Paper for Presentation at:

SSHRC Congress 2010 in Montreal

Draft version (May 24 2010)

Please notify in case of referencing & Comments welcome!

salnykova@gmail.com

How Democratic was the Orange Revolution?

Reassessment from the Deliberative Democracy Perspective

Abstract

Post-communist "colored revolutions" were praised as democratic by journalists and scholars. I call for a more critical assessment of the processes and practices involved in these events by looking at them with deliberative democratic standards in mind. Case-wise I focus on Ukraine's Orange revolution since it was assessed as the most successful in terms of advancing democracy. Nevertheless, I aim to demonstrate that on a more nuanced level it also contained a lot of exclusive, intolerant and polarizing dynamics. I also assess the consequences of these gaps in democratic quality of the Orange revolution and provide recommendations for future democratizers.

Even if a revolution was victorious,
victory described in detail is hardly
distinguishable from defeat.

(Jean Paul Sartre)

1. Introduction

For Ukraine, the 2004 Presidential elections were arguably of a similar importance as gaining independence as a result of the USSR collapse in 1991. Back at the outset of democratic transition the country has returned its long-suppressed sovereignty; however, it was not accompanied with mass popular enthusiasm, democratization struggle and charismatic leadership[1]. In 2004 the incumbent oligarchic regime in Ukraine was challenged by a national-democratic opposition, which led to extensive fraud in the electoral process. The fraud was however resisted by a powerful mass pro-democratic uprising - known as the Orange revolution - that eventually resulted in preservation of democratic procedures and the victory of the opposition candidate. Therefore it is considered that even though formal independence was gained in 1991 in Ukraine, the de-facto bottom-up drive for democratization has manifested itself in 2004 only.

Yet this triumphant story is truly descriptive of only a part of the Ukrainian society. During the presidential elections run-off following the Orange revolution in Ukraine 44 per cent of the population still voted for the candidate from oligarchic forces - Victor Yanukovych; and, importantly, roughly 90 per cent of those voters were the residents of the East and South of Ukraine. In contrast, 52 per cent of electorate gave their votes to the national-democratic challenger Victor Yuschenko; about 90 per cent of this vote was also concentrated, this time in the West and Center of the country. Thus the story of democratic breakthrough and a civil society unification around the common goal has also a different side to it – that of division, feeling of rejection, acceleration of societal animosities, and exclusion rather than democratic inclusion.

Notwithstanding this other side of a medal, “colored revolutions” – and the Orange Revolution among them – that were spread across the post-communist region in 2000-2005 have been overwhelmingly praised as democratic by journalists and democracy scholars immediately after the events.

Assessing these revolutions now is viewed as particularly relevant for two reasons. First, the people who stood behind these events and participated directly in them are available for fieldwork investigation. Second, as several years have 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, coloured revolutions stand up in front of us in a different light when analyzed from a time distance. In my analysis I am not assessing the revolutionary events *in light of* the later developments – in order not to fall into the *post hoc*

[1] … which was the case in the Baltic states, some countries of the Caucasus as well as across non-Soviet Eastern Europe

ergo propter hoc fallacy. Nevertheless, I will analyse the events after the emotions are over, the emotions that in the absolute majority of cases have biased the analyses written right after.

Theoretical Approach

A lot has been written on the democratic achievements of the Orange revolution as well as on how much of those achievements have been wasted apart from the freedom of speech and free elections. Yet the question that I seek to answer in this paper is not about the wasted or maintained achievements but rather whether there was that much of an achievement in the first place?

Without necessarily contesting the overwhelmingly positive assessment of the Orange Revolution by scholars and journalists this paper seeks a deeper and more critical assessment of the processes and practices involved in these crucial events by looking at them with deliberative democratic - as opposed to liberal democratic - standards and goals in mind.

In the words of a political theorist Natalia Amelchenko:

> The followers of the […] liberal democratic conceptual framework have been describing the Orange Revolution in terms of "awakening of the 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 in investigating the establishment of the fundamentally new socio-political forms (Amelchenko 2006: 61).

In a similar vein, a historian Oleksandr Halchynskyi identifies two separate 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[2] was less technical and concerned with 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 have to strongly disagree with such an essentialist and overly universalistic statement by Halchynskyi about the "Ukrainian people, traditions and soul" I do also find his emphasis on the two different levels of potential democratic achievements of the Orange revolution - electoral and self-determinative - relevant. Therefore the paper starts from the statement that the Orange revolution had two functions to perform: first, to achieve democratic electoral results through the use of fair electoral procedure; and, second, to advance the level of societal consolidation around the common goal of building a common future. I can fully agree with the assessment that the first, technical, function was performed. The paper, however, argues that the achievements of the Orange revolution events on a social level are mixed at best and poorly democratic from the deliberative democracy perspective.

In assessing the Orange revolution in this paper I suggest going beyond the liberal assessment and utilizing the criteria of the deliberative democratic theory. The rationale behind the application of such a lens lies with the fact that liberal democracy has been characterized by a

[2] Short for "Maidan Nezalezhnosti" (Independence Square in English) – a place where the Orange revolution has territorially taken place, often used as a substitute for the "Orange revolution".

number of expressions of its ongoing crisis in the old democracies over the recent decades. Deliberative democracy perspective, instead, offers a more radically democratic approach to the organization of socio-political relations than the liberal democratic model does and thereby aspires to address some of the remnant problems - not dealt with in liberal democratic regimes. As deliberative democratic practices and institutions application is on the rise in certain Western contexts, it is also important to apply these standards to the study and transformation of the post-communist world.

Design, Method, and Roadmap

This paper is focused on the Ukrainian Orange revolution of 2004 since among the several comparable cases it was consistently assessed as the most successful in terms of advancing democracy. Nevertheless, by taking this arguably "most democratic case" under scrutiny I demonstrate that on a more nuanced – in particular, rhetorical - level it also contained a lot of exclusive, intolerant and polarizing dynamics that contradict the most progressive understandings of the normatively justifiable democratic process. Thus the democratic achievements of the Ukraine's democratization were not as glorious as it could have seemed.

Methodologically, the study is based on three research components. First, it utilizes the academic and media sources on the Orange revolution. Second, the research includes content analysis of the Orange revolution–related rhetoric produced by political and civil society actors. Finally, the paper also engages the data from the interviews with democracy experts and political and social elite in Ukraine[3].

In what follows I first contrast the two models of democracy - liberal and deliberative - as a background for my analysis, as well as present the model of deliberative capacity developed by Dryzek. After that I demonstrate the democratic merits and shortcoming of the revolutionary events from both liberal and deliberative democratic perspectives drawing on the case study evidence. Finally, I conclude on the ways in which the democratic gaps of the Orange revolution could have contributed to the post-revolutionary development in Ukraine as well as formulate tentative conclusions and policy recommendations.

2. Liberal versus Deliberative Models of Democracy

Before turning to the assessment of the Orange revolution from the deliberative democratic perspective, I need to elaborate on the conceptions of democracy in use here. Although the deliberative democratic model of democracy is far from being uniform, and multiple debates are ongoing among its protagonists, it is possible to single out over a dozen crucial aspects in which the difference between liberal and deliberative democracy lies.

First of all the concept of majority is at stake. While being a quantitative parameter in the liberal tradition "majority" acquires qualitative aspects in the deliberative version of democracy. Traditional voting is to be preceded by reasoned discussion, which makes a difference to the voting's outcome (Benhabib 1996). As a result a seemingly identical majoritarian voting procedure results in a majority of a different quality.

[3] The fieldwork for this study is currently ongoing therefore the pull of interviewees is in no way final, meaning that new perspectives and nuances will most probably be added to this paper in the near future.

Second, in liberalism the individual's interests 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 liberalism 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 liberalism collides with the concept of the state. In the deliberative democratic model in contrast these two can overlap but do not necessarily do so. In fact, the public sphere can be in opposition to the state.

Fourth issue is concerned with a kind of rationality used by the participants of the political process. With the liberal version being individualistic, deliberative rationality is based on respect to the other as well. Deliberative democratic rationality is rooted in the principle of reciprocity implying that individuals are expected to seek fair terms of social cooperation (i.e. those taking the other's interests into account) for their own sake (Gutman/Thompson 1996).

The fifth element of distinction is related to the issue of legitimacy. While liberalism is sceptical about the possibility of evaluating moral legitimacy of substantive decisions, 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 feel that the laws resulting from such communication are their laws even if substantively they diverge from their interests. Liberal legitimacy is thus based on numerical majority; 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 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 liberalism includes all the voters (depending on the system of electoral rights), deliberative democracy insists on including all the affected by a decision in the decision-making process. Thus, according to Young, traditional voting should be complemented by larger inclusion (for example including non-citizens in cases in which the matters being decided upon affect these stakeholders) (Young 2000).

The issue of justice is another one at stake. In liberalism justice is rooted in the satisfaction of the majority. Deliberative model instead holds a stronger conception of justice involving the need to justify decisions through dialogue so that even the disadvantaged by the decision could also accept it. Although this view of just outcomes might be interpreted as utopic, this is not necessarily so. Even a not entirely just process (with an entirely just being indeed impossible) increases the justness 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 systems of democracy also differ. Liberal democratic regime targets protection against tyranny, and promotion of individual's interests. Deliberative alternative, in its turn, while aiming at the same outcomes, is also aspiring cooperation, collective action, and the promotion of justice.

Likewise, the attitude to the stability of decisions differs in the two models. In liberalism decisions are made at least for an electoral term when a political opponent might win office and change it. In deliberative version decisions are never fixed, and are always open for renegotiation.

Perspective on the quality of democracy issue is also different. It is Constitution-based and thus formal in the liberal tradition. In contrast, in deliberative democracy the concern with the quality of democracy goes deeper, and 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 systems are the following. In liberal democracy it is a procedure of interest expression for the purposes of aggregation. In deliberative democratic view participation also affects the citizens, transforming them into more public-spirited (informed) and tolerant (through acquiring an enlarged mentality in Arendt's terms).

Another difference is that in liberalism discourses are not addressed. In deliberative democracy they are emphasised as a potential causal force that needs to be challenged in case of being oppressive.

Finally, the treatment of others differs between the models in a crucial way. In liberalism other citizens are viewed as competitors or allies. In deliberative democracy, instead, they are viewed 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; but 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/Tompson 1996). Dryzek explains this in a more specific way: *"In 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).

3. Dryzek's Model of Deliberative Capacity

In the context of these numerous distinctions between the two models of democracy from the point of view of political theory, John Dryzek suggests to shift the way democracy is being understood in other subfield as well. Dryzek emphasizes that the liberal – minimalist or electoral – definition of democracy misses a key aspect – that of deliberation (Dryzek 2009: 1380). Instead, he contends that the more authentic, inclusive, and consequential political deliberation is, the more democratic a political system is; and that democracy cannot do without deliberation (Dryzek 2009: 1380). Therefore, 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 promotion of democracy, it is at the same time missing in comparative democratization studies. He concludes therefore that comparative democratization studies have missed the most important aspect of democracy (Dryzek 2009: 1379).

Dryzek acknowledges that applying deliberative principles to evaluate instances of communication does not automatically translate to a concept that is useful in analyzing and evaluating whole regimes or political systems. Therefore he suggests an account of deliberative capacity which refers to the extent to which a political system possesses structures to host deliberation that is authentic, inclusive, and consequential. A polity with a high degree of authentic, inclusive, and consequential deliberation will have an effective deliberative system (Dryzek 2009: 1382).

According to Dryzek a general scheme for a deliberative system is composed of the following elements:

- 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 of various sorts).

- *Empowered space* - meaning institutions producing collective decisions like legislatures, corporatist councils, sectoral committees, a cabinet, a constitutional court.

- *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)

- *Accountability* of empowered space to the public space, which is key to the generation of broad deliberative legitimacy.

- *Decisiveness* – meaning that these first four elements are consequential in influencing the content of collective decisions.

A system with high deliberative capacity will feature authentic deliberation in the first four elements; it will be inclusive in the first two; and it will be 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.

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 a liberal; electoral blueprint can be avoided (Dryzek 2009: 1387). Deliberation may also be found in the crisis itself, e.g. in negotiations between old regime leaders and their opponents (Dryzek 2009: 1389).

Deliberative capacity is facilitated by a number of factors. The primary factor is the level of education, with the higher level of education having a tendency of broadening a person's horizons and thus increasing his or her inclination towards deliberation. The second factor he names is a shared language. This is based on Kymlicka's (2001) argument that democratic politics need to be in the vernacular as democracy across language groups can be problematic. The third factor conducive to deliberative capacity is electoral system design. Horowitz (2000) and Reilly (2001) 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 appeals requires politicians to cultivate reciprocity: to communicate in terms that voters from the other side can accept (Dryzek 2009: 1395).

In turn, among the obstructing factors for deliberative capacity is, for example, segmental autonomy because it provides no opportunity for members of different blocks to communicate with one another. Some divided societies feature ubiquitous and intense political talk but this should not be confused with deliberative capacity, if people interact only with like-minded others (Dryzek 2009: 1297) since enclave deliberation has a polarizing effect (Sunstein 2002).

4. Orange Revolution: Liberal Democratic Assessment

Democracy-promoting "colored 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 liberal notion of democracy. Second, they were conducted largely through the efforts of massive bottom up peoples' uprisings that were a basis for these revolutions' legitimacy.

The liberal conception of democracy as defined by Schumpeter (1962) sees alternative elections and pluralism as the only essentials of democracy. Alternatively, liberal democracy is viewed as a polyarchy, where several elite groups have access to the power struggle thereby ensuring competitiveness and the rotation of elites (Dahl 1972). Both 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 political process (Grugel 2002: 60-62).

Based on the abovementioned parameters the achievements of the Orange revolution are significant. A number of scholars, McFaul, Bunce and 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/Wolchik 2006: 289). In this sense Orange revolution is a successful electoral revolution because it reached its immediate goal: the conduction of free and fair elections. Moreover, the 2006 and 2007 parliamentary election that were held during the presidency of the Orange President Yuschenko 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 backlash and the Orange

revolution failure (Vorobyova 2009: 4). A high-profile analyst Sushko has even termed these developments the "Orange suicide" (Sushko 2005). In contrast to such a popular assessment, I find this "divorce" to be a normal development of the political process and in no way a sign of a democratic backlash. 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 liberal democratic perspective or a democratic perspective in general for that matter.

Further controversial critique expressed with respect to the Orange revolution was that it had failed to establish democracy once and for all, as the representative of the *ancien régime* Viktor Yanukovych became a 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 a proof of normal liberal competitive, pluralistic political process. Moreover, "once and for all" expectation that was persistent among the population, media and even part of the scholarly community is definitely at odds with deliberative democratic principles.

To summarize, from the liberal democratic point of view, the Orange revolution was impeccable. Yet in light of the differences of the views of democracy itself in political theory it is also important to assess how Orange revolution fits the deliberative democratic model.

5. Orange Revolution: Deliberative Democratic Assessment

In conducting this assessment I address the earlier discussed aspects that distinguish liberal and deliberative democracy and see to what extent the Orange revolution meets the deliberative standards as well.

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 massive people's uprising was an important historical precedent for contemporary Ukrainian society. Moreover, the revolutionary events have emphasized a different concept of the quality of democracy which was related to authenticity and substantive democratic control exercised by competent citizens.

Furthermore, after the Orange revolution the increase in the 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 are more prone to engage in political and social action than before when politics were perceived as a matter of politicians only. It is key that in the Orange revolution the possibility of opposition between the state and the public sphere became pronounced.

It is important that attitudes, interests and preferences of many revolution's 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 liberal expression of pre-existing individual interests. In particular, much of both formal and anecdotal evidence exists about the transformation of the previously apathetic citizen's into

the ones that also engaged in politics and more public-spirited. Yet the other potential outcome of transformatory participation – that is turning citizens into being more tolerant though the enlargement of their mentality – did not occur to the same extent due to the sharp differentiation between the opposing groups during the Orange revolution. Moreover, even the public-spiritedness disappeared soon after the revolution and apathetic citizens returned to the *status quo ante.* The reason for that is that the revolutionary public sphere participation was not very participatory. The entire process was centered on the personality of the political leader Yuschenko as well as the "goddess of revolution" Yulia Tymoshenko. As a result, when the opposition leaders turned into power-holders and started making mistakes the citizens became disenchanted not only these leaders but also in the entire revolution which were associated with these leaders in their minds.

Morality and Justice

Interestingly, at the core of Orange revolution as a phenomenon was a fundamentally moral discourse. Even though such moralization could well be a product of spin-doctors – it has obtained a wide support among the "consumers" (Amelchenko 2006: 64). Morality acted as an integrating force on Maidan, it represented a self-less value transcending beyond the economic utility. The approach to democracy among the population was value-based (Amelchenko 2006: 65). Such moral core, unprecedentedly strongly present in Ukrainian politics was a definite asset belonging to the area of deliberative democracy and necessary for its developments since deliberative democracy is a normative model and is grounded on a principle of good will.

Another important moral aspect is the "self-limiting" nature of the Orange revolution to use the term coined by Auer (2004) following the tradition of Arendtian and Burkian political thought. In his analysis of the CEE velvet revolutions 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).

As morality is intimately related to justice it also needs to be addressed. Since morality was at the core of the revolutionary rhetoric, the discourse of justice was equality central and this is a definite asset from the deliberative democratic perspective. On the other hand, however, this justice-talk was only based on the vision of the just by the majority, which was then presented as a universal idea of justice. Thus justice was present in the liberal format only, while the deliberative democratic requirement of justifying decisions through dialogue so that even the disadvantaged by this decision could accept it was not present in the Orange revolution. Thus while the Orange revolution leaders seemed to have deliberative democratic goals – such as cooperation, collective action (across groups) and promotion of justice (in its relational sense) – in mind, not much was done to introduce them in practice.

Solidarity and Inclusion

The Orange revolution has created a strong social solidarity among the adherents of the same political force. Such solidarity is beneficial from the perspective of deliberative democracy since is precludes extreme individualism and instead fosters cooperation and communication with the others about the matters of common future. On the other hand, the solidarity (or rather solidarities) that were creates was segmental: with people being cooperative with like-minded people and highly suspicious with respect to people from the other camp. In the words

of leading Ukrainian historian Hrycak (2007) 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 (2002) has taken place: as the two opposing camps have limited there 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 collapse of the Soviet Union has received citizenship and thus a right to vote. At the same time the lack of rhetorical inclusion can be seen as a significant shortcoming of the Orange revolution as people not do did not share the similar visions of cultural and foreign policy were not sees as proper Ukrainians by both groups.

From this that the Orange revolution represented a public space that combines two contradictory function in terms of its treatment of discourses. On the one had it was challenging the discourses produced by the oppressive state, but on the other it itself produced an oppressive discourse in terms of exclusion and misrecognition of a significant part of Ukraine's population.

Binary Thinking

The participants of the Orange Revolution viewed power(-holders) and (power) institutions through a binary opposition of "clean - dirty" or "moral - immoral". (Amelchenko 2006: 62). As one of the revolution supporters has put it: *"I don't know how to express this, but 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"* (Petrasiuk 2004). Behind such a dichotomous vision two processes were on-going: demonization of the opposite political force and moralization - up to sacralisation - of own candidate 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 canonization of own leader: *"Yanukovych – bandit, raper and venal"* – said some; *"Yuschenko – an American spy and a fascist"* – responded the others (Kniazhytskyi 2005, in Halchynskyi 2006: 51).

Pavlyuk (2005: 293) concludes that "public discourse of that period abounded in numerous expressions of polarizations: *"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 word of Russian political scientist Andrei Piontkovskii[4]: *"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"* (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 is problematic since consensus-seeking is difficult. Using such a wide brush may be justified 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 an opinion that such *"polarization is an evidence of*

[4] Can be found in *Postup* from 9-15 September 2004

democracy or at least a demonstration of some basic possibilities for democracy". While I agree that pluralism is indispensable, binary thinking and uncompromised polarization make the common democratic project development too difficult of a task.

Faith and Emotions

Importantly the binary myths were believed by the people, thus faith was to a significant extent behind the revolution (Kniazhytskyi 2005, in Halchynskyi 2006: 51). From the deliberative democratic perspective such non-pragmatic attitude is a poor ground for consensus, which according to Habermas is supposed to be grounded on reasonable arguments.

Emotional component of the Orange revolution events – was the one that fascinated both those on Maidan and those observing the revolutionary events in Ukraine and worldwide. It is this affective component that has stimulated unprecedented mass mobilization despite the freezing temperature and the threat of violence. Finally this emotional component has attracted the international media and created a massive boomerang effect in terms of the foreign countries response 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.

Difference-blindness

Presidential candidate and later President Yuschenko did not accept the otherness of the other in his rhetorical appeal both during the revolution and his public policy and thus was difference-blind. Although he declared to be the "President of the entire Ukraine" and "to serve for the good of all the people of Ukraine", he did not acknowledge the strikingly obvious fact that these people of Ukraine are very diverse and holding very districts values and attitudes. His rhetoric and actions on the post of a president addressed a number of culture and history related issues, such as the interpretations of the II Words War and struggle against Stalinism, the traditional Ukrainian culture, the language issue, the Cossack tradition and so on. Yet the decisions that he made were not justified in the terms that would be at least understandable to the part of population that did not share the same values and interpretation. He 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. As a result such policies 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.

As an illustration of the differences between the two candidates' constituencies the following data is telling. According to the Razumkov centre there are no holidays that would be shared by the East and the West in Ukraine – apart from Easter (Amelchenko 2006: 66). Thus the Victory Day is considered the most important in the East, while is marginal in the West. And Christmas is celebrated according to different calendars in the different parts of Ukraine.

This difference-blindness is of crucial significance given that due recognition is a vital need for a human being according to Taylor (1994) and Kymlicka (1991). Thus Taylor explains that a person or a group suffers if the society around them mirrors back to them a demeaning picture of themselves. Non-recognition or misrecognition inflicts harm, can be a form of

oppression, imprisoning someone in a false, distorted and reduced mode of being (Taylor 1994).

Similarly to Yuschenko, Halchynskyi elaborates on the non-technical function of the Orange Revolution in the following way: *"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). The question to be asked with respect to this is whether such representation of the Ukrainian people was indeed democratic and consolidatory of 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 – that is 44% of those who voted in the 2004 election – are not Ukrainians or Ukrainians that are not good enough.

Difference-blindness is connected to the concept of majority 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 population were divided over their preferences and visions of their preferred shared future. From this it is clear that the majority was conceived from the formally numerical perspective and even though this quantitative majority was only slightly higher than the almost equal in size minority it did not preclude identifying this majority with the nation overall.

From this it also follows that the kind of rationality used on Maidan was not relation, the principle of reciprocity was largely absent and the view of the other was either liberal – as a competitor – or outright paternalistic rather than the viewing the other in a deliberative democratic way as a person/group with whom consensus needs to be reached.

Finally, as the liberal concept of majority was in use, it did not result into 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.

***

Both the velvet and Orange revolutions advocated foremost a return to real political action, in Arendtian terms. Particularly, Ukraine was nominally a democratic state where the underpinning democratic ideals were neglected in practice by the officials. Thus, the Orange protest revolutionized the democratic institutions from within; it accentuated the importance of their normative meaning (Vorobyova 2009: 21). I can agree with such a conclusion; however, based on the provided discussion I find it also important to realize that the normative meaning that was returned was predominantly liberal.

6. Concluding Remarks

Findings

The Orange revolution had two functions to perform: first, to achieve democratic electoral results through the use of fair electoral procedure; and, second, to advance the level of societal consolidation around the common goal of building a common future. Based on the conducted

analysis I have no argument with an assessment that the first, technical, function was performed. Indeed, from the minimalist liberal point of view Orange revolution was an outstanding success.

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.

Vorobyova observes that the Orange revolutionaries intended to re-establish legitimacy of the 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 pubic administration). 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 programs in terms of comprehensive reforms (Vorobyova 2009: 22-23). Hence, she concludes, judging by its means, goals and scope, the Orange Revolution was less comprehensive than traditional revolutions (like French, Bolshevik or Chinese) but more normative and democratic in its 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 XX century but to the ideals of deliberative democratic polity. When looked from the latter perspective the Orange revolution does not look as democratic any more.

Having said that, I admit that it would have been hard to expect the Orange revolution to comply with the deliberative democratic criteria for two reasons. First, the Orange revolution was an event, while deliberation is rather a lengthy (if at all terminal) process. Second, it is logical to expect that for deliberative democracy to develop first liberal democracy needs to be in place. While such comments would be justified and well-grounded, I can suggest the following response to them.

Concerning the first point, while it is indeed impossible to develop a comprehensive deliberative space during a couple of weeks period – it is, however, possible to start doing that through at least an expression of due recognition, as well as show signs of intention to develop such space in the future public policy. Neither of these was done during the Orange revolution

As for the second point, it is possible to respond by referring to the deliberative democratic conception of the public sphere. Given that the illiberal (in the case of pre-Orange revolution Ukraine) state and the public sphere are distinct entities there is no logical impossibility for liberal and deliberative democratic spaces to develop in a parallel manner or even with the deliberative one preceding the formal liberal.

Finally, notwithstanding these possible critiques of my argument, I would like to suggest that even if deliberative democracy could not have been established during the Orange revolution it is not the reason for not raising these questions. The political assumption behind this paper is that conscious practical implementation of deliberative capacity components needs to be preceded by the realization that such components are lacking – and drawing attention to this fact in the context of Ukraine's Orange revolution was among the central goals of this paper.

Implications

The fact that Orange revolution did not comply with the deliberative democratic principles is not inconsequential. Its consequences lie in the areas of social cohesion, democracy and governance.

As a result of difference-blind approach that characterized the Orange revolution social cohesion has deteriorated in the Ukrainian society. While strong solidarities were created inside the electoral constituencies during the revolution, strong alienation has also developed between these communities. Dubynianskyi observed that as the authoritarian pro-Russian regime is being formed in Ukraine contemporary – part of society is resilient of it and the other part is 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 flavor to it – it would have solved the problem for many of the current opponents of the regime. Thus unlawful arrests, corrupted judges and media censorship are not being rejected by the population. It took Yanukovych only two months to demolish the liberal democratic achievements of the past five years, which is telling in terms of how poorly rooted these achievements were. He 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).

One of the consequences of the lack of deliberative capacity during the Orange revolution and under the presidency of Yuschenko may be the electoral revenge of Yanukovych in 2010. Moreover, the currently implemented reversal in the cultural and foreign policy of Ukraine also seems logical under the conditions that the Orange revolution and consequent policy did not gain broad legitimacy based on reflective acceptance of collective decisions by actors who have had a chance to participate in consequential deliberation.

Extensions

The framework of analysis developed in this paper is applicable to the assessment of other democratic transformation cases as well. In particular, it can be applied to Georgia's Rose revolution of 2003, Serbian revolution of 2000, velvet revolutions in the CEE of 1989.

The importance of such further research is emphasized by Dryzek, who state that to date the researchers have compared only developed liberal democracies, but it would be a straightforward matter to extend their analysis to other systems, in a research program on the institutional determinants of deliberative authenticity (Dryzek 2009: 1386).

He specifies that it is important to our eyes on the whole systems. Quantitative measures of deliberative authenticity can inform comparison, but they cannot tell the whole story. Thus Dryzek suggests that histories of the development or attenuation of deliberative capacity can be investigated, and comparative case study may be useful in locating the aspects of capacity present in one society but not in another (Dryzek 2009: 1388).

Recommendations

Based on this paper's analysis it is possible to derive several policy-relevant recommendations. First of all, it is clear that the deliberative capacity of a political system in general, and of a pro-democratic revolution in particular, is of a crucial importance. Therefore

democracy's deliberative aspects should not only be addressed by political theorists but also by policy practitioners. As an illustration of this point Halchynskyi observed that the 1994 crisis related to Crimean separatism in Ukraine was successfully resolved due to the moderate stand of President Kuchma (Halchynskyi 2005: 63), who has been using pragmatic and conciliatory rhetoric instead of emotional and nationalism-driven appeals. Similarly, Sasse argues that the peaceful outcome of Ukraine-Crimea relations up to date was tied to pragmatic attitudes on the part of Kyiv that was ready for lengthy and gradual bargaining over cultural and autonomy issues rather than launching a rapid nationalizing campaign (Sasse 2007: 8). Therefore, based on the theoretical underpinning, as well as on this historical experience the contested issues in contemporary Ukraine – such as NATO, EU or UES[5] membership – need not only to 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 deeper societal rift, revenge and regress in terms of both democracy and governance.

This conclusion is based on the understanding that deliberation is connected to consolidation of democracy. For Dahl (1989) consolidation of democracy consists of three parameters: 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.

It also needs to be acknowledged that there is an alternative point of view on the connection between deliberation and governance. Shapiro (1999), as well as Przeworski (Chambers 1996: 160) argue that as a result of deliberation people in fact realize how different they are which results into the acceleration of mutual hostility and societal radicalization, which is detrimental to both democracy and governance. In view of this criticism I agree that such an outcome is possible. Nevertheless, I also think that such outcome would be a result of a poorly designed deliberation process. With respect to this, Warren argues that in order to maintain the possibility of deliberation itself some things should not be said. The strategic interest behind deliberation is to have a discussion, while freedom and sincerity in this discussion are only beneficial to some extent. Some kinds of speech-acts (like hate speech) act as conversation stoppers and thus close off the opportunity for further communication. Thus all kinds of voices have to be allowed as long as the illocutionary force behind them enables further communication through demonstration of the due respect (Warren 2006).

Given that designing a proper deliberative procedure is not an easy task – it cannot be recommend for frequent use. As Dryzek has put it, deliberation is a demanding activity, and it is certainly not for all the people at all time; yet, he continues, it might be for most people some of the time (Dryzek 2009: 1399).

The particular forms in which the deliberative capacity can be increased in the case of Ukraine are rhetorical and institutional. Rhetorical tools refer to the kinds of discourses promoted though politics, history accounts and media. According to Amelchenko many national idea creators in Ukraine do not take into account that such issues as language, WWII, 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 a personality. Frequently historians, language scholars and philosophers conduct existential murder against their own co-citizens through their interpretation of the history of Ukraine in terms of the holy war with the enemies of independence represented by communism and

[5] United Economic Space – economic alliance centered around Russia.

Russia. Instead, there is a need for such a national integration project that would not be grounded on the mythical past, but would transcend those things (Amelchenko 2006: 67).

In turn, the institutional structures that could benefit the development of deliberative capacity in Ukraine are those that would help to reduce alienation between constituencies. Primarily this could be achieved through the formation of a centrist party, which at the moment is non-existent in Ukraine. Second, it is advisable to stimulate the party system development based on centripetal principles, for example by returning to the mixed electoral system instead of a recently introduced proportional system.

Finally, Dryzek (2005) stresses that to solve the problems of deep division interactive forums concerned with concrete needs and problems are necessary. 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 reason for it, but rather an agreement to which all sides can reflectively assent – if for different reasons (including 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/Niemeyer 2006: 639-640). The absence of such recognition means that political 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. Meta-consensus has force in structuring interdivisional political interactions of the degree that is reflectively accepted by key political actors; for that deliberation is needed (Dryzek 2009: 1392).

Bibliography

AMELCHENKO, Natalia. (2006) "The Problem of Social Integration in Ukraine in the Context of Understanding the Orange Revolution" in *On the Other Side of Understanding. Ukraine and Europe after the Orange Revolution.* Kyiv: Atika. pp. 61-72.

AUER, Stefan. (2004) "The Paradoxes of the Revolutions of 1989 in Central Europe", in *Critical Horizons,* Vol. 4, No. 1-2, pp. 331-360.

BENHABIB, Seyla (1996) "Towards a Deliberative Model of Democratic Legitimacy", in S. Benhabib (ed.) *Democracy and Difference,* Princeton UP.

BOHMAN, James (1996) *Public Deliberation: Pluralism, Complexity and Democracy*, Cambridge, MA: MIT Press.

BUNCE, Valerie J. and WOLCHIK, Sharon L. "International Diffusion and Postcommunist Electoral Revolutions," in *Communist and Post-Communist Studies* 2006, Vol. 39, pp. 283-304.

CHAMBERS, Simone (1996) *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse,* Ithaca, N.Y.: Cornell UP.

COHEN, Joshua (1996) "Procedure and Substance in Deliberative Democracy" in Seyla Benhabib (ed.) *Democracy and Difference*, Princeton UP.

DAHL, Robert (1989) *Democracy and Its Critics*, London.

DAHL, Robert A. (1972) *Polyarchy: Participation and Opposition*, Yale UP.

DRYZEK, John (2000) *Deliberative Democracy and Beyond: Liberals, Critics, Contestations,* Oxford, UK: Oxford UP.

DRYZEK, John (2005) "Deliberative Democracy in Divided Societies", *Political Theory* 33: 218-242.

DRYZEK, John (2009) "Democratization as Deliberative Capacity Building", *Comparative Political Studies* 42: 11, pp. 1379-1402.

DRYZEK, John and NIEMEYER, S. (2006) "Reconciling Pluralism and Consensus as political Ideas", *AJPS* 50: 639-640.

DUBYNIANSKYI, Mykhailo (2010) "Proschannia z Demokratiyeyu" (Farewell to Democracy), *Ukrayinska Pravda*, http://www.pravda.com.ua/articles/2010/05/14/5040462/

GRUGEL, Jean (2002) *Democratization: a Critical Introduction.* London: Palgrave.

GUTMAN, Amy and Dennis THOMPSON (1996) *Democracy and Disagreement*, Cambridge, Mass.: Belknap Press of Harvard UP.

HALCHYNSKYI, Anatolii. (2005). *Pomarancheva Revoliutsiya I Nova Vlada* (Orange Revolution and the New Power), Kyiv: Lybid.

HOROWITZ, Donald (2000) *Ethnic Groups in Conflict*, 2nd edition, Berkeley: University of California Press.

HRYCAK, Yaroslav (2007) "Paradoksy Natsionalnoyi Identychnosti (Paradoxes of National Identity)", in *Den*, №178, Thusrsday, October 18th.

KNIAZHYTSKYI, M. (2005) "Revoliutsiya – tse Zmina Pryntsypiv, a ne Kolioriv", *Den'*, January 28.

KYMLICKA, Will (1991) *Liberalism, Community and Culture*, Oxford University Press.

KYMLICKA, Will (2001) *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, Oxford University Press.

PETRASIUK, V. (2004) "Boyusia Nashkodyty Yushchenkovi Svoyimy Komentariamy", *Gazeta 2000*, November 12; quotes in Amelchenko, Natalia. (2006) "The Problem of Social Integration in Ukraine in the Context of Understanding the Orange Revolution," in *On the Other Side of Understanding. Ukraine and Europe after the Orange Revolution*, Kyiv: Atika.

REILLY, Benjamin (2001) *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, Cambridge: Cambridge UP.

SALNYKOVA, Anastasiya (2006) *The Orange Revolution: A Case Study of Democratic Transition in Ukraine* (MA Thesis, Department of Political Science, Simon Fraser University, Burnaby, B.C., Canada).

SASSE, Gwendolyn (2007) *The Crimea Question: Identity, Transition and Conflict*, Cambridge UP.

SCHOTKINA, K. (2004) "Liniya Hrikha", *Dzherkalo Tyzhnia*, No. 49; quotes in Amelchenko, Natalia. (2006) "The Problem of Social Integration in Ukraine in the Context of Understanding the Orange Revolution," in *On the Other Side of Understanding. Ukraine and Europe after the Orange Revolution*, Kyiv: Atika.

SCHUMPETER, Joseph A. (1962) *Capitalism, Socialism and Democracy*, 3rd edition, Harper Torchbooks, New York.

SHAPIRO, Ian. 1999. "Enough of Deliberation", in Stephen Macedo (ed.) *Deliberative Politics.* NY: Oxford UP, pp. 28- 36.

SUNSTEIN, Cass R. (2002) "The Law of Group Polarization," *The Journal of Political Philosophy.* 10, 2.

SUSHKO, Oleksandr (2005) *The Orange Suicide*, Ukrayinska Pravda, http://pravda.com.ua/news_print/2005/9/19/33617.htm (accessed September 19, 2005)

TAYLOR, Charles (1994) "The Politics of Recognition", in Amy Gutman (ed.) *Multiculturalism: Examining the Politics of Recognition*, Princeton UP, pp. 25-73.

VOROBYOVA, Anna (2009) *Will the Colours Fade? The Successes and Failures After the Orange Revolution in Ukraine*, Master thesis, Simon Fraser University.

WARREN, Mark E. (2006) "What Should and Should Not Be Said: Deliberating Sensitive Issues", *Journal of Social Philosophy* 37: 2 (Summer): 165-183.

YOUNG, Iris Marion (2000) *Inclusion and Democracy*, London, NY: Oxford UP.