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Veröffentlichungsversion / Published Version
Sammelwerksbeitrag / collection article

Empfohlene Zitierung / Suggested Citation:
Kutsenko, O. (2007). The Zigzags of Political Regime Democratization in Ukraine. In Y. Golovakha (Ed.), *Ukrainian Sociological Review 2004-2005* (pp. 70-87). Kiev: Institute of Sociology of the National Academy of Sciences of Ukraine. https://nbn-resolving.org/urn:nbn:de:0168-ssoar-105923

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The Zigzags of Political Regime Democratization in Ukraine[1]

Abstract

The article is dedicated to discussion of the main features of political regime transformation in post-soviet Ukraine. In definition of political regime the author follows the actor-centered neo-institutional approach that allows focusing on individual and collective social practices determined by an actor's interests, situation, and strategy of action, as well as limited by his/her habits, social skills, resources, and rules. The author argues an illiberal democratic character of former political regime, which was embodied at the end of 1990s in Ukraine, and discusses the zigzags of its future development. The question about social and political factors of the Orange Revolution explosion is also examined.

The ways of rather long development in the societies, which appeared after the state socialism had crashed, still do not show any kind of social relations to be their aim (or the kind they have already constructed) and what is (or would be) the place of democracy in them. At the beginning of transformation, the unique historical opportunity to go back to capitalism, to get rid of total control under conditions of ruining Soviet empire, along with a sense of freedom prospects, gave birth to historical optimism and this was reflected in one of the first fundamental collective works on perestroika and its perspectives *There is no other way* ("Inogo ne dano"), under the editorship of Yu. Afanas'yev [1]. It is understandable why, in the first part of 1990s, many cognitive models supported by

[1] Translated from the Ukrainian text "Zygzagy demokratyzatsii politychnoho rezhymu v Ukraini", Sotsiolohiia: teoriia, metody, marketynh, 2005, № 3, pp. 65–79.

researchers of post-communist societies were oriented to the imperative of inevitable transition to democracy.

However from the middle of 1990s, many political events and results of numerous surveys raised doubts about the certainty. Social and political relations being formed in societies of former state socialism more and more evidently demonstrated other content of various kinds hidden behind the facade of market and democratic institutions. In particular, basing on the results of research program *Barometer of New Democracies* by Paul Lazarsfeld Society, in the end of 1990s, R. Rose, W. Mishler, and Ch. Haerpfer concluded about divergent democratization in post-communist countries and identified four groups of countries according to their manifestation of consolidated *versus* unconsolidated democracies. The first group of "consolidated" though "imperfect" democracy consisted of Poland, Czech Republic, Hungary, and Slovenia. The fourth group included Russia, Ukraine, and Belarus, where prospects of liberal democracy were assessed as problematic [2, pp. 223–227]. One of the most competent researchers of transforming regimes, Th. Carothers, concluded that most countries of "the third wave" democratization left functional democracy perspectives and went back to authoritarianism (Uzbekistan, Turkmenistan, Belarus) or found themselves stuck in the "gray zone" between democracy and dictatorship (Russia, Ukraine[1], *etc.*) [4]. Not long ago, we could hear more and more opinions about that Ukraine, as well as Russia, has turned to authoritarianism.

At the same time, post-communist transformation processes in the countries of Eastern Europe and the former USSR show that social development is not predetermined. Researchers can say about dominant tendencies of formation and reproduction as to social forms, but side tendencies of certain periods (including counter-tendencies), cooperative effects, unpredictable results of people's actions interfere in the course of events and make the "impossible" possible. What happened in Ukraine in the end of 2004 is one of the brightest examples of such "historical zigzags". In this article, we will try to determine the leading tendencies in transformation of political regime of the post-soviet Ukraine. Some time ago, these tendencies were mainly similar in Ukraine and Russia but their differences, especially now, give opportunity of taking various ways for these countries and those like them.

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1 See more in the article by I. Bekeshkina [3].

Conceptual Approach to the Studies on Political Regime and Democratization Process

The way of seeing and explanation of social phenomena taken by a researcher is a "glass", through which we can see certain and always limited reality. Putting aside discussions on benefits and drawbacks of various approaches to definition of a regime[1] and conceptualization of democratization phenomenon, we would like to explain the way of seeing that applied in this study and based on methodology of *the activity-structural synthesis and actor-centered institutional approach*[2]. This approach makes it possible to focus analysis on individual and collective practices of people: (a) determined by their interests, situations, and strategies, (b) limited by their habits, social skills and structures of resources and rules.

Within this approach and tradition by G. O'Donnell and P. Schmitter [6, p. 73], we understand ***political regime*** as explicit and implicit models of access to governmental and managerial positions formed in a certain social system, which are determined and limited by interests, habits, social skills of interested actors, structures of resources and rules, as well as strategies for their achievement. The matter of appearing models is less a result of purposeful decisions, but more a result of cooperative effects of interactions between people and institutions involved in certain structural and cultural conditions, trying to realize their own interests by adapting to structural barriers, overcoming them (or passing round) in accordance with the ideas about *what we want, what we can, and how we can.*

To what extent a substance of a new or reproduced regime could be described by the term *democracy*? To answer this question, we need to add specifications to the basic definition of political regime. That is why; our next statement is about the ***democracy phenomenon*** in modern societies. As many researchers noticed, when we try to approach it, the phenomenon "slips away" that leads to casuistry in theoretical interpretations [9]. In the variety of interpretations, one of the most actively used is the definition developed within traditions by J. Schumpeter and R. Dahl [10]. This definition implies *a variety of real forms of democracy* (polyarchy) and, in its most general understanding, democracy is a *politi-*

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1 For example, see: [5].

2 As applied to the analysis of political processes, see: [6–8].

cal mechanism of social order that prevent from any power and governmental monopoly. Three interrelated features can measure this sense of democracy:

— Existence and extent (scale, efficiency) of political competition.
— Existence, scale, and efficiency of political involvement.
— Role of the law in the rules, according to which the regime acts.

The last feature, suggested by F. Zakaria and developed by W. Merkel and A. Cruissen [11], makes it possible to avoid methodological collision in explanations of "gray zone" regimes [4] and along with the authors to admit existence of illiberal ("defective" by W. Merkel and A. Cruissen) forms of democracy.

Power always supposes asymmetric relations. When the power relations are based on compulsion, it is obvious. However, asymmetry appears even when the power is based on mutual with the public interests or the value congruity: the asymmetry becomes a result of inevitable control by dominating actors over resources, information, interpretations of values and senses and, at last, a result of "actions without the rules" (definition by O. Williamson — [12]) for achieving goals. From this point of view, in all its manifestations, democracy can be described as an extent of symmetry / asymmetry of such relations. Asymmetry of power relations can be smoothed over by various mediators, such as democratic institutions: parties, non-governmental organizations, elections, PR forms, electoral and parliamentary scenes; they establish and legitimize the rules of game for participation. However, without opportunities for direct communication between the power holders and the public, these forms not only substitute the direct communication, but also bring instead demonstrative and manipulative publicity to institutions that act "over the public's head" — Ju. Habermas convincingly showed this [13, pp. 190–197]. *The public is left with the role of a witness in this process.* The public as a whole is reduced to a "voting person" and "witness-participant of political events" initiated or provoked by bearers of influence resources. This idea is important for understanding that ***development of various forms of real democracy corresponds not only* (often even less) *to liberal principles.***

The most important difference between liberal and illiberal ("defective") democracies lies in existence or absence of *solid guarantees for the basic political rights and liberties, as well as effective horizontal control* [11, p. 7]. Due to the mentioned specific character, illiberal democracies balance between liberal democracy and autocracy, while the public and

interested actors have to work hard in order to retain the regime in the field of democratic procedures.

To follow this theoretical logic, we have to admit that, in the first part of 1990s in Ukraine, there were formed rather stable formal and procedural institutions of democracy: competitive elections, parliaments, multi-party system, non-governmental media, etc.; at the same time, alternative political regimes and ways of governing become significantly less popular. *All this makes it possible to describe the regime established on this basis as democratic as a whole.* However, answers to the following questions — what kind of democracy and what prospects of the regime development — are to be discussed.

What Democracy is Possible?

Within the applied methodology, to answer this question, we have to examine the rules (formal and informal) and practices for access to governmental and managerial positions, as well as actors (representatives of elites or non-elite groups) interested in the access from the viewpoint of their resources, social skills, habits, and strategies. We will focus only on principal aspects of analysis. As an empirical basis, we used the data of annual national monitoring conducted by the Institute of Sociology of the NAS of Ukraine and by the International Fund of Electoral Systems; also, in order to make our results more accurate, we used the data of the quarterly monitoring of 2003–2004 conducted in Luhansk oblast by the Sociological Laboratory, V.N. Karazin Kharkiv National University, and supervised by the author.

Formal and procedural democracy, established in Ukraine in the middle of 1990s, was not a product of historical evolution of civil society that stood for its interests, liberties and developed mechanisms ensuring them. Democratic forms were a result of deliberate involvement of elites (leading actors of which often had far from democratic interests), a result of legislative introduction of procedural elements of democracy. According to the logic of transition to liberal democracy and market economy, the most important aim and result of such institutional changes would have been separation of power and property (or business), politics, and administration.

At the same time, it did not happen mostly because elites that carried out institutional reforms without any control of weak civil society were not interested in such happening. Interests and aims of elites and new ruling class being formed were hidden behind the democracy rhetoric,

while in fact their goal was to ensure their own supremacy in the system of power and property. They established the rules of game meant to control the most important positions on the political field and use the government together with corruption mechanisms for "capturing" the former state ownership[1]. The established rules inherited a lot of typical interaction forms that were characteristic of the late soviet society, but these rules became stricter and cynical. Strong dependence of institutional changes on stereotypes, orientations, and regulations of living rooted in the past bent the "temporal arrow" of democracy and caused reverse motion to the *sustainable reproduction of authoritarian and paternalistic relations in political system.* Between this type of relations and procedural forms of democracy, there existed structural synthesis giving birth to symbiotic forms of illiberal democratic regime and jeopardizing democracy.

In Ukraine, there were also important factors, which formed the political regime and determined its specific features:

— The national elites' weakness and a high extent of their political polarization, which became evident in the beginning of 1990s.
— Strong competition of private interests for gaining control over the government.
— Managers who worked for the former system were left to hold the key administrative posts at the national and regional levels.
— To the end of 1990s, the ruling elites were consolidated with actors-leaders.
— Bureaucratic corruption that realized mechanisms for the state capture was flourishing.
— Due to the above-mentioned factors, there was a low people's trust in the new policy, institutions, and leaders.

In 1990s, democracy did not become a "game for all without exception" [15] either for elites or the public. It was only a short period — in the beginning of 1990s — when, in Ukraine, there was a rise of civil interest and trust in power institutions among the public. However, from 1993 — what a paradox of the time when procedural forms of democracy were being implemented — it was registered a sharp fall in these indicators. According to the annual national monitoring conducted by the Institute of Sociology of the NAS of Ukraine, since 1994, the Ukrainians' trust in key

[1] The "*state capture*" notion and mechanisms, see: [14].

political institutions and leaders has been registered at 7–12% ("total" and "partial trust")[1] with insignificant annual changes [16, p. 20].

At the same time, at regional levels, the people's trust in most subjects of power was higher — in particular, it could be seen in the data of our monitoring surveys in Luhansk oblast (Figure 1). The personified trust in representatives of oblast and local authorities was 1.5–2 times higher than trust in the supreme power institutions. Taking this into account, we can note the extremely significant splash of trust in the former Prime Minister, V. Yanukovych. This was registered last year at least in Luhansk oblast.

Low trust was not only a product of destruction in the institutional trust system that had established in time of the USSR but — to a great extent or even mostly — a result of *bad appraisal that people gave to the work of power institutions*, a gap between expectations and real activity of power institutions.

Since the end of 1993, this condition has been accompanied by *lowering people's trust in democracy* as a mechanism capable of limiting power monopoly and by *growth in negative appraisals of the existing regime.* According to the data collected by the International Fund of Electoral Systems, from 1997, over half respondents stated that Ukraine was not a democratic state; in 2003, this indicator was at the high (for the whole monitoring surveys period) — 64% of respondents [17, pp. 20–21]. This can be supported by the data of six monitoring surveys being conducted from April 2003 till November 2004 in Luhansk oblast by the Sociological Laboratory, V.N. Karazin Kharkiv National University. Assessing the prospects of Ukraine as a democratic state, 60–68% of respondents decidedly answered that in the near future in Ukraine, democratic development would be impossible (Figure 2), 20% of them told that real democracy in Ukraine was impossible.

In December 2000, among those interested in politics, 42% totally or partially agreed that they could influence the decisions taken in the country via elections, and in the end of 2003 — that is after the parliamentary election of 2002 and before the presidential election of 2004 — this figure lessened to 29% [17, p. 33]. During 1990s, the term *democracy* lost its ideal image, which was reflected in the everyday life; the real-

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1 To be fair, we should note that all post-communist societies are of *low trust* in the public life. For long years of the soviet society life, the undoubted trust in the system had been imposed by the power, supported by the total control over loyalty. Of course, all this traumatized personalities, to be specific, their *civic consciousness*. When the system of *institutionalized trust* collapsed, it turned into the opposite one.

ity happened to be far from even the most "grounded" ideals. Moreover, everyday life experience did not break through very careful attitudes of people to democracy as something brought from outside; there *was not formed* the belief in ability of democratic institutions to ensure people's participation in limitation of power monopoly; as usual, the feeling of freedom absence in the state was deep.

Social effects of this situation were: ***political apathy of the "silent majority", extremely low legitimacy of power institutions, non-concerted formal and informal political practices.*** Democracy has not become an unconditional value for Ukrainians.

These and other facts contributed to the situation that in 2000 the society as a whole, especially liberal public had a ***feeling of democracy doom,*** *expected reverse motion and turn from illiberal democracy to autocracy.*

However, in the beginning of 2000s, the social situation in Ukraine underwent a strange change: ***there started an active process of interest structuring among social layers of elites and public, the hegemony model of regime consolidation seemed to be exhausted.***

From 2001 in Ukraine, there became evident *the intra-elite split* based mostly on the conflict related to appropriation and ways of control. This split could not be overcome by traditional administrative or clientele means. In the beginning of 2000, the "party in power" lost a part of influential oligarchic business-parties and a significant part of national and democratic sub-elites. They started to position themselves in the political field in a new way. Political fight for supremacy, for possibility to have political and administrative control over competition in the market, including privatization of strategic objects left in state ownership, control over people's loyalty, this fight became stronger and even cruel in 2004 [see: 18]. It was not accidentally that before the new presidential election — from the spring (April–July) 2004 — there happened the principal turn in the large-scale privatization: the most expensive and attractive state objects that waited to be sold for years suddenly and quickly were privatized by representatives of the ruling business and political elite, and they paid very low price. Thus, the political reforms failed and, under pressure of opposition, the political fight flew to the presidential election campaign.

At the same time, business (small and middle, mostly related to trade and intermediary), highly skilled specialists, "professionals" started to declare their interests more persistently; among representatives of large business, there was growing dissatisfaction with their dependence on political conjuncture, high "taxes" to get the power protection. The surveys of the beginning of 2000s (conducted, in particular, by the Sociolog-

ical Laboratory of the Kharkiv National University, among schoolchildren in Luhansk oblast and students in Kharkiv) registered a growth in political involvement of young people in school and university programs on development of democracy and local administration; the programs gave them initial experience and acquainted them with democratic life.

Despite the political estrangement manifested by the "silent majority", experience of the election campaigns of 1999 and 2002 in Ukraine clearly demonstrated that ***political participation and democratic control over the power were in the focus of public attention*** (contrary to the situation registered by Yu. Levada in Russian society [19, p. 234]). Despite the strong and continuous pressure of economic and social hardship, the Ukrainians manifested a high interest in politics, especially in activity of power bodies. For example, in Luhansk oblast, two thirds of respondents wanted to know more about the activity of the oblast and local authorities (63%).

It means that the problem lay not in the low public attention to democratic opportunities but, ***firstly***, *in deep distrust in the supreme social and political actors;* ***secondly,*** *in absence on the political scene of leaders, movements, and parties capable of overcoming this "threshold of distrust", the force of social habit that the power did not care for a citizen, and canalizing the mass political mobilization.*

In 2003–2004, Ukrainian political system came to the bifurcation point, when further movement would be possible only in two following ways:

— To "reduce" the illiberal form of democracy due to deepening contradictions with keeping the established model of political power and then inevitably go to authoritarianism.
— To liberalize the system and develop the liberal versions of democracy, which could limit the power monopoly, separate business, politics, and administration, as well as formalize the rules of their interaction.

Since 2000, social confrontation has been strengthening along the lines of (1) competitive elites; (2) between classes being formed within the small and middle business, highly qualified professionals, large business, on the one hand, and the power structures that tried to control their activity and get benefits, on the other hand; (3) the public and the power as a whole (Figure 3).

This confrontation was worsened by the fight between the West (the USA with their active geopolitical course expansion and the EU countries with their moderate position) and Russia for influence on Ukraine.

However, to foresee the Orange Revolution — mainly **"the revolt of mass"** (the term by J. Ortega y Gasset) — with the help of sociological monitoring, was practically impossible: people's material conditions were improving, but their social well-being worsened and traditional indicators of the protest activity were still low. It was the "normal" manifestation of the bifurcation movement, in which Ukrainian political system was sinking once again and taking the whole society with it. However, one should have noticed that, while people's trust in democratic institutions was very low, the coming presidential election of 2004 was ***deeply taken as a personal event:*** many people considered the election as a significant event capable of changing the situation for the better not only in the country, but also in their family lives. For example, in Luhansk oblast, this opinion was expressed by 49% of respondents — see Tables 1, 2). These expectations can also partly explain such a polarization among attitudes to the leading candidates for President (according to the idea *Tertium non datur,* i.e. "a third is not given") and readiness to fight for their choices.

As the confrontation between social, economic, and political forces intensified, the impudence and cynicism manifested by power during the election campaign of 2004 *gave impetus to a social explosion.*

In the beginning of September 2004 most people (in Luhansk oblast, about 60%) were sure that administrative pressure would be used in the election campaign. If we talk about prognoses on the political process, one should have noticed the distribution of people's possible reactions to the administrative pressure (Figures 4, 5). Despite the fact that assessments on possible reactions of others and their own varied considerably, looking at the distribution of answers (Figures 4, 5), one can easily see that ***people declared their personal positions and manifested the hidden protest,*** which could become open under certain conditions.

In that situation, as the administrative resource could be inefficient or even cause the protest behavior, *the power was left with the only real chance of "ensuring" the election results,* that is to organize their ***falsification.***

In the beginning of November 2004, in Luhansk oblast, we asked respondents the following question: "Central Election Commission announced preliminary results of the first round of voting at the election of the President of Ukraine held on the 1st of November, 2004. *Do you think that the announced results are fair or not fair?*" Answering the question, 40% of respondents chose the option "*the announced results reflect the real voting*", while 38% regarded the announced results of voting as *falsified*

(Figure 6). It is interesting that, even in the beginning of July 2004, in an expert questioning, 21% of experts — the government officials — either thought that the falsification was possible or were sure that it was inevitable.

Intensifying confrontation between social, economic, and political forces, the obvious cynicism of the power actions, great expectations of people about the presidential campaign results, which seemed to be unreal, — all this (in the result) caused the social explosion that meant (but not only) ***overcoming distrust of the public in its own strength***. The distrust and canalization of the mass protest were overcome also due to: a) the formed image of the opposition leader of the "people's trust", his charisma; b) opposition forces well organized and widely represented throughout the country; c) application of the mass technologies for virtualization of reality[1]. As a result, the "elites' upraising" (*K. Lash*) turned into **"the revolt of mass"** *(J. Ortega y Gasset*). However, if the "elites' upraising" could be forecasted and was evident even before the election campaign had begun, **"the revolt of mass"** was unexpected. In our opinion, such an unexpected character was a kind of manifestation of the bifurcation movement, in which the political processes took place. At the same time, looking at sociological indicators attentively, one could have noticed the symptoms of possible mass protest much earlier.

Instead of Conclusion

The Orange Revolution gave a chance for liberalization of Ukrainian regime. At the same time, the movement of society and political system on a "razor edge" at least will continue until the parliamentary election of 2006 that may help to consolidate of those or other achievements of the current political fight. The future of democracy heavily depends on abilities of those elites that came to power after the presidential elections to separate business and politics, to establish guarantees for the basic rights and liberties, transparent rules for institutional interactions and control, on ability to overcome political split between regions and to maintain (or raise) the level of trust and loyalty among general public and business. Once again, the leading role in social transformation passes to elites, while the public remains just witness what is going on — it is the paradox of democratic development.

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[1] H. Pocheptsov analyzed possibilities for application of virtual technologies under the power change, as well as mechanisms and prospects of "virtual revolutions" [20].

Appendix

The following graphs are made on the **empirical basis** of surveys conducted by the Sociological Laboratory, V.N. Karazin Kharkiv National University, together with Vivat, consulting agency, in 2003–2004:

1. Sociological monitoring ***"Residents of Luhansk oblast speak about themselves, oblast and local authorities, political reforms"*** — April 2003. The realized sample consisted of 1189 respondents. The deviation of control indicators of calculated sample from the realized one was 1.4%. The sampling was a multistage, quote with a random selection of respondents in the reference points. The sample is representative for adult oblast population (over 18 years old) according to a kind of settlement, sex, and age.

2. Sociological monitoring ***"Social problems and political opinions of Luhansk oblast residents*** – 2004" — April–May 2004. The realized sample consisted of 787 respondents. The deviation of control indicators of calculated sample from the realized one was 2.2%. The sample was a multistage, quote with a random selection of respondents in the reference points. The sample is representative for adult oblast population (over 18 years old) according to a kind of settlement, sex, and age.

3. ***Expert questioning*** was being conducted from the 11th till the 19th of July in Luhansk oblast. The method was a half-formalized interview with a handout questionnaire. 348 experts took part in the questioning. The methodology of forming the group of experts was based on a quote-random selection of experts from leaders of organizations (oblast and local authorities, public health institutions, state and non-state enterprises, mass media, institutions of education and culture, social services, and employment agencies) of various levels.

4. Sociological monitoring ***"Opinions of Luhansk oblast residents on the eve of Ukrainian presidential election"*** was being conducted from the 14th till the 19th of September 2004 in Luhansk oblast. The realized sample consisted of 1201 respondent. The deviation of control indicators of calculated sample from the realized one was 1.8%. The sample was a multistage, quote with a random selection of respondents in the reference points. The sample is representative for adult oblast population (over 18 years old) according to a kind of settlement, sex, and age.

5. Sociological ***monitoring of electoral preferences of the voters***, who live in Luhansk oblast, was being conducted from the 5th till the 7th of November 2004. The realized sample consisted of 780 respondents. The sample was constructed in the same way.

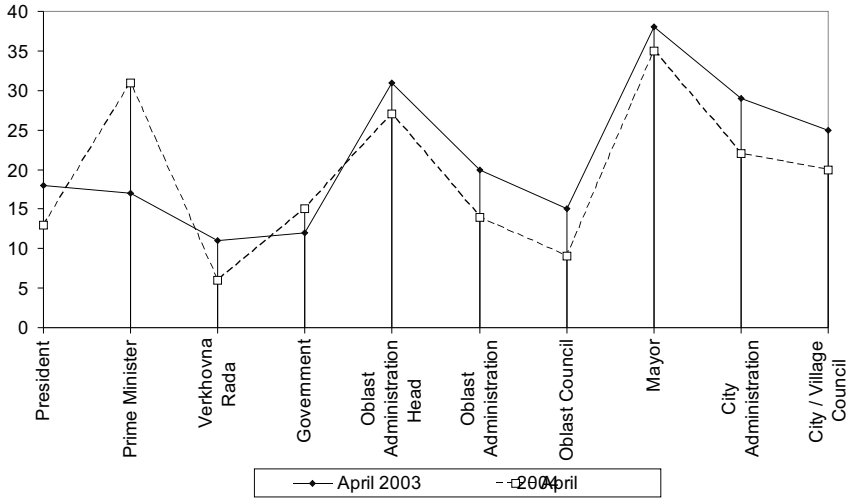

Fig. 1. Extent of trust among adult population of Luhansk oblast in the institutions of governmental, oblast, and local authorities in Ukraine
(*N* = 1200, response rate, April 2003, April 2004)

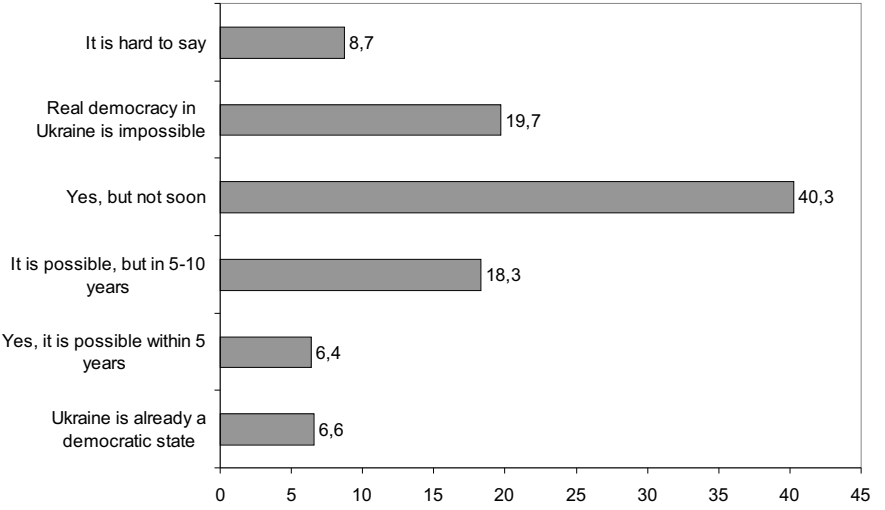

Fig. 2. Distribution of answers to the question: "DO YOU BELIEVE THAT UKRAINE IS ALREADY OR BECOMES SOON A DEMOCRATIC STATE?"
(*N* = 1200, response rate, April 2003)

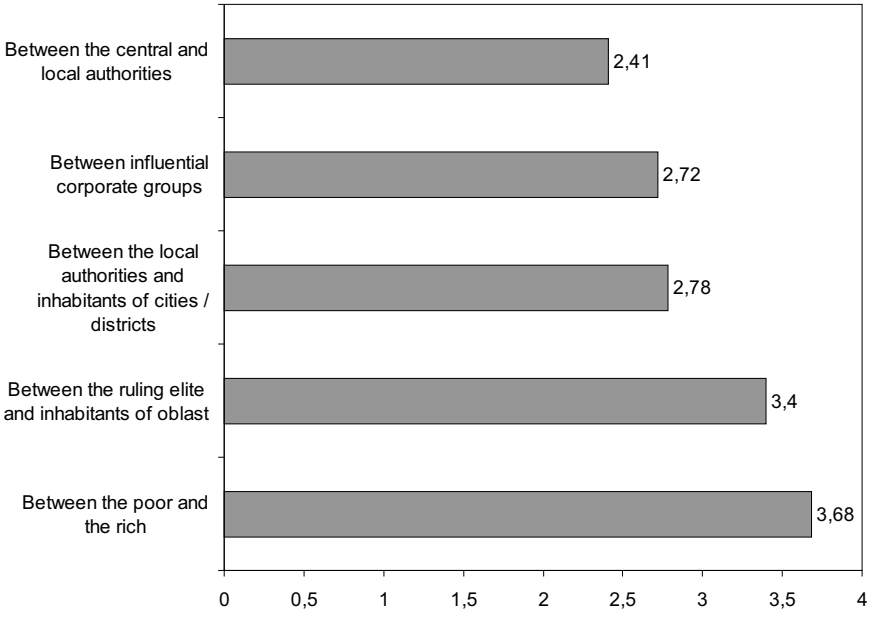

Fig. 3. The weightiest average indicators of social tension between different groups in Luhansk oblast according to experts' assessments, July 2004 (5-point scale, where "5" is a strong social tension, "1" is an absence of tension)

Table 1

Distribution of Answers to the Question:
"DO YOU CONNECT YOUR HOPES FOR THE BETTER...
WITHIN THE NEXT FEW YEARS WITH THE ELECTION
OF THE PRESIDENT OF UKRAINE?"
(The poll was conducted in Luhansk oblast, September 2004,
N = 1201)

...YOUR OWN LIFE (LIFE OF YOUR FAMILY)		**...SITUATION IN THE COUNTRY**	
1. YES	48.1	1. YES	51.6
2. NO	26.1	2. NO	21.4
3. DIFFICULT TO SAY	25.8	3. DIFFICULT TO SAY	27.0

Table 2

Distribution of Answers to the Question "IN YOUR OPINION, THE ELECTION OF THE PRESIDENT OF UKRAINE IS…"

(The only one option was to be chosen; the poll was conducted in Luhansk oblast, September 2004, *N* = 1201)

1. …An important event for Ukraine capable of changing situation for the better	48.9
2. …A usual thing that will not bring principle changes	31.6
3. …An event that can cause a split in the society and change situation for the worse	3.9
4. It makes no difference to me	4.4
5. It is hard to say	11.2

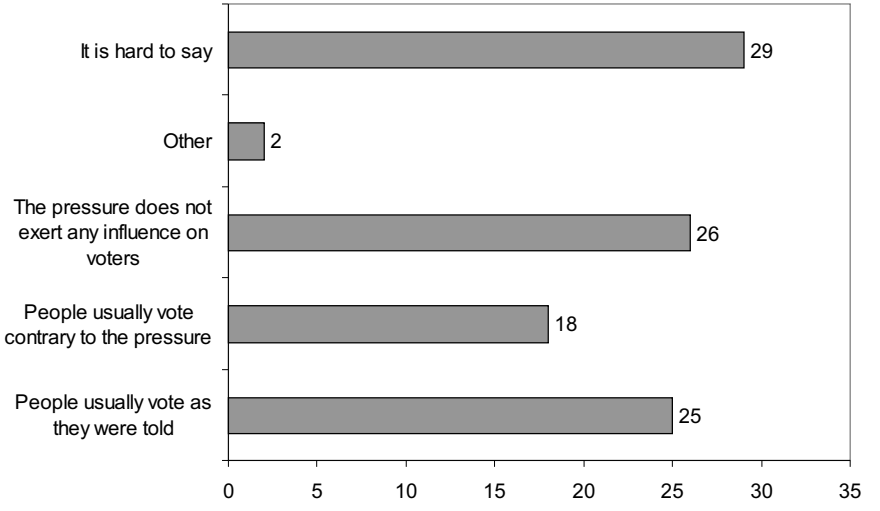

Fig. 4. Respondents' assessment of administrative pressure exerting on voters of their settlement during the election (September 2004, Luhansk oblast, *N* = 1201, response rate)

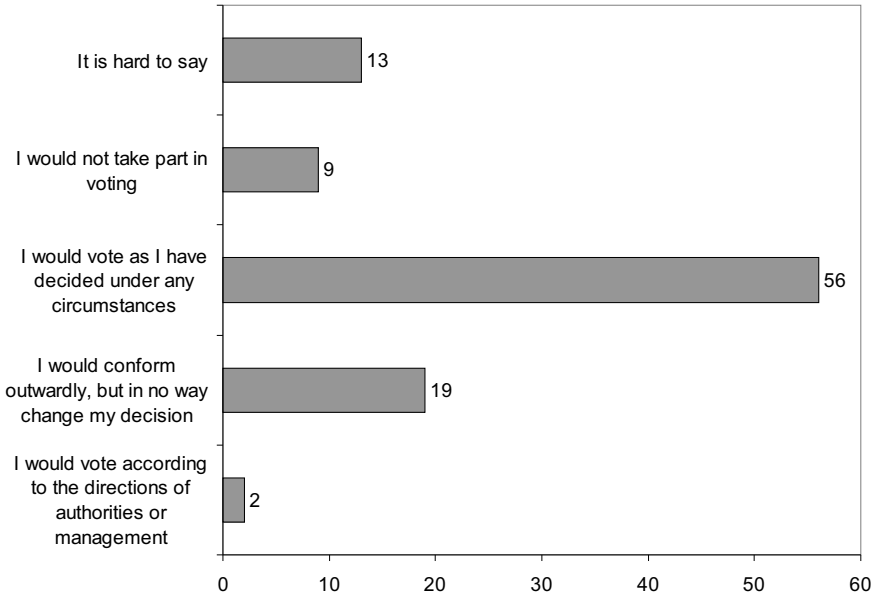

Fig. 5. Possible strategies of respondents in the case they would be forced to vote against their choice by the authorities or leaders of organizations (September 2004, Luhansk oblast, *N* = 1045, response rate)

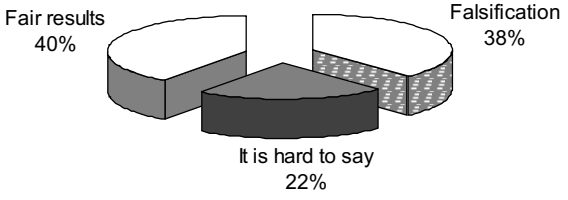

Fig. 6. Distribution of answers to the question: "CENTRAL ELECTION COMMISSION ANNOUNCED PRELIMINARY RESULTS OF THE FIRST ROUND OF VOTING AT THE ELECTION OF THE PRESIDENT OF UKRAINE HELD ON THE 1ST OF NOVEMBER, 2004. DO YOU THINK THAT THE ANNOUNCED RESULTS WERE FAIR OR NOT FAIR?" (Luhansk oblast massive, November 2004, *N* = 780, response rate)

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