they became refugees, and most of them never came back"\(^{50}\). The situation has changed after Eduard Shevardnadze came to power in 1992. Under his presidency ethnic nationalism was over and he himself was not very vocal on ethnic issues overall.

Discrimination never reached huge levels, but in some places Azeris and Ossetians had to sell or simply abandon their homes and emigrate under the pressure of local nationalist organizations. Because of these tensions the Kvemo Kartli Azeris even demanded that Borchalo autonomy be set up. The republican authorities fed up with the ethnic conflicts of the early 1990s wanted no other seat of ethnic tension in the republic. Therefore, the problem was settled and the demand was dropped for good. Eduard Shevardnadze, who painstakingly avoided nationalist slogans of any kind and who was known as one of the friends of president of Azerbaijan Heidar Aliyev, managed to establish better relations with the Azeris of Georgia (Komakhia No Date).

The nationalist rhetoric of the early 1990s caused an outflow of Armenians to avoid further problems. The process has stopped when President Gamsakhurdia was ousted from power. According to the 2002 census, the number of Armenians in Georgia has dropped to 5.7 percent against the 1989 figures when there was 8.1 percent of Armenians in the country (Komakhia No Date).

The policy of Mikheil Saakashvili was a mixed bag. On the one hand, he was known for spreading propaganda on Georgia’s regaining control over the breakaway republics and used video clips of Georgian tanks entering Abkhazia:

\[\begin{quote}
"Saakashvili wanted to restore unity with South Ossetia by force. He always dreamed of entering it on a tank and placing a Georgian flag there. Military rhetoric has prevailed. He always spoke of a war, at least never excluded this method of regaining territory. State TV channels used to broadcast videos on how our soldiers conquer Abkhazia. And the army was prepared as well, soldiers were told that they will have to fight for the territorial integrity."\(^{51}\)
\end{quote}\]

On the other hand, under Saakashvili, in August 2005 the Georgian government established the Civil Integration and Tolerance Council charged with studying the issue of tolerance towards ethnic minorities and their participation to society. Even the same respondents used to provide contrasting assessments of Saakashvili’s attitudes to minorities. For example: “His policy is clear. As aggressively as he came to power, same aggressive he was towards to autonomies”, and “He used to say that for those who hates Armenians he is going to be an Armenian! And same about the Azeris”\(^{52}\). Having spoken to a variety of experts my assessment is that Saakashvili was rather tolerant towards ethnic groups and willing to integrate them in the long run, but he was also very zealous with respect to restoring Georgia’s territorial integrity, a desire that was rooted in state-building, not

\(^{50}\) Interview with Zurabishvili

\(^{51}\) Interview with Zurabishvili

\(^{52}\) Both quotes from Devdiariani
ethnically driven, but it was perceived by many as an attack on ethno-cultural rights of Abkhazians and South Ossetians: “This was not an ethnic movement. He never said that Ossetians are bad and Georgians are good. He always said that Ossetians and Abkhazians are same citizens as Georgians. He only cared for territorial integrity. He stood on a state-building stance, not an ethnic one”\(^{53}\).

This assessment was also confirmed by another respondent who has noted that:

> “Saakashvili called his national movement with a civic-nation word, which contrasted Gamsakhurdia’s times when nation was used in an ethnic sense in a national movement title. Saakashvili and his counterpart Levan Ramishvili stood for a civic version of nationalism and wanted to eliminate ethnic rhetoric as such”\(^{54}\).

Moreover, another respondent reported on the desire of Saakashvili to make his rhetoric even more inclusive:

> «I once told to the president that when he speaks he uses phrases like «Georgians», «Georgian» nation, «Georgian society» very often. I told I understand that he means everyone, but also that it can be perceived differently. He was surprised. And in several days he was making a speech and said «Our people, our nation», meaning both ethnic Georgians and non-Georgians belonging to the nation»\(^{55}\).

Despite this constructive stance, the tactics of Saakashvili were not far from those of Gamsakhurdia, which has complicated the deliberative capacity despite the inclusive stance in terms of ethnicity. As one respondent has reported:

> “As long as Saakashvili is in power, there will be no dialogue with the autonomies. Because of his stance the contacts have been much complicated. Under Shevardnadze there was practically no problems with South Ossetia. There was free movement of people back and forth. Saakashvili has radicalized the situation with South Ossetia. In 2004, when he came to power, there was nothing special there, even public transit was operating between South Ossetia and Georgia. The only problem was corruption. There was a market – sort of a free zone, both Georgians and Ossetians traded there. For sure, there was a lot of illegal activity there, but relations were also built there. This market was the economic center of the entire South Ossetia. We only had to legalize this contingent peace. Instead the governmental has ruined everything on the pretext of fighting smuggling. They’ve caused and economic catastrophe in Ossetia, and after that it reoriented towards Russian more”\(^{56}\).

According to the Georgian Law on General Education (2004) adopted under Saakashvili every citizen of Georgia has a right for secondary education in their native language, while it is also obligatory to teach state language in schools. In accordance to this law as of 2008 the Georgian government funded: 141 Armenian-language schools,

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\(^{53}\) Interview with Zurabishvili  
\(^{54}\) Interview with Jijelava  
\(^{55}\) Anonymous no. 9  
\(^{56}\) Interview with Zurabishvili
In order to provide equal opportunity for every citizen of Georgia to receive higher education in 2008 the national examination in general skills was first conducted in Azeri and Armenian languages as well. Minority rights in the media sector are addressed by the Georgian Public Broadcasting news program “Moambe” that is aired in 6 major minority languages, besides Georgian. Moreover, since 2007 the talk show Italian Yard has been aired on GPB. Its main aim is to promote dialogue between ethnic minorities living in Georgia and to encourage their successful integration into society.

In legal terms Abkhazians and Ossetians are treated as citizens of Georgia by the Georgian authority, even though most of Abkhazians and Ossetians deny this status. To enable the freedom of movement and other opportunities for people living within the breakaway territories, the Parliament of Georgia in 2011 adopted a package of legislative amendments providing for the issuance of neutral passports and travel documents for them. The document allows travelling abroad as well as enjoying social benefits within Georgia (Kirtskhalia 2013).

1.3. Contrasting Georgia and Ukraine

What is notable is that inter-ethnic tensions between Georgians and Abkhazians and Ossetians date way further back than the tensions Ukraine. Relatedly, the claims of both people for independence were much more pronounced at the very outset of the Soviet Union disintegration in Georgia than in Ukraine. Nationalities policy is mixed in both cases, yet with much less nationalistic elements at the outset of the transition period in the Ukrainian case. Speaking of the severity of ethnicity-related problems, in Georgia they are more profound since such minorities as Azeri and Armenian people are marginalized and suffer significant language barrier. In contrast, in Ukraine minorities are not marginalized and do not suffer that much from the language barrier. At the same time, in Georgia the kin-state does not meddle or speculate on the issue of national minorities while in Ukraine the kin-state does so. Yet even in Georgia the quasi-kin-state influence was also seen in terms of the Russian involvement in situations around Abkhazia and South Ossetia. Another difference is that in Georgia ethnic minorities like Armenian and Azeri do not represent the former colonizer, while in Ukraine the Russian minority does so. Finally, the Georgian Abkhaz and Ossetian minorities have more authentic and historically grounded claims in comparison to the Ukrainian Russians, although more so in the case of Abkhazians. Finally the separatist struggle in the Abkhazian and Ossetian side was more people-driven than in the Ukrainian case. All these features help to analyze the issue of deliberative capacity in the post-Soviet transition in both cases. On the one hand groups within Georgia had stronger claims and thus greater need for permissive deliberative capacity. At the same time the Georgian political context was less permissive a deliberative system.

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2. DEVELOPING KEY ARGUMENTS: LITERATURE ON DELIBERATIVE DEMOCRACY, ETHNOCULTURAL IDENTITY AND FACTORS AFFECTING THEM IN APPLICATION TO THE CASES

This chapter develops the main argument of this study, building on the existing literature, clarifying the conceptual use, and tying the diverse bodies of literature on which this project is based, together. The study operates with three conceptually related and therefore possibly confusing terms that, therefore, need to be contrasted. First, the study is based on the “deliberative democratic” theory, which refers to the theory of democracy that places communication in the form of opinion sharing and justification, as well as - in most versions - inclusion at the center of the ideal political process. Second, this study uses the term “deliberative system” - which refers to the approach within deliberative democracy theory that pays attention to deliberation in a multiplicity of formal and informal forms, and in multiple social locations. Finally, the concept of “deliberative capacity” is used to denote the extent of the ability of a given social system to contain deliberation as a normal part of a political process. Notably, this ability includes both formal institutional structures as well as attitudinal and behavior-based components. All of these issues are further elaborated upon later in this chapter. Moreover, the chapter goes into the discussion of the antecedent conditions for the existence of deliberative capacity, and with it deliberative behavior. These conditions are referred to as factors of deliberative capacity.

The applicability of this stream of political thought to the problem of inter-ethnic tension is two-fold. First, the application of the deliberative theory to the issue of ethnic conflict has not been done systematically before while the effect of the lack of deliberative capacity on ethnic mobilization and conflict is plausibly following from the logic of the deliberative theory and was also confirmed by my fieldwork interviews. After all, according to Taylor (1994), identity itself, and, most profoundly, ethno-cultural identity, is dialogically constructed in the process of communication of an individual or a group with the “other”. Therefore, approaching the issues of ethno-cultural tensions from a dialogue-based theoretical perspective is logical and promising. Second, this dissertation suggests that the standpoint of open-ended, inclusive and participant-driven deliberation is both effective and democratic way to address the blurred, relational, emotionally loaded, normatively contested, and perpetually transforming array of inter-ethnic claims, needs, rights and resulting tensions. Therefore, the application of the deliberative approach to such issues looks especially fruitful. In fact, “the rigidities of procedural liberalism may rapidly become impractical in tomorrow’s world”, as put by Taylor (1994: 61). In contrast, the deliberative democratic approach helps to arrive at practical recommendations that are case specific, accounting for diverse social, economic and historical circumstances, constellations of actors and a variety of claims involved in each specific situation on the ground. Such an approach helps both in deciding on specific institutional frameworks and policy solutions, and avoiding reification of identities, which is hard to do with any of the existing policy models. In the context of debates on possible remedies to ethnic tensions, some critical political theorists and social scientists emphasize the
need for a different, normatively-grounded policy approach that would not reduce the complexity of social reality in specific cases or reify groups unnecessarily (Benhabib 2002, Horowitz 2000, Brubaker 2004). From this follows that a contextual, deliberative, procedural justice approach needs to be developed and respective institutions for its practical implementation need to be defined (Carens 2000, James 2004).

The application of the deliberative democratic lens to inter-ethnic relations leads to three conclusions, developed in this chapter. First, the level of deliberative capacity is related to the inter-ethnic relations outcome. Second, multiple factors that affect deliberative capacity are not universally positive or negative, but may enhance some of deliberative capacity’s dimensions, while hindering the others. Finally, the different cases’ standing on the different components of deliberative capacity creates distinct types of deliberative systems that are to be dealt with in different ways. Each of these is developed in this chapter and discussed in application to the cases’ material that is detailed on in further chapters.

Overall, this chapter provides a frame that highlights the key elements of an explanation that this dissertation offers to the problem of ethnic tension. It starts with discussion of the core concepts used in this dissertation, such as deliberative democracy (DD), cultural identity and cultural rights, as well as the concept of transition. After that I present the deliberative systems approach (DSA) that is followed in this work and the concept of deliberative capacity (DC) more specifically. This is followed by the discussion of how the deliberative systems approach and deliberative capacity may apply to the analysis of ethno-cultural politics by looking at the theories of ethnic identity mobilization - such as ethnic entrepreneurship, crucial events, external threat, institutional design, democratization, and international discourses - through a deliberative democratic lens. Next I discuss how these factors affect deliberative capacity and the types of deliberative capacity that are created as a result of such effects. I conclude with summarizing the value added by the deliberative democratic perspective on the issue of inter-cultural relations and discuss how this perspective is being further elaborated in the empirical chapters that follow.

2.1 Deliberative Democracy

The concept of deliberative democracy is key to this project as it is based on the deliberative democratic theory and all the assessments in this study are made against the “golden standard” of the ideal deliberative democracy. The concept of deliberative democracy, although well elaborated (Bohman & Rehg 1997, Bohman 1998a, Elster 1998a, Macedo 1999, Freeman 2000, Chambers 2003), is far from being uniform. Yet its core aspect that is generally agreed on is that deliberative democracy is a kind of a political system in which political decisions are a product of fair and equal discussion and debate among those affected by the decision. A number of debates are ongoing both among the deliberative democracy protagonists as well as between them and the model’s critics. Speaking of the former debate, Steiner suggests dividing the field into two broad types of deliberative democracy scholarship. Type I deliberative democracy scholars, according to him, focus on the ideal procedure of deliberation in the early
Habermasian understanding. In contrast, Type II deliberative democrats are more flexible in terms of what counts as deliberative democracy and focus more on putting the theory into practice (Steiner 2012: 3). This dissertation falls in line with the Type II scholarship, as it takes the criteria of ideal deliberative democracy and applies them to the broader social reality in order to assess it.

Deliberative democracy may be defined in contrast to a variety of concepts, for example power politics, negotiations or bargaining (Steiner 2012), among others. This work looks at deliberative democracy in juxtaposition to a more traditional theory of aggregative democracy, which dominates the comparative democratization literature and even more so the democratization practice. Aggregative democracy refers to an approach to democracy, which is focused on the aggregation of people’s preferences through elections; it is therefore often referred to as “electoral”, “minimalist” or “formal” democracy, as it mostly looks at the electoral process as a core expression of the democratic regime. Schumpeter (1962) sees competitive elections and pluralism as democratic regime’s only essentials. And for Wolchik, “[e]lections are the indicator of democracy – a form of government that has become a global norm” (in Lane 2009: 116). Dahl speaks of democracy as a polyarchy where several elite groups have access to the power struggle, thereby ensuring competitiveness and the rotation of elites (Dahl 1972). All these definitions are minimalist. In line with these definitions the democratic transitions literature relies on such democratic indicators as the representation of popular interests, fair elections, transparency, rule of law, freedom of speech, public participation, competitive political process, and freedom of political opposition. Yet the emphasis is still primarily on the formal institutional side of the political process (Grugel 2002: 60-62). In contrast to these Downsian elections-centered definitions, the conception of democracy I follow in this work is talk-centered as put by Steiner (2012: 37-8).

There are two reasons for shifting to a deliberative approach to democracy. First, such a minimalist perspective on democracy is missing out on important features that democracy has to offer to the newly democratizing states. Second, deliberative democracy, as argued in this work, has better chances to accommodate ethno-cultural tensions. Based on the rich body of deliberative democracy literature, it is possible to identify a number of differences between aggregative and deliberative models of democracy.

First of all, the concept of majority is at stake. While being a quantitative parameter in the aggregative tradition, “majority” acquires qualitative aspects in the deliberative version of democracy. In this latter model traditional voting is to be preceded by reasoned discussion, which makes a difference to the voting outcome (Benhabib 1996). As a result a seemingly identical majoritarian voting procedure leads to majority of a different quality. Second, under aggregative democracy the individual’s preferences are taken as given. In contrast, in the deliberative model they are seen as formed in the process of discussion, based on the information and arguments presented. Third, the role of the public sphere differs between the two models in a crucial way: while in the aggregative model citizens do not need to leave the private realm, deliberation
presupposes associative democracy with open discussion and the exchange of views leading to agreed upon policies through mutual persuasion (Young 2000). A related but distinct aspect of this is that the public sphere in aggregative democracy collides with the concept of the state. In the deliberative democratic model, in contrast, these two can overlap, but not necessarily. In fact, the public sphere can be in opposition to the state.

The fourth issue is concerned with the kind of rationality used by the participants of the political process. With the aggregative version being individualistic, deliberative rationality is based on respect toward the others as well. Deliberative democratic rationality is rooted in the principle of reciprocity, implying that individuals are expected to seek fair terms of social cooperation for their own sake, meaning further that they take the other’s interests into account in order to be able to expect that their own interests are also attended to by the others (Gutman and Thompson 1996).

The fifth distinction is related to the issue of legitimacy. While aggregative theory is sceptical about the possibility of evaluating the moral legitimacy of substantive decisions, the deliberative model accepts that normative legitimacy develops through the communication process itself. In such a process the claims of legitimacy are first explained and as a result the participants of the communication process acquire the feeling that the laws resulting from such communication are “their” laws even if substantively they diverge from their individual interests. Aggregative legitimacy is thus based on numerical majority and as a result decisions are often viewed as unfair by the minority. In contrast, ideal deliberative democratic legitimacy results from free and unconstrained public deliberation of all about the matters of common concern (Benhabib 1996) and as citizens engage in making laws they also develop motivation for obeying them (Bohman 1996).

A further distinction is concerned with inclusion. While aggregative electoral democracy includes all the voters and the specific scope of included groups depends on the system of electoral rights, most deliberative democracy scholars insist on including all those affected by a decision into the decision-making process. According to Young (2000), traditional voting should be complemented by larger inclusion through, for example, including non-citizens in cases in which the matters being decided upon affect these stakeholders. The issue of justice is also at stake. In aggregative democracy, justice is rooted in the satisfaction of the majority. The deliberative model instead holds a stronger conception of justice involving the need to justify decisions through dialogue so that even those disadvantaged by the decision could also accept it. Although this view of justice outcomes might be interpreted as utopian, it is not necessarily so. Even a not entirely just

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58 While most deliberative democrats buy into a version of this principle, it is a theoretically detachable part of their theories. Some — e.g., Gutmann and Thompson—do not use this standard of inclusion.
process increases the fairness of the outcome. In other words, the more politicians have to justify, the more just they tend to behave (Young 2000).

The goals of the two models of democracy also differ. An aggregative democratic regime targets protection against tyranny, and the promotion of individual’s interests. The deliberative alternative, in its turn, while aiming at the same outcomes, is also aspiring to cooperation, collective action and promotion of justice. Likewise, the attitude toward the stability of decisions differs in the two models. In aggregative electoral democracy, decisions are made at least for an electoral term after which a political opponent might win office and change it. In the deliberative version, decisions are never fixed and are always considered to be open for renegotiation and change. Perspectives on the quality of democracy are also different. It is constitution-based and thus formal in the aggregative tradition. In contrast, in deliberative democracy the concern with the quality of democracy is related to authenticity – the degree to which democratic control is substantive rather than symbolic, and engaged in by competent citizens (Dryzek 2000).

The views on participation in the two models are the following. In aggregative democracy, it is a procedure of interest expression for the purpose of aggregation. In contrast, deliberative democratic participation also affects citizens, transforming them to be more public-spirited, informed and tolerant due to acquiring an enlarged mentality in Arendtian terms. Although this is an ideal, not a theoretical presupposition or a necessity, the hope with deliberative democracy is that deliberative participation will generate such more informed and public-spirited citizens. Another difference is that discourses are less addressed in aggregative democracy. In deliberative democracy, in contrast, they are emphasised as a crucial potential causal force that needs to be challenged in case of being oppressive.

Finally, the treatment of the other differs between the models in a crucial way. In the aggregative model, other citizens are viewed as either competitors or allies. In deliberative democracy, instead, they are seen as people with whom one needs to reach an agreement. In deliberative democratic communication, it is not enough to express the reasons that one finds compelling; it is also necessary to find reasons compelling to others, acknowledging them as equals and being aware of their alternative reasonable commitments - in other words, to find the reasons acceptable to others given their differences (Cohen 1996) or making arguments in terms that others can accept (Gutman and Tompson 1996). Dryzek explains this in a more specific way: “[i]n the context that features myriad identities, religions, ethnicities, and nationalities, a speaker’s rhetoric can try to appeal to the symbols valued by these groups to induce reflection on their part” (Dryzek 2009: 1381). Table 3 summarizes the outlined key features.
### Table 3. Aggregative versus deliberative democracy

<table>
<thead>
<tr>
<th></th>
<th>Aggregative Democracy</th>
<th>Deliberative Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concept of Majority</strong></td>
<td>Quantitative</td>
<td>Quality matters</td>
</tr>
<tr>
<td><strong>Preferences</strong></td>
<td>Given</td>
<td>Formed</td>
</tr>
<tr>
<td><strong>Public sphere</strong></td>
<td>State</td>
<td>Between active citizens; may oppose state</td>
</tr>
<tr>
<td><strong>Rationality</strong></td>
<td>Individualistic</td>
<td>Reciprocal</td>
</tr>
<tr>
<td><strong>Legitimacy</strong></td>
<td>Majority-based</td>
<td>Communication-based</td>
</tr>
<tr>
<td><strong>Inclusion</strong></td>
<td>All voters</td>
<td>All affected</td>
</tr>
<tr>
<td><strong>Justice</strong></td>
<td>Satisfaction of majority</td>
<td>Justification-based, acceptance by all</td>
</tr>
<tr>
<td><strong>Goals</strong></td>
<td>Protection against tyranny, promotion of individual interests</td>
<td>Same as in aggregative, plus cooperation, and promotion of justice</td>
</tr>
<tr>
<td><strong>Stability of decisions</strong></td>
<td>For an electoral term or more</td>
<td>Always considered for renegotiation</td>
</tr>
<tr>
<td><strong>Quality of democracy</strong></td>
<td>Accordance to the laws</td>
<td>Related to authenticity, and substantive democratic control</td>
</tr>
<tr>
<td><strong>Participation</strong></td>
<td>Tool for aggregation</td>
<td>Tool for transformation</td>
</tr>
<tr>
<td><strong>Discourses</strong></td>
<td>Not considered</td>
<td>Addressed</td>
</tr>
<tr>
<td><strong>Treatment of the other</strong></td>
<td>Competitor or ally</td>
<td>People with whom one needs to reach agreement</td>
</tr>
</tbody>
</table>

Besides the general works advancing the theory of deliberative democracy, there are also some recent works on how deliberative democracy can help to reconcile both gender equality and cultural diversity in conflict: for example, Song (2007) and Deveaux (2009). Specifically, Deveaux (2009) advances an argument for resolving such dilemmas through democratic dialogue and negotiation. In turn, Song (2007) argues that majority institutions may oppress minority women, and therefore she suggests that dialogue is needed to solve minority women problems. I, however, do not base this work on the literature that focuses on gender and ethnicity simultaneously because, although the situation with gender equality is quite problematic both in Ukraine (Hankivsky et al. 2012) and in Georgia, it does not bear such salience in the minds of the people and it is therefore not easy to use it as a mobilizing factor for ethnic reconciliation. Speaking of Ukraine, there are both men and women actively engaged in inter-cultural clashes on different sides of the divide and it is therefore hard to use the gender grievances to soften the ethno-cultural tensions. Finally, while Deveaux’s and Song’s work focuses on competing political commitments to gender equality and cultural rights, in the cases at hand these distinctions are less critical as the attitudes towards genders are more or less constant between the groups, and cultural rights issues do not intersect with gender issues and do not compete with them. Rather both problem areas – gender equality and ethno-cultural
rights – need to be worked on simultaneously in the broader project of the fundamental democratization of all areas of society in Ukraine and Georgia. And yet this work is in line with the discussed scholarship in the belief that democratic dialogue, negotiations and compromise are the best vehicles for arriving at resolutions to conflicts of cultural value and complex normative dilemmas found in many contemporary democracies.

It is important to note that the majority of research and theorizing of deliberative democracy is conducted in established democracies, which implicitly assumes certain homogeneity of norms concerning political competition, features of the political culture, or established political and social institutions. In other words, the generally accepted norms and institutions for dealing with conflict are taken for granted. While there is political contestation, including the contestation over some rules, there are also established and widely held norms for how things are being contested. Therefore, the following sections discuss the concepts of cultural identity and transitions that are essential for understanding why deliberative democracy implementation may be more challenging, yet potentially even more important, outside the contexts in which it is most often theorized.

2.2 Cultural identity and Cultural Claims

Cultural identity and, related to it, cultural claims are the foundation of any real or potential inter-ethnic conflict. It is therefore important to discuss the nature of cultural identity as it is understood in this study. Cultural identity is the core issue of conflict potential in Ukraine along with such cleavages as class. However, while class is easier to conceptualize and operationalize, cultural identity and the way it is approached in this study need elaboration. Ukrainian society is routinely characterized as a country split into two parts. Such a simplified approach, however, overlooks important nuances that define political and social dynamics in Ukraine and that were discussed in detail in chapter 1 of this dissertation.

Identity is simultaneously a matter of individual choice and a pre-determined socio-cultural belonging (Laitin 1986, 1998). In “Hegemony and Culture” (1986) Laitin introduced the concept of the Janus-faced nature of culture. Its one face is revealing identities as real and given and something that can be searched for and discovered (a primordialist view). The other face refers to the “real me” that is instrumental, constructed and reconstructed as social opportunities change. People are limited in their searches of self by their families, communities, prevalent typologies, by “identity possibilities of an age”, and therefore not just any identity will do (Laitin 1998: 20). In this sense identity is given, or is rather not a subject of individual choice. Yet there is also a component of choice between several options and an individual can try those out to a certain degree before adopting one of them more permanently – in this sense, identity is constructed (Laitin 1998: 21). Both of these aspects are important for further analysis since the presence of choice allows for hoping for conflict resolution, while the existence of external factors that determine identity illustrates that people are not fully accountable for their beliefs.
Besides being to a significant degree constructed, identity is also blurred, contested and relational, and therefore, perspective on identity in both analysis and policy-oriented instruments should be anti-groupist and anti-essentialist (Brubaker 2004, Brubaker and Cooper 2000, Benhabib 2002). Building on this perspective, Simonyi (2009) agrees that as identities are blurred and contested the challenge is to circumvent the binaries that are endemic to all sorts of classification and find a way to account for the individual’s possibility to choose and the fact that s/he lives amongst others. Similarly, Young (2001) argues for a relational rather than substantial ontology of social groups. A social group exists and is defined as a specific group in interactive relations with others. Social group identities emerge from the encounter and interactions among people who experience some differences in their way of life and forms of association. Social difference may be stronger or weaker, and it may be more or less salient, depending on the point of view of comparison. A group is internally constituted to the extent that people interact with one another to affirm their similarity and belonging together. It is also externally constituted to the extent that its members distinguish themselves from others and others affirm distinctiveness from them. These relations of similarity and distinctness can and often do change, however, and in the flux of interaction they are rarely all or nothing. Those I affirm as being like me in one respect are different in others, and I may perceive similarities with those whom I affirm as distinct. If we abandon the either/or conception of nation, then the distinctness of peoples emerges as a matter of degree. Social and cultural difference may be stronger or weaker, it may be more or less salient, depending on the point of view of comparison (Young 2001: 252-253).

As it follows from the discussed aspects, identity cannot be legitimately imposed on anyone or treated as stable. Therefore the concepts of Ukrainian-cultured and Russian-cultured groups in Ukraine are used loosely in this dissertation, based on the self-determination of individuals and their sharing of certain cultural, and political views, simultaneously allowing for shifting and overlapping identities. Moreover, the discussion implies that there should be no “once and forever” solutions as identities and needs may themselves change. This is an important feature that will be accounted for in the following chapters.

Cultural identity creates a basis for culture-based claims and cultural rights. These concepts, therefore, need to also be addressed. Cultural claims and rights are closely tied to the concept and principle of self-determination. Young suggests conceiving self-determination and freedom in relational terms as non-domination rather than non-interference (Young 2001: 257-258). This means that other people ought not to constrain, dominate or interfere with the decisions and interpretations of others for the sake of their own ends, or according to their judgment of what way of life is best, or in order to subordinate a people to a larger “national unit”. People, that is, ought to be free from domination.

Because people stand in interdependent relations with others, however, they cannot ignore the claims and interests of those others when the former’s actions potentially affect the latter. As outsiders are affected by the activities of self-determining people, those others have a legitimate claim to have their interests and needs taken
into account even though they are outside the government jurisdiction. Conversely, outsiders should recognize that when they themselves affect other people, the latter can legitimately claim that they should have their interests taken into account insofar that they may be adversely affected. As far as their activities affect one another, peoples\textsuperscript{59} are in relationship and ought to negotiate the terms and effects of the relationship (Young 2001: 259). Therefore, formal norms and rights are not enough and lead to a dead end in many real-life situations. In this context, deliberation appears as a very beneficial tool.

Self-determination does not imply independence, but rather that people dwell together within political institutions, which minimize domination among them (Young 2001: 265). It has also been now realized not only that groups cannot stay independent from one another, but also that states cannot be independent from inter-cultural affairs since no matter what they do, they enhance the development of some groups and not the others. Therefore, the standard for evaluating minority rights claims is no longer ethno-cultural neutrality - which was shown to be a myth - but ethno-cultural justice (Kymlicka and Opalski 2005: 21). In practice, such ethno-cultural justice is often embodied in the system of external protections of group boundaries, which allows the group to decide on the matters that affect their culture most and construct a coherent societal culture within an ethno-cultural sub-group. But speaking of external protections as a legitimate form of minority group rights\textsuperscript{60}, Kymlicka notes that they too may become illegitimate if, rather than reducing minorities’ vulnerability to the power of the larger society, they instead enable a minority to exercise economic or political dominance over some other groups. An important condition for liberal minority rights is that they promote conditions of equality (non-dominance) between groups (Kymlicka and Opalski 2005: 28). Notably, in this discussion Kymlicka mostly referred to relations between sub-state minorities, while in the Ukrainian case the problem is even greater as we may be speaking of potential domination of a national minority over a national majority as was discussed in chapter 1.

Having clarified the key aspects of the nature of ethno-cultural identity and rights that are relevant for the current project, I will now turn to the concept of transition as it conditions quite severely most of the processes developing in the post-Soviet realm. Inter-ethnic relations and the prospects for deliberative approach integration in public policy are not exceptions in this regard.

\textsuperscript{59} Although the term “people” may sound homogenizing, it is used here in line with the constructive relational framework. The language apparatus is somewhat less rich than the array of distinct meaning that we operate with. Therefore it is often impossible to avoid certain terms, especially as they are widely used (like people, nation, transition, or for that matter, deliberative democracy - the term that has also been criticized).

\textsuperscript{60} As opposed to internal restrictions, which refer to the groups’ violations of liberal human rights of its members that are not considered legitimate.
2.3 Transition

A transition context significantly affects all social developments. Therefore, ‘transition to democracy’ is the most widely-employed paradigm for understanding the process of post-communist change. At the same time, the concept of transition itself is quite controversial. It is a part of the modernization perspective on development and it is criticized for an undue teleological assumption. The term transformation is therefore a more encompassing alternative, since it does not presuppose movement towards anything specific, like Western-style liberal democracy. The term “transition”, however, became more widely used in the literature and is therefore also used in this work.

Transitional processes are manifold. First, they concern the political system, in particular, democracy, in the sense of how much difference (opposition) it tolerates and how well this difference is represented. Second, transition deals with the economy. Movement towards the market system in greater or lesser degree is the main trend, which is accompanied by unavoidable economic downturn and issues of survival and economic stratification become key to the population. Third, transition refers to social relations, as it liberalizes all the social differences and grievances, in particular removing the lid from latent ethnic tensions. Fourth, transition relates to the issue of integration into the global context that includes making geopolitical choices, using international best practices, and building an international reputation. Alternatively, Kuzio (2001) speaks of quadruple transition involving political, economic, social and national transformations. All these elements of transition are playing an important role in the processes of building a deliberative capacity in the explored context.

Transitional context offers both opportunities and challenges for deliberative democracy application. On the one hand, it provides the opportunity for creating a more deliberative public space since all the social settings are in flux and transformations of social relations and institutional practices are ongoing. On the other hand, however, transitional context represents a challenge for deliberative democracy because it lacks the stable political culture supportive of deliberation and is also deprived of strong democratic state institutions that would be able to guide such deliberative processes.

2.4 Deliberative Systems Approach

It is currently understood that the practice of deliberative democracy is manifested through a deliberative system – a broader social context in which deliberation does or does not occur. This approach is not only the most progressive within the deliberative democratic scholarship to date, but also very relevant for the current study. As I analyze the manifestations of deliberative democratic elements in a number of contexts (from mass movement to institutional arrangement, discourses and attitudes), an overarching framework, such as the deliberative systems approach (DSA) is necessary to provide a conceptual and analytical tool for such analysis.
Initially, deliberative democracy scholarship has focused on the philosophical foundations of the deliberative democratic model and developing the ideal of deliberation, its meaning, justification, and responses to theoretical criticisms. At a later stage it has shifted to the application of deliberative democratic principles in the context of legislative bodies and further on through small deliberative initiatives. This phase saw the proliferation of empirical studies and practical applications of the theory (Bohman 1998) in relation to legislative forums, deliberative mini-publics and other communicative venues. Yet Parkinson and Mansbridge argue that no single institution can meet all of the demands of deliberative democracy (Parkinson and Mansbridge 2012: 25) while the third stage of deliberative democracy research was focused on individual sites of deliberation and not on interdependence of such sites within the larger system (Parkinson and Mansbridge 2012: 1). The deliberative systems approach is thus a response to this gap since deliberative theory is ultimately concerned with the democratic process as a whole, and therefore with the relationships of its parts to the whole. In other words, deliberative democracy is more than a sum of deliberative moments (Parkinson and Mansbridge 2012: 26).

The systemic approach to deliberative democracy allows for thinking about deliberation in large-scale societal terms - as a whole system, as opposed to just carefully designed but barely representative of real political processes mini-publics. Rather than focusing on single instances, institutions, or even spheres, a deliberative systems approach looks at the connections between them.

The systemic approach was brought into light with Jane Mansbridge’s and John Parkinson’s idea of a deliberative system reaching from everyday talk among ordinary people to formal debate in the legislature (Parkinson and Mansbridge 2012). Prominent examples of this approach can also be found in Habermas’s center-periphery analysis of democracy, Dryzek’s “overlapping discourses”, Hendriks’s “integrated’ view”, and Parkinson’s deliberative system (Mansbridge 1999; Dryzek 2000; Habermas 1996; Hendriks 2006a; Parkinson 2006a; in Chambers 2012: 54), as well as in Robert Goodin (2008). And one of the latest developments in the deliberative systems approach is the concept of deliberative capacity (DC) within the deliberative system (Dryzek 2009; 2010), which is elaborated upon further.

The concept of deliberative systems engages broader avenues for deliberation than just mini-publics to also include mass publics and institutions conducive to deliberation into the analysis (Bohman 2013). Parkinson and Mansbridge (1999) suggest that we consider the deliberative system as a spectrum with the informal “everyday talk” among citizens and social movements at one end, and the formal decision-making that takes place in public assemblies and legislatures at the other end. In a similar vein, Hendriks (2006) argues that the conception of deliberative democracy as an entirely micro or macro enterprise is unrealistic and exclusive. Rather than seeing it as a continuum, she proposes that the deliberative system should be conceived of as an integrated system with a multitude of venues connected to each other (Hendriks 2006, 503; in Lundell 2012: 11). The deliberative systems approach is based on loosening the idea of what counts as “reasoning together”. However, it serves the larger goal
of deliberation, which is improving the legitimacy of democracy by making democratic institutions systematically responsive to reasons, not just the weight of numbers or the power of interests. The systems approach to deliberative democracy was taken up because no single institutional innovation can achieve that goal on its own. While the study of deliberation in parliaments and democratic innovations has been very rich and rewarding, it has become obvious that all institutions do their work in context (Parkinson 1999: 171). Besides, one of the key motivations behind the systemic turn in deliberative theory is to put the democracy back into deliberation because of concerns about the democratic possibilities of isolated mini-publics both in principle and in practice in modern technocratic states (Parkinson 1999: 152).

2.4.1 Benefits of the Deliberative System Approach

Thinking in terms of a system offers several advantages. First, it expands the scale of analysis beyond the individual site and allows for thinking about deliberations that develop among and between the sites over time (Parkinson and Mansbridge 2012: 2). Second, a systemic approach introduces into the analysis large contextual issues and broad systemic inadequacies that have an impact on individual sites and shape the possibilities of effective deliberation (Parkinson and Mansbridge 2012: 3). Third, a systemic approach allows one to analyze the division of labor among parts of a system, each with its different deliberative strengths and weaknesses, and to conclude that a single part, which in itself may have low or even negative deliberative quality with respect to one or several deliberative ideals, may nevertheless make an important contribution to an overall deliberative system (Parkinson and Mansbridge 2012: 3). I would, however, add that the inverse situation is also possible and an event that might have good deliberative qualities in itself can also have a negative effect on a broader deliberative system.

Parts of a system may have relationships of complementarity or displacement. In a complementary relationship, two venues, both with deliberative deficiencies, can each make up for the deficiencies of the other. Thus an institution that looks deliberatively defective when considered on its own can look beneficial in a systemic perspective (Parkinson and Mansbridge 2012: 3). For example, some politically partisan media are of very low deliberative quality, but in conjunction with other media of equally low deliberative quality bring out information and perspectives that television stations or newspapers aiming at the middle of the road do not raise or address. Similarly, activist interactions in social movement enclaves are often highly partisan, closed to opposing ideas, and disrespectful of opponents. Yet the intensity of interaction and even the exclusion of opposing ideas in such enclaves create the fertile, protected hothouses sometimes necessary to generate counter-hegemonic ideas. These ideas then may play powerful roles in the broader deliberative system, substantively improving an eventual democratic decision (Parkinson and Mansbridge 2012: 7). What might be considered low quality or undemocratic deliberation in an individual instance might from a systems perspective contribute to an overall healthy deliberation. For example, not every group that participates in the democratic deliberation of the whole society need be internally fully democratic (Parkinson and Mansbridge 2012: 12). At the same time, it is still important to at
least partially adhere to deliberative democratic principles externally since if such a group speaks in an aggressive manner it might close the window for communication rather than contribute to further dialogue (Warren 2006).

What is less emphasized by Parkinson and Mansbridge, while being at the same time more important in the context of the current study, is that some deliberatively democratic initiatives – at least as assessed based on certain criteria – may also have negative effects on the broader deliberative system. This logic is more in line with what I present in the empirical sections of this dissertation while arguing that seemingly democratic factors may also lead to anti-deliberative effects in other parts of the broader deliberative system. Parkinson and Mansbridge provide an example of a well-designed mini-public that can look deliberatively exemplary, but at the same time be less beneficial from a systemic perspective if it displaces other useful deliberative institutions like partisan or social movement bodies (Parkinson and Mansbridge 2012: 12). Similarly, pro-democratic, inclusive and open within themselves colour revolutions can lead to negative effects in a broader deliberative system as I discuss in chapter 3.

The deliberative capacity of different locations may certainly vary within a political system – yet, as Dryzek points out, low capacity in one venue may be compensated by higher capacity in another. Conversely, high deliberative quality in one forum may undermine the quality in another (Dryzek 2009: 1388). Still, since the venues interact with each other within the system, it is plausible that there is a spillover effect, i.e. high capacity in one location inspires other locations in a positive way. As Dryzek concludes, we may certainly focus on the deliberative capacity of different locations or elements – yet, while observing single units, “we should always keep our eye on whole systems” (Dryzek 2009: 1388).

Most conceptions of deliberation attempt to distinguish deliberative interaction from other non-deliberative forms of action in which coercion, pressure, or strategic payoffs are the dominant force rather than reason-giving and persuasion on the basis of relevant considerations (Parkinson and Mansbridge 2012: 17). Deliberation is about genuine persuasion, not pressure. Non-deliberative pressure may come in many forms. Two of the most difficult for deliberative theory involve money and protest. Both paying people to agree with you and disrupting normal activity until you get your way appear to violate the very core of deliberative persuasion. But money and protest can be effective political tools to advance important social and political causes. When protest explicitly or implicitly threatens sanctions or imposes costs, it acts as a form of coercion. The slogans protestors use to incite enthusiasm and convey a dramatic message also often undermine epistemic subtlety. Finally, protest sometimes involves levels of disruption and contestation that reduce mutual respect and full inclusion. Could such apparently anti-deliberative behaviors ever enhance the deliberative system? From a systemic perspective, the answer sometimes will be yes. Protest contributes to the deliberative system most clearly as a remedial force introduced to correct or publicize a failure or weakness in fulfilling any or all of its key functions (Fung 2005). Protest can facilitate and promote the circulation of useful information, it can facilitate and promote ethically respectful interactions among citizens, and it can begin to correct inequalities in access to influence by bringing more voices and interests into the
decision-making process (Parkinson and Mansbridge 2012: 18). In any given real political situation, levels of civility may have to go down in order for levels of inclusion to go up. Sometimes non-deliberative means will be required in order to make the deliberative system as a whole more responsive (Parkinson 1999: 159). Thus protest enhances the deliberative system if it can be reasonably understood as giving voice to a minority opinion long ignored in the public sphere, or as bringing more and better important information into the public arena (Parkinson and Mansbridge 2012: 19). This aspect of deliberative systems theorizing is particularly relevant for the analysis at hand since both Georgia and Ukraine underwent crucial people's protests, discussed in detail in chapter 3 of this dissertation.

2.4.2 Object of Analysis

What is then the object of attention in the framework of the deliberative systems approach? The analysis applies to all governmental and non-governmental institutions, including governance networks and the informal friendship networks that link individuals and groups discursively on matters of common concern (Parkinson and Mansbridge 2012: 8). The criteria for inclusion into a deliberative system are that the discussions in question involve matters of common concern and have a practical orientation (Parkinson and Mansbridge 2012: 9).

Deliberative systems include, roughly speaking, four main arenas: (1) the binding decisions of the state (both in the law itself and its implementation), (2) activities directly related to preparing for those binding decisions, (3) informal talk related to those binding decisions and (4) arenas of formal or informal talk related to decisions on issues of common concern that are not intended for binding decisions by the state (Parkinson and Mansbridge 1999: 9). This framework of analysis is permissive in terms of including such diverse subjects as colour revolutions, institutional reforms and international discourses into the deliberative democratic study.

2.4.3 Functions of a Deliberative System

Parkinson and Mansbridge identify epistemic, ethical and democratic functions of the deliberative system. The epistemic function of a deliberative system is to produce preferences, opinions and decisions that are appropriately informed by facts and logic and are the outcome of substantive and meaningful consideration of relevant reasons. A well-functioning deliberative system is one in which relevant considerations are brought forth from all corners, aired, discussed and appropriately weighed. Locations in which this weighing occurs may or may not manifest publicity, although the absence of publicity often limits deliberative capacity.

A primary ethical function of the system is to promote mutual respect among citizens. Prudentially, mutual respect helps keep the deliberative system running. It serves as the lubricant of effective communication. Ethically, mutual respect among human beings is a good in itself. Mutual respect is also an ethical requirement among democratic citizens. The moral basis for mutual respect in democracy is grounded on the idea that citizens should be treated
“not merely as objects of legislation, as passive subjects to be ruled, but as autonomous agents who take part in the governance of their society, directly or through their representatives” (Gutman and Thompson 2004). To deliberate with another is to understand the other as a self-authoring source of reasons and claims. To fail to grant to another the moral status of authorship is, in effect, to remove oneself from the possibility of deliberative influence. By the same token, being open to being moved by the words of another is to respect the other as a source of reasons, claims and perspectives. Other goods are closely linked with mutual respect. Mutual respect, for example, implies non-domination, because relationships of domination have already short-circuited mutual respect and, with this, deliberative influence (Parkinson and Mansbridge 2012: 11).

The third function is to promote an inclusive political process on terms of equality – a democratic function. The inclusion of multiple and plural voices, interests, concerns and claims on the basis of feasible equality is not simply an ethic added to democratic deliberation; it is the central element of what makes deliberative democratic processes democratic. Who gets to be at the table affects the scope and content of the deliberation. For those excluded, no deliberative democratic legitimacy is generated. In short, a well-functioning democratic deliberative system must not systematically exclude any citizens from the process without strong justification that could be reasonably accepted by all citizens, including the excluded (Parkinson and Mansbridge 1999: 12).

Thus the ideal of a deliberative system, then, is a loosely coupled group of institutions and practices that together perform the three identified functions: seeking truth, establishing mutual respect and generating inclusive, egalitarian decision-making. These functions are relevant for my study as I use them to assess the deliberative capacity in the two cases.

2.4.4 Barriers to Deliberative System

Parkinson and Mansbridge identify five pathologies that keep political institutional arrangements from approaching more closely the deliberative ideal in the system as whole: tight- coupling; decoupling; institutional domination; social domination; and entrenched partisanship (Parkinson and Mansbridge 1999: 22). Tight coupling refers to situations when all deliberative niches are driven by the same logic (for example, nationalism). Yet in practice such cases are infrequent. This was never a problem in the case of Ukraine, given the immanent diversity of attitudes within the Ukrainian society. In Georgia, however, this might characterize a short period of time when a right-wing force gained power after the dissolution of the Soviet Union and this causes far-reaching consequences in terms of ruining the existing deliberative space between the communities.

A second defect in the deliberative system arises when the parts of the system become decoupled from one another in the sense that good reasons arising from one part fail to penetrate the others or, in Dryzek’s terms, there is no transmission between the deliberative spaces. Ideally, one would expect the large parts of a deliberative
system to converge over time to accept good reasons, at least provisionally, even as each part is open to different considerations in the process of converging (Parkinson and Mansbridge 1999: 23). In Ukraine decoupling was a problem as NGO and academic community experts were much more progressive and pro-deliberation over the years of Ukraine’s independence than the state agencies were. In Georgia, with the pro-reform government coming to power, reforms were conducted in some areas having to do with excess bureaucracy and corruption, yet were not in others more related to democratic, let alone deliberative democratic ideals.

The problem of institutional domination (or in a weaker form, undue influence) appears most starkly in authoritarian societies where a state, party, or leader controls not only the government but also the media and even civil society organizations (Parkinson and Mansbridge 1999: 24). This type of problem used to be highly relevant for both Georgia and Ukraine for some lengthy periods of time.

A fourth and related pathology of the deliberative system is social domination. It arises when a particular social interest or social class controls or exerts undue influence over many parts of the deliberative systems. Those who possess and control wealth, for example, exercise disproportionate influence in most, if not all, capitalist democracies (Parkinson and Mansbridge 1999: 24). This again is very characteristic of both Ukraine and Georgia during certain years when the political elite in control of all the public space were simultaneously the richest groups in their respective societies.

Finally, there is a problem of entrenched partisanship. The deliberative system suffers when citizens, legislators and administrators are so divided by ideology, ethnicity, religion, or any other cleavage, that they will not listen to positions other than those emanating from their side. Yet if these audiences are themselves zealously polarized or otherwise non-deliberative, the arguments fall on deaf ears or reach only the already convinced. Acts of civil disobedience contribute to deliberation by causing an audience to reconsider the justice of its positions. If that audience is unreceptive to reasons because it has already made up its mind or has decided not to think more about the question, civil disobedience will not advance public deliberation (Parkinson and Mansbridge 1999: 24). This is exactly the problem in the Ukrainian case where representatives of opposing positions tend to be deeply entrenched in their positions and limit their exposure to friendly sources, groups and individuals.

### 2.4.5 Criticism of the Deliberative Systems Approach

As was mentioned, the deliberative systems approach is loosening what counts as reasoning together. Parkinson elaborates that millions of people can indeed reason together if by ‘reason’ we mean narrating and claim making in a way that is ‘decision-oriented’; and if by ‘together’ we mean ‘on the same topic’ and ‘in the same, broad

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61 “Decision-oriented” is used in the broad terms as used by Simone Chambers (2012) meaning that deliberation can be connected to the process of decision-making even if only through helping citizens to formulate their
communicative system’. An important objection, however, arises here: if everything is deliberation, then deliberation means nothing any more, and contributes nothing to our understanding of democracy (Bächtiger et al. 2010: 48). To Parkinson (1999) that objection is clearly overstated in this form. The ‘reasons’ criterion filters out a great deal of everyday talk (Niemeyer 2011), but it does not remove problems of insincerity and manipulation, so a modification of the objection still stands. A system with a division of labor is deliberative to the extent that it increases the pool of perspectives, claims, narratives, and reasons available to decision-makers. While whether those perspectives are generated deliberatively or not is not crucial so long as the decision-makers’ processes themselves are deliberative - and this is indeed the line that Bächtiger et al. (2010) take, distinguishing between communication that is an input into deliberation and deliberation itself (see also Parkinson 2006a: 171) (Parkinson 1999: 154). Deliberation on this account still has some analytic weight - it is not all things to all people - but it becomes a means to an end rather than an end in itself (Parkinson 1999: 159). This is the meaning in which deliberation is used in this study. While it is impossible to speak of authentic full-scale deliberation in the cases, we can assess how communicative incentives in different areas - such as people’s protests, institutional reforms or international discourses - impact the overall deliberative system and the deliberative capacity it contains.

2.5 Deliberative Capacity

More specifically, the deliberative systems approach calls for assessing the deliberative capacity of certain systems. Hendricks et al. (2007) use deliberative capacity to refer to the potential for a forum to reach the deliberative democratic ideal - that is, a communicative process in which participants are considered equals and open to having their preferences shaped and transformed through reflective public reasoning (Benhabib 1996, Cohen 1989). According to Dryzek, deliberative capacity (DC) is the extent to which a political system possesses structures to host deliberation that is authentic, inclusive and consequential (Dryzek 2009: 1385).

For Hendrick et al. (2007) the deliberative democratic ideal has at least two aspects: a diversity of viewpoints and openness to preference shifts. Diversity ensures that the issue under deliberation is considered from multiple angles. It also reduces the likelihood of enclave deliberation among like-minded people, where views are strengthened rather than questioned (Sunstein 2000, 2002). In turn, openness to preference shift is crucial as deliberators need to be flexible enough to have their perspectives enlarged and even transformed (Gutman and Thompson 1996: 174, in Hendricks et al. 2007: 366). Thus, deliberative capacity according to this should include such elements as diversity representation, equality and motivation for attitudes shift.

Dryzek’s (2009: 1385-6) account deliberative capacity includes five elements. The first element is the vibrant public space that features a diversity of viewpoints. It can be expressed, for example, through media, social movements,
activist associations, physical locations where people can gather and talk (cafes, classrooms, bars, public squares), the internet, public hearings, and designed citizen-based forums (Dryzek 2009: 1385), whose central function is bringing issues onto the agenda. The second element is empowere...d space - meaning space for actors, recognizably part of institutions producing collective decisions like legislatures, a corporatist council, sectoral committees, a cabinet or a constitutional court (Dryzek 2009: 1385). The third element is transmission of influence from public space to empowered space realized through political campaigns, the deployment of rhetoric, the making of arguments or cultural change effected by social movements (Dryzek 2009: 1385). In other words, transmission refers to the sensitivity of the state towards inclusion of minority issues and positions. The fourth element is accountability of empowered space to the public space, which is key to the generation of broad deliberative legitimacy. Finally, the fifth element is decisiveness – meaning that the first four elements are consequential in terms of influencing the content of collective decisions.

A system with high deliberative capacity features authentic deliberation in the first four elements, it is inclusive in the first two, and it is decisive. These five logical requirements constitute a starting point for the description and evaluation of all real-world deliberative systems and their comparison across space and time. It is in this sense that deliberative capacity provides the basis for a comprehensive approach to the study of democratization according to Dryzek (2009). Democratization requires the development of all five of these elements, but it does not necessitate any specific institutions, be they competitive elections or a constitutional separation of powers. Thus, some of the problems that democracy promotion has when tied to an aggregative electoral blueprint can be avoided (Dryzek 2009: 1387). Deliberation may also be found within the situation of crisis, for example in negotiations between the old regime leaders and their opponents (Dryzek 2009: 1389). All these elements inform my criteria for assessing the deliberative capacity in the cases. However, it is also important to emphasize that in this work I understand deliberative capacity in a more comprehensive way than Dryzek does. Specifically, whereas Dryzek’s deliberative capacity is focused on institutions and formal structures that make potential deliberation possible, I also include the “human dimension” into the concept of deliberative capacity - namely, people’s readiness, willingness and ability to exercise deliberative behavior. That is why in addition to the discussion of macro-level factors like colour revolutions (chapter 3), and meso-level factors like institutional design (chapter 4), I also include the micro-level factor of people’s attitudes to dialogue and to each other (chapter 5) into the picture.

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62 Although treating consequentialism as one of the components of deliberative capacity has been criticized by Lundell (2012).
2.6 Ethnic Mobilization and Deliberative Capacity

While approaching the issue of inter-cultural tension from a deliberative democratic standpoint, I also find that an analysis of the existing theories of ethnic mobilization is necessary. It is even more necessary given the fact that I do not suggest an entirely new explanation of ethnic tension, but rather reframe some of the already existing explanations in a new way, by looking at them through a deliberative democracy lens.

There is a variety of theories explaining why ethnicity issues become mobilized. One of the most widespread theories focuses on elite entrepreneurs who in turn may use institutional mechanisms, crucial events or supranational forces, such as international discourses or threat messages, in order to achieve the goal of ethnicity mobilization. In addition, a “removal of the authoritarian lid” factor is often mentioned in the post-Soviet context. In what follows I first review the theories of ethnic issues mobilization and then look at them through a deliberative lens suggesting the deliberative democratic account of ethnic mobilization.

2.6.1 Ethnic Entrepreneurship

This approach to the issue of ethnic identity mobilization is grounded in rational choice theory. According to O’Flynn (2007: 736), playing on the fears and prejudices of group members often brings attractive electoral gains for more extreme parties as studies on many cases, for example Northern Ireland or Bosnia, testify. Thus, self-interested political actors treat ethnic identity as a fertile ground for growing electoral dividends. Snyder (2000) argues that the introduction of elections – in other words, democratization – is an important predictor of ethnic tensions because of identity mobilization by entrepreneurs at election times. He observes that in partially democratized regimes authoritarian elites feel threatened by greater democracy. Therefore, they have an incentive to use the levers of government and their control over the economy and mass media to sell exclusionary nationalism to their populations as a way of gaining popular legitimacy in lieu of further democratization (Snyder 2000). Przeworski et al. (1995: 21) add that imperfect media markets characterized by partial monopolies, ethnically segmented audiences, journalists with little sense of ethics or professionalism, and government manipulation make it easier for worried authoritarian politicians to stop democracy in its tracks with overheated “us versus them” nationalist appeals.

In this framework candidates not only adjust platforms for them to fit the median voter according to the Downsian model (see Downs 1957), they also try to form the popular preferences, or reinforce some of the already existing preferences to later address them in an electoral program. Brubaker (1996) argues that ethnic issues are among the most easily mobilizable. Therefore, it is much easier to make ethnicity salient in order to win the elections

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63 This is rooted in three factors. First, ethno-cultural identity is emotional and connected to the deepest human values such as self-esteem and justice. Second, the ethno-cultural issues are easy to use: virtually any problem
than to reinforce certain economic or other less emotional preferences. Thus not only does a convergence of programs make pragmatic sense for politicians but also a programs’ divergence; such divergence differentiates the parties to ensure the stability of their electorates and prevent the constituency from switching to other parties. In case of program divergence not only party programs move towards the median voter, but the preferences of the voters are also being influenced. Such influence through framing and information distortion increases the salience of certain issue for the voters and thus moves the median itself towards the program the party is offering and not vice versa. Finally, increasing the salience of certain preferences among the electorate not only shifts the distribution of voters but also changes the voters’ activism - for example, in terms of turnout - which brings its own electoral dividends. A special kind of ethnic entrepreneurship is the use of minorities by their kin-state in order to influence internal processes in or bilateral processes with the country of citizenship of that minority. In the Ukrainian case, this mechanism is especially relevant due to the powerful neighbouring kin-state of the largest minority, the Russians.

Ethnic entrepreneurship is a plausible explanation of ethnic identity mobilization in post-Soviet Ukraine. In Ukraine, oligarchic parties, given both their media and administrative control over parts of the population, have had the opportunity to reinforce the language and other ethnicity-related cleavages; therefore, this theory should be taken seriously in the case of Ukraine. It provides a basic assumption about the rationalistic elites’ behaviour and illuminates the mechanism of elite manipulation. Focusing on the strategies of regional political mobilization employed by elites and society and their cumulative role during state-building and democratization, this theory moves the discussion beyond the reification of ethnic, linguistic and socio-economic differences and their respective effects at a particular moment of time (Sasse 2010: 105).

2.6.2 Event-based Sociology

The other constructivist theory of ethnic identity mobilization comes from the sociological tradition and is known as an event-based approach (Beissinger 2002, Brubaker 1996). “Does nationalism develop or happen?” is the central question Brubaker asks. He observes that a lot of work was done on the first - developmental - version of nationalism, for example by E. Gellner, B. Anderson, A. Smith and E. Hobsbawm, and this understanding is taken for granted by democratization theory. However, the second - “happening” - version of nationalism is studied less extensively (Brubaker 1996: 17-18).

An event-based account emphasizes the sudden crystallization of vision and the basis for individual and collective action (Brubaker 1996: 19). An approach that takes nationalism as an event may be dated back to Fernan Braudel’s
“Historie es Sciences Sociales” (1958) where he distinguishes structural, conjectural and eventful history. The first one refers to geologic, geographic, social and mental structures that change glacially. The second deals with economic and demographic cycles that change over decades rather than centuries. Finally, eventful history is related to the ephemera of politics (Sewell 1996: 271). Building on this, Sewell (1996) writes that besides teleological and experimental there is also a third - eventful - temporality in historical sociology. He argues the first two to be largely misleading and encourages more extensive use of the subversive eventful notion of temporality, which sees history as determined by a succession of largely contingent events (Sewell 1996: 247). Teleological argument takes “crucial past events as a pure origin that contains the entire future social system in potential” while robbing events that occur subsequently of their efficacy and “reduc[ing] their status to the inevitable future” (Sewell 1996: 251). Concerning experimental reasoning (e.g. comparative method) Sewell argues that finding equivalent logics in several cases means that those cases “can be narrated convincingly in terms of the operation of analogous causal processes.... [N]arratives based on these analogies make sense of numerous details that otherwise would seem purely accidental” (Sewell 1996: 262). In contrast, eventful temporalities recognize the power of events in history. The approach denies the assumption that causal structures are uniform through time, but assumes that events are normally path dependent and have power to transform social causality (Sewell 1996: 262-263). In fact, it can happen as a result of elite-spurred events thus connecting this and the previous theoretical perspective.

Brubaker continues this tradition of event-based sociology and puts forward an argument that nations and nationalisms neither exist in the primordial sense of the word, nor develop gradually over a long period of time; instead they simply happen as a result of certain crucial events. Nationalism is not a force to be measured in terms of strength. It is rather a set of nation-oriented ideas and practices that are “endemic” in modern society. The question is rather “how”, not “with what strength” nationalism operates (Brubaker 1996: 10). The main question being asked by the eventful approach is not whether nationalism was present, not whether it was strong or weak, but how it happened, through what mechanism it broke out in certain situations (Brubaker 1996: 20). Brubaker is concerned with the fact that although the mainstream academic community agrees that nation is not a real entity, the deep traces of such understanding can nevertheless be found in the discourse of the majority of contemporary authors. He emphasises that nation is not a substance but an institutional form, not a collectivity but a practical category, not an entity, but a contingent event (Brubaker 1996: 16). For him, nation and nationalism are categories of practice, not of analysis (Brubaker 1996: 14), and therefore to say that nationalism led to a certain outcome is not analytically sufficient. Calhoun (1992: 359) agrees saying that identity is a changeable product of collective action rather than its stable underlying cause. Nationalism is induced by political fields, governed by properties of those fields, not properties of collectivities (Brubaker 1996: 17). Thus Brubaker (1996: 21) states that there is a need for looking at nationalism without nations, and Calhoun (1992: 399) similarly urges to look at nationalism as a generative discourse.
Although this sociological perspective primarily targets the level of wide masses, it can also be useful for studying the elites’ strategies since those elites both depend on masses and are parts of the masses themselves. The limitation of this theory is, however, that it leaves structural factors without attention, while pervasive evidence demonstrates that institutions and other structural forces have an effect (even if partial) on social reality.

2.6.3 Perceived Threat

The next constructivist approach is closely tied to psychology and speaks of ethnic identity mobilization (up to engagement in an ethnic conflict) driven by a perceived threat from the other. Social psychology argues that a non-rational human tendency is that external threat increases in-group cohesion (Coser 1956). Thus a perceived threat from the out-group, such as a hate-speech by an official or a social movement under antagonistic slogans may mobilize the otherwise latent ethnic community. This in turn can be utilized by political elites, who respond to the expression of threat and thereby gain votes.

This approach is especially fruitful in the context of such issues as the international threat from Moscow (a threat credible both in the Ukrainian and Georgian contexts) or the nationalizing policies of Kyiv or Tbilisi. Another example is the victory of an extreme right party in local elections in the Ternopil region of Ukraine, which led to increased national sentiment (both Ukrainian and Russian) and this in turn caused a chain reaction that led to greater ethnification of the political rhetoric in general. The mechanism of threat is very much present in the political rhetoric of both Georgia and Ukraine. However the intensity of rhetoric is stronger in Georgia, while the frequency is higher in Ukraine. Notably, such threat messages shut off the communication window almost entirely.

In line with this argument, Kymlicka agrees that demands for minority rights must be seen in the context of, and as a response to, state-led nation-building (Kymlicka and Opalski 2005: 50) expressed in actual or perceived injustices that arise in the course of majority self-determination as a nation (Kymlicka and Opalski 2005: 61). Most of the cases of minority separatism in the late 1980s – early 1990s in the former Soviet Union (Azerbaijan, Georgia, Moldova, Ukraine) were initially a response to majority nation-building projects initiated by the republics (Ethnobarometer 1999, in Kymlicka and Opalski 2005: 60).

At the same, time the events of the 2008 Russia-Georgia war and the 2014 annexation of part of Ukrainian territory by Russia also demonstrate that objective international threats can also mobilize ethnic communities and preclude the otherwise possible communication between ethno-cultural groups within the states.

2.6.4 Institutional Effects

Another constructivist theory that explains ethnic mobilization and is thus related to deliberative capacity is institutional design. Electoral systems, party systems, the format of the executive power and territorial autonomy
are most often discussed in this respect. The debates in institutional design, namely among the adherents of consociationalism and centripetalism, demonstrate that there is no clear model of dealing with ethnic tension that would be incontestably superior to the others. It is clear that the effective model used and the specific institutions as elements of that model depend heavily on a certain case’s context. In view of this deliberative democracy is even more relevant because it is open-ended and anti-universalistic in its content. A scholar of institutions of deliberation, Michael James (2004), observes that normative approaches to inter-group justice often commit three oversights: (a) they ignore internal diversity, (b) they are inattentive to shifts of boundaries and (c) they ignore that these shifts can occur through different modes. He, therefore, calls for a contextual deliberative approach to dealing with inter-group injustices as well (James 2004: 21-22).

Institutional design is an area of lively and detailed debates, which are presented in greater depth in chapter 4 of this dissertation. Here it suffices to say that some authors suggest proportional representation as an electoral system most conducive to deliberation (Lijphart 1990, Schneider and Waideman 2005, Schneider 2008), while others suggest that this system creates dangers for deliberation (Tsebelis 1990: 309, Barry 1975, Pierson 2004: 158). Similarly, some stand for territorial autonomy as a route to a better deliberation (McCulloch 2014), while others call such segmental autonomy a barrier to deliberative capacity (Dryzek 2009). There is also a lack of consistency in the assessment of the executive structures with respect to their effects on ethnic polarization. On the one hand, it is argued that presidency is divisive as it necessarily leaves a group or some groups as losers in the political process (Steiner 2013). However, there are also exceptions to this. A president, who is a wise moderate politician, may on the contrary be an actor that maneuvers between the opposing sides, as happened in the case of president Kuchma in Ukraine. Moreover, if the executive is elected by a centripetal electoral rule – that is, by representatives of both opposing groups - s/he may also represent a compromise rather than enhance ethnic division (Horowitz 2000).

2.6.5 Side-effect of Democratization

The usual explanation of ethnic mobilization and ethnic conflict in the post-communist region is the “unfinished business” or the “ancient hatred” argument (Sasse 2007: 3). This view states that the primordial antagonism between the various communities was effectively suppressed by the communist government that has covered these processes with the “lid” of an authoritarian regime and disabled their development. After the “lid” of the communist regime that used to cover all the inter-ethnic differences was removed, political elites received the opportunity to express the long dormant popular desire for ethnic self-expression (Bremmer and Taras 1996). Partly, this understanding is rooted in the socialist propaganda of the Soviet government itself as it tried to account for its achievements in the social sphere.
Nevertheless, as conflicts were renewed after the fall of the Soviet Union, the argument was made that socialism had not solved the so-called “nationalities issue” but only preserved it under the surface. When the communist lid was removed the ethnic communities gained an opportunity to engage in self-determination expressed both in peaceful and violent terms. Snyder (2000) therefore considers post-communist democratization a major predictor of an ethnic conflict. Kymlicka in a similar vein argues that ethnic mobilization can be increasing simply because there is an opportunity for that. One of the Georgian respondents has referred to this theory saying that “Under the Soviet power all these issues were suppressed, there were some established norms, some clichés: some natural, some not so natural. And now is the time when all that is expressed and returns to some normal balance due to the democratic transformations.”

This view is attractive due to its parsimony. Yet its weakness is in its low leverage in explaining variation. For instance, why did ethno-cultural issues play out differently in the Caucasus, the Baltics, Central Asia and Ukraine? Definitely, there must have been additional factors besides the opening of the lid that spurred such diverse outcomes. As Mark Beissinger (2002) has put it “the typical Pandora’s box metaphor often used to describe the collapse of the Soviet Union does not hold true, since in quite a number of cases the demons refused to leave the box or did so under the influence of the actions of others”. The same holds true in the post-communist period as well (in Sasse 2007: 3). Sasse (2007) through her study of the Crimean case demonstrates what Beissinger did statistically: that the same structural conditions correlate with both violent and non-violent scenarios (Beissinger 2002: 280-281).

2.6.6 International Discourse

Another possible explanation for ethnic issues mobilization is international multiculturalism discourse – which is treated more thoroughly in the respective chapter. This refers to the adoption of international multicultural rights discourse by politicians and social movement leaders, which led to further ethnification of social demands and political campaigns.

Being a founding member of the United Nations and having a long-lasting Soviet experience of paying lip-service to the international community, the Ukrainian Parliament has ratified all the major international legal documents on ethnicity rights such as the Framework Convention for National Minorities (FCNM) (1995), the OSCE Copenhagen

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64 Personal communication, May 2007.
65 Anonymous no. 10
66 Since the late 1990s a number of violent conflicts occurred in the former Soviet Union: Nagorno-Karabakh in Azerbaijan, Abkhazia and South Ossetia in Georgia, Ferghana in Uzbekistan, Northern Ossetia (Ingushetia) and Chechnya in Russia, Transnistria in Moldova, conflicts in Tajikistan and Yugoslavia. At the same time at least eight potential conflicts did not occur: Crimea in Ukraine, Tatarstan and Bashkortostan in Russia, Gagauzia in Moldova, Ajaria in Georgia, North Kazakhstan, parts of Estonia and Latvia (Sasse 2007: 3, 23).
Declaration (1990) and a number of its Recommendations (such as Oslo, Hague and Lund), and the Charter for Minority and Regional Languages, among other documents.

An argument can, therefore, be made that the ideas contained in these international documents - even if ratified with mixed reasons - have been gradually adopted by the political actors with either normative or rationalist motivations. A normative motivation would be in complying to the letter and spirit of these norms because it is right to do so. The rationalist motivation would be in using such compliance for pragmatic reasons. For example, regionally based politicians in Ukraine refer to the experience of European states and to the norms of European and international law in order to justify a need for greater decentralization and federalism in Ukraine. Similarly, they use Western examples of multiple state languages. These and other examples are discussed in greater length in a chapter about the international effects on deliberative capacity.

In addition, the diffusion of certain ideas is part of the Europeanization process and Ukraine declared integration with the European Union (EU) as its foreign policy priority, similarly to Georgia, which also aspires to integration with the Western structures. One of the mechanisms of Europeanization is conditionality on the part of the EU that requires its neighbour states to meet certain human rights criteria in order to maintain positive dynamic in bilateral relations. Notably, European conditionality has helped to reverse the highly discriminatory policies against minorities in Estonia and Latvia.

2.6.7 Deliberative Capacity in Discussed Factors and the Core Argument

In building the argument, I rely on a number of theories from among the ones reviewed above on ethnic mobilization. At the same time, I am bringing in elements of deliberative democratic theory into this analysis. In looking at the discussed distinct factors, I consider what it is about these factors that affects ethnic mobilization in a particular way. I suggest that deliberative democratic elements, such as inclusion, moderation and reciprocity, among others, matter for the outcome.

Attention to deliberative theory of democracy is especially relevant in a constructivist framework, which is followed here. Adler (2002: 103) emphasizes the central role of speech-acts to the process of social construction. Therefore, while looking at identity from a constructivist perspective, it is impossible to bypass the issue of deliberation. Moreover, besides being a useful theoretical framework for identity studies, deliberative democratic

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67 Integration with the EU used to be an official policy of Kyiv throughout the years of independence. It was briefly disrupted by an unexpected refusal by the ex-president Yanukovych to sign the association agreement with the EU in November 2013. This led to massive anti-governmental protests called EuroMaidan as a result of which Yanukovych was forced to flee the country and a newly formed government restored the pro-EU foreign policy orientation by signing the political association with the EU in March 2014.
Deliberative democracy conditions may be embodied in a variety of formal and informal institutional settings. Yet, certain institutional arrangements are more conducive to intergroup communication than others. This is true about the electoral systems, the forms of territorial organization, the structure of the executive, and party systems. For example, the electoral mechanism of ethnification - ethnic outbidding - represents a lack of looking for reasons that appeal to the other.

Other factors of ethnicity mobilization can also be looked at through the lens of the deliberative approach. Ethnic entrepreneurship is built on the principles of exclusion of the other, isolation of in-group members, restricted information and formulation of unreasonable claims that are not formulated in such a way that the other can understand. Elites distort free communication and purposefully violate principles of deliberative discourse for ethnification to happen. All these features degrade the deliberative space between the members of society and thus promote confrontation instead of cooperation. Significant events, such as colour revolutions, also shift the deliberative balance. It can be argued that in a way the Orange Revolution in Ukraine has created a communicative space for the representatives of same identities, yet simultaneously deepened the divide between the groups. The theory of threat can also be conceptualized in deliberative terms. Warren (2006) argues that although deliberation is about talking, certain kinds of things should not be said in a deliberative realm, since certain kinds of speech-acts close off the opportunity for further communication instead of enhancing it. Following this logic, a message of threat can be seen as this kind of a communication-stopper, which thereby leads to ethnic identity mobilization. Even speaking of the side effects of democratization, or ‘the removal of the authoritarian lid’ argument, it is also true that the grievances that became expressed during post-communism are related to the lack of deliberation opportunities in the previous period of time.

Notably, the scholarship explaining peaceful socio-political development in post-Soviet Ukraine can also be summarized in a deliberative democratic framework. Thus the first factor of peaceful post-communist development in Ukraine is argued to be the inclusion of minorities into mainstream parties (Protsyk 2009). This finding is also supported by Moser and George (2009) who find that ethnic minorities in Ukraine were represented proportionally to their numbers in society and even overrepresented in the case of Russians. While Protsyk himself used this fact to explain the marginality of classical ethnic parties Ukraine, it can also be one of the reasons for peaceful interethnic relations up until 201468.

68 The Russian annexation of Crimea and invasion into Eastern Ukraine is not considered as a part of internal Ukrainian societal processes and therefore violence between the Ukrainians and the Russian representatives in the Donetsk and Luhansk regions is seen as an opposition between the Ukrainian army and foreign state
The second explanatory factor for peaceful outcome in Ukraine is argued to be the low salience of ethnicity due to a variety of factors (Protsyk 2009, Moser forthcoming, Smith et al. 1998, Simonyi 2009, Recktenwald 1999, Sasse 2007). This feature can also be treated as a contingent factor that facilitates moderation. When ethnicity is less salient than socio-economic issues, for example, there are possibilities to establish rapport between groups working on such common ground issues and thus to be more open towards one another when it comes to ethno-cultural issues.

And thirdly, the peaceful outcome in Ukraine is also argued to be tied to the pragmatic attitudes on the part of official Kyiv that was ready to bargain over cultural issues rather than launch a straight nationalizing campaign (Sasse 2007: 8). Similarly, Halchynskyi observed that the Crimean crisis of 1994, when Crimea was threatening secession from Ukraine, was successfully resolved due to the moderate stance of the newly elected president Kuchma (Halchynskyi 2005: 63), who used pragmatic and conciliatory rhetoric instead of a highly emotional and nationalism-driven appeal. This factor can be seen as the feature of reciprocity, which is one of the central values in deliberative democracy.

Finally, speaking of the international discourses theory, as multicultural discourse became more globalized, the need for the expression of ethno-cultural identities (genuine or instrumentally driven by ethnic entrepreneurs) became more pronounced and thus the importance of deliberative capacity grew. In other words, the global diffusion of multiculturalism, speaking in Kymlicka’s terms, has created a demand for greater deliberative capacity that would allow groups to express and negotiate their newly formulated identity claims.

To conclude, each of the reviewed theories of ethnic mobilization make a valuable contribution towards understanding the nature of inter-cultural relations. Yet, while building on this literature, I suggest going beyond these arguments and propose that the crucial underlying force that affects the unfolding of inter-cultural relations is the kind of communicative space created by the combination of elites’ efforts (including the changes in institutional design), contingent events and international discourses. Thus, high deliberative capacity, embodied in a variety of practical manifestations discussed later in this work, leads to peaceful inter-ethnic relations, while a deficient deliberative capacity constitutes a pre-text to ethnic tension and conflict.

The fact that each of the discussed factors of ethnic mobilization has a deliberative capacity dimension leads to the main argument of this study. Although usually factors of ethnic mobilization, such as colour revolutions or international discourses, are typically discussed as independent variables, I move further by exploring what it is about all of these factors that affects political rhetoric in terms of its radicalization. I argue that the extent to which deliberative capacity is enabled by these separate factors is the underlying cause effecting ethnic identity
mobilization and the ethnification of socio-political rhetoric. In other words, it is not just the separate events that matter, but rather their effect on the deliberative capacity of the system overall (Figure 1).

Figure 1. Mechanism of causal argument.

<table>
<thead>
<tr>
<th>Polarizing institutions</th>
<th>Decrease in deliberative capacity of a system</th>
<th>Ethnic mobilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generic international norms</td>
<td></td>
<td></td>
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<tr>
<td>Ethnic entrepreneurship</td>
<td></td>
<td></td>
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<tr>
<td>Threat</td>
<td></td>
<td></td>
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<tr>
<td>Democratization</td>
<td></td>
<td></td>
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<tr>
<td>Crucial events etc.</td>
<td></td>
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</tbody>
</table>

In a sense, deliberative capacity represents an intervening variable that is important to be aware of, but that is also constantly affected by some other factors that determine the effect of deliberative capacity itself on ethnic mobilization. In a nutshell, the study suggests that the level of deliberative capacity, which is influenced by a plethora of factors from institutional arrangements to contingent social events, is the root cause behind many crucial processes like social polarization. Speaking of the causal qualities of this argument, I would like to specify that, in my view, high deliberative capacity is a necessary, but not always a sufficient condition to prevent ethnic conflict. For example, if deliberative capacity was high and conflict took place – that would not falsify my argument as other factors might have been in play such as, for instance, foreign meddling.

Notably, this argument is far from suggesting that the existing ethnic mobilization theories are of no value or that they arrived at wrong conclusions about social reality. On the contrary, as the literature review has demonstrated each of these theories is highly relevant and valuable in general terms and in application to the specific cases at hand. And yet, without negating the value of existing scholarship, I suggest an additional value with the core argument developed in this dissertation. This “umbrella”-argument is meant to provide a new way of looking at ethnic mobilization, in a more comprehensive and parsimonious way at the same time.

2.7 Factors of Deliberative Capacity

If the level of deliberative capacity is important for the development of inter-ethnic relation, what are then the factors that influence the level of deliberative capacity itself? Dryzek names numerous factors that may influence deliberative capacity and admits that the list is not exhaustive (Dryzek 2009: 1394-7). For example, he mentions that the level of literacy and education impacts deliberative capacity in a positive way as more educated people are better able to formulate their positions, and are more open to accepting the existence of a plurality of “truths”. Next Dryzek mentions the importance of shared language for deliberative capacity. Kymlicka would agree with this, as he writes that democratic politics has to be politics in the vernacular, and that democracy across language groups can be problematic, even though Switzerland and India also suggest that this barrier is not insuperable.
Further, Dryzek mentions the importance of the electoral system design, quoting Horowitz (1985) and Reilly (2001), who recommend preferential voting for divided societies on the grounds that it advances the prospects of moderate politicians because they can appeal for second and third preferences across the divide. Deliberative capacity may also benefit because such appeal requires politicians to cultivate reciprocity - to communicate in terms that voters from the other side can accept. Next, Dryzek goes into the discussion of state structures and institutions saying that different sorts of state structures and institutions may be more or less conducive to deliberation. Political culture is also named among the influential factors as deliberation plays out differently in different kinds of political cultures. For, example, discursive machismo is rooted in many political cultures around the world and it prevents one from admitting uncertainty or lack of competence. Finally, such factors as religious fundamentalism or ideological conformity have a clear negative impact on deliberative capacity.

Lundell (2012) offers a critique of such an approach. The elements presented as determinants – (1) literacy and education, (2) shared language, (3) voting system design, (4) state structures and institutions, and (5) political culture (Dryzek 2009, 1394-96) – constitute the deliberative capacity in his view, whereas the dimensions – authenticity, inclusiveness, and consequentiality – are effects that vary in different institutional and cultural settings. On the one hand, authenticity, inclusiveness and consequentiality are treated as components of deliberative capacity; on the other hand, they may be interpreted as effects of deliberative capacity, which, in turn, is inherent in the political structures and the culture. However, Lundell argues that it is more reasonable to consider the institutional and cultural context as independent variables that provide prerequisites of deliberative capacity to a varying extent, and that institutions can be designed for the purpose of enhancing deliberative capacity (Lundell 2012: 10). Thus, while questioning Dryzek’s conceptual framework, Lundell subscribes to it at the end of the day for pragmatic reasons.

In this dissertation I build on Dryzek’s work by also addressing the factors that affect deliberative capacity. I, however, suggest a more nuanced approach to this issue. As deliberative capacity consists of different elements, I suggest that factors influencing deliberative capacity may influence its different dimensions in different ways: certain factors may enhance some deliberative capacity components while hindering the others. In this context, it is not always possible to speak of entirely positive or negative factors of deliberative capacity of a system. Often the story is more complex.

Tables 4 and 5 aim to capture this complexity. Table 4 does that in a schematic way in order to briefly demonstrate the differential effects. In contrast, Table 5 presents the same ideas but in greater details, explaining the exact kind of an effect. Horizontally, the tables list a number of deliberative capacity features that represent the “goods” that we hope to receive from deliberation. Vertically, the tables contain the factors of deliberative capacity. The intersections of specific factors and features represent the effect of a factor on the respective specific feature.
Both the list of factors and the list of features are not exhaustive. The list of features is formed by borrowing what I considered to be the crucial dimensions of successful deliberation from Dryzek’s components of deliberative capacity and features of deliberation (Dryzek 2009), the Discourse Quality Index, and functions of deliberation (Parkinson and Mansbridge 1999). These features of deliberative capacity include:

- Authenticity, which represents the degree to which democratic control is substantive rather than symbolic, and engaged in by competent citizens (Dryzek 2009).

- Inclusiveness/diversity refers to a feature of deliberation enabled by deliberative capacity (Dryzek 2009), a feature of ideal deliberative democracy (Hendriks) and is related to a democratic function of the deliberative system as discussed by Parkinson and Mansbridge (1999). Moreover this concept is related to both public space and empowered space components of deliberative capacity as conceptualizes by Dryzek, as well as transmission between the two (Dryzek 2009). Finally, this also refers to participation as one of the indicators within the Deliberation Quality Index.

- Consequentialism is another feature of deliberation enabled by deliberative capacity (Dryzek 2009), meaning that public deliberation is coupled with meaningful mechanisms of transmitting its ideas into the empowered state structures and impacting their decision. Mansbridge identifies three statuses with respect to consequentialism: “empowered deliberation”, “consultative deliberation” and “public deliberation” (Mansbridge 2010, in Steiner 2012: 8).

- Equality is related to the democratic function of the deliberative system (Parkinson and Mansbridge 1999).

- Preference shifts are a feature of ideal deliberative democracy according to Hendricks. It also refers to the Deliberative Quality Index indicator of constructive politics, in which actors ideally are ready to submit alternatives, instead of just adhering to their positions.

- Reciprocity refers to content of justification (ideally - common good) according to the Deliberation Quality Index (Steenbergen 2003).

- Respect is part of a moral function of a deliberative system (Parkinson and Mansbridge 1999) and an indicator of the Deliberative Quality Index, emphasizing respect toward groups, values and counterarguments.

- Learning is part of the epistemic function of a deliberative system (Parkinson and Mansbridge 1999), which means that it helps to become aware of the positions other than one’s own and justifications behind them. Such learning makes people more knowledgeable, tolerant and able to modify their own stance in view of the new information.
• Moderation of political rhetoric is the central feature enabling communication.

• Justification is the key indicator in Deliberation Quality Index, which refers to the quality and extent of reasoning behind claims and positions. Steiner also notes that justification - either rational or based on narration and story telling - is the central task of deliberation (Steiner 2012: 4, 9).

• Accountability is a component of deliberative capacity referring to reporting and punishing mechanisms that the public space holds over the empowered space (Dryzek 2009).

The list of factors used in Tables 4 and 5 corresponds to the theories of ethnic mobilization discussed earlier in this chapter. Here, however, these factors are looked at not for their effect on ethnic mobilization but for their effect on deliberative capacity in the area of inter-ethnic relations. I also use more specific categories such as colour revolutions as a case of crucial events, and proportional representation instead of institutional design more generally in order to make the table more specific and create more leverage in terms of what it can tell. One can imagine additional features and factors that create interesting intersections or reconsider the specific effects, as they depend heavily on a specific case. In this study I did not even use all the factors discussed by Dryzek (2009), focusing on the effects corresponding to ethnic mobilization theories instead. The effects that I discuss in the intersecting cells correspond closely to the cases that I explore in the empirical part of this dissertation, that is, Ukraine and Georgia in 1991-2014. The effects of various factors on deliberative capacity described here should therefore not be interpreted as universally applicable in all contexts. The intersecting cells rather inform of the effects found in the explored cases. While they can definitely hold true in some other context, they may not work the same way in others. The goal of this dissertation is to illustrate how the suggested framework may be applied to specific cases, as well as to demonstrate the leverage that it offers in these specific cases.

2.5.1 Ethnic Entrepreneurship’s Effect on Deliberative Capacity Dimensions

The first factor – ethnic entrepreneurship – has more negative than positive effects on deliberative capacity. Specifically, it affects the authenticity dimension of deliberative capacity mostly negatively as it manufactures identities that were not previously there. At the same time, however, it only does so to a certain degree as at least some genuine grievance is necessary for ethnic entrepreneurs to build on. Speaking of the inclusiveness/diversity dimension of deliberative capacity, ethnic entrepreneurship’s effect is positive, even if for illegitimate reasons, as it promotes greater diversity of claims and groups, and promotes their inclusion into the mainstream political rhetoric. At the same time, however, ethnic entrepreneurship often promotes the inclusion of some groups at the expense of the others, which creates a negative effect on deliberative capacity’s inclusion/diversity dimension.

With respect to consequentialism, ethnic entrepreneurship has a positive effect for a marginal minority that stands behind this project, yet it affects negatively the deliberative consequentialism for other groups as it may
potentially block the implementation of valuable decisions. Ethnic entrepreneurship’s effect on equality is negative as it, by default, violates the existing balance in conditions by supplementing certain kinds of grievances with additional resources. Ethnic entrepreneurship also negatively affects the preference shifts criterion as, by definition, it intends to make certain identity-based cleavages more entrenched. Similarly, ethnic entrepreneurship negatively affects reciprocity as it presupposes making claims exactly opposite to the ones that the other side can understand. The situation is similar with the respect criterion as ethnic entrepreneurship focuses on respect toward the in-group only. As the project of ethnic entrepreneurship is interested in an entrenched cleavage, it also negatively affects learning by preventing free circulation of information or intergroup communication that could result in such learning. Ethnic entrepreneurship’s very logic thrives on extremism and, therefore, also leads to the discouragement of moderation. The effect on the justification criterion is, however, more complex. On the one hand, it enhances justification through position formulation and claim making. On the other hand, however, this is often done through the use of exaggerated or fabricated information about the self or the other, which ruins the quality of the potential debate between the groups. Finally, ethnic entrepreneurship’s effect on the accountability aspect of deliberative capacity is negative as the very logic of accountability relies on the initial popular demand while in the case of ethnic entrepreneurship the situation is inverse, with demand being a function of supply.

2.5.2 Colour Revolutions’ Effect on Deliberative Capacity Dimensions

The factor of colour revolutions generally has a mixed effect on deliberative capacity. Specifically, they affect the authenticity criterion positively as they create a space for expressing groups’ claims and ideals if they cannot be expressed through the means of mainstream institutions against which the revolutions rise. With respect to the inclusiveness/diversity dimension of deliberative capacity, colour revolutions are generally expected to have a positive effect as they help to voice the claims of the marginalized by the existing political system and shift the power balance towards them. At the same time it is important that, while being backed by wide masses and open for broad participation, movements like colour revolutions may be also exclusive of some groups rhetorically, as is discussed in greater detail in chapter 3. As for the consequentialism criterion, colour revolutions usually have a positive effect as they intend to shift the power balance and help introduce political and policy changes that stagnate because of the lack of political will. Colour revolutions are also expected to create positive effects on equality as they tend to respond to existing inequalities and injustices. However, Colour revolutions may not represent a fertile ground for preference shifts as these movements organize around clear-cut demands and shifting that stance would ruin the logic of the movement itself. Speaking of respect and reciprocity, colour revolutions tend to be not very favourable for those values since the opposition between the protesting people and those whom they protest against is too dramatic.

As for the learning dimension of deliberative capacity, colour revolutions are helpful in expressing the ideas that otherwise lack channels for expression. Due to this, colour revolutions may facilitate learning through two
mechanisms. First, learning about new ideas may take place as people who are unaware of certain positions or never thought of certain issues are exposed to them. Second, people who do share common ideas may get a chance to learn that many others may be thinking the same way and are ready to stand for those positions; in this way, learning about the attitudes of co-citizens may take place. At the same time, the rhetoric of colour revolutions may also be excessively emotional, in which case it may prevent the learning of ideas - and particularly the justification behind them - coming from the supporters of the other side.

In terms of moderation, colour revolutions are more likely to be a negative factor, since in order to keep the crowds motivated the movement leadership is usually prone to resorting to more extreme black-and-white claims. Given that colour revolutions bear the heritage of non-violent velvet movements, they are also expected to justify their demands with arguments, at least for some time, before resorting to more disruptive actions. Moreover, a concentration of motivated public, a high intensity of emotional motivation, as well as the novel possibilities of social media, tend to proliferate grass-root artistic and linguistic expression and elaboration of the main arguments and justifications of the movements. For these reasons, colour revolutions generally constitute a positive factor for the development of the justification aspect of the deliberative capacity. Colour revolutions are also usually a positive factor for accountability as they target fixing the lack of such accountability and intend to continue control over the newly established leaders. It is, however, also possible that if a movement is highly personalized, new leaders may get a trust credit that is much too high, resulting in poorer accountability.

2.5.3 Threat’s Effect on Deliberative Capacity Dimensions

The factor of threat impacts deliberative capacity more negatively than positively. Specifically, it has a positive effect on the authenticity within the deliberative system as it enhances the crystallization of a group’s core values that might be latent or marginalized at other times. It also helps to clearly formulate those core values and claims even if a group was ambivalent and passive before the incident of threat. In terms of the inclusiveness/diversity criterion, threat rather creates a negative effect. On the one hand, it initiates group consolidation, which necessarily decreases the level of in-group diversity. On the other hand, this also results into the “us versus them” rhetoric, which is by default exclusive.

Threat is a positive factor in terms of consequentialism as it mobilizes all the forces and encourages prompt decision-making. The effect of threat on equality is rather negative as the aggressor-related group gets marginalized. Due to the general feeling of insecurity caused by threat it is also a negative factor for preference shifts, reciprocity and respect. Threat is also an anti-learning factor due to the shift of the societal focus to the message of threat itself.
As for the moderation criterion, the effect can go both ways depending on the strategy of the leadership. Some leaders might choose to radically oppose the threatening side. The others might go for appeasing the aggressor through concessions and negotiations.

Justification usually does not develop well in the context of threat; it is rather marginalized until more peaceful times, and the focus is shifted to protective actions. Finally, threat is a counter-accountability factor as it usually results in granting unusually high trust credit to the leadership in order to enable their effective actions.

2.5.4 Proportional Representation’s Effect on Deliberative Capacity Dimensions

The factor of proportional representation offers mixed effects for deliberative capacity. Specifically, it can enhance authenticity through better group representation in parliament and governing structures. However, it also has a negative impact on the authenticity criteria because of the high potential for identity reification.

As for the inclusiveness/diversity dimension of deliberative capacity, PR usually (although not always, as chapter 4 demonstrates) helps to include more parties into parliament. PR also enhances the consequentialism of the deliberative system by enabling smaller parties to promote their agenda, and through a stronger party discipline.

PR’s impact on equality is mixed. On the one hand, it is permissive to smaller parties, and is associated with less corruption – both features being good for equality. On the other hand, however, it discriminated against the non-partisan politicians, which effects equality negatively.

In terms of preference shifts, the effect of PR is rather negative, as it is known for reifying identities. Similarly, it affects reciprocity negatively as it favours group-based parties, and does not create incentives for appealing to the other side. Neither does PR enhance respect or moderation, as the system thrives on difference. PR is generally good for learning as a greater number of parties raise a greater number of issues.

2.5.5 Democratization’s Effect on Deliberative Capacity Dimensions

Democratization is almost entirely a positive factor for deliberative capacity. Specifically, democratization usually enhances authenticity as it allows true needs and claims that were previously suppressed to be voiced. It also helps the inclusiveness/diversity dimension of deliberative capacity by encouraging the expression of various ideas and claims. Democratization is also good for consequentialism within the deliberative system as non-mainstream claims and ideas have a chance to enter the official policy debate and eventually, if successfully agreed upon, to be included in a policy agenda. Democratization also affects equality positively as it allows new voices to struggle for an equal say. Preference shifts are also aided by democratization as it increases exposure to diverse ideas by allowing their free circulation. Similarly, greater democracy helps reciprocity and respect as greater possibilities for some groups entail equally great possibilities for the others, and this principle is to be accepted by all sides.
Democratization is also good for the learning criteria because of enabling exposure to more ideas. In terms of moderation, I assess the impact of democratization as negative compared to the system that suppresses ethnic tensions (as it was under the Soviet Union) since allowing for this issue to enter the policy debate necessarily increases the level of opposing and radicalizing claims and rhetoric - which is good in itself, yet still less moderate. Democratization inspires justification as it is based on winning votes both in parliament and at the election times. Finally, democratization also helps accountability, as the leaders can be voted out of their offices.

2.5.6 INMR’s Effect on Deliberative Capacity Dimensions

Finally, the international national minority regime is more a positive than a negative factor of deliberative capacity. Specifically, this factor has also a mixed effect on authenticity. On the one hand, it emphasizes the importance of minority identities and thus helps in their struggle for authentic self-expression. On the other hand, it is often based on formalistic language, and a one-size-fit-all approach, which has a counter-authenticity effect. What is more, INMR creates a not-so-fertile context for the majority’s nation building, which is also justified by authenticity claims.

In terms of inclusiveness and diversity, INMR encourages them as it promotes the inclusion of all groups’ needs into the public policy decision-making. However, it also often overlooks certain local specificities, which in itself is an anti-diversity feature. INMR helps consequentialism as local groups often use the INMR postulates to promote their goals on the national level. Generally, INMR is also good for equality and enhances preference shifts through encouraging exposure to diverse ideas in the framework of international and national dialogues. INMR also has a positive effect on reciprocity as it provides the conceptual apparatus that can be used by both sides. And it enhances the level of respect and moderation by granting rights to the marginalized and suppressed as well as through operating on a level of international meetings and negotiations, which require a degree of diplomatic etiquette.

The effect of INMR on learning is mixed. On the one hand, it promotes learning by using and spreading best practices. On the other hand, it prevents learning by the use of an externally imposed cookie-cutter approach to specific cases. INMR enhances justification since operation in international fora requires the use of intricate argumentation to back up one’s position. Moreover, the international documents create resources for building up one’s justifications. Finally, INMR encourages accountability as it presupposes regular monitoring and assessment of minority rights implementation.

The following tables illustrate all the discussed effects in a concise manner. Table 4 does that in brief, only indicating the predominant direction of the effect. And Table 5 contains more information on what is the exact kind and mechanism of that effect. The complexity of the effects presented here explains why similar phenomena
may get very different assessment by different experts as they may focus their evaluations on some rather than the others of deliberative capacity dimensions.

Table 4. Factors of deliberative capacity: direction of effect

<table>
<thead>
<tr>
<th>FEATURES of Deliberative Capacity</th>
<th>FACTORS of Deliberative Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ethnic Entrepr-ship</td>
</tr>
<tr>
<td>Authenticity</td>
<td>-</td>
</tr>
<tr>
<td>Inclusiveness / Diversity</td>
<td>+/-</td>
</tr>
<tr>
<td>Consequentialism</td>
<td>+/-</td>
</tr>
<tr>
<td>Equality</td>
<td>-</td>
</tr>
<tr>
<td>Preference Shifts</td>
<td>-</td>
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<tr>
<td>Reciprocity</td>
<td>-</td>
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<tr>
<td>Respect</td>
<td>-</td>
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<tr>
<td>Learning</td>
<td>-</td>
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<tr>
<td>Moderation</td>
<td>-</td>
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<tr>
<td>Justification</td>
<td>+/-</td>
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<tr>
<td>Accountability</td>
<td>-</td>
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</tbody>
</table>
### Table 1. Factors of deliberative capacity: specific effects

<table>
<thead>
<tr>
<th>FEATURES of DELIB. CAPACITY</th>
<th>ETHNIC ENTR-SHIP</th>
<th>COLOUR REVOLUTIONS</th>
<th>THREAT</th>
<th>PR</th>
<th>DEMOCRATIZATION</th>
<th>INMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authenticity</td>
<td>(-) Manufactures identity</td>
<td>(+) Space for authentic claims and ideals</td>
<td>(+) Enhances value and claims crystallizations</td>
<td>(+) Enhances representation</td>
<td>(-) Reifies identities</td>
<td>(+) Allows needs to be voiced</td>
</tr>
<tr>
<td>Inclusiveness / Diversity</td>
<td>(+) Promotes groups and claims inclusion at the expense of others</td>
<td>(+) Marginalized groups, diverse opinions</td>
<td>(-) Group consolidation, “us versus them” rhetoric</td>
<td>(+) More parties</td>
<td>(+) Expression of various claims</td>
<td>(+) All the groups’ needs (-) Overlooks local specificity</td>
</tr>
<tr>
<td>Consequentialism</td>
<td>(-) For the majority (+) For the minority</td>
<td>(+) Aims to achieve change</td>
<td>(+) Encourages decision-making</td>
<td>(+) Smaller parties get power (+) Party discipline</td>
<td>(+) Chance to enter policy agenda</td>
<td>(+) Used by local actors to promote their goals</td>
</tr>
<tr>
<td>Equality</td>
<td>(-) Prioritizing certain groups</td>
<td>(+) Aims to fix inequality</td>
<td>(-) Aggressor-group marginalized</td>
<td>(+) Permissive to smaller parties (+) Less corruption (-) Discriminates non-partisan candidates</td>
<td>(+) Equal say for new voices</td>
<td>(+)</td>
</tr>
<tr>
<td>Preference Shifts</td>
<td>(-) Targets entrenched cleavages</td>
<td>(-) Organized around a clear demand</td>
<td>(-)</td>
<td>(-) Reinforces identities</td>
<td>(+) Exposure to diverse ideas</td>
<td>(+) Exposure through international and local dialogue</td>
</tr>
<tr>
<td>FEATURES of DELIBERATIVE CAPACITY</td>
<td>FACTORS of DELIBERATIVE CAPACITY</td>
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<tr>
<td>Reciprocity</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(-) Claims that the other cannot understand</td>
<td>(-)</td>
<td>(-)</td>
<td>(-) Favours group-based parties</td>
<td>(-) No need to appeal across groups</td>
<td>(+) Requires acceptance of others' rights</td>
<td>(+) Concepts to be used by all sides</td>
</tr>
<tr>
<td>Respect</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(-) Only towards own minority</td>
<td>(-)</td>
<td>(-)</td>
<td>(-)</td>
<td>(+)</td>
<td>(+) Respect to rights</td>
<td>(+) Diplomatic etiquette</td>
</tr>
<tr>
<td>Learning</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(-) Restricts information and communication</td>
<td>(+) Exposure to ideas and attitudes</td>
<td>(-)</td>
<td>(+) More issues</td>
<td>(+) Exposure to ideas</td>
<td>(+) Best practices</td>
<td>(-) Cookie-cutter approach</td>
</tr>
<tr>
<td>Moderation</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(-) Thrives on extremism</td>
<td>(-) Need to motivate prevents moderation</td>
<td>(+/-)</td>
<td>(-) Thrives on difference</td>
<td>(-) Radicalizing rhetoric</td>
<td>(+) Universal respect to rights</td>
<td>(+) Diplomatic etiquette</td>
</tr>
<tr>
<td>Justification</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(+) Claim making</td>
<td>(+) Non-violent focus inspires justification</td>
<td>(-) Focus on protective actions</td>
<td>(+) More justification in parliament</td>
<td>(-) Less justification on the MP-electorate level</td>
<td>(+) Voting necessitates reasoning</td>
<td>(+) International fora require justification</td>
</tr>
<tr>
<td>(-) Fabricated information</td>
<td>(+)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accountability</td>
<td><strong>Ethnic Entr-ship</strong></td>
<td><strong>Colour Revolutions</strong></td>
<td><strong>Threat</strong></td>
<td><strong>PR</strong></td>
<td><strong>Democratization</strong></td>
<td><strong>INMR</strong></td>
</tr>
<tr>
<td>(-) Demand created, not responded to</td>
<td>(+) Accountability is at the heart of the movement</td>
<td>(-) Trust credit to leaders</td>
<td>(+) More party accountability</td>
<td>(-) Less MP-electorate accountability</td>
<td>(+) Leaders can be changed</td>
<td>(+) Monitoring</td>
</tr>
</tbody>
</table>
2.8 Types of Deliberative Systems

The fact that deliberative capacity consists of many dimensions also results in a diversity of deliberative system types. This is rooted in the fact that specific cases may be high on some and low on other components of deliberative capacity at the same time, even though in broad terms we may expect correlation between deliberative capacities in different areas of society. Combinations of high and low scores on different components of deliberative capacity produce different kinds of deliberative systems in different cases. From this follows that different non-ideal deliberative systems are non-ideal in very different ways and represent a very different basis for further social transformations within them. Knowing the specific deficiency of a deliberative system helps to design a cure for this specific problem.

Given the multitude of possible factors and features of deliberative capacity, one can imagine a myriad of possible deliberative capacity types. Identifying all those types is beyond the scope of this dissertation, although might represent a worthwhile future project. Instead, I suggest conceptualizing the explored cases - Ukraine and Georgia - as just two examples of distinct deliberative system types. This abbreviated comparison of the two cases is meant to merely illustrate the possible differences between real-life deliberative systems.

My assessments are based on the case studies conducted for this research and are discussed in greater depth in the empirical chapters of this dissertation. Here I will only provide the general assessment of the two cases, only in order to illustrate the theoretical point about the distinct deliberative systems types. The assessment is based on the period of 1991-2013 and represents my researcher’s judgment based on the available statistics, the literature review and the opinions of the interviewed study participants.

In terms of authenticity I assess the Ukrainian case as ambivalent. On the one hand, all ethno-cultural groups have far-reaching possibilities to express their claims and divergent visions, debate on these issues, formulate justifications for their positions within the in-group and defend them in both political and social realms, which are all characteristics of a vibrant and authentic social communication process. On the other hand, however, such claims are sometimes clearly contributed to by the processes of ethnic entrepreneurship - most prominently on the Russian-cultured side, which jeopardizes authenticity. In the Georgian case, authenticity value is less pronounced, as the Ossetian and Abkhazian communities are fully isolated from the Georgian communicative processes, and Azeri and Armenian minorities are passive in their identity-related claim making.

The inclusiveness criterion is assessed as realized in the Ukrainian case since all groups have access to both political and societal institutions. In the Georgian case, however, the inclusiveness criterion suffers as only the Georgian group has unconstrained access to a full range of public spaces (National Integration and Tolerance in Georgia).
Assessing the consequentialism of communicative space in Georgia is complicated by uncertainty with respect to what counts as a result. Looking at the fact of the de facto existing breakaway republics of Ossetia and Abkhazia, one might argue that it means that the groups’ claims have been successfully realized. Yet at the same time it can well be interpreted as a demonstration of these groups’ impossibility to achieve results within the internal Georgian politics, and an entire isolation from those politics at the moment. Thus, the value for consequentialism in the Georgian case is ambivalent at best, yet it is also further pulled down by the practical powerlessness of the Azeri and Armenian groups in the case. In the Ukrainian case, consequentialism is not present, as all the groups, despite being able to constantly express their needs and concerns, do not receive the sought results, irrespective of the government in power.

The equality feature illustrates an interesting contrast between the two cases. Both Georgia and Ukraine are assessed negatively with respect to equality. However, while in Ukraine this is due to over-representation of the Russian-cultured group in power structures and communicative arenas, in Georgia the reason is in is the minorities’ underrepresentation.

Speaking of preference shifts value we also see a similar assessment, yet different nature. Neither society demonstrates readiness for preference shifts, yet in the case of Ukraine this results in the escalation of tensions, while in Georgia it does not. This is explained by the differences in terms of the inclusion of minority groups into the mainstream political and social space discussed earlier.

Reciprocity is an interesting dimension as well, as it leads to counterintuitive outcomes in both cases. In Ukraine, reciprocity is present in public policy towards minorities as well as in the rhetoric of most political forces, yet this does not satisfy the Russian minority. In contrast in Georgia, reciprocal attitude towards minorities is largely absent, yet minorities do not protest the status quo.

The respect criterion in Ukraine is of a dual nature. On the one hand, there is little overt disrespect expressed in the public space, yet there is a lot of latent antagonism that is at times channelled through unpleasant grassroots initiatives. In Georgia, there is no open disrespect expressed about the national policy and rhetorical level, which is largely rooted in the predominant silence on the ethno-cultural policy matters. This silence is in its turn based on the marginalization of some minorities and the isolation of the others.

Learning from the other is not present in either case. Yet there are more initiatives in this direction present in the Ukrainian case. As it is detailed in chapter 5 of this dissertation, a number of grassroots projects enhancing mutual understanding between the groups were launched at different stages in Ukraine. Yet these positive developments do not reach a more official governmental level, and are significantly hindered by ethnic entrepreneurship. In Georgia, no initiatives of this kinds were found.
The value of moderation is ambivalent in the case of Ukraine. On the one hand, the general trend of mild and ambivalent ethno-cultural public policy is observed. On the other hand, there were periods of ethnic rhetoric radicalization related to specific circumstances or actors using ethno-cultural issues for the sake of electoral gains during campaigns. In Georgia, moderation with respect to break-away republics is not significantly present, yet there is also not much radicalization given the frozen conflict nature of the inter-ethnic tension.

Accountability for ethno-cultural policy decisions is more present in the case of Ukraine, but again mainly due to the fact that the issue is largely off the political agenda in Georgia. The justification feature represents a clear difference between the cases. In Ukraine, justification of positions by both sides is part of the everyday political process. This does not, however, lead to mutual understanding as distinct normative logics are being used and this leads to deadlocks in public debates. In Georgia, the justification of ethno-cultural claims and positions is not part of the political rhetoric and the issue of ethno-cultural policy is simply off the political agenda.

Summing up all these differences and nuances it can be concluded that the deliberative systems in the two cases are very different. In Ukraine we observe an inclusive, contestational and manipulatory deliberative system. At the same time, in Georgia we see a stable, suppressive and uniform deliberative space. This suggests that improving deliberative capacity in these two cases requires very different sets of solutions. It also means that there are no generically good or bad contexts. Rather, each social context is good in some ways and bad in other ways in terms of deliberative capacity. Finally, the contrast between these cases also demonstrates that the post-Soviet region is not uniform, not just a “grey zone” that can be approached with a single generic approach, but that each case requires its individual treatment.
Table 6. Deliberative systems types: examples of Ukraine and Georgia

<table>
<thead>
<tr>
<th></th>
<th>Ukraine</th>
<th>Georgia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authenticity</strong></td>
<td>(+) Self-expression possibilities (-) Exaggerated claims</td>
<td>(-) Suppression, isolation</td>
</tr>
<tr>
<td><strong>Inclusiveness</strong></td>
<td>(+) All have voice</td>
<td>(-) Marginalized groups</td>
</tr>
<tr>
<td><strong>Consequentialism</strong></td>
<td>(-) No side content with outcome (+) Self-rule (--) Isolation, marginalization</td>
<td></td>
</tr>
<tr>
<td><strong>Equality</strong></td>
<td>(-) Minorities - more power (-) Minorities - less power</td>
<td></td>
</tr>
<tr>
<td><strong>Preference shifts</strong></td>
<td>(-) Not ready, antagonism (-) Not ready, peace</td>
<td></td>
</tr>
<tr>
<td><strong>Reciprocity</strong></td>
<td>(+) Present, minority not content (-) Not present, minorities content</td>
<td></td>
</tr>
<tr>
<td><strong>Respect</strong></td>
<td>(+) Little overt disrespect (-) A lot of latent antagonism</td>
<td>(+) Respect out of silence</td>
</tr>
<tr>
<td><strong>Learning</strong></td>
<td>(-) Not present, although could be if not for ethnic entrepreneurship</td>
<td>(-) No communication</td>
</tr>
<tr>
<td><strong>Moderation</strong></td>
<td>(+) Mild ambivalent policy (-) Ethnification atemps</td>
<td>(-) Frozen conflict</td>
</tr>
<tr>
<td><strong>Accountability</strong></td>
<td>(+) Societal control</td>
<td>(-) Societal control in other areas</td>
</tr>
<tr>
<td><strong>Justification</strong></td>
<td>(+) Present, but different logics (-) Not present</td>
<td></td>
</tr>
<tr>
<td><strong>SUMMARY</strong></td>
<td><em>Inclusive, contestational, and manipulatory</em></td>
<td><em>Stable, suppressive, and uniform</em></td>
</tr>
</tbody>
</table>

2.9 Conclusions: Theoretical Advance

This chapter, first, demonstrates that both ethnic studies and democratic transition studies benefit from the application of a deliberative democracy approach. This approach helps to be case specific in terms of circumstances, actors, and claims involved. It also helps to decide on specific institutional framework, while also avoiding the undue reification of ethno-cultural identities, which is hard to do with any of the existing policy models. Therefore, despite the existing criticisms of deliberative democracy as an approach and a practical tool, and notwithstanding the variety of opinions on what institutions are best in terms of creating a deliberative space, a deliberative theory of democracy is a useful approach that enriches the ways of thinking about harmonizing ethnic relations by encouraging a reversal of radicalization, prevention of groups’ reification, and the design of broadly legitimate interethnic relations regime.

Second, each of the discussed theories of ethnic mobilization contributes a valuable part towards understanding the nature of inter-cultural relations. Yet, while building on this literature, I suggest going beyond it by arguing that
the crucial underlying force that matters for the unfolding of inter-cultural relations is the kind of communicative space created by the combination of elites’ efforts (including the changes in institutional design), contingent events and international discourses.

After applying the deliberative democratic lens to ethnic studies literature, I suggest that instead of treating different factors of ethnic mobilization and ethnic conflict as competing hypotheses they can be looked at as (1) complementary in their explanatory power and as (2) forms of a communicative regime - in other words, features of the deliberative capacity of a deliberative system, both on political and societal levels. I also argue that such an overarching explanation has certain advantages compared to distinct partial explanations since it simultaneously provides a more comprehensive and parsimonious story, while nuanced complexity and parsimony are often at odds with each other.

Third, I argue that various factors affecting deliberative capacity affect its different dimensions in distinct ways. This implies that, by far, not all factors of deliberative capacity are necessarily positive or negative. Instead they may create mixed effects by enhancing some dimensions of deliberative capacity while hindering certain others. Understanding these nuances is crucial for designing policy interventions aiming to maximize the deliberative capacity of a specific system.

Finally, the standing of different cases on different dimensions of deliberative capacity creates different types of deliberative systems. This is similarly consequential in terms of deliberative capacity’s effect on democracy and public policy. Moreover, understanding the diverse nature of deliberative system types is instrumental in developing interventions targeted at improving deliberative capacity by addressing its specific shortcomings in a given case. While it is difficult in most transitional cases to say that one country’s deliberative capacity is overall "better" than another’s, the elements of deliberative capacity together point to different characteristics and solutions.
3. DELIBERATIVE CAPACITY IN POST-SOVET COLOUR REVOLUTIONS: CASES OF GEORGIA AND UKRAINE

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

The post-communist colour revolutions that were spread across the post-communist region in 2000-2005 were praised as democratic immediately after the events by both journalists and scholars. Yet the assessment of these revolutionary events was primarily based on the electoral vision of democracy, which is not the only way of understanding democracy in contemporary political thought. In this work I call for a more critical assessment of the processes and practices involved in these crucial events and I do so by looking at two colour revolutions: those of Georgia and of Ukraine.

This chapter explores the similarities and differences involved in these two events from the perspective of deliberative democracy. These cases are chosen as two successful post-Soviet colour revolutions leading to free and fair elections in a peaceful manner through public uprisings. Both events represent electoral revolutions, they took place a year apart, were inspired by similar ideas, followed similar scenarios and had similar enemies and allies. Yet, the differences between these two cases in terms of post-revolutionary developments in the areas of governance and democratization are striking. Thus, the chapter addresses this variation and evaluates the extent to which deliberative democratic principles - such as broad inclusion, rational dialogue, openness to change, tolerant treatment of the other as an equal, to name a few - were present in these two cases.

Furthermore, the study evaluates whether the level of deliberative capacity in place could have impacted post-revolutionary development in the two cases. Overall, the chapter argues that Georgia’s Rose Revolution contained greater deliberative capacity compared to the Orange Revolution, yet this was caused by structural circumstances as opposed to being an intended feature.

This conclusion stands in contrast to the dominant assessment that the Ukrainian Orange Revolution of 2004 was, among the several comparable cases, the most successful in terms of advancing democracy (World Audit 2009; Campbell and Pölzlbaeuer 2010; FH 2010). By taking this arguably most democratic case, as well as the Georgian shadow case, under scrutiny, the chapter demonstrates that on a more nuanced - in particular, rhetorical - level even democratic revolutions may also contain a lot of exclusive, intolerant and polarizing dynamics that contradict the deliberative democratic understandings of the normatively justifiable political

process. Thus the democratic achievements of Ukraine’s democratization were not as glorious as they may have seemed.

Assessing these revolutions now is particularly relevant for two reasons. First, the people who stood behind these events and participated directly in them are available for interviews. Second, as a decade has passed since these highly emotional events, it is possible for both a researcher and a study participant to provide a more balanced assessment of the events. Asked about the effect of the French Revolution, Mao Tse Tung replied that it was “too early to tell”. Similarly, colour revolutions stand up in front of us in a different light when analyzed after some time. In this work I am not assessing the revolutionary events in light of the later developments, so as not to fall into the post hoc ergo propter hoc fallacy. Nevertheless, I analyse the events after the intense emotions are over, the emotions that in the majority of cases have biased the analyses written immediately after.

The analysis is based on three components. First, it is grounded in a literature review of the revolutionary events in the two cases, read through the deliberative democratic lens. Second, a content analysis of primary sources is used: for example, of the rhetoric of political speeches, manifestoes or songs used during the events. Finally, it engages with interview material with democracy experts and political and social elites in Ukraine and Georgia.

In what follows, I first provide a basic narrative of what has happened in the two cases outlining the main similarities and differences. Then, I demonstrate the democratic merits and shortcoming of the revolutionary events from both electoral and deliberative democratic perspectives, followed by a discussion of their democratic results.

3.1 Two Revolutions: Similarities and Contrasts

Numerous cases of regime transformation events in various countries of post-Communist space have been clustered together under such concepts as “colour revolutions”, “electoral revolutions” (e.g. McFaul, Bunce and Wolchik, and Tucker, in Vorobyova 2009: 21), “people power” (Karatnycky 2005), “non-violent revolutions”, or “velvet revolutions”. The latter term was coined for the revolutions in Eastern and Central Europe in 1989; however, the revolutions of the beginning of the XXI century often allude to those events as well. As Lane has put it, “colour revolutions all had in common a proposed socio-political transformation intended to introduce ‘democracy from below’. […] They shared a common strategy: mass protests occurred within the constitutional framework to widen forms of public participation in the regimes; they were legitimated as a movement for ‘greater democracy’” (Lane 2009: 114). Both the Rose and Orange Revolutions are part of the fourth wave of democratization and represent electoral revolutions. Both have followed fraudulent elections, were based on
non-violent, pro-democratic and pro-European agendas, and involved massive popular uprisings in support of the democratic opposition. Both revolutions were also much of a surprise to observers both inside and outside these post-Soviet states. Nevertheless, there are many differences between these cases that are important both for understanding these individual cases and building future policies with respect to these or other countries.

As described by Fairbanks, “Georgia seemed to be going the same way with a typically fraudulent post-Soviet parliamentary election on 2 November 2003. But then came a stunning reversal. A brief and nonviolent series of mass protests—that became known as the Revolution of the Roses (22–23 November 2003)— forced 75-year-old incumbent president, Eduard Shevardnadze, to resign. This paved the way for fresh voting on 4 January 2004 in which the Rose Revolution’s leader, a 36-year-old U.S.-educated lawyer named Mikheil Saakashvili, swept into office unopposed with 96.2 percent of the vote” (Fairbanks 2004: 110).

Obviously inspired by this example, yet still much unexpected, the Orange Revolution followed in 2004. During the presidential elections scheduled for November 2004, the incumbent political forces led by President Leonid Kuchma were trying to ensure the victory of the chosen successor - Prime Minister Viktor Yanukovych - by any means possible. The opposition was hoping to win the elections with the strong candidacy of a former National Bank Head and ex-Prime Minister Viktor Yushchenko. The falsified official results of the run-off between the two candidates showed the victory of the incumbent’s favourite, who received 49.46% of the vote with Yushchenko coming second with 46.61%. However, the people’s mass uprising against the electoral fraud succeeded in protecting the democratic procedure and defending the victory of the challenger (51,99% vs. 44,2%).

From the formal democratic point of view, both revolutionary movements were successful. First, these revolutions targeted the protection of free and fair elections, which are central to the electoral notion of democracy. Second, they were conducted largely through the efforts of massive, bottom-up uprising by the people, which became the basis of the legitimacy of these revolutions. Electoral revolutions are defined as a regime change, which “transforms elections in authoritarian settings into genuinely competitive and fair processes with substantial popular involvement” (Bunce and Wolchik 2006: 289). In this sense both revolutions represent successful electoral revolutions. Yet, with this, the similarities end.

The first difference between the revolutions was that the Rose Revolution followed the parliamentary elections, while the Orange Revolution happened with respect to the presidential ones. This fact poses a problem for the democratic assessment of the Rose Revolution from the formal democratic perspective, since Saakashvili became a leader of the country after parliamentary elections, which were only supposed to form a new parliament. This concern soon disappeared. However, as Saakashvili’s political status was legitimized post factum by his tremendous victory in the presidential elections that quickly followed.
The second difference is that in the Ukrainian case, the triumphant story of people power victory is descriptive of only a part of the Ukrainian society. During the presidential elections run-off following the Orange Revolution, 44% of Ukrainian voters still voted for the candidate coming from incumbent oligarchic forces - Victor Yanukovych; and, importantly, roughly 90% of those voters resided in the East and South of Ukraine. In contrast, 52% of the electorate gave their votes to the national-democratic challenger, Victor Yushchenko, with about 90% of this vote concentrated in the West and Center of the country. Thus, the story of democratic breakthrough and of a civil society consolidated around a common goal also has a different side to it – that of division, rejection, societal animosities, and exclusion, rather than democratic dialogue, cooperation and inclusion. This stands in stark contrast to the almost unanimous popular support for the revolutionary leadership in Georgia.

The third crucial difference lies in the developments after these revolutions, which are discussed later in this chapter. The final important contrast between the two revolutions is their underlying grievances. Although in both cases electoral fraud was the trigger of mass uprisings, the reasons for which people cared about the change of power differed in the two cases.

3.2 Underlying Grievances

Despite the fact that Georgia has uneasy relations with Russia, two breakaway republics, an autonomous republic with Muslim heritage, significant national minorities and has undergone several ethnicity-related civil wars during the period of independence, I was surprised to consistently hear from almost all my interviewees that ethnicity is not a major issue in Georgia. In contrast, in Ukraine, where no civil wars have occurred between the sub-national units, ethnicity was and remains one of the significant issues in both social and political discourses. On the other hand, while economic well-being is always an issue of primary importance to any electorate, Ukraine did much better economically and socially in the years preceding the revolution than did Georgia. These observations lead to a major difference between the Rose and the Orange Revolutions.

Analysts and observers of the Georgian case conclude that the civil uprising of 2003 was mainly grounded in socio-economic grievances. Even though the Rose Revolution represented an electoral revolution, which by definition means that its supporters opposed the fraud in the electoral procedure, many of my interviewees revealed that democratic justice per se was of lesser importance to the masses on the street than the realization of the need to start economic reforms at any cost. As one of the interviewed activists of the Rose Revolution has put it, “people cared least about the problem of democracy.” The pace of reform slackened

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70 I use “ethnicity” in a broad sense and refer to all ethnic, cultural, religious and other issues that can potentially be ethnicized in a public discourse.

71 Interview with Zurabishvili
already in the mid-1990s (Fairbanks 2004: 113): “since 1998 Shevardnadze performed extremely poorly in managing the country and extreme corruption flourished”72. By the time of the 2003 election, “Shevardnadze had already had his day”73. There was no government, only gangs; the state was disintegrating, corruption everywhere, survival was impossible, and lawlessness towards the criminals everywhere”74. On a more pragmatic level “there was no light – this was horrible, people almost went crazy. Imagine no electricity both in Tbilisi and countryside alike for 3–4 hours every day. This was a usual situation. And everybody knew that the only reason behind this was corruption”75.

By making promises, which could never be kept given budgetary realities, Saakashvili appealed to those who felt most injured by market forces (Fairbanks 2004: 114). In the words of Fairbanks, “Georgians, witnessing the vigorous foreign and domestic monitoring effort, had dared to dream of a clean and free election. They had put up with years of deprivation and failed reforms, hoping for improvement after Shevardnadze retired. Now they had been forced to watch as he had scraped his ‘party of power’ back together and attempted a managed succession— the mess, it seemed, would never end” (Fairbanks 2004: 116). The underlying nature of the Rose Revolution is described in the following quote:

“A mistake made by many observers, mostly Western, is that they compare the Rose Revolution to velvet revolutions in CEE. [...] Velvet revolutions were political revolution trying to adjust political structure, by rejecting the imposed Soviet system, to the needs of their modern societies. In Georgia the situation is different: half of the population lives in the countryside; Georgia has not yet fully modernized. The Rose Revolution was a social revolution and targeted modernization and overcoming backwardness first of all”76.

To be fair, the ethno-cultural factor was also present in the Rose Revolution to some extent. Thus, Fairbanks continues: “[t]hat the margin of Shevardnadze’s narrow parliamentary majority came from Ajaria was twisting the knife in the wound. The area is ruled by Aslan Abashidze […] notorious for his abject subservience to Russia, Georgia’s old adversary and colonial overlord. […] Shevardnadze, it seemed, was trying to hold on to power by conniving with Abashidze to sell Georgia out to foreigners” (Fairbanks 2004: 116). Mark Beissinger (2007: 271) maintains that both Georgia and Ukraine possess “strong regional dimensions within the dominant cultural group”. He elaborates that “in Georgia the major base for the opposition was in Western Georgia in the area of Mingrelia – a region long associated with Georgian nationalist Zviad Gamsakhurdia and in which Shevardnadze has always been unpopular” (Ô Beachán 2009: 214). Yet, despite the fact that the campaign has evoked some nationalist themes (Fairbanks 2004: 114), compared to other factors, this regional factor played a negligible role in Georgia’s Rose Revolution (Ô Beachán 2009: 215).

72 Interview with Jijelava
73 Russian “изжил себя” was used in the original.
74 Interview with Zurabishvili
75 Interview with Zurabishvili
76 Interview with Ramishvili
In contrast, in the Ukrainian case, democratic fairness, pro-Western civilizational choice, and the establishment of alternative ethno-cultural dynamics (boosting the development of Ukrainian language and culture) comprised the dominant grievances of the revolutionary population. While economic factors were also important in the Ukrainian case, it can be argued that those were not so much the people, but the millionaires who wanted to oppose the billionaires holding power, in the words of Anders Åslund (2004). Adding to this difference, Ukraine’s incumbent President Kuchma had far greater support both among the political elites and among the population than Georgia’s Shevardnadze did, since Kuchma had secured some advancement in living standard over the years of Ukraine’s independence (Wheatley 2005: 193).

To summarize, both the Rose and the Orange Revolutions represent successful electoral revolutions that led to an immediate advance of democracy in terms of establishing fair electoral results. Yet the underlying social forces behind the two revolutions differed significantly. While Georgia’s uprising was most interested in fair elections aimed at establishing greater economic redistribution, starting reforms, and fostering the multi-faceted modernization project, the Ukrainian revolutionary public was concerned more with democratic, ethno-cultural and civilizational choice matters.

3.3 Assessing the Two Revolutions From an Electoral Democracy Perspective

A lot has been written on the democratic achievements of the Orange Revolution and the Rose Revolution as well as on how many of those achievements have been wasted, with the exception of the freedom of speech and free elections in Yushchenko’s time Ukraine. Yet the question that this chapter seeks to answer is not about the wasted or maintained achievements but rather whether there was that much of an achievement in the first place.

Democracy-promoting colour revolutions that spread across the post-communist region in 2000-2005 inspired many participants and observers and have created an impression of the powerful advance of democracy ideas and values throughout the “grey zone” of post-communist regimes. Such assessment is based on two major facts. First, these revolutions targeted the protection of free and fair elections – that are central to the electoral notion of democracy. Second, they were conducted largely through the efforts of massive, bottom-up uprising by the people, which became a basis for the legitimacy of these revolutions.

Based on the abovementioned parameters, the achievements of the Orange Revolution are significant. A number of scholars, such as McFaul, Bunce, Wolchik and Tucker, qualify the Orange Revolution as one of the “electoral revolutions”, where the immediate cause of the protests was the falsification of the elections by the officials (Vorobyova 2009: 21). Electoral revolutions are defined as a regime change, which “transforms elections in authoritarian settings into genuinely competitive and fair processes with substantial popular
involvement” (Bunce and Wolchik 2006: 289). In this sense, the Orange Revolution is a successful electoral revolution because it reached its immediate goal: the conduct of free and fair elections. Moreover, the 2006 and 2007 parliamentary election that were held during the presidency of the Orange president Yushchenko were also free and fair (Vorobyova 2009: 22). The second important achievement is the establishment of free media and in connection to this the freedom of the political opposition.

Another important feature of the post-Orange Revolution development was the political “divorce” between the Orange Revolution co-creators President Yushchenko and Prime-Minister Tymoshenko in September 2005, as well as the eventual disintegration of the Orange Revolution coalition before the parliamentary elections of March 2006. This development was assessed in a highly negative way and was viewed as a democratic backslide and the failure of the Orange Revolution (Vorobyova 2009: 4). A high-profile analyst, Sushko, has even termed these developments the “Orange suicide” (Sushko 2005). In contrast to such an assessment, I see this “divorce” as a sign of the normal development of the political process rather than an element of a democratic backslide. On the contrary, the realization by different political forces of their ideological and pragmatic differences and readiness to compete in an open political struggle can only be encouraged from the pluralist democratic perspective.

A further controversial critique expressed with respect to the Orange Revolution was that it had failed to establish democracy once and forever as the representative of the ancien regime, Viktor Yanukovych, became Prime Minister as a result of the parliamentary elections in 2006 and a President in 2010. I, however, agree with Vorobyova (2009: 4) that this rather should be viewed as proof of a normal pluralistic and competitive political process. Outcome-wise Yanukovych’s return to power was not the most democratic development. However, in terms of the democratic process and in terms of increasing the inclusion of different social groups into the political elite this development was undoubtedly positive.

To summarize, from the minimalist democratic point of view the Orange Revolution was indisputably democratic. The Georgian Rose Revolution also met these minimal electoral criteria for democracy. Yet without necessarily contesting the overwhelmingly positive assessment of colour revolutions, this study represents a more critical assessment of the processes and practices involved in these crucial events by looking at them with deliberative democratic - as opposed to formal electoral democratic - standards and goals in mind.

In assessing these revolutions, I go beyond the electoral democratic assessment. I utilize the criteria of deliberative democratic theory as it offers a more radically democratic approach to the organization of socio-political relations than the minimalist democratic model and thereby aspires to address some of the problems created by the latter. As the application of deliberative democratic practices and institutions is on
the rise in the Western academic and policy context, it is also important to apply these standards to the study and transformation of the post-communist world.

In the words of a political theorist Natalia Amelchenko, “[t]he followers of the [...] liberal democratic conceptual framework have been describing the Orange Revolution in terms of ‘awakening of civil society’, ‘bourgeois-democratic revolution’, ‘the fall of the oligarchic regime and the victory of democracy with its principles of fundamental rights and freedoms of people’s sovereignty’. This approach is, however, insufficient” (Amelchenko 2006: 61). In a similar vein, Oleksandr Halchynskyi identifies two functions of the Orange Revolution. Its first, instrumental function was to achieve democratic electoral results through exercising fair electoral mechanisms. The second function of Maidan was less technical, and was concerned with social cohesion and national self-expression. Halchynskyi elaborates: “The face of the Ukrainian people, the magnitude of its soul, the deep roots of Ukrainian spiritual traditions and its highest moral values have been expressed in the pathos of Maidan” (Halchynskyi 2005: 43-44). Although I strongly contest such an essentialist and overly universalistic statement about the “Ukrainian people, traditions and soul”, I do, however, find relevant his emphasis on the two levels of potential democratic achievements of the Orange Revolution: electoral and self-determinative. I have no argument with the assessment that the first, technical function was performed. At the same time, however, I argue that the achievements of the Orange Revolution on a social level are mixed at best and not entirely democratic from the deliberative democracy perspective. To elaborate on this point, I next assess Ukraine’s and Georgia’s revolutions from the deliberative democratic perspective.

3.4 Deliberative Democracy in Rose and Orange Revolutions

In assessing the colour revolutions it becomes clear how the difference in the underlying grievances has affected the deliberative capacity of the two cases. To illustrate this, I examine to what extent certain deliberative democratic principles were present in the Georgian and Ukrainian cases. More evidence in support to these brief assessments will follow in chapters 5 and 6, yet here I provide a summary of these key aspects of the two colour revolutions from the deliberative democratic standpoint.

3.4.1 Morality and Justice

It is important that at the core of the Orange Revolution was a fundamentally moral discourse. Even though such moralization could well be a product of spin-doctors, it has also received wide support among the “consumers” (Amelchenko 2006: 64). Morality acted as an integrating force on Maidan; it represented a

77 Short for “Maidan Nezalezhnosti” (“Independence Square” in English) – the place where the Orange Revolution took place.
selfless value transcending beyond the economic utility. The approach to democracy among the population was value-based (Amelchenko 2006: 65). Such a moral core, unprecedentedly strongly present in Ukrainian politics, was a definite asset for deliberative capacity since democratic deliberation as a normative model is grounded on the principle of having the good will to engage in collective action and to reciprocate for achieving a Pareto-optimal common good.

Another important aspect is the “self-limiting” nature of both the Rose and the Orange Revolutions to use the term coined by Auer (2004) following the tradition of Arendtian and Burkian political thought. In his analysis of the velvet revolutions in Central-Eastern Europe (CEE), Auer argues that in self-limiting revolutions revolutionaries limit their actions by their ideals of liberty and rule of law, in order to distinguish themselves from the regimes against which they fight (Vorobyova 2009: 19). This is important from the perspective of current analysis since this feature clearly falls in line with the deliberative model of democracy that searches for legitimate ways of coming to decisions and rejects the force-based “arguments”.

3.4.2 Argument Basis and Legality

An important feature of deliberative democracy is its grounding in rational argument (especially in the early Habermasian version of it) and its focus on legitimacy. In contemporary democracies courts often function as sources of legitimacy for nontrivial decisions. It is, therefore, relevant to look at the role of courts in the two revolutions. As Fairbanks put it:

“An irony regarding the limits to modernity in Georgia and the country’s revolution was the lack of any significant tendency to appeal to legal procedures. Saakashvili is a highly trained lawyer and had served as justice minister. But the movement that he led was an affair of the streets, not the courts. It was populist, not legalist. It took U.S. urging to get those angered by the election theft to file suit against the CEC [Central Electoral Committee - AS]" (Fairbanks 2004: 121).

The role of the court was very different in Ukraine. It was ultimately the decision of the Constitutional court to proclaim the results of the run-off as invalid and to pronounce the need for a repeat voting. Thus, while the people power mattered in the situation overall, neither the people nor the Orange Revolution leadership made any anti-regime decisions, but waited for the decision of the legitimate legal body instead.

3.4.3 Role of Communication

As talk is the basis of the deliberative democratic process, I look at the place of communication in the revolutions and the campaigns preceding them. For Wheatley (2005: 182), the main feature of the Georgian 2003 campaign was the fearless determination by Saakashvili to campaign in those areas where there was a
tacit understanding that the opposition was not welcome. In support of such a conclusion, Ó Beacháin (2009: 218) provides the quote from an interviewed adviser and electoral team member noting that “Saakashvili was the first guy who refused to play these [elite power] games... and suggested doing the door-to-door system”.

A similar strategy was chosen by Yushchenko in Ukraine. His campaign was unprecedented in terms of attentiveness to real voters. Young, handsome and friendly, the oppositional candidate for presidency was travelling from constituency to constituency talking to people for several months up until he was hospitalized with dioxin poisoning.

3.4.4 Participation and Public Sphere

Vorobyova (2009) argues that increased public awareness of corruption and participation in politics were the outcomes of the Orange Revolution. Indeed, the very experience of the bottom-up mass uprising of the people was an important historical precedent for both Georgian and Ukrainian societies. It has demonstrated to the population that participation by ordinary citizens can affect elite politics, thus building up the efficacy of the countries’ populations. Moreover, these revolutionary events have emphasized a different concept of the quality of democracy, relating it to authenticity and substantive democratic control exercised by competent citizens. Furthermore, after the Orange Revolution an increase in civil society activism could be observed. This testifies that the notion of the public sphere has transformed among the Ukrainians, who after the Orange Revolution were more prone to engage in political and social action than previously, when politics were perceived as a matter for politicians only. It is also key that in both the Orange and the Rose Revolutions, the possibility of opposition between the state and the public sphere became pronounced.

It is also important from the deliberative democratic perspective that the attitudes, interests and preferences of many revolutions’ participants and observers were formed or transformed in the process of the revolution itself and in a dialogical manner, which makes the impact of the revolution much deeper than just the aggregative expression of pre-existing individual interests. In particular, much formal and anecdotal evidence exists about the transformation of the previously apathetic citizens into ones who also engaged in politics and became more public-spirited. Yet, the other potential outcome of transformational participation – that is, making citizens more tolerant by enlarging their mentality in Arendtian terms (Arendt 1958) – did not occur to the same extent in the case of Ukraine due to sharp differentiation between the opposing groups during the Orange Revolution. There are no indications of such differentiation in Georgia, which allows us to evaluate the Rose Revolution’s public sphere in a more positive light. It needs to be acknowledged, however, that the absence of such polarizing features in the Georgian case is rather a consequence of the circumstances described in the previous section. Since the underlying needs behind the
Rose Revolution were largely socio-economic and were shared by the dramatic majority of the population (as the results of the post-revolutionary presidential elections showed) the revolutionary public was united around the common grievances. Second, since ethnicity did not figure prominently in the Rose Revolution rhetoric, polarization did not occur along this line either.

3.4.5 Personification of Politics

The public-spiritedness demonstrated by Georgians and Ukrainians during the revolutions did not last long. Soon after the revolutions apathetic citizens returned to the status quo ante in terms of their political behaviour practices. The reason for such a backlash may lie in the fact that the revolutionary public sphere was centered on the personalities of political leaders in both cases: Saakashvili and Burdjanadze in Georgia, and Yushchenko and Tymoshenko in Ukraine. Each of these political figures had unique characteristics, and was favoured by different parts of the electorate, yet it is obvious that all four of them attracted incredible support for their respective revolutions. As people’s uprisings were so closely associated with their leaders, when these leaders turned into power-holders and started making mistakes, the citizens became disenchanted not only with these leaders but also with the revolutions that were associated with them. Similarly in Georgia, the leadership was very important; Nino Burdjanadze appealed to the key historical figure in Georgian history - Queen Tamar 78 - and “the charisma of Mikheil has captured the hearts of many, for sure”79. At the same time, not everyone agreed; in the view of Saakashvili’s counterpart “charisma was not crucial, there was nothing unique about the leaders, and there was no sacralization”80.

Such personification of the political process is an important feature in both cases, and probably is characteristic of the post-Soviet region more generally. Welton (2006: 29) writes about the inclination in Georgian politics towards the cult of the personality, where leaders are elected for their charismatic personality rather than their policy prescriptions. As a result many, including in the government, seem to believe it is more important to appear strong than reasoned and consistent (Welton 2006: 30). A very similar situation is in place in Ukraine, and in other states such as Russia, for example. Thus the leaders themselves were seen as the panacea for their respective nations, rather than what their programs or arguments suggested.

3.4.6 Solidarity and Inclusion

The unprecedented solidarity that was manifest on the central squares of Tbilisi and Kyiv is an outstanding asset from the point of view of deliberative democracy since it precludes extreme individualism and fosters

78 Interview with Devidariani
79 Anonimous no. 9
80 Interview with Ramishvili
cooperation and communication with others about the matters of common future. However, there was a significant difference between these solidarities as well.

In the Georgian case – again, due to more uniform underlying grievances – the Rose Revolution solidarity was almost unopposed. Although pro-Shevardnadze rallies also took place, one of the interviewees elaborated on their superficial and artificial nature: “first, there was a fear that clashes might happen between the supporters of Saakashvili and Shevardnadze, but when Saakashvili’s supporters approached people brought to Tbilisi by Abashidze to oppose the Rose Revolution they simply went away. No one wanted to be hurt for some 10 or 20 laris”. As follows from this quote, the participants of pro-governmental rallies were allegedly paid to participate which means they did not genuinely oppose the Rose Revolution. The unity of Georgian people around the revolution stands in stark contrast to the Ukrainian case. As one respondent shared: “There were almost no people supporting Shevardnadze, only those directly benefitting from him being in power. People were either neutral or supported the revolution enthusiastically. Everyone thought that it will be better. I thought so myself: it cannot be worse than now”.

The Orange Revolution, in contrast, has created strong social solidarities among the adherents of the different political forces. As an interviewee mentioned: “we had more than one Maidan: an Orange maiden in support of Yushchenko and a Blue Maiden in Support of Yanukovych”. The solidarity, or rather solidarities, that were created were segmental: people were cooperative with the like-minded and highly suspicious of those from the other camp. In the words of a leading Ukrainian historian Yaroslav Hrycak (2007b), the Orange Revolution acted as dynamite in terms of polarizing the two social groups supporting the different candidates in those elections. A classical scheme theorized by Sunstein (2000, 2002) has taken place: as the two opposing camps have limited their deliberation to dialogue with the like-minded people only – the outcome was even greater polarization between the two groups.

This relates also to the issue of inclusion. Formal inclusion in terms of voting rights is not a problematic issue in the case of Ukraine since all the people residing on the territory of Ukraine at the time of the Soviet Union collapse have received citizenship and a right to vote along with it. At the same time, the lack of rhetorical inclusion can be seen as a significant shortcoming of the Orange Revolution as people who did not share similar visions of cultural and foreign policy were not seen as “proper Ukrainians” by both groups.

From this it also follows that the Orange Revolution represented a public space that combined two contradictory functions in terms of its treatment of discourses. On the one hand, it was challenging the

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81 Interview with Jijelava
82 Interview with Zurabishvili
83 Interview with Amelchenko
discourses produced by the oppressive state, but on the other hand, it itself produced an oppressive discourse in terms of exclusion and misrecognition of a significant part of Ukraine’s population.

Another interesting aspect is that, as reported by an interviewee, “most of Saakashvili’s support came outside of Tbilisi, from those who were traditionally marginalized from politics. That is why there even were complaint that Georgia is being run by peasants”. This is important from the point of view of deliberative democracy as it provided space for the previously marginalized rural population to effect politics at the center.

3.4.7 Binary Thinking

The participants of the Orange Revolution viewed power-holders and political institutions through the binary opposition of “clean versus dirty” or “moral versus immoral” (Amelchenko 2006: 62). As one of the revolution supporters put it, “... I see that now there exists good and evil. For the first time we have a candidate, behind whom there are the powers of good” (in Petrasuk 2004). Behind such a dichotomous vision, two processes were on-going: the demonization of the opposite political force and the moralization – to the point of sacralisation of their own candidate as contrasted to the sinfulness of the other (Schotkina 2004). Kniazhytskyi agrees that the point of the pre-Orange Revolution campaign boiled down to the demonization of the opponent and the canonization of one’s own leader: “Yanukovych is a bandit, rapist and venal” – said some; “Yushchenko is an American spy and a fascist” – responded the others (Kniazhytskyi 2005, in Halchynskyi 2006: 51).

Pavlyuk (2005: 293) concludes that the “public discourse of that period abounded in numerous expressions of polarization: “this presidential campaign is a choice between democracy and authoritarianism”, “we choose between values of democratic society and the prospects of totalitarianism”, “freedom or tyranny”, “opposition of criminal Ukraine and Ukraine under the rule law”. In the words of Russian political scientist Andrei Piontkovskii, “the elections in Ukraine are considered almost as a kind of Armageddon, the last battle of good and evil, the forces of Russian, and respectively, American influence on post-Soviet terrain” (Piontkovskii 2004, in Pavlyuk 2005: 295). Overall, the assessment of the world was conducted in the categories of us versus them (Amelchenko 2006: 63), which is a stance on which deliberative democratic development through consensus-seeking is problematic. The use of such a wide brush may be explained by the rules of political campaign, but cannot be justified from the point of view of democracy, which in its deliberative democratic version suffers significantly under such conditions. Pavlyuk (2005: 294) expresses the opinion that such “polarization is evidence of democracy or at least a demonstration of some basic possibilities for democracy”. While I agree that pluralism is indispensable, I also argue that binary thinking and uncompromised polarization make the common democratic project development difficult. Contrasting this feature of the Orange Revolution to the Georgian case, it becomes clear that this level of extreme

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84 Interview with Ramishvili
attitudes was avoided in the Rose Revolution. None of the interviews has confirmed that anything close to the demonizing/sanctifying rhetoric was present in the Georgian case. The reason for that may partly be rooted in the fact that the opponent (Shevardnadze) was not as willing to fight and the population almost unanimously supported the revolution, and thus, there was no need in extra emotional pressure.

3.4.8 Neglecting Difference

Polarizing tendencies established during the Orange Revolution have also led to the difference-blind attitudes on the part of its leadership and supporters. President Yushchenko did not accept the otherness of “the other” in his rhetorical appeal both during the revolution and in his subsequent public policy. Although he declared himself to be the President of the entirety Ukraine and claimed to serve all the people of Ukraine, he did not acknowledge the strikingly obvious fact that these people are very diverse and hold distinct values and attitudes in terms of cultural heritage, historical memory, heroes and holidays (Amelchenko 2006: 66). As Yushchenko visited the unsupportive regions after becoming a President, he finally had an opportunity to communicate an acceptance of those regions with their needs and identities, yet he did not do so. As the Ukrainian journalist from Crimea\(^{85}\) remembers Yushchenko’s visit to Simferopol after winning the elections, “he already had a different rhetoric, [and] started talking about NATO and other things that are not accepted here”. His rhetoric and actions in the position of a president addressed a number of culture- and history-related issues such as the interpretations of World War II and the struggle against Stalinism, the Holodomor of 1932-1933, the traditional Ukrainian culture, the language issue, the Cossack tradition and so on. Yet the decisions that he made were not justified in terms that would be at least understandable to the part of the population that did not share the same values and attitudinal predispositions. Yushchenko was moving forward the cultural agenda of those who voted for him and ignored the fact that this was only a partial representation of the nation’s views. Many commentators also followed this path. For example, Halchynskyi argues: “[t]he face of the Ukrainian people, the magnitude of its soul, the deep roots of Ukrainian spiritual traditions and its highest moral values have been expressed in the pathos of Maidan” (Halchynskyi 2005: 43-44). Such a representation of the “Ukrainian people” is undemocratic and destructive for the Ukrainian society at large. Saying that the highest expression of Ukrainian-ness happened on Maidan means that all the Ukrainian people who did not support the Orange Revolution – who make up 44% of those who voted in 2004 – are not Ukrainians or are Ukrainians who are not good enough.

Such difference-blindness is of crucial significance given that due recognition is a vital human need (Taylor 1994; Kymlicka 1991). Taylor explains that a person or a group suffer real damage if society around them mirrors back to them a demeaning picture of themselves. Non-recognition or misrecognition inflicts harm and can be a form of oppression, imprisoning someone in a false, distorted and reduced mode of being (Taylor 1994). As a result,

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\(^{85}\) Interview with Prytula
such policies and rhetoric produced further polarization, while the decisions that were made did not gain broad legitimacy and became easy targets for policy reversal by the new administration that came to power in 2010.

Difference-blindness is connected to the concept of majority that was predominant in the Orange Revolution. The assessments of the Orange Revolution often refer to the “awakening of the Ukrainian people”, “nation-wide opposition to the rigged election” and similar phrases, which are obviously at odds with the real situation in which almost equal parts of the population were divided over the visions of their preferred shared future. This illustrates that the majority was conceived from the formally numerical perspective and, even though this majority was only slightly higher than the almost equal in size minority, it did not preclude identifying this majority with the nation overall. Finally, as the aggregate concept of majority was in use, it did not result in a broad legitimacy of the new government and its policies. As the other was treated in the way discussed, the outcomes of the revolution were seen as highly unfair by the huge minority of Ukrainians. From this it also follows that the kind of rationality used on the Ukrainian Maidan was not relational, the principle of reciprocity was largely absent, and the other was either viewed as a competitor or in an outright paternalistic way rather than viewing the other in a deliberative democratic spirit as a group with which consensus needs to be reached. In connection to this, a distributional conflict perspective could be felt with people viewing the gain of one side as the necessary loss of the other side.

Notably, such dynamics were absent in the Georgian case. The difference-blindness of the kind that was present in Ukraine was not possible in Georgia primarily due to the extreme visions of themselves by the objective “others” in the Georgian society. While Azeri and Armenian populations have an underestimation of their own special status and identity, the breakaway republics or even the autonomous Ajara overestimate their difference from Georgia up to full or extensive self-isolation. As a result, ethno-cultural issues were hardly present in the rhetoric of the Rose Revolution. This is despite the fact that Georgia has two separatist republics, substantial Armenian and Azeri populations in Samtske-Javakheti and parts of Kvemo Kartli regions, as well as an autonomous region of Ajara (Ó Beacháin 2009: 214-215), which differs from the rest of Georgia by traditionally strong Islam (Derluguian 1998). In this situation, it could be expected that a diversity of needs and viewpoints should exist among those different ethno-cultural or religious populations and the fact that they were not channelled in one way or another through the Rose Revolution might seem surprising. Yet the absence of separatist republics concerns is explained by the fact that these republics themselves “claim no part in Georgian affairs” (Ó Beacháin 2009: 214). In the words of one respondent, “Abkhazians do not want anything in common with Georgia; they either want to be independent or if that is impossible, part of Russia”. Similarly, the situation is not standard with the national minorities as regions populated by Armenian and Azeri people always vote for the incumbent with regional bosses delivering the vote. As for the autonomous Ajara, its leader also separated himself from the mainstream Georgian politics and even his support to Shevardnadze was rather

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86 Interview with Jijelava
personal and did not express the wish of the Ajaran people (Ó Beacháin 2009: 215). Abashidze’s alienation from Georgia’s political struggles is illustrated by the following quote: “he disobeyed Shevarnadze on many occasions. Technically he was a member of the Georgian Parliament, but he never even visited Tbilisi to take part in its sessions”."\(^{87}\) Thus the strongest ethnic opponents of Shevarnadze’s regime, those in Abkhazia and South Ossetia, were not part of mainstream Georgian politics, and other potentially troublesome minorities had been domesticated (Ó Beacháin 2009: 216).

Hypothetically, it could be expected that the Rose Revolution public could express certain negativism towards the Ajaran or national minority population given their almost uniform support to the Shevarnadze regime. Yet none of the interviewees has confirmed this. Instead, the main negativism was addressed towards Shevarnadze and his circle, which was based on objective wrongdoings and was not a matter of identity recognition.

3.4.9 End of History

The rhetoric of the Orange Revolution was characterized by a flavour of the “end of history”. It was widely seen that the events represent the final battle, in which one of the sides will win once and forever. The Orange Revolution itself and the victory of Yushchenko was perceived by the majority in the democratic camp as the final victory of democracy and of all the values that Yushchenko brought with him on the presidential post. This perception was widely spread among the population, the media and even part of the scholarly community. That is why the coalition negotiations with the opponents and the victory of the opponent in the next elections were so painfully observed. An illustration of this point is Yushchenko’s decision, at the very end of his term as president, to attribute the status of a “hero of Ukraine” to one of the most controversial figures in Ukraine’s history – Stepan Bandera. This decision, although made years after the Orange Revolution, demonstrates that Yushchenko was not driven by the ideals of legitimacy, public discussion, consensus or inclusion of difference, but rather by his personal vision of what is right and what is wrong (which naturally correspond to the views of only a minority even among those who elected him), naively hoping that his decisions will not undergo immediate scrutiny as the power-holders change. This view, however, is definitely at odds with deliberative democratic principles that presuppose that no decision is fixed, but is always available for renegotiation.

3.4.10 Emotions

Both the Georgian and the Ukrainian revolutions fascinated the observers by their spirit of non-violent and festive protest. Numerous participants of these events described them using a carnival metaphor and many

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\(^{87}\) Interview with Jijelava
analysts described those carnivals in rich details (e.g. Wheatley 2005: 183). As Fairbanks put it, “on the evening of 23 November 2003, Tbilisi became the scene of a city-wide party set to car horns and rock music” (Fairbanks 2004: 122). Similarly, the emotional component of the Orange Revolution, consisting of rhetoric and music to a large extent (Klid 2007), was what fascinated both those on Maidan and those observing the revolutionary events in Ukraine and worldwide. It is this affective component that has stimulated an unprecedented mass mobilization despite the freezing temperature and the threat of violence. Finally, this emotional component attracted international media and created a massive boomerang effect in terms of the response of foreign countries to the revolution (Salnykova 2006: 77).

At the same time, however, these emotions were not very democratic in their nature as they precluded critical thinking, led to the development of unrealistic expectations, and prevented pragmatic communication with the other. In fact, instead of promoting deep democracy, affective motivations of the electorate rather construct a populist regime of what is known as delegative democracy (Kubiček 1994). From the deliberative democratic perspective, such an unpragmatic attitude is a poor basis for common ground, which, according to Habermas (1984), is supposed to be grounded on reasonable arguments.

Having said that, contemporary deliberative democracy theorists argue that emotions need to be an integral part of deliberation and true deliberation cannot transpire without the emotional component (Mihai 2010). Many argue that emotions need to be included as legitimate forms of expressions in a deliberative setting. This stance is supported by the finding that brain cells responsible for emotions are tightly connected to the cells responsible for reasoning and that without the emotional cells a person is unable to think (Damasio 1994, Bechara et al 1994, 1996, in Dowding 2013: 139). I find this stance valid in cases when stakeholders are unable of making arguments due to their distinct background or when emotions help to express the point. On the other hand, when emotions are treated as a substitute for justice and when argument-based discourse is substituted by “what feels good” by those who are fully capable of leading an argument-based discussion, they instead poorly serve the quality of democracy. In line with this, one of the interviewed experts has also shared his opinion that: “there can well be a discourse in which rational dialogue is supplemented by emotional argumentation. But the key is to have this rational bone, otherwise people cannot even express what they want from the rest of the society”*88*.

As Hume puts it, “it is the nature of passion gradually to decay, while the sense of interest maintains a permanent influence and authority” (Hume 1739-1740). In other words, interest is a better basis for political institutions than enthusiasm. Enthusiasm can easily lead to more and more extreme political positions and to competing

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*88 Interview with Kulyk*
extremisms—the story of many revolutions. Once the enthusiasm cools, the disappointment can easily issue in political cynicism (Fairbanks 2007: 45, O’Donnell and Schmitter 2013).

And yet a caveat is in order. In accordance with the deliberative systems approach, such festive emotional events as colour revolutions may have two positive effects on the deliberative system of the deliberative capacity at large. First, they provide a space for position crystallization, while they may not be able to so effectively crystallize outside of such settings. Second, they provide a corrective force for the democratic system by expressing criticism and dissatisfaction with this system, and even more so by doing it in an emotionally intense manner that may help the transmission of the message both within the public space and from the public to the empowered space.

3.4.11 Shared Language

One of the factors facilitating deliberation according to Dryzek (2009) is shared language. This point is based on the argument that democratic politics need to be conducted in the vernacular as democracy across language groups can be problematic (Kymlicka 2001). In this respect Georgia happened to be in a better condition since the language of the entire citizenry was Georgian, unlike in the case of Ukraine, where a language choice (between Ukrainian and Russian) was mostly interpreted as a way of addressing a specific part of an electorate. Reaching an electorate that spoke a different language with the true meaning of what is said remains challenging in Ukraine.

To conclude, from the deliberative democracy perspective, both revolutionary processes were far from ideal. Although both revolutions were successful in mobilizing participation and solidarity, they also were based on tense emotions and the personification of the political process, rather than on more reasoned discussion.

Yet it can be argued that the Georgian case was more in line with deliberative democracy criteria, or rather less violating these criteria, even if not on purpose. Although the Ukrainian revolution was more based on court decisions, it was also characterized by social divisions, polarization and a difference-blind or paternalistic vision of the other. While it is indeed impossible to develop a comprehensive deliberative space during the period of a couple of weeks – it is, however, possible to start doing that through at least an expression of due recognition, as well as showing the signs of intention to develop such deliberative space in consequent public policy. Neither of these was, however, done during the Orange Revolution. Therefore, Georgia’s revolution contained greater deliberative capacity compared to the Ukrainian one, yet this was caused by structural circumstances, as opposed to being an intended feature. Among these circumstances was the situation with Georgia’s ethno-cultural diversity, in which minorities were either fully isolated or fully domesticated. In addition, the socio-economic misery that preceded the Rose Revolution created an almost unanimous anti-Shevardnadze attitude in the population.

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3.5 Revolutionary Outcome: Successes and Failures in Terms of Democracy

While the short-term outcomes of both the Rose and the Orange Revolutions were similar and included fair elections and legitimate president supported by the masses, the middle-run results of the activities of the revolutionary elites were different. In Ukraine, both the 2006 and 2007 parliamentary elections that were held during the presidency of the Orange president Yushchenko were free and fair (Vorobyova 2009: 22), and until 2010 the country was consistently assessed as the most successful in terms of advancing democracy in post-Soviet space (World Audit 2009; Campbell/Pölzlbaeer 2010; FH 2010).

The developments in terms of electoral democracy were less optimistic in Georgia. Although the Georgian government demonstrated major advances in governance and reform (Welton 2008: 3), Georgian democracy demonstrated backlash in significant areas such as freedom of elections, freedom of speech and freedom of opposition. “While Saakashvili came to power as a lauded democratic reformer, he was soon castigated by the opposition for persecuting opponents and curbing media freedom” (Broers 2005: 334). The opposition, led by the United National Movement has been associated with alleged political killings, with the taking of political prisoners by the Saakashvili regime (Lane 2009: 122), and with unlawful arrests (Wheatley 2005: 203). One of the interviewees has shared: “I was a very active participant of the revolution, was very close to Saakashvili, even considered him my friend. But not now. When you go into opposition – you die in his eyes”.

Adding to the picture, the run-up to the Georgian local elections in 2006 was troubling in two respects: first, it seemed to suggest that the government was more interested in securing absolute and unqualified victory than subscribing to meaningful democratic standards (Welton 2008: 3), and second, the Georgian opposition claimed that government creates barriers to opposition (Welton 2006: 36). Thus, the OSCE had significant concerns about both the partial repeat of parliamentary elections in 2004 (OSCE/ODIHR 2004) - pointing to implausible turnout, clear fraud and media bias - as well as the extraordinary presidential elections in 2008, mentioning significant vote tampering and media bias (OSCE/ODIHR 2008).

Second, these elections showed, once again, that the opposition was utterly incapable of finding a common platform. Conventional political opposition in Georgia has been extremely weak since the Rose Revolution (Welton 2008: 27). This failure to oppose arguably constitutes the greatest threat to the democratic transition of post-revolutionary Georgia and, until the opposition is able to offer a credible alternative to the party of government, popular dissatisfaction will have no avenue for democratic change (Welton 2006: 4). In Ukraine, in contrast, several opposition centers acted as a counterbalance to President Yushchenko, most notably his

89 Interview with Zurabishvili
competitor in the presidential run – Viktor Yanukovych, but also his former ally, the “goddess of the Orange Revolution” – Yuliya Tymoshenko.

The deliberative democratic principles of dialogue and inclusion were not followed in both cases. The Georgian government had shown little interest in inclusive politics, and Georgian politics generally continued to be characterized by mutual abuse on the part of all political groups more than reasoned argument (Welton 2008: 3). A 2005 report on civil society in Georgia states:

“The government believed that it had already absorbed a large part of the best human resources available in the Third Sector. Thus, listening to the remaining CSO activists was seen as less important, especially as the government did not lack public support. Within the donor community the opinion prevailed that the funding flows should be diverted to the new government, since this would be the shortest and most effective way of achieving the country’s goal of democratic development. The media paid less attention to CSO-organised events, as it no longer considered this community an important actor in public life” (Nodia 2005: 20, in Welton 2008: 28).

Instead, the personality-driven political climate that puts a premium on the strength of leaders dominates in Georgia. As a result, the government likes to make firm decisions, backed up, if necessary, with the use of force. At the same time, both sides often prefer inflammatory language to reasoned dialogue and compromise (Welton 2006: 4). Cooperation did not advance either; instead, division arose over who supported the Rose Revolution and who did not (Welton 2006: 32). In contrast, in Ukraine cooperation is more vivid across such lines, even though the public does not support such political behaviour, treating it as betrayal90 rather than as pragmatic cooperation for the common goals.

A similar situation took place in the area of the freedom of speech and mass media. Media freedom was among the few areas in which Ukraine’s Orange leadership managed to succeed (Dyczok 2009). The contrary has happened in Georgia. As one of the interviewees has shared:

“In terms of the freedom of speech and mass media, it was much freer before, I can say this without doubt, it cannot even be compared. If we take national-wide TV channels, almost all of them are governmental now, not even almost – all; there are only two more free but they only work here in Tbilisi. The last independent channel was Imedi, ... but gradually it changed, it is also governmental now.”91

On the institutional level the paths have similarly diverged. The Constitution re-crafted under Saakashvili became less democratic and has strengthened the executive branch (Wheatley 2005: 194). In contrast, with

90 In particular, cooperation between former Orange and anti-Orange leaders is painfully perceived. In addition, official Crimean Tatar representatives it the Parliament of Ukraine refuse to cooperate with any structures that include representatives of the Communist party.

91 Interview with Zurabishvili
Yushchenko coming to power in Ukraine, it was the parliament that became stronger according to the constitutional changes adopted during the Orange Revolution negotiations.

As for the electoral rule changes after the revolutions, they are in line with the general tendencies that are observed in the two cases: that is, they were less democratic in Georgia. In Georgia the 7% threshold established since the Rose Revolution played out negatively against the opposition. Welton provides a quote from the International Republican Institute country director on this issue:

“...the 7% barrier is a giant obstacle to political participation in Georgia. I cannot stress that enough.... In the last [parliamentary] election the Labor party were excluded by 0.1% and if the New Right/Industrialist coalition had gained a 0.2% lower vote then there would have been no opposition parties entering the parliament” (in Welton 2006: 37).

Curiously, he mentions, this issue did not gain a lot of attention from the opposition parties, probably because it would require them to tacitly accept their relative weakness (Welton 2006: 37), which is unacceptable in the local political culture.

Needless to say, such developments violate not only deliberative, but even the minimal electoral criteria for democracy. As one of the interviewees has put it: “after the Rose Revolution, Saakashvili and some others from the Liberty Institute, took a course on building a liberal authoritarianism, if I can say so. That is, they wanted to forcefully establish some liberal values.”

What is more, many of the innovations under Saakashvili cannot be named liberal under any conditions. Such policies as television arrests were reported, which refers to the arrests of businessmen that were broadcasted on a national television. Private property confiscation, ruining houses and offices were also mentioned by several study participants: “they would come to a restaurant and say that it is not yours anymore, and that you should sign a paper transferring the property rights to the state... People started feeling that they will rush into their own houses next.” Finally, the freedom of speech has also suffered significantly, as was reported by one of the respondents:

“We also have a political body – the Department of Constitutional Order – that is charged with monitoring the actions of the opposition. If a mass rally takes place, it is about being dispersed, and then identifying whether any of those rallying work in state institutions. If they do, they start having problems at work. This is a usual thing.”

92 Interview with Zurabishvili
93 Interview with Zurabishvili. The same problem was also discussed by Devdariani.
94 Interview with Zurabishvili.
95 Interview with Devdariani
3.6 Conclusions on the Effects of Colour Revolutions on Deliberative Capacity

Based on the conducted analysis I have no argument with an assessment that the first, technical, function of the colour revolutions was performed. Indeed, from the minimalist electoral point of view, the Orange Revolution was an outstanding success. The same is true of the Georgian case. Yet, based on the application of the deliberative democratic lens to the analysis of the Orange Revolution events, I also argue that the achievements of this revolution on a social level are mixed at best and insufficiently democratic from the deliberative democracy perspective. The situation is less problematic in Georgia, yet is not fully in line with deliberative democratic principles either.

Vorobyova observes that the Orange revolutionaries intended to re-establish the legitimacy of elections as a truly democratic institution and to free the space for media, political opposition and civic discourse. At the same time, they did not aspire to bring a project of complete transformation in Ukraine (including economic, industrial or public administration reforms). This was evident from the revolutionary slogans that were rather concerned with honesty and truth in politics as a whole, and particularly elections, instead of concrete plans of action in terms of comprehensive reform (Vorobyova 2009: 22-23). Hence, she concludes, judging by its means, goals and scope, the Orange Revolution was less comprehensive than traditional social revolutions (like the French, Bolshevik or Chinese examples) but more normative and democratic in nature (Vorobyova 2009: 23). While I have no issue with such a conclusion, I also suggest contrasting the Orange Revolution not only to the traditional violent revolutions of the past, or the self-limiting velvet revolutions of the end of the twentieth century, but to the ideals of deliberative democratic polity. When seen from the latter perspective the Orange Revolution does not appear to be as democratic.

Finally, comparing the two cases we find two different kinds of deliberative capacity. Ukraine and Georgia score differently on input and output legitimacy during the otherwise very similar Colour revolutions. In Georgia, we observe poorer input legitimacy but higher output legitimacy, while in Ukraine the situation is inverted with higher input legitimacy being combined with lower output legitimacy. This created drastically different types of deliberative capacity in the two cases.

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<th>Table 7. Rose and Orange Revolutions and Legitimacy</th>
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<td><strong>Output Legitimacy</strong></td>
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Both the Orange and the Rose Revolutions were successful from the point of view of electoral democracy in terms of their immediate results. The deliberative democratic assessment reveals some differences, however.
Deliberative capacity was more present in the case of Georgia’s Rose Revolution, owing primarily to the fact that the Orange Revolution was associated with polarizing, exclusive, difference-blind, or paternalistic rhetoric.

However, it is also clear that Georgia’s “higher score” is not the result of a more benevolent or skilful leadership of the Rose Revolution. It is rather the result of certain objective circumstances in which Georgia was and Ukraine was not in. In other words, the Rose Revolution simply did not reveal the possible problems, while the Orange Revolution did. The first circumstance that differed between the cases was the ethno-cultural structure of society. In Georgia, ethnicity was not a pronounced part of the revolutionary rhetoric since breakaway republics and the autonomous Ajara have isolated themselves from Georgian politics. As for the national minorities (such as Azeri and Armenian) they traditionally do not have any separate agenda in the context of Georgian politics. The ethno-cultural context was very different in the case of Ukraine, where many ethnicity-related issues were pronounced by either adherents to or opponents of the Orange Revolution. As a result, the revolutionary events were marked by significant polarization, exclusion and difference-blind or paternalistic attitudes between the social groups.

The second difference was in the socio-economic underpinnings of the revolutions. Although important in both cases, the socio-economic grievance was much more pronounced in Georgia. This was due to the fact that Georgia’s president Shevardnadze has achieved much poorer results in reform and basic social needs provision than did the Ukrainian president Kuchma. As a result, the the main grievance behind the Rose Revolution was socio-economic and has, therefore, contributed to the consolidation of the Georgian public.

It can also be mentioned that the same circumstances that led to distinct levels of deliberative capacity during the revolutions have also impacted the possibility for effective governance and reform by the new presidents. Thus, having an almost unanimous popular support for reforms, Saakashvili managed to be more successful than Yushchenco, who was supported by much lower numbers of the population and did not consider economic reforms as his primary responsibility.

At the same time, while deliberative capacity was greater in the Rose Revolution, the democratic achievements after the revolutions were sounder in Ukraine. This seems to contradict the theory that deliberation is an important pre-requisite to democracy consolidation. Yet, it is not necessarily so. Since the high deliberative score of the Georgian revolution is based on structural circumstances, it cannot be considered an indicator of an authentic deliberative democratic space. As the deliberative space created during the Rose Revolution was rather unintended, it is not surprising that in the post-revolutionary era, inclusion and toleration have vanished and civil war, pressure on the opposition, and other anti-democratic moves were made by the government thus violating not only the deliberative democracy standards but even the most minimal requirements for democracy. In contrast, the fact that post-revolutionary formal democratic achievements were high in Ukraine
allow one to suspect that the potential for deliberative democracy was greater in the Orange Revolution than was realized. If the revolution was planned with an eye on how the existing ethno-cultural diversity could be addressed, the polarization that occurred could have been much softer.

It becomes clear that for deliberation to be an asset for future democracy consolidation, this deliberation needs to be authentic and needs to be present in the larger political system and not in separate events like, for example, an electoral revolution. At the same time, the violation of deliberative principles even during a separate crucial event can have lasting negative consequences for the future development of the political system. This is illustrated by the case of Ukraine where the polarization that was manifest during the Orange Revolution found its way into the post-revolutionary political decisions and resulted in power reversal, associated with the backlash in democracy, among other changes.

The fact that the Orange Revolution did not comply with deliberative democratic principles is highly consequential for social cohesion, democracy and governance. The difference-blindness expressed during the Orange Revolution has contributed to the deterioration of social cohesion in the Ukrainian society. While strong solidarities were created inside the electoral constituencies during the revolution, significant alienation has also developed between these communities as is evidenced by the quotes from the Russian-cultured respondents especially. Dubynianskyi observed that as the authoritarian pro-Russian regime was being formed after the revenge of anti-Orange forces in Ukraine, part of the society was resistant to it and the other part was celebratory. What is more important is that for both sides the key word is “pro-Russian” and not “authoritarian”. In Dubyniansky’s view, if this new authoritarianism was being formed with a nationalistic flavour to it, that it would have solved the problem for many of the current opponents of the regime. Thus, it is not the unlawful arrests, the corrupted judges and the media censorship per se that are being rejected by the population. It took Yanukovych only two months to demolish the minimalist democratic achievements of the past five years, which is telling in terms of how poorly rooted these achievements were in the first place. Thus Dubynianskyi concludes that the Orange Revolution has taught people to stand up for their rights, but did not teach them to respect the rights of the others (Dubynianskyi 2010).

The case of Ukraine also demonstrates that deliberation indeed can lead to polarization, as some of the critics of deliberative democracy argue (e.g. Shapiro 1999), if conducted among like-minded people only (Sunstein 2000, 2002). Thus, an important policy implication from this case is that deliberative democratic processes and spaces need to be carefully crafted ahead and regulated in terms of what should and should not be said (Warren 2006). One of the consequences of the lack of deliberative capacity during the Orange Revolution and under the presidency of Yushchenko may also be the electoral revenge of Yanukovych in 2010. Moreover, the currently implemented reversal in the cultural, educational and foreign policy of Ukraine is also logical under the conditions...
that the Orange Revolution and consequent policy did not gain broad legitimacy based on a reflective acceptance of collective decisions by actors who have had a chance to participate in consequential deliberation.

Finally, to summarize the effects of colour revolutions on deliberative capacity, they may be described as mixed. The positive effects are multiple and they are important. For example, the dimension of authenticity is positively affected as colour revolutions create space for expressing the groups’ claims and ideals that were hard to express through the means of the mainstream institutions against which the revolutions rose. Colour revolutions also usually have a positive effect on consequentialism dimension as they intend to shift the power balance and help introduce political and policy changes that stagnate because of the lack of political will. In addition, colour revolutions create positive effects on equality as they respond to the existing inequalities and injustices. Given that colour revolutions bear the heritage of the non-violent velvet movements, they tend to justify their demands with arguments, at least for a certain time, before resorting to more disruptive actions. Moreover, a concentration of motivated public and a high intensity of emotional motivation also lead to an outburst of grass-root artistic and linguistic expression and an elaboration of the main arguments and justifications of the movements. For these reasons, they are rather a positive factor for the development of the justification aspect of the deliberative capacity.

Yet the effects on some dimensions of deliberative capacity are more controversial. With respect to the inclusiveness/diversity dimension of deliberative capacity, colour revolutions generally have a positive effect as they help to voice the claims of the marginalized by the existing political system and shift the power balance towards them. At the same time it is important that while being backed by wide masses and open for broad participation, movements like colour revolutions may rhetorically exclude some groups. As for the learning dimension of deliberative capacity, colour revolutions help to express the ideas that lacked channels for expression and through this they facilitate learning in two ways. First, learning about new ideas takes place and people who previously were unaware of certain positions or never thought of certain issues are exposed to them. Second, people who do share common ideas get to learn that many others think the same way and are ready to stand for those positions; in this way learning about the attitudes of co-citizens takes place. At the same time, if the rhetoric of colour revolutions is excessively emotional, it may prevent the learning of ideas, and particularly the justification behind them, coming from the supporters of the other side. Colour revolutions are also a positive factor for accountability as they target fixing the lack of such accountability and intend to continue control over the newly established leaders. It is, however, also possible that if a movement is highly personalized, new leaders may glean far too high to trust credit, resulting in poorer accountability as it has happened in the case of post-Rose Revolution Georgia.

Still, the effects on some of the dimensions of deliberative capacity are rather negative. Colour revolutions usually do not represent fertile grounds for preference shifts as they organize around a clear-cut demand and shifting that
stance would ruin the logic of the movement itself. As for respect and reciprocity, colour revolutions are not very favourable for those values since the opposition between the protesting people and those against whom they protest is too dramatic. And in terms of moderation, colour revolutions are rather negative in their effect since in order to keep the crowds motivated the movement leadership is prone to resort to more extreme black-and-white claims.
4. INSTITUTIONAL DESIGN AS A FACTOR OF DELIBERATIVE CAPACITY IN POST-SOVIET GEORGIA AND UKRAINE

Deliberative capacity is influenced by institutional arrangements, as certain institutions are more conducive to intergroup communication than others. Attempts have been made to assess the institutional solutions offered to deal with ethnic tension from the perspective of how much deliberative space those remedies create. Deliberative effects of institutions were explored by a number of authors, most systematically by James (2004), yet no consensus was achieved.

In the context of this ongoing debate Ukraine is a good case for analysis since it underwent three electoral system reforms in the past 20 years and it has a prolonged debate on the matters of federalism. Georgia, on the other hand, experienced one electoral reform and also struggles with the issue of autonomy and frozen conflicts in two breakaway republics. More generally, as democracies in formation both Georgia and Ukraine have issues of institutional design high on their agenda and institutional arrangements still undergo changes. For example, Ukraine had another round of debates about its electoral law prior to the fall 2014 elections, and Georgia had its electoral system amended before its last elections in 2012 and is still in a process of debates on further changes to this law. In this context, it is important to review the deliberative effects of institutional choices that are being made or can potentially be made in these developing democracies.

The main debate in the area of institutional design lies between the followers of consociationalism and centripetalism. Some authors, such as Steiner (2012), O’Flynn (2007, 2010), McCulloch and Drake (2009, 2011) argue that consociationalism provides the most of deliberative potential. Others argue that centripetalism is more in line with deliberation (Dryzek 2006, Tsebelis 1990, Barry 1975, Pierson 2004). Yet others suggest certain modifications of either one or the other model in order to better align them with deliberative democratic ideals.

In what follows, I first present the consociational and centripetal models, as well as their modifications over time. Afterwards, I review the literature on the institutions’ effects on deliberative capacity, including the effects of electoral systems, territorial organization, party systems and the format of the executive. Each of these discussions will contain the sections applying them to the cases of Georgia and Ukraine.

Ukraine and Georgia are very similar in terms of institutional arrangements. Both countries are characterized by strong presidencies, even though Ukraine had a period of a parliamentary-presidential republic between 2005 and 2010. Both presidents are elected for 5 years by an absolute majority vote through a two-round system. Both countries currently use the mixed electoral system in its parallel form, although Ukraine had purely party-list-based elections in 2006 and 2007. Both cases have unicameral parliaments elected for 4 years (Inter-Parliamentary Union 2011, International Foundation for Electoral Systems [IFES] 2012). Both countries also have an underdeveloped municipal government structure. Finally, both states used to have regular autonomous units (Crimea in Ukraine;
Ossetia, Abkhazia and Ajara in Georgia); and now both also have some breakaway territories: Crimea that was annexed by Russia in Ukraine, separatist movements in Donetsk and Luhansk regions in Ukraine, and Abkhazia and South Ossetia in Georgia.

Yet, the social, economic and historical contexts are very different in these two cases, as was illustrated in the preceding chapters. Therefore, the same institutions are not necessarily the best fit for both countries. In this chapter, I consider which institutional arrangements are better for each of the cases given their contextual features in order to maximize democracy in general and deliberative capacity more specifically.

In a nutshell, the theoretic argument developed in this chapter is that both consociationalism and centripetalism have certain flaws with respect to deliberative capacity. Consociationalism leads to entrenched identities, hardens the reversal of institutional solutions and suffers of democratic deficit because it operates through the elites. At the same time centripetalism is accused of excluding radicals and not being attentive enough to ethnic identities. It also argues that new developments in institutional theory, as well as the circumstances around the application of institutional solutions in real-life cases make the use of the original division into two models somewhat restraining. The empirical argument suggests that the effects of institutions on deliberative capacity are conditional on social, economic and historical contexts. The way electoral systems, the format of territorial organization, and other institutions fit the specific case depends on the demographic characteristics, geography of settlement, historical claims, political culture, and geopolitical and economic constellations, among other factors. In terms of specific institutional prescriptions, the chapter suggests that PR is more favourable for both Georgia and Ukraine at the moment, with a single transferable vote (STV) electoral being a desired future goal. Speaking of the executive, parliamentarism is suggested for both cases, yet parliamentarism of a different kind. While usual parliamentary coalition of moderate parties is deemed best for Ukraine, a proportional sequential coalition is suggested as most promising for the case of Georgia. Federalization is not recommended in either case, while a two-party system is advised for Georgia, but not for Ukraine.

4.1 The Grand Debate: Consociationalism vs. Centripetalism

Ethnic tension is usually seen as a risk factor for stable democracy (Diamond and Plattner 1993: 18; Ulfelder and Lustik 2007), therefore the literature offers a number of remedies to this problem. Two major institutional solution packages are the theories of consociationalism – most prominently represented by Arend Lijphart – and centripetalism that started with the works of Donald Horowitz. These two competing prescriptions for solving the problem of ethnic conflict in a democratic framework presuppose different sets of institutions. I will outline the main features of consociational and centripetal systems in general and will then turn to discussing separate institutional arrangements, along with their application in the Ukrainian and Georgian contexts.
4.1.1 Consociationalism

A model most frequently suggested for ethnically divided societies is consociational democracy, which entails government by elite cartel, where different ethnic leaders reach compromises through bargaining and then justify these bargains to their ethnic groups. The key underlying assumption of consociational democracy is that it is in principle not possible to solve ethnic tension; it can only be accommodated by representing social diversity in politics as proportionately as possible (Lijphart 1999, Schneider and Waideman 2005, Schneider 2008).

Consociationalism offers four pillars on which ethnic accommodation in a divided society rests: (1) federalism or cultural autonomy for all groups, (2) a closed-list proportional representation (PR) electoral system that leads to ethnic proportionality in cabinet, (3) minority veto power on important policy issues, and (4) a grand coalition between the diverse groups in government (Lijphart 1999). These institutional features are expected to make ethnic minorities feel their needs are more satisfied and therefore increase their loyalty to the political system in which they live.

Critics of consociationalism, however, point out a number of problematic aspects in this system. Looking from a deliberative democratic perspective, John Dryzek (2006: 51) goes as far as to say that consociationalism precludes public deliberation and is not very democratic overall. First, it is argued that consociational democracy assumes that elites cooperate for the good of society and not for the pursuit of their own interests. However, Tsebelis (1990) argues that elites may create conflict and mobilize masses for particularistic interests - that is engaging in ethnic entrepreneurship - while consociationalism does not expect such strategic use of conflict. A reason behind this assumption is that consociational theory is heavily based on the Dutch case and is therefore not very transferable to other places (Barry 1975, Horowitz 2003). Moreover, there are questions about the direction of causality even in the Dutch case. Thus, Horowitz suggests that consociational democracy might have become so successful in certain cases because those cases already had a neocorporatist political culture and were characterized by elite cooperation, whereas when those conditions are absent consociationalism itself is of little use (Horowitz 2003). This is not to say that the consociational model is not an effective tool, but rather that contextual factors determine to a significant extent whether a certain arrangement – either consociational or centripetal - is effective or not.

Second, Horowitz emphasizes that consociational democracy leaves little space for democratic opposition, since all the parties are in coalition (Horowitz 2003 14-15) and voters are left without a clear choice at election times (Steiner 2012). This feature is especially dangerous in the already elitist context with low rule of law as in the cases of Ukraine, Georgia and other post-communist societies. Under such semi-democratic conditions, a consociational system can increase the democratic deficit even more by entrusting all the decision-making power to regional or group leaders that can hardly be challenged by those who they represent. Therefore, while grand coalitions for cabinet formation may be favourable to deliberation as they may create institutional pressure for cooperation
(Steiner 2012), and secure dissent within itself through a veto mechanism, such grand coalitions also create incentives for suppressing opposing voices from within the groups that are represented in such grand coalitions.

Finally, Barry (1975), Horowitz (1991, 2000, 2003), Pierson (2004) and Tsebelis (1990) see consociational democracy as conducive to further societal polarization due to the reification of group identities. According to Horowitz (2003), consociational systems lock in ethnic divisions by promoting ethnic parties, while, in his view, electoral systems in divided societies need to provide incentives for voters to pool their votes behind moderate, multi-ethnic coalitions. Rothschild and Roeder (2005: 29) agree that the consociational system exacerbates division by encouraging ethnic elites who have an interest in maintaining the conflict and by reinforcing loyalties on which division is built. According to them, power-sharing empowers ethnic elites, creates incentives for them to press for radical demands, and lowers the cost for these elites to escalate conflict. Roeder (2005: 59) specifies three interrelated consequences of consociational power-sharing: (1) it casts all policy disputes in ethnic terms thereby eradicating crosscutting cleavage, (2) it institutionalizes cross-group contagion of escalating demands and (3) it provides ethnic leaders with institutional weapons to make good on their threats of escalations. Moreover, Horowitz notes that grand coalitions are impossible when divisions are severe since ethnic group representatives’ participation in coalitions looks like selling out on the group’s interests (Horowitz 2003: 14-15).

It is also important to emphasize that institutions like proportional representation or federalism, required by consociational democracy, represent deep institutional equilibria and thus are almost irreversible (Pierson 2004), which violates the major principle of deliberative democracy that decisions should be open to renegotiation. One of the reasons for such poor reversibility of consociational institutions is the reification of groups as such. Benhabib addresses this issue in “Claims of Culture” (2002). Her analytic distinction between politics of recognition and identity politics of groups’ affirmation is important. It suggests that we should do justice to certain claims for recognition without accepting that the only way to do so is by affirming a group’s right to define the content as well as the boundaries of its own identity. This can be a form of politics of recognition, but it can be problematic. Social patterns of representation can also be transformed through an acknowledgement of the fluidity of group boundaries, and through the telling of stories of interdependence of the self and the other. The politics of recognition, instead of leading to cultural separatism, can initiate critical dialogue and reflection in public life about the very identity of the collectivity itself. Through the dialogue, the inevitable interdependence of self and other are brought to light. Such process of reflexive reconstruction of collective identities is an alternative she offers to the politics of cultural enslavism since they allow democratic dissent, debate and contestation (Benhabib 2002: 70-71).

Finally, Diamond and Plattner (1993) reason that democracy, as a system of institutionalized competition and conflict, requires a system to manage conflict peacefully and constitutionally, which requires mutual trust, and a tolerance of opposition. But once deep ethnic divisions are mobilized into electoral and party politics - as often
happens under a consociational framework - they produce suspicion rather than trust, acrimony rather than civility, polarization rather than accommodation, and victimization rather than toleration (Diamond and Plattner 1993: 19). They do not encourage toleration of dissent and opposition, but provide a ready and acceptable justification for intolerance and repression (Diamond and Plattner 1993: 20).

Speaking of the deliberative democratic incentives of various institutions specifically, McCulloch and Drake (2011) argue that consociationalism is superior in implementing the principles of deliberation in divided societies since this model, in contrast to centripetalism, does not restrict inclusion to reasonable positions only. To them, restricting deliberative channels to those that are already moderate fails to include all those who are affected by the decision-making process. Moreover, they cite McGarry and O’Leary (2006: 262), who argue that engaging extremist parties in the democratic process may serve to temper their extremism. They cite the experience of Northern Ireland, where the radical Sinn Féin party appears to have learned this lesson. Its inclusion in the negotiations leading to the Belfast Agreement and its participation in constitutional politics has facilitated a move to a more moderate platform. Exclusion at either stage, by contrast, would have allowed it to become more extreme.

Indeed, inclusion is a key principle of deliberative democracy, yet it is also true that the centripetal model does not necessitate exclusion, but rather creates a system of institutional incentives for moderation. Thus, the issue at stake is not about inclusion versus exclusion. Both under consociationalism and centripetalism, the actors are presumably the same; no one is excluded from the game or included additionally. The difference is that institutional incentives are different and those same actors are expected to choose to speak public reason and address a wider audience in centripetal settings for their own electoral interests, instead of opting for the more narrowly targeted rhetoric – often including hate-speech - that they can effectively use under consociationalism. An incentive to seek votes across group lines exactly means trying to satisfy all sides of the debate and not to exclude one of the groups. At the same time, ethnic entrepreneurship as a strategy is less likely to succeed in centripetal models. Similarly, for Reynolds and Sisk the electoral system is also a form of social communication, whereby candidates are forced to articulate their visions of society. They illuminate how electoral systems differ in the publicity constraints they impose upon candidates. If an electoral system requires winning votes from diverse groups, it forces candidates to expose themselves to a wider public and campaign in a more inclusive manner. For the sake of this discussion it is important to realize that both consociationalism and centripetalism influence reality, by pushing it into a certain direction, and neither of them is neutral, nor is able to replicate or represent reality as it is. The only real choice that we have is not between influencing society or not, but in choosing the kind of influence that we can create through particular institutions.

Finally, McCulloch and Drake use the words “deliberative” and “inclusive” interchangeably in their work, thus reducing the complex concept of deliberative democracy to only one of its many features, and leaving the others, (for example, reciprocity) unattended. In addition, it is questionable whether mere inclusion, without any
moderating incentives, necessarily decreases extremism by itself. Finally, inclusion as a method of moderation is plausible from the deliberative democracy point of view in the sense that inclusion into a discussion with one’s opponents makes one formulate her ideas in a softer way compared to the way these ideas are expressed in the context of discussions among like-minded people. This is rooted in the logic of group polarization discussed by Sunstein (2000, 2002). Yet, as was already mentioned, centripetalism does not necessitate exclusion and thus this moderating effect of the opponent’s presence may also be present in a centripetal setting.

### 4.1.2 Centripetalism

An alternative to consociationalism, suggested by Horowitz, is a system of political incentives to encourage interethnic moderation, specifically by inducing moderate behavior on the part of politicians (Horowitz 2003: 15). In contrast to consociational democracy, centripetalists believe that ethnic tensions can and should be dealt with. Ulfelder and Lustik (2007) argue accordingly that under factionalism, democracy backsliding is more likely, and therefore compromise is needed as an antidote to factionalism. They continue, however, by saying that if Madison’s assessment of human nature is correct, we cannot expect factions to stumble into this solution without being coaxed in that direction. Instead, institutions must be designed in a way to mitigate the effects of factionalism (Ulfelder and Lustik 2007).

In response to the consociational stance that formal electoral rules are called to replicate “reality” in parliaments, the centripetal school emphasizes that institutions need to provide a moderating effect on a divided social reality and therefore not simply represent but also control the kinds of rhetorical appeals made in campaigns (Horowitz 2000, 2003; Sisk and Reynolds 1998; Reilly 2002; Reynolds 2001). The central principle of centripetalism emphasized by Horowitz is the moderation of ethnic claims as a tool to deal with ethnic tension. As put by Sisk and Reynolds (1998), centripetalism is a normative theory of institutional design that seeks to encourage three related but distinct phenomena in divided societies: (1) political incentives to reach out across the group lines (Sisk and Reynolds 1998: 7-8); (2) arenas and incentives for bargaining, dialogue, negotiation and reciprocal support between opposing political forces in the context of electoral competition (Sisk and Reynolds 1998: 11, 167); and (3) aggregative political parties (Sisk and Reynolds 1998: 11), arrived at through the means of the Alternative Vote (AV) electoral system as originally suggested by Horowitz.

It is worth emphasising that three central features of the centripetal model are in line with deliberative democratic principles. First, incentives to reach out across group lines encourage the goal of moderation. Second, creating arenas of bargaining and dialogue enables communicative reciprocity. Third, creating aggregative political parties

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96 This position is a target for criticism by the agonistic political theorists like Chantal Mouffe, William Connolly and others. They find the search of a solution to fundamental tensions profoundly undemocratic as they lead to some sort of superficial agreements that suppress the real grievances (Maddison 2014).
presupposes space for wide inclusion. Accommodation in centripetalism occurs not through exclusion (as viewed by McCulloch and Drake 2011) but through incentives for candidates’ cooperation through making claims acceptable to all, not just winning a majority from one ethnic group (Sisk and Reynolds 1998: 7-8), since politicians depend on the votes of members of groups other than their own (Horowitz 2000, 1991). According to Sisk and Reynolds (1998: 7), “the goal… [of centripetalism is] accommodation, via positional shifts that can only be uncovered by the process of active engagement, discussion and negotiation”, which directly engages the deliberative democratic mechanisms.

The critics of centripetalism also identify a number of weaknesses in this model. First, it is argued that in order to achieve political stability, centripetalism requires a pre-existing level of moderation (McCulloch 2009: 189). In other words, the centripetal model assumes that voters want to vote for moderates, while this does not necessarily holds. In Fiji, Sri Lanka and Republika Srpska, for example, the Alternative Vote electoral system - which belongs to the classical centripetal toolkit - facilitated extremist victories, as well as solidified identities on which the conflict was based (McCulloch 2009: 193). To explain on the example of the Republika Srpska, this has happened because Bosniak voters refused to transfer their support to the moderate Serb candidate as institutional designers expected them to do. They did so despite the fact that their Bosniak candidate had no chance and that the hardliner Serb was clearly not in Bosniak’s interests (Bose 2002: 233). Thus, for centripetal incentives to be realized, a sufficient level of social and political heterogeneity is necessary (McCulloch 2009: 189), which can, however, be achieved by heterogeneous districting if electoral geography permits.

In addition, while consociational democracy is criticized for reifying ethnic identities, centripetalism does not take them seriously enough, according to McCulloch (2009: 191). A possible negative consequence of centripetalism is therefore a replication of the oppressive status quo and a suppression of legitimate, though radical, points of view. A brief summary of the key features of consociationalism and centripetalism is provided in Table 8.

<table>
<thead>
<tr>
<th></th>
<th>Consociationalism</th>
<th>Centripetalism</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assumption about ethnic conflict</strong></td>
<td>Cannot be solved (rooted in primordialism)</td>
<td>Can be solved (rooted in constructivism)</td>
</tr>
<tr>
<td><strong>Normative underpinning</strong></td>
<td>Diversity needs maximum respect → needs to be allowed to flourish</td>
<td>If diversity becomes extreme – it needs to be moderated</td>
</tr>
<tr>
<td><strong>Institutions</strong></td>
<td>• Proportional representation</td>
<td>• Alternative Vote (with heterogeneous districts)</td>
</tr>
<tr>
<td></td>
<td>• Federalism</td>
<td>• Common political space (through heterogeneous districts), while taxes and technical issues can be decentralized</td>
</tr>
<tr>
<td></td>
<td>• Grand coalition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Minority veto powers</td>
<td></td>
</tr>
<tr>
<td><strong>Democratic</strong></td>
<td>Little space for democratic opposition</td>
<td>Exclusion of extremists</td>
</tr>
<tr>
<td>features</td>
<td>Consociationalism</td>
<td>Centripetalism</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Effect on identity</td>
<td>Reinforcing</td>
<td>Moderating</td>
</tr>
<tr>
<td>Assumption of people</td>
<td>n/a</td>
<td>People want to vote for moderates</td>
</tr>
<tr>
<td>Assumption of elites</td>
<td>Elites cooperate for social good</td>
<td>Elites do not cooperate voluntarily, they use conflict for particularistic interests</td>
</tr>
<tr>
<td>Positive impact on DC</td>
<td>• PR and grand coalition encourage equality and inclusion</td>
<td>• Focus on speaking in a way the other can understand</td>
</tr>
<tr>
<td></td>
<td>• Veto power ensures that minorities have a protected minimal say</td>
<td>• Targeting compromise</td>
</tr>
<tr>
<td></td>
<td>• To avoid veto negotiations and communication may be considered more frequently</td>
<td>• Moderation leads to respect, reciprocity and trust</td>
</tr>
<tr>
<td></td>
<td>• Including radicals into the grand coalition government may moderate them</td>
<td>• Bargaining and dialogue lead to communication and reciprocity</td>
</tr>
<tr>
<td></td>
<td>• Federalism allows formulating positions within own groups</td>
<td>• Agregative political parties encourage wide inclusion in each of them</td>
</tr>
<tr>
<td></td>
<td>• Grand coalitions for cabinet formation create institutional pressure for cooperation</td>
<td>• Strongly encourages positional shifts, unlike consociationalism that strongly cements them</td>
</tr>
<tr>
<td>Negative Impact on DC</td>
<td>• Conservation and reification of identities, society polarization</td>
<td>• Restricts inclusion to reasonable positions only</td>
</tr>
<tr>
<td></td>
<td>• PR and federalism are deep institutional equilibria that are hard to change</td>
<td>• Pushes voters to vote for moderates</td>
</tr>
<tr>
<td></td>
<td>• Hard entry for new groups</td>
<td>• Does not recognize ethnic identity seriously enough</td>
</tr>
<tr>
<td></td>
<td>• Homogenization within groups</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Incentives for ethnic entrepreneurship</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Can use veto instead of discussion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Eradication of cross-cutting cleavages</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Once ethnicity is mobilized into political process it produces suspicion and lack of trust</td>
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<tr>
<td></td>
<td>• For some groups entering coalition is not an option</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Grand coalition leaves no choice for voters at elections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Little space for democratic opposition</td>
<td></td>
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</tbody>
</table>

This table demonstrates that both models may have substantial advantages and disadvantages, and specifically with respect to deliberative capacity. They therefore cannot be prescribed universally for any case, but can be applied selectively – partly or in full – in specific cases. Speaking of the cases at hand, they are neither consociational nor centripetal systems at the moment. Moreover, the institutional debates ongoing in the cases mostly focus on separate institutions, not on such generic models.
4.1.3 Modifications of the Classical Models

Since consociationalism and centripetalism were originally formulated, attempts have been made to modify the models. For example, in view of the criticism that consociationalism institutionalizes ethnic division, the newer generation of consociational scholars offered a liberal version of consociational democracy instead of Lijphart’s corporatist consociationalism. It is argued that liberal consociationism allows voters to choose what issues are politically salient. Instead of allocating specific numbers of governmental seats to minorities (as corporate consociationalism prescribes), liberal consociationalism allows every party that gets 10% of the vote to take part in the government (McGarry 2007: 170-1). Moreover, under liberal consociationalism parties elected can be ethnic, but they do not have to be (McCulloch 2009: 212). Such de-ethnicification helps reduce the problem of the inevitable reification of ethnicity, as other cleavages have a chance to become politically salient. It also helps to make the system more open to change as the list of actors is not pre-defined.

Another suggestion coming from consociational scholars is the proportional sequential (PS) coalition as a mechanism of executive formation (Loizides and McGarry 2014), which is an elaboration of the “liberal consociationalism” idea. The PS coalition is a “novel kind of a consociational grand coalition” as defined by the authors, yet it is crucially distinct from the classical grand coalition in that it does not have pre-defined participants in it, but any party (and not necessarily an ethnic one) that collects a certain amount of votes (for example 5 or 10 %) is entitled for a ministerial portfolio (Loizides and McGarry 2014: 8). Thus, on the one hand, the PS coalition ensures broader inclusion than the centripetal arrangement and results in more diverse voices within the government. On the other hand, it does not create pre-defined actors and does not conserve identities by restricting entry to ethnic parties only, like classical consociationalism does. All these features make this system conform better with the deliberative democracy criteria than either of the original models. Finally, with each party’s number of ministries linked to its popular support, institutional incentives for parties to conduct themselves in a way that will broaden their electoral support is provided, and the example of Northern Ireland demonstrates that this mechanism is working (Loizides and McGarry 2014: 8). Moreover, a PS coalition also promotes inter-ethnic alliances on both the left and the right (Loizides and McGarry 2014: 21), which is helpful in strengthening the crosscutting cleavages that are invaluable for enhancing deliberative capacity.

In turn, O’Flynn has theorized that consociational and deliberative democracy can be combined to facilitate inclusion in divided societies (O’Flynn 2006: 4). Such a combination would make transition from conflict to democracy more sustainable than consociation alone. Elstub has also suggested moving into that direction arguing that consociational democracy must be reformed to meet the deliberative requirements of publicity and reciprocity by replacing bargaining with deliberation (Elstub 2010: 309-310).
Building on the prior debate, O’Flynn (2007) argues that deliberative democratic framework helps to advance the consociational-centripetal debate. He suggests that prior debates on ethnic accommodation seemed to oppose inclusion and moderation: while Lijphart’s model sacrificed moderation, Horowitz’ model (with AV as an electoral system) represented a danger for inclusion. According to O’Flynn, deliberative democracy helps to unite both goals of inclusion and moderation more effectively than either of the previous approaches that emphasised only one of them.

O’Flynn admits that through deliberation, moderates are likely to win since extreme positions will not hold the reciprocity criteria. Nevertheless, he argues, it is important for legitimacy - and as a result for stability - that people make their own decisions on who is elected or not as opposed to the scenario when more favourable conditions for some positions but not the others are institutionally created, as it is suggested by Horowitz. Therefore O’Flynn cautions that if AV is simply introduced, according to a centripetal model, extremists would feel disenfranchised, and if they are the majority in the district, AV will not moderate them (O’Flynn 2007). However, it needs to be noted that if extremists are constitute a majority, they will also win under consociationalism despite not meeting the reciprocity criteria.

O’Flynn (2007) highlights important normative connections between consociational and deliberative democracy and develops an account of “deliberative consociationalism”. While consociationalists recommend a proportional representation electoral system for facilitating minority representation97 (and Lijphart (2007: 79) in particular suggests the closed-list variant of PR to encourage the formation of cohesive political parties), O’Flynn (2007) argues that such cohesiveness provides no incentives for reciprocity or for the framing of public reasons as the parties themselves have no particular reason to worry about how they are perceived by those outside their own group. With this in mind, O’Flynn turns to the prospect of Single Transferable Vote electoral system, which he views as more compatible with deliberative democracy98. Interestingly, centripetalist scholars also suggested STV in their improvements of the original centripetalism in an attempt to fix the vices of the original Horowitz’ model, as STV overcomes the shortcomings of AV (Reilly 2001).

All these attempts at modification are steps in the right direction by maximizing the positive effects of either consociational or centripetal institutions on either inclusion or moderation. However, in doing so, each of them moves the original models closer to each other, and at the end of the day can hardly be named by the original models’ titles, as this may be misleading. It is clear that both consociationalism and centripetalism as they were

97 George and Moser (2009), however, contest the necessity of the connection between the proportional representation electoral system and superior minority representation.

98 Used in multi-member districts, STV allows any candidate that reaches a specified quota of first preferences to be immediately elected. If all the seats are not filled on the first count, the candidate with the lowest number of votes is eliminated and his or her votes are redistributed to the remaining candidates for the second count; this process continues until all seats are filled.

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originally suggested have their weaknesses and that each model can be upgraded to some extent in order to eliminate those shortcomings. While entering this grand debate and applying its core ideas to the cases at hand, I suggest stepping away from the umbrella-notions of “consociationalism” and “centripetalism”, as I find it more productive to focus on specific institutions, such as kinds of electoral systems or territorial organization. There are several reasons for this. First, both centripetalism and consociationalism imply a set of institutions, each of which are not necessarily all better or all worse from the deliberative point of view. Thus, looking at these institutions independently is fruitful. Second, the real-life systems are not all based on ideal models, but rather adopt or consider adopting certain institutions from both consociational and centripetal menus, or even considering some institutions that lie beyond both of these models. Finally, the consociationalism-centripetalism grand debate oftentimes resembles an ideologically entrenched discussion, which precludes coming to a mutual understanding and finding the best solutions for specific cases. Therefore I will now focus on specific institutional arrangements instead of the grand debate between the models, and summarize what is known about the deliberative democratic incentives created by specific institutions.

### 4.2 Electoral Systems and Deliberative Capacity

A proportional representation electoral system is generally viewed as more democratic compared to the plurality system. There is a strong empirical correlation between regime type and electoral design: proportional representation is associated with an open, pluralist political process that helps with the consolidation of democracy; by contrast, most authoritarian regimes cling to majoritarian formulas that restrict competition (Bielasiak 2006: 427). Together with strong parliamentarism, proportional representation is considered more conducive to a strong party system with competitive, programmatic and institutionalized political parties, and consequently to democracy (Fesnic 2006). On the one hand, this is because PR is considered more representative. On the other hand, PR provides less space for electoral misconduct. First, a non-proportional electoral system favours clientelistic citizen-politician linkages (Fesnic 2006: 9). According to Kitschelt, “the personalization of candidate competition through electoral rules facilitates clientelism, whereas rules that focus the contest on teams of politicians promote programmatic linkages” (Kitschelt 2000: 859). One of the negative consequences resulting from this is that members of the legislature are easily bought off and controlled by the president (Fesnic 2006). Besides, it is also argued that elections held in single-member districts (SMD) under plurality and majority rule are more likely to be the object of malpractice than those run under proportional representation. Two reasons are advanced in support of this argument: first, candidates in SMD systems have more to gain from individual efforts to manipulate elections than is the case for candidates in PR contests, and second, malfeasance is more efficient under SMD rules, in that the number of votes that must be altered to change the outcome is typically smaller than it is under PR, as was empirically demonstrated by Birch (2007: 1533).

In the area of interethnic relations, Lijphart (1999) recommends proportional representation for all countries in
order to avoid ethnic conflict and advance democracy. A number of scholars (Lijphart 1990, Schneider and Waideman 2005, Schneider 2008) argue that in the context of ethnic diversity, ethnic communities need to be represented in parliament in proportion to their number in society. Otherwise, their discontent will accelerate the risk of instability and conflict, and PR offers such a representation. In line with this position, Doorenspleet (2005) argues that PR is a better choice for dealing with ethnic relations in new democracies. As Kymlicka (2007: 17) and Moser (1999: 360) observe, proportional representation electoral systems as a solution to ethnic division problems are widely supported by intellectuals and are recommended by international bodies.

Jürg Steiner (2012) suggests that the Westminster model, based on the winner-take-all principles, favours strategic action and leaves little room for deliberation. In contrast, the principle of proportionality for parliamentary elections helps to supplement pure party competition with deliberative elements. Proportionality does not presuppose a winner-takes-all logic; instead, there are different degrees of winning or losing. As a result, there are arguably fewer incentives to win at all costs leaving more room for deliberation.

Thomas Christiano argued that PR is more in line with deliberative democracy since it focuses the campaign on a few ideologically coherent parties rather than thousands of candidates (James 2004: 141). This argument can be contested, however. First, “several coherent parties” are not necessarily better for deliberation. Second, parties may be ideologically incoherent. Third, for a particular constituency the choice is not between thousands, but a feasible choice between several candidates and more discussion with and between candidates is physically possible.

However, the positive effect of PR on both ethnic minority representation and democracy is contested. It has been found that PR is far from always promoting the representation of marginal groups (Moser 1999, George and Moser 2009). Moreover, PR can actually accelerate identity polarization and is therefore a poor cure for an already polarized society.

James notes that while party-list PR electoral system is effective in terms of providing aggregative autonomy, its impact on deliberation is not ideal. Party list jeopardizes the deliberative equality and reciprocity since party list PR encourages group-based parties and provides no incentives to appeal across the group lines (James 2004: 166). Instead, an STV electoral system is better than list PR on deliberative criteria (James 2004: 174).

Tsebelis (1990: 309) argues that under the PR electoral system, parties stress their differences along policy dimension as a means of winning votes. For example, while a campaign in a plurality context may well be based on the moral values of a candidate (such as integrity), her professional expertise, or just her promise of building an extra children’s playground in the area, a party-based campaign under PR would condition those same candidates to speak of their stances on broader issues, including the divisive ones like language or foreign policy.
Normative analysis of electoral systems should not only assess how accurately they translate votes into seats or how well they help electoral minorities, but also examine their influence on campaigns that shape voters’ preferences in the first place (James 2004). This kind of analysis is more in line with the centripetalist school that discusses the role of the electoral systems in shaping deliberation. For example, Horowitz (1991: 165) suggests that a test of a good electoral system is not merely in the ratio of seats to votes or in the number of parties, but in the posture adopted by parties with respect to other parties and with respect to other voters. For him, the main criterion is whether the electoral system disposes the parties to ethnic inclusion or exclusion. Thus, enhancing rhetorical inclusion is key for the proponents of centripetalism, even though consociationalists accuse it of lacking inclusiveness and suggest consociational democracy as a more inclusive model. James (2004) also adds that deliberative goals are maximized by an electoral system that creates incentives to appeal to groups other than one’s own in the spirit of the reciprocity principle. Such reciprocity might not even be sincere, yet there is still the factor of a civilizing effect of hypocrisy in the words of Jon Elster that translates such artificially moderated rhetoric into internalized values and deeper deliberative capacity over time.

Moreover, according to Barry (1975), a move back from PR is very difficult because this system reinforces the existing cleavages even more. Pierson adds to this point by stating that the institution of PR represents a deep equilibrium for two reasons: (1) small parties benefit from it and thus support it, and (2) PR contributes to the development of interest organizations, and in many cases, of patterns of political cleavage that reinforce demands for the continuation of PR (Pierson 2004: 158). Two caveats are in order in relation to this point: (1) the logic of small parties favouring PR is not universal (for example, in the case of Ukraine it was the biggest parties who promoted the introduction of PR and benefited from it), and (2) it is also true that other electoral systems can also create entrenched interests. For example, the single-member plurality system often creates two large parties and those parties are interested in maintaining the system and have the power to do so. Therefore, I find the second feature of PR – that is its effect on societal rather than political institutional level – to be more important; the changes it creates in society is what differentiates it from other electoral systems in terms of their ability to reproduce.

While criticizing the ethnicity mobilizing effects of PR, Horowitz (2000, 2003) argues that majority-based systems – in particular the Alternative Vote\(^99\) (AV) - provide incentives for parties to pool votes in divided societies by broadening their electoral base beyond their core constituencies. He argues that if election results depend on the ability to gain votes from members of groups other than one’s own, then political leaders will behave in an ethnically conciliatory fashion (Horowitz 2003: 15). In support of this argument Reilly provides case study evidence that plurality elections have moderated ethnic appeals in Papua New Guinea from 1964 to 1972 (in Norris 2004: 100).

\(^{99}\) Also known as Instant Runoff Voting or Ranked Choice Voting
However, another generation of authors draws attention to the potentially polarizing effects of AV. McCulloch (2009: 193, 198) argues that in the situation of deep division, or in the context of ethnically homogenous constituencies, there is a risk that AV will exacerbate ethnic tension. Reilly (2001: 151) agrees that AV should not be universally advised due to its unpredictability; AV risks to disproportionately represent only one of the groups, which will lead to a greater intensity of ethnic antagonism (Reilly 2001). Thereby, AV, while working well in some cases, may jeopardize deliberative democratic principles significantly in other circumstances. Instead, Reilly offers STV as a system that is expected to moderate the ethnic tension most fully and in the most democratic way (Reilly 2001).

Finally, plurality electoral systems have a negative effect on aggregative autonomy, create the problem of wasted votes and lead to less competition in a particular constituency since parties focus solely on certain constituencies (James 2004: 156). Plurality electoral systems also favour concentrated constituencies and penalize parties that appeal broadly (James 2004: 157), which also creates an anti-deliberative effect. Yet mixed minority-majority districting may increase the deliberative reciprocity in the case of a plurality electoral design (James 2004: 159). Thus, the kind of districting used under a certain electoral system, as well as a kind of an electoral threshold, significantly influence the kind of effect that an electoral system has on deliberative capacity. This is well illustrated by the case of Georgia, that used to have a 7% threshold under PR, which jeopardized inclusion dramatically and created a lot of wasted votes.

### Table 9. Electoral systems with respect to deliberative capacity

<table>
<thead>
<tr>
<th>Positive impact on DC</th>
<th>Proportional</th>
<th>Plurality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Represents communities</td>
<td>AV – moderates win</td>
<td></td>
</tr>
<tr>
<td>Ideologically coherent parties</td>
<td>Plays on ideas that unite</td>
<td></td>
</tr>
<tr>
<td>STV moderates ethnic tension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negative impact on DC</td>
<td>Deep institutional equilibrium</td>
<td></td>
</tr>
<tr>
<td>PR accelerates identity polarization</td>
<td>AV may disproportionately represent one group</td>
<td></td>
</tr>
<tr>
<td>No incentives to appeal to the other group</td>
<td>AV may polarize</td>
<td></td>
</tr>
<tr>
<td>SMD creates wasted votes</td>
<td>SMD – winner take all leaves little room for deliberation</td>
<td></td>
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</tbody>
</table>

To conclude, both PR and plurality systems have advantages and shortcomings, and they need to be chosen based on specific context features, rather than on universal recommendations. The reviewed scholarship also leads to a conclusion that preferential electoral systems – such as STV and AV – are preferred by most scholars. However, STV is suggested more consistently as it helps to avoid the tension between sacrificing inclusion or moderations. Proportional-preferential systems, like STV, give more voice to citizen preferences while also voluntarily picking up on any moderate sentiment that exists within the public, rather than constraining such attitudes. James’s (2004) analysis of institutions, including the different electoral systems from deliberative democratic perspective, also
concludes that STV is the most favoured system in this respect. Reilly (2002) specifies that preferential voting systems, such as alternative vote and single transferable vote, provide the centripetal incentives necessary to push voters and elites into coalitions across ethnic divisions. Elsewhere, he also suggests that STV is preferred to AV since it produces more proportional and predictable results, while remaining a moderating tool (Reilly 2002: 151).

Finally, the effects of PR (as the most widely recommended electoral system) on deliberative capacity are rather mixed. As for the inclusiveness/diversity dimension of deliberative capacity, PR usually helps to include more parties into parliament and is therefore a positive factor. PR also enhances the consequentialism of the deliberative system by enabling smaller parties to promote their agenda, and through a stronger party discipline.

Yet, PR’s more controversial effects include its impact on authenticity, which can be enhanced through better group representation in parliament and governing structures, yet also holds the potential of identities reification. PR’s impact on equality is also mixed. On the one hand, it is permissive to smaller parties, and is associated with less corruption – both features being good for equality. On the other hand, however, it discriminates against non-partisan politicians, which effects equality negatively.

Finally, PR’s negative effects involve its influence on the preference shifts dimension of deliberative capacity, again due to reifying identities. Similarly, it affects reciprocity negatively as it favours group-based parties, and does not create incentives for appealing to the other side. Neither does PR enhance respect, nor moderation, as the system thrives on difference. PR is generally good for learning as a greater number of parties raises a greater number of issues.

**4.2.1 Electoral Systems and Deliberative Capacity in Ukrainian and Georgian Contexts**

**4.2.1.1 Electoral System Design for Ukraine**

Ukraine underwent multiple electoral system changes during its post-Soviet development. On the one hand, it is an interesting background for a “natural experiment” in terms of electoral systems, yet at the same time it is important to admit that as the systems changes so frequently, the effects did not really have time to transpire. The Ukrainian electoral system has changed 3 times since independence: from a majority to mixed system in the 1990s, then to proportional representation in 2005, and back to a mixed system in 2011. There were intentions to change the system back to PR after the EuroMaidan people’s uprising in 2014, but this did not come to pass. According to the electoral law that governed the 1994 contest, one MP was elected from each constituency, with a runoff held between the two candidates who received the highest number of votes if no candidate gained an absolute majority in the first round (Birch 1997: 48). By 1998, a semi-proportional system was in place, in which half the deputies were elected by a plurality of votes (i.e. first-past-the-post system) in single-member districts, and half were from national party lists, with a 4% electoral threshold. The same MMP system was used in the 2002 parliamentary
elections, with 225 deputies elected through SMD and the other 225 recruited under the proportional system (Harasymiw 2006: 2, 2005). The next electoral law was introduced as a part of a pact agreement between the then incumbent political forces and the Orange Revolution opposition in 2004. According to that law, the entire Parliament was elected through party lists and the electoral threshold was lowered to 3% (Fisun et al. 2006: 52). Then a mixed system was again introduced under President Yanukovych as this system allows greater electoral misconduct (Birch 2007).

Table 10. Ukraine’s electoral system in different elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Electoral System</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>Plurality</td>
</tr>
<tr>
<td>1998</td>
<td>List PR (4%) + Plurality (50/50)</td>
</tr>
<tr>
<td>2002</td>
<td>List PR (4%) + Plurality (50/50)</td>
</tr>
<tr>
<td>2006</td>
<td>PR (3%)</td>
</tr>
<tr>
<td>2007</td>
<td>PR (3%)</td>
</tr>
<tr>
<td>2012</td>
<td>List PR (5%) + Plurality (50/50)</td>
</tr>
<tr>
<td>2014</td>
<td>List PR (5%) + Plurality (50/50)</td>
</tr>
</tbody>
</table>

Interestingly, the last two reforms (from MMP to PR, and back from PR to MMP) were pushed by the same oligarchic interests affiliated with the Party of Regions, who expected to benefit from different kinds of electoral systems in different periods. During 2006 and 2007 elections, the Party of Regions was a new actor on the political scene. It also represented the opposition to the controversial Yushchenko regime. Finally, it used to be the most developed party in terms of its brand and structure back then. All these factors made it likely to succeed in a party-list contest. In contrast, by 2012, the Party of Regions was already a ruling party with compromised reputation, but at the same time with extended possibilities to rig elections on the ground, thus making additional SMD constituencies an attractive option.

Although open lists were suggested by some oppositional politicians at different stages, they were resisted. Most of the mainstream politicians were not ready to risk their place on the party list, and thereby their deputy immunity, especially given that these places in the party lists are often paid for by the potential MPs. The practice of paying for being listed on the party list is so widespread that it is part of common knowledge in the case of Ukraine. One of the respondents has also referred to this problem saying that: “When journalist have calculated, how much a Parliament seat costs in this party, it turned out they had the most expensive seats. But this is just the official data, unofficially it is way more expensive”. In 2011 a Civil Consortium of Electoral Initiatives was created in order to

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100 Interview with Prytula
101 It was created on the basis of several think tanks and NGOs such as the Laboratory of Legislative Initiatives, the Ukrainian Independent Center for Political Research, the civic network “OPORA” and the Committee of Voters of Ukraine.
promote the idea of open-list PR electoral system (Kogut 2012: 230). Nevertheless, even after the EuroMaidan and president Poroshenko coming to power, the open-lists were not adopted, and neither was the pure PR system.

The consequences of introducing proportional representation in Ukraine were unusual. According to Duverger’s law - which states that proportional voting tends to produce a multi-party system and plurality or majority voting, in contrast, leads to a two-party system (Duverger 1965) - the new Ukrainian electoral system should have aided in the creation of a greater number of parties in Parliament. Given examples in other settings, it was also expected that PR would bring along an increase in women’s representation. However, these expectations did not come to pass. With regards to the number of parties, under pure PR the number of parties actually decreased. Even though no fewer than 45 parties or party blocs were listed on the ballot for the 2006 elections, only five cleared the 3% threshold (Harasymiw 2005, 2006: 4). Results from the subsequent early elections of 2007 were no different. The switch to pure PR in Ukraine has therefore been associated with less fragmentation in the party system, not the other way around (Harasymiw 2005, 2006: 9). This can be partly explained by the fact that the Ukrainian party system is in formation and the tendency of its overall crystallization is stronger than the effects of electoral systems. And yet, this observation—as well as evidence from comparative research on Polish, Russian and Ukrainian plurality voting systems, all of which failed to produce the expected two-party system parliaments (Moser 1999)—suggest that the reach of Duverger’s law is limited.

Another noticeable outcome of the change to PR was that the parties that passed the 3% threshold in Ukraine were bigger in comparison to previous elections. In other words, PR did not produce better representation of previously marginalized groups by letting their parties into Parliament, but instead saw the reinforced success of the already dominant parties, irrespective of whether they represented diverse social groups. Although voters had a choice of more than 40 parties on their ballots, popular support for small parties was negligible. In addition, those small parties predominantly expressed the ideological visions or personal ambitions of their leaders, rather than the interests of marginalized groups (Harasymiw 2005, 2006: 8).

Finally, the parties that entered Parliament were not ideological in nature (with the exception of the Communist Party, whose ideology is however only a façade), while classically centrist and rightist parties did not meet the electoral threshold (Fisun et al. 2006: 53-54). Thus, the usual expectation that PR favours parties with more clearly formulated ideologies (Lijphart 1984) was not met in Ukraine either. Similarly PR did not lead to greater women’s representation (Salnykova 2012). In view of these peculiarities of PR’s functioning on the Ukrainian ground, its impact on deliberative capacity in Ukraine merits special attention.

Interestingly, some of my respondents reported the positive effects of PR in terms of moderating the political rhetoric in Ukraine. Volodymyr Kulyk has explained that under the PR system, big political parties started to be
more attentive to the interests of people living in different regions as they tried to receive some of the non-traditional votes in the national elections under PR. Thus smaller parties, like the leftist one led by Natalia Vitrenko or the rightist “Svoboda” party, stayed true to their usual rhetoric: radically pro-Russian and pro-Ukrainian respectively, as they could not hope to get votes from the regions other than their traditional constituency. Thus, these smaller parties built their campaigns on targeting the identity of those particular regions. However, the bigger parties, like the Party of Regions and the Yulia Tymoshenko’s Fatherland party tried to collect votes on the entire territory of Ukraine. For that reason, they moderated their rhetoric, as it could advance their chances in one part of the country, but jeopardize the electoral gain in the other part. This was most obvious with the rhetoric of Yulia Tymoshenko. She tried to sit on both banks of the Dnipro River and tried not to lose her chances in both Ukraines. Only during the last weeks of the 2010 campaign, when it was already clear that Tymoshenko had no chances in the East, did she allow herself a more radical rhetoric. Yanukovych took a similar approach. After the 2007 elections both the Tymoshenko’s party and the Party of Regions had penetrated the traditional constituency of each other. In 2006 they divided the territory of Ukraine between themselves, and in 2007 they managed to gain some votes from the other side. That is, Tymoshenko strengthened her presence in the East and South and the Party of Regions strengthened its presence in the West and Centre. Kulyk puts it as such:

“While in 2004 we witnessed the electoral divide in Ukraine, and in 2006 it even strengthened, in the 2007 early elections they understood that something had to be done about this, and changed their strategy. In 2007 the Party of Regions exploited the issue of Russian language much less than in 2006 and in 2004. The same is true for Tymoshenko.”

This narrative, however, rather demonstrates the different logics followed by catch-all parties as opposed to concentrated constituency parties irrespective of the electoral system. If heterogeneous districting principles were followed SMD would have resulted in the same moderating effect. But heterogeneous districting is difficult in the Ukrainian case with its geographic polarization. It is also interesting that an interviews expert did not refer to the effect of the electoral system per se, but rather to the new understanding on the part of political leaders, that coincided in time with the introduction of PR. Therefore it is difficult to firmly derive the conclusions on the causal effects of the electoral system itself.

It also needs to be noted that one of the criticism of centripetal arrangement is that it requires a pre-existing level of moderation in a society (Loizides and McGarry 2014: 7). While Horowitz did not acknowledge this feature in his works, his followers already did so. For example, Ben Reilly admits that centripetal institutions designed to produce moderation, may require a pre-existing level of “core moderate voice” (Reilly 2001: 178, 181). It can be argued that Ukrainian society contains this pre-existing level of moderation, which allows one to expect that the

102 Interview with Kulyk
103 Interview with Kulyk
104 Which is an identical criticism from centripetalists to consociationalists as well

129
Ukrainian electorate would be willing to cast their votes for moderates rather than hardliners and as such make the best use of the centripetal institutional design. This pre-existing moderation is conceptualized as “ambivalence” by the Ukrainian authors, who note that a vast portion of the population of Ukraine consistently supports both closer integration with Russia and joining the EU foreign policy as orientations, and similar antagonistic concepts (Riabchuk 2003).

Based on the analysis, it is possible to draw conclusions on optimal institutional prescriptions for the case of Ukraine. To conclude on the case of Ukraine, a clear majority of experts’ opinions supports the introduction of pure PR in Ukraine mainly because the SMD part of the voting allows greater electoral corruption (Birch 2007). At the same time, however, PR does not bring more voices into parliament, neither in the form of more parties, nor of more minority representatives in the case of Ukraine (at least up to now, which may however be due to the development of the party system more generally). Instead, PR allows the elections to be closer to the minimal fair election standard, and possibly provides some moderation effect on the political rhetoric. However, the evidence with respect to this is not conclusive. In order to enhance the moderation effect, a preferential spin on the electoral system is needed. This can be realized through the introduction of open-list PR, or STV. An alternative preferential system – that is, AV recommended by Horowitz – would be a poor fit for the case of Ukraine because it would create antagonistic sides given the Ukrainian electoral geography. Finally, it however needs to be noted that the electoral geography is expected to change in the context of the 2014 Russian military aggression against Ukraine, as (1) some territories will stop participating in the Ukrainian elections, (2) some population groups will modify their stances on ethnic issues and foreign policy orientation and (3) a number of refugees from the troubled regions are now dispersed through other regions of Ukraine.

### 4.2.1.2 Electoral System Design for Georgia

After the Soviet Union collapsed, Georgia had a mixed electoral system according to which half of the Parliament was elected from a single national constituency based on proportional representation to allocate mandates from political party candidate lists, and half from single-mandate constituencies based on plurality outcomes (Dahl 2011: 2). Yet the plurality side over-represents voters from small election districts by giving districts with greatly differing populations one MP each. As a result, the number of voters in a district may vary from a few thousand to over 100,000. For example, the district of Kutaisi has around 163,000 eligible voters while Lentekhi has 6,000 – yet they both get to elect one majoritarian MP. That means the strength of one vote in Lentekhi is 27 times stronger than one citizen’s vote in Kutaisi (TIG 2011, Civil Georgia 2012). The use of Georgia’s Administrative Districts as the mechanism for single-mandate elections was strongly criticized in the Joint Opinion on the Election Code of Georgia issued by the Venice Commission: in the May 2008 parliamentary elections, the number of voters in election districts ranged from 6000 to 140,000 voters. Such large differences in voting populations deny the equality of the vote. Thus, using the wide variances from 2008, it would be possible for one candidate to be elected by 1,800 votes
where another candidate might require 70,000 votes, which violates the principle of “one person, one vote, one value” (Dahl 2011: 3), or the principle of the “equality of the vote” (Venice Commission and OSCE/ODIHR 2011: 7).

Second, the existing system does not guarantee proportionality between the votes a party receives and the seats awarded in Parliament. In some situations, a party with overall support of only 30-35 percent could gain a constitutional majority in Parliament (i.e. enough seats to pass all laws without the aid of opposition MPs) (TIG). This problem is largely rooted in the unusually high threshold of 7%, which illustrates the point that an electoral system is not enough and PR, which usually produces more proportional outcomes, did not do so in Georgia due to additional factors such as a high electoral threshold.

Georgia underwent an electoral reform in June 2011, but it did not change the electoral system a lot, nor did it correct the illiberal aspects of the system to the degree needed. The deal determining provisions for amendments to the Electoral Code was hailed by the authorities but rejected by six opposition parties claiming that it offers only “façade changes” and does not address fundamental electoral shortfalls (Gurgenidze 2011). Although the law has introduced some positive features105, it did not help much in terms of eliminating disproportionalality. While the previous system consisted of 75 MPs elected through PR and 75 through SMD, the new system created 77 party-list seats and 73 still elected through SMD (Bukia and Tsiklauri 2012, Inter-Parliamentary Union). Nor does the law address the enormous difference in the population sizes of constituencies used for first-past-the-post elections (Bukia and Tsiklauri 2012).

Instead, the legislation contains a new rule restricting the extent to which businesses can fund political parties, a provision that some believe is specifically intended to prevent the Georgian billionaire Bidzina Ivanishvili from gaining ground (Bukia and Tsiklauri 2012). Not only was he and other businessmen prevented from funding political parties, the authorities have also stripped Ivanishvili of Georgian citizenship under the pretext that he was at the same time holder of French and Russian citizenships after he announced his intention to form a political party to challenge the Saakashvili regime (Bukia and Tsiklauri 2012, The Economist 2012). These developments are not related to the electoral system reform directly; however, they provide a context that helps to better understand the logic of the reform. Furthermore, the government initiated the draft law that envisaged further restriction of the rules regarding the party financing by empowering the Chamber of Control (Georgia’s internal auditing agency) to oversee the processes. As a result, the Chamber of Control launched “widespread questioning of opposition party members and supporters throughout Georgia" (Amnesty International 2012) that ended up with" the

105 A special commission was established to "oversee the compilation of voter lists" (Corso 2011). Moreover, an opposition party representative will chair the commission, which in turn will be composed of equal numbers of “UNM, opposition and non-governmental organization representatives” (Corso 2011). Parties which exceed the five percent threshold, will receive one million lari (about 595,000 USD). Finally, another commission will be set up "to monitor media election coverage and the use of administrative resources" (Corso 2011).
selective examination of only opposition party members and presumed supporters” (Amnesty International 2012, Shavtvaladze 2013: 23).

To summarize, Georgia still struggles with meeting even the minimalist criteria of democracy in the area of institutional design and this has to become the main goal of electoral system reform in the coming years. Yet speaking of the prospects of advancing deliberative capacity – which builds on the fundamental features of formal democracy – pure PR is advised for Georgia in order to eliminate electoral corruption. As the Georgian social context is not polarized, no special moderation-enhancing mechanisms are necessary. Finally, in order to ensure greater inclusion, meaningful engagement of Azeri and Armenian ethnic minorities into the political process is necessary. This, however, needs to be achieved by other mechanisms than the electoral system design.

4.3 Party System

Another institutional feature affecting ethnic identity is the party system – namely, its specific qualities and the level of development. According to Downs (1957), a 2-party system promotes convergence and party moderation since platforms of competing parties tend to converge towards the median point where the majority of the electorate is located. Yet, such convergence only occurs under a normal distribution of voters. Instead, under the condition of a U-shaped voters’ distribution where voters are massed bi-modally near the extremes, the two parties are not expected to move away from their original positions (Downs 1957: 118).

This situation is descriptive of the Ukrainian reality in which voters’ attitudes are not concentrated around the median; instead, they are dispersed closer to the flanges of the spectrum in terms of foreign policy and language, for example, but not in terms of economic or social issues. Therefore, it is rational for the parties to antagonise voters in terms of foreign policy or language rather than compete based on different socio-economic platforms and move to the center of the political spectrum.

That is why in the Ukrainian context a 2-party system is expected to have negative consequences for the deliberative capacity as it may polarize the society even more. In contrast, in Georgia a two-party system may have a positive effect on the quality of democracy as there is no danger of societal polarization. Rather, there is a problem of fragmented, disorganized, and therefore ineffective opposition (Shavtvaladze 2013: 26), which might be helped by an established bi-partism. Having said that, the means of achieving such two-party or multiparty systems are not clear as the Duverger rule has been demonstrated to not work well in the post-communist context (Moser 1999).
4.4 Territorial Autonomy and Deliberative Capacity

As with the issue of electoral systems, there is no consensus on the effects of territorial autonomy on deliberative capacity. Steiner (2012) makes an argument in favour of federalism, since under this system the electoral stakes are lower, as losses at one governmental level can be compensated with gains at another level. Therefore, the electoral struggle is perceived less in a win-lose framework, and is therefore less aggressive and more cooperation-oriented. Furthermore, Steiner continues, there is a certain need for cooperation among the different governmental levels, which may enhance communication. These arguments are in line with case findings from Ugarizza and Caluvaerts (2014) that have demonstrated that far-reaching levels of decentralization and federalization have the potential to open up the public sphere and to force elites to sit down together. Some of the cases discussed in their collection, such as Nigeria, the Basque country, Iran and South Africa, show that decentralization removes contentious issues from the political agenda, thereby reducing cultural and political incentives for a confrontation of ideas between elites.

This idea that granting self-rule fosters accommodation between competing elites goes back to the early days of consociational theory (Lijphart 1975). Internationally, autonomy is recommended by many intergovernmental documents (1993 Council of Europe Parliamentary Assembly Recommendations, Lund Recommendations, OSCE Copenhagen 1990 Declaration among others) and scholars from both consociational and centripetal camps (for example, Lijphart, and Horowitz alike, as well as such radical proponents of multiculturalism like Kymlicka). Even Horowitz, representing the centripetal school, does not mind territorial autonomy when it is used in lieu of secession: “[e]arly, generous, devolution is far more likely to avert than to abet ethnic separatism... Unfortunately a good many governments have proceeded on the opposite assumption – that devolution feeds centrifugal forces” (Horowitz 1991: 224). Kymlicka has a similar stance. He observes that Western democracies now see that attempts to suppress minority nationalism are counterproductive. Instead, they see federalism as a way to stabilize the states.

At the same time, autonomy’s effect on stabilizing the state is not the same as autonomy’s effect on deliberative capacity. On the one hand, the willingness of the central government to grant autonomy is in itself an expression of deliberative capacity. On the other hand, autonomy may prevent communication across the subnational units and create ethnic enclaves with no need to cross the federal borders and talk to each other. For example, one case where the principles of consociational democracy have been applied and almost perfected, namely that of Belgium, also showed that decentralization can go too far. When granting self-rule leads to complete political and societal segmentation, sitting down together and talking things through can do little more than heighten tensions. Decentralization thus always brings with it the danger of estrangement between the elites, who completely lose touch with ideas that are circulating on the other side (Ugarizza and Caluvaerts 2014).
Table 11. Administrative organization with respect to deliberative capacity

<table>
<thead>
<tr>
<th>Positive impact on DC</th>
<th>Federal</th>
<th>Unitary</th>
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|                       | • Removes contentious issues from the agenda  
|                       | • Cooperation between different governmental levels may enhance communication  
|                       | • Electoral stakes are lower – more cooperrative electora struggle  
|                       | • Possibility to better formulate claims within the in-group  | • Thicker shared identity  
|                       |         | • More frequent communications between the center and the regions |

<table>
<thead>
<tr>
<th>Negative Impact on DC</th>
<th>Federal</th>
<th>Unitary</th>
</tr>
</thead>
</table>
|                       | • Prevents communication between sub-national units  
|                       | • Creates ethnic enclaves, reinforced identifies  | • Usatisfied grievances |

In thinking about the issue of territorial autonomy I find it useful to draw parallels to the discussion on secession. Secession is often seen as an answer to problems of ethnic conflict and violence. Yet secession is almost never an answer to such problems and it is likely to make them worse according to Horowitz (2003: 5), or at least replicate them. Secession does not create homogenous successor states, nor does it reduce violence, conflict and minority oppression in the successor states. Guarantees of minority protection in the secessionist regions are likely to be illusory. Indeed, many secessionist movements have as one of their aims the expulsion or subordination of minorities in the secessionist region (Horowitz 2003: 6). Therefore, efforts to improve the condition of minorities ought to be directed at devising institutions to increase their satisfaction in existing states. Besides secession does not create homogeneity. Violation of minority rights are not going to stop; rather, they are likely to become harsher (Horowitz 2003: 9). In those occasions when partition is the best option\textsuperscript{106}, it can be accomplished reluctantly, as a matter of prudence, without recognizing a right to secede (Horowitz 2003: 6), in line with Benhabib’s principle of recognition without affirmation (Benhabib 2002). Similar logic holds true with respect to territorial autonomy in my view: it might be useful in some cases, but not so useful in the others. Therefore, it is a permissible tool that may be decided upon on a case to case basis. Yet, making territorial autonomy a right might jeopardize some of the potential for deliberation between the sides.

4.4.1 Territorial Autonomy in Ukraine and Georgia

As was mentioned before, Ukraine and Georgia have a similar range of issues on the table with respect to their territorial organization. Both states used to have regular autonomous units: Crimea in the case of Ukraine, and

\textsuperscript{106} For example, when minorities are treated too harshly and the government has no intention to solve the problem. Or if secession is connected to restoring the previously existing statehood, etc.
Ossetia, Abkhazia and Ajara in Georgia. Currently both countries have some breakaway territories: annexed Crimea, separatist areas in Donetsk and Luhansk regions in Ukraine and Abkhazia and South Ossetia in Georgia. Despite these similar problems, Ukraine and Georgia are often contrasted in the literature with respect to central government’s response on subnational separatist movements (Eurobarometer 1999). And despite the current similarities, the countries arrived at the status quo at different times: while Georgia has struggled with its separatist regions for a number of years now, Ukraine only entered into this contentious state in 2014. For a long time, Ukraine was considered a role model in the area of dealing with separatist regions, and the Crimean autonomy was considered effective, even though weak (Sasse 2007).

This logic of stabilizing the state through territorial autonomy works internationally and is also applicable to East-Central Europe (Kymlicka and Opalski 2005: 64). Yet, there is an enormous resistance in virtually any ECE country to the idea of federalism or other form of territorial autonomy\textsuperscript{107}. The only cases where autonomy was established were cases in which national minority groups grabbed political power and established de facto autonomy (Kymlicka and Opalski 2005: 62).

Such aversion to federalism may be related to two facts. First, the legacy of pseudo-federalism of the communist regimes, even though they were federal in structure only, created a negative reputation for the multinational federal arrangements (Dorff 1994: 100-1). As the communist federations saw their collapse throughout Eastern Europe, this has created a severe setback to the very idea of federalism in the minds of the region’s politicians (Liebich 1995: 317) as federalization started being viewed as a pre-text for dissolution.\textsuperscript{108} Second, many national minorities in ECE have a kin-state nearby and are therefore viewed as potentially irredentist (Kymlicka and Opalski 2005: 64) as they might want to rejoin their kin-states and there is a potential for political or military intervention by the kin-state in order to “protect” the interests of “their” minority (Kymlicka and Opalski 2005: 64-65)\textsuperscript{109}. Notably, this may be a problem when a national minority is willing to be guided by a kin-state, like ethnic Russians in Ukraine, even though they do not see themselves as a 5th column for Russia (Jaworsky 1998), or when a national minority does not want to be guided by a kin-state, but the kin-state still uses those minorities as a justification for its own policies, e.g. Baltic Russians (Kymlicka and Opalski 2005: 65).

Finally, there is a factor of historical relations between national minorities and external powers. A national minority may be the embodiment of centuries of oppression, the reminder and manifestation of past domination. That is the problem is not in the existence of the kin-state per se, but in the fact that the national minority has a history of

\textsuperscript{107} Russia is the only exception; however, the attitudes to federal units and their de facto powers show that this exception is only superficially distinct from the general trend (Kymlicka and Opalski 2005).

\textsuperscript{108} Communist federations had unintended subversive effects that explain why they have collapsed (Bunce 1999 Subversive Institutions CUP: Cambridge).

\textsuperscript{109} As Russia’s annexation of Crimea demonstrates, this fear is not ungrounded.
cooperating with that kin-state for the purpose of oppressing the majority (Kymlicka and Opalski 2005: 66). Tying this to the deliberative capacity discussion, the very stance of denying territorial autonomy represents a claim that a group represented by a national government requires some of its needs to be satisfied.

Besides these historical factors, the concept of autonomy is also too flexible, if not to say vague; and therefore, while it makes it easier to agree to it in principle for governments of various stands, it is unlikely to encourage a meaningful dialogue since neither minorities nor governments understand exactly what autonomy comprises. Autonomy may be little more than a slogan, used to substitute other, equally vague slogans, such as sovereignty or self-determination. Demands for autonomy may therefore make it more difficult to identify the actual interests of the parties, such as linguistic or educational rights or a greater share in economic life (Hannum 2001: 3), which can also be potentially solved using other mechanisms even without the territorial autonomy. One of such other mechanisms is a non-territorial autonomy.

According to Young, the principle of self-determination does not imply that each people has a right to sole governance of a single, bounded, contiguous territory inhabited only by members of their own group, although this is the vision of many groups that claim self-determination today. It is this aspiration to a single, homogeneously occupied, contiguously bounded territory, rather than the aspiration to self-determination as such that has instigated deaths and ethnic cleansing. Understood as non-domination, self-determination must be detached from territory according to Young. Given that a plurality of peoples inhabits most territories, and given the hybridity of peoples and places that characterizes many territories, institutions of governance ought not to be defined as exclusive control over territory and what takes place within it. On the contrary, jurisdictions can be spatially overlapping or shared, or even lack special reference entirely (Young 2001: 260-261). Therefore non-territorial autonomy is a solution: rights may and should be fulfilled whether or not a polity is federalized or not.

4.4.1.1 Territorial Autonomy in Ukraine

Sasse (2007: 8) argues that the autonomy arrangement that the Crimean peninsula received within Ukraine in early post-Soviet transition was crucial for conflict prevention in this potentially conflictual territory, even though in Sasse’s view this autonomy was weak both on paper and in practice. Thus, the argument she has put forward more specifically, is that the process of negotiations about the autonomy was more important that the outcome of the negotiations per se. This demonstrates in Sasse’s view the importance of the process of institution-making, and process of compromise and consensus-building. In other words, that the process itself and the degree of deliberative capacity that it involved may be more consequential compared to specific institutional arrangements in place as a result of it.
The way Ukraine dealt with Russian nationalists in Crimea contrasts with the cases of Azerbaijan with Nagorno-Karabakh, Georgia with Abkhazia and Ossetia, Moldova with Gagauzia and Transnistria and Serbia with Kosovo. The latter four tried to suppress minority nationalism, have failed in that and the situation resulted in armed conflict, concessions and no final settlement (Eurobarometer 1999). In contrast, Ukraine continued bargaining with the Crimean peninsula, granted it autonomy status, did not undertake military repression, and as a result avoided conflict and reached enduring settlements through peaceful politics\textsuperscript{110} (Eurobarometer 1999: 67-71, in Kymlicka and Opalski 2005: 63-64). In fact, Ukraine was the only country on the post-Soviet space that chose to grant autonomy rather than face civil war (Marples and Duke 1995).

Crimea was long considered a success story of post-Soviet conflict prevention. It was a protracted political process (1991-8) of negotiation and elite bargaining over Crimea’s status rather than the institutional design of autonomy per se that was most important for conflict prevention (Sasse 2010: 103). The same institution of Crimea’s autonomy was both subversive and constructive depending on the period and situation (Sasse 2007: 29), which is indicative of the fact that it was not simply about institutions. Something else also mattered, and as I argue, it was the level of deliberative capacity. Thus, formal institutions are not enough on their own; the broader deliberative capacity in which these institutions function matters as well.

Some Russian-cultured participants in my fieldwork expressed ideas that they want federalism in order to not need to comply with national regulations in terms of language and education. By this they referred to their desire to not be obliged to study Ukrainian in schools, and not to the right to have Russian-language education (as this right and the practical opportunity to realize it were present). Moreover, while speaking of federalism, they entirely disregarded the needs of minorities within their own regions, equating the majority to the entire population and promoting the illusion that federalism will solve the diversity problem and create homogenous regions that can rule themselves according their local unified vision. This confirms Horowitz’ expectation that new administrative units do not solve the issue of repression, but just change the roles, making the former victim an oppressor.

An idea was also expressed by a Russian-cultured university professor from Kyiv, that federalism is needed in order to enable bargaining between the regions, in other words so that predominantly Russian-speaking regions could demand certain rights for Russian-speakers in the predominantly Ukrainian-speaking regions and vice versa\textsuperscript{111}. While the idea itself is valid and in line with the principle of reciprocity, it is also true that it is the role of the central government to ensure that everyone’s rights are being realized, irrespective of the country’s territorial organization.

\textsuperscript{110} At least until Russia militarily invaded to annex Crimea in March 2014.
\textsuperscript{111} Interview with Kudriavtseva
The Ukrainian-cultured side was divided with respect to the issue of federalism. Some respondents suggested making a step forwards and granting federalism to those who seek it in exchange for their support for foreign policy orientations important for the other group. Others denied the idea of federalism outright as they saw it as only a façade for Russia’s meddling into Ukraine’s internal affairs. This latter factor is an important feature that distinguishes Ukraine (and Georgia for that matter) from other federalized countries outside of the post-Soviet region. The factor of Russia’s active interest in the decentralization of post-Soviet states, driven by Russia’s geopolitical and business interest, does not make the idea of federalism more appealing to the national governments in post-Soviet states.

It needs to be clarified that the rejection of the idea of federalization is not driven by a lack of willingness to provide for some groups’ cultural rights, but rather by the desire to maintain the state-building process that has not yet been accomplished in Ukraine and other post-Soviet states, in contrast to the situation in developed democracies. In fact, Ukraine, for example, has adopted a system of non-territorial cultural autonomy\(^{112}\) for ethnic Russians in eastern Ukraine and ethnic Hungarians in Transcarpathia (Kymlicka and Opalski 2005: 68) already in the 1990s. Yet, solutions that are perceived as threatening to state-building, ether in terms of security (like the issue of federalism), or symbolically (like the issue of Russian as the second state language), do not find many proponents not only among the devoted Ukrainian nationalists, but also among most of the predominantly Russian-speaking national level politicians.

In contrast to these internal dynamics, federalism is recommended to Ukraine by a number of Western institutional design experts, for example, McGarry and Loizides 2014a, who see it as a remedy for keeping the country from falling apart. They, however, do not recognize the underlying reason of the country being torn apart – that is, not interethnic tension per se, but ethnic entrepreneurship combined with military aggression of a external state. It is also reported that in Kyiv, ‘federalism’ has become a dirty word (International New York Times April 17, 2014) and the Ukrainian parliament has adopted a resolution barring diplomats from negotiating constitutional revisions at the Spring 2014 diplomatic negotiations in Geneva (McGarry and Loizides 2014a). The reason behind this stance is also not obvious to Western observers, and it is that genuine federal longings are to come from people, while in the case of Ukrainian federalism the main promoter of this idea is the President of the Russian Federation who openly demands Ukraine’s federalization in intergovernmental talks and in the international forums. Obviously, federalization driven by the aggressive neighbour is not perceived in any way as wise from the security point of view, let alone democratic by the Ukrainian government.

The next problem with Ukraine’s federalization is that this idea is not promoted by genuinely representative elites. When President Yanukovych (elected by the East and South of Ukraine) was in power, both as a Prime minister after the 2007 elections and as a President in 2010-2013, he did not start any kind of federalization reform or negotiations. And those who started demanding federalization in 2014 were the leaders of the self-proclaimed Donetsk and Lugansk People’s republics, who ceased power by military force, part of whom are Russian nationals and who are massively supported by Russian funding, military equipment, special forces and even the regular Russian army. Concluding their recommendations to Ukraine, McGarry and Loizides (2014a) stated that many countries in comparable situations, including Spain, India and South Africa, were able to federalise with positive outcomes. This statement perfectly demonstrates that many observers consider the mentioned countries comparable with Ukraine, as well as with Georgia for that matter. Yet neither Spain, nor India or South Africa had a powerful expansionist state benefiting from their federalization, which makes them dramatically less comparable to the cases of most-Soviet states. Finally, federalization was rejected by the break-away republics themselves in Ukraine. Ukrainian government offered decentralization talks to Donetsk and Luhansk separatists in April 2014. Yet the separatists expressed no interest in those proposals which demonstrates that federalization is unable to solve the existing tension.

4.4.1.2 Territorial Autonomy in Georgia

Georgia historically has much more contentious relations with its autonomous and/or separatist territories as was discussed in Chapter 1 of this dissertation. What is more, both Abkhazians and Ossetians, but even more so Abkhazians, populated Georgia for many centuries, as opposed to massively resettled Crimean Russians in the case of Ukraine. Both these fact significantly affect significantly the validity of the claims made by Georgian separatists, as compared to Ukrainian ones.

Yet, similarly to the situation in the Ukrainian case, Georgia’s separatists were not interested in federalization within Georgia. The Georgian government tried to initiate the negotiation process in 2005 and 2008 when the Mikheil Saakashvili offered Abkhazia a high degree of autonomy with a possibility of a federal structure, a joint free economic zone, and representation in the central authorities, including the post of vice-president, replete with the right to veto Abkhaz-related decisions113 within the borders and jurisdiction of Georgia (Civil Georgia 2008). And yet the reaction of the Abkhazian side was not cooperative with the president of self-proclaimed Abkhazia, only calling those proposals propaganda (Civil Georgia 2008a). This was also mentioned by one of the respondents:

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“There is such a thing as Barankevich syndrome. This guy was sent from Russia and became a secretary of national defence in South Ossetia. It was impossible to speak of Georgian-Ossetian ethnic issues with him; this was outside of his interest. He has a clear and simple task: to prevent any solutions”\(^{114}\).

Given the very different histories of relations between the Ukrainian state with Crimea or Ukraine’s Eastern regions on the one hand, and Georgia with Abkhazia and South Ossetia on the other, it becomes clear why Georgia ended up with breakaway republics earlier than Ukraine and why Ukraine and Georgia are being both compared and contrasted with respect to their internal separatisms. On the part of the governmental response to autonomy or separatism ideas, Georgia and Ukraine acted very differently throughout history: starting from the time of Soviet Revolution, to the dissolution of the Soviet Union and more recent wars backed by Russia, Georgia consistently offered a quicker and stronger response, trying to suppress dissent at the very beginning. In contrast, Ukraine opted for waiting and diplomacy, trying to allow time and negotiations to resolve the tension. This difference probably partly explains why Georgia had two breakaway republics already in the early 1990s, while Ukraine faced those issues only in 2014. In a way, the deliberative capacity created by the Ukrainian government for the autonomy or separatism discussions was significantly superior to the deliberative context within the Georgian state, which resulted into a very quick escalation of conflict in the latter.

However, in terms of the larger geopolitical context and the actions of Russia in both cases, Georgia and Ukraine are indeed very similar. This similarity may explain why despite the important differences in the governmental response, Ukraine still ended up with separatism problems. The factor of Russia’s influence is just too powerful and managed to override the previously consequential forces, such as deliberative capacity.

### 4.5 Executive System

Currently, most scholars appear to back Linz’s original idea of the “perils of presidentialism” (Linz 1990, 1994). Moreover, real-world developments in recent years, including those in the post-Communist region, add further credence to it (Fesnic 2006: 6). Large-N studies indicate that the negative relationship between presidentialism and democracy is not spurious but genuine (Przeworski et al. 2000; Brinks and Coppedge 2001). Similarly, single case or small-N studies suggest that presidentialism is the main culprit in the emergence of ‘delegative democracies’ in Latin America (O’Donnell 1999, Coppedge 2002) and Eastern Europe (McFaul 1999, Fish 2001a). Moreover, strong presidency was found to be the factor accounting for the regression in those post-Communist polities that have slid back toward authoritarianism (Fish 2001b: 54). To summarize the mechanisms of such negative effect, presidentialism threatens democracy by opening up possibilities for the incumbent to act in an authoritarian, populist and delegative fashion. It also weakens and fragmentalizes the party system, which is an essential component for the proper functioning of democracy and for ensuring horizontal accountability. Finally,

\(^{114}\) Interview 109
presidentialism promotes corruption and clientelism, thus compromising democracy by giving preferential treatment to some members of the polity over others, and fostering clientelistic rather than programmatic political parties (Fesnic 2006: 8).

At the same time, however, a key scholar of executive systems, Jose Cheibub, argues that intrinsic features of presidentialism are not the reason why presidential democracies are more prone to breakdown. Instead the fragility of presidential democracies is a function not of presidentialism per se but of the fact that presidential democracies tend to exist in countries where the environment is inhospitable for any kind of a democratic regime according to him (Cheibub 2007: 136). In other words the relationship between presidentialism and democracy death is spurious.

And yet, even if presidentialism is not per se undemocratic, looking from a deliberative capacity perspective, strong presidency can also be seen as polarizing since a single person can only represent one of the conflicting groups. Moreover, as the stakes for winning the presidency are very high, the campaign itself tends to me more aggressive, leaving not much space for cooperation. Interestingly, however, Horowitz, in the original centripetal model prefers presidentialism. Yet in that system, a president represents a moderate chosen by at least some portion of voters from both sides. In fact, a moderate president who is able to manuevre between the contentious groups might be a real asset for a deeply divided society. In many ways this was the case with President Kravchuk and even more so – with President Kuchma in Ukraine. In formulating the tolerant public policy and legislation in Ukraine, it was not a neutral Centre’s, but a president’s stance that turned out to be decisive (Wolczuk 2001: 175). By the time of adoption of the Constitution, the second President Kuchma’s vision of the concept of political community was in line with that of his predecessor, the first President Kravchuk, who was associated with ‘nationalising’ Ukrainization (Wolczuk 2001: 176). In practice, however, both pursued a moderate nation-building policy, combining an inclusive vision of Ukraine as a “homeland for all [Ukraine’s] citizens”, with the most “nationalising” policy being the promotion of Ukrainian as a state language and the rejection of the introduction of Russian as the second state language (which was promoted by the Left) (Kuzio 1999: 234).

However, if such a moderate leader cannot be found (which is most often the case) – the next best option in centripetalism is a parliamentary coalition of moderate parties (Loizides and McGarry 2014: 3). Thus, given that hoping for a wise and moderate president is risky and that parliamentarism correlates with greater democracy in general and in post-Soviet states in particular, parliamentarism would indeed be a good choice for both Georgia and Ukraine. Yet, within the parliamentarian framework, consociational grand coalition is not advisable for both cases: first, because cooperation is seen as selling out by both sides in both societies, and, second, poor rule of law and elitism, that characterize both Georgia and Ukraine, are a fertile ground for de-democratization effects of this institutional solution.

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In contrast, a PS coalition seems a promising mechanism as it ensures inclusion and as such legitimacy. At the same time it provides moderation incentives (Loizides and McGarry 2014). It is, however, hard to imagine how a Ukrainian government would be working with, for example, a pro-Russian education minister and a pro-Western foreign affairs minister, or how any pro-Ukrainian projects may occur if a pro-Russian politician holds a minister of finance portfolio. This solution may also end up in a situation when a good majority of the population voted for pro-Western parties, but some crucial initiatives are blocked by a few pro-Russian ministers who are also in the government. Thus, coalition of moderate parties that form the government is advisable for Ukraine, while Georgia might benefit from the PS coalition executive.

4.6 Conclusions on Institutional Effects on Deliberative Capacity

This chapter discussed the deliberative effects of consociational and centripetal models, as well as specific institutions such as electoral systems, federalism, party systems and executive structures in the context of Georgia and Ukraine. Both consociationalism and centripetalism clearly have their advantages and shortcomings, in particular with respect to features essential for deliberative capacity such as inclusion and moderation. The choice between consociationalism and centripetalism is also difficult because these systems are not symmetric in what they offer in institutional terms. While consociationalism focuses on electoral systems, government structure, federalism and veto powers, centripetalism only addresses electoral systems and implies the supremacy of a presidential system. In a sense, comparing these models is like comparing apples and oranges, especially when the choice is between the classical models plus several modifications of both centripetalism and consociationalism. Finally, the core distinction between consociationalism and centripetalism lies in the underlying values that are being promoted: inclusion in the case of consociationalism and moderation in the case of centripetalism. Both values are uncontroversially good and essential for deliberative capacity and therefore it is desirable to have both in every society. Notably the modifications of models do provide solutions for maximizing both values through specific institutions. However, by doing so they depart from the original models. Finally, moderation and inclusion not only should and can be both targeted, they also create fertile ground for each other: moderate politicians tend to be more inclusive of the other, while included extremists tend to become more moderate.

In view of all this, this chapter suggests focusing on separate institutions, as opposed to holistic models, and consider all the available information about each institutional arrangement coming from both scholarly camps. Institutional choices should also be conditioned by the specific features of the particular case’s context in terms of which institutions look more effective and which are more needed to produce a corrective against the major problems existing in a specific society: for some it being inclusion, for others - moderation. Given these complexities, research in this area is not about finding the ideal, let alone universal, solution but about identifying the lesser evil for a particular case setting.
Speaking of the electoral system, PR is supported by most experts as more representative, more inclusive and less favourable for electoral misconduct. All these features make the system associated with greater democracy. However, on the deliberative capacity side, the assessment is mixed. On the one hand, PR leads to the political campaign being centered on the programmatic issues, which is good for the development of a party system and, with it, stronger parliamentarism and, consequently, democracy. On the other hand, such focus on broad programmatic and ideological issues in a divided society leads to further social polarization – a context unfavourable for deliberation as it thrives on differences. Applying this analysis to the cases of Ukraine and Georgia, one needs to assess which goal is more crucial for these locations at the current stage: greater representativeness, minimization of corruption, softening the polarizing campaign rhetoric, etc. The context of both cases suggests that the elimination of electoral corruption is a paramount goal. Both Ukraine and Georgia need to improve their electoral laws to meet even the minimalistic democratic standards, therefore PR is a good system to choose. At the same time, moderating the polarized rhetoric is the second important goal in the case of Ukraine, therefore, it also needs attention. To address this need within the PR framework it may be advised to opt for a preferential system like STV or open-list PR system. Under such system, some candidate-based campaign dynamics counterbalance the polarizing party-based campaign. Preferential electoral systems like STV and AV are also favoured by deliberative democracy scholars for their ability to provide moderating incentives, yet STV is considered more reliable in this respect, and also more inclusive compared to AV. Finally, in terms of the case context, AV does not look promising in Ukraine since cultural communities are concentrated in this country and broadly appealing parties may be penalized. A caveat needs to be added here that in the context of the 2014 events - namely, Russia’s involvement in massive killings during the anti-governmental EuroMaidan uprising in Kyiv, Russia’s annexation of Crimea in March 2014 and Russia’s invasion of the Eastern regions of Ukraine - the electoral demography might change significantly in Ukraine both due to internal migration and changes of attitudes among the electorate. Such changes in electoral demographics may change the context significantly so that a different set of institutional solutions may become more relevant. In Georgia, however, social polarization is not the case, and even usual list-PR would therefore be enough.

In terms of the format of the executive power, a parliamentary system is considered more in line with democracy than a presidential one. The mechanisms through which presidentialism has jeopardized democracy are all very relevant for both Ukrainian and Georgian context meaning that parliamentary system would indeed enhance democracy more generally and deliberative capacity specifically. Yet the kind of the executive formation under parliamentarism may differ. This chapter argues that classical consociational grand coalition is not advised for both cases since cooperation is seen as selling out in both societies, and poor rule of law and elitism are a fertile ground for de-democratization effects of this institutional solution. The proportional sequential coalition is a better solution, as within it the ministerial seats are distributed automatically, which prevents clientalism, and parties can also refuse taking them and go into opposition, which might look more legitimate in the electorate’s eyes. Yet the
proportional sequential coalition is more relevant for the Georgian case, which desperately needs strengthening the positions of the oppositional parties, while in Ukraine this solution may well create a stalemate in governmental functioning if crucial governmental seats are taken by radically opposing political forces. Therefore, in the case of Ukraine, a parliamentary coalition of moderate parties who also form the government looks both more feasible and more conducive to deliberative capacity.

In terms of territorial organization, there is no theoretical consensus on whether federalism is good or bad for deliberative capacity. Anyways, the geopolitical and historical context in both Georgia and Ukraine places the discussion on federalization into the highly political spectrum of issues. Despite the Western liberals’ calls for the de-securitization of territorial autonomy issues (e.g. Kymlicka 2007), the issue will not be dealt with outside of the broader geopolitical threats related to the active interest of Russia in the internal development of both Georgia and Ukraine. Therefore comparing these cases to other federalized states outside of the post-Soviet region would be inaccurate and producing recommendations that disregard the realpolitik security context and hence would be irrelevant.

With respect to the party system, in the Ukrainian context a 2-party system is expected to have negative consequences for deliberative capacity as it may polarize the society even more. In contrast, in Georgia a two-party system may have a positive effect on the quality of democracy as there is no danger of societal polarization. Rather, there is a problem of fragmented, disorganized, and therefore ineffective opposition.

Finally, institutions need to be seen in a circular relationship with the social environment. Institutions matter for deliberative capacity, but they are not enough, and the social context impacts both the deliberative capacity directly and the institutions’ impact on deliberative capacity. On the other hand, institutions help to craft and gradually modify the social context. For example, Steiner (2012) is generally closer to the consociational model, and considers PR, federalism, and competitive grand coalition, supplemented by a referendum tradition, to be the best institutions for deliberation. Yet, although he is strongly convinced that Westminster institutions will not help in introducing deliberation in divided societies, he is also not sure whether the power sharing institutions he suggests will work either. He admits that there is a danger that political parties can organize around the deep cleavages, making these cleavages even deeper, which seems to be happening in Ukraine. Therefore, for Steiner it seems more promising to work on a more deliberative culture before organizing polarizing national elections. Institutionally, one should begin at the local level and move up slowly to higher governmental levels.

Given the dynamic and constructed nature of identity and the needs of cultural groups, there can be no “once and forever” institutional solutions. In addition, one specific institutional arrangement cannot be universally best for deliberative capacity. Each context requires its own institutional arrangements for deliberative capacity maximization. Moreover, it may also be the case that the very idea of treating certain institutions as universally
applicable and such that groups are entitled to, reduces the deliberative capacity of a deliberative system since groups become not willing to discuss the institutional arrangement, instead they demand the introduction of the arrangements that they think they are entitled to.
Challenges to deliberation are varied in nature, although institutional and psychological barriers are the major ones. Institutional barriers have been given significant attention in political science (Barry 1975, James 2004, O’Flynn 2007, Dryzek 2004), and were discussed in application to the Ukrainian and Georgian cases in the preceding chapter. Exploration of psychological barriers is also gaining momentum (Lupia 2002, Steerbergen et al. 2004). Given the Ukrainian context, where institutional settings are still in a state of flux and the very idea of deliberation is only beginning to permeate into the minds of experts, to say nothing of policy makers, attention to psychological factors is of vital importance. Psychological barriers to deliberation are especially powerful in conflicted societies. If parties do not trust and respect each other, if they lack motivation, if they do not perceive a common ground, if they believe deliberation to be inappropriate, and if they lack the proper analytical and communication skills, then deliberation may fail even in the most ideal institutional settings (Steenbergen et al. 2004: 6).

This chapter therefore discusses the barriers to deliberation in Ukraine by focusing on such areas as the vision of the other, and cognitive polarization between groups. The vision of the other is a fundamental factor, which affects the possibility of intergroup dialogue. It is achieved by using categorization, which includes stereotyping and prejudice-building processes against the out-group. Treating the other as an equal - even if with opposite goals or attitudes - is essential to meaningful dialogue. The vision of the other is therefore a crucial factor in deliberation. The potential effect on deliberation lies in the fact that if the other is viewed negatively, which is most often the case, albeit in varying degrees, communication is significantly complicated.

Inter-group polarization poses further problems for deliberation. This category refers to differences in groups’ opinions on specific issues, and their understanding of what should be done about the problems that concern them. There is a connection between this inter-group polarization and intra-group polarization which, according to Sunstein (2000, 2002: 176), means that members of a deliberating group predictably move towards a more extreme point in the direction indicated by members’ pre-deliberation tendencies. If these pre-deliberation tendencies are largely the same, in other words if people are like-minded in their opinions and attitudes, enclave deliberation is taking place (Sunstein 2000, 2002: 177). Two mechanisms underlie this group polarization: the desire to maintain one’s reputation, and the limited arguments pool that exists in the group of like-minded people.

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(Sunstein 2000, 2002: 176-177, 179-180; Steenbergen et al., 2004, 17). As the move in opinions occurs during the group polarization process, groups or group members move and coalesce, not towards the middle ground in terms of antecedent dispositions, but towards a more extreme position in the direction indicated by these predispositions (Sunstein 2000, 2002, 178). Sunstein further explains that group polarization is even more significant if members of the deliberating group consider themselves part of the same social group. Inversely, polarization does not occur if deliberation takes place in a mixed group with roughly equal subgroups of people holding different views (Sunstein, 2000, 2002: 180). It should be noted that this within-group polarization, which is itself quite anti-deliberative in nature, leads to greater polarization between the groups, and thus hinders prospective deliberation between them.

The focus in this and the next chapter is on the Ukrainian case only due to the greater heterogeneity of ethno-cultural attitudes in this case and the centrality of ethno-cultural issues to the Ukrainian political and social agenda. This chapter describes the existing psychological barriers to deliberation at the level of the groups. The first barrier that is discussed is how the two groups view each other; in other words, the way ‘the other’ is described as essentially different from ‘us’. The chapter then goes on to study polarization between the groups by referring to more practical matters, such as what the groups’ representatives think about specific issues or policy alternatives.

5.1 Vision of the Other

The interviews have revealed that respondents from both Russian-cultured and Ukrainian-cultured groups view the other in a very negative way: not as equals, but as foreign, non-authentic and underdeveloped oppressors.

5.1.1 Foreign Other

In their treatment of the other’s claims, representatives from both groups mentioned that the other was foreign to the land, from which it could be inferred that the other’s claims were therefore less valid. It was also often mentioned that the agenda followed by the other had some foreign interests behind it, and was therefore to be resisted. For example, a Russian-cultured politician from Donetsk explained that “There are very few Ukrainian-speaking people in Donetsk, maybe a couple hundred, and mostly they are not from here; ... outsiders”. He was supported by a journalist from Donetsk, who shared his deep disagreement with involving foreigners into ethnic policy development in Ukraine. In this respondent’s view, the Ukrainian cultural policy under president Kuchma was influenced by “foreign Ukrainians” from diasporas, who were invited to consult the Ukrainian government116.

On the other hand, Ukrainian community members often consider Russian-cultured citizens to be foreign. One example is an activist from Donetsk, who considered the Russian-cultured Minister of education Tabachnyk to be “promoting someone else’s agenda”117, uncontrovertively referring to the Russian Federation. While speaking

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116 Interview with Ivanov
117 Interview with Oliinyk
of the Russian community in Ukraine, a Ukrainian activist from Lviv went into a history of Russians’ migration into the city. And a nationalist politician from Lviv complained that intellectuals who stand for tolerance are looking at the situation through the lens of foreigners from across the ocean just because they receive grants from them. Thus not only the Russians were seen as the foreign other by some Ukrainian-cultured respondents, but also the Ukrainian-cultured peers who stood on pro-reconciliation positions.

5.1.2 Fake Other

When referring to claims by the other, both groups mentioned that those claims were fabricated, paid-for, or that the other’s grievances were an artificial result of historical circumstances. Thus each group suffered from a lack of acceptance of their own identity and needs as authentic by the other group. At the same time, both groups refused to accept the other’s identity as authentic and considered the other’s difference artificial as well. A nationalist politician from Lviv, for example, spoke of the inhabitants of eastern Ukraine as those ‘...whose identity is marginal, ...damaged... as a result of imperial domination’118. Thus the other is seen as not authentic, damaged, and problematic. Moreover, many participants went even further and rejected diversity completely, one example being, ‘there can be natural diversity, and unnatural diversity, the latter the result of terror, repression, and genocide. This is not real diversity, but a situation of oppression’. Such an attitude clearly diminishes the importance of culture-based rights, primarily those of Russian-speaking Ukrainians, as it is them who are seen as “unnaturally different”.

Respondents from the Russian-cultured side, similarly, considered Ukrainian identity to be invalid and denied that there were real differences between Ukrainian and Russian cultures: “Since the difference between Russians and Ukrainians is negligible they [government - AS] have to artificially prove that we are a separate people and that we need a separate state”.120. In line with this, a journalist from Donetsk has claimed that the Ukrainian language ‘exists due to the efforts of politicized linguists, as it is an artificial creation’.121. He goes on commenting on Ukrainian nationalists in Donetsk: “our Ukrainian nationalists are brought from Kyiv, they gave them some sort of ideology and... [they] work for certain finances”.122.

Ukrainian minority representatives from Donetsk in their turn express doubts in the authenticity of their Russian-cultured counterparts’ identity. An activist has shared that the so-called Russian community is always represented by the local administration at all the cultural festivals, while Ukrainian and ethnic minority cultures are all represented by real grass-roots societies. Explaining this fact, she added: “As for the Russian community –

118 Interview with Parubii
119 Interview with Kholiavka
120 Interview with Buntovskii
121 Interview with Ivanov
122 Interview with Ivanov
it just doesn’t exist here, … the local government serves instead… But to launder money issued for the development of Russian culture, they’ve created fake organizations”123. Interestingly, Eastern Ukrainian Donetsk city respondents were much more outspoken on this issue. In contrast, both Ukrainian and Russian communities in the Western city of Lviv seemed to accept the true otherness of the other more easily.

5.1.3 Underdeveloped Other

Both groups also considered that the out-group lagged behind in its development compared to the in-group. The Ukrainian community saw the problem rooted in the fact that Russian-culture people “still live in the Soviet Union… in the previous century, before the independence” (Ukrainian activist from Donetsk). The respondent further continued that the problem was also in “dramatic illiteracy, first of all among the authorities… Why doesn’t [Prime Minister] Azarov know Ukrainian? And now he wants all others to be such morons as well…” These quotes illustrate that the other is seen as outdated and intellectually backward. On the other hand, Russian-cultured people also see Ukrainians as backward, but for a different reason, due to their stronger family ties and lower level of individualism:

“When I go to Western Ukraine it seems that I go from West to East, not vice versa. Here, in Donetsk we are individualists; distant relatives rarely keep in touch. And there it’s like in Central Asia: what village are you from? Relatives, co-villagers pull each other up the career ladder if someone occupies a good position…”.

Russian speakers also considered that only people from villages and the lower classes spoke Ukrainian: “even in Kyiv only those speak Ukrainian who came from villages, somewhere in the suburbs, maybe some public transportation drivers … or some radical nationalists”. It was also mentioned that Ukrainian speakers had no dignity, because they were not ashamed to work as janitors in western Europe, unlike Russian-speaking eastern Ukrainians, who “are different, have leadership traits, … and it’s better for them to be a sales manager here, than to work as a janitor even for a salary that is three times higher”. The most positive statement I heard regarding the other’s “level of development” was a reflection by a Ukrainian activist from Donetsk that the Russian-cultured Ukrainians are the way they are because “they are so repressed”, meaning that their current “lack of national consciousness” and competence in nationality issue are a direct result of the Soviet political repressions.

5.1.4 Other as Oppressor

Furthermore, both groups viewed the other as the utmost oppressor and denied the facts of oppression perpetrated by their own group against the other, even at times obvious ones. When discussing oppression, however, respondents from the two groups referred to different period in history, with Ukrainians remembering oppression dating back to the Russian Empire and Russians focusing only on post-Soviet times. A politician from

123 Interview with Oliinyk
Lviv said, ‘We can’t accept the status quo, as it came to be as a result of discrimination and cultural racism... This was done systematically, over a period of several centuries’.

Moreover, he pointed to the contrast between a Russian community that oppressed a Ukrainian community and a Ukrainian community which was naturally non-oppressing, since it did not oppress Russians even when it had the opportunity to do so, for example, in the Ukrainian-dominated western region:

“In the case of Crimea we can speak of structural repression. ... Identity is being built by denying Crimea’s Ukrainianness, arrogance with respect to Ukrainianness ..., and other things that can be termed clear-cut racist ... This is with only 60% Russians in Crimea. ... Here, in Lviv, we have the inverse situation, 70% are Ukrainians, and we see that in Ukrainian mentality ... there is no need to oppress anyone. I mean that to build our identity there is no need to destroy the others’ identities”.

Another respondent from Lviv said that Russians, in fact, occupied higher positions in society due to both past imperial and Soviet policies and because of more recent post-Soviet developments. Commenting on the Soviet experience he remembered that:

“When Russians came to Lviv, especially after the war, they were allowed to choose where to live... And if they chose a house where someone was living – they would go to authorities and the next day the whole family was on its way to Siberia with the house and everything in it left to the Russian newcomers. High posts were also filled only with Russians at the beginning, later they started appointing Ukrainians from Eastern regions, but not Galicians124 ...”.

With respect to the recent post-Soviet times he shared:

“With all the Russians’ complaints let’s not disregard the economic aspect. If in early 90-s conscious Ukrainians have put all their efforts to gaining and maintaining independence – were doing politics – the Russian-speaking population, having had access to resources since the Soviet times organized first businesses and became big businessmen. And those activists that were fighting for independence found themselves on the margins of life: former heads of local activist units unload trucks at supermarkets... and the so-called “offended” are driving around in luxury Mercedes”.

At the same time, the Russian-cultured community felt no less oppressed, although it referred only to recent years, the period since Ukraine’s independence, in its examples of oppression. Its grievance lay in the fact that they felt that the Ukrainian “state was not theirs”: “… there is an opinion that if you live in Ukraine you should speak Ukrainian, [and] study in Ukrainian” (professor from Donetsk). Another problem mentioned was that the Donetsk region was viewed as “second-rate and in need of being fixed”. A politician from Donetsk continued that after president Yushchenko came to power “the propaganda of their values has started right away”, and he was concerned that “a Ukrainian Ukraine is being created. I mean that western-Ukrainian templates are taken as a model: nationalism, glorification of their heroes”. A Donetsk journalist shared these feelings while recalling the

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124 inhabitants of Galychyna, an alternative title of the Lviv region
humanitarian policy that started under president Kuchma (1994-2004), saying that the experts appointed ‘aimed at some book ideal that they read about in emigration’125. They wanted to standardize everyone. If they spoke with an accent - everyone had to speak so, they brought with them their ideals.

Interestingly, both groups felt oppressed in both Eastern and Western regions, irrespective of whether they were in the minority or majority in the region and whether a pro-Russian or pro-Ukrainian party held power there or in the capital. This situation creates significant difficulties for deliberative democracy, since neither side feels guilty, and apologizing is an unheard-of option for both of them. The least negative comment came from an activist in Lviv who expressed understanding of the nature or the Ukrainian-Russian antagonism in Ukraine:

“All these year they126 have been instilled with the superiority complex, that they are special and that they are masters here. Both tsarist and Soviet propaganda worked for this. ... From the very beginning the feeling of superiority was instilled and it was very hard for them to go down to the aboriginals’ level”.

Such understanding of the reasons behind the opponent’s offensive behavior is a positive tendency with respect to potential deliberation, yet on its own it is unlikely to create a ground for a fruitful dialogue.

5.2 General Negativism

The final point to mention here is the significant general strain shown by both groups, especially in the Eastern city of Donetsk. A Russian-cultured professor from Donetsk, for example, explained that Ukrainian speakers may not be understood in the city, and that irritation towards people speaking Ukrainian had been growing in recent years.

A Ukrainian activist, meanwhile, pointed out that ‘on a Victory day [a pro-Russian NGO]... attached our... flag to their car wheel and drove like that’. At the same time, when this same Ukrainian activist was talking about Russian organizations, she called them ‘criminals’ and inadequate people. One interviewee in the Russian-culture community in Donetsk used even stronger words to describe the Ukrainian community. While certain emotions may be conducive to deliberation (Steenbergen et al., 2004, 9), aversion is a type of emotion that can undercut deliberative potential in significant ways, because it includes feelings like anger, bitterness, resentment and hatred, all of which were present in interviewees’ responses. Rather than opening the mind to new ideas and arguments, these emotions close it off (Steenbergen et al., 2004, 10). Such irritation, and at times aggression, is moreover problematic from the deliberative democracy perspective, since under such circumstances it is hard to follow the principle of what should and should not be said in a deliberative forum (Warren, 2006).

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125 The responded referred to the fact that some state officials and advisors that were related to the development of nationalities policy in independent Ukraine were coming from the Ukrainian diaspora living outside Ukraine during the Soviet Union

126 Russians
In connection to this, both groups considered the other side too radical, and blamed each other for disabling communication. A Ukrainian activist from Donetsk said that ‘those pro-Russian... organizations are so radical you can’t even think of doing anything with them’. Interestingly, several Russian representatives from Donetsk commented that this respondent was way too radical herself, and impossible to deal with. It should, however, be stressed that in contrast to the situation in Donetsk, respondents in Lviv mentioned instances of inter-group communication, and some of them even found the experience positive.

5.3 Polarized Attitudes

Turning now to polarization, this section discusses the drastically distinct views held by the two groups on practical issues. Experimental research has demonstrated that even assigning participants of discussion groups arbitrarily can have profound effects on the participants’ behavior during deliberation (Steenbergen et al. 2004: 12). And the affect of genuinely held ethnic, nationalist, and religious group identities is understandably even more powerful. In line with this, the ethno-cultural identity of groups in Ukraine has a dramatic effect on their views on a number of issues. John Dryzek draws attention to the fact that 'mutual acceptance of reasonableness is exactly what is lacking' in divided societies, especially when 'mutually contradictory assertions of identity' are at stake, as it is the case in Ukraine. Advocates of Rawlsian reasonableness fail to appreciate how difficult it can be to make political decisions in deeply divided societies, especially when those decisions become attached to issues of identity and are made the focal point of efforts by competing groups to gain control of the state and its resources. When identity conflicts are pitched at this level, Dryzek argues, the game becomes one of ‘all or nothing’ (O’Flynn 2007: 740-741). This is highly relevant in the case of Ukraine, where groups have radically different perspectives on numerous issues and, moreover, on certain objective facts as well.

There is, for example, serious disagreement on the cultural policy of the early 1990s national-democratic government. Russian speakers view it as a time of violent cultural dictatorship:

“Early 90’s were the most horrible, it was violent, totalitarian Ukrainization by the elite that held power.... It was called national-democratic, but I would say national-undemocratic, that was just destroying human rights violently\(^{127}\) in the name of some democratic slogans, while in fact they have been rudely violating those rights\(^{128}\).

In contrast, Ukrainian-speakers consider their leaders’ actions in the 1990s to have been far too tolerant. An activist from the Ukrainian community who was an active participant in the events in the early 90’s speaks of them as a missed opportunity to Ukrainianize, as something that was not done, even in a mild form:

\(^{127}\) The Russian phrase «ломать через колено, рвать» was used.
\(^{128}\) Interview with Liutikov
“If only from the first days of independence there had been an informational-propagandistic campaign to explain the past and the present, to restore Ukrainian traditions, that is if the policy of Ukrainization had been established. Without pressure, obviously, you can’t do anything with force”.

In a similar vein, very different opinions were expressed on how much former President Yushchenko promoted Ukrainian culture. While the Russian respondents thought that he aggressively forced through Ukrainization, the Ukrainian participants complained that despite their expectations, he did not do much for the Ukrainian cause. ‘The Ukrainian Renaissance has stalled under him’ was one Ukrainian respondent’s disappointed verdict.

The dominant language used by the mass media was also viewed differently: the Russian interviewees spoke of a total Ukrainian language presence, while the Ukrainian participants complained that Russian was everywhere. One Ukrainian activist from Lviv, for example, said, ‘...turn on any channel - Russian dominates’. Members of the Russian community, meanwhile, viewed the situation differently: ‘Everywhere on TV it’s Ukrainian, the main channels, news etc.’.

Views were similarly divergent on the question of church property since the collapse of the Soviet Union, as traditional Ukrainian churches began to re-emerge alongside the Russian Orthodox Church. A member of a Russian community in Lviv complained that before 1991 there were numerous Russian churches in Lviv and now there was only one. Yet a Ukrainian community activist said that ‘...they now have more than they had in 1947. It’s like I robbed your place and after some time said it’s now mine and you have no right to it’.

One issue that was of major concern to both groups was the language of instruction in schools and the number of Ukrainian schools. This problem was particularly notable in Donetsk, where the most drastic differences were noted in opinions between the two groups. Not only did they have different opinions on what should be done in this area, they also referred to totally irreconcilable information in terms of what was available. A Russian-culture university professor complained that ‘the majority of schools in the region are Ukrainian, and there are only a few Russian ones’. A pro-Russian politician confirmed this idea: “… kindergartens get turned into Ukrainian, parents’ aren’t even asked … and since kindergartens are Ukrainian, schools must also be Ukrainian”. A journalist from Donetsk added data on the issue: “69 % of schools in Donetsk region are already Ukrainian, …19 % are Russian schools and the process of their closure is ongoing, the rest are bilingual. There is a program of Ukrainization. In Makeevka they told me that 95 % of schools will be Ukrainian by 2012”.

An entirely different story is told by the Ukrainian community in Donetsk. One of my respondents from the Ukrainian group also mentioned this plan of Ukrainization but from a different perspective:
“A law on languages was adopted in 1989, in 1990 the comprehensive program on implementing this law was adopted... [I]n Eastern Ukraine because of severe Russification it had to be enforced from 1990 till 2000. During this period, the number of children that study in Ukrainian had to reach 51% that would correspond to the ethnic composition of the population... In 2000 we had the result of 14%... The program failed entirely, opening every school means courts, fights, it takes 2-3 years, tons of effort, picketing, massive pressure...”.

The respondent has also complained that Ukrainian schools are closed systematically in the region: “It’s now been 8 month that 4 schools fight for the right to teach children in a state language” and “As of last year [2010 - AS] there were 161 schools in Donetsk, out of them 18 are Ukrainian schools that we have opened over the 20 years, one of them is already closed”.

Language of instruction in universities was another controversial issue. A university professor in Donetsk said he was forced to teach in Ukrainian and that all theses had to be written in the state language: “...I worked in different universities, there was pressure everywhere: you live in Ukraine – let’s use Ukrainian, students know it better than you”\(^{129}\). And a journalist adds: “There is a total Ukrainianization of universities: all theses are written in Ukrainian. Well, technically you can do it in Russian, but there’s a bureaucratic procedure”\(^{130}\). In contrast, from the Ukrainian community came the comment that ‘None of our universities\(^1\) teaches in Ukrainian. At the Polytechnic they teach in English, in German because there is a student exchange program, but they don’t teach in Ukrainian in any group’\(^\text{131}\).

A partial explanation of this discrepancy with regard to the language of instruction lies in the fact that groups used different assessment criteria. While formal requirements were the most problematic issue for a Russian speaker, Ukrainian speakers complained that it was practically impossible for them to enjoy their right to be educated in their native language in practice. This is illustrated by a quote from one of the Russian-cultured respondents: “…starting from schools, where Ukrainian dominates, or they formally proclaim so, meaning that, although they continue communicating in Russian now, this will change soon”. This quote demonstrates that there is a significant discrepancy between de jure and de facto cultural policy in Ukraine. While Ukrainian community suffers from the lack of policy implementation, the Russian group lives under a constant fear that real Ukrainization will start shortly.

Similarly, the availability of Ukrainian newspapers is also disputed. A Russian-culture journalist replied that these existed and named “Donechchyna”, “Kozatska Ukrainina”, “Vyrobnyk Ukrayiny”. At the same time the other side claims that “if you ask in any press kiosk - you will not find any Ukrainian language press, and those kiosks are state structures”. And more: “In the East of Ukraine among 1700 newspapers only one is in Ukrainian – “Donechchyna”. And it is just a title, not a newspaper with circulation of 800 copies”.

\(^{129}\) Interview with Cherkashyn
\(^{130}\) Interview with Ivanov
\(^{131}\) Interview with Oliinyk

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Interestingly, there was even disagreement about a rather obvious historical fact relating to Soviet repressions. A Russian community activist who mentioned the Monument to the Repressed doubted the very fact of any such repressions having occurred. The respondent from the Ukrainian community, however, had a different view: ‘...the east of Ukraine is much more repressed than the west. It started earlier here and many more were killed... Political repressions here were horrible’. Importantly, this was said with much pity and sympathy for the other, since it was the other that was repressed, and this explained why the other was so antagonistic today. To a certain extent, such understanding may become a fertile territory for sympathy and readiness to make a step forward instead of engaging in mere aggression.

The situation was similar with the assessment of the 1932-1933 famine. The Russian community saw no major problem with it and was unhappy that the national democrats should have raised the issue at all. For example, they complained that ‘The massive propaganda started insisting that famine was a crime’. The Ukrainian community, on the other hand, was very much aware of the problem and had access to archive data, which explained how cruel this man-made famine was:

“We organized a conference on famine here, looked at archival data... And there were such villages in Donetsk region, that had 700 people before the famine; and when it went down to 70 people during the famine the village head wrote to someone above: stop, my people are eating each other... And it was written by someone from KGB on that letter: “shoot”.

The issue of Russification was also controversial. The Russian community either denied Russification entirely, or rejected the extent to which it took place:

“...some people come from villages, where there was no Russification... The village where my ancestors are from – it never had a Russian school, there was Ukrainian radio, newspaper, what Russification? Well, television – one channel was UT-1, the other was all-Soviet. Only 30 % of population went to university, and all agricultural vocational schools ... were Ukrainian language ones”.

A Ukrainian community activist expressed an opposite assessment, while pointing at census tables to me:

“Take the year 1929, then 1932, then 1946 and 1989, these are censuses. Here we see 65 % of Ukrainians and 20 % of Russians. But as Ukrainians decrease, Russians increase in the following years. In 1989 we already have 59 % of Ukrainians and 38 % of Russians. There was massive Russification, horrible pressure. Why you think Adamov (born as Kogan) changed nationality to Russian? And I know families where mother and father are Ukrainians, and some children are ... already Russian”.

These serious discrepancies are partly explained by an academic respondent. Commenting on the fact that Yushchenko’s policies were perceived differently by different groups, she explained that ‘There is a simple mechanism of stereotypes... [E]xpectations from Yushchenko’s policy were formed already during the election...’

132 did not specify the language of broadcasting
campaign. People were accordingly looking at his actions in an attempt to find proof of expectations that already existed. Selective perception of information’. This mechanism was also at work with respect to all the issues discussed. Reality probably lies somewhere between the two narratives, or even reflects both of them simultaneously. Members of the community, however, saw only partial realities, as they were influenced by the fundamental biases they held.

The gap in perspectives is also explained by the fact that groups used distinct points of comparison when making their claims. The Russian-speaking community tended to compare everything to pre-independence times, to how things were in the Soviet Union. Everything was in Russian back then, and priority was given to Russian nationality in a number of ways. A respondent from the Ukrainian community expressed this point:

“I can understand the Russians: they were used to being in a privileged position in the Soviet Union, but suddenly they were put down to the level of aboriginals whom they despised, ... who were considered second-class people. Suddenly “Whites” were put down to “Blacks”133. I mean that this is rather their perception, because in our laws... - everyone is equal, there is no division into Black and White, as in the entire in civilized world. When Ukraine became independent we have set this issue irrespectively of the nationality, all have equal rights and responsibilities. But even this has made them mad... they were put down from the Olympus to the common land”.

The Ukrainian community, meanwhile, compared the current situation as far as Ukrainian language and culture in Ukraine were concerned to cultures in other countries, and in particular in contemporary Russia, in terms of how it treats its minorities. A Ukrainian activist from Lviv has put it this way:

“They [Russians] have all their rights, no one touches them, but followers of Sokurov134 are spreading the word about the pressure on Russians... Maybe there were some separate cases but in Lviv there are dozens of times more, if not hundreds of times ... of Russian schools, churches and organizations than [there are Ukrainian schools] in the entire Russia”.

Furthermore, the groups used different logic and different kinds of normative arguments. For example, the groups referred to different periods of time when speaking of oppression towards them, and they appealed to different kinds of rights, with Russians more prone to speaking of individual rights and Ukrainians of the nation’s rights. The Ukrainian community thus suggested that since Ukrainians were a titular nationality in Ukraine, their language was entitled to dominate, while Russian was already dominant in Russia and therefore did not need to be protected elsewhere. The Russian community representative shared his concerns regarding this argument: ‘So what, if Russian is protected in Russia? I live here... Ukraine is the only country where the majority of the people don’t have the language they use on a daily basis as a state language’. Moreover, Ukrainians spoke of fixing past injustices

133 The word “Nigger” was used in the original interview
134 One of the leaders of the Russian community in Lviv
while Russians stood for the rights of those who are alive today, irrespective of who their ancestors were. Groups also referred to different areas in which they suffered oppression.

This situation is important when assessing the deliberation potential, since it illustrates how large the informational rift is between the stakeholders. The reason for this rift is two-fold: on the one hand, it is caused by different information transmitted through different mass information channels; on the other hand, it is caused by different interpretations of information based on the pre-existing biases held by different groups. In this context, it is highly unlikely that providing the groups with alternative information will lead to that information being accepted quickly and easily, since it will be filtered through those biases and will not be automatically assimilated. Major preparatory work is therefore needed. First, proper handouts, visual and presentation materials need to be produced. They need to be balanced in terms of representing and addressing the grievances of all the sides; yet at the same time provide a clearly documented evidence on the facts of history and the status quo in the matters that refer to the subject of specific deliberation forum. Second, skilful facilitators need to be trained to mediate the discussions and lead them away from conflict aggravation and closer to reconciliation. While the latter task is particularly difficult, civil society sector can offer extensive training materials, as well as high-quality mediators themselves. This was especially evident during the fieldwork in Ukraine, and some mediation-based deliberation precedents are described in chapter 6 of this dissertation.

The final aspect of polarization between the groups, albeit one of the most vital issues, refers to the fact that they speak different languages. A crucial barrier to deliberative democracy in Ukraine is that it is unclear what language deliberations should take place in. Since language itself is one of the disputed issues, the very means of communication becomes political. And although all Ukrainians have knowledge of Russian, and almost all Russians living in Ukraine understand Ukrainian, the language issue is not about being able to understand what is being said, but about the symbolic power hierarchies in Ukraine. For this reason, none of the conceivable alternatives - simultaneous translation, speaking in a native language, speaking in the state language or in the language that most people are comfortable with - is ideal, and this constitutes a significant threat to building trust and open communication among participants from different linguistic groups.

It should also be stressed that observed polarization between the groups was a result of within-group radicalization. The respondents from both groups stated that instances of cross-group communication were scarce. In this context, speaking only to the like-minded people, members of both groups became more radical in their attitudes and therefore the attitudinal gap between the groups increased.
5.4 Conclusions on Attitudes of Ukrainian Groups to Each Other

To summarize the obstacles to for deliberation, the interviews revealed that one major problem lies in the groups’ attitudes to each other. In particular, both groups feel oppressed, yet deny that they are oppressing the other; both see the other as foreign, non-authentic, and underdeveloped. Moreover, neither of the groups considers communication to be a worthwhile activity, and they prefer to solve problems using the principles of legislative force or mere majority rule. In addition, potential deliberation is further hindered by the language issue, the extreme rift in terms of ‘known facts’ and how the groups interpret these, and the different logics they apply when constructing their claims.
6. FEASIBILITY OF DELIBERATIVE DEMOCRACY IN UKRAINE

In the theory chapter of this dissertation I discussed the importance of deliberative capacity as an underlying feature of a social system that enables peaceful coexistence of its different parts. I have then discussed in what way is this deliberative capacity affected by macro-social events such as colour revolutions, institutional settings and groups’ attitudes towards each other. All these factors affect deliberative capacity and define the feasibility of the deliberative project on the ground. In this chapter I address the issue of deliberation feasibility more directly by first discussing the concept of feasibility itself, then presenting the attitudes of the Russian-cultured and Ukrainian-cultured groups towards deliberation, and describing the already existing precedents on inter-group deliberation in Ukraine.

In the context of deliberative democracy the issue of ethnic-cultural identities is special since identity is a non-technical matter, and people already hold strong emotional positions about the issue at stake and the representative of the other side. Thus deeply divided societies like Ukraine seem to be infertile terrain for inclusive mass deliberation. Firstly, it may not even be possible to get people on opposing sides to sit in the same room, and then even if they do meet, they may not really deliberate (Fishkin et al. 2013). However, the promise of deliberative democracy that will bring about a transformative change in social relations remains attractive. Conflict resolution literature emphasizes effectiveness of deliberation among key parties in introducing durable solutions to conflict – especially in mediation and through consensus-building exercises (Susskind et al. 1999). Resulting consensus is not a universal agreement on a course of actions and the reasons for it, but rather an agreement to which all sides can reflectively assent, even if for different reasons (including a fear of what might otherwise happen). Deliberation’s contribution to conflict resolution comes with mutual recognition of the legitimacy of disputed values and identities (Dryzek and Niemeyer 2006: 639-640). The absence of such recognition means that politics becomes not a contest in which some losses and compromises are acceptable, but rather a fight to eradicate the values of the other side (Dryzek 2009: 1391). In contrast, functioning democracies feature substantial normative meta-consensus on the legitimacy of disputed values and for such meta-consensus deliberation is needed (Dryzek 2009: 1392).

Designing proper deliberative procedures is not an easy task and it therefore cannot be recommended for frequent use. As Dryzek has put it, deliberation is a demanding activity, and it is certainly not for all the people at all times. Yet, he continues, it might be for most people some of the time (Dryzek 2009: 1399). The extent to which the project is feasible in the Ukrainian context is the focus of this chapter.

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6.1 On the Issue of Feasibility

Allen Buchanan names feasibility among the necessary criteria of any good theory, as for him a theory should be accessible, that is it should presuppose a “practicable route from where we are now to at least a reasonable approximation of the state of affairs that satisfies our principles” (Buchanan 2004: 61). Similarly, in John Rawls we find the idea of “realistic utopia” meaning that a normative political theory should justify two criteria. First, it must demand social arrangements that are desirable and thus may be utopian, only providing us with a benchmark of critical assessment of the status quo. Second, theory must also consider how realistic it is to expect it being implemented (Gilabert and Lawford-Smith 2012: 2). The feasibility of deliberative democracy, however, if often questioned by its critics and proponents alike.

What is feasible, however, is itself a non-trivial question. In general terms a state of affairs is feasible if it can be brought about. And yet, there is no fact of the matter about what we can bring about (Gilabert and Lawford-Smith 2012: 1). Although considering psychological and other soft constraints on a theory implementation is important for its feasibility assessment (Gilabert and Lawford-Smith 2012: 5, 7), the mere fact that people do not want to do something does not mean that we should think that getting it done is infeasible, it just means that we should think about how to change incentive structures and thereby change people’s desires (Gilabert and Lawford-Smith 2012: 5). These soft constraints are often the very object of the theory’s critique, and should therefore not be seen as unsurpassable obstacles to its implementation (Gilabert and Lawford-Smith 2012: 7), but rather as targets that the theory is trying to reach when implemented. Rawls also suggests that one of the roles of political philosophy is to “probe the limits of practicable political feasibility”, he writes: “…the limits of the possible are not given by the actual, for we can to a greater or lesser extent change political and social institutions…” (Rawls 2001: 4-5). Stated a different way, principles cannot be feasible or not, it is ways of implementing them in the world can be such (Barry and Valentini 2009, Cohen 2001).

Besides the theory’s accessibility (whether we can get where we want from where we are), stability is also integral to its feasibility since “getting there if we stay there for only a short while, does not really look like a case of getting there at all” (Gilabert and Lawford-Smith 2012: 5). That is deliberation should not only start, but also be organized in a manner that it is sustainable enough for communication to continue. For example, Warren (2006) argues that not all kinds of communicative acts should be allowed in the deliberation process as some of them may serve as communication stoppers.

6.2 Groups’ Attitude to Dialogue

Democratic dispositions have a positive effect on deliberation potential, while a lack of such dispositions, conversely, hinders deliberation. Democratic dispositions include positive attitudes to democratic values such as
justice, non-violence and care for the weaker, plus a willingness to engage in dialogue and compromise. Fundamental democratic values such as liberty, equality, justice, tolerance, and coexistence should also show correlation with deliberation, as deliberation presupposes basic adherence to these values (Rosenberg, 2004). Democratic dispositions allow for open participation, respectful discourse, and consideration of the common good in a discourse. The deliberative experience itself can, of course, help reinforce the commitment to those values. But it is difficult to imagine fruitful deliberation in the absence of a basic commitment to democracy (Steenbergen et al., 2004, 15).

Interviews with group representatives and experts demonstrate lack of enthusiasm with respect to communication. Speaking of the ways of promoting their cause both groups were predisposed to the principles of force - fortunately not physical - as opposed to more democratic, dialogical solutions. Most respondents viewed communication as either useless or ineffective, given the circumstances and/or the opponents. While this is a bad news for the prospects of deliberation it is also true that less opinionated people – so called lay citizen – can be engaged into deliberative for a number of precedents discussed further illustrate.

6.2.1 Dialogue Does Not Fit Circumstances

Interviewees from the Ukrainian community tended to express strong aversion to dialogue, claiming it to be a method that did not fit the context of contemporary Ukraine. For example, when asked about the possibility of implementing multicultural policies in Ukraine, an activist from Donetsk expressed a generally-shared opinion aptly: ‘We are now going through the stage that other countries went through earlier... What was the intercultural dialogue in the US some time ago: between Indians and whites?... Therefore let them not be so refined today and demand that other societies be different when they go through such a stage’.

In agreement with this a politician from Lviv has shared that in his view: “Certain intellectuals ... are detached from reality and look at the situation as if from overseas. They suggest to pretend that nothing is going on, silently endure when we [Ukrainians] are being offended, when they [Russians] do things that arouse indignation, just in order to not irritate someone...”, meaning both Russians and the liberal promoters of full-fledged minority accommodation.

Furthermore, according to a professor from Lviv, dialogue is good for some issues, but not for others, such as one of the central, divisive issues in contemporary Ukraine relating to determining who the heroes of World War II were in Ukraine: “Yushchenko tried to talk about reconciliation between the Red Army and the Ukrainian Insurgent Army but it was not accepted. Because you cannot find compromise based on the war, the war is the most divisive element in Ukraine; here compromise is impossible around war.”
6.2.2 Talk as Useless, Discredited, and Dangerous

A Ukrainian activist from Donetsk found talk simply unnecessary. Making a reference to foreign experience, in particular that of the Czech Republic, he suggested that ‘the Ukrainian language simply has to be made dominant, and all discussions on this issue should just stop’\(^\text{136}\). Similarly, a Ukrainian activist from Lviv saw discussion as redundant, since everything was ‘clear’ even without it. A quote by him speaks volumes on this: ‘...everything is obvious\(^2\). When people look at a white wall, no one discusses whether it is white or black. There are no alternative perspectives on this issue... Since these are obvious things... no thinking person can have a different opinion’\(^\text{137}\). Viewing history as obvious is problematic, especially when that history is the very foundation on which a major social cleavage is based like in this case. The provided quote was said with respect to the Ukrainian Insurgent Army - one of the most divisive issues in Ukraine. But even more disturbing is the assessment that people who have a different opinion are people who do not think and thus do not warrant having a dialogue with.

A Russian-culture journalist from Donetsk went even further by suggesting that no one would benefit from discussions, and that it was better to just stay in one’s own regions and have nothing to do with people who held opposing views. Asked about the ways to enhance discussions, he responded that “We do not need discussion; each side will have its own opinion... Does the state benefit from debates? ... We just won’t intersect; Galicians do not come here...”\(^\text{138}\). He therefore viewed dialogue as useless and potentially dangerous, as it could have negative effects. Notably, he considered the situation of regional isolation normal, and even desirable.

Finally, a number of respondents also considered dialogue to be ineffective, since numerous round tables on cultural issues had all been inconclusive. Respondents repeatedly shared the view that it is impossible to change the positions held by the other, making comments like ‘you can’t get out of the mud and stay clean. People who grew up and lived with the ideas of a “Russian world”... It leaves a deep mark on their subconscious... And it’s impossible to prove otherwise to them’.

An interesting case was reported by a UNDP-Crimea representative. When the UNDP has issued reports on land distribution and religious diversity issues and offered to deliberate on them, the stakeholders simply were not willing to talk; the discussion has never taken place. The stakeholders simply thought that it was impossible to shorten the distance between the positions on those issues, that everyone would stay with their view, and that the only plausible outcome of such discussion would be excessive emotions and acceleration of conflict\(^\text{139}\). Similar

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\(^{136}\) Interview with Biletskyi
\(^{137}\) Interview with Parubii
\(^{138}\) Interview with Ivanov
\(^{139}\) Anonimous interview #1
dynamic is prevalent in the academic sector. As a Russian language professor shared: “I have never met an opponent who would be willing to listen to my arguments. They rather try to avoid any discussions”\textsuperscript{140}.

6.2.3 Preference for Forced Policies of Majority Rule

In addition to their negative attitude to dialogue, respondents also expressed support for the principles of force: legislative or majoritarian. Representatives of the Ukrainian community, especially in Donetsk, thus discussed the need to establish the domination of Ukrainian culture: ‘...we need to identify who the master is in the house... There’s Dad in the family (titular nation, culture, language) and if it is doing well and fully realizes itself, then there is a good atmosphere for accepting others, but only to the extent that they do not break this dominance’. This reflected a more general stance by the Ukrainian community of trying to force the other into Ukrainian culture, by pressure created at the legislative level.

Thus the Ukrainian community is trying to force the others into Ukrainian culture, by pressure, often based on legalistic argumentation. A Ukrainian activist from Donetsk mentioned: “... in all the court proceedings in which we take part – we force them to switch into Ukrainian in accordance to the law”. The mentioned laws, since they favour the Ukrainian community – at least on paper and for the time being – are treated as an absolute authority and not anything subject to possible criticism or change. This became obvious in my conversation with one of the respondents: “Everyone, who goes abroad studies the language of the country, and here!?... twenty years have passed!..”. As I suggested that this might be because these people never moved anywhere, the response has followed: “So what?! He is a state servant now, he is violating the Constitution and the law about state service”.

The second point relating to the principle of force is the 'majority wins all' mentality. Both groups express the opinion that a group’s majority status justifies its actions against the interests of a minority. This was especially pronounced in the Russian community in East and South of Ukraine. Respondents tended to equate 'majority' with all the population and to disregard minority interests entirely. This illustrates that the needs of minorities are not seen as anything worth keeping in mind and the existence of such minorities is neglected. This was an overwhelming tendency: groups that are in significant numerical minority are considered non-existent. Regions like Donetsk and Crimea, as well as other predominantly Russian-cultured areas were consistently referred to as Russian, despite the high census percentages of Ukrainians in these areas and 10% of purely Ukrainian-cultured population in the least Ukrainian region - Crimea.

Even when the existence of minorities was recognized, caring for the minority was not considered an important virtue. To illustrate, a respondent from the Russian-cultured community mentioned when discussing an issue of

\textsuperscript{140} Interview with Kudriavtseva
war heroes: “In 1991 in Donetsk region there lived ten people who had connections to Bandera’s movement\textsuperscript{141}. Now even less left alive. The feelings of three people aren’t worth the attitude of four million”. Thus he was not oriented towards respecting others in principle, but rather towards sacrificing the minority for the benefit of the majority. Moreover the respondent assumed that the 4 million people inhabiting Donetsk are all Russian-cultured, and oppose the recognition of Ukrainian Insurgent Army veterans, which is far from being true. They also demonstrated a lack of readiness to live in a diverse social reality where people may hold different views and exercise different needs.

This demonstrates that the Russian community is not prone to looking for the ways in which everyone’s happiness can be maximized, but is rather looking for the maximization of the happiness of the majority that it represents. Notably, this attitude was less pronounced among the Ukrainian community (even though Ukrainians are statistically the largest ethnic group in Ukraine) and among the Russian community in Western city of Lviv.

\textbf{6.2.4 Limited Readiness to Talk}

There were instances of elite-level deliberation in Ukraine’s post-Soviet negotiations between the capital and leaders on the autonomous Crimean peninsula. As Sasse (2002) argues, President Kuchma's prolonged dialogue and negotiation process resulted in avoiding violent conflict between Crimean separatists and the central government. In line with this argument, various respondents mentioned that it was President Kuchma who was most open to dialogue and who created the most opportunities for groups to express themselves through state institutions, which included public hearings, advisory boards and conferences. The experience of more vibrant deliberative arenas at state level is thus appreciated by both groups.

Attitude to dialogue is one of the most important democratic dispositions, since it presupposes acceptance of values like equality, self-expression, and readiness to listen to the other side. While respondents' overall attitude to dialogue was negative, as was illustrated earlier in this chapter, a number of openings for potential dialogue were also revealed. Some interviewees expressed their readiness to engage in dialogue and to work towards consensus, or at least compromise. Interestingly, all of them were from western Ukraine and from academia and activist communities, and represented both Ukrainian-culture and Russian-culture groups. A proponent of Russian-language education thus stated that he was also engaged in communication with Ukrainian cultural organizations and had inspired a number of projects aimed at enhancing cross-fertilization between the two cultures. For example, he promotes translation of Russian literary classics into Ukrainian and popularizes the cultural heritage of Ukrainian cultural figures among Russians. Such readiness to engage in dialogue and see something good in the cultural heritage of the other is crucial to deliberative capacity.

\textsuperscript{141} The nationalistic movement struggling for the independence of Ukraine during the Second World War.
Some respondents from the Ukrainian group, from Lviv, criticized illiberal aspects of pro-Ukrainian politicians’ policies. One respondent criticized former president Yushchenko who, while proclaiming liberal values, in fact followed a Ukrainization policy. For example, a ‘strange decree by the Ministry of Education that obliged teachers to speak Ukrainian during breaks’ was criticized, as were taking a historical exhibition that glorified disputed heroes to all parts of Ukraine and ‘giving the information arena to only one perspective’. There were also problems over the question of Holodomor5: ‘The issue needs to be raised, but saying that Holodomor was a Holocaust and whoever denies it will be convicted - will only lead to non-acceptance’. This ability to be critical of the in-group and defend justice rather than immediate in-group interests is a major pre-requisite for deliberation as deliberative democracy requires the potential readiness to change one’s stance in view of new information or normative claims (Gurman and Thomson 1996).

The appreciation of the principles of reciprocity and compromise, rather than a zero-sum game, was also expressed by some west-Ukrainian participants, although such attitudes were not typical of the majority of the population. One respondent stressed the importance of compromise, as it is impossible to change either of the sides overnight. She suggested that if a superordinate identity is to be built, groups need to understand their differences and each side has to sacrifice something:

“If we are building an all-Ukrainian identity, we need to understand our differences and each side has to sacrifice something, there has to be a compromise. … For example, some regions declared the official status of the Russian language. Instead of fighting this decision, they could have said: OK, we give you this status and you support our NATO integration. Because you cannot prohibit such things. And this is normal: there are Ukrainian-speaking groups and Russian-speaking. What’s the point in fighting something that you cannot beat?”

Another respondent stressed the importance of shared heroes: ‘If you ask me what kind of history there has to be, it’s... our heroes, your heroes, and shared heroes’. Indeed, Steenbergen et al. (2004, 13) mention that creating superordinate identities is a good way out of dilemmas posed by deeply entrenched singular identities, and maintain that if a superordinate identity is effectively created, deliberation between the groups in question is much more likely to be possible. Even more important for the current assessment is the fact that at least some members of the community in Ukraine accept that diversity exists and realize that superordinate identity can be built only on a foundation of respect for particular regional identities.

It was also mentioned by a professor from Lviv that ‘there is a growing social demand for dialogue’, since people are tired and have other issues to worry about, and more people understand that ‘extreme discourse solves nothing’. An activist from Lviv expressed the opinion that ‘not so many people have hard stereotypes: only those pseudo-scholars and communist party activists. Most people are tabula rasa in terms of national memory’ (activist from Lviv).
It was, however, also noted that there was a tendency towards fewer and fewer possibilities for compromise, due to extreme government rhetoric: ‘The center wants to create a radical opponent... There seems to be an attempt to oust the middle ground’. This respondent thus concluded that ‘there are two tendencies, and we do not know which one is winning’, and he added that finding common ground is a ‘feasible project, but a very difficult one’.

Respondents also reacted positively to a number of deliberative principles and elements, even if they did not associate them with deliberative democracy per se. Both groups thus said that respect was important to them, and this is something that might be used to encourage the development of reciprocal respect between them. Similarly, each group complained that the other group did not ‘hear what we say’, which indicates their interest in getting their points across to the other side and, thus, a need for communication.

Further opportunities arise from the fact that, although talk is not favoured, a so-called ‘practical dialogue’, or reconciliation through shared projects, was mentioned as desirable by both groups, meaning that they are ready and see the need for some common actions with members of the other group on matters that unite them rather than divide them. In the words of the respondent: ‘...when we try to build something new it’s better to cooperate in a practical dialogue. At the moment sorting things out between cultural groups is less of an issue compared to building our common home…. Not round tables, but conjoint actions...’. These common projects would definitely build a foundation for further, better-quality deliberations on the divisive issues themselves. Going back to the idea of the superordinate identity, which is very helpful for facilitating deliberation, small-scale practical projects in areas where there is a common interest (e.g. projects to improve services that all parties in a conflict use) can act as a stepping-stone to creating this identity (Steenbergen et al., 2004, 19). Another respondent has also expressed a similar idea: “Reconciliation requires actions, reconciliation per se – is a virtual thing, it can be dissolved very quickly if it does not lead to some specific result. Common action needs to follow”143. It would therefore be more effective to change the format of deliberation, from mere talk to more action-oriented, ‘ice-breaking’ activities like common field-trips, art or humanitarian projects, before addressing deeply emotional issues through dialogue. It is worth mentioning, in connection with this discussion of shared praxis, that issues of language and national identity are not among the top priorities in people’s everyday lives, as numerous opinion polls have shown. This does not mean that these issues are not important or not worth addressing, but this context itself provides special opportunities in terms of the potential for deliberative democracy. Deadlock situations in areas related to identity may be softened by first uniting people from different groups around issues that are of more immediate concern to them, such as socio-economic welfare, corruption, health, and their children’s future. Once significant rapport has been established with people from the other group, dialogue on cultural matters will proceed in a more deliberative manner.

142 Interview with Biletskyi
143 Interview with Koval
A further point that arose prominently in the interviews was that representatives of both the Ukrainian and Russian groups in the western city of Lviv are much less aggressive towards each other and more willing to cooperate than their counterparts in the eastern city of Donetsk as well as other cities. In particular, respondents from Lviv view the otherness of the other as authentic, to a greater extent, meaning that they recognize it more and respect it in the sense of allowing the existence of the other’s separate identity. They also refer to the other as underdeveloped less than the inhabitants of Donetsk do. Lviv respondents see the other in a more tolerant and respectful light and show a limited readiness to talk and compromise. Although regionalism is at the very core of the inter-cultural problem in Ukraine, it thus also offers an opportunity to make deliberation between the groups more feasible. Deliberation projects carried out in the western region should have a positive spillover effect on other regions, by virtue of cultural communities communicating across regions. It is therefore advisable that implementation of the deliberative democratic model of consensus-seeking start in the western region of Ukraine, which has a comparatively more open-minded political culture, due to different historical circumstances, irrespective of the cultural group people belong to. While some might argue that deliberative models should be emphasized first in places where hostility is greatest, too much hostility disallows communication, therefore starting in a context of a less hostile political culture is driven by the feasibility concerns rather than those of necessity.

Interestingly, one of the respondents had first disagreed that deliberation has at least any sense in Ukraine. However, after a short discussion, he agreed that in fact it might be a worthwhile activity if conducted in limited circles, among the people who share some other important identity, such as, for example, liberal intellectuals or human rights activists.

6.3 Precedents of Deliberation in Ukraine

Despite the negative attitudes of groups’ representatives towards each other, the fieldwork has revealed some successful deliberation experiences. This is especially important in the context of the 2014 Russia-Ukraine war, as it increased the hostility within Ukraine even more and some reconciliation techniques for those tensions are more needed that even at the moment of writing. Four instances of dialogue between representatives of opposing cultural groups deserve attention here: Crimean Dialogue, Crimean Policy Dialogue, Action Ukraine: Healing the Past, and the Inter-religious Council.

‘Crimean Policy Dialogue’ was an attempt to create a deliberative forum by bringing in stakeholders from diverse groups to discuss disputed issues such as language, identity, and land distribution between the three major ethnic groups living in Ukraine’s Crimean peninsula. This dialogue was nevertheless limited to selected journalists, politicians, and think tank experts, and was not a platform for broader societal deliberation.

144 Interview with Kulyk
In contrast, ‘Crimean Dialogue’ that lasted from 1999 to 2002 used to seek agreement through dialogue and negotiations between Crimean Tatars and the Slavic population on the matter of disputed land ownership in 7 villages in Crimea. It was a more grass-root and citizen-based initiative, although the issues discussed are not related to culture and identity per se. The goal of the project was to build communication between the Crimean Tater and Slavic population and so that they could later cooperate on the practical issues of common concern like improving the environment or other community projects. But the underlying idea behind this was to make the community less divided and more stable. The project borrowed the materials used in the Northern Ireland case and the format of communication was the circle of reconciliation that included up to 20 representatives of different ethnic groups from the villages. This project appeared to be successful according to the head of the organizing NGO, Institute for Peace and Understanding. As he shared at first the participants were very antagonistic, with mutual accusations being the main mode of communication. Yet later on they realized that the other groups consists of the same people as them, and that all had the same problems and can listen to each other and build some trust. Moreover, according to the organizers, who continued monitoring the developments after the project, people continued to cooperate even after the project was finished.145

Another interesting initiative conducted as a part of the “Crimean Dialogue” was a radio-drama that included 15 episodes, 26 minutes each. The idea behind this educational entertainment approach is to make an interesting plot, in which people can identify with the heroes, and then those heroes model the skills, reactions, and attitudes that we want to bring up in the audience. This project was also successful, according to the independent evaluators who used the Bogardus scale to measure the attitudes and social distance between the focus group participants before and after listening to the radio-drama.146

The ‘Ukraine Action: Healing the Past’ project, meanwhile, engages citizens in different regions for discussions on disputed episodes of the past, the aim being to arrive at a greater compromise on these issues.

There is also the Inter-religious Council initiative, which has brought together representatives of most traditional and new religious streams in Ukraine so they can discuss and act on social matters together (Kravchuk 2013). This council is affiliated with the state, and it does not discuss issues that are divisive among the churches themselves, but even such common action on matters of mutual concern is an important prerequisite for potential future communication.

In addition several interviewees have mentioned that online discussion clubs had begun to emerge in Ukraine's major cities in recent years. These clubs ‘unite young people... looking for solutions to Ukrainian problems... Language and history per se are not that important to them, but they want to neutralize these issues so they

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145 Interview with Koval
146 Interview with Koval
don’t stop them working...’. However, these groups are by invitation only, so only specially selected people can join.

Finally, some quasi-deliberative projects do from time to time appear on TV. For example, a popular political “Savik Shuster” TV show organized a discussion on WWII between school children from the western city of Lviv and the southern city of Odesa. Although they came from ideologically very distant regions, they achieved a common vision over the course of the discussion, which was broadcasted throughout the country. Indeed, as Bargh has argued, where conflicts have reached an impasse for older generations, deliberation efforts may have to focus on children, since by targeting children, the development of negative out-group stereotypes may be minimized (Bargh, 1999, in Steenbergen et al., 2004, 20).

Another interesting example is the “Good Neighbourhood Culture” school subject developed by Margarita Aradzhioni and the “Integration and Development” NGO. By 2011 1200 teachers have already gone through the training to be able to teach the course at their schools. The project was originally developed in and designed for Crimea, but has now traveled to other regions of Ukraine as well. Aradzhioni assesses the project as very successful and what is more – well received and demanded by the target audience:

“It really works. When teachers come with shining eyes to get those workbooks.... Once I have almost burst into tears. It was the first year when we had to sell the course workbooks, before we used to have an OSCE grant, but now we had to raise money. And a teacher came from a village in the Bakhchisarai district saying “Finally, you’ve published them. My kids are waiting for them...”. You know, parents in the village are not into that, some are drunkards, everyone is poor... But the kids have collected those money from the daily allowance they were getting and the teacher has brought that heap of money”.

It needs to be noted, however, that besides these genuinely deliberative initiatives, all driven by a third sector, there is also a parallel reality of government run quasi-deliberations when they instrumentalize governmental NGOs (GONGOs) for legitimizing their political and policy decisions. This is done through the format of civil councils that are poorly advertised and are run with the only intention in mind – to support the already made governmental decisions. In 2011 there were 566 such civil councils in Ukraine (UCIPR 2011). According to the Razumkov Center only 14,3% of respondents are aware of the existence of such councils (Tyschenko and Bakalchuk 2012: 237). As a result, not only are these councils useless from the point of view of deliberative democracy, they also create a negative effect by compromising the reputation of dialogical solutions and public discussions in the eyes of the general public. For example such “quasi-deliberations” were conducted both in 2001 an 2009 political reform discussions, and, importantly, different presidents resorted to this legitimization methods irrespective of their rhetoric or party affiliation (Tyschenko and Bakalchuk 2012: 231-232, 242).

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147 Interview with Aradzhioni
6.4 Making Deliberation Happen: Further Recommendations

While the previous discussion focused on psychological barriers to deliberation in Ukraine, this part of the chapter discusses whether these barriers can be broken down, and if so, how and on what level. While the problems described earlier in this chapter as well as the previous chapter might seem insurmountable, they are nevertheless counterbalanced by a number of opportunities for deliberation.

6.4.1 Changing the View of the Other

Dealing with the negative view of the other is a fundamental task. It is also a top priority if deliberation is to be successful, because it affects a number of other categories, which also affect dialogue. No institutional or other tools will therefore be effective until the vision of the other is addressed. At the same time, if the vision of the other is softened, many other barriers to deliberation will also soften as a result.

Unfortunately, the chances of the formation of the other being positively affected by the elite or via the institution level in Ukraine are very slim. The inter-cultural division is regularly used by politicians at election times as a smokescreen to hide specific interests and individual ambitions (BTI, 2010, 25). Notably, none of the Ukrainian parties claim that social reconciliation is one of its goals, and the center segment of the Ukrainian political arena has been the weakest throughout the entire period of independence. It was also an opinion expressed consistently by respondents that ethnicity is being used to win elections while, in fact, politicians only make the conflict worse than it really is.

At citizen level, despite the deeply entrenched stereotypes of each other, there are some openings for altering the situation. First, groups are heterogeneous and not all members hold strongly negative attitudes towards the other. Second, groups do intersect somewhat at citizen level, especially in the western region, which is helpful when it comes to creating a better view of each other. Third, while politicians thrive on conflict, in terms of both power and access to material resources, citizens tend to mostly conflict at identity level and have no need to hold on to the conflictual status quo in order to survive; quite the contrary, most of them prefer a more peaceful and harmonious coexistence.

While discussion of the other was strongly negative on both sides during the interviews, it was still possible to observe an incipient sympathy for the other in the Ukrainian community. One Ukrainian activist, for example, when discussing the groups’ levels of development, also mentioned that Russian-culture Ukrainians were the way they were because ‘they are so repressed’, meaning that their current “lack of national consciousness” and competence in nationality issues was a direct result of Soviet political repressions. In line with this, another Ukrainian activist expressed an understanding of the nature of Ukrainian-Russian antagonism in Ukraine by saying that for many years Russian speakers and Russians ‘have been instilled with a superiority complex, the idea that they are special
and that they are masters here... and it was very hard for them to go down to the ‘aboriginal’ level’. Such an understanding of the reasons behind the opponent’s offensive behavior marks a positive tendency with respect to potential deliberation, since it helps to make people more tolerant and patient with the other and to not be offended so easily by the other’s destructive behavior. Batson (1991) has argued that true altruism involves empathy, which means that an actor ‘feels into’ the situation of someone else. In deliberation, empathy helps a participant to understand the position of another speaker, even if he or she disagrees with this position at the start. Empathy also allows a participant to move beyond selfish concerns and to pay attention to the common good (Steenbergen et al., 2004, 9). It is also notable that I did not encounter any instances of similarly sympathetic statements by Russian-cultured respondents.

**6.4.2 Overcoming Polarization**

Polarization between the groups is based on divergent normative perspectives, different self-interest orientations, and an asymmetric knowledge of information. As it is normal for a group to seek satisfaction of its needs, this segment should be left aside. Attention needs to be paid to correcting knowledge of facts and normative perspectives which are, to a large extent, based on that knowledge. Currently groups ‘know’ irreconcilable ‘facts’, which makes productive communication between the groups impossible since they speak from different premises. A possible solution for this situation may be asking an impartial experts to report the objective and balanced information, or to arrange a co-presentation by Russian-cultured and Ukrainian-cultures leaders advocating for reconciliation. If this is done successfully, that is, in such a way that the information is accepted as true, the next stage - altering normative dispositions towards more consensual arrangements - will become a much easier task. Although no systematic data exists, one respondent said that, based on his party activism experience, the more they informed the population of the role played by the Ukrainian Insurgent Army (UIA) during the second world war, the less resentment was shown by people towards UIA veterans. Even though this is a single example, it provides encouragement for programs aimed at raising factual awareness.

**6.4.3 Enabling Dialogue through Language**

A crucial barrier to deliberation in Ukraine, especially on cultural matters, is that it is unclear what language deliberation can be conducted in, since language itself is a disputed issue. Because of this, the very means of deliberation becomes a stumbling block for deliberation. The organizers of the Crimean Dialogue and Crimean Policy Dialogue used Russian in their projects, since Russian is the dominant language in Crimea. However, the facilitator interviewed also expressed concern that this language solution will not work for deliberation elsewhere in Ukraine.
Optimism, however, can be found in the fact that there are Russian-community activists who speak Ukrainian and are ready to use it, if needed. They are few and far between, but it proved possible to meet several of them during the fieldwork. As one of them explained, ‘I will never forsake my native Russian language. I will defend it, I will defend Russian-language education. But... we have to communicate normally with people who have a different linguistic basis’. Attitudes like these are important not because we can hope that all Russians will start speaking Ukrainian, but because by exposing the Ukrainian community to such Russians, will probably help them accept the other community more, and will hopefully allow them to feel more comfortable about bilingual deliberations.

A head of the Institute for Peace and Understanding has expressed his two-fold opinion as well. On the one hand he thinks that it is easier to provide simultaneous translations, than deal with the lack of trust with the deliberative process. On the other hand, in situations where trust is already established, everyone can speak the language most comfortable for the speaker or the language that everyone understands. The latter option was exactly what happened in the framework of the “Crimean Policy Dialogue”, when experts who already trusted each other chose to speak Russian in order to use the project funds more efficiently.148

6.5 Conclusions on the Feasibility of Deliberative Democracy in Ukraine

The drastic differences between the groups’ perceptions on the one hand represent conditions that call for deliberation, as it given these differences it is hard to create a legitimate policy addressing the needs of both groups. Yet on the other hand, these differences in opinions, however, also represent major challenges for deliberative democracy implementation. What complicated the matter even further is that the members of both groups do not believe in deliberation, meaning that they find discussions irrelevant, useless and leading to no change of positions. At the same time, these same respondents have also reacted positively to a number of principles and elements of deliberation – even if they do not associate them with deliberative democracy in their minds. First, both groups expressed importance of respect, which might be used to encourage the development of reciprocal respect between the two groups. Second, both groups spoke of the lack of “hearing what we say” referring to the other group, which might indicate their latent interest in still getting their points across to the other side and thus agreeing for deliberation. Third, groups also referred to shared praxis meaning that they are ready and see the need for some common actions with members of the group on matters that unite them rather than separate. Such common projects would definitely build a ground for further deliberations of a better quality on the divisive issues themselves.

Respondents have also expressed some limited readiness to talk, and a number of deliberative initiatives also create some hopeful precedents for further action. Thus deliberative democracy may be used in Ukraine, but not for establishing who is right or what the objective historical truth is. Unfortunately, at the moment both group

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148 Interview with Matveev
representatives and many experts in Ukraine perceive deliberation being just that. Given the drastic differences in opinions and perspectives between the two groups, as well as the level of emotional animosity, rational argument to establish truth are not likely to work in the Ukrainian case, at least not by themselves. Instead deliberative democracy may be used for establishing rapport and break the stereotypes that exist in the minds of groups’ representatives about each other, enabling them to come up with feasible practical solutions that would address the intercultural tensions.
This chapter addresses one of the external effects on the deliberative capacity and thereby on ethnic relations in transition. It specifically focuses on the international national minority protection regime. According to Stephen D. Krasner, a regime is a set of explicit or implicit “principles, norms, rules, and decision making procedures around which actor expectations converge in a given issue-area”. The definition is intentionally broad, and covers human interaction ranging from formal organizations (for example, the UN) to informal groups, such as major banks during the economic crisis (Krasner 1983). Therefore, by the international national minority regime (INMR) I refer to the set of key international documents pertaining to national minority protection. The list of these key documents and the core principles of the regime in general are discussed in the next subsection.

The chapter demonstrates that the current regime is inadequate due to its ‘one size fits all’ approach, and a new regime is therefore needed. At the current stage, the effects on the INMR on deliberative capacity are mixed. Yet, the fieldwork conducted suggests what kind of modifications would facilitate the positive change. The international national minority regime serves as a guideline for specific policy choices by the countries that comply with its core documents. But besides those international guidelines, there is also a need for deliberation in such policy-making since the situation is often special in each case and no universal schemes can respond to each and every case’s necessities. On the ground, the situation is often too complex and may be characterized by logical and moral deadlocks. It is therefore difficult to make clear decisions without deliberation and, more so, for these decisions to be legitimate. For this reason, it is not advised to apply the international best practices blindly since such an approach is neither legitimate nor effective.

The deliberative democratic approach to minority accommodation policies has the potential to deal with the weaknesses of the international minority regime: namely, that universal policy cannot address the deeply contested and case-specific, justice-based and interest-based claims of the different kinds of identity groups. In what follows, I first present the current international national minority regime, then I illuminate the major problems with it, and finally I discuss the ways in which the international community may have a positive impact on the development of intercultural relations in particular states.

7.1 International National Minority Regime

In terms of ethnic relations, unlike in the area of basic individual civic and political rights, it is difficult to identify the key principles applied in Western states (Kymlicka and Opalski et. al 2005: 13). On the one hand, different Western states responded differently to their minority issues. On the other hand, Western political theory neglected the issue of ethno-cultural relations till the end of the twentieth century (Kymlicka and Opalski et. al 2005: 14).
Nevertheless, Kymlicka argues that the end of the twentieth century witnessed the global diffusion of multicultural discourse and the codification of multiculturalism (MC) in international law - that is, the internationalization of state-minority relations. At the same time, he stresses that the driving force behind this process often came from within international organizations, rather than member states, as these international organizations were trying to justify their mandate (Kymlicka 2007). This suggests that even at the stage of formulating the principles of global multiculturalism specific case actors were involved only marginally, which violates the principles of the inclusion of all those affected and jeopardizes the legitimacy and thus the effectiveness of the regime according to the deliberative democratic theory.

It is also important that Kymlicka observed two reasons why in the 1990s minority rights have reemerged on the agenda of the global community. First, this was due to the pessimism of ethnic politics in the developing world. That is, a fear of ethnic conflict spread after the collapse of the Soviet Union. Second, it was because of the optimism of the new models of ethnic politics in the West - that is, the hope for a viable liberal form of multiculturalism. This illustrates that the international community did not consider the local peoples capable of solving ethnic issues on the ground while it thought of itself as an external actor capable of offering optimal solutions. Such a perspective raises issues of inclusion at the stage of deliberation and decision-making, as well as the vision of the other as incapable but of the self as capable of producing the best solution.

Kymlicka continues that in the XXI century, international organizations started the shift from idealism to pragmatism as it became clear that both their pessimism and optimism were exaggerated. As a result, the most recent trends include: (1) exporting Western models without attention to local context and dominated by Western perspectives on the one hand, and (2) denying MC rights as too risky in developing countries on the other hand.

To give a brief overview, the IMNR in the twentieth century is characterized by three stages according to Kymlicka. Between 1919 and 1939 the League of Nations pioneered the business of minority protection, which targeted only minorities with kin states, while now the principle of kin-state protection is dismissed. From 1945 to 1989 there was a significant backlash in the area on minority protection because of Hitler’s speculation on the issue of minority rights in starting Word War II. Finally, between 1990 and 1995, minority protection saw an outburst of activity again. The system of international organizations and core documents comprising the international national minority regime is reflected in the table.
<table>
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<tr>
<th>International Organizations</th>
<th>International Documents</th>
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<tr>
<td>United Nations</td>
<td>Declaration on the Right of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)</td>
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<td></td>
<td>- Art. 1: requires states to protect the existence of minorities within their territories, calls to “protect the national or ethnic, cultural, religious, and linguistic identity” of minorities, and to “adopt appropriate legislative and other measures to achieve these goals”</td>
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<td>- Art. 2, 3: prohibit discrimination against minorities on various grounds</td>
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<td></td>
<td>- Art. 4: “states shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards”</td>
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<td></td>
<td>Convention on the Elimination of all Forms of Racial Discrimination (1965)</td>
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<td></td>
<td>International Covenant on Economic, Social and Cultural Rights (1966)</td>
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<td></td>
<td>- Art. 5(1): “The parties undertake to promote the conditions necessary for persons belonging to NM to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage”</td>
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<td></td>
<td>- Art. 4(2): states are to promote “effective equality” between minority and majority in all areas</td>
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<td></td>
<td>- No definition of NM</td>
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<td></td>
<td>European Charter for Regional and Minority languages (1992)</td>
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<td>Protects languages, rather than speakers</td>
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<td></td>
<td>PA Recommendation: autonomy for NM comprising regional majorities (1993)</td>
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<td></td>
<td>Lund Recommendation on the Effective Participation by NM in Public Life (1999), suggests autonomy</td>
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<td>European Union</td>
<td>Copenhagen criteria for accession (1993):</td>
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<td>- “respect for and protection of minorities” as a condition for accession</td>
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<td>Treaty of Maastricht:</td>
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<td></td>
<td>- Respect to national and regional diversity (art. 151)</td>
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<td></td>
<td>- European Parliament resolutions on NM protection</td>
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<td>Regular Report on National Minorities</td>
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<td>OSCE</td>
<td>Lund Recommendations</td>
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<td>Declarations (Copenhagen 1990, Geneva 1991)</td>
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<td></td>
<td>- conflict between norm-making and security wings (impact of Russia)</td>
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<td>High Commissioner on National Minorities</td>
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The mechanisms through which the INMR functions include publicizing best practices with normative assessment behind them, issuing legal standards, granting support to mediation- and tolerance-focused NGOs, and administering case-specific interventions in order to resolve conflicts.\(^{149}\)

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\(^{149}\) For example, the involvement of international actors in the process of Constitution-making in Cyprus, Iraq, East Timor, Sudan, Sri Lanka, the Dayton Agreement and others.

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7.2 Shortcomings of the Current International National Minority Regime

Despite the positive goal of guaranteeing the basic needs of minorities and numerous precedents of successful activities, the INMR is also characterized by a number of shortcomings. First, the INMR is too rigid. Cultural identity is a constructed and dynamic phenomenon and this implies that there can be no once and forever solutions as identities and the needs of cultural groups may themselves change. For this reason, the international minority regime cannot simply rely on a rigid collection of rules meant to cover all situations across time and space. To illustrate, as Kymlicka (2007: 17) and Moser (1999: 360) observe, proportional representation electoral systems as a solution to ethnic division problems are widely recommended by international bodies. And one of the most powerful forces working for the adoption of PR during the early years of the twentieth century was the presence of a growing transnational conviction that it was more democratic (Blais et al. 2005). Yet, as discussed in Barry (1975), Tsebelis (1990), Horowitz (2000), Pierson (2004), Moser (2005), Moser and George (2009), and Salnykova (2012), among others, this electoral system is far from being the best in many specific circumstances. For example, Horowitz (2000: 269) writes that: “helping to develop institutions in other countries international institutional advisers bring along their usual toolkits, which were developed for more homogenous societies” (in Pierson, 2004: 112). The rigidity and undue universalism of the INMR also impact the deliberative capacity negatively since the INMR’s generic recommendations and legalistic language do not help the authenticity of the political expression much. Another example of why norms rigidity is problematic is illustrated by the Ukrainian case.

Second, the INMR is too universalistic and does not provide the conceptual apparatus to accommodate diversity between cases and within cases. This is well illustrated by the case of Ukraine. It is not clear who is the minority in this case: a minoritized Ukrainian majority, a majoritized Russian minority, or other ethnic minorities. All of these groups may be considered minorities in one respect or the other. Yet the international norms do not presuppose the differential treatment of such different minority types. Second, major ethnic identity tensions are based on contested normative claims in which one side upholds a remedial justice approach and the other side maintains a forward-looking approach to justice. International norms are not helpful in dealing with such normative clashes. Third, it is also unclear who the group is in the Ukrainian case; specifically, whether it is the Russians or the Russophone population, especially given that identity boundaries are very blurred and fluid in the case of Ukraine. Due to this complexity on the ground in specific cases, and differences between Western and non-Western (for example, post-Communist) contexts – there is a need for a more communicative-based approach in designing norms and policies. For these reasons, a coherent application of international minority rights protections is hardly possible and not very helpful in the case of Ukraine, even though it provides valuable orienting principles.

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150 This shortcoming is true for most cases in post-communism.
Third, the INMR is self-contradictory as it, for example, supports both the right to territorial integrity (article 1 of the International Covenant for Civic and Political Rights) and the right to national self-determination (article 27 of the same document). This leads stakeholders with opposing claims to appeal to the INMR and as a result to a logical dead-end even in case of a reasoned discussion. In addition, the “national minority” category is frustratingly elusive. As Keating has put it, it is fruitless to speak of a nation’s right to self-determination since it is the claim to self-determination that helps to define a nation (Keating 2007).

Fourth, the INMR lacks effectiveness, as it is difficult to appeal to a judiciary system and restore the violated rights with any of the INMR documents. While the OSCE and the Council of Europe norms used to be considered the best practices of “international standards” with respect to minority rights, the power of both organizations to ensure compliance with these norms is relatively weak (Hughes and Sasse 2003: 6). Moreover, besides lacking a clear sanctions mechanisms, there is also no continuity and coherence. For example, such European monitoring mechanism as the European Union’s regular report on national minorities is characterized by *ad hocism* (Hughes and Sasse 2003: 16). Interestingly the World Bank procedures, including the principles respecting national minorities and indigenous populations, are considered to be more effective due to the World Bank internal monitoring of their implementation in a variety of contexts. Fifth, the INMR is also seen as self-interested\(^1\), paternalistic and hypocritical, which significantly jeopardizes its legitimacy and thus effectiveness. Although these aspects are interrelated, I will discuss them in turn since each of them is complex in itself.

Thus, part of the problem with legitimacy is that international actors, including the European Union, which is the main international force from the perspective of post-communist states, do not comply with many so-called international national minority regulations themselves. Moreover, sometimes these norms are not even part of the Western states’ national legislation. Of all the ‘Copenhagen criteria’, that are used by the EU to assess the eligibility of a non-member state for prospective EU accession, minority rights protection is the most weakly defined by the EU as it lacks a clear foundation in Europe’s own law, and there are no established internal EU benchmarks (Hughes and Sasse 2003: 12). The EU regular report on national minorities resorts to ambiguous references to ‘international’ or ‘European standards’, while these standards are never specified (Hughes and Sasse 2003: 17). The examination of minority abuse falls disproportionately upon societies in Eastern Europe. The behavior of Romania and Slovakia towards their Hungarian minorities is subject to a scrutiny which is absent in the case of France and its Arab minority for example (Burgess 1996: 24). Germany does not consider its Turks a national minority. France, Greece and the Netherlands also have not signed the treaty on national minority protection. While minority issues have been at the forefront of the enlargement rhetoric and are often singled out as a prime example of EU’s positive establishing impact in Central and Eastern Europe, the EU has in fact promoted norms which lack a basis in EU’s own law and do not directly translate into the *acquis communautaire*. Minority rights fall outside the European

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1\(^{1}\) In the sense of prioritizing the interests of Western states who are more engaged in promoting the regime.
Commission’s and the EU’s traditional catalogue of fundamental freedoms and competences (Sasse 2005: 1). A double standard is apparent: new democratic states are forced to choose between the economic advantage of membership in the EU and legislation designed to protect the language and culture of the majority group (Johns 2003: 682). Another concern is that the candidate countries need to adopt the entire acquis of the EU with only a few transitional phase-ins and many of the changes the East is forced to make do not reflect the laws of the West. Moreover, the accession process imposes a “double standard in a handful of areas, chiefly the protection of ethnic minority rights, where candidates are asked to meet standards that the EU-15 have never met themselves” (Johns 2003: 683-684).

In relation to this problem of hypocrisy, the INMR is also viewed as oppressive and unjust by local actors. For example, a Ukrainian activist from Donetsk responded to my question about the possibility of Canadian-type (as he called it) dialogue between cultures in Ukraine with strong negativism:

“No, no, no… We are now going through the stage that other countries have gone through before. … What was the intercultural dialogue in the US some time ago: between Indians and whites?… Therefore let them not be so refined today and demand other societies to be different when they go through such a stage”.

Thus the justice of international principles is challenged as, in the view of my respondent, no universal system of rights and principles can fit all the countries since these countries are at different stages of development. Instead, applying the same principles in such different kinds of societies would be itself unjust.

Another part of the legitimacy problem is that international actors often act based on strategic interests, not normative commitments, despite declaring otherwise. For example, a notable feature of the EU regular report on national minorities is that two minority groups are consistently stressed: the Russo-phone minority in Estonia and Latvia and Roma people (Hughes and Sasse 2003: 14). Emphasis on these minorities suggests that the EU is more concerned with its external relations with its most powerful neighbour and main energy supplier, and with its own narrow soft security migration problems, than with minority protection as a norm per se. In addition, the report strikingly emphasizes the integration of minorities - to such an extent that it is plausible to argue that they indicate a preference for assimilation (Hughes and Sasse 2003: 16). In addition, the Commissioner is charged with identifying potential conflict in the entire OSCE region, not just in Eastern Europe. Yet Western countries have not historically been examined equally with the East. All fourteen recommendations produced by the OSCE were on Eastern European cases. This is explained by two facts: on the one hand the OSCE avoids criticizing the hand that feeds it, and on the other hand the HCNM knows that recommendations to Western countries will be ignored and thus monitoring Eastern Europe is more effective (Johns 2003: 689). Kymlicka (2005) also criticizes the international minority rights regime more generally. He observes that when a minority group acted extra-constitutionally, the HCNM acted to satisfy that minority to reduce danger. This was, for example, the case with Russians in Crimea in
the 1990s. Yet those minorities who acted within the national legal framework were not satisfied by the OSCE in order not to increase tensions. This is perverse from the point of view of justice, but this is the inevitable outcome of the security-based approach underlying the INMR (Kymlicka 2005: 209-210). Paradoxically, such security-based logic undermines the long-term security, which would require that both state and minorities moderate their claims, accept democratic negotiations and seek fair accommodation. Long-term security needs state-minority relations to be guided by some conception of justice and rights, and not just power politics. Therefore, Kymlicka suggests, the legal rights track needs to supplement the security track in international minority rights protection (Kymlicka 2005: 210).

The final part of the legitimacy problem is the paternalism of the INMR. Already in 1996 Burgess has diagnosed that the language of civilization has now made an explicit comeback (Burgess 1996: 25). The notion is essentially one of civilizing a part of Europe scarred by collectivist traditions and cultural intolerance. The task is to bring modern ideas of toleration and fair play to people unfamiliar with compromise and restraint (Burgess 1996: 25). Moreover, pushing this problem further, Kymlicka is also concerned that this aspect of the international system may be disallowing indigenous developments. He stresses that the initial impulse to develop international minority protection norms was the undue pessimism about the likelihood of ethnic violence. Yet if violence is unlikely, as it was later reassessed, post-communist states might as well develop their own settlements on the ethnic issue in their own speed. It is argued that Western countries’ success in accommodation is because it was gradually negotiated internally and not imposed (Kymlicka 2005: 215). Western intervention should be aimed at creating conditions for post-communist societies to work out their own accounts of minority rights through peaceful and democratic deliberations, rather than seeking to impose some canonical set of internationally defined minority rights. It can be even counterproductive to jump-start this process through the codification and imposition of international norms of substantive minority rights (Kymlicka 2005: 216).

The next shortcoming is that, while sometimes minorities are not attended to due to strategic interests of states or international bodies, at other times minorities are accommodated in cases when they rather need to be restrained. In other words, minorities may perform two different roles: they may be either victims or perpetrators, while the INMR only focuses on minorities as victims. The dissolution of the Soviet Union and Yugoslavia, however, reveal a paradox: the emergence of new large ethnic minorities means that it is now necessary to establish more extensive guarantees of minority rights, but ethnic minorities have dramatically demonstrated their ability to undermine and destroy the state itself (Musgrave: 147). After World War II, a diplomat declared during the discussion that led to the UN Charter, that “what the world needs now is not protection for minorities but protection from minorities” (Burgess 1996: 23). This problem is not less relevant in today’s Europe. The problem of minorities as victimisers is very present in contemporary Ukraine with its pro-Russian minority that is being instrumentalised according to the strategic economic and geopolitical interests of its kin-state. From the very beginning of post-Soviet era, the
Russian Federation has been indicating that it will not remain indifferent to the fate of ethnic Russians in other successor states. In August 1991 Pavel Voshchanov, Yeltsin’s press-secretary, declared that Russia must take care of the Russian minorities that live in other states and “not forget that these lands were settled by Russians”. In October 1991 the Russian Federation circulated a document of the Russian State Council which noted that in some areas of the disintegrating Soviet Union there had been “infringements of the rights of Russians”, and declared that the “rights, lives, honor and dignity of ethnic Russians and others coming from Russia” would be defended by “all legitimate forms and methods”. In October 1992, Boris Yeltsin declared that Russia would not tolerate the violation of ethnic Russians human rights (Musgrave: 141). Yet this rhetoric was never realized in practice under Yeltsin himself. Over a decade later, his follower, Vladimir Putin, militarily invaded and occupied Ukraine’s Crimean peninsula with the unfounded excuse of protecting Crimea’s Russian speakers from the nationalizing Ukrainian government. Therefore, although the INMR generally impacts deliberative capacity positively through enhancing the inclusion of various groups, the Ukrainian majority feels disadvantaged in Ukraine because of the post-colonial trauma that it is bearing, and because of the special geopolitical context around this country.

7.3 Deliberative Democratic Potential for the INMR

In his “Multicultural Odysseys”, Kymlicka writes that the challenges that the current INMR is facing are difficult and unresolved. Moreover, given the rudimentary level of public debate and social scientific evidence on these issues, it seems unlikely that these challenges will be resolved in the foreseeable future. In light of the incomplete nature of our knowledge and the likelihood that global categorizations and generalizations may in any event be impossible to identify, this suggests a different focus for our efforts. Rather than focusing directly on the substantive content of the current global minority right norms, perhaps we see a more procedural solution, focusing on the forums in which these norms are negotiated and adopted (Kymlicka 2007: 202). He also suggests to that the INMR might be more successful at the regional level instead of the global one. Yet he does not go so far as to suggest the deliberative democratic framework, which I do in this chapter and in this dissertation more generally.

The discussed shortcomings suggest that there is a need for a greater use of the deliberative democratic approach in designing and implementing the INMR provisions. While according to Kymlicka most principles developed in the West are applicable in Eastern and Central Europe - although their implementation may be more difficult - there are also some cases that do not have analogues in the West and therefore the West provides no useful models or principles. Two of these hard cases are relevant for Ukraine: the case of Crimean Tatars and the case of Russian settlers in the Near Abroad (Kymlicka and Opalski et al. 2005: 73). For these cases, Kymlicka argues, we need completely new models of ethno-cultural justice (Kymlicka and Opalski et al. 2005: 82). Given the problems with the often hypocritical, incoherent and self-interested nature of the European national minority protection, the EU is a poor advocate for national minority rights in other states. Instead, real stakeholders on the ground need to be involved in order to find the best solutions and for them to be legitimate.
More generally, Kymlicka (2005) argues that there is a need to develop a new approach in international minority rights that would be neither too strong, nor too weak, but would enable effective participation of minority groups in public affairs, particularly in matters affecting them. Therefore, although international norms of minority rights protection represent a good basic set of criteria of minority rights accommodation, they need to be developed further or supplemented by other policies. I agree with Kymlicka that communication and moderation need to supplement the security track that international minority rights are based on now. I would suggest, however, that a deliberative democratic track is more effective than the legal rights track he is suggesting. This would make this international regime more context-specific and more legitimate, thus also addressing Kymlicka’s concern about indigenous development.

For example, the rigidity of the INMR would disappear if the decisions on specific cases were arrived at through a process of deliberation, since in this way the decisions arrived at may be different in different contexts (for example, PR electoral system in some states, while SMD or other electoral system in other states). Moreover, in the deliberative setting such decisions can be renegotiated over time, should the needs of the minority groups change or the demographic situation itself.

Next, complexities on the ground, including controversial statuses of cultural groups, normative and logical deadlocks have a chance of being meaningfully addressed though compromise in a process of deliberation. Alternatively, the formal negotiations process or, even worse, the blind application of some internationally borrowed solutions will inevitably lead to dissatisfaction.

Similarly, deliberative democracy holds the potential of resolving the dilemma of INMR’s self-contradictory nature. If the INMR norms are not treated as universal, different and otherwise contradictory norms may be prioritized as most relevant in different cases. For example, Horowitz was talking of the possibility of maintaining the mechanism of secession in the arsenal of inter-cultural accommodation strategies, but without treating it as a right to which groups are a priori entitled.

Turning to the effectiveness problem of the INMR, deliberative democracy can also be helpful here. Deliberation-based decision-making holds more legitimacy and therefore is more effective on the stage of implementation. Nevertheless, there is still the need to grant a certain status to the outcome of such deliberation, so that its decision could have legal consequences and be protected by the sanctions of the legal system.

Holding public deliberations as a means of arriving at national minority protection decisions would also eliminate the legitimacy problem, which is rooted in the current INMR being seen as hypocritical, paternalistic and strategic.

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252 It is the feature of contemporary minority rights provisions that Article 1 of the International Covenant on Civil and Political Rights (ICCPR) is too weak and Article 27 of the ICCPR is too strong in their treatment of minority rights, saying nothing of the fact that they are contradictory (Kymlicka 2001: 123).
in nature. In addition deliberative democracy would encourage indigenous developments. Finally, deliberation allows differentiating on a case-to-case basis the role that a minority is playing within the larger society, and allows for decisions policies to accommodate the minority’s claims, in order to avoid the problem of minoritized majorities.

This deliberative democratic turn is yet to happen in the context of the INMR, although certain sporadic improvements are already occurring. For example, the OSCE’s HCNM is, among other functions, charged with encouraging various forms of structural dialogue between the local authorities and minority representatives so that these parties would interact and find solutions on their own (Johns 2003: 688).

### 7.4 Possible Impact of International Actors

Despite the discussed problems with the INMR, there are also a number of potential or actual positive effects of international actors and norms on deliberative capacity within post-Soviet states. The first important issue is the potential for mediating discussions among the local actors. For example, in the case of Ukraine, both Ukrainian-cultured and Russian-cultured groups, as well as Crimean Tatars, refer to international and especially European principles, norms, and documents in their lobbying for particular outcomes favourable to their respective group. For example, in 2013 the pro-Russian “Party of Regions” and nationalist “Svoboda” party both issued their versions of language law drafts: the former suggesting the introduction of Russian as a second state language\(^ {153} \) and the latter suggesting legislating that Ukrainian is the only state language and that it needs to be developed in view of its dramatic past\(^ {154} \). Interestingly, both documents appealed to the *European Charter for Regional and Minority Languages* in their logic. Thus, even though the content of the groups’ demands is often opposite, the kinds of arguments brought in support of these demands are much more compatible with each other. In this context, international actors may have an important role in influencing the way in which principles of democracy and human rights are interpreted and applied by the groups as they are seen as of moral authority by all sides. The corrective to the divisive interpretations that the international actors may provide is both needed and unique, as such corrective can only be perceived (if only partially) when it comes from the outsiders to the internal political process. To illustrate, Russian-cultured activists in Ukraine are so focused on the human rights issue of the language problem that they even see the European documents through this lens. For example, an interviewed Russian-language activist was claiming that “the purpose of the [European] Chapter [of Regional and Minority Languages] is not the protection of extinct languages, but the protection of the language rights of people. It’s about people, not about language”\(^ {155} \). This is very much in line with the general stance of the Russian-cultured group in Ukraine,

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\(^{153}\) [http://zakon2.rada.gov.ua/laws/show/5029-VI](http://zakon2.rada.gov.ua/laws/show/5029-VI)

\(^{154}\) [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=45410](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=45410)

\(^{155}\) Interview with Kudriavtseva
although it misinterprets the European Charter itself, which is indeed primarily focused on endangered languages according to its Preamble\textsuperscript{156}.

Moreover, as one of my interviewees shared on the basis on his focus group experience, it is not only the elites who refer to the European federalism and multilingualism experience, but also the wider population. The focus group, conducted on the matters of inter-cultural relations in Ukraine, demonstrated that lay citizens are also aware of the Western experience - for example, those of Switzerland, Finland or Canada - and they internalized this information and this rhetoric from public debates. People may not understand the intricacies of exact institutional arrangements or policies, and may even mix up the foreign countries - for example, referring to Norway (meaning Finland) or Austria (meaning Switzerland) - but they do get the general idea that Western states have working solutions that can be learned from\textsuperscript{157}. This feature is also important since such perception of international actors creates the context in which the appeal to the INMR has a positive impact on the deliberative capacity of a discursive system by raising its consequentialism in terms of affecting local political or social affairs.

This suggestion that international actors might be effective mediators in local discussion might seem contradictory to the earlier argument that international actors lack legitimacy on the ground. In fact, the fieldwork does demonstrate both effects. In my view, this can be explained, however, since the direct effect of international actors, such as the imposition of their own best practices, might indeed be considered inadequate, while a more neutral mediation of internal deliberation processes by those actors might well be legitimately accepted at the same time.

It is worth noting that there were important precedents of the international structures intervening into the internal debates. For example, in its 2011 opinion on the Ukraine’s language law draft the Council of Europe’s Venice Commission concluded that it “contains mechanisms for the domination of the Russian language at the expense of Ukrainian as state language”. This decision demonstrates the Venice Commission’s ability to think outside of the national minority rights paradigm as well as its ability and willingness to carefully delve into the complexities on the ground in a specific case.

Second, notwithstanding all the discussed problems, the main achievement of the EU in the area of minority protection was that it successfully implanted the objective of ‘minority protection’ as an integral part of the political rhetoric of ‘EU speak’ in the Central and Eastern European countries. This may represent a step forward in the transmission of values that will be internalized and reflected, given time, in institutional changes and modified political behaviour (Hughes and Sasse 2003: 30). Indeed, no matter which political force, ideology or interest group specific politicians represent, they routinely try to frame their positions in reference to the international norms and

\textsuperscript{156} http://conventions.coe.int/Treaty/en/Treaties/html/148.htm
\textsuperscript{157} Interview with Kulyk
principles, including the ones dealing with national minorities. From a realist perspective, such 'EU speak' may be interpreted as parties merely being hypocritical, masking their true intentions that are unlikely to change over time. From a constructivist perspective, however, this can be interpreted as parties being likely to change exactly through mimicking the right attitudes, or a “civilizing force of hypocrisy” as put by Jon Elster (1998). Moreover, notwithstanding the motives behind it, minority protection rhetoric impacts the deliberative capacity of the democratizing states positively, as broadened inclusion of a variety of groups' needs into policy-making is a feature of high deliberative capacity. As Kymlicka argues, “relations between states and minorities are still fundamentally determined by domestic political processes, with relatively few hard constraints from international law. But the way in which these domestic political processes are framed has been dramatically altered by a new international environment that stigmatizes older assimilationist models while encouraging minority rights activism” (Kymlicka 2007: 32).

Third, the EU is able to promote deliberation-enhancing institutions through its conditionality policy. According to Fesenko, elements of a liberal-pluralist approach can be enhanced by Ukraine’s gradual advancement into European institutions. Kyiv is prepared to make serious domestic policy concessions in instances where the integration of Ukraine into European structures is at stake. The best example is the introduction in Ukraine of a moratorium on capital punishment following the pressure of the Council of Europe, despite the fact that a considerable part of the political elite and the majority of the population - according to the data of sociological surveys - support the death penalty (Fesenko 2005: 295). This potential function is very important. To illustrate, the main problem with implementing centripetalism - or its elements that would enhance deliberation - is that it is hard to create political incentives for introducing the moderation/communication incentives into the political system. If there is no benevolent leader who could implement such institutional innovations at the cost of his own electoral support, the only hope is for the pressure from the international community to pressurize national governments to implement those moderating incentives, instead of “diffusing the multicultural rhetoric”, which is most often connected to the descriptive representation of minorities along the lines of consociational democracy. Thus Europeanization may offer a necessary carrot for following the normative rules that otherwise lack necessary political will backing them. Thus the EU can endorse the ideas of deliberation. Such external ideational pressure has helped to reverse the highly discriminatory policies against minorities in Estonia and Latvia through this conditionality mechanism.

7.5 Conclusions on International Effects on Deliberative Capacity

To summarize the above discussion, the international effects on the deliberative capacity in post-Soviet states are mixed. First, the international national minority regime suffers from undue universalism and norms rigidity that does not account for local specificities and the dynamic nature of identity-related needs. In connection to this, the
INMR also lacks authenticity. Second, the INMR is hard to implement since it is characterized by contradictory norms, a lack of coherence, conceptual fuzziness and a lack of effective monitoring mechanisms and enforcement tools. Finally, the INMR also lacks legitimacy among those it intends to protect and this jeopardizes its effectiveness on the ground. Specifically, it is often viewed as hypocritical, paternalistic and/or self-interested.

Because of these shortcomings, a new approach to national minority protection is needed. I argue that a deliberative democratic approach holds potential in terms of addressing the discussed shortcomings and becoming a foundation for further development of the new regime. The shortcomings may be solved or significantly reduced by adding a greater degree of deliberation, especially with the local stakeholders.

At the same time, the international actors do have certain positive effects on local deliberative capacity: either potential or realized. Thus, they are seen as legitimate mediation moderators, which will be a crucial asset if INMR does turn more deliberative. Second, the international national minority regime has succeeded in spreading minority-sensitive discourse. Even if often hypocritical, this discourse frames internal debates within the post-Soviet states and brings the issue of national minorities onto the agenda. Third, international actors, especially the EU in the context of its conditionality policy may play a crucial role in terms of promoting the deliberation-enhancing institutions that are extremely hard to adopt without such external pressure.

From the perspective of deliberative capacity, the international national minority regime acts as more of a positive than a negative factor. INMR helps consequentialism as local groups use it to promote their goals on the national level. INMR is also good for equality and enhances preference shifts through encouraging exposure to diverse ideas in the framework of international and national dialogues. INMR also has a positive effect on reciprocity as it provides a conceptual apparatus that can be used by both sides. It also enhances the level of respect and moderation by granting rights to the marginalized and suppressed and by operating at the level of international meetings and negotiations, which require a degree of diplomatic etiquette. INMR also enhances justification since operating in international fora requires the use of intricate argumentation to back up one’s position. Moreover, the international documents create resources for building up one’s justifications. Finally, INMR encourages accountability as it presupposes regular monitoring and the assessment of minority rights implementation.

On a number of deliberative capacity dimensions, the INMR has a mixed effect, however. Specifically, this factor has a mixed effect on authenticity. On the one hand, it emphasizes the importance of minority identities and thus helps in their struggle for authentic self-expression. On the other hand, it is often based on formalistic language and a one-size-fits-all approach, which has a counter-authenticity effect. What is more, INMR creates a less-than-fertile context for the majority’s nation building, which is also justified by authenticity claims. In terms of inclusiveness and diversity, INMR encourages them as it promotes the inclusion of the needs of all groups into the public policy decision-making. However, it also often overlooks certain local specificities, which in itself is an anti-
diversity trend. The effect of INMR on learning is mixed. On the one hand, it promotes learning by using and spreading best practices. On the other hand, it prevents learning by the use of the externally-imposed cookie-cutter approach to specific cases.
GENERAL CONCLUSIONS: KEY FINDINGS, RECOMMENDATIONS, EXTENSIONS

This dissertation explored the issue of deliberative capacity in the context of inter-cultural relations in democratizing post-Soviet states. Specifically it enquired about (1) the effect of deliberative capacity on inter-cultural relations in Georgia and Ukraine, (2) the factors that effect deliberative capacity itself in these cases and (3) the extent to which implementing deliberative democratic models is feasible in the context of post-Soviet Ukraine. In what follows, I first review the key findings arrived at in the different chapters of the dissertation and by the study in general. Then I summarize the recommendations that are expected to increase the deliberative capacity in both Ukraine and Georgia based on the conducted fieldwork and analysis. Finally, I conclude by identifying the promising areas for future research in this area.

Key Findings

On a theoretical level, the dissertation engaged in the exploration of deliberative capacity on the systemic level and illuminated the difficulties related to going from the micro- to the macro-level of executing deliberation. Despite, these complexities, however, this work finds that both ethnic studies and democratic transition studies significantly benefit from the application of deliberative democracy approach on such a systemic level. This approach helps making the studies and their resulting recommendations more case-specific, accounting for diverse social, economic and historical circumstances, constellations of actors, and a variety of claims involved in each specific situation on the ground. Such an approach helps both in deciding on specific institutional frameworks, and avoiding the reification of identities, which is hard to do with any of the existing policy models. Therefore, despite the existing criticisms of deliberative democracy as an approach and as a practical tool, and notwithstanding the variety of opinions on what institutions are best in terms of creating a deliberative space, the deliberative theory of democracy is a useful approach that enriches the ways of thinking about harmonizing ethnic relations by encouraging the reversal of radicalization, the prevention of group reification, and by designing a broadly legitimate interethnic relations regime. Policies based on a deliberative democratic approach are expected to attend to the dynamic nature of identity, and in particular address the deadlock situation in the relations between the dominating Russian minority and the Ukrainian dominated majority in the Ukrainian case.

This dissertation’s core theoretical argument is that deliberative capacity is the underlying feature of a multitude of ethnic mobilization theories and paths. It suggests that instead of treating the different factors of ethnic mobilization and ethnic conflict as competing hypotheses they can be looked at as complementary in their explanatory power. Each of those theories illuminates different forms and aspects of the deliberative capacity in a specific case. The dissertation suggests that such overarching “umbrella” explanation has certain benefits in comparison to a set of partial explanatory stories (provided by various theories of ethnic radicalization). Specifically, the suggested deliberative democratic perspective on interethnic relations simultaneously provides a
more comprehensive and parsimonious story of ethnic radicalization while, usually, nuanced complexity and parsimony are at odds with each other in theory building.

In the application to the explored cases the dissertation suggests that Ukraine had a greater deliberative capacity - primarily at the outset of the 1990s - than did Georgia, and this has resulted into a more smooth interaction with ethnic minorities and potentially separatist regions. In contrast, the deliberative capacity observed in Georgia at the outset of transition was more restrictive which has contributed to the violent and otherwise conflictual development of inter-cultural relations within Georgia, namely with Abkhazian and South Ossetian groups (Chapter 1). In contrast, at a later stage, which was most brightly marked by colour revolutions in both cases, the deliberative capacity went down in the Ukrainian case and was associated with greater ethnic tensions, while it did not reduce in the Georgian case, and no radicalization of ethnic relations has followed (Chapter 3). Table 13 demonstrates this effect graphically.

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<th>Table 13. Key findings</th>
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<tr>
<td>Deliberative Capacity Stables of Increases</td>
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<td>Ethnic Tension Increases</td>
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This study also argues that a variety of factors that influence deliberative capacity affect its different components in different ways. From this follows that factors of deliberative capacity are not necessarily entirely positive or entirely negative. Instead, those factors may create mixed effects on deliberative capacity by facilitating some of its features, yet jeopardizing the others. These nuances are crucial for developing policy interventions that target the maximization of deliberative capacity in a specific system. This can be illustrated by the example of the empirical analysis of several factors of deliberative capacity explored in this study.

For example, the factor of colour revolutions had a mixed effect on deliberative capacity in Ukraine. On the one hand, it affected authenticity, consequentialism, and justification positively. But at the same time its effect on moderation was negative. Similarly, a proportional representation electoral system usually facilitates inclusion, consequentialism, and learning, but also works against the preference shifts, reciprocity, respect and moderation. Finally, the international national minority regime has mostly positive effects on deliberative capacity through enhancing such its dimensions as consequentialism, equality, preference shifts, reciprocity, respect, justification and moderation. At the same time, even this factor has mixed effects on learning and authenticity, thus also creating some negative dynamics in the deliberative system overall.
Related to the existence of different effects of various factors on different dimensions of deliberative capacity, the dissertation also draws attention to the existence of different kinds of deliberative systems which create very different contexts for politics and policies. Understanding the different kinds of deliberative systems and the different flaws that they may have is important for the ability to address these flaws with effective remedies. For example, in the Ukrainian deliberative system, moderation appears to be key. At the same time, in the Georgian deliberative system, inclusion is a goal of greatest priority.

The 2014 developments in Ukraine related to Russia’s annexation of Crimea and the aggression at Ukraine’s Eastern border have also led to another conclusion in the context of this dissertation. Namely, although deliberative capacity matters for inter-cultural relations, it does not guarantee a peaceful outcome. Other factors, such as outside threat or meddling, may be able to override the climate created by deliberative capacity itself. In other words, despite the higher level of deliberative capacity found in Ukraine in comparison to Georgia (which can be plausibly connected to the lower level of inter-ethnic tensions within Ukraine), blending in the factor of Russian meddling was stronger and therefore has led to a violent conflict. To put it yet differently, this situation demonstrates that deliberative capacity is not a sufficient condition for preventing ethnic conflict. Interestingly, one of the Georgian respondents has also referred to this idea, saying that in the current geopolitical situation “there is little sense in public diplomacy. We may work on that, but only to prepare the ground for future and better times. But those better times will never come if the political aspect is not addressed, if NATO and the US do not pressurize Putin...”. In the context of this quote, and based on the analysis and fieldwork conducted for this study, it is plausible to suggest that if the Russian factor was out of the equation we might witness much fewer interethnic conflict in the Georgian cases as well, despite the non-ideal deliberative system that was objectively present.

The dissertation has also explored the difficulties of applying the deliberative model in the Ukrainian case. While deliberative democracy is a promising mechanism for achieving a vibrant and stable polity, several major barriers have to be overcome before it can be implemented in post-Soviet Ukraine. The situation was also hardened in 2014 due to the Russian aggression against Ukraine. One major problem lies in the groups’ attitudes toward each other. In particular, both groups feel oppressed, yet deny that they are oppressing the other; both see the other as foreign, non-authentic, and underdeveloped. Moreover, neither of the groups considers communication to be a worthwhile activity, and they prefer to solve problems using the principles of legislative force or mere majority rule. In addition, potential deliberation is further hindered by the language issue, the extreme rift in terms of “known facts” and how the groups interpret these, and the different normative logics they apply when constructing their

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158 Although this conflict is sometimes treated as a civil war, as has been noted by an unidentified author: “if a civil war needs to be spurred, it is not civil, but ... a war”.

159 Interview with Davitashvili
claims. These difficulties are nevertheless counterbalanced by a number of opportunities for deliberation, and by several deliberation initiatives that have already taken place. Thus, in line with the conclusion reached by Fishkin et al. (2013) this dissertation suggests that ordinary citizens are capable of meaningful deliberation even in deeply divided societies, if the conditions are right. Moreover, these drastic differences between the groups’ perceptions also represent conditions that call for deliberation as, given these differences, it is hard to create a legitimate policy addressing the needs of all the groups.

**Policy Recommendations**

Based on the conducted analysis and the opinions collected in the fieldwork for this study, it is possible to formulate some practical recommendations that, if implemented, are expected to increase the level of deliberative capacity and thereby the level of inter-cultural peaceful cooperation. These recommendations can be classified as recommendations to the national ethnic policy-makers, the institutional designers, the deliberation fora developers, and the international actors willing to contribute to the positive change.

**Recommendations for the National Policy**

The level of national policy allows implementing several key policy modifications that are expected to impact the dynamics on the ground and create a greater degree of deliberative capacity. In order to address the inter-cultural tensions in post-colonial/post-imperial settings, including post-Soviet states, a dual-track approach is recommended. The first component is promoting the value of diversity, which is fundamental if advances are to be made in this area. Yet it is very much off the traditional radar in post-Soviet societies. Although an outward image of diversity was projected in Soviet society due to the existence of 15 national republics, substantive diversity was largely eliminated, in favour of creating a *homo sovieticus*. The goal of this policy is to foster the acceptance of a mixed social reality, instead of hoping for homogeneousness based on majority needs or legislation. The policy is thus process-based, thereby safeguarding it from the tendencies of undue unification.

Such value of diversity may, for example, be effectively implemented through textbook writing and an overarching social narrative inclusive of a variety of opinions, that is reflected in topography, celebrations, titles, state documents, etc. Such diversity-sensitive textbooks are a tool applicable to both cases. Ukraine might include the narratives of Ukrainians, Russians, Crimean Tatars, and other minorities, in addition to simply acknowledging the long-standing presence of all these groups on the territory of contemporary Ukraine. Georgian society in turn would benefit from not only adding the Abkhazian and Ossetian perspectives to some episodes in history, but also from emphasizing the centuries-long presence of all the different kinds of ethnic groups on the territory of Georgia and their contribution to the contemporary statehood. Such state-driven rhetorical inclusion creates a superior deliberative capacity. According to Amelchenko, many of those who work on developing the Ukrainian national
idea do not take into account that such issues as language, World War II, the liberation war against Stalinism, or relations with Russia represent existential values for many people in Ukraine. Thus, the destruction of these values affects the existential well-being of a personality. Frequently, historians, language scholars and philosophers conduct ‘existential murder’ against their co-citizens through their interpretation of Ukrainian history as a holy war with the enemies of independence represented by communism and Russia. Instead, there is a need for such a national integration project that would not be grounded in the mythical past, but would transcend this past (Amelchenko 2006: 67). The solution, therefore, is in accepting the normality of diverse opinions on the governmental level. At the moment, however, the situation is far from this acceptance and this recommendation is expected to meet significant opposition from different sides that find such diversity of perspectives unacceptable both pragmatically and morally.

The second component required on the national policy level is treating cultural needs as human rights. This suggestion is based on the fact that all the interviewed groups refer to international - and especially European - principles, norms, and documents in their lobbying for specific outcomes that are favourable to their group. Thus, even though the groups’ demands may be opposite in terms of content, the types of arguments they put forward in support of these demands are often much more compatible. International actors may have an important role to play in influencing the way the groups are interpreting and applying the principles of democracy and human rights. Promoting culture through human rights in a diverse social context means ensuring that it is possible to meet one’s cultural needs, such as education or access to media in one’s native language, or being able to communicate and bring up children in that native language. This policy should be result-oriented in order to avoid the situation where these rights are established by law but cannot be realized in practice. Notably, the constructivist approach followed in this dissertation might seem to contradict the idea of treating cultural needs (that are socially constituted) as human rights (that are universal and inalienable). Even more so, if a cultural group is fluidly defined, how can this group have a right? Yet this contradiction is on the surface only. Treating groups and identities as fluid and constructed does not preclude one from seeing their current needs as real (even if constructed) and worthy of being satisfied. At the same time, however, satisfying those needs at a certain period of time does not mean that this should be done forever. Rather, through deliberative democracy identities, group boundaries and needs should be constantly renegotiated.

It needs to be noted that the recommendation of treating cultural claims as human rights is currently closer to the stance of the Russian-cultured side as it tends to appeal to the issue of human rights more often. However, I argue that this human-rights-based approach can be used by the Ukrainian-cultured side as well, and as a result can be a potential common ground on which building a compromise may become possible. Such compromise is essentially approximating the idea of Rawls’s “overlapping consensus” – that is, not a consensus where individuals agree on all premises and conclusions (unlike in the idea of a “rational consensus”, such as the one ideally reached in the
original position) but where they simply come to support identical principles or conclusions on the basis of compatible but distinct, and more or less comprehensive views or premises (Rawls 1993a, Rawls 1993b).

To specify the above point, in the Ukrainian case, education in the native language is the most frequently named problem by all the groups, and this issue has recently become even more complicated with the migration of the internally displaced persons from Crimea and the East of Ukraine. Indeed, all groups experience real barriers in realizing the right to an education in their native language. Despite this, each group considers that it is only them who are discriminated against, and therefore there is a need for systematic information on the multifaceted nature of the issue. For example, when visiting the most advanced Crimean university - the Tavria National University in 2011 - I observed that both Ukrainian and Russian ethno-cultural groups suffer real challenges. While 80% of students are Russian-speakers, they are required to write theses and dissertation in Ukrainian. At the same time the 10% of Ukrainian-speaking students cannot get their education in Ukrainian (despite the national provision that higher education is to be conducted in Ukrainian) and are forced to take classes and conduct assignments in Russian, and are only able to write their theses in Ukrainian. In this context, I enquired while talking to both groups’ representatives whether they would prefer to have separate streams: for example, 9 Russian-language groups and 1 Ukrainian-language group in the university so that everyone could study in the language of their preference. But I was stunned to hear that both sides were radically against such a solution. The Russian-cultured respondents argued that “this is a Russian-speaking Crimea, what kind of a Ukrainian program are you speaking about?”¹⁶⁰ In contrast, Ukrainian-cultured respondents referred to state regulations that require everything to be in Ukrainian. Despite such cold reception of the idea among my respondents I still suggest that creating parallel societal cultures is the only solution able to maximize everyone’s utility. The human-rights-based approach in the Georgian case most importantly needs to focus on the integration of Azeri and Armenian populations into all the areas of Georgian society, so that they can feel part of it and able to contribute to and receive from it on an equal basis.

The realization of this dual-track approach - consisting of normalizing diversity and treating cultural needs as human rights - can be shared by several stakeholders. Thus, the governmental ombudsperson office may be charged with identifying the necessary legislative changes. Civil society organizations that are already working in this area may be useful in conducting a substantive oversight of this policy realization. Post-EuroMaidan volunteer movements in Ukraine may be instrumental in the realization of this policy on the ground, including monitoring the cases of rights violations and helping to connect the victims of such violations with the responsible state organs.

Another recommendation relevant for the case of Ukraine and other divided societies is that highly contested issues “need not only be decided on the nation-wide referendum, but need to be based on a national consensus resulting from communication for them to be legitimate” (Amelchenko 2006: 71). Otherwise, they can lead to a

¹⁶⁰Interview with Zbritskaya
deeper societal rift, to revenge and regress in terms of both democracy and governance. I agree with Amelchenko’s conclusion, except for the consensus aspect since such consensus (unlike compromise, or “overlapping consensus”, mentioned earlier) is profoundly impossible to achieve and, even if achieved, it would only mean that some of the dissent has been oppressed as it has happened with the South African Truth and Reconciliation Committee (Maddison 2013).

The final, yet most overarching national policy recommendation is to establish the principle of a deliberative capacity mainstreaming. This is meant to ensure that all state policies and institutions - existing and newly suggested alike - would undergo an assessment of their effect on the deliberative capacity of a broader system, and making sure that the existing or expected effect is positive. Such on-going deliberative capacity mainstreaming would also be helpful for monitoring the effectiveness of previously established instruments for enhancing deliberative capacity as their effectiveness may fall or rise with the dynamics present in the social fabric itself, such as changes in demographic composition, changes in the attitudes of the groups, or changes in geographical settling, among others.

**Institutional Design Recommendations**

The institutional solutions identified as best in terms of maximizing deliberative capacity are different for the cases of Georgia and Ukraine. This is explained by their different histories, demographic compositions, and the kinds of issues at stake, both in terms of inter-ethnic relations and the quality of democracy. This is an important finding as it demonstrates that there are no universally superior institutions. Even if a certain institution works in a more democratic way on a global scale, it might be suboptimal from the democracy point of view in a specific case setting. At the same time, it is clear that given the dynamic and constructed nature of identity and cultural groups’ needs, there can be no “once and forever” institutional solutions, and therefore even these suggestions need to be reassessed with the passage of time.

Based on the analysis presented in Chapter 4, I argue that, for Ukraine, a parliamentary system with a coalition of moderate centrist parties would be the best institutional setup. It is also to be coupled with a proportional representation electoral system, preferably in an open-list format or the single transferable vote system as proportional systems minimize the opportunities of electoral fraud in this case’s context. At the same time, the preferential aspect of the system is needed to encourage the moderation motivations in leading political campaigns. Federalism is a very complicated issue for Ukraine and it is generally not advised because its benefits are very uncertain in the Ukrainian case, while the dangers are real - both in terms of alienating the population and allowing space for greater corruption and further ethnic entrepreneurship. However, it is also suggested that any decisions on this matter are to be arrived at based on a profound national discussion and a nation-wide referendum conducted in an inclusive and democratic manner. It needs to be mentioned, however, that instead of
such dialogue, the international pressures from Europe and Russia seem to be forcing Ukraine towards federalism as a concession for assistance in addressing the issue of war in the framework of the February 2015 Minsk Agreement. This is a troubling way of arriving at federalism, which may bring its negative consequences in the near future. Finally, a multi-party system is an asset for Ukraine as it provides some checks and balances between the participants of the political process, and it is therefore to be maintained. Moreover, such a multi-party system is better in the Ukrainian context as compared to the two-party system that might polarize the country further.

In the Georgian case, the closed-list proportional representation electoral system is considered a sufficient solution. This is based on the finding that for Georgia democratic inclusion is a greater need than moderation at the moment. Next, a parliamentary executive system with a propositional sequential coalition formation (which was detailed in chapter 4) is suggested. This recommendation is based on the finding that it will minimize the potential for corruption in the country, while at the same time providing democratic benefits as compared to a consociational grand coalition. Third, federalism is advised for Georgia as the only way to reintegrate its Abkhazian and Ossetian territories. Finally, a two-party system is expected to bring democratic benefits to this state since as of now the Georgian opposition forces are weak, disorganized and fragmented – a situation that may be cured by a two party system. At the same time, social polarization is not a problem for Georgia today. Therefore, there is no special danger related to implementing such a party system.

**Recommendations on Designing Deliberation**

Given the drastic differences in opinions between the groups in Ukraine, deliberation appears to be as complicated as it is necessary, since under the current circumstances it is hard to draw up any legitimate policy that would address the needs of all the groups. In the Ukrainian case, both Russian and Ukrainian groups expressed the importance of respect, which might be used to encourage the development of reciprocal respect between the two groups. Second, both groups spoke of the lack of “hearing what we say”, referring to the other group, which indicates the latent interest in getting their points across to the other side and thus makes agreeing for deliberation plausible. Respondents have also expressed some limited readiness to talk, and a number of deliberative initiatives also create some hopeful precedents for further action. Deliberative democracy, therefore, may and should be used in Ukraine, as well as in Georgia, but there are certain recommendations on how it should be organized to be most effective.

Given the often-irreconcilable opinions, deliberation is not to be used for establishing who is right or what the objective historical truth is. Unfortunately, at the moment both group representatives and many experts in Ukraine perceive deliberation as being just that. Because of the drastic differences of perspectives and logics used by the groups, as well as the level of emotional animosity, rational arguments are not likely to work in the Ukrainian case - at least not by themselves. The situation is similar in Georgia in terms of the diverse perspectives on the historical
events between the Georgian and Abkhaz or Ossetian sides. Even in these contexts, however, deliberation may be used largely for establishing rapport and demolishing the stereotypes that exist about each other between the antagonistic groups. This would then enable the groups to come up with feasible practical solutions addressing the intercultural tensions. To establish such rapport, the development of reciprocity and sympathy are needed. The fieldwork has indicated the incipient sympathy already existing within the Ukrainian-cultured community, which may be further developed. As for reciprocity, there is potential in this area as well because despite the opposing claims with respect to public policy, groups largely have the same problems with poor access to education, media and state services in their native language. Those and other issues of common interest may form the basis for deliberation fora organized in Ukraine at the current stage. Dryzek (2005) also stresses that to solve the problems of deep division interactive fora concerned with concrete needs and problems are necessary. And yet, although arriving at common truth is not possible, and given the extent of ethnic entrepreneurship and strategic misinformation involved in Ukrainian politics, it is important to engage the epistemic deliberative democracy ideas that involve a necessity of truth-tracking properties that enable democratic legitimacy (Estlund 2008, Cohen 1986, Landemore 2014).

Importantly, representatives of all the groups, both in Ukraine and in Georgia, also referred to shared praxis, meaning that they are ready and see the need for some common actions with members of the other group on matters that unite rather than separate them. Such common projects would definitely build a ground for further deliberations of a better quality on the divisive issues themselves. In the current context, such shared praxis projects may most logically involve issues of dealing with war-created troubles and post-war restoration. Internationally, the practice of involving women from antagonistic groups into shared projects on solving some common problems was demonstrated to be effective. It may, therefore, be tried as well in Ukraine and Georgia.

In the Ukrainian case, deliberation also needs to be region-specific. Specifically, involvement in deliberation initiatives needs to start in the western region where this is feasible due to the greater readiness to accept the other and to dialogue and since it promises to have positive side effects on deliberative capacity in other regions.

Finally, the language of deliberation needs to be carefully considered in the Ukrainian case. The decision about the deliberation language (or even the need for translation and, if so, what kind of translation) is not a straightforward question in Ukraine since the choice of language has little to do with mutual understanding, but rather is a symbolic matter signifying one’s identity and normative predispositions with respect to cultural matters. In the Georgian case, the issue of language is less controversial in this respect and simultaneous translation between the different languages involved appears both feasible and acceptable to the stakeholders.


**Recommendations on International Actors’ Contribution**

Although in chapter 7 I argued that international discourses are often universalistic, paternalistic and inattentive to difference, I also concluded that international actors might be important contributors to the positive resolution of the ethno-cultural tension problem. In order to facilitate the international actors’ positive effect on deliberative capacity in post-Soviet states they may be advised to take active part in mediating deliberative fora between the parties within the states as they are seen as legitimate and authoritative sources of such mediation.

Second, international actors are also effective in spreading the minority-sensitive discourse, as well as a human rights discourse and they may be encouraged to continue work in that direction. This may be especially productive in the context of the conditionality policy, especially if coupled with financial support to which such conditionality can be attached. In addition, international actors - especially the European Union in the context of its conditionality policy - may play a crucial role in terms of promoting the deliberation-enhancing institutions that are extremely hard to adopt without such external pressure. Finally, international actors may contribute through helping to finance some of the dialogical processes targeted at finding the way out of ethnic tensions as it is known that deliberation is time consuming and costly, while post-Soviet states suffer from significant economic challenges at the moment.

**Further Research**

While this study has advanced the understanding of many issues, many more questions still await answering. The framework of analysis developed in this study – that is, looking at inter-cultural relations from a deliberative capacity lens - is applicable to the assessment of other democratic transformation cases as well. In particular, it can be applied to the analysis of other major socio-political movements like the Serbian revolution of 2000, other colour revolutions in the post-Soviet space and the velvet revolutions in Central and Eastern Europe of 1989 in order to continue the research program suggested by Dryzek to extend the analysis of the determinants of deliberative authenticity from developed liberal democracies to other areas as well (Dryzek 2009: 1386). It is also a fruitful area of research to test the suggested theory in the context of other post-Soviet cases that did and did not experience ethnic conflict in order to test the core argument of this study about the importance of the deliberative capacity factor for the outcome of inter-ethnic tensions.

In addition, the issue of external meddling into inter-ethnic issues that came up in the process of this study is also in need of further consideration in order to more accurately qualify or support the findings of this study. Specifically, it is important to explore how foreign meddling affects the relationship between deliberative capacity and ethnic mobilization that was established in this work. For example, it may be the case that a decrease in deliberative capacity leads to greater ethnic tension, while poor deliberative capacity combined with foreign
meddling leads to ethnic conflict. These and other hypotheses on the effects of foreign meddling need to be carefully considered in future studies.

It is also a fruitful area of study to develop the measurement of the explored phenomena in greater precision, as well as to formalize the relationships studied in this dissertation. Given that issues explored here are hard to even sometimes conceptualize, it makes this measurement and formalization a very demanding task. And yet, the value of such advances is significant. Therefore, it is worth investing time and efforts into this area as well, for example, by creating indexes, operationalizations, finding proxy variables and conducting major public opinion and experimental studies in order to make the study of ethnic identity and deliberative capacity more precise.

Finally, the changes in the ethno-cultural geography brought about by the Russian-Ukrainian war of 2014 pose significant new challenges for deliberative capacity in the case of Ukraine and need therefore to be further explored. Most crucially, the previously existing inter-regional divide in the attitudes is now transforming into an inter-group divide even within the previously more homogenous regions. The wave of refugees from Crimea to mainland Ukraine after Crimea’s annexation by Russia was predominantly political. Ukrainians, Crimean Tatars and Russians willing to live in a Ukrainian socio-political space with its respective orientations towards democracy and foreign policy are moving to mainland Ukraine, most significantly to the Kyiv and Lviv regions, and blending into the prevailing attitudes of these areas. This, however, also implies that the population that stayed within Crimea became more homogenous in terms of their attitudes as many of those who opposed annexation have chosen to leave. The prospects of communication between mainland Ukraine and Crimea are therefore now harder than ever, yet there remains the territorial separation between the two entities, which does not make communication easier, but helps to avoid conflict. In contrast, the second wave of refugees comprised of people fleeing the Eastern Ukrainian Donbas region in order to escape war and save their lives. They moved into a variety of places throughout Ukraine, but again went most significantly into the Kyiv and Lviv regions due to the refugee support programs launched there. This second wave of refugees, however, did not leave Donbas for political reasons, and its representatives are to a large extent the carriers of the attitudes that are opposite to the attitudes predominantly held in the areas that they are now living in. In this situation, it appears plausible to expect an aggravation of tensions between the groups that are now not separated by different regions, but who live on the same territory, yet with different social statuses, different levels of socio-economic well-being and different political attitudes. The balance of language distribution in the hosting regions has also shifted becase of the in-flow of the refugees. All these new tendencies require the careful attention of researchers and practitioners and deserve substantial attention in further research on deliberative capacity and inter-ethnic reactions.
I would like to conclude this work with comments on the bigger picture. The goal of this dissertation was to assess the possibilities that deliberative democracy offers to the post-Soviet cases of Ukraine and Georgia in terms of resolving their ethno-cultural tensions. As a result, I have concluded that deliberative democracy is indeed a useful approach and that in solving the complex ethno-cultural dilemmas it is hard to do without deliberation. Yet, besides addressing the problems in the specific cases, this dissertation also has broader implications for deliberative democracy studies in general, and the comparative politics area more broadly.

Speaking of deliberative democracy, the value of this study is in applying the concepts of deliberative capacity and deliberative systems to the practical analysis of specific cases. In the current literature, there are many voices arguing why in the next generation of deliberative research one should look at the systemic level. However, not many scholars do that kind of practical deliberation research on the systemic level. This dissertation is one of the first attempts in this direction, if not the first one. It, therefore, presents a good basis for discussion of both the potential and the difficulties related to the study of deliberation on the systemic level with regard to deliberation. This dissertation demonstrates that it is much more difficult to put the recommendations of studying the systemic level into research practice. It also illuminates how hard it is to create a universal typology of political systems according to which they can be classified with respect to the criteria of deliberative democracy, for example, by illuminating the importance of context – which can make a particular form of protest beneficial for deliberation in one country but not in the other.

These nuances with respect to deliberative democracy theory also lead further to the implications for the value of this study for comparative politics more broadly. This dissertation demonstrates the value of theory-oriented case studies and suggests that such case-specific research has not only its advantages over certain kinds of large-n studies, but may also be the only meaningful way of studying comparative politics if our goal is to go beyond formal institutionalism to addressing the less tangible context-driven and culture-driven issues, without which the study of contemporary societies would be reductionist and misleading.
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APPENDIX 1: List of Interviewees, interviewed during 2009-2010

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<th>Affiliation</th>
<th>Identity, expertise</th>
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\(^1\)Interestingly, this person was recommended by the Ukrainian national-democratic organization representative and was introduced to me as a member of a young patriotic group of people that participates in the national-democratic organizations activity. Only during an interview I realized the neo-Nazi ideology held by this “young patriotic group”, I am not even sure that the national-democratic organization realizes this fact. In any case such cooperation is disturbing.
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GEORGIA

Pro-U – pro-Ukrainian
Pro-R – pro-Russia
UC – Ukrainian-cultured
RC – Russian-cultured