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The Social and Economic Problems of Cross-border Affairs in Central and East Europe: Case Study of the Polish-Ukrainian Cooperation

Problemy społeczno-ekonomiczne w stosunkach transgranicznych w Europie Środkowej i Wschodniej: Przykład współpracy polsko-ukraińskiej

Соціально-економічні проблеми транскордонних відносин у Центральній-Східній Європі: приклад польсько-української співпраці

Summary

The development of cross-border cooperation is an effective factor in overcoming of the social and economic problems caused by the presence of the Polish-Ukrainian border. Regardless of the level of economic development, the border areas and frontier territories of any state remain at the periphery of its economic priorities. Business tends to the capital, large economic and logistic centers, while in the peripheral regions, the structure of the economy is objectively deformed with depressive trends, which is the result of objective processes in a competitive market economy. The Polish-Ukrainian border has a number of specific features that are not inherent in other regions. Existing borders were formed only in the middle of the 20th century and cross-border cooperation aimed at preserving and restoring Ukrainian and Polish cultural heritage and supporting the development of transboundary economic forms would help to overcome the existing problems of the border areas.

Keywords: transborder cooperation, Polish-Ukrainian cooperation, cross-border affairs, socio-economic problems.

Streszczenie

Skutecznym czynnikiem w przewyżczeniu społecznych i ekonomicznych problemów związanych z istnieniem granicy polsko-ukraińskiej jest rozwój współpracy transgranicznej. Niezależnie od poziomu rozwoju gospodarczego obszary przygraniczne w każdym państwie pozostają na

obrzeżach jego priorytetów gospodarczych. Biznes dąży do stolic, głównych ośrodków gospodarczych i logistycznych oraz na obszarach peryferyjnych obiektywnie deformuje się struktura gospodarki, pojawiają się tendencje depresywne, co jest wynikiem obiektywnych procesów w konkurencyjnej gospodarce rynkowej. Granica polsko-ukraińska ma wiele specyficznych cech. Istniejące granice powstały tylko w połowie 20. wieku i dlatego współpraca transgraniczna oparta na zachowanie i przywrócenie ukraińskiego i polskiego dziedzictwa kulturowego oraz wspieranie rozwoju transgranicznych form ekonomicznych może przyczynić się do przezwyciężenia istniejących problemów pogranicza.

Słowa kluczowe: współpraca transgraniczna, polsko-ukraińska współpraca, stosunki transgraniczne, problemy społeczno-ekonomiczne.

Анотація

Дієвим чинником подолання суспільних та економічних проблем, породжених існуванням польсько-українського кордону є розвиток транскордонного співробітництва. Незалежно від рівня економічного розвитку прикордонні території у будь-якій державі залишаються на периферії її економічних пріоритетів. Бізнес тяжіє до столиці, великих економічних та логістичних центрів, а у периферійних районах об'єктивно деформується структура господарства, формуються депресивні тенденції що це є результатом об'єктивних процесів у конкурентній ринковій економіці. Польсько-український кордон має ряд специфічних особливостей не притаманних іншим регіонам. Існуючі кордони сформувались лише в середині 20-го століття і транскордонне співробітництво, орієнтоване на збереження та відновлення української та польської культурної спадщини та підтримку розвитку транскордонних господарських форм сприятиме подоланню існуючих проблем прикордонних територій.

Ключові слова: транскордонна співпраця, польсько-українська співпраця, транскордонні відносини, соціально-економічні проблеми.

Introduction

The frontier territories of any state, regardless of the level of its social and economic development, are at the periphery of its economic priorities. Business gravitates towards the capital, the major economic and logistic centers; this represents a result of objective processes of competitive market economy. The peripheral districts possess objectively deformed economic structure with depressive trends, which entail the constant need of economic dotation to mitigate the

negative occurrences. The development of cross-border cooperation is an effective factor for overcoming social economic problems caused by the existence of the border.

The social and economic problems of transboundary territories have been studied by many researchers, such as Dawid Błaszczak, Agnieszka Drewniak, Sławomir Partycki,¹ Jolita Greblikaitė, Joanna Kurowska-Pysz,² Sylwia Dołzblasz,³ **Khrystyna Fogel**,⁴ Jack Laurensen⁵ etc.

In this article we have tried to show the historical background of the formation of Polish-Ukrainian borders and cross-border cooperation, to analyze the practice of legal regulation of such cooperation in the European Union, to identify and explore the positive and negative effects of cross-border cooperation on the socio-economic development of the transboundary territories.

1. The background of Polish-Ukrainian cross-border cooperation

The present-day Europe is the result of the long-term development and transformation of states from historical communities to national states. This was supported by the industrial revolution and the ideas of the French revolution, which took on the capitalist principles of economy organization, free market, the need to weaken the role of monarchies, the establishment of democratic institutions. The Spring of Nations created the foundations of a new Europe, a community of nation-states, which was formed as a result of the collapse of major European empires, primarily Austro-Hungarian and Russian. New national boundaries divided old historical, cultural, and economic communities.

The establishment of European borders after the end of World War II had an arbitrary character. The process of establishing new borders has become a humanitarian catastrophe for some of the places. For instance, Belz, one of the oldest Western Ukrainian cities, the capital of the medieval Belz principality, has no indigenous population that could preserve historical memory and traditions. Jews, Ukrainians and Poles lived in Belz before the War. In 1939, almost all the Jews left the city following the Red Army (according to the Treaty of Non-Aggression and the Border between the USSR and Germany in 1939). The Jews who stayed in the city were killed by the Germans in 1942. In 1944 Belz became a Polish town, and all Ukrainians were resettled from the city in 1947 during Operation Vistula. In 1951, in accordance with the "Agreement between Poland and Union of Soviet Socialist Republic concerning the exchange

¹ S. Partycki, A. Drewniak, D. Błaszczak, *Polish-Ukrainian projects as a source of solving the socioeconomic inequalities of the border regions*, „Вісник Харківського національного університету імені В.Н. Каразіна”, серія „Соціологічні дослідження сучасного суспільства: методологія, теорія, методи”, 2017 вип. 39 с. 175-182.

² J. Kurowska-Pysz, J. Greblikaitė, *The Polish-Slovak cross-border cooperation in the sphere of culture: the case study analysis*, „Cultural Management: Science and Education”, 2017 vol. 1, no. 1, <https://www.logos-verlag.de/PDFS/6-CMSE-1-1.pdf> [10.04.2018]

³ S. Dołzblasz, *A network approach to transborder cooperation studies as exemplified by Poland's eastern border*, „Geographia Polonica”, 2018 vol. 91, iss. 1, p. 63-76.

⁴ Kh. Fogel, *The impact of migration and visa policy of the EU on the development of cross-border cooperation in field of tourism between Ukraine and Poland*, „Agency of European Innovations”, [https://www.dropbox.com/s/a1q81hymv5w46ll/the impact of migration and visa policy of the eu on the development of cross.pdf?dl=0](https://www.dropbox.com/s/a1q81hymv5w46ll/the%20impact%20of%20migration%20and%20visa%20policy%20of%20the%20eu%20on%20the%20development%20of%20cross.pdf?dl=0) [18.06.2018]

⁵ J. Laurensen, *On Trade and Security, Ukrainian-Polish Ties Deepen*, „Ukraine Business Journal”, <https://theubj.com/news/view/on-trade-and-security-ukrainian-polish-ties-deepen> [12.07.2018]

of sectors of their State territories” of 15 February 1951, Belz was transferred to the USSR, and all Poles living there were resettled to Poland. In 1952, Belz was populated by persons moved mainly from the East of the Ukrainian SSR.⁶

The development of international cooperation of the regions is one of the driving forces of European integration processes and one of the features of modern Europe, an important contribution to strengthening democratic and political stability, economic, ecological, social and cultural development. Significant results of such cooperation have been achieved in those areas in which the regions have advantages: in the creation of regional development projects, environmental protection, science, culture, etc.

Apart from bilateral cooperation there can be trilateral or multilateral cooperation (such as Poland-Belarus-Ukraine) in spatially adjacent territories, including those separated by the sea.

Though implemented at the regional level, cross-border cooperation is a sphere of foreign policy, international economy, ecological, scientific, educational, cultural and other types of international activities. Its distinctive feature is that it is happening at the border, and this entail certain problems: the need to share inseparable environmental resources, man-made and environmental pressures on the common environment, greater personal and family ties on both sides of the border, the specific nature of the service sector and roadside infrastructure.

The basis of cross-border cooperation is the search for economic and legal mechanisms for the creation of both informal ties and contractual relations at the border regions with the purpose of solving similar problems.

Real results can be achieved if priorities and agreed development plans for certain specific activities are identified in the process of cooperation between the border regions. The goal of Ukraine-Poland cross-border cooperation should be preservation and restoration of Ukrainian, Polish, and Jewish historical and cultural heritage, support for the entrepreneurship and cross-border infrastructure. The effectiveness of this cooperation depends on the effective interaction among all social groups and self-government bodies. In fact, such an approach should be implemented within the framework of the Poland-Belarus-Ukraine 2014-2020 Program.

2. The legal regulation of cross-border cooperation in the EU

The cross-border cooperation is based mainly on the *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities* signed in Madrid on 21 May 1980 and often referred to as the “*Madrid Convention*”. Article 2 of the Convention defines cross-border cooperation as “any concerted action designed to reinforce and foster neighborly relations between territorial communities for authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any

⁶ Sokal District State Administration: official website, <http://www.sokal-rda.gov.ua/main.html> [10.05.2018].

agreement and arrangement necessary for this purpose”.⁷ The purpose of cross-border cooperation is overcoming the limitations caused by state borders and development of cooperation between public authorities of the neighboring countries and non-governmental organizations in order to implement socio-economic projects together.

Another important document underpinning cross-border cooperation is the *European Charter of Local Self-Government*, which was signed in Strasbourg on 15 October 1985 and became effective on 1 September 1988. The main idea of the Charter is decentralization of power by means of the subsidiarity principle, i.e. solving particular issues at the level of government which is the closest to everyday needs of the population. The higher administrative bodies should take on particular issues only if solving them by the local administration would be either ineffective or impossible. The document defines the political and economic rights of the local administration, asserts its independence, and protects citizens from power abuse by the central government.⁸

The legal provisions defined in these documents became the foundation of the later treaties, statutes, and agreements on the main principles of cross-border cooperation between territorial communities or local administrations.

Cross-border cooperation is also financially supported by the EU. Namely, in 2014-2020 the European neighborhood policy is funded within the *European Neighborhood Instrument* (ENI); it is the successor of the *European Neighborhood and Partnership Instrument* (ENPI), which had existed since 2007. The general budget of the European Neighborhood Instrument for 7 years is 15.4 billion euros (measured in 2014 euros).⁹

The EU neighborhood policy priorities were clearly defined in 2011; these priorities are supported from the budget of the European Neighborhood Instrument. They include: human rights, state of law, democratization of society, establishing of civic society, sustainable development, gradual integration with the EU internal market, personal mobility, regional cooperation, and especially cross-border cooperation.¹⁰

Cross-border cooperation is a constituent part of international cooperation of neighboring countries at the local or regional level. It is important to understand that cross-border co-operation: (1) does not encroach on the state’s external policy, sovereignty and territorial integrity; (2) is not an instrument providing the local administration with broader authority than is provided by the national law, and does not intend to create supranational forms of territorial administration.

⁷ The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, Madrid, 21 May 1980, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680078b0c> [04.06.2018]

⁸ European Charter of Local Self-Government and explanatory report. Council of Europe Publishing, Strasbourg 2010, http://www.coe.int/t/congress/sessions/18/Source/CharteEuropeenne_en.pdf [04.06.2018]

⁹ European Neighborhood Instrument, „EU Regional Policy”, http://ec.europa.eu/regional_policy/en/policy/what/glossary/e/european-neighborhood-investment [04.06.2018]

¹⁰ European Neighborhood Instrument, „EU Regional Policy”, http://ec.europa.eu/regional_policy/en/policy/what/glossary/e/european-neighborhood-investment [04.06.2018]

The Madrid Convention is intended to support bilateral cooperation between local administrations and non-governmental organizations, rather than between governmental bodies. Local administrations can act strictly within their authority, in accordance with the national law and international obligations of their state.

3. Problems of border transparency in Central and Eastern Europe

Cross-border cooperation is aimed at overcoming the negative effects of the existence of borders, in particular:

- a. administrative and bureaucratic barriers between neighboring countries;
- b. political obstacles to cross-border cooperation;
- c. negative stereotypes and prejudices on both sides of the border;
- d. insufficient social, cultural and economic infrastructure on both sides of the border.

Tomasz Komornitsky, a well-known researcher of the state border issues, notes: “With some simplification, we can agree that in Europe the borders had (and still have) three main functions understandable to all:

1. military function (a barrier to foreign military aggression);
2. economic function (a barrier to the free movement of goods),
3. public function (barrier to the free movement of persons)”¹¹

Until the beginning of the 1990s, the military function was dominant, especially at the borders between the member states of the North Atlantic Alliance (NATO) and the member states of the Warsaw Pact. This military function was especially noticeable in the times of Cold War, when the borders between the countries of the communist bloc and the West have become an extreme form of the Iron Curtain. The economic function was carried out centrally, and the social function was either substantially limited (in all countries of the communist bloc), or de facto did not exist at all (in the USSR, China, Cuba). A good example of this was the “Berlin Wall” – the border between the GDR and West Berlin.

The economic interests of countries have been turned towards those neighbor countries which had less strong barriers at the borders. The neighboring countries with similar ideology were getting closer to each other by reducing the military. This is how the European Coal and Steel Community was created in Western Europe in 1951, the European Community of Nuclear Energy in 1955, and the European Economic Community in 1957. At the same time, the countries controlled by the USSR established the Council for Mutual Economic Assistance in 1949, and in 1955 they signed a military and political Warsaw Treaty, formally the Treaty of Friendship, Cooperation and Mutual Assistance.

¹¹ T. Komornicki, *Granice Polski. Analiza zmian przenikalności w latach 1990-1996*. Instytut Geografii i Przestrzennego Zagospodarowania PAN, Warszawa 1999, s.25. - 347 s.

The collapse of the communist bloc, the unification of Germany, the collapse of the Soviet Union destroyed the Iron Curtain and created the preconditions for softening (or eliminating) the barriers on the European borders. The propagation of the EU to the East and deepening of the integration processes have turned internal borders between the EU member states into nominal ones and it strengthened the external borders of the European Union.

Barriers are gradually disappearing in the relations between Ukraine and the EU member states. In 2014, the *“Agreement on Association between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States on the other hand”* was signed, which became effective on 1 September 2017. On 11 May 2017, the Council of Ministers of the European Union approved the final decision to grant Ukrainians the right to visa-free travel to the European Union countries that belong to the Schengen zone (except Great Britain and Ireland), and to four non-EU countries, that are part of the Schengen zone – Iceland, Liechtenstein, Norway and Switzerland.¹²

The position of a particular region in world economy is defined by its resources: natural, climatic, and acquired – human, cultural, and industrial. Readiness for cross-border co-operation can also influence the development of small and medium enterprises – either positively or negatively.

Cross-border cooperation relies on national legislation, administrative and economic measures intended to distribute productive factors rationally and ensure equality of the quality of life. This part of real politics of the state touches upon the most important industries, labor market, services, tourism business, etc. The types and directions of cross-border cooperation of states are outlined in the *Madrid Convention* of 1980.¹³

The main purpose of regional state policy in the field of cross-border cooperation is eliminating drastic social and economic disproportions between the frontier regions of the neighboring states. The cooperation gradually changes the spatial distribution of economic activity and employment.

Spatial development of the country’s economy requires implementation of a number of national infrastructure projects. The well-developed infrastructure enables to draw businesses to the least developed peripheral regions, stimulates investments and creation of jobs, and thus constitutes a factor of economic development.

The countries of Europe differ in the intensity of cross-border cooperation, which depends on the policy of a particular country, and the possibility to mutually satisfy needs of the frontier territories by providing raw materials, goods, and services.

¹² Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Ukraine, of the other part, http://zakon5.rada.gov.ua/laws/show/984_011 [18.06.2018]

¹³ The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, Madrid, 21 May 1980, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680078b0c> [04.06.2018]

The Madrid Convention pays special attention to strengthening of the regional component of the international cooperation of the countries of Europe in order to solve the issues of economic, social, and cultural development of regions and frontier territories, and reinforce neighborly relations between territorial communities.

In the context of border transparency the states can consider the issues of opening new crossing points for motor vehicles and goods, development of border infrastructure, etc. This should contribute to direct business relations between Polish and Ukrainian businesses.

4. Specific features and economic consequences of cross-border trade for the trans-boundary territories

The development of cross-border trade contributes to economic growth at the frontier region. The driving force of such development is the difference in price levels and price ratios for consumer and industrial goods in the neighboring states. Another factor that contributes to cross-border cooperation is establishing contacts between the regional branches of Chambers of Trade and Commerce, business support centers, organizations for manufacturers and entrepreneurs, participation in exhibitions and fairs.

The long-forgotten traditional trade routes from East (Arab East, primarily) to Europe used to cross the modern-day Polish-Ukrainian border in the directions of Volodymyr Volynskiy – Belz – Przemysl and Lviv - Przemysl. In other words, these modern-day cities are situated along the historical trade routes. Cross-border cooperation can become a powerful instrument for restoration of traditional land transport corridors. Taking into account the historical experience of Lviv and Przemysl, it is necessary to consider a major cross-border project – creation of a center for transport and logistics (a “dry port”) on the EU border in order to facilitate trade with eastern countries. Implementation of such a project would ensure development of cross-border trade and draw attention of international investors; this, in turn, would positively influence well-being of the frontier territories and create additional opportunities for processing and service companies.

The Ukrainian-Polish cross-border cooperation should take into account the specific conditions of this frontier region, which make it different from any other. The existing border was established in the middle of XX century; the historical memory of cultural and economic forms, which existed here before WWII, is not fully lost and thus can be used.

The analysis of extra-European experience shows that in the majority of developing countries the frontier regions are involved in international trade; their development was encouraged by creation of special economic and trade zones at the territories close to the border crossings, sea ports, airports, and near international transport corridors.

The expansion of EU had important consequences for Ukraine. First of all, this increased the resource and consumer potential of the European Union, because its territory has increased by 1/3, while the common consumer market is about 500 million consumers. Poland's

integration to the EU in 2004 impacted its institutions, business and economic policy. Having joined the common trade policy of the EU Poland introduced new tariff and non-tariff trade barriers in the trade with third countries, stricter control at the Eastern border, which is obviously intended to stop smuggling of excise goods and decrease the flow of illegal labor migration from the territory of Ukraine. Ukraine's imperfect economic legislation, bureaucratic obstacles and corruption in the government, insufficient experience of market relations, and "uncivilized" business are among the many unfavorable conditions that hinder development of the official bilateral trade and contribute to the growth of smuggling and corruption involved in the external trade.

According to the official statistics, Poland is currently at the third place in total external trade balance of Lviv region. However, in order to understand the real situation, we also need to take into account the external trade operations that are not reflected in those statistics. This share is often referred to as "shade economy". In order to assess this issue, the economists use different sources and methods; according to them, the actual volume of trade is at least twice as large as in the official statistics. Nevertheless, it is difficult to name any exact numbers for the "shade economy", especially when it comes to cross-border trade between Lviv region and Poland.

We can distill three flows of goods between Lviv region and Poland:

- a. official trade;
- b. cross-border "shuttle trade";
- c. large-scale "unofficial trade" (smuggling).

Poland is the main trade partner of Lviv region. After EU expansion in May 2004 the frontier regions of Ukraine that border on Poland got a competitive advantage related to the possibility of cross-border trade, cooperation and unique neighborhood conditions with the biggest integrated economic structure. At the same time, the principle and modus operandi of the Ukrainian-Polish trade changed – this has to do mainly with the institutional sphere. In this context it is important to find new instruments and mechanisms that would help to transform the problems related to the expansion of the EU, and make the use of advantages and opportunities for Ukraine, strengthen national security and develop cross-border and regional cooperation. The further increase of external trade in the frontier regions of Ukraine and the use of advantages resulting from bordering on the EU will depend on development of institutional infrastructure and dynamics of structural reforms in the field of Ukraine's external trade with the EU countries.

The greatest population group impacted by the visa regime with Poland were the inhabitants of the frontier area involved in the so-called "shuttle trade". By our estimates, the number of people involved in "shuttle trade" can be anywhere between 100,000 and 200,000, the majority of them living in the Ukrainian frontier districts near the Polish border. There is a misconception that the economic effect of "shuttle trade" is of minor importance for the frontier regions of Ukraine. According to our estimates, this effect comprises at least 625 mln

USD per year. Surprisingly, even the visa regime didn't have much effect on many citizens involved in this business. Currently they are using opportunities created by the so-called "small cross-border movement".

Large-scale "unofficial trade" was not directly influenced by Poland's accession to the EU. At least 40% of goods imported from Poland are in this category: more often than not these goods are registered at the Polish customs with the intention to reclaim VAT, but not custom cleared with the Ukrainian customs. This conclusion can be drawn from analysis of balance of the foreign trade between Lviv region and Poland (see Table 1). According to some estimates, the official trade will also remain mostly uninfluenced in the nearest future. It is expected, that the percentage of legal trade will increase, while smuggling is going to decrease.

Table 1. Trade in goods of Lviv region with Poland in 2000-2017, in thousands of USD¹⁴

Year	Import of goods, in thousands of USD	Share in the total volume of foreign trade in the Lviv region, %	Export of goods, in thousands of USD	Share in the total volume of foreign trade in the Lviv region, %	Balance of foreign trade, in thousands of USD
2000	47,916.5	12.2	20,591.3	7.0	-27,325.2
2001	100,573.2	13.0	35,875.5	12.4	-64,697.7
2002	103,443.7	9.8	44,858.8	13.1	-58,584.9
2003	130,773.7	4.4	59,096.8	12.0	-71,676.9
2004	138,941.9	12.3	63,557.4	10.0	-75,384.5
2005	212,794.5	22.8	49,172.3	7.9	-163,622.2
2006	265,954.2	23.8	76,809.4	9.5	-189,144.8
2007	355,011.6	24.1	129,240.4	12.5	-225,771.2
2008	732,350.3	28.5	118,326.9	11.9	-614,023.4
2009	510,418.7	31.5	125,947.8	15.9	-384,470.9
2010	608,591.7	30.0	175,489.2	18.0	-433,102.5
2011	647,885.4	20.2	229,011.6	19.1	-418,873.8
2012	761,193.3	22.6	225,555.7	16.8	-535,637.6
2013	762,368.3	28.7	326,817.0	25.3	-435,551.3
2014	554,986.7	22.5	310,330.0	23.8	-244,656.7
2015	353,435.2	24.4	265,918.1	22.0	-87,517.1
2016	458,874.4	27.0	317,580.6	24.9	-141,293.8
2017	571,000.6	26.2	438,965.5	27.7	-132,035.1
2004-2017*	6,423,388.0	—	2,535,141.3	—	-3,888,246.6

Source: based on the data published by the Main Statistical Office in Lviv Region, <http://www.lv.ukrstat.gov.ua> [23.06.2018]

* for the period of Poland's membership in the EU.

¹⁴ The Main Statistical Office in Lviv Region, <http://www.lv.ukrstat.gov.ua> [23.06.2018]

Along with stable growth of goods turnover, Ukraine's balance of foreign trade with Poland is deteriorating. The same can be said about the trade between Lviv region and Poland after Poland joined the EU. In 2004-2017 the total balance of the region's foreign trade is negative, -3,888 mln USD. It is necessary to mention that numbers could be even worse if we had a correct estimate of illegal import happening over the Ukrainian-Polish border. There are considerable differences in the official estimates of the bilateral trade between Poland and Ukraine.

As a result of the increase of bilateral trade, since the beginning of 2006 Poland became the main trade partner of Lviv region, leaving behind the traditional leaders, Germany and the Russian Federation. In 2017 in the external trade of Lviv region Poland comprised 27.7% of export and 26.2% import. The second place belongs to Germany (12.4% and 17.5%, respectively), and the third one – to Czech Republic (6.9% and 3.5%).¹⁵ In 2017, the share of Lviv region in the export of goods from Ukraine to Poland was 16.11%, in the import of goods – 16.53%¹⁶ (see Table 2)

Table 2. The share of Lviv region in the volume of foreign trade of goods from Ukraine to Poland in 2000-2017¹⁷

	Years				
	2000	2005	2010	2015	2017
Export					
Ukraine, in thousands of USD	497,434.5*	1,010,916.2	1,787,225.2	1,977,329.6	2,724,589.7
Lviv region, in thousands of USD	20,591.3	49,172.3	175,489.2	265,918.1	438,965.5
The share of Lviv region in the export of goods from Ukraine to Poland, %	4.14	4.86	9.82	13.45	16.11
Import					
Ukraine, in thousands of USD	450,835.7*	1,406,678.4	2,788,809.6	2,324,048.2	3,453,816.5
Lviv region, in thousands of USD	47,916.5	212,794.5	608,591.7	353,435.2	571,000.6
The share of Lviv region in the import of goods from Ukraine to Poland, %	10.63	15.13	21.82	15.21	16.53

Sources: State Statistics Service of Ukraine <http://www.ukrstat.gov.ua/>; Main Statistical Office in Lviv region <http://www.lv.ukrstat.gov.ua> [23.06.2018]

* - data for 2001

¹⁵ The Main Statistical Office in Lviv Region, <http://www.lv.ukrstat.gov.ua> [23.06.2018]

¹⁶ State Statistics Service of Ukraine <http://www.ukrstat.gov.ua/>; Main Statistical Office in Lviv region <http://www.lv.ukrstat.gov.ua> [23.06.2018]

¹⁷ State Statistics Service of Ukraine <http://www.ukrstat.gov.ua/>; Main Statistical Office in Lviv region <http://www.lv.ukrstat.gov.ua> [23.06.2018]

An important characteristic of bilateral trade relations is commodity composition, which currently can be described as ineffective and inexpedient. The Ukrainian export to Poland consists primarily of raw commodities, while Poland exports advanced goods.

Keeping in mind the fact that 60% of Polish import to Lviv region is not tracked by the State Customs Service of Ukraine, we can assume that at least 50% consumer goods in Lviv region are of Polish origin. In other words, Poland has a powerful influence on the structure of the consumer market of Lviv region, in particular the following categories:

1. Food products (meat, viscera, sugar, confectionery, vegetables, fruits, hard pressed cheeses, etc.);
2. Construction materials and plumbing fixtures;
3. Furniture;
4. Clothes, footwear, etc.

The demand for Polish goods has defined the structure of consumer market of Lviv region. Over time, Polish goods started to be stereotypically perceived as goods of high quality, manufactured in accordance with EU standards. However, this stereotype holds only for the “shuttle trade” goods manufactured for the European Union. As for the goods in the “official trade” and “high-scale unofficial trade”, the public opinion tends to see them as goods of lower quality, which do not meet the EU requirements and are manufactured for Eastern Europe and Ukraine in particular.

The growth of import in Lviv region contributes to the growth of manufacturing and employment in Poland; it depends on real income of the population of Lviv region. The growth of import from Poland to Lviv region can be explained by the growth of manufacturing, which enriches the import offer for Ukraine; on the other hand, the real income of the local population is growing, while the production of consumer goods in the region is not fast enough. This can be proven by the fact that the majority of goods imported from Poland are intended for end use – these are not intermediate goods or raw materials for industrial use.

Conclusions

The development of Polish-Ukrainian cross-border cooperation has a number of specific features that make it different from other regions. First and foremost, the existing border was established in the middle of the XX century, and the historical memory of the cultural and economic features that existed here before World War II is not fully lost yet. The purpose of the Polish-Ukrainian cross-border cooperation should consist in preservation and restoration of the Polish, Ukrainian, and Jewish historical heritage, the support of cross-border business infrastructure development, which in turn can contribute to over-coming of the existing problems of the frontier territories of both countries.

Cross-border cooperation, especially in Europe, has a number of similar problems having to do with establishing of the state borders which often came as a result of political compromises.

There are certain apprehensions and demands on both sides. An important humanitarian task of cross-border cooperation is overcoming of prejudice and manifestations of national and religious hostility in mutual relations, as well as support of friendly neighborhood relations at the frontier territories.

The main problem is overcoming the deformed economy structure of the frontier regions of Poland and Ukraine. The Polish-Ukrainian economic cooperation will be fruitful only if it embraces every sphere of the economy: manufacturing, agriculture, transport, services, education, tourism, etc. The development of economy in the frontier regions will enable to destroy the social basis for the so-called "small business at the border", including smuggling and illegal selling of excise products; this will change the nature of the "small cross-border movement". Market economy is not independently capable of solving the problems of the frontier territories. Therefore a program of cross-border cooperation developed by the governments of Poland and Ukraine should become the main instrument for addressing the imperfections of market economy and moving towards the economic equality of the regions of both countries.

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THE CORRELATION OF GOVERNMENTS' AND POLITICAL SYSTEM'S STABILITY AND THE EFFECTIVENESS OF GOVERNMENTS AND GOVERNANCE SYSTEMS: AT THE EXAMPLE OF EASTERN EUROPEAN COUNTRIES

The article is devoted to analyzing the parameters and peculiarities of the correlation between the stability of governments and political systems and the effectiveness of governments and governance systems at the example of Eastern European countries. The author recognized that stability and effectiveness of governments are not always directly proportional or mutually determined. Instead, they depend on internal and external factors of governments, governance systems and political systems.

Keywords: government, governmental cabinet, governance, stability, efficiency, Eastern Europe.

КОРЕЛЯЦІЯ СТАБІЛЬНОСТІ УРЯДІВ І ПОЛІТИЧНИХ СИСТЕМ ТА ЕФЕКТИВНОСТІ УРЯДІВ І СИСТЕМ УРЯДУВАННЯ: НА ПРИКЛАДІ КРАЇН СХІДНОЇ ЄВРОПИ

У статті проаналізовано параметри й особливості кореляції стабільності урядів і політичних систем та ефективності урядів і систем урядування на прикладі країн Східної Європи. Встановлено, що стабільність та ефективність урядів не завжди є прямо пропорційними чи взаємно обумовленими. Натомість вони залежать від внутрішніх і зовнішніх чинників діяльності урядових кабінетів, систем урядування і політичних систем.

Ключові слова: уряд, урядовий кабінет, урядування, стабільність, ефективність, Східна Європа.

The consistent pattern of social-political development of the majority of countries is concentration of main powers by the institutions of executive power. The scientists interpret this phenomenon as an objective result of evolution of modern sovereignty. Herewith, it should be mentioned that institutes and institutions of executive power in their activity are not equal: they differ in essence and form, as well as in significant additional interpreters, in particular stability and effectiveness. Very often, stability of governments, system of governance and political systems in general is interpreted as a preconditioned for the fact that these institutions function effectively. However, such question formation is not complete and requires

theoretical-methodological, as well as empirical analysis, on the basis of which it is possible to draw a rational practical-empirical conclusion. The point is that as stability and effectiveness are abstract and independently disputable notions, then multi-methodological approach towards their scientific analysis in the context of political systems, systems of governance and governments face the correlation of stability and effectiveness of government and governance. From this perspective, scientists state that government stability may become a positive characteristic of governments' activity, but at the same time may testify of their effective activity on the basis of functioning duration of specific governments¹. However, it is necessary to emphasize that governmental stability does not directly mean that governmental cabinets function (or govern) effectively². The problem is largely enhanced and actualized by experience of the post-communist countries, in particular in Eastern Europe – Azerbaijan, Armenia, Belarus, Georgia, Moldova, Russia and Ukraine. Correspondingly, elaboration of logical theoretical-methodological conceptual construct of effectiveness of governments and systems of governance, as well as their comparison with the indices of governments' and political systems' stability, in practice is considered quite an actual task. As distinguishing indices, hypothetically, internal and external factors of effectiveness of governments and systems of governance, and their correlation with data, concerning governments' stability within different political systems, let us form a complete conclusion as to development of governmental cabinets (and the executive hierarchy in general) in some specific cases.

It can be traced in scientific works by such scientists as R. Barro³, T. Besley⁴, A. Chong and C. Calderon⁵, T. Dewan, K. Dowding and D. Myatt⁶, R. Duncan and S. Chand⁷, G. Egorov and K. Sonin⁸, D. Kaufmann, A. Kraay and M. Mastruzzi⁹, E. Neumayer¹⁰, B. Prasad¹¹, M. Simai¹² and many others. However, very little attention has been devoted to the empirical aspect of comparison between stability and effectiveness of governments and systems of governance

¹ Romanyuk A., *Porivnyal'nyy analiz politycheskikh sistem krayin Zakhidnoyi Evropy: instyutynyy vnyir*, Wyd. CPD LNU im. I. Franka 2003.

² Sartori G., *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*, Wyd. Macmillan 1997, s. 113; Williams P., *Crisis and Compromise: Politics in the Fourth Republic*, Wyd. Archon Books 1966, s. 426.

³ Barro R., Human Capital and Growth, *The American Economic Review* 2001, vol 19, nr 2, s. 12–17.

⁴ Besley T., Coate S., An Economic Model of Representative Democracy, *Quarterly Journal of Economics* 1997, vol 112, nr 1, s. 85–114; Besley T., Reynal-Querol M., Do Democracies Select More Educated Leaders?, *American Political Science Review* 2011, vol 105, nr 3, s. 552–566.

⁵ Chong A., Calderon C., Institutional quality and income distribution, *Economic Development and Cultural Change* 2000, vol 48, nr 4, s. 761–786.

⁶ Dewan T., Dowding K., The Corrective Effect of Ministerial Resignations, *American Journal of Political Science* 2005, vol 49, nr 1, s. 46–56; Dewan T., Myatt D., *Selection, Performance, and Government Longevity: the Good, the Bad, and the Unique*, Chicago: LSE-NYU Conference 2011, 32 s.; Dewan T., Myatt D., Scandal, Protection, and Recovery in the Cabinet, *American Political Science Review* 2007, vol 1, nr 1, s. 63–77.; Dewan T., Myatt D., The Declining Talent Pool of Government, *American Journal of Political Science* 2010, vol 54, nr 2, s. 267–286.

⁷ Duncan R., Chand S., The economics of the „arc of instability”, *Asian-Pacific Economic Literature* 2002, vol 16, nr 1, s. 1–11.

⁸ Egorov G., Sonin K., Dictators and their Viziers: Endogenizing the Loyalty-Competence Trade-off, *Journal of European Economic Association* 2011, vol 9, nr 5, s. 903–930; Egorov G., Sonin K., *Incumbency Advantage in Non-Democratic Elections*, European Economic Association & Econometric Society 2011 Parallel Meetings: 25-29 August 2011, 22 s.

⁹ Kaufmann D., Kraay A., Mastruzzi M., The Worldwide Governance Indicators: Methodology and Analytical Issues, *The World Bank Policy Research Working Paper*, nr 5430, 31 s.

¹⁰ Neumayer E., Is good governance rewarded? A cross-national analysis of debt forgiveness, *World Development* 2002, vol 30, nr 6, s. 913–930.

¹¹ Prasad B., Institutional economics and economic development – the theory of property rights, economic development, good governance and the environment, *International Journal of Social Economics* 2003, vol 30, nr 6, s. 741–762.

¹² Simai M., Poverty and inequality in Eastern Europe and the CIS transition economies, *DESA Working Paper* 2006, nr 17, 23 s.

on the example of post-communist countries of Eastern Europe. That is why the present research is focused on studying peculiarities and parameters of effectiveness of governments and systems of governance, as well as on correlation of stability of governments and political systems and effectiveness of governments and systems of governance on the example of the countries of Eastern Europe.

It is generally-theoretically known that effectiveness of executive power is run around the effectiveness of the system of governance. However, an independent categorical part in the structure of governance effectiveness is effectiveness of governments. This factor includes a lot of bases which interpret the comprehension of the fact how effectively governments work in the direction of providing state services or in the sphere of providing quality of the state service, in the sense of ensuring some stage of independence from political pressure and, what is more important from the perspective of evaluating adopted and implemented political decisions, and with reference to the point how much credibility governmental policy gets from people of any particular country.

As government is a collegial body of executive power, which is in charge of various direction of state policy, the effectiveness, first of all, concerns the point how successful is implementation of activity of governmental cabinets within the sphere of state policy, presupposed by governments. This is the so-called external dimension of parameters of effectiveness of governmental activity. However, evaluation of the proposed context cannot be possible without operating data, concerning the way how governmental activity is implemented in its internal aspect – in the sense of division of powers between the components of governments and governmental cabinets (in particular between ministers and ministries), in the context of peculiarities of governmental and other decision making processes, as well as from the perspective of party and non-party (technical/corporate) determinants, which influence the implementation of the directions of state policy, presupposed by governments. It forms the so-called internal dimensions of parameters in the sphere of governments' effectiveness. However, the most peculiar thing is that governmental stability is focused at the intersection of internal and external forms of operationalization of governments' effectiveness. Such solid structure takes into account the mass of data, which eventually give the reason to formulate the conclusions concerning the parameters of comparison between effectiveness and stability of governmental activity. On the same basis parameters of correlation between the indices are dependable on the fact how political systems are actualized in any of the countries.

Definitive comprehension of effectiveness and stability of political systems in particular, leads to complex evaluation of the set of problems from the perspective of governmental activity. Taking into account scientific understanding of stability and tangent categories, political stability must be interpreted as the characteristic and condition of political life of society, which is represented in stable functioning of political institutions, adherence to legal, political and moral regulations etc. and social traditions, in peaceful problem resolutions, what

allows social system to function and develop effectively, preserving its structure and qualitative determination. Effectiveness means relative effect and resulting quality of governments' activities and operation and projects, implemented by governments, which are determined as the correlation between the effect and result to the costs, which presupposed this effect. Thus, it reveals that evaluating effectiveness of governance; we deal with effectiveness of governments. That is the way how a combination of variable determinants of governmental activity occurs: constitutional attributes of processes of formation and resignation of governmental cabinets, political responsibility of governments, stability and effectiveness of governments and political systems and so on.

From this perspective Kaufmann D., Kraay A., Mastruzzi M.¹³ offer to apply different resources, which are capable of describing effectiveness of governments (governmental effectiveness): 1) quality of bureaucracy/institutional effectiveness, evaluation of excessive bureaucracy; 2) quality of infrastructure development, education, and time spent by top management in cooperation with officials; 3) satisfaction with the system of public transport and system of roads and motorways and system of education; 4) quality of provided civil welfares and possibility of political authority conduct reforms; 5) quality of bureaucracy/non-institutional perspective; 6) evaluation of bureaucracy in the context of subsequence of political process and forward planning. The standard for bureaucracy quality is the moment which describes how quickly the decisions are taken, how easily foreign investors conduct activity in the country. The subsequence of political process and forward planning are determined by factors how successfully development of business is a projection of the hereditary credit policy, as any change of governmental cabinet (structure of executive power) causes infringement of prime parameters in the sphere of political process and put in question preservation of previous strategies. Besides, of basic importance here becomes the process of evaluation of how long-sighted is implementation of governmental line (or on the contrary, it is aimed at short-term economic or social advantages).

The above-mentioned resources and displays of effectiveness of governments and systems of governance are evaluated on the grounds of using various methodologies and projects. Thus, they are multi-methodological. This, in its turn, generates several important issues. However, the main concerns the point why separate resources, markers, positions have a recurrent character. We explain it by the fact that Kaufmann D., Kraay A., Mastruzzi M., trying to obtain data concerning different countries of the world, deal with a great number of statistics database, in which some indices or other repeat (and it has nothing to do with separate countries or regions)¹⁴. Next question concerns the fact how present offered markers as well as statistic data concerning them as a clear and parallel set of results. To solve this question we decided

¹³ Kaufmann D., Kraay A., Mastruzzi M., *The Worldwide Governance Indicators: Methodology and Analytical Issues*, "The World Bank Policy Research Working Paper", nr. 5430, 31 s.

¹⁴ Kaufmann D., Kraay A., Mastruzzi M., *The Worldwide Governance Indicators: Methodology and Analytical Issues*, "The World Bank Policy Research Working Paper", nr. 5430, 31 s.

to apply the method called «unobserved components model». It was offered by such economists and sociologists as A. Goldberger¹⁵, B. Efron and K. Morris¹⁶. And its essence lies in the fact that all key figures obtained from various resources and projects (results in digital count) come down to the same “formatted” expression. In our case, we propose to use the scale from “0” to “1” (in a peculiar percentage expression), where “0” – is a marker of the least effective (or regressive character), and “1” – the best (the most effective, progressive) indices.

Having analyzed various indices and resources of governmental effectiveness in different dimensions, we edit data into one scale, which, in this context, will represent effectiveness of governments in general. It provides an opportunity to operate data of governmental effectiveness as an “external parameter” of governments’ activity along with the indices of internal scope. Analyzing indices of governmental effectiveness in the countries of Eastern Europe we appeal only to the data, which describe the same time intervals as to all analyzed countries (for instance, 15-year period in the course of 1996-2011 or 20-year period over 1991-2011). It allows equally treat the cases, when some data or other for certain countries may be inaccessible (see, Table 1):

Table 1. Effectiveness of governments in the countries of Eastern Europe, on the basis of applying representative and non-representative sources according to the logics, suggested by Kaufmann D., Kraay A., Mastruzzi M. (1996–2011)

Country	1996	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average data
Azerbaijan	0,22	0,42	0,37	0,41	0,45	0,45	0,49	0,44	0,44	0,43	0,41	0,41
Belarus	0,44	0,41	0,44	0,43	0,45	0,40	0,41	0,35	0,35	0,35	0,34	0,40
Armenia	0,44	0,53	0,54	0,56	0,57	0,53	0,49	0,53	0,54	0,53	0,48	0,52
Georgia	0,38	0,42	0,61	0,55	0,57	0,55	0,55	0,60	0,61	0,60	0,63	0,55
Moldova	0,32	0,53	0,44	0,42	0,43	0,43	0,49	0,42	0,47	0,44	0,41	0,44
Russia	0,35	0,45	0,43	0,44	0,43	0,43	0,43	0,41	0,43	0,42	0,41	0,42
Ukraine	0,30	0,48	0,43	0,44	0,44	0,43	0,44	0,37	0,37	0,37	0,39	0,41

We obtain quite interesting result, which can be reduced to the point that various political systems and systems of governance may have different as to their effectiveness governments (executive structures). However, it is not possible to reveal any kind of correlation. As the practice of Eastern European countries show, the most effective governments are inherent to Georgia and Armenia. And these are countries which, during their modern political history (up to 2011) were mostly (fully) president-parliamentary semi-presidential systems (Armenia in 2011 was premial-presidential model of semi-presidentialism). On the other hand, analogical systems, which were represented in 2011 in Belarus, Azerbaijan and Ukraine (in Ukraine, the exception

¹⁵ Goldberger A., Maximum Likelihood Estimation of Regressions Containing Unobservable Independent Variables, *International Economic Review* 1972, vol 13, nr. 1, s. 1–15.

¹⁶ Efron B., Morris C., Limiting the Risk of Bayes and Empirical Bayes Estimators. Part I: The Bayes Case, *Journal of the American Statistical Association* 1972, vol 66, nr. 336, s. 807–815.

is 2006-2010, when in the country was premierial-presidential model of semi-presidentialism) and Russia conducted much less effective governmental cabinets and governmental programs from the point of view of their practical implementation. The most interesting thing is that Moldova in 2011 was characterized by a parliamentary system, had intermediate as to their effectiveness governments. That is why, the general conclusion in this case looks as follows: constitutional systems of governance do not influence or do not always influence effectiveness of governments (or executive power)¹⁷ – however, the increase in effectiveness of governance and governments is more likely to happen as a result of reducing of presidential nature/personalization of political systems. On the other hand, there is a tendency which presupposes the biggest influence on effectiveness of governmental cabinets, on the process of implementation of state reforms in different spheres of governmental policy. As of 2011 this trend was the most effective in Armenia and Georgia – in the second part of the 1st decade of the 21st century the countries conducted a set of state reforms. The received data correlate with the indices of effectiveness of governance – a wider category, where the effectiveness of governments is just partially changed. There are no disputes as to the following moments: 1) more effective are party governmental cabinets; 2) more effective are governmental cabinets, formed not in autocratic systems, but transitional or hybrid regimes (including those of electoral democracies)¹⁸. Herewith, more sustainable are cabinets under autocratic political regimes. It directly proves the conclusion that endurance of a governmental cabinet is just a preliminary factor of governments' effectiveness, but not an obligatory one (see, Table 2).

Table 2. Correlation of stability/endurance indices and effectiveness of governments in the countries of Eastern Europe (as of 2011/on the basis of practice of governments' functioning over 1991–2011)

Country	Average efficiency index of governments	Average stability index of governments
Azerbaijan	0,41	0,53
Belarus	0,40	0,55
Armenia	0,52	0,31
Georgia	0,55	0,35
Moldova	0,44	0,54
Russia	0,42	0,35
Ukraine	0,41	0,25

In the specific case we judge from the axiomatic assumption that ineffective governance results in political instability and low level of living standards¹⁹. This conclusion has been partially

¹⁷ Efficiency of governments within presidential systems relatively equals 0,47; efficiency of governments within parliamentary systems relatively equals 0,45; efficiency of governments within presidential-parliamentary models of semi-presidentialism relatively equals 0,45; efficiency of governments within premierial-presidential models of semi-presidentialism relatively equals 0,44. Thus, we may state that there is no direct influence of political system types on external dimensions of governments' efficiency.

¹⁸ Relative efficiency of governments in autocratic systems (competitive autocracies) equals 0,41, in transitional or hybrid regimes – 0,49.

¹⁹ Duncan R., Chand S., The economics of the „arc of instability“, „*Asian-Pacific Economic Literature*“ 2002, vol 16, nr. 1, s. 1–11.

proved, as stability of political regimes, as it is stated above, is not a sufficient direct indicator of governments' effectiveness, for example in Belarus and Azerbaijan. On the other hand, the effectiveness of governments grows when combining political stability and democratic (hybrid) regime, in particular in Georgia and Moldova. This is supplemented by correlative variable, which concerns the category of governmental stability and level of institutionalization of party systems among the analyzed countries, which is rather low. The indirect mechanism of hypothetical determination of governance in Eastern Europe as an ineffective (including functioning of "ineffective" governments) is application, in the majority of them, of the so-called "patronage systems", which are based on the following phenomena as bribery, corruption and open access to social priorities only for a limited number of citizens in the country.

Table 3. Correlation of stability/endurance indices of governments and gross domestic product in the countries of Eastern Europe (1991–2011)

Country	GDP per capita growth, %	Average stability index of governments
Azerbaijan	7,7	0,53
Armenia	8,5	0,31
Belarus	7,0	0,55
Georgia	8,7	0,35
Moldova	3,8	0,54
Russia	4,3	0,35
Ukraine	2,1	0,25

It shows us that effectiveness of governments may be measured by an indirect correlation with the GDP per capita growth²⁰. Nowadays, scientists call this marker a norm of measuring level of living standards, though not always a stable one. Besides, an additional index is the so-called factor of "human development indicator"²¹. And on this ground, it is possible to create a correspondence, which is of inverse character: effectiveness of governance influences indices of human life; economic growth causes improvement/decline of governments' efficiency. It should be clear, that effectiveness of government and process of governance is determined by political and social contexts: they presuppose evaluation of internal structure of governance (executive power in general or government in particular), quality of political leaders and elites, ability of society to exert influence on governmental accountability (responsibility)²². On the

²⁰ Chong A., Calderon C., Institutional quality and income distribution, „*Economic Development and Cultural Change*” 2000, vol 48, nr. 4, s. 761–786; Djankov S., La Porta R., Lopez-De-Silanes F., Shleifer A., The regulation of entry, „*Quarterly Journal of Economics*” 2002, vol 117, nr. 1, s. 1–37.; Neumayer E., Is good governance rewarded? A cross-national analysis of debt forgiveness, „*World Development*” 2002, vol 30, nr. 6, s. 913–930.; North D., *Institutions, Institutional Change and Economic Performance*, Wyd. Cambridge University Press 1990.; Prasad B., Institutional economics and economic development – the theory of property rights, economic development, good governance and the environment, „*International Journal of Social Economics*” 2003, vol 30, nr. 6, s. 741–762.; Rutherford M., Institutional economics: then and now, „*Journal of Economic Perspectives*” 2001, vol 15, nr. 3, s. 173–194.

²¹ Barro R., Human Capital and Growth, „*The American Economic Review*” 2001, vol 19, nr. 2, s. 12–17.

²² Fraenkel J., *What Indicators can be used to Monitor Governance Performance in the Pacific?*, Regional Workshop on MDG Planning, Pro-Poor Policy & Budgeting Framework: 2–6 October 2006, 17 s.

basis of GDP analysis, it becomes obvious that as of 2011 the highest pace of GDP growth were recorded in such countries as Armenia and Georgia, the least were in Moldova and Ukraine. It means that this index does not have linear influence on efficiency of governments in the analyzed countries. Besides, there has not been any contrast comparison of the given indices with stability of governments and stability of regimes, as well as their types (see Table 3).

To measure “human development indicators” we take into account Gini coefficient, which indicates the level of society dispersion in any specific country or region due to any characteristic (for instance, annual income level). We apply this coefficient as an index to show up the level of inequality referring to accumulated wealth²³. Theoretically, the coefficient may change from “0” (ideal division of income) to “100” (i.e. all income gets one company or person). Referring to the countries of Eastern Europe (in average over the period of 1991-2011) the situation concerning coefficient in correlation with the stability indices of governmental cabinets is the following²⁴ (see, Table 4):

Table 4. Correlation of inequality level of accumulated wealth and stability of governments in the countries of Eastern Europe (1991–2011)

Country	Average Gini coefficient, %	Average stability index of governments	Average duration of governments, years
Azerbaijan	37,4	0,53	1,91
Belarus	25,8	0,55	2,39
Armenia	37,4	0,31	1,29
Georgia	39,0	0,35	1,24
Moldova	38,1	0,54	1,49
Russia	40,8	0,35	1,37
Ukraine	33,2	0,25	1,06

The most unequal as of 2011 was division of wealth in such countries as Russia, Georgia, Moldova, Armenia and Azerbaijan. More equal division was observed in Belarus and Ukraine. Here-with, in comparison with early 90s of the 20th century the situation has improved (as of 2011) in such countries as Armenia, Azerbaijan and Moldova; declined in Belarus and Georgia; remained almost at the same level in Russia and Ukraine. As we can see, division of wealth in accordance with Gini coefficient does not depend on how stable/longstanding governmental cabinets are. There was not noticed any correlation in case of correspondence between the indices of wealth dispersion and stability/variability of political regimes.

²³ Firebaugh G., Empirics of World Income Inequality, „American Journal of Sociology” 1999, vol 104, nr 6, s. 1597–1630; Gini C., Measurement of Inequality of Incomes, „The Economic Journal” 1921, vol 31, nr. 121, s. 124–126; Gini C., On the Measure of Concentration with Special Reference to Income and Statistics, „Colorado College Publication: General Series” 1936, vol 208, s. 73–79; Sadras V., Bongiovanni R., Use of Lorenz curves and Gini coefficients to assess yield inequality within paddocks, „Field Crops Research” 2004, vol 90, nr. 2–3, s. 303–310.

²⁴ Aidukaite J., Welfare Reforms in Central and Eastern Europe: a New Type of Welfare Regime?, „Ekonomika” 2010, vol 89, nr. 4, s. 7–24.; Simai M., Poverty and inequality in Eastern Europe and the CIS transition economies, „DESA Working Paper” 2006, nr. 17, 23 s.

J. Fraenkel on this subject states that significant methodological issue is reduced to the point if there is a possibility to form the “neutral dimension of governance quality” (and effectiveness of governments). We came to the conclusion that of a direct and integral index of governance efficiency is almost impossible as it is difficult to propose any consensual points concerning what is “good” or “efficient” government. For example, it cannot be surely stated that a growth in state financial expenditures has negative effect on efficiency of governments/governance, as this correlation is in the scope of corruption. However, it can be vice versa: it cannot be said that if in a certain society there is the process of wealth division, then it is a direct evidence for efficiency of governments’ activity (executive branch in general). That is why scientists offer various relative characteristics as how governmental cabinets should meet the challenges. This in fact reveals productivity, responsibility and structural character of governmental activity (which are the most approximate to it and are dimensions of the category of governmental efficiency).

A lot of questions also appear as to how positive is correlation between efficiency and stability, especially in case of governmental activity. It is necessary here to refer to the conclusion as to measuring western consolidated democracies: stability relevantly approach us to the category of strong (and therefore effective) government. However, if one represents such conclusion in case of, for instance, absence or inefficiency of institutionalized parties (or party systems) and durability of governmental cabinets, it becomes quite obvious that other effective perspectives, not so pragmatic ones, are formed. For example, it is necessary to emphasize that: governmental cabinets in European countries change more often and more regularly than governmental cabinets in Africa; but it does not make European countries less stable and effective, than those in Africa. Consequently, some countries in Central Europe have less stable governments than some countries in Eastern Europe, but the efficiency level of their governments is much higher. Thus, it is necessary to understand that stability is a relatively correlative variable, which must be largely based on the level of democratic pace in one case or another. In this context it is necessary to differentiate between the change of political regime and the change of government. the adjoining vector is the following: stabilization of political regimes leads to stabilization of governmental cabinets. Together with that, a growth in efficiency of governments and systems of governance can be achieved by stabilization of governments in systems, where there is stabilization of democratic political regimes (or at least transitional regimes or in general regimes, which are being transformed into direct democracies).

This is supplemented by measuring the moment, which government is interpreted more appropriate (or nominally more effective) in one evaluated area or another. If we refer to modern countries of the European Union, then it is obvious that there are requirements of one type. If it refers to the post-communist countries of Eastern Europe then the set of interpretations significantly differs. For instance, patronage and cronyism are connected with state systems’ functioning in the majority of Eastern European countries; nevertheless these phenomena

are interpreted as characteristics of inefficient governance. The same conclusions concern the category of technocratic governmental cabinets, which both in Western and Central Europe are measured as ineffective in comparison with party governments, however in Eastern Europe they are positioned justified (and sometimes even more effective than party). It means that the countries in Eastern Europe in the process of their transformation development still are at the institutional crossroads, where the right choice of movement depends on readiness of the political elites (countries) sacrifice their ambitions on the altar of further democratic development. Only such alternative will provide more effective evaluation of the fact that democratic and stable development is a precondition for efficiency of governments and systems of governance.

What refers to political elite, it must be mentioned that: it is almost impossible to comprehend the essence of its influence on the growth of efficiency indices of governments. As the majority of transitologists state it is characteristic of the main bulk of Eastern European countries. In this case efficiency of governments must be evaluated on the basis of internal markers, which describe "procedural moments" from the environment of political regime functioning (level of democracy and/or autocracy), party-electoral system, as well as various correlations in the sphere of executive-legislative relations due to which it is possible to observe the tendency to an integral operationalization of probable attributes (the latter can indirectly and partially witness of effectiveness or ineffectiveness of governments²⁵). Besides, quite significant become procedures of formation and resignation of governmental cabinets on the basis of the processes of votes of confidence and non-confidence (in case when these practices are applicable). But in this case appears a dichotomy: efficiency of government must be evaluated as a process or result of those institutions, which regulate governance (for example, government and the head of the state, when there is dualism of executive power).

Additional variant of evaluating the influence of political elite on effectiveness and stability of governments is represented by such category as competitiveness while choosing officials (for example, ministers). These categories must be described by such notion as "recruiting political elite" (the term was offered and elaborated by T. Gurr²⁶). The latter may be accomplished on the grounds of such methods as (linear scale): 1) without competitiveness (most often it occurs in the course of unregulated process, what is not inherent to the countries of Eastern Europe); 2) choice or selection (heads of departments and institutions are chosen in the process of inheritance according to the law and nomination or in a combination of these ways); 3) double-nature of procedures or transitivity (concerning formation of systems with factual double executive power – herewith one part of executive power in formed on the basis of inheritance or nomination, another one- due to the results of competitive elections); 4) electoral nature (when all parts are formed due to the results of the elections – however, it refers to two

²⁵ Poirine B, Alain M., Insularity and Governance: The Case of French Polynesia, „*Public Organization Review*” 2001, vol 33, s. 193–213.

²⁶ Gurr T., Persistence and Change in Political Systems, 1800–1971, „*American Political Science Review*” 1974, vol 68, s. 1483.

situations: formation of party cabinets, formation of technocratic governments (cabinets of experts on a competitive basis)).

Among the countries of Eastern Europe till 2011 the situation was the following: 1) in Armenia, since 1998 has prevailed procedures of double-nature/transitivity, though up to 1996 had predominated selecting mechanisms; 2) in Azerbaijan – selecting procedures and techniques (purpose, which fully corresponds to experience of forming technocratic (non-party) cabinets); 3) in Belarus since 1996 has also predominated the form of nominating executive officials; 4) in Georgia up to 2004 the double method of government formation had been spread, and since 2004 was launched the system of electoral type²⁷; 5) in Moldova, on the pattern of Georgia, electoral procedure was launched in 2001; 6) Russia is characterized by a double method of government formation (on the basis of election and nomination); 7) in Ukraine since 1994 has been used the method of electoral process of government formation and balance of power in parliament. In the analyzed countries of Eastern Europe a prime-minister (due to the constitutional requirements) is usually positioned as an actor, whose nomination is a subject to negotiations between political elites, as well as primary electoral support (by means of formation of a “carrier” of nominating the prime-minister – presidential or parliamentary elections depending on the type of political system). And thus empirically on the basis of comparative analysis it is observed that the systems of recruiting officials of electoral type in Eastern European countries (at least as of 2011) result in less stable, but more effective governmental cabinets. Besides, it is obvious that the latter are mainly applied in hybrid/transitional and democratic political regimes.

Elaborating the above-defined logic Bueno de Mesquita B., Smith A., Siverson R.²⁸ propose to use the notion of “selectorate size” to evaluate political regimes in the context of efficiency of governments/systems of governance. It happens by means of studying key determinants and characteristics of political regimes survival. Modern empirical and theoretical works clearly demonstrate a connection between the methods of electing officials and quality of political elite. For instance, Besley T., Reynal-Querol M.²⁹ demonstrate the fact that in democratic countries leaders, elected by means of electoral procedures have a higher level of education or technical expertise while taking political decisions than leaders in autocratic regimes. In this sense the most effective cabinets among the countries of Eastern Europe are in transitional/hybrid regimes (as liberal democracies in the region are absent). In practice, it has been proved by a linear comparison of external parameters of efficiency of governments and systems of governance: transitional systems (Georgia, Armenia, Moldova, Ukraine) are more effective, than authoritarian regimes/competitive autocracies (Azerbaijan, Belarus, Russia).

²⁷ Especially it can be observed due to the results of reforms in October 2012, conducted by the government, headed by prime-minister B. Ivanishvili, who was in opposition to president M. Saakashvili.

²⁸ Bueno de Mesquita B., Smith A., Siverson R., *The Logic of Political Survival*, Wyd. MIT Press 2005.

²⁹ Besley T., Reynal-Querol M., Do Democracies Select More Educated Leaders?, *American Political Science Review* 2011, vol 105, nr. 3, s. 552–566.

To a great extent this issue faces internal dimensions of efficiency of governmental cabinets and systems of executive power in general. On the basis of works by Dewan T., Dowding K. we argue that there is constant connection between duration of governmental cabinets, their effectiveness and formation of cabinet's composition (in particular, the process of selecting talented ministers)³⁰. From this perspective, efficiency of governments is positioned as an effective result of competent or incompetent activity of those people, who are considered by members of executive vertical (within the sense of governmental cabinets, first of all we refer to ministers). On this subject it is necessary to deal with two determinants of officials' competence: 1) quantitative (in the terms of ministerial stability); 2) and qualitative (competence as a result of activity of some talented ministers). In the second case, competence is interpreted as quality of using/applying talent and talented nature of people, working in governmental cabinets in general. Along with that it should be mentioned that selection of ministers, who will work in a governmental cabinet, is intuitively clear – the given process largely depends on the fact what type of cabinet will be formed (party or non-party/technocratic). at the same time the following conclusion is obvious: if in the cabinet there are a lot of talented ministers, then it is possible to expect that the government will be more effective and stable. However, unfortunately, presence of talent cannot be considered an absolute factor which guarantees that the cabinet will be effective or stable. As an example let's consider the process of government formation in Georgia in 2004-2011: we refer to cabinets, formed by experts, who paid special attention to the selection of talents. However, these cabinets cannot be interpreted as quite stable, though are analyzed as rather effective (in comparison with other countries of Eastern Europe). Another situation is observed in Azerbaijan (since 1995): the governments in the country have been formed as non-party, but they have been evaluated as more stable and less efficient as in comparison with Georgia.

It should also be emphasized that deficit of talents in the organizational structure is one of the key factors/barriers of organization's productivity (category of productivity is also analyzed as a dimension of efficiency). In this regard Dewan T., Myatt D. proved that presence of ministerial talents may restrict cabinets' ability (as well as their wish) to conduct productive/efficient governmental decisions, formulate stimuli for individual ministers. The researchers state that efficiency of governmental cabinet depends on talents in the whole executive vertical. Moreover, hypothetical position concerning this issue presupposes that more efficient government is more stable. In case of the countries of Eastern Europe this assumption (at least as of 2011) cannot be fully justified: in the region more stable governments appeared to be less effective and vice versa; more effective governmental cabinets very often relied on their own ministers' potential (Georgia, Armenia, partially Moldova). Besides, in the case of all

³⁰ Dewan T., Dowding K., The Corrective Effect of Ministerial Resignations, „*American Journal of Political Science*” 2005, vol 49, nr. 1, s. 46–56.; Dewan T., Myatt D., *Selection, Performance, and Government Longevity: The Good, the Bad, and the Unique*, Chicago: LSE-NYU Conference 2011, 32 s.; Dewan T., Myatt D., Scandal, Protection, and Recovery in the Cabinet, „*American Political Science Review*” 2007, vol 1, nr. 1, s. 63–77.; Dewan T., Myatt D., The Declining Talent Pool of Government, „*American Journal of Political Science*” 2010, vol 54, nr. 2, s. 267–286.

Eastern European countries it is possible to conclude that very often those ministers who were considered as useful were recruited, while those ministers who were considered as “unwanted” were excluded. Even more it is connected with understanding peculiarities of the transitional stage of political regimes in the region. First of all, it refers to preservation of political regimes, and thus governmental cabinets’ courses in non-democratic systems (for instance, in Azerbaijan, Belarus and Russia). As a result, we observe growth in governmental stability without a proportional increase in their efficiency. Secondly, we should take into account partial transformation of political regimes, and therefore, the idea of challenging parliamentary democracy that sometimes can be reflected in formation of party and technocratic governments (more experts in governments’ composition). Consequently, there happened decrease in governmental cabinets’ stability (due to control and adaptation, concerning new formats of institutional practice) and gradual growth in their effectiveness. It proves that “the driver/guide in correlation between stability and efficiency of governmental cabinets in any of transitional countries remains the position/quality (in the context of democratization) of political class (elite)”. From this perspective, it is referred not to the search of talents, but to creation of conditions when talented officials have a desire to bring service not only to governments, but also to the political system in general.

There are many scientific works aimed at proving that nomination of ministers occurs not due to the principles of engaging necessary people³¹. It happens in two cases: 1) authoritarian regimes (including transitional and hybrid regimes); 2) democratic regimes, where selection of officials takes place on a party basis (parties do not always select the most talented representatives to realize powers and authorities, because electorate are not always capable of choosing the most efficient or productive officials). One should not forget that participation in a political process (especially in the process of governance) is often interpreted as means of providing money reward, increase in personal wealth and so on. From this point of view, efficiency of such officials considerably lowers.

Another indicator of governmental cabinets’ efficiency is the size of governmental cabinets. In this context we carry out a comparative research not only of the size of governmental cabinets with the indices of efficiency of governments (from their external perspective) but also with data concerning stability of governmental cabinets in Eastern countries, as of 2011 (see Table 5):

³¹ Besley T., Coate S., An Economic Model of Representative Democracy, „*Quarterly Journal of Economics*” 1997, vol 112, nr. 1, s. 85–114.; Egorov G., Sonin K., Dictators and their Viziers: Endogenizing the Loyalty-Competence Trade-off, „*Journal of European Economic Association*” 2011, vol 9, nr. 5, s. 903–930.; Egorov G., Sonin K., *Incumbency Advantage in Non-Democratic Elections*, European Economic Association & Econometric Society 2011 Parallel Meetings: 25–29 August 2011, 22 s.; Mattozzi A., Merlo A., Mediocracy, „*PIER Working Paper*” 2001, vol 2, 34 s.; Mattozzi A., Merlo A., Political Careers or Career Politicians, „*Journal of Public Economics*” 2008, vol 92, nr. 3–4, s. 597–608.

Table 5. Correlation of the size of governmental cabinets and their stability and efficiency in the countries of Eastern Europe (as of 2011)

Country	Size of cabinets, № of ministers ³²	Average index of governmental stability ³³	Average duration of governments, years.	Average efficiency of governments ³⁴
Azerbaijan	22	0,53	1,91	0,41
Belarus	30	0,55	2,39	0,40
Armenia	19	0,31	1,29	0,52
Georgia	20	0,35	1,24	0,55
Moldova	21	0,54	1,49	0,44
Russia	27	0,35	1,37	0,42
Ukraine	17	0,25	1,06	0,41

It has been determined that reduction in the size of governmental cabinets and the number of ministerial posts (as well as the overall number of officials) is interpreted as one of the most essential steps towards growth of organizational efficiency of executive power. Herewith, the same observation has not been made as to correlation between the size of cabinets and their stability. From the logical point of view it means that stability and effectiveness of government are not always comparable in their quantitative representation. Applying this conclusion to the types of governmental cabinets from the analyzed set of countries (over the period 1996-2011) we get the following results (see Table 6.):

Table 6. Types of governmental cabinets, their stability and efficiency in the countries of Eastern Europe over 1996–2011³⁵

Country	IGS (P)	GE1 (P)	GE2 (P)	EG2 (P)	IGS (N)	GE1 (N)	GE2 (N)	EG2 (N)
Azerbaijan	–	–	–	–	0,68	0,41	21,9	20,5
Belarus	–	–	–	–	0,59	0,40	16,9	21,2
Armenia	0,32	0,54	48,5	41,7	0,24	0,44	35,6	34,1
Georgia	0,21	0,55	35,1	32,6	0,37	0,54	42,9	34,8
Moldova	0,59	0,44	28,8	36,2	0,40	0,42	30,7	36,5
Russia	–	–	–	–	0,39	0,42	37,3	26,9
Ukraine	0,37	0,40	26,6	32,4	0,22	0,42	28,4	27,3
Total	0,37	0,48	34,8	35,7	0,41	0,44	30,5	28,8

³² A total number of ministers in the composition of simple ministers, prime-ministers, vice-prime-ministers and other state ministers (Georgia) according to the data of 2011.

³³ Index of governmental stability and duration has been calculated over the period of 1991–2011

³⁴ Efficiency of governments (modified marker of external dimension) is proposed for the period of 1996–2011

³⁵ IGS – index of governmental stability; GE1 – index of external dimension of governmental efficiency (modified); GE2 – D. Kaufmann's index of governmental efficiency; EG – D. Kaufmann's efficiency of governance, concerning stages, when different types of governments were formed; P – party governments; N – non-party governments.

Such complex analysis allowed to draw several conclusions concerning the countries of Eastern Europe, their governments and systems of governance as of 2011: 1) party governments are less stable than non-party governments; 2) party governments are more efficient than non-party governments; 3) systems of governance, which exist within the frames of party cabinets' jurisdiction, are more efficient than the systems of governance, which exist under the influence of non-party governments; 4) democratization contributes to growth of efficiency indices of governments and systems of governance. Non-party governmental cabinets position themselves as more efficient only under conditions of democratic transformations, and thus are considered to be competitive enough in comparison with party governments. From this perspective, parameters of governmental cabinets' efficiency also depend on non-governmental, first of all, political attributes – i.e. on the degree of political representation at the level of party and electoral systems. It means, the more parties are in the country, the better conditions for consolidation of the society are. This idea is based on the perception that representation of political interests is a characteristic of democratic governing. In general democratic governance is more efficient due to its immanent political parameters than authoritarian. However, democratic processes due to the development of political pluralism are not a constant reason for growth of governmental stability³⁶. It means that stability and efficiency of governments are not always directly proportional or mutually stipulated.

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³⁶ Cowhey P., Cox G., Domestic Institutions and the Credibility of International Commitments, „*International Organization*” 1993, vol 47, s. 299–326.; Haggard S., Kaufman R., Shugart M., *Politics, Institutions and Macroeconomic Adjustment: Hungarian Fiscal Policy-Making in Comparative Perspective*, [w:] Komai J., Haggard S., Kaufman R. (eds.), *Reforming the State: Fiscal and Welfare Reform in Post-Socialist Countries*, Wyd. Cambridge University Press 2001, s. 174–207.

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CLAIM AS A MEANS OF PROTECTION OF RIGHTS, FREEDOMS AND INTERESTS

The article deals with the concept and features of the claim. The existing approaches in the legal science to the definition of “claim” are analyzed. The correlation between the claim and the statement of claim is disclosed. Characteristic features of the claim are established. The classification of claims according to different criteria is carried out. The author comes to the conclusion that the claim is expressed in the statement of claim and appealed to the court request of the plaintiff to provide him with state assistance in the implementation of his violated or disputed rights, freedoms and interests.

Keywords: claim; statement of claim; protection of rights, freedoms and interests; litigation.

ПОЗОВ ЯК ЗАСІБ ЗАХИСТУ ПРАВ, СВОБОД ТА ІНТЕРЕСІВ

У статті досліджено поняття та характерні риси позову. Проаналізовано існуючі в юридичній науці підходи до визначення поняття «позов». Розкрито співвідношення позову та позовної заяви. Встановлено характерні ознаки позову. Здійснено класифікацію позовів за різними критеріями. Автор доходить до висновку, що позов є виражене у позовній заяві і звернена до суду прохання позивача надати йому державну допомогу в реалізації його порушених чи оспорюваних прав, свобод та інтересів.

Ключові слова: позов; позовна заява; захист прав, свобод та інтересів; судовий процес.

Problems of the claim form of protection of violated rights traditionally cause in the scientific literature a lot of discussions. First of all, issues concerning the notion of claim and litigation, the classification of claims as procedural means of protecting the rights, freedoms and interests of individuals and legal entities remain relevant. On December 15, 2017, new editions of procedural codes came into force in Ukraine, which also require research in terms of legal regulation of proceedings.

Questions of the claim and the claim proceedings were the subject of research by such scholars as: Y. Belousov, O. Belyanevych, O. Bratel, N. Kolyadina, V. Reznikova and others.

There is no definition of “claim” in the legislation. Therefore, scholars offer their own doctrinal definitions.

As a rule, in legal science it is customary to group judgments about the essence of the claim in four separate areas.

The first direction is related to the submission of a claim as a material legal claim of the plaintiff to the defendant.

In contrast, a number of other scientists supported the so-called procedural conception of understanding the claim. According to its supporters, the claim is an appeal to a court of first instance with a claim for the protection of a controversial subjective law or interest protected by law, an appeal for a resolution of a rights dispute.

The third area of understanding of the claim is connected with attempts to combine the material and procedural aspects of the claim. Lawyers believed that the lawsuit is a complex concept, which combines two requirements: one (material) is directed to the defendant and is simultaneously the subject of the claim, and the second (procedural-legal) – on the protection of rights, sent to the court.

In a number of works of scientists developed a concept of claim, which implies its existence in the material (civil law) and procedural sense.

N. Kolyadina in her dissertation examines the notion of a claim as an inseparable unity of two requirements: the procedural (requirements to the court) and material and legal (requirements to the defendant), which leads to the conclusion of the inextricable unity of the two most important categories: the right to a claim in the procedural sense and law to a lawsuit in the material sense. However, the right to sue in the procedural sense and the right to sue in the material sense – the categories though interrelated, but absolutely do not coincide in their content, grounds, subject structure and legal consequences¹.

In the opinion of O. Bratel, the claim is a procedural phenomenon that inextricably combines procedural and material-legal components, thus being in the plane of legal facts. The prerequisites for the appearance of the claim are completed legal facts of substantive content. The completeness of the legal facts is that the dispute at the time of the appeal to the court failed to settle peacefully. At the same time, bringing a claim to court is a process-forming legal fact that causes the emergence of civil procedural legal relationships².

During analyzing the notion of a claim the issue of the ratio of the claim and the statement of claim is also important. In this case, the statement of claim serves as an external form of expression of the claim. A claim is a material claim of a plaintiff, appealed to a court, by filing a statement of claim. The claim as a claim for the protection of rights has its form (statement of claim) and the content (subject and basis).

¹ Kolyadina N H, 'Realizatsiia prava na pozov u tsyvilnomu protsesi Ukrainy ta okremykh derzhav Yevropeiskoho soiuzu: porivnialno-pravove doslidzhennia' [Realization of the right to sue in the civil process in Ukraine and certain states of the European Union: comparative law research] (avtoref dys kand yuryd nauk, Natsionalnyi universyter "Odeska yurydychna akademiia" MON Ukrainy, 2016) 5 (in Ukrainian).

² Bratel O, 'Pozov – tsyvilnyi protsesualnyi ta materialno-pravovy yurydychnyi fakt' [The claim is a civil procedural and substantive legal fact] (2016) 1 Pidpriemnytstvo, gospodarstvo i pravo 9 (in Ukrainian).

In the statement of claim the plaintiff sets out his claims regarding the subject of the dispute and their justification. The statement of claim shall be submitted to the court in writing and signed by the plaintiff or his representative or another person who has the right to apply to the court in the interests of another person.

The Commercial Procedural Code of Ukraine defines the requirements for a claim in art. 162. Thus, a statement of claim must contain:

1. the name of the court of first instance to which the application is filed;
2. the full name (for legal entities) or the name (for the natural persons) of the parties and other participants of the case, their location (for legal entities) or place of residence or stay (for individuals); ZIP Code; the identification code of the legal entity in the Unified State Register of Enterprises and Organizations of Ukraine (for legal entities registered under the legislation of Ukraine), as well as the registration number of the tax card's account holder (for individuals), if it is available, or the number and series of passports for natural persons – citizens of Ukraine (if such information is known to the plaintiff), an indication of the status of an individual – an entrepreneur (for individuals – entrepreneurs); known communication numbers, official web-site address and e-mail address;
3. indication of the price of the claim if the claim is subject to monetary valuation; reasonable calculation of the amounts collected or disputed;
4. the content of the claim: the method (methods) of protecting the rights or interests envisaged by law or agreement, or another method (methods) for the protection of rights and interests that does not contradict the law and which the plaintiff asks the court to determine in the decision; if the claim is filed to several defendants – the content of the claims for each of them;
5. a statement of the circumstances in which the plaintiff substantiates his claims; indication of evidence, confirming the specified circumstances; the legal basis of the claim;
6. information on the implementation of measures of pre-trial settlement of a dispute – in the event that the law establishes a mandatory pre-trial procedure for settling a dispute;
7. information on taking measures to provide evidence or a claim before filing a claim, if any;
8. a list of documents and other evidence attached to the application; indication of evidence that cannot be filed together with the statement of claim (if any); an indication of the existence of the original or electronic evidence from the plaintiff or other person, copies of which are attached to the application;
9. preliminary (indicative) calculation of the amount of court costs incurred by the plaintiff and which he expects to incur in connection with the consideration of the case;
10. confirmation of the plaintiff that he has not filed another claim (claims) to this same defendant (defendants) with the same subject and for the same reason³.

³ HospodarskyiprotsesualnykodeksUkrainy; ZakonUkrainy [EconomicProceduralCodeofUkraine] vid 6 lystopada 1991 r. № 1798-XII. VidomostiVerkhovnoiRadyUkrainy. 1992. № 6. St. 56 (in Ukrainian).

If the claim is filed by a person exempted from payment of a court fee in accordance with the law, it shall state the grounds for the release of the plaintiff from payment of the court fee. In the case of a claim submitted by a person who has the right to apply to the court in the interests of another person, the application must state the grounds for such appeal. Other information necessary for the proper resolution of the dispute may be indicated in the statement of claim.

On December 15, 2017, new editions of the Commercial Procedural Code of Ukraine, the Civil Procedural Code of Ukraine and the Code of Administrative Proceedings of Ukraine came into force in Ukraine, which unified the procedural rules governing the review of cases in these processes. Therefore, the requirements for a claim in civil and administrative proceedings are not much different from the requirements that are presented in the economic process.

In its legal nature, the claim is a complex phenomenon, which is characterized by:

1. a claim as a requirement is always associated with the existence of a dispute about a right;
2. the presence of a dispute about the right necessarily involves the presence of at least two disputed subjects;
3. the presence of two disputed subjects necessarily requires the existence of a third party – a court, that is an independent arbitrator to which the parties apply for a resolution of the dispute between them;
4. procedural equality of the parties before the court, which considers and resolves the dispute between them.

Thus, a lawsuit is possible where there is a dispute between at least two procedural parties and an independent court that can resolve this dispute.

Classification of claims can be made on several criteria. So, according to the branch affiliation, claims can be divided into:

- administrative;
- commercial;
- civil.

Moreover, separate consider it expedient to allocate a civil claim in criminal proceedings, since such a suit even though filed under the rules of the civil process, but is resolved by the rules of criminal proceedings.

Depending on the nature of the claims and the method of protection, claims can be divided into claims for recognition, claims for awards and conversion claims. The claim for recognition is intended to protect the plaintiff, who believes that he has a certain subjective right that is contested by another person. For example, a claim for the recognition of property rights. The claims of recognition, in turn, are divided into positive ones to negative ones. Positive claims

are conditioned by the fact that the plaintiff makes a claim for recognition of a certain right for him (for example, recognition of property rights). Negative claims include a situation where the plaintiff objects to the existence of a certain right in the defendant (for example, a claim to contest the property right). Thus, for claims for recognition, it is characteristic that the plaintiff does not ask the court to collect anything in his favor, but only requires a legal the recognition of a subjective right or a denial of the existence of a certain right in the defendant.

The claim for awards is characterized by the fact that the plaintiff asks for recognition of certain subjective rights under him and in accordance with this right to oblige the defendant to perform certain legally significant actions (to transfer funds or property, to release premises, etc.). This group of actions by its nature is wider than the previous one, as the plaintiff asks the court not only to recognize a certain right for him, but also to oblige the defendant to perform certain actions related to the implementation of the disputed right. The subject of a claim for award is the material claim of the plaintiff to the defendant, whose enforcement is required by the plaintiff. Both the claim for recognition and the suit for award are directed to judicial confirmation of the rights and obligations of the parties in the form in which they were formed and existed prior to and irrespective of the trial, but which require official confirmation.

Convergence claims are actions directed at the emergence, change or termination of material relationships. The court decision in this case acts as a legal act of substantive law, which changes the structure of material relations, for example, a lawsuit on changing the terms of the contract. Unlike claims for awards, the plaintiff requires no action by the defendant, but changes in the legal relationship between the plaintiff and the defendant. For example, when a court changes the terms of a party contract in the future, they must comply with the new terms of the contract, established by the court.

By the nature of protected interests, claims are divided into:

- personal (claims directed on the protection of subjective rights – on the divorce, on the recovery of alimony);
- group (claims directed at protecting a group of persons whose personal membership can be determined);
- appeals for the protection of an unspecified number of people (environmental claims, claims for consumer rights protection etc.).

Personal claims are the most common type of claims. However, at the present stage, group claims are being made. A group suit may allow the protection of a significant number of individuals whose rights and interests have been violated; reduce the burden on the courts through small claims; save material and time resources of process participants; at the same time to provide protection of public-legal and individual interests, etc.⁴

⁴ Bilousov Y V, 'Hrupovyi pozov: zarubizhnyi dosvid ta perspektyvy yoho vykorystannia v Ukraini' [Group suit: foreign experience and prospects of its use in Ukraine] (2012) 1 Universytetski naukovi zapysky 297 (in Ukrainian).

The purpose of claim proceedings is to protect subjective rights by recognizing rights, restoring the situation that existed before the violation of right, and termination of violating the right to award a duty in kind, to terminate or change the legal relationship, to recover damages in cases stipulated by law or contract – penalties (fines, penalties), as well as other means provided by law.

In case of hearing a case by a court in the procedure of legal proceeding, the participants of the case shall in writing set forth their claims, objections, arguments, explanations and arguments regarding the subject of the dispute exclusively in statements on the merits of the case, determined by the relevant procedural law. Thus, in the economic process, the merits of the application are: a statement of claim; reference to a statement of claim (reference); response to the reference; denial; explanation of a third party regarding a claim or a claim.

According to M. Kurilo, the claim form of the protection of law is a procedure for the consideration of disputes over a right that arose in connection with a possible violation or disputing of the rights and interests of legal entities in order to protect or restore them, which involves competition between the parties and equal procedural possibilities of justification of a legal position⁵.

Thus, the claim is expressed in the statement of claim and appealed to the court requesting the plaintiff to provide him with state assistance in the implementation of his violated or disputed rights, freedoms and interests. An appropriate remedy is only a well-founded claim, the requirements of which are supported by appropriate, admissible and sufficient evidence.

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⁵ Kurylo MP, 'Do pytannia pro sutnist pozovu ta pozovnoi formy zakhystu prav' [To the issue of the substance of the claim and the claim form of rights protection] (2016) 1 *Sudova apeliatyia* 83 (in Ukrainian).

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THE PRE-CONDITIONS, PRINCIPLES AND ATTRIBUTES OF POLITICAL AND TECHNOCRATIC GOVERNANCE IN ITALY: HISTORY AND MODERNITY

The article is devoted to analyzing the stages and peculiarities of the formation of a politically and party determined system of governance and public administration in Italy during the late nineteenth and early twentieth centuries. In parallel, it is argued that the system of governance and public administration in Italy is historically determined by a technocratic component. On this basis, the parameters of pre-conditions, principles and attributes of political and technocratic governance in Italy (for which both political or party governments are inherent characteristic of parliamentary democracy and republic) were revealed. The author has proved that the technocratic component of party and politically determined public administration in Italy overcomes the ideological polarization of inter-party competition and the party component of governance, thus stabilizing and increasing the efficiency of governance in general. Thus, it has been recorded that the synthesis of political and technocratic components of public administration does not always undermine democratic character of the latter, although it affects the nature of the delegation of powers and responsibilities, but generates somewhat different (from the classical one) model of parliamentary democracy.

Keywords: government, governance, public administration, politics, technocracy, Italy.

ЗУМОВЛЕНІСТЬ, ПРИНЦИПИ ТА АТРИБУТИ ПОЛІТИЧНО-ТЕХНОКРАТИЧНОГО УРЯДУВАННЯ В ІТАЛІЇ: ІСТОРІЯ ТА СУЧАСНІСТЬ

Проаналізовано етапи й особливості становлення політично та партійно детермінованої системи урядування й державного управління в Італії впродовж кінця XIX – початку XXI ст. Паралельно із цим, аргументовано, що система урядування й державного управління в Італії історично детермінована технократичною компонентою. На цій підставі виявлено параметри причинної зумовленості, принципів та атрибутів політично-технократичного урядування й управління в Італії, для якої як для парламентської демократії і республіки іманентно властиві політичні/партійні уряди. Доведено, що технократична складова партійно та політично детермінованого державного управління в Італії суттєво долає ідеологічну поляризацію міжпартійної конкуренції і партійної складової урядування, відтак і стабілізуючи, і збільшуючи ефективність

урядування загалом. Відтак зафіксовано, що синтезування політичного і технократичного компонентів державного управління не завжди підриває демократичність останнього, хоча, з однієї сторони, позначається на природі делегування повноважень і відповідальності управлінням, але, з іншої сторони, генерує дещо відмінну від класичної модель парламентської демократії.

Ключові слова: уряд, урядування, державне управління, політика, технократія, Італія.

Italy is one of parliamentary democracies in Europe, which is permanently characterized by formation of party/political governments, and thus party and party-oriented style of governance. However, even despite the fact that in the country non-party/technocratic governments (for instance, headed by prime-ministers L. Dini and M. Monti) were rarely formed, of great significance and popularity is a political or technocratic style of governing. Nevertheless, it is not a peculiarity of just modern (especially since the early 90s of the 20th century) stage of development of the public administration and system of governance in Italy, but it has been inherent to the country for a long period of time. Thus, the task of the current research is to demonstrate causality, principles and attributes of political-technocratic governance and administration in Italy, which, being a parliamentary democracy, is immanently characterized by political/party governments. Handling of the current task may give an answer to the question how there happens compares on and combination of political and a political/technocratic styles of governance and public administration, in particular in democratic political regimes.

This range of problems has partially been described in works by such scientists as: W. Bakema¹, J. Blondel², M. Cotta and L. Verzichelli³, M. Dogan⁴, M. Fabri⁵, P. Farneti⁶,

¹ Bakema W., *The Ministerial Career*, [w:] Blondel J., Thiebault J. (eds.), *The profession of government minister in Western Europe*, Wyd. McMillan 1991, s. 70–98.

² Blondel J., *Ministers in Southern Europe. A comparative perspective*, Paper presented at the Seminario de Arrabida, 17–18 September 2001.; Blondel J., *The Ministers of Finance: a special type of Minister?*, European University Institute Working papers 1991: Series SPS, nr. 31.

³ Cotta M., *Classe politica e parlamento in Italia*, Wyd. Il Mulino 1979.; Cotta M., *Elite unification and democratic consolidation in Italy: an historic overview*, [w:] Higley J., Gunther R. (eds.), *Elite and Democratic consolidation in Latin America and Southern Europe*, Wyd. Cambridge University Press 1992, s. 146–177.; Cotta M., *La crisi del governo di partito all'Italiana*, [w:] Cotta M., Isemia P. (eds.), *Il Gigante dai piedi di argilla*, Wyd. Il Mulino 1996, s. 11–52.; Cotta M., Mastropaolo A., Verzichelli L., *Parliamentary Elite transformations along the Discontinuous Road of Democratization: Italy 1861–1999*, [w:] Best H., Cotta M. (eds.), *Parliamentary Representatives in Europe 1848–2000: Legislative Recruitment and Careers in Eleven European Countries*, Wyd. Oxford University Press 2000, s. 226–269.; Cotta M., Verzichelli L., *Italy: the sunset of a partyocracy*, [w:] Blondel J., Cotta M. (eds.), *Party and government. An inquiry into the relationship between governments and supporting parties in liberal democracies*, Wyd. Macmillan 1996, s. 180–201.; Cotta M., Verzichelli L., *Ministers in Italy: Notables, Partymen, Technocrats and Mediamen*, "South European Society and Politics" 2002, vol 7, nr. 2, s. 117–152.; Verzichelli L., *Italy. The difficult road towards a more effective process of ministerial selection*, [w:] Dowding K., Dumont P. (eds.), *The selection of ministers in Europe. Hiring and firing*, Wyd. Routledge 2009, s. 89–100.; Verzichelli L., *La distribuzione delle spoglie ministeriali. Proposte per l'analisi comparata, con una indagine sul caso italiano*, "Quaderni di scienza politica" 2001, vol 8, s. 51–98.; Verzichelli L., *Portfolio allocation*, [w:] Strom K., Müller W., Bergman T. (eds.), *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe*, Wyd. Oxford University Press 2008, s. 237–268.; Verzichelli L., Cotta M., *Technicians, technical government and non-partisan ministers: The Italian experience*, Presented at IPSA XXII Congress, Madrid, July 2012, 30 s.

⁴ Dogan M., *How to become ministers in Italy*, [w:] Dogan M. (ed.), *Pathways to power: Selecting rulers in Western Democracies*, Wyd. Westview 1989, s. 99–129.

⁵ Fabri M., *Governo e sovrano nell'Italia liberale*, „Rivista Trimestrale di Scienza dell'Amministrazione” 1991, vol 3, s. 103–186.

⁶ Farneti P., *Sistema politico e società civile*, Wyd. Giappichelli 1971.; Farneti P., *Social conflict, parliamentary fragmentation and, Institutional shift and the rise of fascism*, [w:] Linz J., Stepan A. (eds.), *The Breakdown of the Democratic regimes: Europe*, Wyd. The Johns Hopkins University Press 1978.

F. Marangoni⁷, A. Mastropaolo⁸, G. Pasquino⁹ and many others. However, they do not provide a synthetic conclusion concerning the peculiarity and causality of the fact how the element of technocratic governance penetrates into the politically determined style of public administration in Italy.

Searching for the answer to the question we appeal to the point that historically Italy, and thus traditionally, is characterized by quite specific understanding of state governance and role of key actors – governments/governmental cabinets, ministers and high officials – in the state administrative process. Therefore namely historical peculiarities of establishing administrative, first of all ministerial, elite and role of political parties and interparty competitiveness played a key role in penetration of technocratic elements and corporate mind predominantly political, at least as to its nature and essence parliamentary democracy and republic, style of state governance in Italy. However, the sign if I chance of taking into account peculiarities and current parameters of the administrative status of ministers in Italy is crucial, both historically and currently, for comprehension of the governing process and system of governance, as ministers in governments/governmental cabinets, especially in the context of parliamentary democracy, are conceived as politicians who must bear political responsibility for specific administrative functions, which have been developed if the country is interpreted as a polity. The point is that ministers being agents of public administration and governance according to their institutional role are very close to the so-called “center of the game” for power and control over it. Thus, ministers, as well as the prime-minister as the highest administrative elite under parliamentary democracy occupy political space, which on the one hand, is determined by functional requirements to a certain polity, and on the other hand, by pressure they exert in the course of such political game and control over the administrative apparatus of the country. That is why competence, efficiency and specialization of ministers and other representatives of administrative elite in comparison with such political attributes of state governance as legitimization and political loyalty are rather competitive criteria, which influence the choice and assignment of different ministers, officials and functionaries to specific political and administrative posts. From this perspective attributive peculiarity of Italy is in the fact that according to the average political style of governance, which by default is inherent to this country, quite a big scope of functions within the public administration is put on ministers, who on the one hand are top-rated politicians, and on the other hand are effective technocrats and bureaucrats. That

⁷ Marangoni F., Technocrats in Government: The Composition and Legislative Initiatives of the Monti Government Eight Months into its Term of Office, “*Bulletin of Italian Politics*” 2012, vol 4, nr. 1, s. 135–149; Marangoni F., Verzichelli L., *Italy: from personalized polarization to technocratic co-operation?*, Presented at 2012 SISP Congress, Roma, 13–14 September 2012, 30 s.

⁸ Mastropaolo A., Sviluppo politico e parlamento nell'Italia liberale. Un'analisi a partire dai meccanismi della rappresentanza, “*Passato e Presente*” 1986, vol 12, s. 29–93.

⁹ Pasquino G., *Party government in Italy: achievement and prospects*, [w:] Katz R. (ed.), *Party government: European and American perspectives*, Wyd. de Gruyter 1987, s. 202–242.

is the way how politically-determined style of state governance goes hand-in-hand with the elements of technocracy, bureaucracy and corporatism¹⁰.

There as on of such phenomenon lies in the political history of Italy of the late 19th–early 21st century, in particular in the gradual change of the system of state governance and administration, as well as political regimes, which were inherent to it. Its influence on establishing modern style of state governance in this country had: changes in understanding political and bureaucracy/technocracy from the perspective of their positioning, at first in the frames of the “minimal state” concept, and later as a “state of general welfare”, change of criteria, nature and determination of “political game” phenomenon and political decisions concerning control over power while transferring from the monarch legitimacy to the restricted and then to the mass representativeness. Such transformational processes had impact on the ways of developing structure of government, governance, public administration and its staff (administrative elite), as transformation of “political game” became a significant catalyst for creation of peculiar channels of enlistment and models of career advancement in the sphere of political and administrative elite. On the other hand, transformation of functions and role of the state in accordance with the Italian society and its problems was represented in quality and quantity of ministers, who were consistently rendered throughout its historical past. As the competence of power-executive structures and administrative staff machinery grew from relatively restricted functions, connected with maintenance of domestic and foreign order in the country, to a larger array of functions, concerning development of economy and social equality and justice¹¹. Nevertheless, it should be mentioned, that the tendency towards enlargement of powers and quantitative representativeness of administrative hierarchy in Italy had a linear character throughout the whole history and was slowed down or even suspended only in the last decades, when the country entered the phase of “turnaround”. However, even this tendency was marked by a transition of a large number of governmental and administrative powers towards powers of independent centers of power centers, as well as local administrations and supranational structures. In general it should be stated that in comparison with the mid-19th century in the early 21st century the number of ministers grew from 10 to 25, and the number of government members rose from 10 to 85. Similar processes took place in the context of enlarging the sphere of governments’ specialization, system of governing and public administration in Italy, especially at the beginning of the 21st century when the country, as it was mentioned above, started a significant “turnaround” of the previously inherent process of diversification of public administration. Therefore, it is quite logical to argue that total influence of these changes had significant and gradual effect both on the peculiarities of ministerial/administrative elite and on the system of governance and public administration in Italy in general. However, this impact can still be felt during

¹⁰ Cotta M., Verzichelli L., Ministers in Italy: Notables, Partymen, Technocrats and Mediamen, “*South European Society and Politics*” 2002, vol 7, nr. 2, s. 117–152.

¹¹ Ferrera M., *Il Welfare State in Italia*, Wyd. Il Mulino 1985.

some periods of political history in Italy, as the latter bear in fluence over causality, principle and attributes of technocracy penetration into politically-determined public administration in Italy. Among these periods it is necessary to single out the following: 1) the early years of parliamentary monarchy in Italy (1848–1876); 2) the years of developed parliamentary system in Italy (1876–1913); 3) the first period of mass suffrage in Italy (1913–1924); 4) the second period of mass suffrage and the stage of mass democracy in Italy after fascism (1946–1992); 5) the crisis of democracy in Italy (1992–1996); 6) the so-called “majority democracy” in Italy (since 1996 up to now)¹².

The early stage of parliamentary monarchy is the period in the course of which formerly absolute monarchy in Italy was transformed into the constitutional (parliamentary) monarchy. Besides, it is the period of national unification of one of the regional states in Europe. However, the constitution and other legislation of that period were far from determining Italy as a parliamentary system and in fact did not formulate the principle of political responsibility of the government and the system of public administration before parliament, though they partially appealed to the phenomenon of parliamentary democracy. In particular, prime-ministers and governmental cabinets of that period were to enjoy support of majority in legislature¹³. At the same time, it was absolutely clear, that the Italian monarchy was not restricted by a symbolical role, but as it was before, it was ready and capable of playing the leading role in the process of government formation and resignation, as well as in the process of appointment of ministers and their functioning and the system of governance and public administration in general. This period was characterized by an advantage of “parliamentary type of nobility” and absence of organized parties¹⁴. As a result the parliamentary life was organized in the frames of competitiveness between two large political groupings: historical right – *Storica Destra* and historically left – *Sinistra Storica*¹⁵. However, neither of them was a consolidated faction, but on the contrary they were rather feebly connected in the “political sphere”, a members of the parliament formed small groups and combinations, which were often based on personal or regional grounds. Thus, from the very beginning of modern nation-building in Italy the system of public administration, in particular as a result of variability of approaches towards understanding political future and administrative process, was characterized by a relative instability of governments/governmental cabinets together with relative stability of functionaries, state officials and ministers (what is testified by data, see Table I). This, in its turn, presupposed traditionally great expert experience of officials on the background of extremely instable system of the public administration in Italy.

¹² Cotta M., Verzichelli L., *Ministers in Italy: Notables, Partymen, Technocrats and Mediamen*, “*South European Society and Politics*” 2002, vol 7, nr. 2, s. 117–152.

¹³ Romeo R., *Cavour e il suo tempo*, Wyd. Laterza 1984.

¹⁴ Ballini P., *Le elezioni nella storia d'Italia dall'Unità al Fascismo*, Wyd. Il Mulino 1989.; Farneti P., *Sistema politico e società civile*, Wyd. Giappichelli 1971.; Cotta M., Mastropaolo A., Verzichelli L., *Parliamentary Elite transformations along the Discontinuous Road of Democratization: Italy 1861–1999*, [w:] Best H., Cotta M. (eds.), *Parliamentary Representatives in Europe 1848–2000: Legislative Recruitment and Careers in Eleven European Countries*, Wyd. Oxford University Press 2000, s. 226–269.

¹⁵ Mack Smith D., *Modern Italy*, Wyd. Yale University Press 1997.

Table 1. Stability of the system of government and experience of state officials in Italy, historical perspective¹⁶

Index	1861–1876	1876–1913	1913–1922	1946–1992	1992–1996	1996–2001
Ministers' term of office, in years. ¹⁶	1,9	2,1	2,0	2,7	1,6	2,3
Duration of ministerial posts, in years	2,5	3,0	2,2	3,5	1,6	2,6
Ministerial turnover, %	49,4	38,3	40,9	55,0	54,0	54,3

Źródło: Cotta M., Verzichelli L., *Ministers in Italy: Notables, Partymen, Technocrats and Mediamen*, "South European Society and Politics" 2002, vol 7, nr. 2, s. 117–152.

Along with that, political basis for ministers and other officials of the period was predominantly parliamentary, though many of them worked only in the Senate. However, if we take in to account the fact that the Senate was established not on the electoral principle, but was formed upon there commendation of the monarch (being firstly proposed by the parliament), then it is easy to see that almost quarter of ministers and top officials got their posts, playing no representative-political roles (in detail, see Table 3). The social portrait of that time ministers and officials was rather clear as well. A great number of them had aristocratic background and originated from three main social categories – landlords, higher military officers and senior officials. The detailed analysis testifies, that a large number of top administrative officials among aristocrats were also great landlords. Traditional social status of aristocracy and bourgeoisie was connected with land owning and merits to the Fatherland (army and bureaucracy), and thus played the main role while appointing ministers and administrative elite in general. It means that at the dawn of formation of the system of governance in Italy existed technocratic elements of policy-making, which found their representation in the forms, involving academicians, lawyers, intellectuals as well as military officers (nevertheless, each group was characterized by specialized education) (see Table 2).

Table 2. Social composition of governmental cabinets and administrative staff in Italy (1848–1922)

Social groups	1848–1861, %	1861–1876, %	1876–1900, %	1900–1913, %	1900–1913, %	1913–1922, %
Military officers	24,7	22,6	23,8	12,7	20,7	13,1
Administration	26,3	11,9	16,2	14,2	17,3	16,8
Landowners	11,4	15,5	8,0	8,5	8,3	3,6
Lawyers	26,3	25,0	18,1	29,5	20,2	23,6
Other professions	1,6	–	3,0	4,2	3,3	3,7
Academicians	1,6	13,1	17,0	19,7	17,3	19,6
Other intellectuals	4,9	7,1	7,9	7,0	7,5	14,0
Businessmen	1,6	4,8	5,0	4,2	4,7	5,6

¹⁶ Counted out of an average number of governments over the analyzed period.

Social groups	1848–1861, %	1861–1876, %	1876–1900, %	1900–1913, %	1900–1913, %	1913–1922, %
Other	1,6	–	1,0	–	0,7	–
Total	100,0	100,0	100,0	100,0	100,0	100,0
Among them, %:						
Nobility	54,8	37,6	28,5	28,2	28,5	14,0
Technocrats	52,6	60,7	58,9	61,9	58,2	56,3

Źródło: Cotta M., Verzichelli L., *Ministers in Italy: Notables, Party-men, Technocrats and Mediemen*, "South European Society and Politics" 2002, vol 7, nr. 2, s. 117–152.

However, a significant criterion of appointing ministers and other officials during this period was monarchy loyalty¹⁷. It should be kept in mind, that the monarchy due to many reasons (one of the mis its role in unification of the country) played an important part in forming the elements of power and state administration, and predominantly it was formed by the representatives of the upper class society and bureaucracy (especially in the military sector). The fact that a large part of ministers and state officials originated from this social environment suggested that they, in this period, obtained double loyalty – as to their parties/factions and electorate by means of the political process in the form of elections and towards the monarchy, as on the basis of their social and professional background there was “withdrawal” of nobility. Another large group of ministers and officials were representatives of the middle class, as about 40% of ministers and officials previously had free professions (mainly lawyers, engineers, doctors and architects) and represented different spheres of cultural life (journalists, university professors etc.). Thus, the first period of the representative politics in the history of Italy did not show the full break away at the level of executive power and state governance in comparison with the pre-representational period. High social origin, career in high ranks and levels of state administration, proximity to royal power were the elements, which characterized power-administration elite earlier and which did not disappear immediately when the institution of elections and representative bodies of authority were introduced. That is why the described peculiarities and elements of the public administration process were mainly “flowing” into a new representative policy both in parliament and in combination with it. However, even despite the fact that the reexisted the ways of introducing new elements of state administration, which were more obvious “products” of the electoral and parliamentary schemes, their importance in the course of time remained too restricted.

In its turn, formation of ministerial and administrative elite in the context of the developed parliamentary system (1876–1913) was characterized by such distinctive attributes and markers as: the end of domination of conservative political elite, which gave place to left forces in governmental cabinets and departments¹⁸; decline of republican ideals in herent to left parties for

¹⁷ Farneti P., *Sistema politico e società civile*, Wyd. Giappichelli 1971.

¹⁸ Cotta M., *Elite unification and democratic consolidation in Italy: an historic overview*, [w:] Higley J., Gunther R. (eds.), *Elite and Democratic consolidation in Latin America and Southern Europe*, Wyd. Cambridge University Press 1992, s. 146–177.

the benefit of more balanced monarchy; establishing of a new social-political division between traditional parties and radical left political forces; decrease of anaristocratic element in the system of administration in Italy in favor of academic specializations and intellectual positions; accelerated growth of the education level; predominance of prime-ministers, representatives of the middle class; formation of practice, concerning considering parliamentary experience (first of all in the electoral chamber of parliament) while appointing to the ministerial or administrative post; further growth of ministerial and bureaucratic stability; gradual increase of influence of the political process of representational type on establishing ministerial and administrative elite, while preserving the importance of aristocratic origin of the main part of the state administration¹⁹ (see tables 1 and 2). In general, there occurred establishing of such system of administrative elite, for which important were both ministerial posts and roles, and experience in bureaucratic sector. Along with that the administrative system was formed on the basis of their complementation quality.

During the first period of mass representative suffrage in Italy, in particular before consolidation of fascism (1913–1924), there took place even more significant political and social transformations, which provoked a change in the meaning and characteristics of ministerial and administrative elite in general, for instance: introduction of more universal and equal (up to the quarter of adults) suffrage (1912) and its practical application (first in 1913)²⁰; quick reformatting of the party system due to formation and consolidation of new political forces²¹, which were more frequently formed within the constructs of mass political parties and obtained majority (various parties in total) of seats in the parliament; formation of strong ideological and social-political divisions between parties; formation of representative democracy and bringing the issue of choice between the elites of an old “nobility” type and a new type of party functionaries to the agenda; formation of new practice of creating governmental cabinets and administrative hierarchy, as since then the prime-minister was obliged to get consent from parliamentary parties to appoint any minister; some reduction in indices of governmental and ministerial/administrative stability; inability of a mass-type parties to control governmental and administrative activity; continuation of the course towards reducing aristocracy and increasing the number of middle class and representatives of free professions (one third of ministers positioned themselves as “experts in ideas”) within the system of public administration; reducing experience and practice of the previous ministers’ and bureaucrats’ activity in the parliament. In general over the whole period from the mid-19th – early 20th century formation and functioning of administrative elite and system of governance in Italy was characterized by: significant

¹⁹ Mastropaolo A., Sviluppo politico e parlamento nell'Italia liberale. Un'analisi a partire dai meccanismi della rappresentanza, “*Passato e Presente*” 1986, vol 12, s. 29–93; Rogari S., *Alle origini del Trasformismo*, Wyd. Laterza 1998; Fabri M., Governo e sovrano nell'Italia liberale, „*Rivista Trimestrale di Scienza dell'Amministrazione*” 1991, vol 3, s. 103–186.

²⁰ Ballini P., *Le elezioni nella storia d'Italia dall'Unità al Fascismo*, Wyd. Il Mulino 1989.

²¹ Farneti P., *Social conflict, parliamentary fragmentation and, Institutional shift and the rise of fascism*, [w:] Linz J., Stepan A. (eds.), *The Breakdown of the Democratic regimes: Europe*, Wyd. The Johns Hopkins University Press 1978.

increase in size and quantitative representativeness of governmental cabinets and governance-administrative apparatus; change of social attributes of ministerial and administrative elite from representativeness of higher class of aristocracy to representativeness of the middle class of society; growth in the education level of ministers and state officials; growth of significance of representative experience of ministers and state officials in the electoral chamber of parliament²².

Fur their transformations in the governmental-administrative activity took place as a result of the transition of Italy to the stage of mass democracy after the collapse of fascism (1946-1992). These changes were determined by such qualitative attributes as: disappearance of liberal administrative-governmental elite (which was partially coopted in to the first fascist governmental cabinets) from political and administrative process; inclusion of mass parties to governmental and administrative political teams, which resulted in growth and consolidation of party governance and administrative logics²³; restoration (after the fascism period) and strengthening of the parliamentary constitutional system and democracy, in which a governmental cabinet was interpreted as a responsible body before the parliament; restoration of some attribute of previous experience of democracies, in particular practice of obtaining positions in governmental cabinets and administrative staff on the basis of experience of parliamentary representativeness. It found its reflection in the fact that in Italy were formed variable constructions of party governments (including minority governments) and party governance, however, even within these frames quite influential remained technocratic components, which significantly modified a "long-term cycle" of Italian democracy²⁴. They were supplemented by the point that the foundation of administrative strategies and governmental cabinets in Italy was formed by centrist parties and media policy. Therefore, the basic attributes of the system of governance and characteristic features of ministerial/administrative elite in Italy became: university education; middle adulthood; predominance of men (female suffrage was introduced only in 1946²⁵); absence of education in military field (which was extremely widespread during the previous stages of establishing the systems of governance, and is contemporary represented only by technical cabinets)(in detail, see Table 3). Herewith, at first in the composition of administrative and governmental structures prevailed ministers and officials-politicians, who in everyday professional life were engaged into politics and later ministers and officials as representatives of specialized knowledge and technocrats. In general since 1946 in Italy has been applied practice of compulsory parliamentary support and origin of ministers and other representatives of the

²² Cotta M., Mastropalo A., Verzichelli L., *Parliamentary Elite transformations along the Discontinuous Road of Democratization: Italy 1861–1999*, [w:] Best H., Cotta M. (eds.), *Parliamentary Representatives in Europe 1848–2000: Legislative Recruitment and Careers in Eleven European Countries*, Wyd. Oxford University Press 2000, s. 226–269.

²³ Clark M., *Modern Italy. 1871–1982*, Wyd. Longman 1984; Pasquino G., *Party government in Italy: achievement and prospects*, [w:] Katz R. (ed.), *Party government: European and American perspectives*, Wyd. de Gruyter 1987, s. 202–242.; Cotta M., Verzichelli L., *Italy: the sunset of a partyocracy*, [w:] Blondel J., Cotta M. (eds.), *Party and government. An inquiry into the relationship between governments and supporting parties in liberal democracies*, Wyd. Macmillan 1996, s. 180–201.

²⁴ Cotta M., *La crisi del governo di partito all'Italiana*, [w:] Cotta M., Isernia P. (eds.), *Il Gigante dai piedi di argilla*, Wyd. Il Mulino 1996, s. 36.

²⁵ Best H., Cotta M., *Parliamentary Representatives in Europe 1848–2000: Legislative Recruitment and Careers in Eleven European Countries*, Wyd. Oxford University Press 2000.

system of governance – either from the lower or upper chamber of the parliament (which from the Italian perspective have been evaluated as equivalent, because electoral and operational powers of the chambers are almost the same). In this was, for instance, over 90% of all ministers in governmental cabinets are elected. At the same time, the procedure of ministers' election in the parliament started including not only the moment of their support on the part of parliament, but also experience of occupying ministerial posts during the previous years of their work. It is notable that ministers usually passed three stages of their parliamentary activity to the post of the minister, which were connected with: 1) common parliamentary experience, which could be defined as a "test of personal level of adequacy for the ministerial post"; 2) experience of parliamentary leadership in some presidential team or legislative committee (which could be associated with the corresponding ministry); 3) socialization as to the executive structures without staying in them institutionally (which could be associated with gaining corresponding experience of ministerial activity)²⁶.

Table 3. Social composition of governmental cabinets and top administrative staff in Italy (1946–2001)

Group	40s of the 20 th c., %	50s of the 20 th c., %	60s of the 20 th c., %	70s of the 20 th c., %	80s of the 20 th c., %	1992–1996, %	1996–2001, %	Total, %
Farmers	2,4	–	–	1,0	–	–	–	0,5
Business	12,2	6,9	6,1	9,3	6,4	6,3	3,2	6,6
Lawyers	36,6	43,1	34,1	22,7	14,7	12,5	7,6	22,6
Judges	–	–	1,2	1,0	2,8	6,3	9,3	2,9
Teachers	–	5,6	8,5	8,2	7,3	2,5	3,7	5,8
Professors	21,9	23,6	19,5	18,6	25,7	42,5	35,2	25,6
State service	–	–	–	4,1	7,3	5,0	9,3	5,2
Military men	–	–	1,2	–	–	1,3	–	0,5
Journalists	4,9	4,2	2,4	7,2	8,3	6,3	7,4	6,1
Engineers	7,3	1,4	3,7	1,0	1,8	–	–	1,8
Officials	–	–	–	–	2,8	2,5	1,9	1,3
Workers	–	2,8	3,7	2,1	–	3,8	–	1,1
Politicians	9,8	8,3	15,8	20,6	16,6	1,0	13,0	13,4
Economists	2,4	–	–	–	0,9	2,5	1,9	0,3
Other professions	–	1,4	3,7	3,1	4,6	7,5	1,9	4,5
Others	2,4	1,4	–	1,0	0,9	–	5,6	0,8

Źródło: Cotta M., Verzichelli L., Ministers in Italy: Notables, Partymen, Technocrats and Mediamen, "South European Society and Politics" 2002, vol 7, nr. 2, s. 117–152.

Correspondingly, delegation of ministerial and administrative powers to the leaders and members of governmental coalitions in Italy took place while taking in to account approximate

²⁶ Zuckerman A., *Italian Christian Democracy. The politics of factions*, Wyd. Sage 1979; Calise M., Mannheimer R., *Governanti in Italia*, Wyd. Il Mulino 1982; Dogan M., *How to become ministers in Italy*, [w:] Dogan M. (ed.), *Pathways to power. Selecting rulers in Western Democracies*, Wyd. Westview 1989, s. 99–129; Marradi A., *Italy: From "centrism" to crisis of Centre-left coalition*, [w:] Browne E., Dreijmanis J. (eds.), *Government Coalitions in Western Democracies*, Wyd. Longman 1982, s. 33–70.

forces and levers of influence of coalitional parties and factions. Furthermore, the process of division of delegated ministerial and administrative posts took place at the party level²⁷. At the same time, namely in the Italian case traditionally appeared some administrative-governmental problems, as political class, represented by governmental political parties, is a product of the process of representativeness, in which electoral (local and national) positions and party career ladder were strictly overlapping, thus normalization of administrative positions is not accidental, but follows a certain career path, which is different for different parties²⁸. For instance, in case of the Christian democrats there is a traditionally strong network of ties with trade-unions, employers' organizations and other groups of interests. Herewith, groups of interest concerning ministerial and administrative positions in Italy, as M. Cotta and I. Verzichelli state²⁹, are extremely strong, as more than 40% of ministers and administrative officials are appointed as a result of contacts with such groups of interest. It was rather noticeable over the period of 40s-60s of the 20th century, when the "interrelation" between ministers/officials and groups of interest was the most significant. Only since the 70s of the 20th century there started the process of deliberate distancing of ministers and administrative officials from such structures. However, the process was moving (and this is still can be traced) towards the overall control of political parties over ministerial and other administrative assignments. In general, the system of party governmental cabinets in Italy obtained the elements of party control both from the inside and outside³⁰. One may speak of inside control, because a great part of ministerial and administrative officials started being arranged by "party members-generalists", who got used to represent their parties in governmental cabinets³¹. Outside control appears because the level of ministers' and administrative officials' autonomy to some extent was restricted by powers of party leaders, who stay outside governmental cabinets and give preference to those officials who belong to parties. In general, there are all grounds to describe specific nature of governmental cabinets in Italy as unstable and controversial from the perspective of governmental coalitions and inter-party factions. In this regard, as it was mentioned above and as W. Bakema³² argues, ministerial and administrative duration in Italy is lower, than duration of analogous ministers in other western European countries. Herewith, the heyday of the system of governmental, ministerial and administrative elite was the period of the 60s-70s of the 20th century, when in Italy started

²⁷ Cotta M., Verzichelli L., *Italy: the sunset of a partyocracy*, [w:] Blondel J., Cotta M. (eds.), *Party and government. An inquiry into the relationship between governments and supporting parties in liberal democracies*, Wyd. Macmillan 1996, s. 180–201.; Verzichelli L., La distribuzione delle spoglie ministeriali. Proposte per l'analisi comparata, con una indagine sul caso italiano, "Quaderni di scienza politica" 2001, vol 8, s. 51–98.; Mershon C., Party Factions and Coalition Government. Portfolio allocation in Italian Christian Democracy, "Electoral Studies" 2001, vol 20, s. 554–580.

²⁸ Cotta M., *Classe politica e parlamento in Italia*, Wyd. Il Mulino 1979.

²⁹ Cotta M., Verzichelli L., Ministers in Italy: Notables, Partymen, Technocrats and Mediamen, "South European Society and Politics" 2002, vol 7, nr. 2, s. 117–152.

³⁰ Cotta M., Verzichelli L., *Italy: the sunset of a partyocracy*, [w:] Blondel J., Cotta M. (eds.), *Party and government. An inquiry into the relationship between governments and supporting parties in liberal democracies*, Wyd. Macmillan 1996, s. 180–201.

³¹ Blondel J., *The Ministers of Finance: a special type of Minister?*, European University Institute Working papers 1991: Series SPS, nr. 31.

³² Bakema W., *The Ministerial Career*, [w:] Blondel J., Thiebault J. (eds.), *The profession of government minister in Western Europe*, Wyd. Macmillan 1991, s. 70–98.

the era of *centrismo* and *centro-sinistra* (centrism and right-centrism), as namely at that time stability of parliamentary-governmental and administrative elites reached its maximum level.

In this context quite relevant is an appeal towards the declared phenomenon of party members-generalist and administrative officials-specialists. If the marker of party members-generalists is to depend on frequent transition from one post to another, as J. Blondel³³ states, then it becomes clear that during the period of “the first republic” in Italy (till 1992) a large number of ministers were included into research at least once, and the third part of them changed not less than three different positions in the governmental cabinet. Such result is in line with a partological model of the career ladder for ministers and state officials and is explained by the intention to preserve continuous balance within the frames of factional and regional representation, as well as balance of powers between party leaders and government/administrative elite on the basis of rapid circulation of ministerial/administrative elites from the “first circle” of less significant ministerial/administrative positions to the internal circle of top-ministers and officials. All this resulted in the following: increase in frequency of changes among ministers and administrative officials; transformation of political parties aimed at their factionalization; decrease in number of ministers and administrative officials from the sphere of bureaucratic-party structures; growth in number of ministers and administrative officials without party affiliation (technocrats) and experience in representation at the level of power structures and governmental bodies. It generates the conclusion concerning the so-called corporate nature of a governmental system and system of public administration in Italy. Herewith, the corporate model of governance in Italy is supplemented by the fact that in the 80s of the 20th century within the structure of ministers and administrative officials appeared and became more common technocrats or semi-technocrats. At the same time, they concern several crucial spheres of governance – state administration and finances. For example, professor S. Giannini – minister of state administration, professor A. LaPergola – minister of European affairs, former head of the Central Bank G. Carli – minister of finances. In the 90s of the 20th century ministry of finances was traditionally in hands of technocrats – professors Barucci, C. Campi, L. Dini. As a result the rules of coalition bargain has been changed, as the reappeared the necessity “to do some thing unpleasant” in certain spheres of governmental and administrative policy, not to burden parties with difficult responsibilities³⁴. The highest point was formation of several non-party/technocratic governments and systems of governance in Italy under the charge of the prime-ministers L. Dini and M. Monti in the 90s of the 20th century.

In this context it is determined that Italy, at least since the 90s of the 20th century has been characterized by a significant transformation of social structure of administrative elite. The point is that many ministers and state administrative officials in the country are not just

³³ Blondel J., *Ministers in Southern Europe. A comparative perspective*, Paper presented at the Seminario de Arrabida, 17–18 September 2001.

³⁴ Verzichelli L., La distribuzione delle spoglie ministeriali. Proposte per l'analisi comparata, con una indagine sul caso italiano, *Quaderni di scienza politica* 2001, vol 8, s. 51–98.; Müller W., Strom K., *Coalition governments in Western Europe*, Wyd. Oxford University Press 2000.

politicians and leaders of their political parties (that are theoretically run for the positions in government on the grounds of parliamentary elections), but also on on-party and of ten non-political functionaries or experts-politicians with specific peculiarities of delegating their powers and specific functional skills of governance (as they are conventionally enlisted to deal with particular issues of policy and state administration). In this way occurs significant distancing of cause-and-effect relationship in the system of governance from a conventional delegation and liability before and on behalf of legislature. And this, in its turn explains technocratic style of governance as a partial alternative for party governance conventional in Italy. However, synthesis of party and technocratic components of public governance in Italy is rather an instrument for providing and advancing possible answers to those difficult questions which appear on the political agenda. This has several explanations: a) complicated and “high-technological” character of democratic administration; b) organizational and reputational risks of political parties and, as a result, involvement of experts-technocrats, enlisted from the “civil society”, with the aim to avoid votes of non-confidence in governments; c) concentration of power in hands of several people, who represent “main executives” in the system of governance and in the process of “presidential/premier governmental cabinets”³⁵ and, therefore, allow the latter to assign personal but not political agents to the posts in the sphere of public administration; d) influence of supranational arenas and institutions on the structure of national political institutions in Italy and as a result, the necessity of more effective fight against restrictions, which come from supranational structures³⁶. Within the frames of delegating powers and responsibilities³⁷ it strictly determines that, on the one hand, technocratic governance is an infringement of principal-agent relations, inherent to the parliamentary democracy and republic in Italy, but, on the other hand, it testifies that technocratic elite and ways of delegating its powers are connected with the specific aims of power-administrative process³⁸. It is revealed in the fact that a political ministers and state officials may be subject to responsibility for implementation of priorities, which were earlier determined in governmental-political and administrative platform, or may act as a kind of “protectors” for implementation of a set of reforms or, eventually, as “inspirational factors” for such reforms in this or that sphere of policy and governance.

Along with that, it is quite evident that the increase in number of ministers and officials-technocrats and technocratic element of the system of governance in Italy in general is presupposed by a significant complication of channels of being involved and promoted within

³⁵ Poguntke T., Webb P., *The Presidentialization of Politics: A Comparative Study of Modern Democracies*, Wyd. Oxford University Press 2005.

³⁶ Johansson K. M., Tallberg J., Explaining Chief Executive Empowerment: EU Summitry and Domestic Institutional Change. “*West European Politics*” 2010, vol 33, nr. 2, s. 208–233; Cotta M., Verzichelli L., Ministers in Italy: Notables, Partymen, Technocrats and Mediamen, “*South European Society and Politics*” 2002, vol 7, nr. 2, s. 117–152; Verzichelli L., *Portfolio allocation*, [w:] Strom K., Müller W., Bergman T. (eds.), *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe*, Wyd. Oxford University Press 2008, s. 237–268.; Verzichelli L., *Italy. The difficult road towards a more effective process of ministerial selection*, [w:] Dowding K., Dumont P. (eds.), *The selection of ministers in Europe. Hiring and firing*, Wyd. Routledge 2009, s. 89–100.

³⁷ Strom K., Delegation and accountability in parliamentary democracies, “*European Journal of Political Research*” 2003, vol 37, nr. 3, s. 261–279.

³⁸ Downing K., Dumont P., *Structural and strategic factors affecting the hiring and firing of ministers*, [w:] Dowding K., Dumont P. (eds.), *The selection of ministers in Europe. Hiring and firing*, Wyd. Routledge 2009, s. 1–20.

the frames of administrative elite. It is supplemented by the fact that it is traditional for Italy, at least after the WWII, to be characterized by considerable polarization of interparty competitiveness³⁹. Thus, especially in the context of politically and party determined style of governance, technocrats in the system of state administration in Italy are positioned and oscillate, on the one hand, between their expert neutrality and potential for cooptation with parties, but, on the other hand, a chance to be transformed into party-political functionaries. It is especially correct from the point of view of ministers' and administrators' promotion in Italy, as being specialists in various spheres of economy; they can position themselves both as independent experts, and party-oriented experts⁴⁰. In this way, takes place involvement of experts in to the processes of state administration In case of their segmental or simultaneous positioning either as politicians or as technocrats.

To sum up, wear gue that: a) it has been traditionally characteristic and nowadays even more common for Italy to involve in to the administrative sector ministers and administrators-technocrats, but immanently in herent and preferential was and is politically (party and parliamentary) determined nature of state administration; b) ministers and administrators-technocrats being characterized by higher level of autonomy and practical-professional experience, are more intelligent and efficient, than ministers and administrators-politicians, and in this way they influence the total raise of governmental quality in Italy; c) ministers and administrators-technocrats partially defect the relations of delegation of powers and responsibilities, which are in herent to the parliamentary democracy in Italy, however, do not annul them completely, as they remain in minority in comparison with ministers and administrators-politicians; d) technocratic component of state administration in Italy significantly overcomes ideological polarization of interparty competitiveness and party element of governance and thus stabilize and promote efficiency of the latter; e) synthesis of political and technocratic components of state administration do not always undermine democratic nature of the latter, and, on the one hand, denotes the nature of delegation of powers and responsibility by administrators, but, on the other, generates a bit different from classical, which is aimed at searching consensus in the context of political polarization, model of parliamentary democracy.

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³⁹ Marangoni F., Verzichelli L., *Italy: from personalized polarization to technocratic co-operation?*, Presented at 2012 SISIP Congress, Roma, 13–14 September 2012, 30 s.

⁴⁰ Verzichelli L., Cotta M., *Technicians, technical government and non-partisan ministers. The Italian experience*, Presented at IPSA XXII Congress, Madrid, July 2012, 30 s.

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POPULISM AS A THEORETICAL FRAMEWORK: MODERN ASPECT FOR POLITICAL SYSTEM

Abstract

In the article considered the common and special approach in different European countries to the definition of populism, traced the evolution of the concept from the ancient period. Thus, we can state that the concept of populism is a multifaceted political construct that performs the integrative-cognitive function of structuring and constructing a complex and controversial political reality with elements of social, discursive and praxeological eclecticism. A characteristic feature of the actualization of populism is the extreme parameters of the functioning of the state-political organism of society and the value projections of its existence. The crisis of society, which generates a conceptual platform of populism, reflects the objective need for democratization of the foundations of social order and social life. In particular, the anti-elite orientation of populism is due to the need to expand the influence of the subject field and instruments of direct democracy and direct democracy. The anthropological optimism of populism contrasts with the static-consensual metaphysics of the elitis

Keywords: populism, the political regime, the political system, political leadership.

ПОПУЛІЗМ ЯК ТЕОРЕТИЧНА ОСНОВА: СУЧАСНИЙ АСПЕКТ ПОЛІТИЧНОЇ СИСТЕМИ

Розглянуто спільне і особливе у підходах щодо визначення популізму в різних країнах Європи, простежено еволюцію поняття від античного періоду. Таким чином, можна констатувати, концепт популізму – багатогранний політичний конструкт, який виконує інтегративно-когнітивну функцію структурування та конструювання складної та суперечливої політичної реальності з елементами соціальної, дискурсивної та праксеологічної електики. Характерною особливістю актуалізації популізму є екстремальні параметри функціонування державно-політичного організму соціуму та ціннісних проєкцій його буття. Кризовий стан суспільства, де генерується концептуальна платформа популізму, відображає об'єктивну потребу в демократизації засад суспільного устрою та соціального буття. Зокрема, антиелітарне спрямування популізму обумовлене потребою розширення впливу предметного поля та інструментів прямої демократії та безпосереднього народовладдя. Антропологічний оптимізм популізму контрастує з

статично-консенсусною метафізикою є елітаристських уявлень про природу суспільної стратифікації та взаємодій.

Ключові слова: *популізм, політичний режим, політична система, політичне лідерство.*

Political presented populist democracy, including calls for greater participation for reform, including through a popular referendum; populism of politicians, appointed not by ideological appeals to «people» with the requirement to build a unified coalition; reactionary populism - calls for fundamental changes that often find support instead of resistance and misunderstandings in their implementation. Dictatorial populism, which came much scope in Latin America in the XX century. And had their charismatic leaders - like X. Peron, A. Hitler, J. Stalin.

But the common feature of populism subspecies played the lead role or domination - the people. «The power of the people - all the people!!!»

Prof. Margaret Kanovan defines populism: «The movement that appeals to» people «in opposition to the equally existing structures of power and the dominant ideas in society and social values.

M. Kanovan proposed classification is widespread modern variant of the agrarian populism and political. Under each of these species is further divided into a number of subspecies. In agriculture, it provided: farm movement with radical economic program, which was the personification of the People's Party of the United States in the late XIX century peasant movement, which occurred in Eastern Europe after the First World War; Populist movement in the second half of the XIX century.

The phenomenon of populism we can consider in different contexts. We think we can define the main two. First, when populism consider as doctrine or ideology.

Second, when the main focus lies on the form of political activity or political behavior of political leaders - charismatic leaders - statesmen.

Of course, the proposed division is still quite conventional and dilute conceptual and practical components, we can at the level of abstraction. Despite the fact that in each political phenomenon we find both conceptual and active-active side.

When attention is paid to the protection of people, the right of populism as a clear goal. First, an analysis of the situation and often see only the negative side and immediately be taken to deal with these shortcomings. And very often neglected the basic causes of this situation, historical background and eventually social aura that reigns in this situation. Immediately offered an easy way to solve this or that problem and it often resembles an iceberg middle of the ocean [1].

In the treatment of people held a departure from the qualitative characteristics of people, poverty, poor education, corruption, and so on.

An additional factor in determining the nation was not only its elite opposition, which stood on the mount vertical social structure, but exclude from its membership foreigners / immigrants who arrived in the country and are at the bottom of this structure.

A kind of positive message of populism is often abstract demand the return of power to the people as a result of actual removal from power in a particular point of people, groups, political forces and the transfer of power “true” representatives of the people. According populism seeks to adjust, make changes to the accepted rules of the game, coming only from the standpoint of interest in its political forces, without considering the interests of other political actors.

In political life traced a pattern, which is that the populist structure / leaders come to power, based on the principles of representative democracy in the future, they point out the problematic aspects of democracy, rightly criticize them but offer to overcome them, in fact, from the standpoint of authoritarianism through the establishment or strengthening of principles of individual power.

As wrote Prof. M. Popovic in his book “Be a man” that post-Soviet society suffers not only from destroyed economy, but also on the values that have lost their meaning. The problem many post-Soviet democracies is that without a clearly formulated program of the future - often identified progressive or lost with the restoration of ancient values and ideals, or sluggish attempts to preserve the remnants of the communist heritage. It is not surprising that populism is emerging in countries that do not have a clear plan or strategic line of development timeframes and collective and personal responsibility [10].

Fortunately noted German scholar Nazism - Kurt Zonthaymer that populism arises when democracy is seen as a technological process of forming a political will as well as does not give a carte blanche for the imaginary will of the people. The meaning of the concept of democracy is to view it as a political order that is intended to ensure freedom for the state of organized political community [8].

German researcher F. Deker pointed to the great variety, the diversity of political phenomena, which are to define the term “populism”. He asked the question: “Is there an ideological substratum populism, or is simply a way of political behavior, suitable for any ideological pressures.”

According F. Dekera, ideological populism in terms of inherent ambivalence, antynomichnist. This new European populism generally tends rather to right ideology. “New populist right” peculiar ethnic and cultural particularism; they oppose the ideas of domination and discrimination of certain people, but at the same time against the cultural and ethnic mixing. Like other researchers, F. Deker vozhdizm pointed to as one of the most characteristic features of populism. He singled out a number of campaign techniques resorted to populis[2].

Among them: an appeal to common sense; Love radical slogans; the contrast between people and elites; creating an enemy; provocations and “removing the taboo”; the use of metaphors associated with biologism and violence; emotions, bullying and so on.

As a populist campaign “enemy image are constructed like using personification - social problems certain social groups - and by pointing to the” conspirators. “

As an external enemy are, as a rule, foreigners (foreigners) as internal - those who contributed their penetration in the country or prevented it. “ F. Deker underlines the ambivalence of relations populism and democracy. Expressing the one hand, the interests and sentiments of many citizens, embodying broad democratic impulse populism at the same time, “ democratic elements in reducing absolute. . . may be hostile to the existing democratic system [3]. ”

According to these authors, the problem today is that many democracies that “ plebiscite and lehitymatsiyni elements of a constitutional state and more diverge away from each other. The party competition is a fiction, a populist party fighting elements begin to determine the real politics.

In an analytical review of the state of the theoretical development of the concept of “ populism “ and S. Cherhina S. Soare pointed to the great variety of approaches to the understanding of this phenomenon, the lack of a clear consensus on its definition.

In particular, they suggest aphoristic definition of the status of the search for belonging Isaiah Berlin, the British classical political thought in the twentieth century. Last likened the term “ populism “ with shoes of Cinderella fairy who “almost” fits many girls. And somewhere, feel researchers, would be the same “ leg “ that would Slipper went perfectly - “pure populism “. . . I. Berlin thus proposed its own list of the defining elements of populism[5].

Including:

1. idealization (sacred) people that are perceived as special or chosen. in different ways, “people” - poor, poor, middle class, the peasantry. It must be some kind of a threat to him.
2. Statism. Until recently, it was common point of populist movements, but today there is a definite shift towards liberalnyyi approaches to economic problems.
3. one-man leadership and extraordinary faith in a leader.
4. Xenophobia, racism and / or anti-Semitism which permeated the whole populist discourse register.
5. Promoting the image of “organic society”, ie economic, social and cultural harmony.
6. intensive use of conspiracy theories.
7. The similarity of religion and nostalgic look at the past.
8. Antyelityzm, striving against the establishment. Taking the view I. Berlina, researchers have instead stressed that « outside their descriptive meaning without information about their relationship, called characteristics are of limited usefulness. »

S. Cherhina and S. Soare stressed populism ability to combine in different ways to combine elements of traditional left and right ideologies, thus attracting the sympathy of opposite types of voters. Like many other authors, they emphasize the integral connection with populism

“democratic (political) arena.” According to their definition, “populists all countries critical of social division (the divisions), which way the enemy ‘valiant (full of virtues) and the combined circle” of people and leader- “savior”, condemning constitutional confusing interpretation, gravitating to the exclusion of democracy from its etymological fact - people power[6]. “

S. Cherhina S. Soare and expressed the view that the socio- political situation of post- communist countries was particularly favorable for populists, because “the myth of “ real people “ is a direct legacy of communism and reflects the lost feeling of solidarity.” In their opinion, populism “is a complex political family, which emphasizes the instincts and emotions through the spirit of rationality and legality. It promotes antagonistic vision of society in which the people who govern, is betrayed and isolated him separated from the ruling class. “

In refraction to the modern definition of “ populist “ many Western media converge, interpreting it as a member of a political party that claims to be a reflection of the interests of ordinary people, or as a person seeking to represent the interests of the masses or the common people[7].

French politician Alex Moskovich - ally Charles de Gaulle - gave the following assessment populism “: the world populism considered art to win the sympathy of the people. ”

However, various political forces appeal to the people, and the more speculation name of the people, not populism. The amplitude of the use of the term in Western science is so great that it makes it difficult to develop a scientific definition. The path to enlightenment is through populism issues specific study of each phenomenon, called populist.

Several politicians defines populism as compliance great human masses into simple explanations of complex issues, the primitive loud slogans as well as demagogic political action, during which seek to exploit this compliance.

In more detailed form of populism represented as a set of technologies, such as the priority of simple solutions, an appeal to the simplicity and clarity of proposed measures predominance of small significance, but specific cases, flirting with the masses.

Most Western scholars, especially D. McRae and A. Valitskii believe that populism is an ideology which comes from the recognition of the priority of the people as opposed to the state, other nations, individuals. Sometimes populism serves as a means of “analysis” of social protest. Populism mobilizes the anger and dissatisfaction of the people and directs it against government institutions and political elite that seems detached from “the people. ”

However, despite the sometimes “revolutionary” fervor populism itself is not able to transform into a political strategy because populist declaration is silent on ways to implement the declared intentions.

Several researchers determine such characteristics populist ideology and political strategy, with particular emphasis should be made on some factors which outline the field today Ukrainian politics, which not only deprived the party of responsibility for implementing their own programs, but actually turn them into populist:

- populism based on the weight of human attraction to simple explanations of complex problems, for the love of the primitive slogans, and hence the political essence of populism lies in the fact that it gives easy answers to difficult questions;
- Populism emphasizes the priority of simple decisions, appeals for simplicity and clarity of proposed measures, declaring prefer small, but specific cases - that attracts “not in word but in deed”;
- populist always deceives voters, flirting with him;
- populist consciousness tends to be a strong personality, a charismatic leader who usually pretends driven primarily hopes “common man”;
- populism is an integral part paternalistic concept of power relationships and society;
- populism is part of the electoral strategy of primarily political forces, amorphous in structure, in which there are no clear ideological priorities;
- main ideas of populism - is the direct participation of the people in government, the so-called “direct democracy”, distrust of representative institutions of government, the criticism of bureaucracy, corruption, etc. , Etc. ,
- populist politician strategy is very simple: he does not think of anything consequences nor their possible actions in the event of coming to power, for him the main thing - how to get the most votes in the moment;
- the conditions of the current Ukrainian legislation which denies the status of full party of players on the political field, that limit their participation in the formation of the government, even the most realistic electoral programs of parties are “paper tigers”;
- In turn, this situation deprives political parties of responsibility to society, transforming the election of the competition «cheerful and resourceful» populists.

Researcher populism M. Konovan believes that the term «context can refer to a wide variety of events. » Referring to the former Soviet Union, we are dealing with political populism, which can both be seen as an ideology as a social movement as a kind of revived consciousness, emerged from different historical and geographical contexts as a result of particular social situation, and as a specific political psychology.

The variety of ideas populism provides a basis for democratic, conservative, reactionary tendencies and, accordingly, its various ratings - “ populism left “, “ right populism. ” The key word is justice leftist populist force in its distributive form. In the right - word order, by which is meant, often order the military and police. Left tend to exploit environmental problems or issues of equality, fraternity and law - national problems [9].

Some scientists, such as V. Zaslavskyy define populism offer depending on the attitude to ownership - the main parameter that differs fundamentally in a society based on market and command -administrative types of social coordination “ state populism “ and “market populism “.

Populism is most common among segments with low political and legal culture in conditions not yet strong structures of democracy. The inability of the masses to distinguish realistic proposals from demagoguery, black and white vision of the world, the willingness next idol and hated by his rivals - all symptoms of low political culture actively used by populist leaders to mobilize public support.

The growth of populism now explain the destruction of the liberal consensus, which began after the Cold War, with increasing tension between democratic and liberal constitutionalism - the two main pillars of democratic regimes. Strengthening the role of populism indicates the gradual loss of the attractiveness of liberal solutions in the field of politics, economy and culture.

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THE FEATURES OF THE LUSTRATION OF THE POLICE SYSTEM: THE PRACTICE OF POST-COMMUNIST COUNTRIES OF EUROPE (ON THE EXAMPLE OF POLAND, HUNGARY, SLOVAKIA AND THE CZECH REPUBLIC)

The article is dedicated to comparative analysis of causes, peculiarities of the implementation and consequences of the lustration of police system in post-communist countries of Europe, in particular in Poland, Hungary, Slovakia and the Czech Republic. It has been revealed that the features of the lustration and liberalization of police system in post-communist Poland, Hungary, Czechia and Slovakia were extremely various and therefore they were able to lead to various organizational and functional consequences and results of police functioning: both at the level of its transformation from an instrument of protection of the autocratic regime into a democracy oriented institution and at the level of processes of its demilitarization, professionalization, specialization, demystification, reduction, decentralization, decriminalization and so on. The author argued that the problem of all the analyzed countries of the region was the fact that the lustration of police system was used (or still continues to do so) to a large extent as manipulative technology by political rivals and media. At the same time, it was discovered that Poland, Hungary, Czechia and Slovakia used various models of lustration law and policy towards secret police and they are largely dependent on different models of transition from authoritarianism to democracy.

Keywords: police, police system, secret police, lustration, post-communist Europe.

ОСОБЛИВОСТІ ЛЮСТРАЦІЇ СИСТЕМИ ПОЛІЦІЇ: ПРАКТИКА ПОСТКОМУНІСТИЧНИХ КРАЇН ЄВРОПИ (НА ПРИКЛАДІ ПОЛЬЩІ, УГОРЩИНИ, СЛОВАЧЧИНИ ТА ЧЕХІЇ)

Стаття присвячена порівняльному аналізу причин, особливостей здійснення і наслідків люстрації системи поліції у посткомуністичних країнах Європи, зокрема в Польщі, Угорщині, Словаччині та Чехії. Встановлено, що особливості люстрації та лібералізації системи поліції у посткомуністичних Польщі, Угорщині, Чехії та Словаччині були вкрай варіативними, а тому вони зуміли призвести до різних організаційних і функціональних наслідків та результатів функціонування поліції – як на рівні її перетворення з інструмента захисту автократичного режиму в демократично орієнтований інститут, так і на рівні

процесів деполітизації, демілітаризації, професіоналізації, спеціалізації, демістифікації, скорочення, децентралізації і декриміналізації тощо. Аргументовано, що проблемою усіх аналізованих країн регіону стало те, що люстрація системи поліції значною мірою використовувалась (або досі продовжує це робити) як маніпулятивна технологія політичними конкурентами і засобами масової інформації. Хоча водночас встановлено, що в Польщі, Угорщині, Чехії та Словаччині використано різні моделі люстраційного законодавства та політики щодо таємної поліції і вони значною мірою залежать від різних моделей транзиту від авторитаризму до демократії.

Ключові слова: поліція, система поліції, секретна поліція, люстрація, посткомуністична Європа.

Police is one of the institutions of the state, the level of development of which has previously certified and still certifies the prospects and successes or risks and failures of democratization and human and socio-economic development, including in post-communist countries of Europe, in particular in Poland, Hungary, Slovakia and the Czech Republic. However, 30–40 years ago, in particular in the mid 80's – early 90's of the twentieth century, there was very little information about the key features of the police in the countries of Central and Eastern Europe, since the institution of police and other forces and power structures of that time were shrouded by a “veil of secrecy”. The point is that in the autocratic regimes of “real socialism”, raising the question about police or militia and their accountability to interested citizens could lead to a forced visit to the police station and even to imprisonment. And only in the late 1980's and early 1990's, as the part of the fall of the Berlin Wall, the collapse of the communist regimes, total democratization and the reform of politics and society, an unprecedented liberalization of the police system began and it was largely due to the lustration processes in this direction¹. However, the features of the lustration and liberalization of the police system in post-communist Poland, Hungary, Slovakia and the Czech Republic were extremely varied, and therefore they were able to lead to different organizational and functional consequences and results of police functioning: both at the level of its transformation from the tool of protection of the autocratic regimes into a democratically oriented institution and at the level of the processes of depoliticization, demilitarization, professionalization, specialization, demystification, reduction, decentralization and decriminalization, etc. Therefore, the proposed study is actualized by the need to consider the distinctive features of the lustration of the police system on the example of post-communist countries of Europe as an early predictor of its democratization and future reforms.

The stated problem has been reflected in a number of scientific researches. The main and the most famous of them are by the authorship of such scientists as E. Barrett, P. Hack and

¹ Nalepa M., *Skeletons in the Closet: Transitional Justice in Post-Communist Europe*, Wyd. Cambridge University Press 2010, s. 99.; Roman D., *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland*, Wyd. University of Pennsylvania Press 2011, s. 183, 209

A. Munkácsi², D. Bayley³, R. Boed⁴, S. Cohen⁵, A. Czarnota⁶, M. Ellis⁷, D. Greenwood and S. Huisman⁸, G. Halmai⁹, N. Kritz¹⁰, M. Los¹¹, O. Marenin and M. Caparini¹², M. Nalepa¹³, N. Nedelsky¹⁴, D. Roman¹⁵ and many others. However, almost all of them consider the problem of the lustration of police system at a rapid pace, in particular as a part of the reform of the post-communist countries of Europe. Consequently, they did not produce a synthetic and systematic answer to the question of isolating and grouping the features of the lustration of police system, which is aimed at the proposed study.

The overall results of the reform of police system in the region were its responsibility, the focus on the protection of human and citizens' rights, transparency and service orientation¹⁶. Of course, they are the result of system processes around the institution of police, but the most important role in these processes was played by the lustration of secret police and by the opening of secret documents (and generally the raising of the veil of secrets) of the period of the communist past of Poland, Hungary, Slovakia and the Czech Republic. The reason is that with the lack of information about what and how the police did and does it cannot be responsible to the public and other power institutions¹⁷. On this basis, the police in the region have become relatively democratic and transparent, rather than regime-oriented. It turned out that police ceased to exert pressure on oppositional political class and

² Barrett E., Hack P., Munkácsi A., *Lustration as a Political Competition: Vetting in Hungary*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*, Wyd. Social Science Research Council 2007, s. 260–307.

³ Bayley D., *Changing the guard: Developing democratic police abroad*, Wyd. Oxford University Press 2005; Bayley D., *Democratizing the police abroad: What to do and how to do it*, Wyd. National Institute of Justice 2001.

⁴ Boed R., An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice, *"Columbia Journal of Transitional Law"* 1999, vol 37, s. 357–402.

⁵ Cohen S., State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past, *"Law & Social Inquiry"* 1995, vol 20, s. 7–50.

⁶ Czarnota A., *The Politics of the Lustration Law in Poland, 1989–2006*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*, Wyd. Social Science Research Council 2007, s. 222–259.

⁷ Ellis M., Purguing the Past: The Current State of Lustration Laws in the Former Communist Bloc, *"Law and Contemporary Problems"* 1997, vol 59, s. 181–196.

⁸ Greenwood D., Huisman S., *Transparency and accountability of police forces, security services and intelligence services*, Wyd. Geneva Centre for the Democratic Control of Armed Forces 2004.

⁹ Halmai G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46; Halmai G., Schepelle K., *Living Well is the Best Revenge: The Hungarian Approach to Judging the Past*, [w:] McAdams A. (ed.), *Transitional Justice and Rule of Law in New Democracies*, Wyd. University of Notre Dame Press 1997, s. 155–184.

¹⁰ Kritz N., *The Dilemmas of Transitional Justice*, [w:] Kritz N. (ed.), *Transitional Justice. How Emerging Democracies Reckon with Former Regimes. Vol. 2. General Considerations*, Wyd. US Institute of Peace Press 1995.; Kritz N., *Transitional Justice. How Emerging Democracies Reckon with Former Regimes. Vol. 1. General Considerations*, Wyd. US Institute of Peace Press 1995.

¹¹ Los M., Lustration and Truth Claims: Unfinished Revolutions in Central Europe, *"Law and Social Inquiry"* 1995, vol 20, s. 117–161.

¹² Marenin O., Caparini M., *Reforming the police in Central and Eastern European states*, [w:] Fields C., Moore R. (eds.), *Comparative and international criminal justice: Traditional and nontraditional systems of law and control*, Wyd. Waveland Press 2005, s. 217–242.

¹³ Nalepa M., *Skeletons in the Closet: Transitional Justice in Post-Communist Europe*, Wyd. Cambridge University Press 2010.

¹⁴ Nedelsky N., Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia, *"Theory and Society"* 2004, vol 33, nr. 1, s. 65–115.

¹⁵ Roman D., *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland*, Wyd. University of Pennsylvania Press 2011.; Roman D., Lustration Laws in Action: The Motives and Evaluation of Lustration Policy in the Czech Republic and Poland (1989–2001), *"Law & Social Inquiry"* 2003, vol 28, nr. 2, s. 387–439.

¹⁶ Bayley D., *Democratizing the police abroad: What to do and how to do it*, Wyd. National Institute of Justice 2001.

¹⁷ Greenwood D., Huisman S., *Transparency and accountability of police forces, security services and intelligence services*, Wyd. Geneva Centre for the Democratic Control of Armed Forces 2004.; Mesko G., Fields C., Lobnikar B., Sodar A., *Handbook on Policing in Central and Eastern Europe*, Wyd. Springer Science & Business Media 2013.

oppositional/unofficial journalists and any opponents of the official position of state, ceased to be under the control of government, but instead became law-dependent and semi-autonomous. This was the most pronounced in the fact that the right to receive information was forced to receive not by ordinary citizens, but by police¹⁸. However, the process of the lustration of police system in Poland, Hungary, the Czech Republic and somewhat less in Slovakia and the mechanisms for its transformation into an institution, which “serves and protects”, took place in different ways, i.e. with varying intensity, focus, timeliness and so on.

Before proceeding with the analysis of the cases of the lustration of police system in Poland, Hungary, Slovakia and the Czech Republic it should be noted that in general the question of the lustration of police system in the region was determined by a number of factors and preconditions. *First*, at the beginning of the processes of collapse of the regimes of “real socialism” and the transition from autocracy to democracy, the politicians of each of the studied countries had to prevent the destabilization of the newly created social and political system, including by the experience of the hidden agents of the secret police and high-ranking members of the communist nomenclature. Since the latter could use their networks and contacts to influence the processes of adopting political and power/management decisions, or they could hypothetically carry out anti-state measures in the event of pressure and blackmail on them for their past. Similar motives were pursued by politicians, especially from the dissident corps, and by ordinary citizens, because they felt the fear of personal work experience or dependence on the secret police¹⁹. *Second*, the lustration of police system was extremely necessary for the development of socio-economic sphere of life of the analyzed region, as it was expected to be connected to activities related to posts in state apparatus rather than to private economic activity. Consequently, disclosure and removal from the secret police was seen as a very effective measure to improve the quality of privatization and anti-corruption efforts and to liberalize the national economies of the region. *Third*, the lustration of police system (and generally the lustration in socio-political sphere) was perceived both by politicians and ordinary citizens as a rather effective tool for establishing or restoring the rule of law principle. Since it was supposed to give a collective (and not an individual) guilt for the previous political regime on a certain group of officials, primarily a secret police, which hid from the public virtually all the information about real social, political and economic development in the region. Thus, a sort of reconciliation and a “tangle of difference” between offenders and victims of the previous/autocratic regime were expected, that is between those who were forced to cooperate with a secret police and those who did not do this²⁰. *Fourth*, the lustration of police system and other security structures was perceived by politics and society as a possibly the best way to draw a line between the old regime and the new order. On the one hand, it was expected to lead to the identification

¹⁸ Bayley D., *Changing the guard: Developing democratic police abroad*, Wyd. Oxford University Press 2005, s. 19.; Marenin O., Caparini M., *Reforming the police in Central and Eastern European states*, [w:] Fields C., Moore R. (eds.), *Comparative and international criminal justice: Traditional and non-traditional systems of law and control*, Wyd. Waveland Press 2005, s. 225.

¹⁹ Halmi G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

²⁰ Halmi G., Schepelle K., *Living Well is the Best Revenge: The Hungarian Approach to Judging the Past*, [w:] McAdams A. (ed.), *Transitional Justice and Rule of Law in New Democracies*, Wyd. University of Notre Dame Press 1997, s. 155–184.

of guilt/punishment for the wrongful acts of individuals and groups of individuals, from which they benefited (that is, it served as a means of “suppressing the past”), but on the other hand, it was expected to be a proof of the implementation of the principles of supremacy of law and democracy (that is, it was assessed as a “step to the future”)²¹. In this cut, the lustration and check of the secret police were to be supplemented by legal and judicial procedures, reconciliation commissions and truth-clarification issues as well as by processes for declassifying secret police files²². However, as the practice shows, in the Czech Republic and Slovakia (in the latter – in a very short periods), such processes took place much more intensively than in Poland and Hungary²³, and therefore they require separate consideration, comparison and generalization.

The lustration laws in *Czechoslovakia* (including the so-called “big” and “small” laws on lustration in police and guard services system) were adopted in 1991 and 1992 and were constructed on the idea that the post-communist Czechoslovakian (and later the Czech and Slovak) society should deal with its past and facilitate the process of de-communism, including legal and political means. They have regulated and carefully selected a list of senior departments that were not available to persons whose loyalty to the new regime was reasonably questioned because of their political responsibility and powers exercised during the communist regime. At the same time, the laws provided for two lists of posts and functionality in respect of which they were applied: the first list contained positions requiring lustration procedures before they could be acquired; the second list instead listed posts and activities carried out during the communist regime, which disqualified candidates from the first list. In addition to secret police, a number of other spheres of government – civil service, senior positions in constitutional bodies, senior officer positions, intelligence services, prosecutors, judicial bodies, notaries, state corporations or corporations with the state as the main shareholder, national banks, state media, university administrative posts, etc. – was included in the list of the lustrated positions. Instead, disqualifications were imposed both on political grounds and on the basis of affiliation or cooperation with repressive secret police, party militia, state security forces and intelligence services²⁴. Among them, it was proposed to subject to lustration persons of secret police with positions of rank of any head of department and above, all members of the intelligence services and all police members who were engaged in political affairs. At the same time, the law initially allowed the Minister of the Interior, the Head of the intelligence service and the Head of the police to amnesty those members of the former secret police, whose release could have caused “security concerns”.

Another controversial moment of the early 90’s of the twentieth century Czechoslovak lustration law was the activities of citizens associated with secret police. Among them were the employees

²¹ Kritz N., *The Dilemmas of Transitional Justice*, [w:] Kritz N. (ed.), *Transitional Justice. How Emerging Democracies Reckon with Former Regimes. Vol. 2. General Considerations*; Wyd. US Institute of Peace Press 1995, s. 19.

²² Ash T., The Truth about Dictatorship, „*The New York Review of Books*”, February 19 1998, źródło: <http://www.nybooks.com/articles/1998/02/19/the-truth-about-dictatorship/> (odczyt: 1 maja 2018 r.).

²³ Priban J., *Oppressors and Their Victims. The Czech Lustration Law and the Rule of Law*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*; Wyd. Social Science Research Council 2007, s. 308–347.

²⁴ Halmi G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

of secret police such as agents, owners of confidential apartments or person who rented them, informants, political employees with secret police etc., who were also subjects to “lustration selection” for consideration by the Minister of the Interior, the Head of the intelligence service and the Head of the police forces. That is why the Constitutional Court of the Czech and Slovak Federal Republic as well as the relevant bodies within the independent Czech and Slovak Republics “updated” the understanding of the constitutionality of lustration legislation. They stated that lustration did not in principle violate international conventions on human rights, and therefore, as contrary to the principles of equality and due to procedural law, abolished the powers of the officials who were previously authorized to exempt from the lustration certain persons, if this was in the interests of state security²⁵. Nevertheless, in practice it turned out that the “positive” lustration legislation in Czechoslovakia, and later in the Czech Republic and Slovakia, concerned mostly not party and political functionaries of the former communist regime, but usually representatives of the forces and intelligence structures. Moreover, it did not apply to those who participated in popular elections. The only nuance is that political parties themselves (with the exception of the Communist Party of Bohemia and Moravia and the Communists in Slovakia) demanded from their functionaries and candidates for the elections a unique certificate of “negative” lustration. Consequently, the lustration legislation in the Czech Republic and Slovakia has created a paradoxical situation when members of parliaments and local councils could have had previous ties with secret police, while, at the same time, heads of different departments of universities were necessarily subjected to lustration. At the same time, lustration did not concern the private sector of economy, because, on the one hand, private companies did not have access to the files of secret police of their employees, and therefore could not use “private lustration”, and, on the other hand, lustration did not apply to positions and cases not regulated by law. As a result, this resulted in a situation when for all persons subjected to lustration procedure “positive” certificates and disqualification about it initially (in the early 90’s of the XX century) were received by about five percent of sample and subsequently – only about three percent of sample (with the simultaneous reduction of the number of people who were checked each year through the lustration procedures)²⁶. Even though the legislation on lustration as a result of its prolongation (including after the collapse of Czechoslovakia) remained valid after 2000 (although during this period there were changes concerning the age of persons who could be subjected to lustration procedure: they were about individuals born before December 1st, 1972). As the result, this testifies that the lustration law in Czechoslovakia and later in the Czech Republic and Slovakia (1996) was not intended primarily to serve justice, but was rather aimed at ensuring the non-repetition of events similar to the 1948 Communist coup.

In this context, a remarkable situation has developed in *Slovakia*. After the collapse of Czechoslovakia, the former federal lustration law continued to operate in the Czech Republic and Slovakia. However, since it was adopted in 1991–1992 for the period of five years, the independent countries took a very

²⁵ Halmaj G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

²⁶ Priban J., *Oppressors and Their Victims. The Czech Lustration Law and the Rule of Law*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*, Wyd. Social Science Research Council 2007, s. 308–347.

viable position in 1996: The Czech Republic has voted for the extension of the law for another five years, but Slovakia has instead decided not to continue the law on lustration and did not adopt its own and updated legislation²⁷. Thus, during 1991–1996 the lustration legislation was initially initiated and implemented in the Slovak part of Czechoslovakia and subsequently in the independent Slovakia it was initiated and implemented mostly optionally and not as a deliberate consequence of political and reform process. An indication of this was the fact that the Czechs themselves were the initiators and insisted on the law on the lustration of police system within Czechoslovakia, at least more than the Slovaks did. Therefore, the logic of reforming and clearing the police system was largely traced in Slovakia after the disintegration of Czechoslovakia. In this regard, there was a remarkable fact that Slovak parliament in 1996 (instead of a prolongation of the regulations on lustration) adopted the law “On the immorality and injustice of the communist regime,” which had only a declarative character and therefore actually did not affect the appointment to higher governmental posts of former high-ranking communists or members of secret police. Instead, this law was simply a public statement and manifestation that the communist regime was immoral and unfair. The main reason for such a logic of political and administrative process in Slovakia was that this country lacked the necessary political influence to enforce the law, because it still formally concerned some aspects of lustration proceedings. The main consequence of the absence of lustration law since 1996 was that the leaders and staff of the former regime easily switched to a new political system and were represented in many political parties in the entire political spectrum of Slovakia. This, in particular until 1998, was extremely beneficial to the Slovak government of that time, because the “absenteeist” position of Slovakia regarding the lustration of police system was weak in the context of advancement and protection of young democracy, which was defective over the course of 1993–1998.

The lustration law and practice of police system are even more controversial in *Poland*, since they were officially regulated and initiated only from April to August 1997, but in reality they began to be realized only in December 1998, when the Fifth Department (Lustration Court) at the Warsaw Appeal Court was formed. Moreover, the Commissioner for Public Interest, which is in the framework of the lustration law in Poland, was nominated by the President of the Supreme Court of Poland only in October 1998, but formally took his office only in January 1999. As the result, the lustration system in Poland was fully operationalized only from the late 1990's. And this is despite the fact that the first bill on lustration was adopted by the Polish parliament in 1992, though the Constitutional court found it unconstitutional. And also despite the fact that several more bills were proposed during 1992–1996, but only in 1997 the legislature passed the lustration act initiated in 1996²⁸.

An interesting feature of the lustration of Polish police system is that it concerns only persons born before May 11th (and later August 1st) 1972, that is those adults (in 1989) who were/are officials or candidates for certain positions in post-communist Poland, but who in 1944–1990 worked directly

²⁷ Nedelsky N., Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia, “*Theory and Society*” 2004, vol 33, nr. 1, s. 66, 76.

²⁸ Ellis M., Purguing the Past: The Current State of Lustration Laws in the Former Communist Bloc, “*Law and Contemporary Problems*” 1997, vol 59, s. 181–196.

or cooperated with special services and state security agencies of the past regime. The liability of lustration checks in Poland is imposed on a broad category of persons holding government positions or important positions in public administration, in particular on president, members of parliament, senators, judges, prosecutors, lawyers and people who occupy key positions in Polish television (state sector), Polish radio (state sector), Polish press agency and Polish news agency. Moreover, lustration testing is two-stage. Its first part is simply a statement that the person worked/did not work or cooperated/did not cooperate with the state security authorities, and it is officially published in the “Monitor Polski” bulletin or is stated in the election proclamations (in the case of candidates for elective bodies)²⁹. Its second part, which is not disclosed, consists of the details of work or cooperation with state security and secret police in case of a decision or statement about “positive” lustration. This means that in Poland, the names of all those persons who received a certificate of “positive” lustration on the basis of their cooperation with secret police and state security bodies are voiced, but they aren’t detailed concerning the type and nature of such cooperation. The most interesting situation is in the case of candidates for elective office, since in their case the information about “positive” lustration without details (as indicated above) is specified in the election proclamations, but this does not mean unilaterally depriving them of the right to occupy certain positions. Since they still can remain candidates for elective positions (even as employees of secret police and/or state security bodies in the past), because their voters decide their fate. This means that the Polish legislation on the system of lustration in police system only punishes the lie about cooperation with special services, but do not concern the cooperation itself.

A somewhat tougher situation is in the case of revealing the concealment of cooperation with secret police for persons who are already endowed with state, including elective, posts. For example, if the Commissioner for Public Interest (during the period of 1997–2007, and starting from 2007, after the reform of legislation, the Institute of National Remembrance) has a suspicion of lying in a statement about lustration, he initiates a case before the Lustration Court. In this case, all judicial decisions confirming the mistake of lustration are made public, although their legal consequences differ significantly depending on the position of the accused person. For example, deputies or senators of the Polish parliament lose their seats, but they can be nominated for the next election. In the case of judges, on the contrary, an additional decision of a disciplinary court is required. Although in practice there are very few such cases and decisions on them are even less popular³⁰. This again proves liberalization and incompleteness of Polish legislation on lustration of police and state security agencies. Even though the lustration system was reformed in 2007 and lustration registry was started. Albeit in the light of the fact that many provisions of the reformed legislation were found to be unconstitutional, and thus the issue of declassification of secret police files and security services of the past regime remained a “hangover” problem.

²⁹ Halmaj G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

³⁰ Czarnota A., *The Politics of the Lustration Law in Poland, 1989–2006*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*, Wyd. Social Science Research Council 2007, s. 222–259.

The situation is not better in *Hungary*, where the legislation on lustration of police system was also adopted not immediately after the collapse of the communist regime, but only in 1994 and is positioned as a rather compromise solution of the problem of secret police agents of the previous regime³¹. But Hungary's difference lies in the fact that lustration testing in this country is implemented mainly by judicial means, i.e. with the help of a panel of three judges whose work is aimed at checking documents of secret police concerning all those persons who hold public offices (including the president, ministers of government, members of parliament, constitutional judges, judges of ordinary judges, some journalists, people who had high positions in state universities or state-owned companies, as well as a certain list of other high-ranking officials). Each of these categories of persons must undergo a preliminary examination to determine whether they have played a decisive role in the ongoing work of secret police and services of the state security of communist Hungary in the past. If it is established that this is true, then those who are subjected to lustration monitoring are given a chance to resign from the public office. In this case, the information about "positive" lustration of such person remains undisclosed. In the case, when such a person has decided to remain in a certain public office, the panel of judges discloses information about the "positive" lustration of the official. If the person denies the information contained in the materials of the panel, then before its disclosure, this person can apply to the court, which is required to verify the evidence of the relationship with secret police behind the door and take a decision in a particular case³².

At the same time, in 1994, when the law on lustration came into force and began to be enforced, it was partially challenged by the fact of petitioning to the Hungarian Constitutional Court, in particular regarding the unconstitutionality of the "verification of persons who occupied key positions" in the past regime. In response, the Constitutional Court outlined the basic principles of protecting the rights of individuals in private life, including the right to publicity of information. In particular, it was established that lustration must be subjected only to those persons whose activities in the previous regime were contrary to the principles of a constitutional state or were carried out in bodies, which carried out anti-constitutional activity. Hence, the lustration system in Hungary was extremely "delicate". Firstly, in political aspect, since at the moment of petition and decision of the Constitutional Court it has already begun to be implemented in relation to the governmental cabinet that was in force at that time. Secondly, in constitutional section, because it was at the intersection of two constitutional principles: the rights to information self-determination of individuals (in this case, spies) and the right of public access to legitimate public data (including those whom they spied on). Consequently, the Constitutional Court ruled in a balanced manner that: a) the preservation of a huge array of secret data is incompatible with the support of the rule of law, since such data have never been drawn up constitutionally; b) public persons have a less personal privacy profile than other individuals in a democratic state, and therefore more detailed information on secret information may be

³¹ Roman D., *Lustration Laws in Action: The Motives and Evaluation of Lustration Policy in the Czech Republic and Poland (1989–2001)*, *Law & Social Inquiry* 2003, vol 28, nr. 2, s. 387–439.

³² Halmi G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

disclosed only to public persons and not to persons who do not have influential positions. This means that the conflict between confidentiality and freedom of information in Hungary was foreseen to be addressed differently for different categories of people, and thus the lustration system itself was regarded as a political issue that the parliament should consider. It regulated that the parliament has no right either to destroy all the secret data or to maintain absolute secrecy about them, since most of the information they contain represents the interests of society. In addition, the Constitutional Court has insisted on changing the specific list of people who need lustration. This, for example, was partly related to various categories of journalists and representatives of the clergy, university and colleges officials and heads of the majority of state-owned enterprises as non-state actors. As the result, the judgment of the Constitutional Court of Hungary has shown that lustration laws may have different purposes depending on the historical moment. Thus, at the beginning of the transition from the communist regime to democracy, full lustration could serve as a means of identifying the irreversibility of change and the “ritual purification” of society. Instead, a few years after the “rule of law revolution”, the better aim of the constitutional process could be translated into the definition of the freedom of information through the “lustration within the framework of the rule of law”. The duality of this approach in Hungary was given to the facts that: on the one hand, lustration of the representatives of the state became constitutionally grounded; on the other hand, the public availability and publicity of the full list of secret agents did not become constitutionally grounded. In view of this, the lustration of the system of secret police in Hungary was very volatile.

For example, in 1996, a new lustration law was passed, which regulated that lustration procedures should be limited to those government officials who should take an oath before the parliament or the president or who are elected by the parliament. Instead, ordinary judges, prosecutors and mayors as well as other officials were excluded from lustration procedures even if they had direct links with secret police and security services of communist Hungary. In turn, in 2000, due to the pressure of the center-right conservative ruling parties, another law on lustration was adopted, which, in comparison with the previous legislation, considerably expanded the list of persons to be tested. For example, they included even representatives of state and commercial media, with the exception of editors, because they “had a direct or indirect influence on political public opinion”³³. Nevertheless, in 2002, after the government’s change, it was discovered that Prime Minister P. Medgyessy was the main secret officer of the former department “III/II” (of counter-intelligence) of the Ministry of the Interior of the communist era. Consequently, the scandal resulting from this fact showed that the current lustration law was not sufficient to ensure the “purity” of the social and political life after the transitional period, since it focused solely on the internal surveillance unit of the Hungarian secret police (the former department “III/III”). However, there were other units spying for Hungarians living abroad, for foreigners living in Hungary or for those who served in the armed forces, and these secret police units were not covered by law, despite public protest. That is why,

³³ Barrett E., Hack P., Munkácsi A., *Lustration as a Political Competition: Vetting in Hungary*, [w:] Mayer-Rieckh A., Greiff P. (eds.), *Justice as Prevention. Vetting Public Employees in Transitional Societies*, Wyd. Social Science Research Council 2007, s. 260–307.

in conditions of intense coverage of the case of Prime Minister P. Medgyessy and the pressure from the opposition, the government (in 2003) submitted an amendment to the law on lustration of secret police, according to which it was proposed to include all former directors and clergy into the lustration procedures. Nevertheless, the bill was rejected by parliament, practically leaving the Hungarian lustration system at the previous level. Consequently, despite the considerable volatility of the Hungarian lustration law, its success relates mainly to the publication of the names of those persons belonging to the communist nomenclature or to persons who were considered officers or employees of former repressive internal intelligence agencies, rather than to the system of secret police and force agencies. Instead, a complete list of the officials of the repressive organizations and of the so-called social contributors (informers) of the communist regime was not fully published. The reason for this is simply the absence or destruction of such a list³⁴.

What, in general, relates to the breadth of public access to lustration information and various secret data of secret police and other power and political structures of the former communist regimes, it was made a conclusion that the situation in modern Poland, Hungary, Slovakia and Czechia also significantly correlates. For example, Poland (from 1997/1998, when the law on lustration was adopted and the Institute of National Remembrance was formed, as well as after their reform in 2007) purposefully provided limited and incomplete public access to information about “victims” of lustration and, for the most part, stopped on the names of spies and security forces³⁵. In turn, Hungary, largely based on Germany’s model, created the Historical Archive of Public Security Services, gathered all the documents of various security services of the communist period and (to a limited extent from 1994, to a greater extent since 1996 and to a large extent since 2003) opened the state secret archives of secret police, providing unrestricted access to the names (but not additional information) of the “victims” of lustration, to the agents of the communist regime and to the public figures who were involved with it, and also created an opportunity for state institutions to submit requests for verification of their employees. However, the system of access to sensitive files and information was the most extensive in Czechoslovakia and later in Czechia (especially since 1996, when the law “On public access to files related to the activities of the former secret police” was adopted) and Slovakia (initially only until 1996, when the law on lustration ceased to be applied, and subsequently from 2002, when the relevant legislation was adopted). The fact is that the files of secret police in them are or were available initially to people who were potentially affected by the activities of secret police, and later for all or most of them³⁶. Thus, the current specificity of the Czech Republic is that, in accordance with the law, any adult who is a national of this state may put a request for access to files and documents of secret police for the period from February 25th, 1948 to February 15th, 1990. Although, on the other hand, the state protects the constitutional rights for personal inviolability and

³⁴ Varga A., Lustration: The Experience of Hungary, “*European Commission for Democracy Through Law Report*” 2015, nr. CDL-PI (2015) 026, s. 4.

³⁵ Ash T., Poland has made a humiliating farce out of dealing with its red ghosts, “*The Guardian*”, May 24, 2007, źródło: <https://www.theguardian.com/commentisfree/2007/may/24/comment.comment> (odczyt: 1 maja 2018 r.).

³⁶ Halmi G., *Lustration and Access to the Files of the Secret Police in Central Europe*, [w:] Dvoráková V., Milardovic A. (eds.), *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe*, Wyd. Political Science Research Centre 2007, s. 19–46.

confidentiality of other persons that may be mentioned in the cases demanded by the applicants. Instead, Slovakia's peculiarity is that in it the law on lustration is not in force, but in 2002 the laws "On disclosure of documents on the activities of state security bodies during the period of 1939–1989" and "On the Institute of National Memory" were adopted. Therefore, in addition to the procedure for disclosure of documents at the request of victims and government agencies, the legislation also regulates the disclosure of secret information by the Institute of National Memory. In this case, only the documents whose disclosure may harm the interests of Slovakia in international relations and field of security or may seriously endanger the lives of people are excluded from the procedures (according to the decision of the Slovak Information Service or the Ministry of Defense).

In general, it has been established that the lustration of police system in Poland, Hungary, Slovakia and the Czech Republic was not necessarily due to normative, legal and ideological program principles and mechanisms of decommunization, since it concerned not so much the people who were former members of the communist nomenclature, how mainly the persons who collaborated with the secret police/militia³⁷. At the same time, the politically determined logistics of the lustration of the police system (primarily the secret one) was aimed at the opening of secret documents of the former communist regimes, which finally undermined their legitimacy and reduced their rather positive perceptions in society, which was quite beneficial for new political actors. Another characteristic of the lustration of police system was the fact that it was not carried out on the direct legal basis of the criminalization of responsibility, but rather on the political and legal basis for authorizing and sanctioning punishment and responsibility for participating in servicing the criminal political regimes of the communist past. Moreover, the lustration of police system in the countries under review was regulated on the basis of legislative consolidation and reviews by constitutional courts and was mainly carried out through litigations. At the same time, the procedural attributes of the lustration process concerning the police were and are significantly differed, in particular about that: who initiated or initiates the process of lustration of police system (person falling to lustration or state); how the decision was/is made during the process of lustration of police system and what for were/are punishments for it (for example, from self-identification of collaborationism to public disclosure of collaborationism and even to the removal from office of former collaborators, etc.).

In this cut, it is noteworthy that some laws on lustration of police system in the region allow citizens to have access to files of secret police (the Czech Republic), other laws (Poland and the Czech Republic) require the publication of lists of lustrated persons who occupied positions in secret police, other laws (Poland) keep such information secretly, requiring the resignation of lustrated persons, and other laws (Hungary) regulate the creation of commissions for the consideration of secret files and removal from certain positions of the "guilty" collaborators. In total, the lustration of police system in Poland, Hungary, the Czech Republic and to a certain time in Slovakia proved to be quite an effective tool for legitimizing a new government and a new socio-political reality,

³⁷ Los M., Lustration and Truth Claims: Unfinished Revolutions in Central Europe, *"Law and Social Inquiry"* 1995, vol 20, s. 121.

for solving the problem of “transitional justice” and “institutional insecurity and turbulence” in the region³⁸. Even though the lustration of police system (and, in general, in socio-political sphere) was not supported by all post-communist (but in any case by anti-communist) political parties of the countries of the region after the collapse of their “real socialism” regimes³⁹. At the same time, it was noted that in the countries of the region, in parliaments and other institutions of power of which were represented anti-communist political forces at the dawn of post-communism, the mechanisms and legislation on lustration were more reactionary, radical and systematized than in the countries of the region, in parliaments and other institutions of power of which post-communist or even communist political parties represented political majority at the dawn of the post-communism⁴⁰. At the same time, in those countries whose electorate was more volatile and fluctuating between the support of either post-communist or anti-communist political parties, the rules and mechanisms for the lustration of police system were also more variable and, as the result, less far-reaching. A striking example of this fact was the logics of stages of the adoption and amendment of the legislation on lustration of police system in Hungary in 1994 (a less radical and systematized lustration), 1996 (somewhat more radical and systematized lustration) and 2000 (more radical and systematized lustration)⁴¹. And finally, the problem of all the analyzed countries of the region (but especially of Hungary and Poland) was the fact that the lustration of police system was used or is still used to a large extent as manipulative technology of political rivals and media during elections. In addition, the lustration was initially and technically leveled off by the predictive and even systematic concealment or archiving of a number of secret files of representatives of secret police. That is why they have often avoided and continue to avoid accusations and punishments⁴².

Consequently, it is argued that Poland, Hungary, Slovakia and the Czech Republic have historically or consistently used different models of lustration law and policy concerning secret police. Thus, Czechoslovakia and then mainly Czechia and to a lesser extent Slovakia used the model of the so-called exclusive lustration system, while Poland and Hungary were models of an inclusive or reconciling lustration systems⁴³. The first one does not allow persons connected with the communist regime, secret police and security services to retain and receive certain positions in the state apparatus of a new regime. Instead, the latter ones (as well as the model of a mixed lustration system) either seek to reintegrate the

³⁸ Cohen S., State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past, “*Law & Social Inquiry*” 1995, vol 20, s. 27.; Bertshci C., Lustration and the Transition to Democracy: The Cases of Poland and Bulgaria, “*East European Quarterly*” 1995, vol 28, s. 436.

³⁹ Kritz N., *Transitional Justice. How Emerging Democracies Reckon with Former Regimes. Vol. 1. General Considerations*, Wyd. US Institute of Peace Press 1995, s. 666.; Boed R., An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice, “*Columbia Journal of Transitional Law*” 1999, vol 37, s. 367.

⁴⁰ Ellis M., Purging the Past: The Current State of Lustration Laws in the Former Communist Bloc, “*Law and Contemporary Problems*” 1997, vol 59, s. 188.; Elster J., *Retribution and Reparation in the Transition to Democracy*, Wyd. Cambridge University Press 2006, s. 189.

⁴¹ Tomiuc E., Hungary: Government Proposes Further Opening of Communist-Era Files, “*Radio Free Europe/Radio Liberty Online Reports*”, June 27 2002.; Weschler L., The Velvet Purge: The Trials of Jan Kavan, “*The New Yorker October*” 1992, vol 19, s. 69.; Los M., Lustration and Truth Claims: Unfinished Revolutions in Central Europe, “*Law and Social Inquiry*” 1995, vol 20, s. 132.

⁴² Boed R., An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice, “*Columbia Journal of Transitional Law*” 1999, vol 37, s. 367–368.; Kritz N., *Transitional Justice. How Emerging Democracies Reckon with Former Regimes. Vol. 1. General Considerations*, Wyd. US Institute of Peace Press 1995, s. 350.; Michnik A., Havel V., Justice or Revenge, “*Journal of Democracy*” 1993, vol 4, s. 23.

⁴³ Roman D., *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland*, Wyd. University of Pennsylvania Press 2011, s. 27–39.

representatives of secret police of the communist regime, giving them a second chance provided that they reveal the truth about their involvement in the regime, or are mixed with the model of exclusive lustration system. In this context, it is noteworthy that the countries, where the transit to new regime took place in the form of “pact” and negotiations (Poland and Hungary), are outlined precisely by the models of inclusive or reconciling lustration system. Instead, the countries, where the transit to new regime took place in the form of revolution (including the “velvet” one, i.e. the Czech Republic and Slovakia), are determined by the model of exclusive lustration system.

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REGIONAL ASPECTS OF MANAGEMENT OF TRADE ENTERPRISES

The article is devoted to research of modern scientific approaches to the understanding of regional aspects of management of trade enterprises. The expediency of application of functional and structural approach for creation and development of the regional trade complex is substantiated.

Keywords: region, trade, management, regional management.

РЕГІОНАЛЬНІ АСПЕКТИ МЕНЕДЖМЕНТУ ТОРГОВЕЛЬНИХ ПІДПРИЄМСТВ

Стаття присвячена дослідженню сучасних наукових підходів до розуміння регіональних аспектів менеджменту торговельних підприємств. Обґрунтовано доцільність застосування функціонально-структурного підходу для створення і розвитку регіонального торговельного комплексу.

Ключові слова: регіон, торгівля, менеджмент, регіональний менеджмент.

Transformation processes taking place in Ukraine require solving problems of further development of the country's economy by defining the strategic goals of economic policy. It is obvious that at the same time, regional features should be intensified, while simultaneously reducing existing territorial disparities. At the same time, an important moment in shaping economic policy regarding the definition of prospects for development and the creation of prerequisites for improving the efficiency of regional reproduction is the definition of the main approaches to the management of enterprises in the sphere of trade as a component of the regional economic system.

The recent interest in the regional aspects of the management of trade enterprises is due to the fact that almost all of the previous period of its existence, our country implemented investment programs for trade development based on a sectoral approach. At the same time, normative acts of mainly departmental appointments were used, which in fact were not consistent with the regional problems of management of trade enterprises and did not meet the real needs of the territory. At the same time, the aggregate level of development of the region's trade complex and the prospective need for it were determined in practice by summing up the

investment programs of individual departments, which were generally not coordinated with the real need of the region. The criteria and justified norms of the development of trade complexes of the regions and the results of their influence on the region's economy are not available yet. To a certain extent, this is due to the complexity of assessing the socio-economic effects of the regional management of trade enterprises on the functioning of territorial entities.

The theoretical studies of some aspects of regional management took place in the previous period, in particular, in the works of such scientists as M. Kovalenko, N. Krugl, S. Melnyk, T. Mironov, D. Stechenko and others. But for the most part, their research concerned economic laws of the territorial organization of social production, the peculiarities of the formation of sectoral, functional and socio-demographic structures of the region, the development of theoretical and methodological provisions on forecasting and planning of socio-economic development of territories. However, it is impossible not to mention the depth of development of regional problems by these researchers and their concern about its actual state.

In the current economic situation, which is increasingly characterized by increased competition in the market and exacerbation of the company's survival, the conditions for ensuring the support of the dynamic development of a trading company, firstly, require effective innovations to ensure qualitative changes in internal processes¹. To date, the methodical basis of regional management of trade enterprises, in particular regional standards and indicators of the development of the trade complex in full and assortment composition is not calculated by anyone, which deprives the regional planning of those objective criteria, which it could be guided by in its activities on the development of the commercial complex the region.

Regional management of trading enterprises in practice can be applied by implementing various measures, the main of which is the creation and development of a regional shopping complex.

There are many problems with the creation and development of a regional trading complex, as well as in any field of activity. They are to a certain extent characteristic of various, small and large regions, both administrative, and economic and geopolitical. In particular, the low profitability of the trade sphere limits the development of the domestic market, the purchasing power of the population and makes extremely low demand for all types of goods, except for agricultural products².

In particular, for Ukraine as a whole and its regions, it is characteristic that the state directs the bulk of funds to investments in the social sphere. At the expense of budget funds, those elements are financed, which for private capital are unattractive due to various factors. Much of these activities are extremely capital intensive, provide payback for a long period of time, so the share of public participation in such infrastructure programs is traditionally high. This, of

¹ Filippov V.Y., Nestorenko A.M. (2014). Shlyahy rozvytku torgovelnih pidpriemstv. *Ekonomika: realii chasu. Naukovy zhyurnal [Economics: realities of time. Scientific Journal]*. Vol. 2 (12), p. 203. (inUkr.).

² Makkonell K.R., Bru S.L. (2003). *Ekonomiks: pryntsyipy, problemyipolityka [Economics: Principles, Problems and Politics]*, IN-FRA-M, Moskva, p. 895. (in Russ.)

course, leads to a lack of funds for the development of other components of the region's economy. Thus, there is a need for the formation of investment flows into the infrastructure of the regions by the state, thus creating the preconditions for inflow of investments into the trading and manufacturing sectors. After all, state investments in infrastructure and private capital, sent to enterprises of trade in the region mutually complement each other. Investments in the construction of new freeways stimulate private investment in new retail outlets located along these freeways. Shopping centers, which are built by local authorities, attract both large and small trade enterprises. That is why it can be argued that the slowdown of infrastructure growth due to the reduction of its state funding is one of the most important reasons for the decline of private investment in the trading sphere.

Problems and barriers in the sphere of investment activity should be solved, given their priority and acuteness in the current conditions and, accordingly, the determined priority directions of influence form the measures aimed at achieving the stated goal³. Under the conditions of the underdeveloped market in Ukraine, the reduction of economic incentives aimed at intensifying investments in the region's trade, with a slight increase in current revenues to the state budget leads to significant losses, therefore it is necessary to expand and update tax incentives⁴.

We agree that the main directions of formation of investment resources of enterprises of trade should be joint actions of business entities, institutions of market and financial-credit, investment infrastructure and authorities aimed at accumulation of own funds, qualitative growth of availability of external sources of financing and simplification and a decrease in the level of cost-effectiveness of passage of permitting and conciliation procedures in state control bodies related to investment activities⁵.

At the same time, the theoretical developments of possible approaches to understanding the regional aspects of management of trade enterprises can distinguish two aspects of its formation, which differ considerably from one another – the branch, already sufficiently realized throughout the economic space of Ukraine, and functional-structural, in fact, not yet implemented as in methodological and practical terms.

The features of regional management of trade enterprises determine, in our opinion, the need to create and operate a two-tier distribution system that implements the functional and structural principle of its organization.

In the sphere of trade, a two-tier distribution system implies, first, the existence of an extensive network of retail stores for goods with a minimum of inventories. The second important direction is the creation in the regions of wholesale collectors – compensators of retail trade,

³ Yarosh U.O. (2016). Rozpodil investytsiy zasotsial'no-ekonomichnyy rayonamy Ukrainy. Naukovyy visnyk Uzhgorodskogo natsional'nogo universytetu [*Scientific herald of Uzhgorod National University*], Vol. 10, Ch. 2, p. 151. (in Ukr.)

⁴ Svyatots'kyi O.D., Krayne P.P., Revuts'kyi S.F. (2003). Pravove zabezpechennya innovatsiy noyidiyal'nosti v Ukraini: pytannya teorii i praktyky [Legal support of innovation activity in Ukraine: issues of theory and practice]. Vidavnychyy Dim «In Yure», Kyiv, p. 70. (in Ukr.)

⁵ Orlyk I.O. (2014). Chynnykyaktyvizatsiyi investytsiy noyidiyal'nostipidpriemstvrozdribnoyitorgivliv Ukrainivinnovatsiyisferi. *Visnik Hmel'nyts'kogo natsional'nogo universytetu* [*Herald of Hmelnytskyi national university*], Vol. 3 (212), T. 2., p. 124. (in Ukr.)

which ensure the continuity of commodity flows and concentrate the corresponding commodity weight on various indicators - range, quantity, etc.

The necessity of studying regional aspects of management of trade enterprises from the point of view of functional and structural approach is confirmed by the fact that market conditions predetermine significant changes in the methodology and practice of functioning of the trading region of the region, in particular, in the structure of retail trade in the region, the volume of the state system of sales of goods has practically decreased to a minimum and sales volumes of non-state forms of trade increased. The volume of retail turnover of enterprises, the main type of economic activity of which is retail trade, in 2017 amounted to UAH 7194.0 million, which is 2.6% more than in 2016 in comparable prices. In the retail turnover of retail enterprises, the share of sales of non-food products prevailed. In 2017 their share was 76.3% or 5487.5 million UAH, which is 6.6% higher than in 2016 in comparable prices. The volume of sales of food products in comparable prices decreased by 8.4% and amounted to 1706.5 million UAH⁶. The commodity structure of the retail turnover of retail enterprises of the Chernivtsi region in 2017 is reflected in Table 1.

Table 1. Commodity structure of retail turnover of enterprises Retail trade of Chernivtsi region in 2017

	Retail income in 2017, mln. UAH	Specific gravity, in% to the total	The index of physical volume of retail trade turnover of enterprises (in comparable prices) in 2017 by 2016,%
Total	7194,0	100,0	102,6
Groceries	1706,5	23,7	91,6
Non-food goods	5487,5	76,3	106,6

Source: Obsyag ta strukturarozdribnogotovaroorobotupidpriemstvrozdribnoyitorgivliChernivets'koyioblasti u 2017 rotsi : Ekspres-vypusk. Available at: www.cv.ukrstat.gov.ua (Accessed 25 Mar 2018) (in Ukr.).

Today the role of the state is re-thinking in Ukraine, the ways of its influence on socio-economic processes change, instead of policy-making, indirect regulatory tools are being developed⁷. Implementation of the functional and structural approach in regional management of trade enterprises, the necessity of which is confirmed by the given data, requires compliance with a number of the following conditions:

- initiative, regulatory and stimulating participation of the regional administration in the formation of the regional trade complex;
- determination of the required volumes of investments and attraction of capital;

⁶ ObsyagtastrukturarozdribnogotovaroorobotupidpriemstvrozdribnoyitorgivliChernivets'koyioblasti u 2017 rotsi :Ekspres-vypusk. Available at: www.cv.ukrstat.gov.ua (Accessed 25 Mar 2018). (inUkr.).

⁷ Butyr'ska, I. (2009). Osoblyvostiformuvannyaderzhavnoyiinnovatsiynoyipolityky. *Honors high school. Materialy za 5-a mezhdunarodna nauchna praktichna konferentsiya. Ikonomiki. Zakon. Filosofiya. Sofiya* [HonorsHigh School: Materials for the 5th International Scientific Practical Conference. Economics Law. Philosophy]. Vol 3. «Byal GRAD-BG» OOD, Sofia, p.44-45. (in Ukr.).

- development of the program for the development of the regional trade complex, based on the definition of the minimum ratio of types, types and quantities of its elements in the regional complex and their territorial location;
- comprehensive consideration of all factors necessary for the development of trade in the region and affect the creation of its regional components (economic, ecological-geographical, organizational, etc.).

This approach will make it possible to make the right decisions regarding the formation of a regional management policy for trading enterprises, bearing in mind that the development of a trading complex should take place at a faster pace than other components of the economy, as it creates real prerequisites for expanding the boundaries of the competitive environment and the dynamic development of the economy as separate regions, and the country as a whole.

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2. Makkonell K.R., Bru S.L. (2003). *Ekonomiks: pryntsyipy, problemyipolityka [Economics: Principles, Problems and Politics]*, INFRA-M, Moskva, 972 p. (in Russ.).
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THE TYPOLOGY OF THEORIES AND MODELS OF MINORITY GOVERNMENTS' FORMATION AND ACCOUNTABILITY IN PARLIAMENTARY DEMOCRACIES

The article is dedicated to proposing and detailing a wide-ranging typology of theories and models of minority governments' formation and accountability in parliamentary democracies. The researcher singled out theoretical and methodological perspectives of minority governments' investigation and explanation, and proved that theories and models of minority governments should be divided onto empirical and a priori, position-oriented (or «policy-blind») and policy-oriented (or «policy-cognizant»), as well as cooperative and non-cooperative.

Keywords: government, minority government, theory and model of minority government, parliamentary democracy.

ТИПОЛОГІЯ ТЕОРІЙ І МОДЕЛЕЙ ФОРМУВАННЯ ТА ВІДПОВІДАЛЬНОСТІ УРЯДІВ МЕНШОСТІ У ПАРЛАМЕНТСЬКИХ ДЕМОКРАТІЯХ

У статті запропоновано і деталізовано різносторонню типологію теорій/моделей формування та відповідальності урядів меншості у парламентських демократіях. Виокремлено теоретико-методологічні перспективи дослідження і пояснення урядів меншості. Виявлено, що теорії і моделі урядів меншості доцільно таксономувати на емпіричні та апіорні, посадо-орієнтовані (або «політико-приховані») та політико-орієнтовані (або «політико-обізнані»), а також кооперативні та некооперативні.

Ключові слова: уряд, уряд меншості, теорії/моделі урядів меншості, парламентська демократія.

Political science testifies that relations, which occur amidst the actions of various parliamentary actors in circumstances where minority governments exist and specificity of implementation of their constitutional functions and duties by minority governments within parliamentary democracies, determine classical and non-classical/modern theoretical perspectives, which are divided into rationalistic, institutional and partological. The first refers to the assumptions of the theories of a rational choice and games, which argue that political actors are rational, and coalitional policy is strategic, as

it manifests itself as a game between parties¹. The second one is defined by the fact that coalitional policy is institutionally presupposed and goes beyond the limits of personal factors, which identify individual players and their behavior, that is why a choice of players is predetermined by a set of standards, regulations, restrictions and conditions of the political system. The third assigns the main part to parties and party systems in the process of formation of interparty dynamics in legislatures. However, pointing out several perspectives in the course of minority government research does not allow to find a unilateral concept towards determination of theories and models of their formation and liability in parliamentary democracies, as in the political science has already been established an extremely diversified approach to classification of such theories and models. Correspondingly, the analysis of the theories and models of minority government formation, as well as their variegated and generalized typology in parliamentary democracies is currently topical and thus is a subject of the present paper.

This range of problems has been partially investigated and described by such scientists as D. Austen-Smith, J. Banks and J. Duggan², D. Baron and J. Ferejohn³, A. Bassi⁴, E. Browne and M. Franklin⁵, C. Crombez⁶, A. De Swaan⁷, D. Diermeier, A. Merlo, H. Eraslan and R. Stevenson⁸, T. Kalandrakis⁹, D. Kreps¹⁰, M. Laver and K. Shepsle¹¹,

¹ Müller W., Ström K., *Coalition Governance in Western Europe: An Introduction*, [w:] Müller W., Ström K. (eds.), *Coalition Governments in Western Europe*, Wyd. Oxford University Press 2000, s. 1–31.

² Austen-Smith D., Banks J., *Elections, Coalitions, and Legislative Outcomes*, "American Political Science Review" 1988, vol 82, nr. 2, s. 405–422.; Austen-Smith D., Banks J., *Positive Political Theory II: Strategies and Structures*, Wyd. University of Michigan Press 2009.; Austen-Smith D., Banks J., *Stable Governments and the Allocation of Policy Portfolios*, "American Political Science Review" 1990, vol 84, nr. 3, s. 891–906.; Banks J., Duggan J., *A Bargaining Model of Collective Choice*, "American Political Science Review" 2000, vol 84, nr. 1, s. 73–88.; Banks J., *Singularity Theory and Core Existence in the Spatial Model*, "Journal of Mathematical Economics" 1995, vol 24, nr. 6, s. 523–536.

³ Baron D., *A Noncooperative Theory of Legislative Coalitions*, "American Journal of Political Science" 1989, vol 33, nr. 4, s. 1048–1084.; Baron D., *A Spatial Bargaining Theory of Government Formation in a Parliamentary System*, "American Political Science Review" 1992, vol 85, nr. 1, s. 137–164.; Baron D., Ferejohn J., *Bargaining in Legislatures*, "The American Political Science Review" 1989, vol 83, nr. 4, s. 1181–1206.; Baron D., *Comparative Dynamics of Parliamentary Governments*, "American Political Science Review" 1998, vol 92, nr. 3, s. 593–609.; Baron D., Diermeier D., *Elections, governments, and parliaments in proportional representation systems*, "Quarterly Journal of Economics" 2001, vol 116, nr. 3, s. 933–967.

⁴ Bassi A., *A Model of Endogenous Government Formation*, "The Review of Financial Studies" 2013, vol 26, nr. 7, s. 1824–1852.

⁵ Browne E., Franklin M., *Aspects of Coalition Payoffs in European Parliamentary Democracies*, "The American Political Science Review" 1973, vol 67, nr. 2, s. 453–469.

⁶ Crombez C., *Minority Governments, Minimal Winning Coalitions and Surplus Majorities in Parliamentary Systems*, "European Journal of Political Research" 1996, vol 29, nr. 1, s. 1–29.

⁷ De Swaan A., *Coalition Theories and Cabinet Formations: A Study of Formal Theories of Coalition Formation Applied to Nine European Parliaments after 1918*, Wyd. Elsevier 1973.

⁸ Diermeier D., Merlo A., *An Empirical Investigation of Conditional Bargaining Procedures*, "Journal of Public Economics" 2004, vol 88, nr. 3–4, s. 783–797.; Diermeier D., Eraslan H., Merlo A., *A Structural Model of Government Formation*, "Econometrica" 2003, vol 71, nr. 1, s. 27–70.; Diermeier D., Stevenson R., *Cabinet Survival and Competing Risks*, "American Journal of Political Science" 1999, vol 43, nr. 4, s. 1051–1068.; Diermeier D., Stevenson R., *Cabinet Terminations and Critical Events*, "American Political Science Review" 2000, vol 94, nr. 3, s. 627–640.; Diermeier D., Merlo A., *Government Turnover in Parliamentary Democracies*, "Journal of Economic Theory" 2000, vol 94, nr. 1, s. 46–79.; Merlo A., *Bargaining over Governments in a Stochastic Environment*, "Journal of Political Economy" 1997, vol 105, nr. 1, s. 101–131.; Merlo A., Wilson C., *A Stochastic Model of Sequential Bargaining with Complete Information*, "Econometrica" 1995, vol 63, nr. 2, s. 371–399.; Merlo A., Wilson C., *Efficient Delays in a Stochastic Model of Bargaining*, "Economic Theory" 1998, vol 11, nr. 1, s. 39–55.

⁹ Kalandrakis T., *A Theory of Minority and Majority Governments*, "Political Science Research and Methods" 2015, vol 3, nr. 2, s. 309–328.; Kalandrakis T., *A Three-Player Dynamic Majoritarian Bargaining Game*, "Journal of Economic Theory" 2004, vol 116, nr. 2, s. 294–322.; Kalandrakis T., *General Equilibrium Parliamentary Government: PhD thesis*, Wyd. University of California 2000.; Kalandrakis T., *Generic Regularity of Stationary Equilibrium Points in a Class of Bargaining Games*, "Economic Theory" 2006, vol 28, s. 309–329.; Kalandrakis T., *Minimum Winning Coalitions and Endogenous Status Quo*, "International Journal of Game Theory" 2010, vol 39, nr. 4, s. 617–643.

¹⁰ Kreps D., *Game Theory and Economic Modelling*, Wyd. Clarendon 1990.

¹¹ Laver M., Shepsle K., *Coalitions and Cabinet Government*, "American Political Science Review" 1990, vol 84, nr. 3, s. 873–890.; Laver M., Shepsle K., *Events, Equilibria and Government Survival*, "American Journal of Political Science" 1998, vol 42, nr. 1, s. 28–54.; Laver M., Shepsle K., *Making and breaking governments: Cabinets and legislatures in parliamentary democracies*, Wyd. Cambridge University Press 1996.

M. Laver, M. Taylor and N. Schofield¹², G. Luebbert¹³, L. Martin and R. Stevenson¹⁴, M. Morelli¹⁵, W. Müller and K. Strom¹⁶, W. Riker¹⁷, A. Rubinstein¹⁸, K. Shepsle¹⁹, K. Strom²⁰, G. Tsebelis²¹, P. van Roozendaal²² and others.

In some of the works, in particular M. Laver's²³ "Models of Government Formation", it is argued that theories and models of government formation and liability, especially in case of parliamentary minority, must be classified as empirical and a priori, office-seeking (or "politically-blind") and policy-seeking (politically-cognizant), and cooperative and non-cooperative. Their overlapping let us comprehend reasons, tendencies and peculiarities of formation of governments of different types, in particular minority governments, in the perspective of various rational, partological and institutional factors.

The division of theories and models of governmental cabinet formation into empirical and a priori is based on the parameters of methodological style and logical modeling. Empirical theories study the process of government/governmental cabinet formation and liability as a fundamental subject of their interests. They gather information about the reasons of government formation and/or resignation, analyze them for the purpose of regularity and repetition and on these bases make theoretical conclusions concerning peculiarities of formation and liabilities of different types of governments in the perspective of various characteristics of political systems, as well as taking into account variegated (rational, institutional and partological) perspectives of studying government formation and liabilities. That is why, empirical theories are not focused on constructing individual abstract conclusions, but are concentrated on factual actions and processes of government formation. On the contrary, a priori theories are focused on the assumptions, which in total provide stylized and simplified description of the key peculiarities of formation/liabilities of different types of governments. However, these theories are also grounded on the insights of real politics and thus have a large empirical base. But "at the end" their aim is not to single out factors/attributes of formation and liabilities of different types of

¹² Laver M., Taylor M., *Government coalitions in Western Europe*, "European Journal of Political Research" 1973, vol 1, nr. 2, s. 205–248; Laver M., *Models of Government Formation*, "Annual Review of Political Science" 1998, vol 1, nr. 1, s. 1–25; Laver M., Schofield N., *Multiparty Government: The Politics of Coalition in Europe*, Wyd. Oxford University Press 1998; Schofield N., *Political Competition and Multiparty Coalition Governments*, "European Journal of Political Research" 1993, vol 23, nr. 1, s. 1–33.

¹³ Luebbert G., *Comparative Democracy: Policymaking and Governing Coalitions in Europe and Israel*, Wyd. Columbia University Press 1986.

¹⁴ Martin L., Stevenson R., *Government Formation in Parliamentary Democracies*, "American Journal of Political Science" 2001, vol 45, nr. 1, s. 33–50.

¹⁵ Morelli M., *Demand Competition and Policy Compromise in Legislative Bargaining*, "American Political Science Review" 1999, vol 93, nr. 4, s. 809–820.

¹⁶ Müller W., Strom K., *Coalition Governance in Western Europe: An Introduction*, [w:] Müller W., Strom K. (eds.), *Coalition Governments in Western Europe*, Wyd. Oxford University Press 2000, s. 1–31; Müller W., Strom K., *Policy, Office or Votes? How Political Parties in Western Europe Make Hard Decisions*, Wyd. Cambridge University Press 1999.

¹⁷ Riker W., *The Theory of Political Coalitions*, Wyd. Yale University Press 1962.

¹⁸ Rubinstein A., *Perfect equilibrium in a bargaining model*, "Econometrica" 1982, vol 50, nr. 1, s. 97–109.

¹⁹ Shepsle K., *Institutional Arrangements and Equilibrium in Multidimensional Voting Models*, "American Journal of Political Science" 1979, vol 23, nr. 1, s. 27–60.

²⁰ Strom K., *Minority Government and Majority Rule*, Wyd. Cambridge University Press 1990.

²¹ Tsebelis G., Ha E., *Coalition Theory: A Veto Players Approach*, "European Political Science Review" 2014, vol 6, nr. 3, s. 331–357; Tsebelis G., *Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartyism*, "British Journal of Political Science" 1995, vol 25, nr. 3, s. 289–325; Tsebelis G., *Veto Players: How Political Institutions Work*, Wyd. Princeton University Press 2002.

²² van Roozendaal P., *The effect of central and dominant parties on cabinet composition and durability*, "Legislative Studies Quarterly" 1992, vol 17, nr. 1, s. 5–35.

²³ Laver M., *Models of Government Formation*, "Annual Review of Political Science" 1998, vol 1, nr. 1, s. 1–25.

governments within variant systems, but construction of clear models of government-formation process, based on feasible “starting” assumptions and strict logical arguments. Therefore, a priori theories are more intuitive than empirical²⁴.

The division of theories and models of governmental cabinet formation into office-seeking (or “politically-blind”) and policy-seeking (politically-cognizant) is based on taking into account motivational assumptions of blocs, parties and deputies that participate in government-formation process within parliamentary democracies. Politicians, first of all, may be motivated by the desire to get into governments/governmental cabinets or the wish to actualize their political goals, both by means of governmental cabinets and without them²⁵. Besides, parties and politicians may be motivated by the desire to get into governments/governmental cabinets and some other wishes. They (these aims) usually are scientifically disordered and unstructured²⁶. For example, a party or politician may combine office-seeking and policy-seeking motives of their activity. It significantly burdens theoretical constructions of government formation and liabilities within parliamentary democracies. Especially, it is in the perspective of electoral preferences, which are accumulated in parties’ and politicians’ motives²⁷. From this point of view, it is notable that earlier theories of government formation and liability were office-seeking, whereas later (current) – are policy-seeking. However, it does not mean that factually and empirically governmental cabinets nowadays have become predominantly policy-seeking.

Finally, the division of theories and models of government/governmental cabinet formation and liabilities into cooperative and non-cooperative (generally this division refers to the a priori theories of government formation) is based on the fact that to some extent the very process of government formation and providing it with parliamentary vote of confidence within parliamentary democracy is a “game”. And “games”, in their turn, are theoretically divided into cooperative and non-cooperative²⁸, what is important from the perspective of government formation, especially coalitional ones, as different parties take control over different governmental positions and ministerial posts²⁹. The cooperative approach considers “governmental victories” of parties in case of different variants on the basis of the assumption that the most “valuable” is that variant of governmental cabinet, which will more than likely be actualized/formed. Correspondingly, the approach focuses on determining each variant of governmental cabinet in accordance with current institutions and institutional rules of the game and a “victory” of any political actor is defined as a kind of function of “values” of different variants of governmental cabinets, in which this political actor may participate and in correspondence to which it may conduct negotiations as to specified rules of a game. On the contrary, the non-cooperative approach interprets actors’ behavior in the frames of hypothetical governmental cabinets, despite the fact whether such actors are blocs, parties,

²⁴ Laver M., *Models of Government Formation*, “Annual Review of Political Science” 1998, vol 1, nr. 1, s. 2–3.

²⁵ Müller W., Strøm K., *Policy, Office or Votes? How Political Parties in Western Europe Make Hard Decisions*, Cambridge 1999.

²⁶ Laver M., *Models of Government Formation*, “Annual Review of Political Science” 1998, vol 1, nr. 1, s. 5.

²⁷ Laver M., Schofield N., *Multiparty Government: The Politics of Coalition in Europe*, Wyd. Oxford University Press 1998, s. 45–60.

²⁸ Kreps D., *Game Theory and Economic Modelling*, Wyd. Clarendon 1990, s. 9.

²⁹ Laver M., *Models of Government Formation*, “Annual Review of Political Science” 1998, vol 1, nr. 1, s. 4.

parts of parties (factions), individual deputies. The approach is concentrated on constructing balanced governmental cabinet, i.e. a cabinet which is preferred to other alternative governmental cabinets by all its members. Correspondingly, the approach is focused on achieving such government-formation process, which is aimed at achieving interparty balance, i.e. best possible individual strategy of each member of a governmental cabinet. It is notable, that evolutionally cooperative theories of government formation and liabilities have been corresponding to the rational and partological perspectives, whereas non-cooperative theories – to the institutionalized perspective. It is presupposed by the fact that governmental cabinet formation and liabilities are “products” of the institutional rules of government-formation process, in particular referring to such issues as consequence of engaging leaders or representatives of various parties to the process of government formation, peculiarities and procedures of votes of confidence/investiture in governments on the part of parliaments or leading chambers of parliaments, characteristics of division of certain political jurisdiction and ministerial posts (“governmental victories”).

Extrapolating given typology of theories and models of government formation on the cases of minority cabinets, M. Laver argues that they are best described by the theories of government formation, which are a priori and policy-seeking, especially in the frames of cooperative approach³⁰. It becomes obvious from the analytical facts provided by the political science in the 70s-80s of the 20th century, which state, in particular by E. Browne³¹, A. De Swaan³², M. Taylor and M. Laver³³, that minimally victorious coalitions are not so widespread, as it is predetermined by a priori theories of government formation. On the contrary, a large part of post-war governments within parliamentary democracies in Europe, for instance, was composed of minority cabinets, which in no way works with office-seeking theories of government formation³⁴ (however L. Martin and R. Stevenson³⁵ proved that in European parliamentary democracies, except minority cabinets, the same crucial role is played by both office-seeking seeking (or “politically-blind”) and policy-seeking (politically-cognizant) theories of governmental cabinet formation.

That is why, M. Laver focuses on two factors that explain minority government formation in parliamentary democracies, defined by K. Strom and G. Luebbert, and which are dependable on the role of party policy in the government formation processes³⁶. In particular, G. Luebbert³⁷ describes government formation by means of interparty relation and roles of party leaders. Interpreting party leaders as people who are fundamentally motivated by a desire to stay in their leadership positions, the scientist defines party policy as a means of manipulation on behalf of

³⁰ Laver M., *Models of Government Formation*, “Annual Review of Political Science” 1998, vol 1, nr. 1, s. 13.

³¹ Browne E., Franklin M., *Aspects of Coalition Payoffs in European Parliamentary Democracies*, “The American Political Science Review” 1973, vol 67, nr. 2, s. 453–469.

³² De Swaan A., *Coalition Theories and Cabinet Formations: A Study of Formal Theories of Coalition Formation Applied to Nine European Parliaments after 1918*, Wyd. Elsevier 1973.

³³ Laver M., Taylor M., *Government coalitions in Western Europe*, “European Journal of Political Research” 1973, vol 1, nr. 2, s. 205–248.

³⁴ Strom K., *Minority Government and Majority Rule*, Wyd. Cambridge University Press 1990.

³⁵ Martin L., Stevenson R., *Government Formation in Parliamentary Democracies*, “American Journal of Political Science” 2001, vol 45, nr. 1, s. 41.

³⁶ Laver M., *Models of Government Formation*, “Annual Review of Political Science” 1998, vol 1, nr. 1, s. 14.

³⁷ Luebbert G., *Comparative Democracy: Policymaking and Governing Coalitions in Europe and Israel*, Wyd. Columbia University Press 1986.

party leaders in order to achieve their motivation. Correspondingly, G. Luebbert's explanation is presupposed by the fact that some party leaders who see a chance to become members of governmental cabinets may be afraid of the consequences, which can threaten their leadership potential in the parties. On the contrary, K. Strom³⁸ explaining the phenomenon and peculiarities of minority government formation interprets the game not only as a government-formation process, but electoral and legislative processes as well. He remarks that membership in party cabinets has both drawbacks and benefits. A great part of drawbacks is represented by restriction of a party's electoral chances, in particular after finding compromises with other parties which are electoral competitors/rivals. Therefore, parties quite often choose a strategy to stay oppositional/non-governmental, especially if they anticipate electoral losses while forming or being a part of governments³⁹. It is supplemented by systems committees and commissions, powerful as to their authorities, which exist in some parliamentary democracies and result in high frequency of minority governments.

Theoretical-methodological conclusion that minority governments are predominantly formed in accordance with the patterns of a priori policy-seeking theories is also supported by N. Schofield, who states that if in a party system any centrist/core party exists, then it strives to create single-party minority government as a result of government-formation processes⁴⁰. The point is that in such case "an ideal place" for such party will be governmental policy. If such party does not exist in the party system, then the result of a government-formation process will usually be minimally victorious coalition. And if this conclusion is interpreted in the frames of a non-cooperative approach, it becomes quite obvious that in case of centrist/core party, which can form single-party minority government, any governmental cabinet must comprise such party in its structure. In other case such party will have an opportunity and potential to veto any alternative cabinet and by this prevent its formation. As explained by M. Laver and K. Shepsle⁴¹, L. Martin and R. Stevenson⁴², it means that if in the system there is a strong centrist party (sometimes it should not be obligatory centrist), then it becomes a member of any or almost any government, based on the principle of balance. Thus, it is a member of coalitional or single-party minority government or coalitional majority government.

To the great extent the abovementioned problem is described by K. Crombez⁴³ and P. Van Roozendaal⁴⁴, who reasonably state that an increase in frequency of minority government formation is contributed by enlargement of size and centrist-ideological positions of

³⁸ Strom K., *Minority Government and Majority Rule*, Wyd. Cambridge University Press 1990.

³⁹ Mershon C., *The costs of coalition: coalition theories and Italian governments*, "American Political Science Review" 1996, vol 90, nr. 3, s. 534–554.

⁴⁰ Schofield N., *Political Competition and Multiparty Coalition Governments*, "European Journal of Political Research" 1993, vol 23, nr. 1, s. 8.

⁴¹ Laver M., Shepsle K., *Making and breaking governments: Cabinets and legislatures in parliamentary democracies*, Wyd. Cambridge University Press 1996.

⁴² Martin L., Stevenson R., *Government Formation in Parliamentary Democracies*, "American Journal of Political Science" 2001, vol 45, nr. 1, s. 33–50.

⁴³ Crombez C., *Minority Governments, Minimal Winning Coalitions and Surplus Majorities in Parliamentary Systems*, "European Journal of Political Research" 1996, vol 29, nr. 1, s. 1–29.

⁴⁴ van Roozendaal P., *The effect of central and dominant parties on cabinet composition and durability*, "Legislative Studies Quarterly" 1992, vol 17, nr. 1, s. 5–35.

parliamentary parties and leading chambers of parliaments. On the contrary, G. Tsebelis argues that in case a powerful centrist party does not form a minority government, then on the basis of influence it has on the political agenda it achieves other political results, which are close to the anticipated position⁴⁵. M. Taylor and M. Laver put it more generally: if in a party system there is a parliamentary party with an “almost absolute” majority of seats in the parliament or the leading chamber of the parliament and it enjoys support of another/other parliamentary parties or leading chambers of parliament, then it must be treated as the most significant “independent” explanation for minority government formation within parliamentary democracies⁴⁶. This explanation is determined by parliamentary support or “critical restraint” of other parties in the process of gaining votes of confidence/investiture on the part of parliaments or leading chambers of parliaments, as well as in the course of minority governmental cabinets’ functioning.

First non-cooperative theories of minority government formation in the political science arose in the late 80s – early 90s of the 20th century. They are related to such scholars as D. Austen-Smith, J. Banks⁴⁷, D. Baron, J. Ferejohn⁴⁸ and M. Morelli⁴⁹. But despite this they apply bases of classical theories and models of a rational choice, in which it is postulated (on the grounds of W. Riker’s idea of the “size principle”⁵⁰), that: the division of ministerial posts must be modeled as a clear component of agreement as to government formation; the advantage of a political party for any policy, conducted by a governmental cabinet, grows with the increase of its part of governmental or cabinet posts; government-formation process is rationalized in case of avoiding sizing sequence and other a priori restrictions, which may overlap with an anticipated agreement, which is the subject to the negotiations between the political parties. In such case scientists who support non-cooperative approach raise a question whether minority governmental cabinets can achieve balance under conditions of the above-mentioned characteristics of a rational choice⁵¹, and almost always give a positive answer to the question. The point is that according to non-cooperative theories minority governmental cabinets are predominantly formed when political divergences or political polarization between parties, which participate in negotiations, are relative as to the significance and usefulness of their participation in a governmental cabinet. Besides, researchers

⁴⁵ Tsebelis G., Ha E., *Coalition Theory: A Veto Players Approach*, “European Political Science Review” 2014, vol 6, nr. 3, s. 331–357.; Tsebelis G., *Veto Players: How Political Institutions Work*, Wyd. Princeton University Press 2002.

⁴⁶ Laver M., Taylor M., *Government coalitions in Western Europe*, “European Journal of Political Research” 1973, vol 1, nr. 2, s. 232.

⁴⁷ Austen-Smith D., Banks J., *Elections, Coalitions, and Legislative Outcomes*, “American Political Science Review” 1988, vol 82, nr. 2, s. 405–422.; Austen-Smith D., Banks J., *Positive Political Theory II: Strategies and Structures*, Wyd. University of Michigan Press 2009.; Austen-Smith D., Banks J., *Stable Governments and the Allocation of Policy Portfolios*, “American Political Science Review” 1990, vol 84, nr. 3, s. 891–906.; Banks J., Duggan J., *A Bargaining Model of Collective Choice*, “American Political Science Review” 2000, vol 84, nr. 1, s. 73–88.; Banks J., *Singularity Theory and Core Existence in the Spatial Model*, “Journal of Mathematical Economics” 1995, vol 24, nr. 6, s. 523–536.

⁴⁸ Baron D., *A Noncooperative Theory of Legislative Coalitions*, “American Journal of Political Science” 1989, vol 33, nr. 4, s. 1048–1084.; Baron D., *A Spatial Bargaining Theory of Government Formation in a Parliamentary System*, “American Political Science Review” 1992, vol 85, nr. 1, s. 137–164.; Baron D., Ferejohn J., *Bargaining in Legislatures*, “The American Political Science Review” 1989, vol 83, nr. 4, s. 1181–1206.; Baron D., *Comparative Dynamics of Parliamentary Governments*, “American Political Science Review” 1998, vol 92, nr. 3, s. 593–609.; Baron D., Diermeier D., *Elections, governments, and parliaments in proportional representation systems*, “Quarterly Journal of Economics” 2001, vol 116, nr. 3, s. 933–967.

⁴⁹ Morelli M., *Demand Competition and Policy Compromise in Legislative Bargaining*, “American Political Science Review” 1999, vol 93, nr. 4, s. 809–820.

⁵⁰ Riker W., *The Theory of Political Coalitions*, Wyd. Yale University Press 1962.

⁵¹ Kalandrakis T., *A Theory of Minority and Majority Governments*, “Political Science Research and Methods” 2015, vol 3, nr. 2, s. 309–328.

state that minority governments appear when a party-originator possesses the position of power with regard to its coalitional partners. However, it also means that the party-originator may gain parliamentary support from beyond the governmental cabinet form formally oppositional parties in return of implementation of their political programs. It largely proves the conclusions provided by K. Strom⁵² and G. Tsebelis⁵³ within the frames of cooperative models/theories of government formation that minority governments may be stable and sustainable political decisions.

But the conclusions as to the peculiarities of minority governmental cabinet formation and liabilities within parliamentary democracies within the frames of non-cooperative theories are different. For instance, according to the model of consecutive negotiation games proposed by A. Rubinstein⁵⁴, which in the political science was approved by D. Baron and J. Ferejohn⁵⁵ and applied in the form of a game “divide the dollar”, minority governments are not formed in the case when we interpret “division of the dollar” as division of ministerial posts. D. Baron, in the so-called “dynamic model” with occasional exogenous status-quo, states that originators prefer minority governments; however the latter do not guarantee balance. On the contrary, T. Kalandrakis⁵⁶ accepts comparability of a division of posts within single-party governments with a game “divide the dollar” if the status quo is endogenic. As a result the scientist remarks⁵⁷, that minority government in different parliamentary democracies are formed with positive anticipation, if parliamentary parties or leading chambers of parliaments are quite ideologically polarizable. And various majority governments, on the contrary, are formed in case of no considerable divergences. Similar conclusions were drawn by K. Crombez⁵⁸ and S.-J. Cho⁵⁹, as well as B. Moselle, B. Jackson⁶⁰ and A. Bassi⁶¹. Their studies show that in the frames of “non-cooperative games” minority governments are formed with due account for two goals – formation and getting posts in the governmental cabinet and actualization of political aims, benefits, preferences. In particular A. Bassi⁶² argues that minority government cabinets make balance and are formed in case when party benefits concerning ministerial posts and political

⁵² Strom K., *Minority Government and Majority Rule*, Wyd. Cambridge University Press 1990.

⁵³ Tsebelis G., *Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartyism*, “British Journal of Political Science” 1995, vol 25, nr. 3, s. 289–325.

⁵⁴ Rubinstein A., *Perfect equilibrium in a bargaining model*, “Econometrica” 1982, vol 50, nr. 1, s. 97–109.

⁵⁵ Baron D., Ferejohn J., *Bargaining in Legislatures*, “The American Political Science Review” 1989, vol 83, nr. 4, s. 1181–1206.

⁵⁶ Kalandrakis T., *A Theory of Minority and Majority Governments*, “Political Science Research and Methods” 2015, vol 3, nr. 2, s. 309–328; Kalandrakis T., *A Three-Player Dynamic Majoritarian Bargaining Game*, “Journal of Economic Theory” 2004, vol 116, nr. 2, s. 294–322; Kalandrakis T., *General Equilibrium Parliamentary Government: PhD thesis*, Wyd. University of California 2000; Kalandrakis T., *Generic Regularity of Stationary Equilibrium Points in a Class of Bargaining Games*, “Economic Theory” 2006, vol 28, s. 309–329; Kalandrakis T., *Minimum Winning Coalitions and Endogenous Status Quo*, “International Journal of Game Theory” 2010, vol 39, nr. 4, s. 617–643.

⁵⁷ Kalandrakis T., *A Theory of Minority and Majority Governments*, “Political Science Research and Methods” 2015, vol 3, nr. 2, s. 309–328

⁵⁸ Crombez C., *Minority Governments, Minimal Winning Coalitions and Surplus Majorities in Parliamentary Systems*, “European Journal of Political Research” 1996, vol 29, nr. 1, s. 1–29.

⁵⁹ Cho S.-J., *A dynamic Model of Parliamentary Democracy*, “Economic Theory” 2012, vol 49, nr. 3, s. 703–738.

⁶⁰ Jackson M., Moselle B., *Coalition and Party Formation in a Legislative Voting Game*, “Journal of Economic Theory” 2002, vol 103, nr. 1, s. 49–87.

⁶¹ Bassi A., *A Model of Endogenous Government Formation*, “The Review of Financial Studies” 2013, vol 26, nr. 7, s. 1824–1852.

⁶² Bassi A., *A Model of Endogenous Government Formation*, “The Review of Financial Studies” 2013, vol 26, nr. 7, s. 1824–1852.

course are not equalled and parties due to the high ideological polarization of party systems are not traditional partners in governmental cabinets.

Applying the model of non-cooperative decisions M. Laver and N. Schofield⁶³, M.M. Laver and K. Shepsle⁶⁴, D. Austen-Smith and J. Banks⁶⁵ assume that political parties take care only of implementation of their political goals (they are policy-seeking), and thus ministerial posts are not “governmental victories”. It means that in such case minority governments are formed only when political courses (policy) offered by them are “invincible” and “foundational” for governmental and non-governmental parliamentary parties. Similar position proves G. Tsebelis, who, in the perspective of the “veto-players” theory in the process of governmental cabinet formation processes argues that political positions, benefits and preferences of political/parliamentary parties play a crucial and significant role in government-formation process, as the governmental cabinets themselves in parliamentary democracies control the procedure of elaboration and implementation of policy⁶⁶. Correspondingly, the institutions which regulate this process have impact on governmental cabinet formation. In particular, positional-preferential benefits, which may have a governmental cabinet (for instance centrist ideological and political positioning of originator and its party, negligible ideological distance between parties), become more important due to reduction of institutional conditions and benefits of the agenda concerning elaboration and implementation of policy within such governmental cabinet. And this means that minority governmental cabinets are formed when it to the most extent corresponds with the political course of parties (both governmental and non-governmental), which can provide cabinet with parliamentary support.

Another non-cooperative model of minority government formation was offered by D. Diermeier, H. Eraslan, A. Merlo and C. Wilson. The scientists, taking into account division of ministerial posts, state that the party, which supports minority governmental cabinet during “critical” parliamentary voting, but does not get any governmental posts, is not a part of a governmental cabinet (minority), but is a part of a supporting coalition. The point is that government-formation negotiations, which include parties without ministerial posts (“benefits”), carry little

⁶³ Laver M., Schofield N., *Multiparty Government: The Politics of Coalition in Europe*, Wyd. Oxford University Press 1998.

⁶⁴ Laver M., Shepsle K., *Coalitions and Cabinet Government*, “American Political Science Review” 1990, vol 84, nr. 3, s. 873–890; Laver M., Shepsle K., *Events, Equilibria and Government Survival*, “American Journal of Political Science” 1998, vol 42, nr. 1, s. 28–54; Shepsle K., *Institutional Arrangements and Equilibrium in Multidimensional Voting Models*, “American Journal of Political Science” 1979, vol 23, nr. 1, s. 27–60.

⁶⁵ Austen-Smith D., Banks J., *Elections, Coalitions, and Legislative Outcomes*, “American Political Science Review” 1988, vol 82, nr. 2, s. 405–422; Austen-Smith D., Banks J., *Positive Political Theory II: Strategies and Structures*, Wyd. University of Michigan Press 2009; Austen-Smith D., Banks J., *Stable Governments and the Allocation of Policy Portfolios*, “American Political Science Review” 1990, vol 84, nr. 3, s. 891–906; Banks J., Duggan J., *A Bargaining Model of Collective Choice*, “American Political Science Review” 2000, vol 84, nr. 1, s. 73–88; Banks J., *Singularity Theory and Core Existence in the Spatial Model*, “Journal of Mathematical Economics” 1995, vol 24, nr. 6, s. 523–536.

⁶⁶ Tsebelis G., Ha E., *Coalition Theory: A Veto Players Approach*, “European Political Science Review” 2014, vol 6, nr. 3, s. 331–357.

credibility⁶⁷. And, thus, impossibility to conduct reliable negotiations with non-government parties, concerning actualization of governmental cabinet's course, is a key characteristic in the process of formation, functioning and "survival"/stability of minority governments. Especially, from the point of view that governmental cabinets divide among parliamentary parties not only ministerial posts, but also places in various consultative bodies and civic councils. It makes D. Diermeier and A. Merlo conclude that minority governments (as well as excessive victorious coalitions) may be balanced phenomena⁶⁸. Besides, minority governmental cabinets should not be evaluated as rare and anomalous exceptions, because they may be formed under any circumstances and all factors and characteristics of political systems. By this it becomes obvious that structurally-non-cooperative model of minority governmental cabinet formation refutes the previous conclusion made by K. Strom that minority governments are exceptions, which require explanation⁶⁹. The point is that the originator may choose among several "sustainable" variants of governmental cabinets, which hypothetically should show the best results. But if we take into account all other benefits/preferences it is clear that the originator and its party will get benefits from the policy of compromise, as a result of which the originator will engage as many parliamentary parties as possible. Of course, this corresponds to formation of excessive-victorious coalition. However, if compromises between parties are "too expensive" for the originator, it will conform to the scenario of minority government formation. That is why, D. Diermeier and A. Merlo believe that minimally victorious coalitions are formed exclusively due to dynamic anticipations⁷⁰.

Concluding various generally theoretical peculiarities and models of minority government formation and liabilities we argue that current models of minority government formation (both single party and coalitional) are less predicted as to the fact how minority governments are formed. Besides, present theories cannot fully anticipate which minority governments may be formed. And this means that it is necessary to speak clearly of minority governments' peculiarities of formation and liability, taking into account rational, partological and constitutionally-institutional patterns, as well as to appeal to different theories and models of formation and liabilities of governments.

⁶⁷ Diermeier D., Merlo A., *An Empirical Investigation of Conditional Bargaining Procedures*, "Journal of Public Economics" 2004, vol 88, nr. 3–4, s. 783–797.; Diermeier D., Eraslan H., Merlo A., *A Structural Model of Government Formation*, "Econometrica" 2003, vol 71, nr. 1, s. 27–70.; Diermeier D., Stevenson R., *Cabinet Survival and Competing Risks*, "American Journal of Political Science" 1999, vol 43, nr. 4, s. 1051–1068.; Diermeier D., Stevenson R., *Cabinet Terminations and Critical Events*, "American Political Science Review" 2000, vol 94, nr. 3, s. 627–640.; Diermeier D., Merlo A., *Government Turnover in Parliamentary Democracies*, "Journal of Economic Theory" 2000, vol 94, nr. 1, s. 46–79.; Merlo A., *Bargaining over Governments in a Stochastic Environment*, "Journal of Political Economy" 1997, vol 105, nr. 1, s. 101–131.; Merlo A., Wilson C., *A Stochastic Model of Sequential Bargaining with Complete Information*, "Econometrica" 1995, vol 63, nr. 2, s. 371–399.; Merlo A., Wilson C., *Efficient Delays in a Stochastic Model of Bargaining*, "Economic Theory" 1998, vol 11, nr. 1, s. 39–55.

⁶⁸ Diermeier D., Merlo A., *An Empirical Investigation of Conditional Bargaining Procedures*, "Journal of Public Economics" 2004, vol 88, nr. 3–4, s. 783–797.; Diermeier D., Merlo A., *Government Turnover in Parliamentary Democracies*, "Journal of Economic Theory" 2000, vol 94, nr. 1, s. 46–79.

⁶⁹ Strom K., *Minority Government and Majority Rule*, Wyd. Cambridge University Press 1990.

⁷⁰ Diermeier D., Merlo A., *Government Turnover in Parliamentary Democracies*, "Journal of Economic Theory" 2000, vol 94, nr. 1, s. 46–79.

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Sustainable development of humanity: joint responsibility for the future

The paper focuses on the new place of humans in the modern world: their technological power and the ensuing global environmental crisis. It recognizes sustainable development to be a strategy for humanizing the civilizational progress of humanity in the 21st century. It is revealed that the idea of sustainable development opens the prospect of constructing new models of a globalized world where self-organization of society will be based on real humanism. Enactment of models of balanced development is based on the ethics of responsibility for the life of both present and future generations. Evidence is provided that joint responsibility is in line with the strategy of sustainable development, demanding that technological progress should be environmentally friendly and socially equitable for contemporary and future generations.

Keywords: sustainable development, technoscience, principles of responsibility, discourse of responsibility, joint responsibility.

Сталий розвиток людства: солідарна відповідальність за майбутнє

Людмила Рижак

Розглянуто нове становище людини в сучасному світі: її технологічну могутність та спричинену нею глобальну екологічну кризу. Стратегією гуманізації цивілізаційного поступу людства на ХХІ ст. визнано сталий розвиток. З'ясовано, що ідея сталого розвитку відкриває перспективу побудови нових моделей глобалізованого світу, в якому принципом самоорганізації суспільства стане реальний гуманізм. Реалізація моделей збалансованого розвитку ґрунтується на етиці відповідальності за життя як нинішніх, так і прийдешніх поколінь. Обґрунтовано, що солідарна відповідальність суголосить стратегії сталого розвитку, вимагаючи, щоб технологічний поступ був екологічно безпечним та соціально справедливим для сучасних і наступних генерацій.

Ключові слова: сталий розвиток, технонаука, принцип відповідальності, дискурс відповідальності, солідарна відповідальність.

Problem statement

The technogenic civilization, created by the West and emulated by the entire world, has become a threat to humanity as a whole. It has sparked off a real crisis in humans' attitude to the environment. Due to intensive economic activity, the ecosystem of the Earth has already lost its balance. It is manifested in the fact that the biosphere cannot cope with the renewal of depleted resources, excessive waste and unrestrained environmental pollution. According to Albert Gore, former Vice President of the US, the relationship between humankind and the environment attests to the spiritual crisis in modern civilization based on emptiness at its center and the absence of a larger spiritual purpose¹.

Despite the obvious signs of socio-ecological destabilization, humanity goes on living in captivity of technological culture, reinforcing the value of technoculture and high technologies (NBIC-technologies). Undoubtedly, highly developed countries owe their welfare to science and technology. Their symbiosis contributed to the deepening of scientific research and application of its achievements for human benefit. However, collective practices based on cutting-edge technologies do not contain any restrictive obligations regarding their use. Therefore, the optimistic expectations that NBIC-technologies will provide solutions to socio-economic and environmental problems have proven to be premature.

It should be noted that technoscience, as well as high technologies, has radically changed man's place in the world. Rather than an observer who seeks to understand the laws of the evolution of the universe, man is turning into an architect who can technologically design the future at his own discretion, changing the environment, as well as his nature, essence and identity. The German philosopher Dietrich Böhler argues: "the threat humans pose to themselves has become the norm of our life practices"². The threats produced by technoscience and NBIC-technologies apply for the present as well as for the future. Therefore, it is quite reasonable for intellectuals to voice their concerns as regards the civilizational advancement of humanity and ways to avoid devastating consequences.

Analysis of recent research and publications

Modelling of the global development of humankind and scientific forecasting of potential optimistic perspectives and unexpected threats was launched by members of the Club of Rome such as D. Meadows, D. Gabor, A. Peccei, E. Laszlo, and others. Their models substantiate the need for a spiritual revolution of humankind by establishing a culture of "global humanism." The crisis of human interaction with the environment and ways to overcome the environmental crisis are analyzed by A. Gore, L. Brown, E. Laszlo, I. Prigogine, I. Stengers, E. Toffler, and E. Fermiers. The idea of sustainable development and its conceptualization are developed by L. Gawor, Z.

¹ Gore A. *The Earth is in equilibrium. Ecology and human spirit*, Wyd. Kyiv: Intelsfera, 2001, s. 404.

² Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 23.

Hull, L. Ryzhak and E. Semeniuk. Strategies for sustainable development are presented in works by R. Hokhliaytner, E. Semeniuk, Yu. Tunytsia, A. Ursul. Ethical problems of the technogenic civilization and search for imperatives for its humanization are discussed in work by German philosophers: K.-O. Apel, D. Böhler, V. Hösle, H. Jonas, K. Meyer-Abich. Numerous studies into sustainable development refer to environmental and economic problems and global threats to the existence of humanity. Given the implications of the advancement of technoscience and high technologies for current and future generations, it is necessary to understand the philosophical and ethical foundations of sustainable development.

The aim of the article is to analyze sustainable development as an alternative to the eschatological threat to humanity, to find out the technological dynamics of the civilization's progress, the prospects of its humanization in the context of the ethics of responsibility for the future of humankind.

Presentation of basic material

The UN Conference in Rio de Janeiro (1992), known as the Earth Summit, summed up the search for solutions to today's global challenges and humanization of civilizational development. It formulated the idea of sustainable development encompassing the principles of states' conduct as regards a fair global partnership for the conservation and restoration of the environment. The main idea of sustainable development is a fair arrangement of the social life of humanity in general and of each country in particular so that humanity could continue its advancement without destroying the environment. The idea of sustainable development opens the prospect of constructing new models of a globalized world, where self-organization of society will be based on the principle of real humanism.

Twenty-five years have lapsed since the Earth Summit, during which period the idea of sustainable development has gained some popularity as well as has been implemented in the concept of balanced development of many countries. It has already become *bon ton* to give emphasis to sustainable development strategies. D. Böhler argues that of course "nobody wants humankind to die, nobody wants a global catastrophe. However, the point is to put an end to the hegemony of activity aimed at the immediate interests of present generations"³.

Acknowledging the urgency of limiting the consumer interests of present generations, A. Gore warns: "We keep pandering to the whims of our generation at the expense of all those who will come after us. We have accepted ourselves as a unit of ethical measurement, distinctly separate from the natural world as well as deprived of a sense of duty to others – not only to someone in future generations, but more and more to our contemporaries"⁴.

³ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 25.

⁴ Gore A. *The Earth is in equilibrium. Ecology and human spirit*, Wyd. Kyiv: Intelsfera, 2001, s. 241.

The excessive demands and risks that the high-tech civilization produces have encouraged intellectuals to initiate discussions about responsibility for the lives of not only present but also future generations. One of the first philosophers to note the devastating effects of high technologies as well as technical forms of life was the German and American Philosopher H. Jonas. It was Jonas who introduced the principle of responsibility and developed the ethics of responsibility in the 1970s. He believes that “the former ethics does not teach us the principles of *good* and *evil* that could fit entirely the new modalities of human power and its potential manifestations”⁵.

Indeed, the classical ethics of duty referred to immediate human relationships, actions and consequences focused on the present. It did not consider indirect effects and possible consequences of long-term actions. Duty regulated relationships between people in the direct reality of interpersonal communication. According to the classical ethics, humans assumed responsibility to other people for their activity or inactivity. However, they did not feel any responsibility for the environment (nature, climate, cultural monuments, future generations, etc.). People interpreted responsibility as a duty to someone, but not for someone or for something.

According to H. Jonas, all human relations with the outside world, and hence with the entire area of *techné*, were ethically neutral, both in terms of the object and in terms of the subject of activity. Human craftsmanship was local and did not inflict long-term damage on natural objects. Regarding the subject, the scope of activity was rather small, the period of forecasting, goal setting and estimation of consequences was short, and control – depending on circumstances – was limited. Therefore, the effects on surrounding objects bore no ethical implications⁶.

For thousands of years, nature was not the subject of human concern – it took care of itself, as well as of humans. Nature restored its resources and ecological potential by itself. This has fundamentally changed due to three scientific revolutions: quantum, bimolecular, and computer revolutions. They gave impetus to the rise of high tech (NBIC-technologies) and state-of-the-art equipment, which gave a new scale to human activity, directed it on a new type of objects, and produced new effects of a kind that cannot be understood within the limits of their former ethics.

H. Jonas emphasizes that the technological power acquired by modern man (technological man) requires an ethics that could curb this power by introducing new responsibilities. First of all, everyone is responsible for the consequences of the development of the technogenic civilization, because everyone taps into the enormous wealth of the benefits of modern life. In addition, D. Böhler believes that we are all co-responsible for the fate of humanity in the high-tech civilization of dangers, because we are in captivity of “immediate interests”⁷ and their maximum satisfaction. However, the comfort and welfare that technogenic societies take pride in are achieved through destruction of the biosphere, the world of life and environmental changes that make it unfit for life. Consequently, H. Jonas argues that an essential principle of the ethics of responsibility is “the

⁵ Jonas H. *The principle of responsibility. In search of ethics for technological civilization*, Wyd. Kyiv: Libra, 2001, s. 7.

⁶ Jonas H. *The principle of responsibility. In search of ethics for technological civilization*, Wyd. Kyiv: Libra, 2001, s. 17.

⁷ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 25.

imperative that requires ensuring the existence of people in the future”⁸. Based on this imperative, H. Jonas formulated the ontological principle of responsibility. According to this principle, everyone must act in a way that makes the consequences of their actions consistent with the continuation of authentic human life on Earth.

Unfortunately, existing production and consumption systems lead to the ecological devastation of the Earth and exhaustion of its resources. The anthropogenic pressure on the natural systems of the Earth has reached a level where it is becoming more and more likely to cause increasingly less predictable problems. These difficulties cannot be overcome by simply responding to problems as they arise. Therefore, the contemporary German philosopher Vittorio Hösle seems to be right to say that there is no guarantee that mankind cannot destroy itself. “Of course, one cannot *a priori* rule out the fact that humanity can destroy itself. If its moral, political and spiritual degradation continues, if we do not put an end to the contamination of the natural and spiritual environment, if the substantive and moral concept of freedom ultimately gives way to its formal concept, the time of horrible disasters will certainly come, even self-destruction of mankind is possible”⁹.

The difficulties faced by humankind today cannot be overcome by high technologies. Modern practices do not guarantee safe and sustainable development. However, according to E. Laszlo, humanity is not doomed to passively heading to the edge of the abyss. There is a crossroads on this way, where humanity can make a choice. Social reality involves many alternatives that can and must be revealed and analyzed to choose the best way of development¹⁰.

It is important to understand that modern technogenic civilization lacks not only balance but also responsibility. Due to the lack of a moral-driven thinking, instrumental thinking that treats the environment as an object of domination comes to the forefront. Domination over nature without moral constraints has become an end in itself. According to K. Meyer-Abich, “we behave like hordes of interplanetary invaders who would like to live on this land for as long as possible and as comfortable as possible without considering it their homeland, and behaving as if they were going to go to the next planet after consuming everything there is to consume or making it unfit for consumption. Such behavior is based on the false self-understanding of man in the integrity of nature”¹¹.

Indeed, environmental resources are exploited without any regard to their preservation and restoration. This spawns unpredictable risks, with potentially irreversible consequences. The risk situation makes people assume responsibility for things existent and their continuation in the future. “According to H. Jonas, responsibility is a recognized duty to take *care* of another being that requires care because of its vulnerability”¹². According to the author, humans should take care

⁸ Jonas H. *The principle of responsibility. In search of ethics for technological civilization*, Wyd. Kyiv: Libra, 2001, s. 7–8.

⁹ Hösle V. *Practical Philosophy in the modern world*, Wyd. Kyiv: Libra, 2003, s. 50.

¹⁰ Laszlo E. *Age of bifurcation: comprehension of a changing world*, „Way”, 1995, Vol 1, s. 35.

¹¹ Meyer-Abich K. *Rise to the protection of nature. From the environment to the world community*, Wyd. Kyiv: Libra, 2004, s. 9–10.

¹² Jonas H. *The principle of responsibility. In search of ethics for technological civilization*, Wyd. Kyiv: Libra, 2001, s. 339.

of the existing life and protect it from their own power for it to exist in the future. In the context of the dangers, sustainable development requires humanity to be responsible for the state of the environment and the lives of present and future generations.

Recognition of responsibility as an existential characteristic of man and humanity in the high-tech civilization of dangers does not guarantee its effectiveness. The thing is that technological changes are cumulative in nature and have unpredictable dynamics. Consequently, the effects of new technologies on humans and society are both difficult to estimate and fraught with unpredictable risks. At the same time, the experience accumulated by mankind cannot help to cope with them without scientific expertise. Indeed, H. Jonas argues that responsibility in today's high-tech world must be commensurate with scientific knowledge.

A new thing in the current situation of accelerated irreversible development is the increasingly greater role of science in the assessment and regulation of technology-generated hazards. It is only through science that we can calculate the risks and detect the threats and their scale. After all, science is in close connection with the most knowledge-intensive technologies that trigger these risks and threats. The production of such risks by science and their detection using science gives a new dimension to these risks. G. Behmann believes that science must deal with the consequences of its own activity¹³.

Science is not neutral in terms of technological practices. Not only does it open up new prospects for the use of knowledge, it must also indicate the possible consequences, predict the permissible limits of technological change in the environment and in the human being, as the risks present a threat to life and humanity. According to H. Jonas, a new categorical imperative should contain the norm involving prediction and restriction of the freedom of technological man. The ability to avoid great technology-related risks is an indispensable condition for human life: for both present and future generations.

According to D. Böhler, this unconditional obligation of humankind as regards preservation of its existence encourages to pay unceasing attention to the possibility of responsibility and to respect the moral demands of future generations, that is, to create conditions for practicing our responsibility for the future. It is about preservation and improvement of the appropriate *personal* and *institutional* conditions – from material resources for life and the environmental preservation of the world of life to guaranteeing human and citizenship rights – which, in turn, will enable future generations to act responsibly¹⁴.

Responsibility for the future primarily involves responsibility for decent human life in a man-made civilization. Although the imperative of the new ethics requires that future human existence be ensured, this requirement does not mean that humanity should assume a nihilistic attitude to the existing life. The present day must not be treated as a means for the

¹³ Bechmann G. *Modern society as a society of risk*, „Voprosy Filosofii”, 2007, Vol 1, s. 32.

¹⁴ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 81.

future – it has its own value. The new ethics demands that we undertake the duty to preserve what we have acquired. H. Jonas argues that this duty has a priority over all the requirements and desires to improve the world. Hence, the main thing is that “good” should not be expected in the future, since the existing world is already good, therefore the obvious scenario of a future loss of good is more plausible than a rather uncertain and significantly less reasonable prediction of future good. In response to accusations of “pessimism” related to the inclination to accept the scenario of “non-good”, H. Jonas claimed that pessimists are rather those eager to accept the idea that the present world is bad or worthless and take risks for the sake of its probable improvement.

This means that current generations are responsible both for their lives and for the future generations’ chance to live at all. Everyone’s moral creed should be based on the requirement: “Act so that the consequences of your activity should be compatible with the maintenance of genuine human life on Earth”. This imperative testifies to the fact that every person can risk his own life, but he does not have the right to risk the life of humankind. Similarly, humanity has no right to opt for non-existence of future generations for the benefit of the present ones or even risk it. Therefore, H. Jonas believes that the axiomatic principle of global justice must be defined as follows: the future must be.

The principle of justice for future generations is fundamental not only to the ethics of responsibility, but also to the strategy of sustainable development of humankind. It is promoted within the ethics of discourse developed by K.-O. Apel and D. Böhler. The modern German philosopher Karl-Otto Apel suggested some principles of the dialogue ethics of shared responsibility. Given the global threat, humanity must take on a shared responsibility for the consequences of its collective action on a planetary scale¹⁵. Sustainable development strategies are in line with the discursive ethics by Dietrich Böhler, demanding that technological progress be environmentally, socially and friendly-minded with regard to future generations¹⁶.

At the same time, D. Böhler rightly inquires: is it possible to intersubjectively substantiate the duty of responsibility for the future and, hence, the principle of collective responsibility? In his opinion, within the discourse on the moral situation of mankind and the spiritual situation of the epoch, it is possible to achieve true awareness of people with different interests as regards both the situation itself and the correct (reasonable and mandatory) practical attitude¹⁷, in order to achieve the greatest possible result. Consequently, both present and future generations, while striving for sustainable development, must substantiate the universally valid duty of co-responsibility for the Earth, for the future world and for man himself in discursive terms.

¹⁵ Apel K.-O. *The human situation as an ethical problem*, [w:] Yermolenko A.M. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 231.

¹⁶ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 22.

¹⁷ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 24.

To substantiate the global ethics of responsibility in the context of the global crisis of humanity, K.-O. Apel is looking for an answer to Kant's question: what should I do? and transforms it into the question: what should we do? The philosopher reveals the constraints of monologic individual ethics, completing it with the social ethics of responsibility. Its principles are substantiated in the discourse of an unbounded transcendental (ideal) communicative community¹⁸. Such a community of all people as equal partners is a prerequisite for a possible consensus on moral standards. "Argumentative discourse of all possible participants is the perfect instance of justifying and legitimizing all the issues that have become problematic"¹⁹.

According to K.-O. Apel, the principles of the ethics of common responsibility are constituted based on the discursive mind. The imperative he proposed is as follows: "Act only in accordance with the maxim whereby based on the real consensus of the participants or their representatives or (instead) based on the relevant mental experiment, you can assume that direct and indirect effects of satisfaction of the interests of each individual participant expected based on the general observance of these maxims, can be non-forcibly accepted by all"²⁰. Therefore, it refers to reaching a consensus regarding responsibility for the consequences of everybody's actions and the consequences of collective action in general.

K.-O. Apel goes beyond the traditional and conventional understanding of responsibility whereby man is capable of assuming and does assume responsibility as a member of a particular group, following traditions, or performing role functions within the state system of "law and order". The philosopher argues that this hinders the possibility of moral responsibility for collective actions. It is traditionally believed that it is possible to rationalize the individual's responsibility for the observance of certain rules. Instead, it is impossible to rationalize responsibility as regards the individual's involvement in the public process of shared responsibility for institutions and, consequently, for the effects of collective action. K.-O. Apel believes that such rationalization is possible if based on consensual and communicative rationality founded on rules or standards *a priori* transcending individuals' egocentric self-interests²¹.

The global environmental threat requires that each individual assume responsibility for future scientific, technological, political and economic implications and consequences of any collective action. However, as regards individuals, such a requirement may seem paradoxical and therefore unacceptable. Indeed, an individual as an agent of collective action cannot control the results of his collective activity and therefore take on responsibility for it. According to K.-O. Apel, a way to tackle this problem may involve coordination of activities based on collective responsibility. This implies arrangements and agreements regarding rules or standards

¹⁸ Apel K.-O. *The orientation of Anglo-American «communitarism» in the light of discursive ethics*, [w:] Yermolenko A.M. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 381.

¹⁹ Apel K.-O. *The human situation as an ethical problem*, [w:] Yermolenko A.M. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 235.

²⁰ Yermolenko A. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 73.

²¹ Apel K.-O. *The human situation as an ethical problem*, [w:] Yermolenko A.M. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 245.

of activity to be followed on the basis of sanctions, specifically sanctions of a law-governed state. In present-day conditions, the problem is to substantiate and prove the possibility and reasonableness of moral responsibility of all people (consistent with their competence and influence) for institutions, including the institution of a law-governed state²².

Within the communicative turn, K.-O. Apel substantiated the ethics of responsibility for the future. Communicative philosophy is the most influential current within contemporary philosophy, which emerged in the 1960s and includes K.-O. Apel, J. Habermas, D. Böhler, V. Kulman, P. Ulrich. The main creed of communicative philosophy was formulated by K.-O. Apel: communication is the last foundation of consciousness as well as cognition and social existence. He substantiates the assumption of “*a priori* communication”, which necessarily accompanies any human experience. He arrives at a simple idea: every communicative act of a person involves communicativeness as such, that is, people are always after mutual understanding and mutual openness to others (the “communicative community”), always transcendently strive for perceiving all possible counterarguments and for an equal respondent. By means of its performance, communication implies a “perfect communicative community”, the existence of which reflects the principle of “*a priori* communication”.

K.-O. Apel explores “*a priori* communication” as an *a priori* existing moral standard – i.e. existing prior to any particular relationship respect for the person the individual is to communicate with. No communication should be initiated without the universal “desire” to see another person as an interlocutor and achieve mutual understanding with him.

Sharing the views of H. Jonas, he argues that the categorical imperative proposed by the scholar refers to the requirements of the actual ethics of responsibility but they are not sufficient for a universal ethics of justice and decency. According to K.-O. Apel, it does not mean that an individual must independently assume metaphysical responsibility for the future. Instead, every person, based on his competence, has to think about how he can *contribute to the arrangement of collective responsibility*. This arrangement of collective responsibility (through involvement of everyone in relevant practically meaningful discourses) is actually carried out at the institutional and informal organizational levels.

Settlement of global problems and establishment of sustainable human development is inconceivable beyond the framework of communication performed based of the principles of freedom. D. Böhler insists on the interrelation of freedom of communication and “our ability to ask critical questions, what is more, our ability to have information... necessary for verification of responsibility”²³ for scientific and technological or socio-economic projects, including, the project of socio-ecological sustainable development. The philosopher argues that no responsibility for the future is possible without responsibility for unrestrained communicative freedom.

²² Apel K.-O. *Ecological crisis as a challenge to discursive ethics*, [w:] Yermolenko A.M. *Communicative Practical Philosophy*, Wyd. Kyiv: Libra, 1999, s. 419.

²³ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 53.

Communication is a universal heritage of humankind and a universal reality of common existence. True communication exists for all without exception. No social affair of public significance is possible without its collective – i.e. communicative, mediated through public discussion – recognition, that is, without its legitimation. A democratically organized community can reach a consensus through discourse. Discourse is a practice of communicative relationships aimed at harmonization and achieving social consensus. Discourse concerning the rules and values of coexistence is the supreme authority of social life. Such universal discourse on sustainable development was launched at the Earth Summit. Its participants (delegations from 168 states) adopted a number of regulatory documents that establish joint responsibility for the fate of humanity. They refer to social justice in meeting the needs of both present and future generations and imposing environmental constraints for the preservation and rehabilitation of the environment. These principles require a discursive ethics of co-partnership and taking into account of common interests. According to D. Böhler, “we are no more important than those who will live after us, and they, in turn, are no more important than we are. The decisive factor is which interests of future generations are compared to which interests of today’s generations”²⁴, in relation to which solidarity is possible and necessary.

K.-O. Apel believes that only an ethics substantiated through transcendental and pragmatic reflection on the basis of the rights and obligations of all members of the ideal communicative community can validate solidarity through equal rights and co-responsibility of all members of the ideal communicative community. Since the environmental crisis has a planetary impact, humanity as a whole is interested in settling it, and, therefore, it is the ideal communicative community within which a consensus should be sought. This means that it is necessary to follow the main requirement of the ethics of discourse: all ethically significant problems in principle must be resolved through the practical discourse of *all those affected* so that all the stakeholders could have the opportunity to resolve the issue through consensus.

According to K.-O. Apel, “for the first time in the history of the human race, people faced the task of assuming joint responsibility for the consequences of their activity on a planetary scale. Let us hope that this compulsion to joint responsibility will be consistent with the intersubjective significance of the standards or at least the basic principle of the ethics of responsibility”²⁵.

The practical discourse launched in Rio de Janeiro and at subsequent summits expresses the consent of the international community to ecologize the civilization’s progress through the implementation of a sustainable development strategy. The international consensus reached requires joint effort of peoples and states that will assume joint responsibility for the implementation of the sustainable development strategy. According to C. Meyer-Abich, humanity should lay the foundation for international solidarity, which, in contrast to national egoisms, will give precedence

²⁴ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kiev: Stylos, 2014, s. 75.

²⁵ Böhler D. *Responsibility for the future from a global perspective. The urgency of the philosophy of Hans Jonas and the ethics of discourse*, Wyd. Kyiv: Stylos, 2014, s. 16.

to the common interests of mankind, establish responsibility for entire humanity rather than only for the immediate surroundings or the common good of their country²⁶.

Conclusion

The strategy of human development in the 21st century has accepted sustainable development based on the optimization of all activities of humanity in its interaction with the environment. Sustainable development as an alternative to risky, environmentally hazardous human activities implies a comprehensive balance of social development. By introducing NBIC-technologies in all spheres of life, the technogenic society has to use technology more efficiently and responsibly, following the principle of environmental constraints. Classical ethics did not take into account the global human anthropogenic impact on the environment, which is dangerous for humans themselves. Instead, the ethics of responsibility and its principles require humanizing and curbing the technological power of mankind, taking care of the environment in order to preserve the existence of humanity now and in the future.

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COOPERATION BETWEEN THE STATE AND CIVIL SOCIETY IN PROVIDING VOLUNTEER SUPPORT FOR THE ATO SOLDIERS IN THE EAST OF UKRAINE

The paper analyses the activities of volunteer associations in Ukraine that created a powerful volunteer movement, which is difficult to find any equivalents for in the world. The scale of volunteers' actions in Ukraine demonstrates that the level of the social consciousness of citizens has grown considerably. Ukrainian volunteer movement to help the soldiers who serve in the zone of ATO has been recognized by the state; volunteers are actively engaged in the work of the system of public authorities on all levels; volunteer groups are being created in different state institutions; the government works on changing the legal framework to improve their work in the new environment. At the same time, there are many problems which are still not resolved. In the present military situation, volunteers and volunteer associations came forward as an instrument of influence on the state which helps to solve the existing problems in society effectively.

Keywords: volunteer movement of help for the soldiers in the ATO zone, volunteer organizations, civil society, Ukraine.

ВЗАЄМОДІЯ ДЕРЖАВИ ТА ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА У ВОЛОНТЕРСЬКІЙ ДОПОМОЗІ БІЙЦЯМ АТО НА СХОДІ УКРАЇНИ

У статті досліджено діяльність волонтерських об'єднань в Україні, які створили настільки потужний волонтерський рух, аналогів якому у світі важко знайти. Масштаби дій волонтерів в Україні свідчать, що значно зріс рівень громадянської свідомості громадян. Український волонтерський рух допомоги бійцям у зоні АТО отримав державне визнання, волонтери активно залучаються до системи органів державної влади на всіх рівнях, у державних інституціях створюють волонтерські групи, держава змінює нормативну базу для покращення їх діяльності у нових умовах. Водночас ще залишається багато не вирішених проблем. У сучасних умовах військової ситуації, волонтери та волонтерські об'єднання заявили про себе як про інструмент впливу на державу задля ефективного вирішення проблем, що існують в суспільстві.

Ключові слова: волонтерський рух допомоги бійцям у зоні АТО, волонтерські організації, громадянське суспільство, Україна.

The establishment and development of the civil society (SC) is a key process and at the same time a problem for all democratic countries there are in the world. Thus the public policy of encouraging this process acquires a particular importance, considering that SC is a society of citizens with equal rights, which do not depend on the state. However, it does not mean that SC becomes an opposition to the state; on the contrary, it must co-operate with the state for the common good.

Maidan protests, territorial occupation of Donbas, start of the anti-terrorist operation and other events of the last years have considerably influenced the state of the SC in Ukraine. The society had felt what it means to be the subject of the Ukraine state policy, with which came an understanding of its significance and capacity in the life of the state. Changes that take place in Ukrainian society impose new conditions for cooperation of the government with non-governmental sector. New realities of life of Ukrainian citizens, which spread through the entire country and included all social groups of different ages, caused the creation of a unique social movement. Under the external military aggression of Russia and failure on the part of public authorities to promptly react and operate rationally in the situation of political conflict, volunteers and volunteer associations came to the fore – as a basis for providing help to the soldiers of ATO in the East of Ukraine. But despite the increasing scientific interest, the matter of cooperation between SC and public authorities for conducting volunteer help operations for Ukrainian military is not yet fully researched.

Such terms as “volunteer”, “volunteering”, “volunteer help”, “volunteer movement” are already quite common and widespread in Ukraine. The base term “volunteer”, that lies at the basis of understanding the volunteer work, originates from the Latin word “voluntaries”, which translates to “voluntarily, of one’s own accord”. The term had spread in the end of the XVIII century in France during the French Revolution, when ordinary citizens were voluntarily signing up for the National Guard troops. They were called volunteers and which stood for “people who voluntarily joined the army”¹.

The contemporary understanding of this category still retains the foundational idea of good will in its meaning. Volunteers are defined as people who help the others out of their own free will; people who are not limited by their paid work and other responsibilities; people who spend their time and health on actions, which will not provide them with a financial gain, but with pleasure of doing something useful for other human beings.

The history of volunteer movement started in 1859 by the French writer Henry Dunant, who had been struck by the consequences of the Battle of Solferino. He suggested creating the “Red Cross” – an organization that would work on volunteer principles and provide first aid for those taken hostage and injured. The principles that were laid down by H. Dunant work in volunteer organizations across the whole world. However, only during the 20th century

¹ Голуб В. А. Ключові поняття та категорії державного управління у сфері волонтерської діяльності. URL: http://nbuv.gov.ua/UJRN/Vnadu_2014_1_6

which brought several wars, had volunteering become a separate social phenomenon. After the First World War, young people from Germany and France carried out a large-scale project that had volunteers rebuilding farms destroyed by war in those areas that held the heaviest fights between the German and French troops. At the same time the Coordinating Committee for International Voluntary Service (CCIVS) was founded under the aegis of UNESCO with headquarters in Paris².

Nowadays the growing importance of volunteering is demonstrated by the fact that the UNGA designated the year 2001 the International Year of Volunteers, and the 5th of December – the International Volunteer Day. The phenomenon of volunteering is known in all existing countries, even though its definition may differ because it is usually is determined by the specifics of history, culture, social and political situation. Some countries place an emphasis on the absence of any reward, others – on the absence of coercion. Interpretation of volunteering, forms of its expression are different, but the values are general and universal: a desire, of one's own accord, to contribute to general welfare, in solidarity and without material rewards.

An American scientist J. Smith identified five key characteristic of volunteer activity: unpaid altruistic nature, voluntarism, organizational registration, regularity and social utility³. It is important that that volunteer activity is conducted in one's free from work or studies time.

During the 11th International Association for Volunteer Effort (IAVE) World Volunteer Conference in Paris on September 14, 1990 the Universal Declaration on Volunteering was adopted. It addresses volunteering as an instrument of social, economic, cultural and ecological development. The Declaration stresses that volunteering is a voluntarily choice that represents personal views and positions; it is an active participation of citizens in the life of society, social activity within different associations. Volunteering contributes to the improvement of quality of life; to the personal prosperity and deepening of solidarity; to the realization of the basic needs on the way of development of just and peaceful society; to more balanced economic and social development and to creation of new workplaces and professions⁴.

The Universal Declaration on Volunteering adopted by the IAVE at its 16th World Volunteer Conference in Amsterdam identified the following principles of volunteer activity⁵: every woman, man and child has the right to associate freely and to volunteer regardless of their cultural and ethnic origin, religion, age, gender, and physical, social or economic condition; everyone has the right to be treated with respect for their dignity and culture; providing help of free service personally or in organized groups in a spirit of partnership and brotherhood; recognition of equal importance of personal and collective needs and ensuring their provision;

² Буздуган Я. Еволюція світового волонтерського руху. URL: http://nbuv.gov.ua/UJRN/viche_2013_12_4

³ Smith J. D. Volunteering and Social Development // Background Paper for Discussion at an Expert Group Meeting. New York, NY: United Nations Volunteers, 1999. – 18 p. URL: <http://mirrorundp.org/capacity/cases/insights/volunteering.pdf>

⁴ Буздуган Я. Еволюція світового волонтерського руху. URL: http://nbuv.gov.ua/UJRN/viche_2013_12_4

⁵ Загальна декларація про волонтерську діяльність. Міжнародна асоціація волонтерських зусиль на 16 Всесвітній конференції волонтерів в Амстердамі. – 2001. URL: <https://www.iave.org/advocacy/the-universal-declaration-on-volunteering/>

transformation of volunteering into an element of acquisition of new knowledge, skills, abilities, while stimulating people's initiative and creativity, providing them with the opportunity to be a creator but not an observer.

Therefore, taking into account these features, it is possible to formulate the following definition: volunteering is a non-compulsory, motivated, unprofitable activity by an individual in their free time, and is aimed at ensuring social welfare and safety for single individuals and society in general.

We believe that the interpretation of "volunteer movement" as an equation to volunteer activity is not quite correct. Volunteer movement is a variety of social movements that are often defined as a type of collective action in scientific literature, which are aimed for changes; also an embodiment of common will of all subjects of volunteer activity to resolve existing social problems.

Volunteer activity is carried out by providing volunteer help in the form of works and services. Both organizations and individual volunteers can provide volunteer help. This help can take different forms – from spontaneous temporary local initiatives to organized activity on a regular basis. In Ukraine there is an old tradition of social works, mutual support, caring about each other. People who worked in this field were called public figures, altruists, benefactors, philanthropists, and then people started calling them volunteers. This concept is represented by the following people: Volodymyr the Great, Yaroslav the Wise, Ivan Mazepa, private philanthropists Tereshchenko, Symirenko and other well-known figures that left their marks in Ukrainian history⁶.

During the days of the USSR the voluntary help and mutual aid were supported by the government: voluntary work as custody help, communist "Subbotnik" or socialist competitions were brought up to the level of a noble duty and were of an ideologically-compulsive nature. Volunteer movement in Ukraine started developing after the state became independent. Creation of the Ukrainian version of "Crisis hotline" with volunteers working there became a prerequisite for this process.

Actions related to volunteering in Ukraine are governed by the Act "On volunteering activity" of 19 April 2011⁷. It was adopted before the UEFA European Championship in 2012 and was meant only to set the norms of participation of volunteers in the upcoming sport competitions. The law has been criticized, in particular for its provision stating that only those organizations, which had gotten their legal status from the main body of the executive branch in the field of volunteer activity, can be called volunteer organizations. Therefore most of the volunteer organizations were working illegally. In March 2015 Ukrainian parliament passed an Act "On

⁶ Лях Т. А. Волонтерство як суспільний феномен // Проблеми педагогічних технологій : зб. наук. пр. / Волинський державний університет імені Лесі Українки. 2004. URL: <http://elibrary.kubg.edu.ua/1565/>

⁷ Про волонтерську діяльність: Закон України від 19 квіт. 2011 р. № 3236-VI. URL: <http://zakon5.rada.gov.ua/laws/show/3236-17>

the amendment of some laws of Ukraine regarding volunteer activity”⁸. It was undoubtedly important, but, in opinion of volunteers, did not solve all the problems.

Events in 2014 caused the increase of interest in volunteer organizations run by society and state. Volunteer movement, which has developed under the influence of the Revolution of Dignity and Russian external aggression, became an unprecedented display of public self-organization on this scale. We can distinguish two factors that caused the increase in volunteer movement activity: first of all – an internal political crisis that unbalanced the system of public administration, lack of high-quality management decisions, shortage of resource possibilities; secondly, it is the external aggression that deepened the imbalance between the state’s ability to execute its functions effectively and providing the basic needs of citizens. Crisis processes in the state and external influences are a threat to existence of Ukraine as a nation state, which was perceived by the citizens as a personal challenge. Under these circumstances, patriotic people took upon themselves the responsibility for the development of the situation related to the Euromaidan revolution events and the military operations in its borders.

According to the Ukrainian “Anti-terrorism” Act of 14 April 2014, an anti-terrorist operation was launched in the East of Ukraine – which is a “complex of coordinated special measures, aimed at preventing and stopping the terrorist activity, setting free hostages, providing safety for the citizens, clearance of terrorists, minimizing the consequences of their activities”⁹.

Volunteering in Ukraine that got widely spread under political and military circumstances is far from the classical understanding of this phenomenon. ATO volunteering is not only a manifestation of committed activism of patriots to support the fighters, an element of self-organization of our society but also a new social need. Volunteer movement that has emerged along with the beginning of the ATO in the East of Ukraine is focused on providing support in two ways: helping Ukrainian soldiers and those who were hurt; helping internally displaced persons who were forced to leave Crimea and Donbas.

The Revolution of Dignity was a prerequisite for development of the volunteer movement aimed at providing help to Ukrainian soldiers. During the Euromaidan Revolution times many people were willing to help the protestors – they would keep them warm, feed them and take care of their wounds. This massive movement grew into a number of volunteering associations: “Maidan self-defence”, “Automaidan”, “Euromaidan – SOS”, etc. Later on many of these have taken upon themselves a much more difficult and large-scale work – they started feeding, providing medical help and equipping Ukrainian army that keeps fighting with the separatists in the East – thus the name “people’s army”. Millions of people joined the raising of money, food and equipment for the protectors of Ukraine¹⁰.

⁸ Про внесення змін до деяких законів України щодо волонтерської діяльності: Закон України від 5 березня 2015р. № 246-VIII. URL: <http://zakon4.rada.gov.ua/laws/show/246-19>

⁹ Про боротьбу з тероризмом: Закон України від 20 березня 2003 р. № 638-IV. URL: <http://zakon2.rada.gov.ua/laws/show/638-15>

¹⁰ Тохтарова І. М. Волонтерський рух в Україні: шлях до розвитку громадянського суспільства як сфери соціальних відносин. URL: http://nbuv.gov.ua/UJRN/Tpdu_2014_2_5.

Volunteer movement was growing bigger in its scale. Thus, according to the nationwide poll “Volunteering in Ukraine”, prepared by GFK Ukraine requested by the UN in November 2014, 23% of Ukrainians have been previously involved in volunteering, 9% of which started to provide free assistance to others in the last year. In 2014 the number of Ukrainian citizens who were donating funds increased to 63%, and by 2014 – to 49%. Ukrainians were most ready to donate for help to the Ukrainian army, wounded and sick children. Although the overall percentage of people who help is relatively low, Ukrainians tend to accept the major role of volunteering in social processes. Thus, 62% of Ukrainians recognize the importance of volunteers in the political changes in 2014, 85% believe that volunteer movement contributes to consolidation of peace, and 81% consider volunteering a mandatory part of civil society¹¹.

In a survey conducted by the Ilko Kucheriv “Democratic initiatives” Foundation and sociological service of the Razumkov Center, it was found that the level of activity and participation of society in volunteering in 2015 had slightly decreased. Only 13% of Ukrainians were engaged in it during the year. The greatest activity was shown by the residents of the Western region (14%), the Central Ukraine (13.5%) and Donbas (19%); less activity was witnessed in the South (8%) and East (8%). 41% of respondents gave financial support to hold charity events and other actions by charity organizations. The main form of participation in charity is still donating to charity boxes. Just under a third (30%) of the interviewed financially helped those in need, and 26% were putting aside money from their income for the charity. 47% of respondents provided people and social organizations, which were solving some problems, with financial and material help to the people. A lion’s share of volunteer efforts (nearly 65% of benefactors) and material aid provided in 2015 is accounted for helping the army¹². Thus, the main focus of volunteers is on assisting Ukrainian soldiers in the ATO zone.

Let’s highlight the main areas that the volunteers are taking care of: collection and delivery of the necessary resources to the ATO zone; providing medical aid to the wounded in the ATO zone; assistance to the internally displaced persons; searching for people who went missing and help in releasing the hostages. Volunteers coordinate their actions with soldiers and fighters of volunteer corps. The most famous are those volunteer initiatives that operate in the area of providing the army with everything necessary: starting from clothing, helmets, body armor and food to weapons and vehicles. Volunteers also joined the initiatives of repairing military equipment, manufacturing unmanned aerial vehicles and other various technical devices. Before the winter period there was always a growth in manufacturing of heating devices for tents and rooms, small potbelly stoves (even pupils at school are making them during crafts classes), etc¹³.

¹¹ Волонтерство в Україні: короткий спалах чи яскравий світанок? // Інформагенство Форум. 2014. URL:<http://for-ua.com/article/1074634>

¹² Постмайданна благодійність і волонтерство-2015: результати соціологічного дослідження // Фонд «Демократичні ініціативи» імені Льва Кучеріва. – 2015. URL:<http://dif.org.ua/article/postmaydannablagodiynist-i-volonterstvo-2015-rezultati-sotsiologicheskogoissledovaniya>

¹³ Мандебура О. Волонтерський рух в Україні як нова форма взаємодії влади і громадянського суспільства // ІПіЕНД імені І. Ф. Кураса НАНУ. URL:http://www.ipiend.gov.ua/?mid=12&action=article_detail&article_id=8

The medical direction is presented powerfully in the volunteer movement, collecting of medicines in particular. This movement is actively supported by the Ukrainian diaspora. Its representatives have been sending to Ukraine money, medicines, household products and other necessary equipment. They also formed their own structures, joined volunteer battalions, and provided medical care in frontline hospitals. Some volunteer groups are helping to search for the missing or dead soldiers. The massive part of these movements had formed after the tragedy at Illovaïsk, when the numbers of dead and gone missing were counted in hundreds. One of such organizations – the “People’s Memory” Union, operates in the ATO zone since September 2014¹⁴.

Other directions of volunteer work: memorial – commemorating the soldiers who died in the East of Ukraine. Volunteers created a “Book of Memory of the Fallen for Ukraine”; they are setting plaques for soldiers who died in the ATO zone and make up small corners of glory in their honor¹⁵; creating volunteer initiatives to provide psychological support. Some groups of volunteer psychologists are constantly present in the ATO zone, conducting psychological trainings with soldiers and recovery programs for the injured. Human rights direction – protecting the rights of those who are in difficult life situations; helping internally displaced persons in processing documents; negotiating the release of hostages, improving the conditions of their detention¹⁶.

Volunteer movement to support Ukrainian army has emerged spontaneously from the actions of separate volunteers who started uniting in groups. Over the time, some people became leaders, who united fragmented self-organized groups. Centralization enhanced the impact on the state apparatus and aid effectiveness. Since November 2014, a civil organization “Association of People’s Volunteers” operates in Ukraine. It includes a number of voluntary organizations that regularly provide assistance to the military and civilians in the ATO zone, ATO veterans and their families. The main mission of the association is promoting defence capacity and mobilization readiness of Ukraine and supporting the army and other paramilitary forces, which are created according to the law.

A number of volunteer associations are operating in Ukraine. According to the Ministry of Information Policy data, they are: the Coordinating Center in Kyiv, which helps IDPs in settlement and employment, “SOS Army”, nationwide union “Patriot”, charity foundation for the army “Come back alive”, democratic alliance “Care”, association “Everyone can help”, “Wings of the Phoenix”, “Support the Ukrainian army”, the Diana Makarova fund, “Volunteers without

¹⁴ Тохтарова І. М. Волонтерський рух в Україні: шлях до розвитку громадянського суспільства як сфери соціальних відносин. URL: http://nbuv.gov.ua/UJRN/Ttpdu_2014_2_5.

¹⁵ Мандебуря О. Волонтерський рух в Україні як нова форма взаємодії влади і громадянського суспільства // ІПіЕНД імені І. Ф. Кураса НАНУ. URL: http://www.ipiend.gov.ua/?mid=12&action=article_detail&article_id=8

¹⁶ Горелов Д. М., Корнієвський О. А. Волонтерський рух: світовий досвід та українські громадянські практики: аналіз. доп. 2015. URL: <http://www.niss.gov.ua/content/articles/files/volonter-697e4.pdf>

borders” and “Office hundred of assistance to Ukrainian army”¹⁷. The most effective volunteer organizations in Ukraine are the association “People’s rear”, including “People’s rear wheels” (supply of automobiles to ATO), “Medical People’s rear” (supply of medicines to ATO), “Help Army”, “National Project”, “Volunteering hundred”. However, the list of examples of volunteers’ effective self-organization is much wider and includes thousands of organizational structures and people, who are engaged in voluntary activity independently¹⁸.

It is impossible to calculate their exact amount because volunteer movement has grown to the size, when it starts looking like the whole country is helping the army, the wounded and IDPs. At the same time some people use this situation and while pretending to be a volunteer, make a profit from people’s trust. They use a wide range of methods to get money from people like simple pleas for donations to charity boxes at fake organizations, name and goal of which duplicates the already existing ones with high level of trust¹⁹. The Ministry of Interior of Ukraine issued the names of the so called “volunteer” organizations, representatives of which were gathering money for the ATO soldiers and their families but in fact were a fraud: “Children’s palms”, “Strong people”, “In the rhythm of a heart”, “Nine lives”, “Human’s ray of light”, “Mothers’ association”, “Support, faith, love”, etc²⁰.

Ukrainian volunteer movement is an ambiguous and sometimes controversial phenomenon. It generates positive as well as negative occurrences. We have to mention the abuse of volunteer status, non-transparent accounting, fund raising by the pseudo-volunteers, secret re-trading of the volunteered military equipment and numerous facts of their disappearance, etc²¹. Thus in the context of these negative manifestations, the importance of state – the institution which must coordinate and supervise the activities of volunteer organizations – is rising significantly.

One of the main functions of volunteers today lies in the area of political cooperation between the state and society, because, as many experts believe, volunteers were that power which made the government start the social dialogue with the society. The problem of interaction between the civil society and public authorities in Ukraine is the issue of deficit of trust. Volunteers demonstrate with their actions that they are working more effectively and faster than ministers and officials, they show good organization, coordination of actions, efficiency, discipline and dedication to the people of Ukraine²². Further social development that the general

¹⁷ Список волонтерських організацій, які надають допомогу у зоні АТО / Міністерство інформаційної політики. URL: <http://mir.gov.ua/content/volonterski-organizacii.html>

¹⁸ Горелов Д. М., Корнієвський О. А. Волонтерський рух: світовий досвід та українські громадянські практики: аналіз. доп. 2015. URL: <http://www.niss.gov.ua/content/articles/files/volonter-697e4.pdf>

¹⁹ Матійчик А. В. Волонтерська діяльність як детермінанта розвитку громадянського суспільства / Грані. 2016. URL: http://nbuv.gov.ua/UJRN/Grani_2016_8_15

²⁰ У МВС оприлюднили назви шахрайських «благодійних» фондів / Радіо Свобода. 2015. URL: <http://www.radiosvoboda.org/a/news/26978079.html>.

²¹ Мандебура О. Волонтерський рух в Україні як нова форма взаємодії влади і громадянського суспільства // ІПіЕНД імені І. Ф. Кураса НАНУ. URL: http://www.ipiend.gov.ua/?mid=12&action=article_detail&article_id=8

²² Сахань О. М. Волонтерський рух в сучасній Україні як механізм протидії деструктивності влади / Проблеми взаємодії влади та громадськості. URL: http://www.rusnauka.com/33_IAN_2015/Politologia/10_200309.doc.html

public faced requires coordination of actions with the state, involving a wide range of specialists and experts, taking integrated decisions, development of state programs, projects and strategies.

For a long time there were no mechanisms of such cooperation in Ukraine. But at the end of 2013 the situation changed. During the Revolution of Dignity times a confrontation between the representatives of the civil society and bureaucracy has occurred. It brought the majority of the civic organizations to the opposition, but later the fight with Russia's aggression united the powers of the civil society and the state.

According to the law of Ukraine "On volunteering activity", the realization of the state policy in the volunteer activities field is conducted by the Cabinet of Ministers of Ukraine, Ministry of Social Politics and other government authorities and local governance authorities. The rapid growth of the volunteer movement scale in Ukraine in the first half of 2014, performances of its leaders in the social dialogue and its influence on the socially active part of the citizens actualized the question of control of this phenomenon by the government authorities and structures. The official recognition of volunteering by the public authorities is an important element of system of interaction between the state and the society. Furthermore, the official government recognition of the volunteers' activities is a primary precondition of their cooperation development – as a condition for effective realization of the state policy on volunteer activity.

Starting from autumn 2014, volunteers have been working closely together with the Ministry of Defence of Ukraine. Well-known volunteers were actively brought into the ministry structures, in particular – D. Arahamia (the founder of volunteer organization "People's project") was assigned a Procurement Matters Commissioner, Y. Biriukov (the founder of the "Phoenix wings") – an Associate Minister of Army Provision and T. Rychkova lead a new state enterprise, which provides the forces of special operations. A Volunteer Council was created under the Ministry to address the issues of food, medical and material provision. Volunteers work in the Ministry of Defence departments and are responsible for the provision of the Armed Forces of Ukraine²³. In the end of 2014 at the initiative of a well-known volunteer and President Advisor Y. Biriukov, a "Volunteer Desant" was created. Eight volunteers started working for the Ministry of Defence to strengthen the rear services and public procurement. They implemented an electronic procurement system and electronic register for the Ministry property accounting; development of a new technical environment for the providers; innovations in the military nutrition field and warehouse automating. So the creation of the Volunteer organizations Council in the Ministry of Defence of Ukraine and integration of volunteers to state departments and agencies management, the AFU rear services made the Ministry work more transparent and effective, which improved the material provision of the army.

Because of the large-scale terminations the "Volunteer Desant" was disbanded and a new "Project Office for Reforms" was created – a Ministry of Defence unit consisting of 30 managers

²³ Тохтарова І. М. Волонтерський рух в Україні: шлях до розвитку громадянського суспільства як сфери соціальних відносин. URL: http://nbuv.gov.ua/UJRN/Tpdu_2014_2_5.

from volunteer and business environment (A. Zahorodniuk – the head of the unit). It is responsible for material provision, procurement, medicine, etc²⁴. And coordinating center for hostages' release, set up at the Ministry of Defence is working on searching and rehabilitation of those held hostage, social protection of the negotiators. Ten volunteers, who have experience negotiating with DPR and LPR and other illegal armed formations, comprise the unit. In August 2015 Y. Biriukov created a Coordinating Center "Sarmat" within the same Ministry which is led by O. Lipiridi. The headquarters are on the front-line in the ATO zone and is responsible for rear and medical provision, granting the corresponding status to the fighters, payments and submitting soldiers for awards.

The founder of one of the well-known volunteer organizations Georgiy Tuka became a Governor of Lugansk oblast military-civil administration in July 2015, and in April 2016 he was assigned a Deputy Minister of temporary occupied territories and internally displaced persons in Ukraine. Assignment of volunteer to this position indicates the changes in reforming Ukrainian society. Thus involvement of volunteers to working in government authorities and letting them work on development and realization of state social programs is one of the mechanisms of collaboration between state and civil society.

The state, through its bodies and authorities, supports community-based initiatives about implementing volunteer activity, guarantees and ensures the protection of human rights, freedoms and legal interests of the volunteers, recipients of volunteer support, volunteering organizations and foundations, which are provided by the Constitution of Ukraine and other laws. Volunteer activities are often coming out beyond the legal field when quick actions at assisting the ATO soldiers are required. Therefore, other mechanisms of interaction are: the change of the legislation aimed at elimination all the obstacles that can directly or indirectly prevent people from engaging in volunteer activity and reduction of the tax burden that places volunteers at a disadvantage.

On March 5, 2015 a Law "On the amendment of some laws of Ukraine regarding volunteer activity" was passed, which took into account the interests of all volunteer initiatives and organizations. This Law cancelled the obligation to register the volunteer organization in the Ministry of Social Politics, insurance, recognized the informal groups and allowed individual volunteer activity²⁵. Even though it did not solve all the problems, it brought the Ukrainian volunteer movement closer to the world standards and became a significant step to establishing partner relationship between Ukrainian volunteers and the state. Thus, the adopted set of laws is aimed to assist the volunteers' work.

However, the question of granting the volunteers the combat veteran status is still unregulated. In June 2015 according to the Law, volunteers obtained the war invalids status and

²⁴ Волонтерський десант» демобілізований. Ідеолог проєкта Давид Арахамія об експерименті в МО / Українська правда. 2015. URL: <http://life.pravda.com.ua/society/2015/11/5/202712/>.

²⁵ Про внесення змін до деяких законів України щодо волонтерської діяльності: Закон України від 5 березня 2015р. № 246-VIII. URL: <http://zakon4.rada.gov.ua/laws/show/246-19>

extended this law's application to volunteers' families, if the member died or went missing²⁶. The issue of acknowledging the volunteers' combat veteran status is not resolved, though, in the soldiers' opinion, volunteers who work in the ATO zone are risking their lives near them and deserve this status²⁷.

Therefore volunteering in Ukraine is not just providing financial or physical assistance, but the expression of active citizenship. After the Revolution of Dignity and the beginning of the events in the East, volunteering has received a great public and political recognition. This turning point has changed the pattern of relationship between civil society and the state, showing a significant influence on the development of the third sector – volunteer movement in particular. Under these circumstances, a wide public attention was attracted to volunteering. It has become an object of interest for public authorities, which were trying to regain people's trust by interacting with volunteer organizations.

Analysis of the activities of volunteer organizations in ATO zone allows us to highlight the following areas of their work: the military area, associated with supporting particular military units, collecting and transporting necessary equipment to the ATO zone (vehicles, body armor, camouflage nets, uniforms, etc.). This also includes repair volunteering. The second area is medical volunteering – providing military with medical supplies, aiding the wounded, raising funds for the treatment of ATO fighters. Migration – creation of the assistance centers to help with buying, finding new house and work, collecting humanitarian aid; participation in search activities in order to find those soldiers who went missing. Volunteers also provide soldiers and settlers with psychological and legal assistance, are engaged in exporting the civilian population from the front and front-line war zone.

A number of volunteer associations are working across the whole Ukraine that created a powerful volunteer movement, which is difficult to find any equivalents for in the world. The scale of volunteers' actions in Ukraine demonstrates that the level of the social consciousness of citizens has grown considerably. Ukrainian volunteer movement to help the soldiers who serve in the zone of ATO has been recognized by the state; volunteers are actively engaged in the work of the system of public authorities on all levels; volunteer groups are being created in different state institutions; the government works on changing the legal framework to improve their work in the new environment. Yet it is early to evaluate the results of this cooperation as there are many problems which are still not resolved. In the present military situation, volunteers and volunteer associations came forward as an instrument of influence on the state which helps to solve the existing problems in society effectively.

²⁶ Про внесення змін до Закону України «Про статус ветеранів війни, гарантії їх соціального захисту» щодо статусу осіб, які захищали незалежність, суверенітет та територіальну цілісність України»: Закон України від 07.04.2015 № 291-VIII URL: <http://zakon4.rada.gov.ua/laws/show/291-19>

²⁷ Тохтарова І. М. Волонтерський рух в Україні: шлях до розвитку громадянського суспільства як сфери соціальних відносин. URL: http://nbuv.gov.ua/UJRN/Tpdu_2014_2_5.

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Political corruption in Ukraine: main manifestation and counteraction methods

The article considers the features of political corruption manifestation in Ukraine. It determines the main methods of counteracting it and indicates the main directions of corruption counteraction in the politics of modern Ukraine, emphasizes the importance of introducing state financing of political parties and accentuates the necessity of implementation of proportional electoral system with open lists. The author emphasizes the expediency of cancellation (restriction) of political advertisement on television. Attention is paid to the role of state and independent public control over the transparency of political parties' financial activities and over other spheres in which political corruption manifests itself. The necessity of creating a specialized anti-corruption court is emphasized.

Keywords: political corruption, anti-corruption policy, party financing.

Korupcja polityczna na Ukrainie: główne przejawy, metody przeciwdziałania

Rozpatrzono specyfikę przejawów korupcji politycznej na Ukrainie. Określono podstawowe metody przeciwdziałania jej. Wskazano podstawowe kierunki walki z korupcją w polityce współczesnej Ukrainy. Podkreślono znaczenie wprowadzenia państwowego finansowania partii. Zaakcentowano potrzebę wprowadzenia systemu proporcjonalnego z otwartymi listami. Podkreślono celowość zlikwidowania (ograniczenia) reklamy politycznej w telewizji. Zwrócono uwagę na rolę państwowej i niezależnej społecznej kontroli nad przejrzystością działalności finansowej partii politycznych oraz nad innymi sferami, w których przejawia się korupcja polityczna. Podkreślono konieczność stworzenia specjalnego sądu antykorupcyjnego.

Słowa kluczowe: korupcja polityczna, polityka antykorupcyjna, finansowanie partyjne

Політична корупція на Україні: головні вияви та методи протидії

Розглянуто специфіку виявів політичної корупції на Україні. Представлено головні напрями боротьби з корупцією в політиці сучасної України. Підкреслено важливість

ліквідації (обмеження) політичної реклами на телебаченні. Звернуто увагу на значення державного та громадського контролю щодо прозорості фінансової діяльності політичних партій та відносно інших сфер діяльності яким властива політична корупція. Підкреслено важливість створення антикорупційного суду.

Ключові слова: політична корупція, антикорупційна політика, фінансування політичних партій

System polityczny stanowi przykład dynamicznego, wieloskładniowego modelu. Powstają i funkcjonują w nim różne systemy, posiadające mniej lub bardziej istotne znaczenie dla państwa i osoby, mogą mieć działanie stabilizacyjne lub wręcz przeciwnie – niszczące. Przykładem tego drugiego jest destrukcyjna instytucja korupcji politycznej, która jest wyraźnie obecna w procesie politycznym Ukrainy. Jednocześnie korupcja polityczna jest w mniejszym lub większym stopniu charakterystyczna dla jakiegokolwiek spośród współczesnych krajów. Ze względu na globalność problemu, korupcyjne „infekowanie” nawet rozwiniętych demokracji, badanie korupcji politycznej należy rozpatrywać jako reakcję na wyzwanie czasu w poszukiwaniu swego rodzaju „recepty” jej zwalczania.

Rozpoczynając walkę z korupcją Ukraina skierowała swoje wysiłki przede wszystkim na minimalizację korupcji na poziomie życia codziennego i biukracji. Aktywne przeciwdziałanie korupcji politycznej na razie nie stanowi charakterystycznej cechy naszego państwa, chociaż zostały poczynione pierwsze kroki, zaczynające się ustalenia państwowego finansowania partii i mechanizmu ich sprawozdawczości.

Efektywna walka z korupcją polityczną wymaga adekwatnej strategii państwowej, wspartej odpowiednią taktyką i efektywnymi w konkretnych warunkach technologiami. W celu skonstruowania takiej strategii przeciwdziałania przejawom korupcji w polityce niezbędna jest wszechstronna refleksja, analiza istoty i specyfiki przejawów korupcji politycznej.

Korupcja polityczna na Ukrainie w ciągu wszystkich lat niepodległości była w mniejszym lub większym stopniu atrybutem działalności aktorów politycznych; opanowała ona wszystkie gałęzie i instytucje władzy państwowej, samorządu lokalnego. Takie bezprawne zjawisko bez wątplenia stanowi przeszkodę dla demokratycznej ewolucji naszej państwowości. „Korupcja polityczna z zachowania dewiacyjnego stała się normą relacji w sferze państwowej i politycznej. W systemie władzy powstały „hierarchiczne piramidy korupcyjne” oraz „zamknięte cykle korupcyjne”, w których uczestniczą przedstawiciele różnych instytucji władzy. Pożywkę dla korupcji politycznej stanowi działalność najpotężniejszych grup finansowo-przemysłowych oraz struktur gospodarki cieniowej, posiadających wystarczające środki dla cieniowego finansowania polityki i takiego samego wpływu na władzę”¹.

¹ Прес-конференція Президента України В. Ющенка «Відповідальність. Законність. Вибір народу». <http://www.president.gov.ua> [odczyt: 15.03.2016].

Na najwyższym poziomie państwowym oskarżenia o korupcję polityczną po raz pierwszy wysunięte zostały w 2007 roku przez głowę państwa W. Juszczenkę, kiedy zwrócił się on do Rady Najwyższej Ukrainy V kadencji: „To, co stało się w marcu bieżącego roku stanowi taką samą manipulację, tylko manipulację mandatami, za którymi stoją głosy wyborców. Migracja deputowanych ludowych z jednej frakcji do innej w istocie częściowo anuluje wybory na pewnym umowym terenie. I dlatego, jeśli mówimy o źródłach tego procesu, źródłach kryzysu politycznego na Ukrainie, u jego podstaw leży kryzys parlamenatarny, leżą te bezprawne procesy, które stają się normą, swego rodzaju tradycją w ukraińskim parlamencie. Stoi za tym nie tylko migracja techniczna – stoi za tym korupcja polityczna. Nie da się budować demokratycznych perspektyw narodu na korupcji politycznej [...]. Korupcja polityczna stała się problemem dla narodu. Korupcja polityczna, która zaczyna się w gmachu parlamentu, dochodzi do każdej rady wiejskiej, do każdego człowieka, wpływa ona na nasze interesy”². Nie można jednak pominąć tego, że właśnie za czasów prezydentury W. Juszczenki pojawiły się nowe określenia – „kumowie”, „kochani przyjaciele”. Przejawiła się ukraińska specyfika korupcji: nie jest ona klanowa (jak, na przykład, w państwach Azji Środkowej), lecz kumoterska.

Już trzecią dekadę niepodległej Ukrainy politycy i działacze państwowi we wszelki sposób praktykują chronienie się przed odpowiedzialnością polityczną. Prze Rewolucją Godności kanały wpływu obywateli na władzę były praktycznie zablokowane. System wyborów do parlamentu oraz większości organów samorządu lokalnego nie pozwalał wyborcom na wpływanie na skład personalny wybieralnych organów. Praktycznie niemożliwa była realizacja prawa obywateli do organizacji i przeprowadzania referendum, a także do przeprowadzenia procedury impeachmentu głowy państwa lub pociągnięcia deputowanego ludowego do odpowiedzialności karnej. Wrażliwe na korupcje polityczne były sądy oraz organy ścigania, które powinny wykonywać działania w zakresie przeciwdziałania korupcji politycznej. Znaczna ilość problemów istnieje do dziś.

Skala korupcji politycznej na Ukrainie nieuchronnie prowadzi do poszukiwania sposobów zapobiegania takim destrukcyjnym praktykom w polityce. Przede wszystkim chodzi o integralny mechanizm jako system sposobów przeciwdziałania przejawom korupcji politycznej w sferach takich jak finansowanie partii, kampania wyborcza, lobby itd.

Bez wątpienia, krokiem naprzód dla Ukrainy jest wprowadzenie finansowania państwowego partii oraz procedury kontroli ich aktywów finansowych i innych materialnych (Ustawa Ukrainy „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej”, 2015). Celem takiego mechanizmu normatywno-prawnego jest zniwelowanie wpływu grup oligarchicznych na kształtowanie list partyjnych, kiedy zależność partii politycznych od prywatnych inwestorów czyniła te partie, jak słusznie określiła to S. Kustowa³, „antycznymi klientelami”, obsługującymi interesy sponsora. Prawo do

² Прес-конференція Президента України В. Ющенко «Відповідальність. Законність. Вибір народу». <http://www.president.gov.ua> [odczyt: 15.03.2016].

³ С. Кустова, Финансування політичних партій як структурна складова інтеграційного процесу України до ЄС, „Вісник Національної академії державного управління при Президентові України. Серія Державне управління”, 2015, nr. 3, s. 106.

finansowania państwowego posiadają partie, które na ostatnich wyborach parlamentarnych zdobyły co najmniej 2%⁴ głosów wyborców wśród łącznej ilości głosów wyborców, oddanych na listy wyborcze kandydatów na deputowanych ludowych Ukrainy w ogólnopaństwowym wielomandatowym okręgu wyborczym (art. 17³ Ustawy Ukrainy „O partiach politycznych na Ukrainie”). Ustalona na Ukrainie wysokość państwowego finansowania partii wynosi 0,02% minimalnego wynagrodzenia, obowiązującego 1 stycznia roku, poprzedzającego rok przekazywania środków z budżetu państwowego, pomnożone na łączną ilość wyborców, którzy wzięli udział w głosowaniu w ogólnopaństwowym okręgu wyborczym na ostatnich terminowych lub przedterminowych wyborach parlamentarnych (art. 17² Ustawy Ukrainy „O partiach politycznych na Ukrainie”). Wsparcie państwowe partii politycznych polega na tym, że mają one prawo do rekompensaty wydatków na agitację przedwyborczą na wyborach parlamentarnych pod warunkiem pokonania progu wyborczego (art. 17⁴ Ustawy Ukrainy „O partiach politycznych na Ukrainie”). Mechanizmem kontrolnym jest wprowadzenie kontroli państwowej ze strony Izby Rachunkowej oraz Narodowej Agencji do spraw Zapobiegania Korupcji nad legalnością i celowym wykorzystaniem przez partie środków z budżetu państwowego.

Jednocześnie z ustaleniem wsparcia państwowego uregulowano także wprowadzenie sprawozdawczości finansowej partii. Umożliwiło to dostęp do informacji o stanie finansowych, aktywach materialnych wszystkich (nie tylko parlamentarnych) partii politycznych, informacji o najważniejszych sponsorach partii politycznych. Uregulowano kwestię odpowiedzialności za naruszenie zasad udzielania lub otrzymywania środków na wsparcie partii politycznej, państwowego finansowania działalności statutowej partii politycznej, wsparcia finansowego (materialnego) w celu prowadzenia agitacji przedwyborczej albo agitacji przed referendum ogólnoukraińskim bądź lokalnym; unormowano kwestię składania sprawozdania finansowego dotyczącego wpływu i wykorzystania środków z funduszu wyborczego, sprawozdania majątkowego partii, dochodów, wydatków oraz zobowiązań o charakterze finansowym. Częścią takiego mechanizmu jest określenie, w szczególności, maksymalnej wysokości wpłaty na rzecz partii od obywatela Ukrainy w ciągu jednego roku.

Składnikiem mechanizmu antykorupcyjnego jest także pojawienie się wymogu przeprowadzania audytu: wewnętrznego (dla wszystkich partii) oraz zewnętrznego (dla uczestników wyborów oraz dla partii otrzymujących finansowanie państwowe). W celu zapobiegania ewentualnym nadużyciom partia ma prawo zawierać umowy o przeprowadzenie audytu z tą samą firmą nie dłużej, niż przez trzy lata pod rząd. Przewidziano cokwartalną publikację sprawozdań przez partię na swojej stronie internetowej jako uzupełnienie sprawozdawczości przez Narodową

⁴ W krajach europejskich odsetek ten waha się w granicach 1 – 2,5. Obowiązują Jednolite zasady przeciwdziałania korupcji w sferze finansowania partii politycznych oraz kampanii wyborczych, zatwierdzone przez Rekomendację 2003 (4) Komitetu Ministrów Rady Europy, państwom członkowskim Rady Europy zaproponowano określenie wpłaty na rzecz partii jako „świadomego działania, ukierunkowanego na udzielenie partii wsparcia ekonomicznego i innego”. W 2003 roku na Ukrainie poczyniono już próbę wprowadzenia państwowego finansowania partii, ale wyrokiem (z 2007 r.) Trybunału Konstytucyjnego Ukrainy innowacja ta została uznana za niekonstytucyjną, co stymulowało partie do poszukiwania środków cieniowych.

Agencją do spraw Zapobiegania Korupcji (sprawozdanie publikowane jest także na stronie internetowej Agencji).

Wraz z uchwaleniem Ustawy Ukrainy „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej” rozpoczęła się więc reforma przejrzystości i kontroli finansów partii politycznych. Ale wprowadzenie takich zmian dotyczy tylko niektórych przejawów korupcji w polityce. Nawet w ramach partii, którym poświęcono najwięcej uwagi, pozostało wiele pułapek politycznych.

W związku z tym widodące ukraińskie partie polityczne, które w większości są projektami wielkiego kapitału, od 2016 roku zmuszone są do uwzględniania nowych wymogów prawa antykorupcyjnego. Wewnętrzny sprzeciw wobec tego był zauważalny już w trakcie dyskusji nad możliwymi zmianami prawa: czyniono wówczas opór przeciwko temu mechanizmowi antykorupcyjnemu – przedstawiciele czterech frakcji parlamentarnych proponowali alternatywne projekty ustaw.

Niestety większość Ukraińców nie wie o wprowadzeniu państwowego finansowania partii. Oczywiście, problem leży w płaszczyźnie niewystarczającej kampanii informacyjnej na temat innowacji. Natomiast obeznana część społeczeństwa twierdzi, że podstawowym powodem nieznacznego poparcia idei państwowego finansowania jest brak zaufania wobec partii politycznej. Zdecydowana większość Ukraińców jest przekonana: działalność krajowych partii politycznych nie spełnia standardów demokratycznych, nie bronią one interesów ludzi, lecz interesów ich liderów i grup finansowo-przemysłowych. Wskutek tego dominuje opinia, że te organizacje obywatelskie powinny być finansowane ze składek członków i zwolenników-sponsorów partii.

Pierwszy rok sprawozdawczy dla partii, czyli 2016, pokazał niepokojącą tendencję: spośród 352 zarejestrowanych partii ponad 100 nie złożyło sprawozdania, a spośród tych które to uczyniły, ponad 75% złożyło tak zwane „zerowe” sprawozdania. Można założyć, że przyczynę stanowi nieznaczna wysokość sankcji dla partii, które nie złożyły sprawozdania, dlatego aktualizuje się kwestia zmiany tych sankcji, aby stymulować partie polityczne do przestrzegania wymogów prawa w zakresie sprawozdawczości finansowej. Nieaktywność partii politycznych uniemożliwia również sporządzanie protokołów dotyczących naruszania wymogów prawa w zakresie sprawozdawczości finansowej – wymagana jest obecność przedstawiciela partii politycznej. W takiej sytuacji uzasadnione wydaje się wprowadzenie gradacji sankcji za niezłożenie sprawozdania finansowego, aż do możliwości anulowania świadectwa rejestracyjnego partii politycznej.

Centrum Studiów Politycznych i Analityki „Eidos” przy udziale partnerów z Koalicji „Pieniądze partii pod kontrolą” oraz przy wsparciu Fundacji F. Naumana pod koniec 2016 roku przeprowadziło ankietowanie partii politycznych, które uzyskały prawo do finansowania państwowego, a także organów kontrolnych (Narodowa Agencja do spraw Zapobiegania Korupcji oraz Izba Rachunkowa Ukrainy). Po zapoznaniu się z końcowymi materiałami sondażu najbardziej interesujące były dla nas nawet nie wyniki sondażu lecz analiza tych trudności, przeszkód, z którymi zetknęli się ankietujący, próbując przepytac ośrodki centralne i regionalne sześciu

parlamentarnych partii politycznych. Przebieg badania pokazał, że część partii-respondentów, które stawiają hasła antykorupcyjne w centrum swoich kampanii wyborczych, odmówiło udziału w ankiecie, kiedy pytania dotyczyły ich kas partyjnych. Świadczy to o zamknięciu i niechęci znacznej części ukraińskich partii do wpływania na kształtowanie linii politycznej.

Możemy stwierdzić: 1) wraz z uchwaleniem Ustawy Ukrainy „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej” rozpoczęła się reforma przejrzystości i kontroli finansów partii politycznej; 2) jednocześnie już w trakcie krótkiego okresu obowiązywania innowacji zaobserwowano próby niwelowania, niewykonywania norm prawa antykorupcyjnego przez partie, gdyż na Ukrainie ukształtował się stabilny, nieprzejrzysty system finansowania partii politycznych oraz kampanii wyborczych, kiedy większość dochodów i wydatków partii odbywało się „czarną gotówką”. Wskutek tego większość partii oraz ich kandydatów stało się zależnymi nie od wyborców, lecz od oligarchów.

Wydaje się, że nadszedł czas na następujące reformy:

1. wprowadzenie systemu proporcjonalnego z otwartymi listami zamiast systemu mieszanego z korupcyjnym składnikiem większościowym. Składnik większościowy krytykowany był nie tylko przez krajowych aktorów politycznych, instytucje społeczne i badawcze, ale także przez Komisję Wenecką, OBWE/ODIHR i inne. Wybory z zastosowaniem składnika większościowego pokazały znaczne spektrum nadużyć korupcyjnych (zasoby administracyjne, podkupywanie wyborców itd);
2. usunięcie kosztownej finansowo reklamy politycznej z telewizji i wprowadzenie debat pomiędzy kandydatami zamiast niej. Już w 2012 roku Ukraina podjęła się zobowiązania wykonania rekomendacji OBWE odnośnie ograniczenia płatnej reklamy politycznej w mediach, którą otrzymała w związku z wynikami wyborów parlamentarnych w 2012 roku. Na rzecz takiego zakazu świadczy także doświadczenie zagraniczne: zdecydowana większość krajów Europy Zachodniej (Dania, Wielka Brytania, Belgia, Irlandia, Norwegia, Francja i in.) zakazała płatnej agitacji przedwyborczej w telewizji. Na Ukrainie zaistniała konieczność uchwalenia odrębnej ustawy o przejrzystości mediów i zakazie reklamy politycznej (na Ukrainie nie jest unormowane nawet samo pojęcie „reklamy politycznej”), gdyż partie albo mają możliwość dostępu do telewizji za cieniowe środki lub jej nie mają. Właśnie przy pomocy cieniowych środków partie utrzymują swoją konkurencyjność. Rozwiązaniem jest zakaz reklamy politycznej w telewizji, bez względu na opór rynku reklamowego. Ale wydaje się, że niezbędne jest zdecydowane stanowisko państwa oraz społeczeństwa obywatelskiego: interesy biznesu medialnego nie mogą być stawiane wyżej niż interesy ogólnopństwowe w budowie przejrzystej polityki;
3. *prowadzenie efektywnej kontroli państwowej i niezależnej społecznej nad przejrzystością działalności finansowej partii politycznych oraz nad innymi sferami, w któ-*

rych przejawia się korupcj polityczna. Wzrost świadomości społecznej na przełomie lat 2013-2014 udowodnił, że „społeczeństwo, które niby już pogodziło się z korupcyjną sytuacją, znalazło siły i zademonstrowało możliwości przeciwdziałania korupcji na wszystkich poziomach życia społeczno-państwowego”, ale dziś „na tle faktycznej bezkarności skorumpowanych działaczy ma miejsce swego rodzaju recesja świadomości społecznej”⁵. Do możliwych form zaangażowania instytucji społeczeństwa obywatelskiego do walki z korupcją polityczną należą: uczestnictwo społeczności w działalności normotwórczości (opracowanie, konsultacje społeczne odnośnie projektów ustaw); kontrola społeczna przestrzegania prawa; informowanie i edukowanie ludności, ukierunkowane na kształtowanie kultury antykorupcyjnej; ekspertyza antykorupcyjna projektów ustaw; przeprowadzanie badań analitycznych w kwestiach zapobiegania i przeciwdziałania korupcji z publikacją propozycji; kontrola i analiza sprawozdawczości finansowej partii politycznych; przeciwdziałanie korupcji elektoralnej dzięki organizacji niezależnej obserwacji przebiegu procesu wyborczego; zaangażowanie społeczności do kształtowania grona kierowników specjalnych organów antykorupcyjnych itd.;

4. stworzenie gwarancji nieuchronności kary za przestępstwa korupcyjne w polityce, gdyż dziś jedynie nieznaczna ilość figurantów spaw korupcyjnych pociągana jest do odpowiedzialności, a łagodność kar dysonuje z istniejącym zapotrzebowaniem społecznym. Konieczne jest uchwalenie ustawy oraz stworzenie specjalnego sądu antykorupcyjnego, który będzie rozpatrywał sprawy przeciwko urzędnikom najwyższego szczebla. Obecnie większość spraw, które przekazywane są do ukraińskich sądów powszechnych, jest hamowana na tym poziomie. Od maja 2016 roku kwestia ta jest ciągle poruszana; na stworzenie takiego sądu nalegają również struktury międzynarodowe, w szczególności MFW. Alternatywą jest stworzenie izb antykorupcyjnych w sądach powszechnych, ale wydaje się, że nie zmieni to sytuacji choćby ze względu na to, że sędziami nowych izb będą ci sami sędziowie sądów powszechnych. Bez wątplenia istnieje kwestia nie tylko podjęcia decyzji o stworzeniu sądu antykorupcyjnego, który będzie rozpatrywał sprawy przekazane przez Narodowe Biuro Antykorupcyjne, lecz także doboru uczciwych sędziów do niego;
5. kształtowanie kultury antykorupcyjnej ludności, która przewidywałaby całkowity brak tolerancji wobec wszystkich form korupcji. Na przykład, jenym z kierunków kształtowania takiej kultury jest kształtowanie stabilnego przekonania o konieczności państwowego finansowania partii jako gwarancji ich niezależności finansowej, więc także budowy cywilizowanego systemu politycznego. Na razie mamy absolutny brak poparcia Ukraińców dla idei państwowego finansowania partii, nawet bez względu

⁵ I. Вадушко. Інститути громадянського суспільства у системі антикорупційної політики України. Київ 2016, s. 14.

na to, że każdego ukraińskiego wyborcę kosztuje to jedynie około 13 hrywien na rok⁶. Według danych badania socjologicznego, przeprowadzonego latem 2017 roku przez Fundację „Inicjatywy Demokratyczne” im. I. Kuczeriwa oraz Centrum Razumkova, jedynie 10% Ukraińców popiera państwowe finansowanie partii politycznych⁷. Jak pokazało to badanie, mniej niż jedna trzecia respondentów w ogóle wiedziała, że partie parlamentarne od 01.07.2016 r. zaczęły otrzymywać finansowanie państwowe⁸. Dostrzegamy problem leżący w poziomie kultury politycznej obywateli, która w ogóle nie przewiduje rozumienia tego, że państwowe finansowanie partii politycznych jest koniecznością.

Wydaje się, że uchwalonej Ustawy Ukrainy „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej”, która dotyczy przede wszystkim partii politycznych, jest za mało. Zaistniała konieczność uchwalenia odrębnej kompleksowej ustawy dotyczącej zapobiegania i przeciwdziałania korupcji politycznej, w której unormowane zostałyby szerokie spektrum możliwych bezprawnych działań o charakterze korupcyjnym w polityce oraz sposoby zapobiegania im, określone zostałyby możliwości kontroli społecznej wprowadzania tej ustawy.

Zgadza się z ukraińskim badaczem M. Melnykiem, że przeciwdziałanie korupcji politycznej możliwe jest pod warunkiem podejścia systemowego (działania profilaktyczne, ścigania i represyjne)⁹. Do środków przeciwdziałania korupcji politycznej należą: 1) demokratyczne i uczciwe wybory; 2) rzeczywiste oddzielenie polityki od biznesu; 3) stworzenie niezależnego, kompetentnego oraz bezstronnego sądu; 4) wprowadzenie efektywnej kontroli społecznej nad działalnością podmiotów politycznych oraz zapewnienie odpowiedzialności politycznej i prawnej za ich antyspołeczne, amoralne i bezprawne działania oraz decyzje; 5) wzmocnienie odporności moralno-psychologicznej społeczeństwa na korupcję oraz motywacji antykorupcyjnej obywateli¹⁰. Wyjątkowe znaczenie ma obecność woli politycznej kierownictwa państwa. Dowodem tego jest choćby przykład Singapuru. Od takiej woli zależy efektywność innych czynników przeciwdziałania korupcji.

Należy zauważyć, że pojęcie „korupcja polityczna” na Ukrainie nie zostało zdefiniowane na poziomie ustawodawczym, co prowadzi do rozmytego rozumienia jej podmiotów, rodzajów bezprawnych działań itd. Wydaje się, że na Ukrainie rozumienie korupcji obejmuje dość

⁶ М. Драбук, Державні гроші у партійних касах - чому українці проти? <http://p.dw.com/p/2hYxv>, [odczyt: 11.12.2017].

⁷ Прес-реалі опитування «Ставлення громадян до політичної ситуації, виборів і партій» <http://dif.org.ua/uploads/pdf/11837777675979e41751cad8.18422987.pdf>, [odczyt: 10.12.2017].

⁸ W 2017 roku łączna wysokość tego wsparcia państwowego wyniesie ponad 440 mln hrywien. Jednocześnie, według oceny ekspertów Centrum „Eidos”, miesięcznie na utrzymanie i rozwój partii o rozgałęzionym organizacyjnym systemie zarządzania potrzeba co najmniej 1 mln USD. Patrz: В. Таран, С. Карслін. Опитування виконавців Закону «Про внесення змін до деяких законодавчих актів України щодо запобігання та протидії політичній корупції» з метою виявлення основних недоліків, котрі стають на заваді його повноцінній імplementації на центральному та місцевому рівнях. Київ 2016.

⁹ М. Мельник, Політична корупція: сутність, чинники, засоби протидії. “Національна безпека та оборона”, 2009 nr 7, s.71.

¹⁰ Ibidem, s. 72.

zawężoną ilość bezprawnych działań, takich jak sprzedaż miejsc na listach wyborczych czy sprzedaż swojego głosu na pewną incjatywę ustawodawczą przez deputowanych ludowych, naruszenie zasad finansowania partii politycznych itd. Jednocześnie w polityce jest wiele innych działań, które mogą być kwalifikowane jako korupcyjne. Na przykład korzystanie przez premiera z informacji, którą uzyskał on dzięki obejmowanemu stanowisku, w interesach partii, do której on należy. Natomiast wspomniana Ustawa Ukrainy „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej”, dotyczy przede wszystkim partii politycznej, czyli znaczna ilość możliwości przejawów korupcji politycznej została nieuregulowana przez ten akt. Nawet odnośnie partii politycznych uregulowane zostały tylko niektóre przejawy działań politycznych, związane przede wszystkim z nieprzejrzystym finansowaniem.

Przykładem takich sfer korupcyjnych w polityce są nadużycia, związane z nieefektywnością mechanizmów demokracji wewnątrzpartyjnej: zwykli członkowie partii nie mogą wpływać na decyzje, stanowiska związku obywateli, do którego oni należą. Istnieje zjawisko znane jako „franczyza partyjna” – „sprzedaż” lokalnych organizacji partyjnych miejscowym oligarchom przez kierownictwo partii. Zasadnicze decyzje podejmowane są przez kierowników partyjnych bez konsultacji z członkami, którzy mogą dopiero post factum dowiedzieć się z wiadomości o decyzjach swojej partii. Wydaje się, że w celu zminimalizowania korupcji wewnątrzpartyjnej nie wystarczy jedynie publikować sprawozdawczość finansową. Aby zadziałały narzędzia demokracji partyjnej, społeczność powinna mieć dostęp nie tylko do informacji finansowej, lecz także do personalnych informacji o członkach partii, aby uniknąć manipulacji z członkami przy mianowaniu kierownictwa partyjnego ośrodków. Niezbędne jest otwarte przeprowadzanie działań partyjnych (zjazdy, posiedzenia organów kierowniczych): zwykle wszystko sprowadza się do konferencji partyjnych, które są jak przedstawienia teatralne, na których członkowie nie mogą wpływać na wyniki działań. Mamy sytuacje, w której członkowie partii nie są uprzednio informowani o czasie i miejscu przeprowadzenia, porządku obrad itd. Ważne jest publiczne nagrywanie oraz udzielenie otwartego dostępu do decyzji organów partyjnych, na przykład w ramach partyjnej strony internetowej. Jednocześnie należy zauważyć, że wybiórczo sprawdziliśmy w Jednolitym Rejestrze Organizacji Społecznych, czy zarejestrowane partie polityczne posiadają własne strony internetowe (352 partie w 2017 roku). Wobec wykazu rejestracyjnego partii zastosowaliśmy odstęp próby i wybraliśmy do badania przypadkowe dwadzieścia partii. Dalsza analiza pokazała, że spośród nich tylko cztery mają działającą stronę internetową, pięć jest obecnych w sieciach społecznościowych (Facebook), przy czym strony dwóch spośród tych partii są faktycznie „martwe”, gdyż ich treść została dodana bardzo dawno temu, a jedynie trzy spośród nich są aktualizowane. Świadczy to o rzeczywistej „gotowości” krajowych partii politycznych do przejrzystej polityki. Rozpowszechnioną praktyką korupcyjną jest „wybijanie” pieniędzy dla swojego okręgu z budżetu państwowego przez deputowanych

ludowych¹¹ jako sposób zapewnienia sobie lojalności wyborców podczas kolejnej kampanii wyborczej. Powstaje kwestia ceny uzyskiwania takich środków budżetowych, a także przejrzystości takiej procedury. „Cena” ta może polegać bowiem na przejściu z jednej frakcji do innej (po ukraińsku nazywa się to „tuszowaniem”), wybiórczym głosowaniu na zasadnicze projekty ustaw lub decyzje bez „tuszowania”, zawiązaniu wartości obiektów inwestycyjnych w celu „przyswojenia” tych środków przez „swoich” kontrahentów, którzy „odpalą” mu część środków. Znane są liczne fakty, kiedy osoby otrzymujące środki były sponsorami kampanii wyborczej, partnerami biznesowymi, krewnym ird.

Ryzyko korupcyjne przejawia się w zamiarze deputowanego ludowego bezprawnego wykorzystania swoich uprawnień w celu otrzymania środków z budżetu państwowego w celu podkupienia lub manipulowania stanowiskiem wyborców w swoim okręgu, aby zostać ponownie wybranym. Możliwe są między innymi następujące przejawy korupcji politycznej w działalności wybrańca narodu:

1. zawiązanie wartości rozwiązania problemu w celu późniejszego lobbingu „swoich” kontrahentów, którzy następnie powinni „podziękować” poprzez „odpalenie” części środków;
2. konflikt interesów, kiedy obiekt lobbingu związany jest z działalnością przedsiębiorczą deputowanego lub osób z nim powiązanych, takich jak partnerzy biznesowi, krewni lub sponsorzy jego kampanii wyborczej;
3. cieniowy lub nieprzejrzysty lobbying, kiedy wyborcy stawiani są przed faktem, że pieniądze na rozwiązanie pewnej kwestii pojawiły się działalności deputowanego. W takiej sytuacji wyborcy stawiani są przed faktem, że pieniądze się znalazły. Ale pozostaje pytanie: czy obiekt ten jest priorytetowy w społecznym porządku obrad i czy naprawdę nie ma alternatywnych rozwiązań problemu? Sytuacja, kiedy wyborcom proponuje się rozwiązanie problemu przez finansowanie pewnego obiektu, który wcześniej nie należał do społecznego porządku obrad i konkretnie takie rozwiązanie problemu nie było omawiane z wyborcami w ramach publicznych konsultacji, oceniana jest jako objaw korupcji politycznej¹²;
4. lobbying związany z „tuszowaniem” – przejście do innej frakcji w celu uzyskania finansowania dla obiektów znajdujących się na terenie okręgu wyborczego;
5. lobbying bez „tuszowania” – „odpowiednie” głosowanie bez względu na decyzje frakcji oraz obietnice wyborcze w celu uzyskania dalszego finansowania funkcjonowania obiektów na terenie okręgu wyborczego;
6. ignorowanie i brak działań odnośnie problemów, które znajdują się w społecznym porządku obrad – niepodejmowanie działań w ramach uprawnień deputowanego

¹¹ С. Панцир, А. Шевченко, І. Сікора. Методика, що має упинити практику «ручного підготовування» виборчих округів та політичну корупцію. <http://osf.org.ua/policy-analysisparlament/view/637>, [odczyt: 05.12.2017].

¹² Ibidem.

w celu rozwiązania aktualnych problemów. Przyczyny ignorowania problemu często mają charakter korupcyjny (osiągnięcie porozumienia o braku ingerencji).

Dopóki we współczesnym systemie wyborczym istnieje składnik większościowy, kontynuowana jest praktyka „dokarmania” okręgów wyborczych na koszt budżetu państwa. Szczególny rozmach osiągnęła ona za rządów W. Janukowycza, kiedy niektórzy deputowani za „odpowiednie” stanowisko otrzymywali z budżetu państwa do 100 mln hrywien na „swoj” większościowy okręg wyborczy (przywileje takie uzyskiwali niektórzy deputowani z tych obwodów Ukrainy, które zbiegały się z bazą elektorálną Partii Regionów). Opłatą za wpływ środków z budżetu państwowego często były więc, i czasem nadal pozostają, ryzyka korupcji politycznej, z którymi ma do czynienia deputowany ludowy.

O zamiarze walki z korupcją polityczną na Ukrainie świadczy już dość rozgałęziony system organów, instytucji o ukierunkowaniu antykorupcyjnym, a w szczególności:

- organy antykorupcyjne: Narodowa Agencja do spraw Zapobiegania Korupcji (NAZK), Narodowe Biuro Antykorupcyjne Ukrainy (NBAU) oraz Specjalna Prokuratura Antykorupcyjna. W składzie NAZK działa Departament do spraw Zapobiegania Korupcji Politycznej, który kontroluje przestrzeganie prawa w zakresie finansowania partii politycznych, przestrzeganie ustalonych zasad otrzymywania i wykorzystywania środków funduszy wyborczych, podejmowanie działań przeciwko osobom, działania których zawierają oznaki wykroczeń w tej sferze;
- w 2017 roku w komitecie parlamentarnym do spraw zapobiegania i przeciwdziałania korupcji stworzono podkomitet do spraw zapobiegania i przeciwdziałania korupcji politycznej. Jego zadaniem jest monitorowanie działalności organów państwowych po kątem ich uprawnień w sferze zapobiegania i przeciwdziałania korupcji politycznej, analiza praktyki stosowania przepisów „O wprowadzeniu zmian do niektórych aktów ustawodawczych Ukrainy dotyczących zapobiegania i przeciwdziałania korupcji politycznej”;
- działa szereg inicjatyw i instytucji obywatelskich, które ukierunkowują swoją działalność na przeciwdziałanie korupcji politycznej: Transparency International Ukraina, Ogólnoukraiński Ruch Przeciwko Korupcji Politycznej „Pod Kontrolą”, organizacja analityczno-zasobowa Centrum Studiów Politycznych i Analityki „Eidos”, stowarzyszenie antykorupcyjne Centrum Przeciwdziałania Korupcji, Centrum Reform Polityczno-Prawnych, stowarzyszenie „Komitet Wyborców Ukrainy”, Ruch Społeczny „Czesno” i inne.

Można więc stwierdzić, że istnieje potrzeba uchwalenia odrębnej ustawy o korupcji politycznej oraz zwalczaniu jej, w której uregulowanoby szeroki kompleks możliwych bezprawnych działań o charakterze korupcyjnym w polityce oraz sposoby zapobiegania im, określony

можливості контролю соціальної над вdrażaniem tej ustawy. Pojęcie „korupcja polityczna” na Ukrainie nie zostało zdefiniowane na poziomie ustawodawczym, co prowadzi do rozmytego rozumienia grona jej pomiotów, rodzajów działań, które kwalifikują się jako korupcja polityczna itd. Wydaje się, że na Ukrainie rozumienie korupcji politycznej obejmuje dość zawężoną ilość bezprawnych działań, związanych z finansowaniem partii, nadużyciami elektoralnymi, swego rodzaju „sprzedażą” miejsc na listach wyborczych, głosów deputowanych na pewną inicjatywę ustawodawczą itd. Jednocześnie w polityce jest wiele innych działań, które mogą być kwalifikowane jako korupcyjne; wymaga to regulacji ustawodawczej.

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THE EVOLUTION AND FEATURES OF THE SYSTEM AND MECHANISMS OF PLANNING AND IMPLEMENTATION OF SOCIO-ECONOMIC DEVELOPMENT IN THE COUNTRIES OF THE VISEGRAD GROUP

The article is dedicated to analyzing the evolution and features of the system and mechanisms of planning and implementation of socio-economic development in the countries of the Visegrad group. The author motivated that the countries of the region have undergone several stages of formation and planning of their systems and mechanisms for implementation of socio-economic development – first in more extensive form and later in more intensive form. At the same time, it was argued that the problems of planning and implementation of socio-economic development still occupy an important place in the normative-legal formalizations and in government-management and political processes in the countries of the Visegrad Group.

Keywords: socio-economic development, planning, modernization, the Visegrad group.

ЕВОЛЮЦІЯ ТА ОСОБЛИВОСТІ СИСТЕМИ І МЕХАНІЗМІВ ПЛАНУВАННЯ ТА РЕАЛІЗАЦІЇ СОЦІАЛЬНО-ЕКОНОМІЧНОГО РОЗВИТКУ В КРАЇНАХ ВИШЕГРАДСЬКОЇ ГРУПИ

У статті проаналізовано еволюцію та особливості системи і механізмів планування та реалізації соціально-економічного розвитку в країнах Вишеградської групи. Вмотивовано, що країни регіону пройшли декілька етапів становлення та планування своїх систем і механізмів планування та реалізації соціально-економічного розвитку – спочатку у більш екстенсивній, а згодом у більш інтенсивній формах. Водночас аргументовано, що проблематика планування та реалізації соціально-економічного розвитку й досі займає важливе місце у нормативно-правових формалізаціях й у державно-управлінському і політичному процесі в країнах Вишеградської групи.

Ключові слова: соціально-економічний розвиток, планування, модернізація, Вишеградська група.

The Visegrad group countries – Poland, Slovakia, Hungary and the Czech Republic – are politically and socioeconomically developed polities (with a different range of consolidation and even deconsolidated democracies since the 90s of the 20th century and till nowadays), which are the members of the European Union. Achieving this status to a large extent can be

explained by proper and comprehensive national and supra-national determined planning and usage of different but system instrumental opportunities for social-economic reformation and development. Thus, in statutory and regulatory formations and state-management and political process within the Visegrad group countries an important place belonged (after collapse of the “real socialism” regime) and still belongs (in particular after joining the EU and in the course of overcoming the world financial-economic crisis) to the issues of planning and implementation of social-economic development. As a matter of fact, the system and mechanisms of planning and implementation of social-economic development in the countries of the region are not identical, as each of them has experienced its own history of formation and development and came to an individual level of social-economic development. Taking this into account and under current conditions the analysis of peculiarities and stages of evolvement of the system and mechanisms of planning and implementation of social-economic development in the Visegrad group countries, which from this perspective have reached the standards and indices of many western countries and search for possible ways to adopt their experience by other countries of the world gets specific significance. It actualizes the range of scientific problems, aimed at determination and clarification of peculiarities and stages of formation and implementation of the system and mechanisms of planning and implementation of social-economic development in the Visegrad group.

Current problematics has been partially revealed in the works by: A. Åslund¹, O. Brusylovska², A. Bulvynskyi³, B. Crawford and A. Lijphart⁴, R. Dutch⁵, G. Ekiert and J. Kubik⁶, J. Elster⁷, N. Korovitsyna⁸, N. Latyhina⁹, J. Linz¹⁰, A. Melvil and Y. Stukal¹¹, Y. Mysliuk and P. Lodyn¹², C. Offe¹³,

¹ Åslund A., The Case for Radical Reform, *“Journal of Democracy”* 1994, vol 5, nr. 4, s. 63–74.

² Brusylovska O., *Postkomunistychni transformatsii krain Skhidnoi Yevropy*, Wyd. Astroprynt 2007.

³ Bulvynskyi A., *Osoblyvosti suspilno-politychnoi modernizatsii krain postradianskoho prostoru: monografija*, Wyd. DU “Instytut vsesvitnoi istorii NAN Ukrainy” 2017.

⁴ Crawford B., Lijphart A., Explaining Political and Economic Change in Post-Communist Eastern Europe: Old Legacies, New Institutions, Hegemonic Norms and International Pressures, *“Comparative Political Studies”* 1995, vol 28, nr. 2, s. 171–199.

⁵ Dutch R., Tolerating Economic Reform: Popular Support for Transition to a Free Market in the Former Soviet Union, *“American Political Science Review”* 1993, vol 87, nr. 3, s. 590–608.

⁶ Ekiert G., Kubik J., *Strategies of Collective Protest in Democratizing Societies: Hungary, Poland and Slovakia since 1989*, 10-th International Conference of Europeanists Buklet, Chicago 1996.

⁷ Elster J., *The Necessity and Impossibility of Simultaneous Political and Economic Reforms*, [w:] Ploszajski P. (ed.), *Philosophy of Social Choice*, Wyd. IFiS Publishers 1991, s. 309–316.

⁸ Korovitsyna N., Cheshskaya sotsiologiya o realnom sostoyanii obshchestva i vnov o ego «chelovecheskom litse», *„Sotsis”* 2003, vol 5, s. 20–29; Korovitsyna N., Sravnitelnyy opyt obshchestvennykh preobrazovaniy v postsotsialisticheskikh stranakh, *„Sotsis”* 2002, vol 5, s. 9–19.

⁹ Latyhina N., Demokratsyatsiia v krainakh Tsentralnoi ta Skhidnoi Yevropy: riznomanitni pidkholody y universalni oznaky, *„Naukovi zapysky IPIÉND im. I. F. Kurasa NAN Ukrainy”* 2008, vol 37, s. 233–244.

¹⁰ Linz J., Transitions to Democracy, *“Washington Quarterly”* 1990, vol 13, nr. 3, s. 143–164.

¹¹ Melvil A., Stukal Y., Usloviya demokratsii i predely demokratizatsii. Faktory rezhimnykh izmeneniy v postkomunisticheskikh stranakh: opyt sravnitel'nogo i mnogomernogo statisticheskogo analiza, *„Politya”* 2008, vol 3, s. 164–183.

¹² Mysliuk Y., Lodyn P., Modeli politychnoi modernizatsii krain Tsentralno-Skhidnoi Yevropy, *„Viznyk Prykarpatskoho universytetu. Politolohiia”* 2013, vol 6–7, s. 170–176.

¹³ Offe C., Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe, *“Social Research”* 1991, vol 58, nr. 4, s. 865–892; Offe C., Das Dilemma der Gleichzeitigkeit. Demokratisierung und Marktwirtschaft in Osteuropa, *„Merkur”* 1991, vol 4, s. 279–292.

P. Roeder¹⁴, L. Tomanevych¹⁵, H. Zelenko¹⁶ and others. However, despite a comprehensive study of the issues, there has not been worked out a definitive and final conclusion as how the system and mechanisms of social-economic development planning influenced the characteristics and consequences of its actualization in the Visegrad group countries (in comparison with other Central-Eastern European countries). Therefore, current paper is aimed at studying this question.

Having analyzed a whole array of scientific works describing current and related issues, it was argued that the majority of them state (especially if they were published when the Visegrad countries joined the European Union) that planning, formation and implementation of social-economic development in the region after the collapse of the “real socialism” regime have undergone at least two stages of development. In the beginning (up to the mid-90s of the 20th century) social-economic range of problems (at a minimum on the background of political and geopolitical problematics) in fact did not occupy a significant place in the system of government in the countries of the region. The point is that during the first transformational years of the post-communist development the highest-level leaders of Poland, Hungary, Slovakia and the Czech Republic appealed to the social-economic range of problems and the system of proper government, but more actively was concentrated on solving urgent social-political issues. However, development of a number of social-economic issues, in particular concerning transformation of the system of social welfare was not considered as an initially prioritized task of reformation or adaptation courses in the majority of the countries in the region¹⁷. As a result, the governments in the Visegrad group countries, at least at the beginning of the 90s of the 20th century, did not work out consolidated, systematic and long-term strategies of further social-economic development, but focused on a more gradual and ad hoc approach towards problem solution in the given sphere of life and governance. Especially it was notable in the context of the struggle against unemployment and poverty in the region and in the perspective of planning long-term mechanisms of social-economic development¹⁸. It was caused by peculiarities, existing during the periods of “people’s democracy” and the first years of the post-communist development of centrally-controlled economies and systems of social protection on the basis of social equality and fairness in the Visegrad group countries. And correspondingly the transition of the countries of the region from the deeply-rooted “socialistic system” of social-economic development to any new or reformed model of social-economic policy required time and political resources.

That is why in the systems of social-economic development acting in the early 90s of the 20th century the biggest number of problems was concentrated on the final vision of their

¹⁴ Roeder P., The Revolution of 1989: Postcommunism and the Social Science, *“Slavic Review”* 1999, vol 58, nr. 4, s. 743–755.

¹⁵ Tomanevych L., Sotsioekonomichna modernizatsiia yak chymnyk staloho rozvytku ekonomiky Ukrainy, *“Naukovyi visnyk Lvivskoho natsionalnogo universytetu veterynaroi medytsyny ta biotekhnologii im. Gzhytskoho”* 2013, vol 15, nr. 2, s. 361–367.

¹⁶ Zelenko H., *Politychna «matrytsia» hromadianskoho suspilstva: dosvid krain Vyshehradskoi hrupy ta Ukrainy*, Wyd. Znanntia Ukrainy 2007.

¹⁷ Wägener H., The Welfare State in Transition Economies and Accession to the European Union, *“West European Politics”* 2002, vol 25, nr 2, s. 156.

¹⁸ Deacon B., Eastern European welfare states: the impact of the politics of globalization, *“Journal of European Social Policy”* 2000, vol 10, nr 2, s. 146–161.

planning and implementation in future. At that time the situation was considerably complicated by former communist and new post-communist left political forces (especially in Hungary and the Czech Republic), which were speculating on the social-economic nostalgia and problematics. However, later, mainly from the mid-late 90s of the 20th century in the course of preparation for joining the European Union – the systems of governance and state management of the Visegrad group countries initiated and commenced absolutely different and much more systematized processes of reforming social-economic development and fell back on long-term and structured strategies of planning social-economic life. It was revealed in the fact that all peculiarities of social-economic component of governments' activity and systems of state management started to be considered and analyzed in complex and inseparably from the economic, fiscal, social-political, ecological and demographic challenges. Basic characteristics of development and reformation of social-economic sector in the region, since the mid-late 90s of the 20th century included such peculiarities and directions as: moving country aside from the public sector of social welfare and social-economic development; introduction of variability and multiplicity of institutional systems of social-economic life. As a result of this the social-economic reality in the region was restructured and the Visegrad group countries were prepared both to joining the EU and solving possible social-economic crises. Taken measures and reforms were aimed at demonopolization and diversification of the social-economic development sector, increasing social and economic liberties, deregulation of social and economic management. As a result of this the system and policy of social economic development in the region was adapted to the requirements of current social-economic reality in Europe and in the world¹⁹ (the last who did it was Slovakia). Thus, in this way it was defined and planned and finally it gave a chance to speak of progress of social-economic component of modernization in the Visegrad countries.

From this perspective, of great theoretical and practical-empirical importance is determination of a planned phased nature and evolution and thus staged peculiarities of the system and mechanisms of implementation social-economic development in the Visegrad group countries, as namely they appeared to be not just a dependable regulation and replication of other countries' experience, but absolutely intended variant of implementing qualitative, social-economic transformations in the society due to a combination of the most widely spread and effective political and social-economic structures, institutions and values taking into account traditional specific nature of the analyzed societies and polities²⁰. Specific nature of planning social-economic development and real social-economic modernization in the Visegrad group countries revealed in the fact that in the region arose and were carried out into action tendencies towards the shift from the state of relative poverty to the state of relative wealth. However, the core of the process

¹⁹ Ferge Z., *Welfare and Ill-fare Systems in Central-Eastern Europe*, [w:] B. Sykes, B. Palier, M. Prior, *Globalization and European Welfare States: Challenges and Change*, Wyd. Palgrave 2001, s. 135–136.

²⁰ Dziundziuk V., Kotukov O., Radchenko O., *Politychna modernizatsiia: teoriia ta istoriia: metod. rek. dlia slukhachiv usikh form navch*, Wyd. NADU 2011, s. 5.

of social-economic modernization in the region was modernization and service sector, in the frames of which social-economic development and growth became a predominant social aim along with generalization and reflection of the phenomenon of motivation at the individual level²¹. It was actualized at least because at the planning stage political elite and society clearly understood that social-economic development was not possible without solving three inter-related problems and tasks, namely: modernization of state economy policy, engineering and manufacturing basis of economy and development of the system of social protection of society. Therefore, from the very beginning, since the mid-90s of the 20th century the state-management emphasis in the Visegrad group countries was put not only on overcoming and wiping out negative elements of the previous (communistic) model of social-economic development, but on planning and implementation of a number of social-economic and generally system reforms, aimed at introducing the most efficient principles, mechanisms and formats of managing social-economic processes²². It is successfully combined with the ideas of various scientists that Euro-integration processes, into which the countries of the region were attracted in the mid-90s of the 20th century, had a kind of “advanced” character, as the Visegrad countries were not socially and economically developed for them, but demonstrated enough readiness and balanced development to achieve it in future.

And this, in its turn, in a flexible manner proves that effective planning of socially-economic development (especially in the frames of other systematic transformations) is the main precondition to put it into life²³. Besides in the countries of the Visegrad group, which, at the time of the “real socialism” regime collapse, just did not have any models of transition from the centralized economy to the market²⁴, and thus even their planning and initiating by political elites and society (on the background of changes in other spheres of state life) was perceived as a colossal “shift” in the categories of social-economic perspectives and development. It was supplemented by the fact that planning and direct reforming of the social-economic sector of development in the Visegrad group countries took place step by step, in a determined manner by applying unpopular political and state-management decisions, which as it is traditionally

²¹ Ingkhardt R., Postmodern: menyayushchiesya tsennosti i izmenyayushchiesya obshchestva, „*Polis*” 1997, vol 4, s. 20.

²² Tomanevych L., Sotsioekonomichna modernizatsiia yak chynnyk staloho rozvytku ekonomiky Ukrainy, „*Naukovyi visnyk Lvivskoho natsionalnoho universytetu veterynarnoi medytsyny ta biotekhnolohii im. Gzhytskoho*” 2013, vol 15, nr. 2, s. 361–367.

²³ Offe C., Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe, “*Social Research*” 1991, vol 58, nr. 4, s. 865.; Latyhina N., Demokratsyatsiia v krainakh Tsentralnoi ta Skhidnoi Yevropy: riznomanimni pidkhody y universalni oznaky, „*Naukovi zapysky IPIEND im. I. F. Kamasa NAN Ukrainy*” 2008, vol 37, s. 234.; Roeder P., The Revolution of 1989: Postcommunism and the Social Science, “*Slavic Review*” 1999, vol 58, nr. 4, s. 743.; Weintraub J., *Democracy and the Market. A Marriage of Inconvenience*, [w:] Nugent M. (ed.), *From Leninism to Freedom. The Challenges of Democratization*, Wyd. Boulder 1992, s. 47.; Armijo L., Bierkster T., Lowenthal A., *The Problems of Simultaneous Transitions*, [w:] Diamond L., Plattner M. (eds.), *Economic Reform and Democracy*, Wyd. Johns Hopkins University Press 1995, s. 229.; Ekiert G., Kubik J., *Strategies of Collective Protest in Democratizing Societies: Hungary, Poland and Slovakia since 1989*, 10-th International Conference of Europeanists: Buklet, Chicago 1996, s. 181.; Elster J., *The Necessity and Impossibility of Simultaneous Political and Economic Reforms*, [w:] Ploszajski P. (ed.), *Philosophy of Social Choice*, Wyd. IFIS Publishers 1991, s. 309–316.

²⁴ Linz J., Transitions to Democracy, “*Washington Quarterly*” 1990, vol 13, nr. 3, s. 156.; Dutch R., Tolerating Economic Reform: Popular Support for Transition to a Free Market in the Former Soviet Union, “*American Political Science Review*” 1993, vol 87, nr. 3, s. 594.

believed, is characteristic of powerful authoritative/autocratic government²⁵. On the other hand, it was quite often paralyzed by the fact that implementation of social-economic changes was often in advance to democratization of political system (i.e. economic democracy was more reactive and responsive than political democracy). A single possible factor for such comparison of political and social-economic scenarios of development was the fact that population of the Visegrad group experienced and was experiencing that great extent of political democracy, since the end of the 80s – early 90s of the 20th century, when the regimes of the “real socialism” collapsed and it was far enough not to stop tough, though determined plans of social-economic modernization in the region²⁶, even despite the fact that a large part of political elites and society suffered social-economic losses²⁷ (the last to experience this was Slovakia).

But the way of planning and implementation of social-economic development in the Visegrad group countries itself was rather variable: there were some points in common as well as unique. It is notable that this was usually led to common results and attributes of actualization of social-economic development, in particular quite high level of social-economic development, absence of acute splits and divisions (social-economic, religious, ethnic, territorial etc.) in the society, determination and implementation (sometimes earlier, sometimes – later) of such models of social and economic development, which are not based on resource determination and high level of property and social inequality²⁸. A bit more differences there were in the course of social-economic modernization itself and reformation of the Visegrad group. First of all, it is traced in the time sample, as Poland and the Czech Republic modernized their social-economic sector much earlier than Hungary did, and far much than Slovakia²⁹. Secondly, paces of social-economic development correlated greatly depending on their remoteness from the acts of collapse of the “real socialism” regimes. In particular, and even despite the fact that immediately after the collapse of communism, i.e. in the late 80s – early 90s of the 20th century, general plans of developing social-economic sector were adopted and put into action, they modernized considerably and step by step intensified in the course of actualizing Euro-integration processes. To prove this we argue that social-economic reformers in the Visegrad group countries in the 80s – 90s of the 20th century adopted national plans and programs of market transformations, which determined all main directions, ways, methods and stages

²⁵ Ost D., *Labor, Class and Democracy: Shaping Political Antagonisms in Post-Communist Society*, [w:] Crawford B. (ed.), *Markets, States and Democracy: The Political Economy of Post-Communist Transformation*, Wyd. Westview Press 1995, s. 342.

²⁶ Åslund A., The Case for Radical Reform, *Journal of Democracy* 1994, vol 5, nr. 4, s. 29; Crawford B., Lijphart A., Explaining Political and Economic Change in Post-Communist Eastern Europe: Old Legacies, New Institutions, Hegemonic Norms and International Pressures, *Comparative Political Studies* 1995, vol 28, nr. 2, s. 189.

²⁷ Offé C., Das Dilemma der Gleichzeitigkeit. Demokratisierung und Marktwirtschaft in Osteuropa, „*Merkur*” 1991, vol 4, s. 279–292; Latyhina N., Demokratyzatsiia v kraïnah Tsentralnoi ta Skhidnoi Yevropy: riznomanitni pidkholody y universalni oznaky, „*Naukovi zapysky IPIEND im. I. F. Kurasa NAN Ukraïny*” 2008, vol 37, s. 240.

²⁸ Melvil A., Stukal Y., Usloviya demokratii i predely demokratizatsii. Faktory rezhimnykh izmeneniy v postkomunisticheskikh stranakh: opyt sravnitel'nogo i mnogomernogo statisticheskogo analiza, „*Politiya*” 2008, vol 3, s. 166–168; Leyn D., Elity, klasy i grazhdanskoye obshchestvo v period transformatsii gosudarstvennogo sotsializma, „*Sotsiologiya: teoriya, metody, marketing*” 2006, vol 3, s. 14–31.

²⁹ Zelenko H., *Politychna «matrytsia» hromadianskoho suspilstva: dosvid kraïni Vyshehradskoi hrupy ta Ukraïny*, Wyd. Znannia Ukraïny 2007, s. 128.; Krasnoporov V., Protses demokratyzatsii v kraïnah Vyshehradskoi hrupy na pochatku yevrointehratsii (1989–1998), „*Nauka. Relihiia. Suspilstvo*” 2011, vol 2, s. 65.

of transformations. For instance, we speak of “the Balcerowicz Plan” in Poland (1989), “the Klaus Plan” in Czechoslovakia (1990) and “the Kupa Plan” in Hungary (1990). However, after only a few years, in particular due to their development and reformation, it became clear that the plans of social-economic development of the region presupposed two separate models of theorization and actualization³⁰. On the one hand, it was the plan and model of the so-called “liberal or shock therapy”, implemented by L. Balcerowicz in Poland. On the other hand, it was the plan and model of the so-called “gradualist strategy” of economics reformation, which was successfully practically evaluated in Hungary. The third approach was a synthesized plan and variant of social-economic development, which was partially actualized in the Czech Republic and Slovakia. These plans and constructive models first of all differed in their phasing of implementing market and social-economic reforms and ensuring minimal social standards³¹.

Determination and implementation of these plans and strategies in practice led to a number of theoretical and practical results and conclusions. In particular, in the mid-90s of the 20th century some myths concerning social-economic character were destroyed. It revealed in the following points: 1) hopes for the reconstruction of economy by means of privatization appeared to be false, as privatization itself is a precondition for transformation but not the result; 2) small private business at the early stage of social-economic modernization became rather a “brake” than a driving force for changes; 3) for transitional societies in the countries of the region became inherent diffusion of assets, i.e. mutual penetration of state and private sectors; 4) hope for a leading role of foreign capital was exaggerated (on the one hand, it was rather clear that investments are the driving force of the growth; on the other hand – such foreign factor complicated the performance assessment of business entities’ activity, as they did not belong themselves; quite substantial were threats of an increase in sovereign debts on credits and foreign trade imbalance); 5) liberalization of foreign trade was ahead of time, as import, for example, from the EU, grew much faster, than export (it led to decrease in indices of manufacturing effectiveness, and labor effectiveness etc.); 6) quite underestimated was the problem of technological underdevelopment of the region, which at first could find its new place in the modern system of international labor division; 7) at the beginning of the reforms it appeared that a high level of openness to the world market must put an end to local monopolies, enhance competitiveness and contribute to set out balanced prices, but on the contrary traditional foreign markets were lost, difficulties started with raw material supply domestic demand has sharply fell (as a result, it is not surprising, that businesses were not able to react adequately to the changes in environment, and due to this foreign trade balance since the beginning of social-economic transformations was not for the benefit of the countries in the region); 8) import

³⁰ Mysliuk Y., Lodyn P., Modeli politychnoi modernizatsii krain Tsentralno-Skhidnoi Yevropy, *Visnyk Prykarpatskoho universytetu. Politolohiia* “2013, vol 6–7, s. 171.

³¹ Beliaiev O., *Natsionalni modeli ekonomichnykh system: nauch. posib.*, Wyd. KNU 2010, s. 182.

surpassed export almost two times (first of all, it referred to the west direction of trade, which was and still is of top-priority for political reasons.

In general it lets us argue that within the frames of early stages of planning social-economic development by the Visegrad group countries the initial stage of modernization was characterized by a set of common problems. The first was the lack of maximum original concept of social-economic reformation and development. The program of transition to the liberal market was elaborated by both national specialists and those from the International Monetary Fund and International Bank of Reconstruction and Development. As the practice showed they managed not only to overcome the crisis, but also did not create preconditions for its stabilization in the mid-90s of the 20th century (though in the course of time this problem was solved). Adoption of predominantly western program of transformation by first non-communist governments in the Visegrad group countries was rather obvious as the economic situation largely depended on the volume of foreign investment. Thus, there was an attempt to make a cautious switch to a classical monetary-financial policy. It corresponded with M. Fridmans' economic and monetary theory, according to which to the foreground come monetary factors, significance of money supply and money turnover within social-economic processes and who states that market economy due to its internal reasons strives for self-regulation, while appearance of disproportions is a result of external influence and mistakes in state regulation. It means that state intervention into economy must be restricted by tough monetary policy. However, this theory did not justify itself then and could do it in the early – mid-90s of the 20th century in the Visegrad group countries. Therefore, in the countries of the region the illusion of the “self-regulating” market was quickly “overpassed”, as backsliding on monetarism started in a year or two. It argued that in none country of the region none monetary principles in their “pure form” were actualized. And on the contrary, the countries where the state control over the economic sphere was the most consequent, achieved the biggest success in the process of social-economic transformation and modernization.

Another problem was connected with a common for all post-communist countries of the Visegrad group tendency towards the decrease in business activities. In particular, in the early 90s of the 20th century the fall of the gross national product was 10-30% (in Hungary and Czechoslovakia GNP decreased in 1/4th of the 80th of the 20th century, in Poland it decreased in 1/5th); the industrial output reduced in 10-20% and in Poland even up to 40%; the main type of business performance belonged to trading and intermediary activity; extremely sensible became energy, oil and raw problems, as in the old days the USSR provided the region with 70-80% of oil and 90-100% of gas at the prices which were much lower than market. However, these tendencies rather had situational, though prolonged character and were settled as a result of restarting of the sectors of national economy and technical modernization of social-economic segment.

All attempts to solve the above-mentioned problems were synthetically (in all countries of the region) felt in the mid-90s of the 20th century, when the plans of social-economic

development of the Visegrad group countries were renewed, supplemented and changed. During this period political elites and to a lesser extent society of the region understood that from 1989 to 1994/1995 they were passing only the first but the most difficult stage of social-economic reformation. It was determined by the fact that the initial and early social-economic reforms were aimed at abolishing the restrictions over private property and renewing the right to buy-and-sell land. Great attention was paid not only to privatization of land but to privatization in the sphere of trade and services. The turn of enterprises came later, when the model of privatization by means of auctions was elaborated to let workers of certain enterprises have the priority. Thus, the society if not in full but comprehend that social-economic transformation of the Visegrad group chose the route of both drawbacks and benefits. However, the sector of political elites and state management realized it rather well and quickly managed to succeed in correcting key social-economic mistakes, errors and faults. It especially concerned the pragmatic position of the state, which in fact did not fit in the frames of the post-communistic ideology, but could save national producers. As, for instance, it became clear rather quickly that participation of economic agents did not depend on internal, but on external factors (taxes, payment failure and partners' bankruptcy, competitiveness on the part of foreign companies, loss of trade markets etc.).

That is why in the mid-90s of the 20th century the systems of government in the Visegrad group countries considerably extended and reformed their plans of administrating social-economic modernization. It revealed in the fact that they started carrying out extraordinary financial measures like to: 1) control the division of foreign credits and international aid; 2) set flexible bank rates; 3) restrain growth of salaries to fight the inflation; 4) introduce currency limitations and only gradually regulate their abolishment; 5) regulate the rules which oblige business to sell to the state 100% of currency profit gained from export of good and services (and instead of this they got the equivalent in national currency); 6) regulate the restrictions over export of the capital: if it was allowed then profit was to be sent to the national commercial banks; 7) introduce rather harsh custom rules with high duty on import. On the one hand, it looked like a part of liberal social-economic policy and, on the other hand, as a part of protectionist liberal policy, which as the experience of the Visegrad group testified, revealed in elaboration of the whole system of licenses, quotas and restrictions of import-export and regulations concerning quality of imported goods. In the spirit of protectionism one can consider formation of culture of establishing state control over division of production, received from other countries. There is no need to overestimate the role of the country in introducing a new legislative base (a bit later, from the end of the 90s of the 20th century, it started in Slovakia), without which it was impossible to conduct successful transformation of economy and social sector, as well as carry out active social-economic policy, invest into education and so on. Therefore, state regulation was preserved but in contrary to the period of the "real socialism" regime, its methods have changed and it stopped being an overall measure. Though, on the other hand, it did not reject

the main threat of state protectionism in the social-economic reformation and development – direct dependence of social-economic development on the process of state reformation, i.e. on the peculiarities of political sphere development (which, as mentioned above, occurred simultaneously with social-economic modernization). The point is that if development of the state and its political sphere happens gradually and successfully, then social-economic reforms take place as well. But if there is a considerable regress in reforming the state, we may observe decline in social-economic development. However, during the abovementioned period from the mid-late 90s of the 20th century it was not characteristic of the Visegrad group countries, and thus the plans of their social-economic reformation and development let the post-communistic group in 3-5 years come over to the stage of their social-economic growth³².

Therefore, it was noticed that due to the consequences of reforms (in the early-mid-90s of the 20th century) as well as further (for almost next 20 years) experience in implementing systems of social-economic development in the Visegrad group countries appeared and was institutionalized (at the moment of joining the EU and after it) the model of social system and economy of the mixed type. The sense of such “mixed type” is in a new (it was not characteristic of the “real socialism” regimes and typically not inherent to classical liberal economies) correspondence of forms of property and engaging variable players into social-economic processes. Namely this model allowed the countries of the region rather effectively (on the background of “pure” models of social system and economy) to overcome the results of the financial-economic and migration crises, as well as a great outflow of population and inflow of refugees at the end of 2000th beginning of 2010th. However, the same as it was before, in the late 90s of the 20th century, the ways of planning social-economic development in the Visegrad group countries were undergoing further reformation and correction. In particular, at this period started global reevaluation of the results of liberal, but statist-controlled transformation of social-economic development in the Visegrad group countries. First of all, it was presupposed by considerable deterioration of people’s attitude towards the state of social equality and opportunities for self-realization, towards the level of legitimacy and social moral, at least in comparison with the period up to 1989³³. The most vividly it was represented in the fact that many people from the Visegrad group countries started rejecting individual and entrepreneurial strategies of achieving success in life. At the same time, the very economic-entrepreneurial activity was quite often associated by people with the necessity to break not only moral standards, but also norms of law³⁴.

Thus, more often on the agenda appeared the issues concerning the prospects of planning not only social-economic, but also social modernization and development. The latter is interpreted as an increase in effectiveness of labor and growth of economy at any cost and first of all,

³² Brusylowska O., *Postkomunistyczne transformacje krajów Środkowej Europy*, Wyd. Astropynt 2007, s. 169–175.

³³ Korovitsyna N., *Sravnitelnyy opyt obshchestvennykh preobrazovaniy v postsotsialisticheskikh stranakh*, „Sotsis” 2002, vol 5, s. 9–19.

³⁴ Korovitsyna N., *Cheshskaya sotsiologiya o realnom sostoyanii obshchestva i vnov o ego “chelovecheskom litse”*, „Sotsis” 2003, vol 5, s. 20–29.

with the aim to catch up with “the West” technologically and for the living standards³⁵. The reason for such lopsidedness was the fact that the system of values of each transitional society faces an inadequate social-economic system, which is functioning on the basis of market, and therefore badly stimulates rational economic activity of citizens. Besides, it must be mentioned that there is a controversial interconnection within the reformatory process at least between two sociocultural streams: on the one hand, it is mass utopic consciousness of individuals, who are still living by the idea of “one-size-fits-all policy”, and, on the other hand, by rationalistic ideas of reformers who stand for a more deepened transition to the market. All this leads to the fact that the struggle between egalitarian and market social-economic orientation in the mass consciousness is a precondition for splitting of the political consciousness, breakdown of former political ties and forms, multidirectionality of political forces, and thus synthesis of centrifugal and centripetal tendencies. In the most simple context it is revealed in the fact market is positioning as a mechanism of consent between different individuals (first of all, according the “buyer-seller” line) and as an instrument for balancing interests and integrity of society while preserving social-economic and property differences, the transition to the market economy itself, which happened in the Visegrad group countries earlier implied and is still implying reconstruction of social layering.

All this let us state that despite those colossal successes of social–economic modernization in the Visegrad group countries, especially over the end 20th – beginning of the 21st century, nowadays actualization of neoliberal and at the same time statist-controlled social-economic policy led to a great decrease in production, loss of the previously achieved positions. It refers to some sectors of industry, agriculture, science, and healthcare system and is revealed in the fact that a lot of industrial and scientific groups dissociated or minimized their activity, while their staff members, found no application for their skills lost qualification or moved abroad. And only nowadays it becomes rather sensitive that in the countries of the region there is no full renewal of scientific and engineering staff. And finally it means that in some spheres of economy extensive factors, due to which there has been economic growth over the last decades, have almost exhausted themselves. To make their economy increase to the higher and qualitatively new and innovative level of development, it is necessary to reconsider policy in the sphere of national income division, directing it towards a growth of industrial accumulation and creating preconditions for production growth³⁶.

In general, concluding the peculiarities of planning and reforming social-economic development in the Visegrad group countries it should be mentioned that the changes of social-economic conditions in the countries of the former “socialist camp” caused the need to introduce new types of economic growth and social protection, as well as wide development of legal

³⁵ Korovitsyna N., Cheshskaya sotsiologiya o realnom sostoyanii obshchestva i vnov' o ego “chelovecheskom litse”, „*Sotuz*” 2003, vol 5, s. 20–29.

³⁶ Bulvinskyi A., *Osoblyvosti suspilno-politychnoi modernizatsii krain postradianskoho prostoru: monografija*, Wycl. DU “Instytut vsesvitnoi istorii NAN Ukrainy” 2017.

regulation of social and economic systems. Nevertheless, quite many basis of social-economic policy, which was implemented during the reign of socialist economy, have been preserved and this guarantees gradual nature and reasonableness in the process of reforming social-economic systems and their approaching the European norms and standards.

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Functional Domains of the Spread of English in Ukrainian linguistic environment

The reasons for the transformation of English into a linguistic means of international communication in the era of globalization are revealed. The pattern of its spread in the information and linguistic –political space of Ukraine is explained. Ukraine's joining global English speaking environment is supposed to facilitate the fulfillment of its strategic foreign policy task-integration into the European Union and NATO. The main functional areas of the spread of English in the life of Ukrainian society: geopolitical, economic, humanitarian are defined. The importance of improving the English speaking competence of Ukrainians for the country's further integration into global information space is highlighted.

Key words: spread of English, transnational communication, Ukraine's integration, linguistic-political space

ФУНКЦІОНАЛЬНІ СФЕРИ ПОШИРЕННЯ АНГЛІЙСЬКОЇ МОВИ В УКРАЇНСЬКОМУ ЛІНГВОПОЛІТИЧНОМУ ПРОСТОРІ

Розкриваються причини перетворення англійської мови у лінгвістичний засіб міжнародного спілкування у добу світової глобалізації; зазначено об'єктивну закономірність її поширення у інформаційному та лінгвополітичному просторі Української держави. Залучення України до світового англомовного середовища повинно сприяти вирішенню її стратегічного зовнішньополітичного завдання - інтеграції у Європейський Союз та НАТО. Визначено основні функціональні сфери поширення англійської мови у житті українського суспільства – зовнішньополітичну, економічну, гуманітарну. Підкреслено важливість підвищення англомовної компетентності громадян України для її успішного входження у світовий інформаційний простір.

Ключові слова: поширення англійської мови, транснаціональне спілкування, інтеграція України, лінгвополітичний простір, мовна політика.

In recent decades, globalization of international relations objectively leads to the fusion and interweaving of national areas into a unified global civilizational system, making further prospects of unique political, social-economic and cultural development of nation states and peoples impossible. This is the reason why the development and improvement of Ukrainian statehood

is going hand in hand with Ukraine's integration into the global system of transnational relations. The integration of formerly autonomous national state entities into global cooperation networks requires that they recognize and adhere to certain unified standards, universal moral law and principles of conduct in global political environment as well as *global* business.

The formation of such universal binding rules, for conducting foreign and domestic policy is a logical consequence of globalization. The global political and economic system is functioning in such a way that, according to S.Huntington, «the *peoples* and *governments* of non-Western civilizations must share the Western *values* of *democracy*, *free markets*, *limited government*, human rights, individualism, the rule of law for implementing these values in their institutions»¹. Moreover, the extent of adherence of the nations and peoples to modern civilizational values, their willingness to follow democratic principles is considered as a kind of assessment measure of the aptitude of their development strategy for globalization requirements, the latter being associated with modern interpretation of civilization process.

Globalization of international relations foresees and requires a new level of cooperation between states and peoples of the world.

An integral part of sustainable development of global society is a constant exchange of information between its members, their increasing communication, which explains the functioning of modern communication. That is why, in the era of globalization it is particularly important to form and implement global means of communication, in particular, their linguistic forms.

The development of human civilization at its present stage determined the rise of a global lingua franca. Due to a lot of objective reasons English has all grounds to acquire a global status, in fact it has already become a global matter. As D.Crystal writes in this respect “the spread of English as a global language (which is recognized by practically all countries) has led to its unprecedented position in the world...*World English exists as a political and cultural reality.*”²

English holds powerful positions within all spheres of international cooperation: political, economic, cultural-humanitarian, informational environment of the globalized world. The fact that English is the most *widely spoken language worldwide*, with 1.8 billion speakers in 2000, serves as proof of the increased public recognition of the *global position of English*.³ [2, 113]. English is the official or working language in the activity of many international organisations. According to the estimates provided by the Union of International Associations, in 1995-1996, 85% of international organizations use English as an official language.⁴ Thus, every country which intends to take an active part in the work of international organizations must take into account the language as a decisive factor of their activity. According to a Polish researcher

¹ Huntington S.P. *The Clash of Civilization and the Remaking of the World Order*. - New York: Simon & Schuster, 1996, p. 29

² David Cristal. *English as a Global Language*. – Cambridge University Press, 1997, p. 5, 10

³ David Cristal. *English as a Global Language*. – Cambridge University Press, 1997, p. 113

⁴ David Cristal. *English as a Global Language*. – Cambridge University Press, 1997, p. 119

D.Mychalyk, the level of influence and authority of any state depends on its participation in such organizations as ASEAN, NATO, EU, OPEC, etc.⁵ Such participation is particularly important for the newly formed states, which, in historical terms have recently acquired state independence and have not integrated in *the fixed global system* of international relations.

Hence, the strategic task of the states which gained independence at the end of 1980ies, beginning of 1990ies, (Ukraine, in particular) is to find a dignified place within the international community, to establish a *foothold* in certain sectors of , global trade *market*, to promote the values of its own cultural identification in global humanitarian space.

The results of the activity, aimed at achieving such goals largely depend on the degree of the country's integration into global information space, where English makes up by far the larger share of the content. That is why the spread of English in the linguistic fabric of Ukraine is growing in importance considering the fact that Ukraine is currently shaping the principles of its language policy.

Ukraine's adjustment to English linguistic environment is supposed to facilitate the efficiency of its integration into global civilizational space. The main strategic task of Ukraine in the domain of foreign policy is *to gain* «*full membership*» of the *EU and NATO*. That is joining the Euro-Atlantic system.

However, until 1991 Ukraine was in the sphere of political influence and geopolitical gravitation, whose actors positioned themselves as the opponents of the West. That is why it may take a long time, psychological and organizational efforts to carry out radical reorganization of Ukraine's foreign policy.

One of the most important components of the process of changing foreign policy course is *integration* of *Ukraine* into the *political-linguistic* political environment dominated by the English language. This task is particularly important considering Ukraine's prospect of membership in the European Union.

The linguistic policy of the EU is based on the *formal equality* among the official *languages* of the Member States. The EU parliament *proclaims* and practices full multilingualism, emphasizing that *all the European languages*, in their spoken and written forms, are equal in value, yet, inside the European Union the use of different languages is one of the obstacles to the integration process. Hence, the integration processes require the introduction of a common language within the EU. A single language is supposed to strengthen European identity across the EU and enable all Europeans to participate in EU-wide political debates with their leaders, connect people and strengthen the sense of belonging together, make political discourse more natural and smooth. *Philippe Van Parijs*, a Belgian political philosopher emphasizes: «It is important that the EU should introduce English as the official "common language of Europe", the language of mutual understanding ...There is a convergence that is already going on and must be accelerated towards English as a lingua franca in which all Europeans should be able

⁵ Dariusz Michalik. Modelowanie i symulacja międzynarodowego układu sil. – Torun: DUET, 2012, s. 118

to communicate.»⁶ Since deepening of integration within the EU institutions requires standardization and unification of the parameters and principles of the development of all spheres of the EU countries together with its linguistic environment.

It should be mentioned that language policy of the Ukrainian government reveals contradictory and at times paradoxical trends, which are hardly coherent with the EU priorities in the sphere of its *language* policy and *planning*. On the one hand it is necessary and historically justified to give Ukrainian the status of a state language at the legislative level, i.e. the only *legitimate language* in practically all spheres of life. A privileged position of the Ukrainian language will enhance its development and qualitative improvement, necessary for consolidating its position in the world linguistic community.

A cardinal change of geopolitical orientation of the country requires a fundamental world-view transformation of spiritual and mental spheres of society. In particular, it can be achieved by means of elimination of old stereotypes, images, priorities, which used to be implanted by ideological tools of influence in the Russian language. Therefore, during the period of formation of modern Ukrainian *statehood* unilingualism as an instrument of linguistic policy of the state must objectively serve the goal of uniting people and enhancing *the national identity* of the population, embracing General European socio-political, spiritual and mental values.

On the other hand, the monopoly of the Ukrainian language in the linguistic environment of the country would limit the right of national minorities to freely use their own languages, which contradicts the European principles of multi-lingualism. Because «linguistic diversity is a key feature of the European identity. The EU institutions ... and the Council of Europe ... are actively engaged in promoting multilingualism»⁷. Thus, the linguistic policy, based on the officially proclaimed monolingualism, hinders the development and support of other languages, because it precludes the use of ethnic minorities languages in virtually all spheres of social communication. It is quite obvious that the strengthening of the policy of monolingualism in Ukraine will not gain understanding and will even encounter objections from its state neighbors: not only in Russia, but also in Poland, Romania, and Hungary. There is no doubt that aggravation of relations with these EU member states can not contribute to the *realization* of the European integration *aspirations* of *Ukraine*. Since human rights priorities, which proclaim, among others, the right of people to freely use their native language is one of the *European Union's fundamental values*.

From a formal point of view the policy of monolingualism, enforcing a national language over others, may become an obstacle on the way to spreading English as a means of transnational communication. Though radicalism of the opponents of bilingualism is mostly

⁶ Philippe Van Parijs. *Linguistic Justice for Europe and the World*. – Oxford: Oxford Univ. Press, 2011, p. 4

⁷ Гуус Екстра та Куталай Йагмур. Європейські інституції, що сприяють ро-звитку мульталінгвізму та плюралінгвізму / В кн.: Європейський мульт-тлінгвізм та англійська мова : хрестоматія / ред.. кол.: Ф.І.Анісімова, І.С.Попова. – Д.: ЛПА, 2016, с. 5

directed against the Russian language in Ukrainian linguistic space, at socio-psychological level it can generate oppositional sentiments in the society in relation to English too.

Ukrainian national patriotism interprets bilingualism as a conflict and even confrontation between two national languages. That is why the formation in the mass consciousness of Ukrainian society the attitude towards English as a means of international communication, the main tool of globalization, which is *devoid of any specific cultural* features or national identity (i.e. devoid of specific national identity) is of such importance.

In recent years, the conceptual views expressed by the ELF researchers (abbreviation for English as a Lingua Franca, the language of transnational communication) have gained widespread popularity with the global community of linguists. A. Firth, who became one of the first linguists to use the concept of ELF, defines it as a «contact» language for people who do not have a common language or a common culture and for whom English is a foreign language chosen for communication⁸.

It is noteworthy that in the EFL version English is most appropriate for its unhampered spread in the linguistic environment of Ukraine. In recent decades the amount of communication between Ukrainians and the citizens of other countries has been constantly increasing (primarily with the EU member states) not only on the state level but also in the sphere of interpersonal communication. The introduction of a visa free regime was the factor that contributed to this phenomenon.

At the same time the *labor migration processes from Ukraine to the EU* got intensified (mostly to Italy, Poland, the Czech Republic).

Since in the era of globalization and, in particular, European integration the labour market extends far beyond traditional boundaries of the *state and is becoming international in scope*. According to the official estimates, in 2014 more than 602, 5 thousand Ukrainian citizens received *work* permits, permanent residents permits and worked in the EU countries on a permanent basis. The figure made up 51% of all labour migrants from Ukraine⁹. It is easy to assume that the number of illegal, seasonal and temporary employers from Ukraine is much higher than that of legal migrant workers.

The search of work and prospects of moving *abroad* to find a job or widen career *prospects*, motivate the citizens of Ukraine to learn foreign languages (starting with English, mostly as a means of transnational communication), since the knowledge of languages gives individuals a competitive advantage in European labor markets.

It should be noted that the motives for studying English have purely economic grounds not only among Ukrainian citizens, but also all over the world. For example, Anne Johnson, who explores the historical background and current situation with the spread of English in the EU

⁸ Firth A. The discursive accomplishment of normality / On "lingua franca" English and conversation analysis. - Journal of Pragmatics, 26, 1996, p. 240

⁹ Безрукова Н.В., Січкач В.А. Міграція робочої сили з України до ЄС: аналіз особливостей та наслідків / 9/xmlui/bitstream/handel/PolNT0...pdf

and China, states: «in order to have a competitive advantage in global market one should have a good knowledge of English. The respondents to the survey answered that they were learning English primarily for economic reasons»; according to A. Johnson, the knowledge of English is «a form of cultural capital, ... one of the most essential life skills to thrive in the modern world, which can be compared with the ability to drive a car or use a personal computer», also «English ... is becoming more and more necessary in order to attain job success, and this language leaves behind those who do not have a good command of it. <¹⁰.

For Ukraine to enhance the *knowledge* and *skills* of English is particularly important for economic reasons. The integration of Ukrainian society into the English-speaking civilizational environment can *help Ukraine* in its efforts to join the group of most *prosperous and advanced countries* and accelerate its socio-economic development. The spread of English in Ukraine, an *increase in* the numbers of users of the language may act as a powerful tool, necessary for finding effective solutions capable of making strategic tasks of the national economy attainable. For the government, and for the business sector as well, English proficiency is clearly seen as a key for national growth, and a skill needed for the country to engage with the globalised economy and to allow the international community to invest in Ukraine.

The knowledge of English will increase the efficiency and effectiveness of government and public organizations of Ukraine, its national producers and entrepreneurs, the activity aimed at achieving the following economic goals:

- integration into a single *global* economic space and a multinational business *environment*, closer cooperation with *International Organizations* and higher level of *professionalism* of Ukrainian representatives in international organizations, whose decisions establish and regulate trade and economic relations between national economies;
- assertion of national economic interests of Ukraine in certain sectors of international economic relations (“common markets demand a common language”);¹¹
- building relationships and partnerships with foreign corporations, attracting investments, using advanced experience in organization and management of economic activity, establishing joint ventures (in D.Graddol’s words “joint ventures use English as ...functional language”)¹²;
- loaning and applying advanced technologies (manuals, technical documentation, agreements, contracts are mostly written in *English*);
- using world information resources, with mostly English content. The advertising of Ukrainian made products also needs to be translated into English;

¹⁰ Jonson Anne. The Rise of English: The Language of Globalization in China and the European Union / Macalister International. Vol.22. Article 12, winter 2009, p. 147, 149

¹¹ Barber B. Jihad vs McWorld. – New York: 2001, p. 51

¹² Graddol David. The Future of English? – London: The British Council, 1997, p. 29

- training and retraining programmes for employed *workers* in the economic sector in accordance with modern requirements;
- a considerable expansion of tourism contacts of Ukraine with foreign countries (improving tourism service quality in Ukrainian service institutions requires the knowledge of English too).

Therefore, the government policies of many countries of the world demonstrate that their governments realize the importance of integration into English speaking *environments worldwide*. Moreover, this understanding is based mostly on economic considerations, which induce the governmental institutions of many countries to encourage the citizens to learn foreign languages, (primarily English). According to A. Johnson, first and foremost “the newly formed states realize that English speaking labour force can help their economies to integrate into and become more competitive in the global market; more and more financial resources are allocated by governments to the language teaching programmes”.

The current period is marked by the significant spread of English in Ukrainian humanitarian society. *English language learning* market in the *country* is growing. *The population of English learners has expanded over the past decade due in part to national programmes aimed at boosting English proficiency*. It primarily concerns such spheres of social life as culture, education, science, but the sphere of leisure and entertainment as well. English is acquiring particular importance in the cultural *sphere of higher* education. As confirmed by the account of Organization of economic cooperation and development (OECD) “Higher education to 2030, volume 2, Globalization”(2009) “English is the dominant language in business sphere as well as the sphere of professional development. It is also used almost exclusively as the *language of science, research, academic literature*.¹³ The language is *integrated into* the broad *curriculum*. *English is becoming a medium of teaching other subjects in universities all over the world, thus helping them to integrate into* the international *academic* community. It has gained particular importance in the EU countries. Since European universities enroll students from all the European countries, *introducing English-taught* programs is aimed at removing *language* barriers and improving the international competences of domestic students. Germany tops of the list, and is followed by Great Britain and France, offering almost *all courses* in English. Moreover, “the statistics of World Bank shows a significant advantage of English speaking countries in teaching students according to individual academic mobility program...More than 50% of foreign students from all over the world are recruited to Universities.”¹⁴ In recent decades studying in English speaking countries is gaining popularity among Ukrainian young people. The demand for studying abroad is being driven both by concerns about the quality of education at home,

¹³ OECD. Higher education to 2030: Globalization. – Paris: OECD, 2009, p. 32

¹⁴ Авшеник Н. Виклики домінування англійської мови в транснаціональному освітньо-науковому просторі / Інформаційно-комунікаційні технології в сучасній освіті: досвід проблеми, перспективи. Збірник матеріалів III Міжнародної науково-практичної конференції. Вип.3, Частина 2. – Київ-Львів, 2012, с. 227

and a strong interest in learning English and in exploring work opportunities abroad. Ukrainian students find the US, UK, Poland, Germany, Canada, Spain to be the most attractive study destinations. According to ICEF monitor more than 1,200 young Ukrainians find a high degree of optimism for the country's future as well as a strong international outlook, which makes the question of language proficiency more relevant. The information field is closely connected with the education sphere. Of special significance is the ability of Ukrainian citizens to use *Information and communication technology innovations*, which, in turn, is impossible without a good knowledge of English. D. Crystal quotes Michael Specter's article headed 'World, Wide, Web: 3 English Words': "if you want to take full advantage of the Internet there is only one way to do it: learn English"¹⁵. So the creation of optimal conditions for a wider involvement of Ukrainian users into world information-communication order requires massive organizational measures, aimed at *promoting* the *study* of English knowledge among the Ukrainians.

In the first turn it concerns the legal justification of the principles of implementing English into the *teaching process* in educational institutions, improving the level of English teachers' and linguists' level preparation, introducing innovative methods of teaching school and university students.

Thus, the objective processes of globalization and European integration determine the *presence* of English speaking factor in *all spheres of life* of the *Ukrainian society*. The need for all round social-political and economic development of Ukraine, the need for expansion of international cooperation logically require further integration of Ukrainian society into global English speaking space. Therefore the increase of English speaking competence of the citizens of Ukraine is acquiring the national importance and must be in the center of attention of the *Ukrainian government* language policy.

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¹⁵ Авшєнюк Н. Виклики домінування англійської мови в транснаціональному освітньо-науковому просторі / Інформаційно-комунікаційні технології в сучасній освіті: досвід проблеми, перспективи. Збірник матеріалів III Міжнародної науково-практичної конференції. Вип.3. Частина 2. – Київ-Львів, 2012, с. 143

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THE EVOLUTION OF POLITICAL AND LEGAL STATUS OF THE RUSSIAN MINORITY IN THE ETHNONATIONAL LEGISLATION OF STATE ENTITIES ON THE HISTORICAL TERRITORY OF UKRAINE (1917–1990)

The article is devoted to analyzing the evolution of political and legal status of the Russian minority in the ethnonational legislation of state entities on the historical territory of Ukraine (1917–1990). The author found that the current (since 1991) peculiarities of the politicization of the Russian minority in Ukraine cannot be finalized without the knowledge of the parameters of its outlining in the evolutionary (before 1990) cut, in particular through the prism of awareness of the dynamics of changing of its political and legal status in the ethnonational legislation of state formations on the historical territory of Ukraine. It was established that the formation of the ethnopolitical legislation and the evolution of political and legal status of the Russian minority in the ethnonational legislation of state entities on the historical territory of Ukraine in 1917–1990 were step by step. They were initiated, then modified and even annulled by the fact of the formation and development of the constitutional and legal status of national minorities during the period of the Ukrainian People's Republic, Hetmanate of Pavlo Skoropadsky, the Directory of the Ukrainian People's Republic, the Western Ukrainian People's Republic, the Ukrainian Soviet Socialist Republic, and only thereafter of the independent Ukraine. These milestones are the stages of the formation of political and legal status of the Russian minority in the context of the current ethnopolitical legislation of Ukraine.

Keywords: Russian minority, Ukraine, political and legal status, ethnonational legislation.

ЕВОЛЮЦІЯ ПОЛІТИКО-ПРАВОВОГО СТАТУСУ РОСІЙСЬКОЇ МЕНШИНИ В ЕТНОНАЦІОНАЛЬНОМУ ЗАКОНОДАВСТВІ ДЕРЖАВНИХ УТВОРЕНЬ НА ІСТОРИЧНІЙ ТЕРИТОРІЇ УКРАЇНИ (1917–1990)

У статті проаналізовано еволюцію політико-правового статусу російської меншини в етнонаціональному законодавстві державних утворень на історичній території України (1917–1990). Виявлено, що поточні (з 1991 р.) особливості політизації російської меншини в Україні не можуть бути фіналізовані без знання параметрів її окреслення в еволюційному (до 1990 р.) розрізі, зокрема крізь призму усвідомлення динаміки зміни її політико-правового статусу в етнонаціональному законодавстві державних утворень на історичній

території України. Встановлено, що формування етнополітичного законодавства та еволюція політико-правового статусу російської меншини в етнонаціональному законодавстві державних утворень на історичній території України впродовж 1917–1990 рр. були етапними. Вони були започатковані, а потім модифіковані і навіть анульовані фактом становлення і розвитку конституційно-правового статусу національних меншин у період Української Народної Республіки, Гетьманату Павла Скоропадського, Директорії Української Народної Республіки, Західноукраїнської Народної Республіки, Української Радянської Соціалістичної Республіки, а лише після цього – незалежної України. Ці віхи є етапами становлення політико-правового статусу російської меншини в контексті чинного етнополітичного законодавства України.

Ключові слова: російська меншина, Україна, політико-правовий статус, етнонаціональне законодавство.

Institutionalization and politicization of ethnicity is one of the modern world phenomenon, as at the turn of the century along with globalization of world political and economic processes the more powerful become forces which stand for preservation of values, inherent to the ethnos in the sphere of culture or religion, social or political organization and so on. Russian minority in Ukraine is not an exception, being the biggest on the ethno-political map of the country and being the one, whose range of problems, since 1991, has been built over a range of political processes and international relations (first of all between Russia and Ukraine) in the post-Soviet space. At the same time, politicization and institutionalization of the Russian minority in Ukraine are not a clearly investigated pattern from the perspective of ethno-political forces in the post-Soviet space. On the one hand, it is rather investigated on the background of the processes taking place in independent Ukraine (since 1991), including the context of the evolution of political and legal status of the Russian minority in the ethnonational legislation. However, on the other hand, it is almost unstudied in the context of the evolution of political and legal status of the Russian minority in the ethnonational legislation of state entities on the historical (up to 1990) territory of Ukraine. Therefore, the aim of the current research is to fill up this gap in the context of comprehending reasons and peculiarities of the Russian minority in Ukraine, in particular from the perspective of determination its political-legal status in the historical retrospective. As current (after 1991) peculiarities of the Russian minority politicization in Ukraine cannot be finalized without reference to the parameters of its determination from the evolutionary perspective (up to 1990), in particular by comprehending dynamics of changes of its political-legal status on the historical territory of Ukraine.

Current range of problems has been predominantly described by the representatives of historical science, but it has been rather rarely analyzed from the point of view of political science and legal analyses. Among the most outstanding scientists who studied the evolution of political-legal status of the Russian

minority in the ethnonational legislation of the state entities on the historical territory of Ukraine (in particular over 1917-1990) are D. Doroshenko¹, M. Hrushevskyi², O. Kartunov and P. Mutskyi³, P. Khrystiuk⁴, O. Reent and B. Andrusyshyn⁵, Y. Rymarenko, I. Kuras and Y. Shemshuchenko⁶, L. Riaboshapko⁷, I. Varzar⁸, V. Vynnychenko⁹, V. Yevtukh¹⁰ and many other. However, on the grounds of their scientific works there has not been created a synthetic and gradual understanding of the influence of evolution on political-legal status of the Russian minority on the historical territory of Ukraine till 1990 and on peculiarities of changes its status characteristics and politicization of the Russian minority since 1991.

In fact this is the subject of the research in the present paper. It is actualized due to the fact that on the territory of modern Ukraine historically coexisted representatives of various ethnical and national minorities, first of all Russians, and representatives of the titular nation-ethnos (who in accordance with quantitative characteristics occupies dominant position) – Ukrainians – and it always required from the state creation of historically corresponding conditions for providing their survivability. This, in its turn, presupposes and historically presupposed satisfaction of basic requirements of minorities by means of providing them with social welfare and resources in political, social economic and cultural spheres. As a result of the abovementioned circumstances in ethnopolitical sphere of Ukraine (both earlier and currently) the legislation is due to support international harmony and stability. It revealed in a bulk of national and international legal acts, which started regulating ethnopolitical sphere of human being, determining their status, ethnopolitical rights and liabilities of people and ethnonational communities, conditions of their development, self-actualization and their direct or indirect relations with the state¹¹. In particular it was done to provide the minorities with legal means of maximum actualization, protection of rights and freedoms.

However, for historical reasons formation of the notion “Russian minority in Ukraine” was originated not only by direct peculiarities of ethnopolitical legislation in the country since 1991, but also by the fact of establishing and development of constitutional-legal status of national minorities, including the Russian one, over the period of the Ukrainian People’s Republic, Hetmanate of Pavlo Skoropadsky, the Directory of the Ukrainian People’s Republic, the Western Ukrainian People’s Republic, the Ukrainian Soviet Socialist Republic. They had a great impact on positioning the

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² Hrushevskyi M., *Khto taki ukrainsi i choho vony khochut*, Wyd. T-vo „Znannia Ukrainy“ 1991.

³ Kartunov O., Mutskyi P., Osnovni teorii ta paradyhmy etnopolitychnykh prav, „*Naukovi zapysky IPIEND*“ 2001, vol 15.

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⁵ Reent O., Andrusyshyn B., *Ziedpovolenykh narodiv (8–15 veresnia 1917 r. abo 21–28 veresnia za n.st.)*, Kyiv 1994.

⁶ Rymarenko Y., Kuras I., Shemshuchenko Y., *Natsionalno-derzhavne budivnytstvo: Kontseptualni pidkhody, suchasna naukova literatura*, Wyd. Dovira 1999.; Kuras I., *Etnopolityka: istoriia i suchasnist. Statti, vystupy, intervju 90–kh roktiv*, Wyd. In-t polit. i etnonats. doslidzh. NAN Ukrainy 1999.; Rymarenko Y., *Natsionalnyi rozvii Ukrainy: problemy i perspektyvy*, Wyd. Feniks 1995.

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¹⁰ Yevtukh V., *Etnopolityka v Ukraini: pravnychni ta kulturnolohichni aspekty*, Wyd. Feniks, 1997.

¹¹ Kartunov O., Mutskyi P., Osnovni teorii ta paradyhmy etnopolitychnykh prav, „*Naukovi zapysky IPIEND*“ 2001, vol 15, s. 158.

Russian and other minorities in the independent Ukraine (since 1991) and thus played an important role in the process of their institutionalization and politicization.

It was the period of the Ukrainian People's Republic (the UPR) when first in Ukraine the work concerning the creation of national-individual autonomy for the Russian people started. The Russian minority obtained the constitutional-legal status of an actor in politics. When in 1917 the Central Council of Ukraine was created 25% of seats in it were given to the representatives of national minorities (Russians, Jews and Poles). They were also represented in the General Secretariat of the Central Council of Ukraine. It corresponded with those statistical data, according to which every fourth citizen of the UPR was not an ethnical Ukrainian. Then ministries of the abovementioned national minorities were established. At the beginning of the Central Council of Ukraine M. Hrushevskiy stated the defenders of Ukrainian nationality would not be nationalists. In the brochure "Vilna Ukraina" he offered to consider any demonstration of Ukrainian chauvinism, exceptionalism, zero tolerance towards other nationalities as a national crime. He criticized national intolerance and extremism, did everything possible to normalize interethnic relations in Ukraine.

All laws were published not only in Ukrainian but also in the languages of the mentioned minorities¹². One of them was Universal I which stated that in towns and places where the Ukrainian people live together with other nationalities, citizens must come to understanding with "democracy of these nationalities" and along with that started to build "new and proper life." In its turn the 3rd Universal of the Central Council of Ukraine granted the Russian, Jewish, Polish and other nationalities, which inhabited Ukraine, national-individual autonomy to provide people with rights and freedoms of self-governing in their national life. The 4th Universal declared independence and sovereignty of Ukraine and emphasized that in the independent republic nations get the right of national-personal autonomy.

The leaders of the Central Council of Ukraine realized that in the multiethnic Ukraine it is possible to engage representatives of other nationalities, except the Ukrainians (titular nation) to the state forming processes by means of appropriate democratic ethnonational policy, in the basis of which is a corresponding legal base. It shows the intentions of the Central Council of Ukraine to solve the problem of alien population in Ukraine. That is why, the Ukrainian People's Republic adopted the Law "On national-individual autonomy" (d.d. 22.01.1918), which became a separate paragraph in the Constitution of the UPR (d.d. 28.04.1918). Consequently, it is quite obvious that politicians and activists of the UPR conducted liberal policy concerning other national minorities.

It is notable that the Central Council of Ukraine while elaborating this act used the idea of national-individual autonomy, proposed by social democrats from Austria, one of the most multinational countries of that time in the world. The scheme of national-individual autonomy provided an opportunity to satisfy the interests of personality, nation and country simultaneously, without violating the territorial integrity of the country or without disturbing progressive integration processes. This type of autonomy had several names. First of all, it was called

¹² Riaboshapko L., *Pravove stanovyshe natsionalnykh menshyn v Ukraini (1917–2000 rr.): Monohrafiia*, Wyd. Wydawniczyi tsentr LNU im. I. Franka 2001, s. 40.

national-individual (it presupposed inclusion of an individual into a certain national community on a voluntary personal basis). Secondly, it was called exterritorial, as it was not toughly connected with the territory. Thirdly, the autonomy was referred to as cultural, because its competence was usually restricted by the sphere of culture. The authors of the Austrian-Marxist concept were K. Renner and O. Bauer. The point of it was that the source and exponent of national rights had to be not territories but nations. If to be more precise – national unions, created on the basis of voluntary personal application of a citizen. Despite the quantity of the nation or population, territory of their inhabitation, real protection of national rights must be ensured only in case when a nation becomes an actor, but not an object of justice, and the state must represent and protect national-cultural, language and religious interests. On the basis of applications submitted by national adults there should be created a national inventory, which would register affiliation of people with some national groups and national minorities were interpreted as collective actors in politics.

Policy of protection of national minorities in the UPR was predetermined by the resolution of people's conference (September 1917) as follows: «a) complete territorial delimitation of peoples inhabiting Russia is not possible; b) among them there are nations which do not make the majority in any of the regions; c) national-territorial autonomy does not finally solve the issue of national minorities and small nations»¹³. The Law on national-individual autonomy composed of 10 articles, which made a separate paragraph "National Unions" in the Constitution of the UPR. The Law was prepared for the General Secretariat of National Affairs. It included certain mechanism and three variants how national minorities could obtain autonomy.

In Article 1 it was stated that each nation which inhabited Ukraine, had the right in the frames of the Ukrainian People's Republic for national-individual autonomy and the right for individual organization of their national life. It had to be executed by the bodies of the National Union, whose authority spread over all its members despite the place of their inhabitation within the boundaries of the Ukrainian People's Republic. It was an inseparable right of a nation, and none of the nations could be deprived of this right or restricted in it. Article 2 mentioned that national-individual autonomy mentioned by the law was granted to the Russian, Jewish and Polish nations. Belarusian, Czech, Moldavian, Tatarian, Greek and Bulgarian nations could also apply for gaining national-individual autonomy in case if they submit to the General court an application, signed by at least 10 000 people of the UPR despite their sex, religion, and being not restricted by the court in their rights. Other nations had to submit applications to the parliament. The General court had to consider an application at the public meeting not later than 6 months of the day of submission, and inform their decision to the Council of People's Ministers and publicly declare it (their decision).

According to Article 4 the National Union had a right of legislation and governing within the competence, established in accordance with the procedure, defined by Article 7 of the law. It involves: the scope of cases, which are in competence of the national union and its separate bodies, how the structure of institutions were defined by provisions of the constituent assembly of a certain nation, which also defined the order of strengthening

¹³ Reent O., Andrusyshyn B., *Zizd ponevolennykh narodiv (8–15 veresnia 1917 r. abo 21–28 veresnia za n.st.)*, Kyiv 1994, s. 51.

its provisions. Adopted provisions, which concerned the scope of competence of the National union, were to be reviewed and adopted by the constituent assembly of the UPR or its parliament. Arguments, which could arise on this ground between the national constituent assembly and the Constituent assembly of the UPR or parliament, had to be solved by the Conciliation committee, which consisted of an equal number of the representatives of these bodies. The provisions of the constituent assemblies were finally adopted by the Constituent assembly of the UPR or its parliament the National union had the right of representativeness of a certain nation, which lived on the territory of the UPR, before various state and civil organizations.

In the world practice it was one of the first laws concerning national-individual autonomy, which covered it by general constitutional regulations. Thus, the Central Council of Ukraine achieved unquestionable results while actualizing the rights of national minorities. First of all, it was activity conducted by the leaders of the Central Council of Ukraine as to including representatives of national minorities into its composition. At the early stage such representativeness was introduced under the territorial (county, Ukrainian colonies in Russia, cities Odesa, Katerynoslav, Kharkiv), professional and party principles. However, starting with the mid-summer in 1917 the latter were supplemented by the national principle¹⁴. Another significant direction of the Central Council of Ukraine's activity in the sphere of satisfying the rights of national minorities was creation in the structure of executive bodies the following authorities: firstly as a part of the General Secretariat and later in the Council of national ministers – General secretaryship (ministry) of international affairs and three ministerial positions (ministers) (of Russian, Jewish and Polish affairs). All of them had the powers of the government members.

Nevertheless, as D. Doroshenko stated, the situation concerning Russian-speaking population was extremely difficult at that time: «It was almost impossible to speak of any great Russian, which lived in Ukraine in separate colonies, as this meant not some really great Russian village, which were sprinkled among the ethnographic mass in Chernihiv, Katerynoslav, Kharkiv regions, or anywhere else, and even not about workers from Donetsk mines, who were predominantly wealthy moskals; it was about the population of the majority of cities, which composed of russified Ukrainians with inclusions of natural moskals, who lived in Ukraine as officials, soldiers, merchants, workers¹⁵. These elements went native with Russian culture, were brought up in it, appreciated it, and shared all-Russian ideological aspirations. They did not want to recognize themselves in Ukraine as a “national minority”, and treated restrictions of Russian cultural influences and growth of anything Ukrainian as a decay of culture in general. But to separate such people into any specific nationality was rather difficult due to the fact that contemporary “Russian” or “little Russian (maloros)” could nationally acknowledge their place and become Ukrainian. And “on the contrary, Ukrainian-socialist, becoming Bolshevik, regarded “Ukrainian nationalism” as something regressive” and hostile to the interests of “labor masses” and started fighting against the Ukrainian movement”¹⁶.

¹⁴ Khrystiuk P., *Zamitky i materialy do istorii ukrainskoi revoliutsii 1917–1920 rr.: u 4 t.*, Praha 1921–1922, vol 1, s. 85–86.

¹⁵ Doroshenko D., *Istoriia Ukrainy: 1913–1923 rr.: T. I. Doba Tsentralnoi Rady*, Uzhhorod 1932 + New-York 1954, s. 270–271.

¹⁶ Doroshenko D., *Istoriia Ukrainy: 1913–1923 rr.: T. I. Doba Tsentralnoi Rady*, Uzhhorod 1932 + New-York 1954, s. 270–271.

Unlike the UNR's policy, political course adopted by Hetmanate of Pavlo Skoropadsky was aimed at the restriction of existing rights and freedoms of the Russian minority, which was gradually losing its constitutional-legal status. The secretary of the government declared the incompatibility of the law and national ministries with the political situation in Ukraine. In July 1918 Hetman annulled the law on national-individual autonomy and abolished national ministries. On the contrary, when the Directory of the Ukrainian People's Republic came to power it confirmed the force of law on national-individual autonomy. During its administration to adopt national ministries were temporary created a department of national minorities' affairs. However, taking into account various circumstances, only one of them, a department of Jewish rights started functioning. V. Vynnychenko explained it by the fact that the Jewish minority had no countries-protectors. That is why, Ukrainian Jews had just one direction to follow – focus on the Ukrainian state. Speaking of political forces which represented the interests of the Russian national minority than under the condition of unstable domestic and foreign situation in Ukraine it refused from cooperation with the Directory in questions concerning building the Ukrainian nation. During the time of the Western Ukrainian People's Republic (WUPR) minorities were granted personal autonomy with the right of their representation in the government. However, the legal status was granted only to some most numerous national minorities, like Germans, Jews, poles, but not Russians.

In its turn, the first Constitution of the Ukrainian SSR of 1919 defined the terms “national minorities” and prohibited any forms of national minority discrimination or restriction of their equality. Practical steps made in the direction of Ukrainization, i.e. conducting the process of derussification of the state or social-political life in Ukraine and development of the Ukrainian language and literature were Declaration of the All-Ukrainian Central Executive Committee “On use of the Ukrainian language in all establishments on a par with great Russian” (February 21, 1920). This as well as the Declaration made by the Council of People's Commissars of the Ukrainian SSR “On measures in the course of Ukrainization of educational and cultural establishments” (July 1923), and the Declaration of the All-Ukrainian Central Executive Committee and the Council of People's Commissars of the Ukrainian “On measures concerning equality of languages and promotion of the Ukrainian language development” (August 1, 1923). The latter document was presupposed to carry out Ukrainization of educational and cultural establishments, and gradually introduce the Ukrainian language in all Soviet institutions. To do this it was planned to open Ukrainian language schools in all establishments. Along with Ukrainization the policy in the sphere of national relations was aimed at implementation of special measures focused on promoting political and cultural development of national minorities, and taking into account ethnical factors while conducting administrative and territorial division. At the same time administrative division presupposed division of various types of regions – original and national. From this perspective it should be mentioned that till 1930 there were 450 Russian national councils (among 1087). Similar actions were fixed by the Constitution of the Ukrainian SSR in 1929, as it gave a possibility to create administrative units in places, where existed areas of compact settlement of national minorities.

However, in the late 20s – early 30s of the 20th century the national policy experienced crucial changes, connected with formation of the command-and-control system in the Ukrainian SSR. The course in the national policy of Ukraine (Ukrainian SSR) was aimed at winding down the policy of Ukrainization and key changes in working with national minorities. Under the pressure of Moscow in Ukraine the party bodies adopted decisions on the basis of which at first was conducted a “clean-up” and then liquidation of educational establishments, where studying was conducted in national minorities’ languages. But these issues in no way concerned the status of the Russian minority. The decisions concerning closing and reorganization of cultural-educational establishments, newspaper and journal editorial offices, was coming into force. From the point of view of the command-and-control policy the state conducted reorganization and liquidation of national territorial-administrative units as those which did not justify themselves. At the end of the 30s of the 20th century along with liquidation of national districts and council, the system of national local government in Ukraine stopped functioning. The results of such policy were repressions towards alien population of Ukraine: dismissal from work due to people’s national affiliation; deportation of the representative of national minorities from the areas of their compact living; fabrication of spying, diversionary, revolutionary organizations (consisted of Ukrainian, German, Polish, Greek, and other “nationalists”). The main peculiarity of the Constitution of the Ukrainian SSR in 1937 was deficiency of the term “national minorities”. Non-recognition of minorities, disregard towards them and their prohibition were rather indicative during the 40s-50s of the 20th century. It should be emphasized that starting with the 30s of the 20th century in Ukraine (Ukrainian SSR) occurred the shift in the statuses of the used languages. The Russian language was interpreted as the language of a predominant ethnos across the USSR, whereas Ukrainian, in fact, was the language of a minority within the scope of the USSR.

In the 50s-60s of the 20th century in Ukraine/Ukrainian SSR the needs for national development were ignored by the system. Under the slogans of “proletarian internationalism”, “flourishing and proximity of nations”, “formation of a new historical commonness of the Soviet people” the system carried out the policy of Russification and denationalization of ethnical groups, fought against the displays of “Ukrainian bourgeois nationalism”. Quite destroying effect had the false thesis concerning the national question in the USSR. In 1935 A. Andreev stated that “national question in our country could be regarded as finally settled”. At the official level there were recognized only two tendencies – flourishing and proximity of nations. That is why the policy was aimed only at forcing international proximity. Among the changes in questions of minorities’ rights and freedoms protection was the fact that the Russian community was interpreted as a predominant one.

In the early 70s of the 20th century in Ukraine/Ukrainian SSR the fight against cosmopolitanism and anti-Semitism started. The legal acts of that time did not disclose the term of “national minorities” either. And only in the late 80s of the 20th century in the USSR due to the deep transformations in its domestic and foreign policy started “ethnic renaissance”, which became one of the reasons for further collapse of the USSR. This “ethnic renaissance” was predetermined by a range of internal and external reasons, which characterized the development of the international society after the WWII:

strengthening of social and territorial mobility of population in countries, regions and continents; trade-economic and tourist connections; scientific and technical revolution; information explosion; growth in ethnic tessellation of humanity; strengthening of internationalization and integration etc.¹⁷.

During the reformation period the Constitution of the Ukrainian SSR was altered and amended, as several legislative acts aimed at democratization of the electoral system, equality of languages, freedom of conscience and religion, education, culture and local self-administration were adopted. At the same time the term “national minorities” in the regulatory-legal acts of Ukraine/Ukrainian SSR over the period of transformation was not defined, and national minorities (including Russian) did not get the constitutional-legal status of political actors. However, political reality of that time Ukraine created the necessity to elaborate the model of international relations and legal basis for ethno-national policy actualization. As a result, changes in the ethno-political perspective contributed to the increase in national self-consciousness; provoked national minorities to self-organization and ethnical identification and politicization of ethnoses. The process of active engaging of ethnical groups to the domestic and foreign political life of Ukraine/Ukrainian SSR started. That is why Ukraine (in fact being a part of the Ukrainian SSR) faced the necessity for critical reconsideration of a place and role of a national factor in the life of the society. During this period in the basis of Ukrainian legal acts were put ideas of the founders of Ukrainian sovereignty M. Hrushevskyi¹⁸ and V. Vynnychenko¹⁹, as well as theoretical and methodological best practices of Ukrainian ethno-political thought. However, it coincided in time with the proclamation of independence of Ukraine, what goes beyond the time frames of the present research.

Drawing conclusions we argue that over the history of Ukrainian sovereignty in the 20th century it was clearly realized that ethno-political legislation is a complex of national and international legal acts, which are functioning in the ethno-political sphere of human reality, defining the status, ethno-political rights and liabilities of a person and ethnonational communities, preconditions for their development and self-actualization, which regulate their relations (directly and indirectly) with the country. Together with that, formation of ethno-political legislation and evolution of political and legal status of the Russian minority in the ethnonational legislation of state entities on the historical territory of Ukraine over 1917–1990 were gradual. They were initiated, then modified and even annulled by the fact of the formation and development of the constitutional and legal status of national minorities during the period of the Ukrainian People’s Republic, Hetmanate of Pavlo Skoropadskyi, the Directory of the Ukrainian People’s Republic, the Western Ukrainian People’s Republic, the Ukrainian Soviet Socialist Republic, and only thereafter of the independent Ukraine. These milestones are the stages of the formation of political and legal status of the Russian minority in the context of the current ethno-political legislation of Ukraine.

¹⁷ Rymarenko Y., Kuras I., Shemshuchenko Y., *Natsionalno-derzhavne budivnytstvo: Kontseptualni pidkbody, suchasna naukova literatura*, Wyd. Dovira 1999, s. 465.

¹⁸ Hrushevskyi M., *Khto taki ukrainsi i choho vony khochut*, Wyd. T-vo „Znannia Ukrainy” 1991.

¹⁹ Vynnychenko V., *Vidrodzhennia natsii: v 3 ch.: reprints*, Wyd. Politvydav Ukrainy 1990, vol 1.

At the same time, the achievement of the Ukrainian People's Republic was formation of the concept of the national-individual autonomy of the Russian people and ensuring the representativeness of the Russian national minority in the structure of the executive bodies. During the epoch of the Hetmanate of Pavlo Skoropadskyi there occurred restriction of the rights and freedoms of the Russian minority, which lost its constitutional-legal status (as the national-individual autonomy was abolished, national ministries were closed). When the Directory of the Ukrainian People's Republic came into power, there was partial renewal of national-individual autonomy. In the Western Ukrainian People's Republic the principle of personal autonomy and selecting representativeness of national minorities in the bodies of power was applied (and the Russian minority did not have its representation). On the contrary, the growth of the status of the Russian ethnical group happened in the period of Soviet Union. At the beginning (1919 – late 20s of the 20th century) there was establishment of equal opportunities for representatives of different national communities. Then (since late 20s of the 20th century) started the process of restricting the rest of individual autonomy of minorities in favor of the Russian ethnical group in the frames of the USSR (in the process of taking repressive measures against any manifestations of Ukrainian nationalism): in the legal sphere the notion of “national minority” was completely destroyed, in fact there was a shift in using languages (the Russian language became predominant across the USSR, while Ukrainian was the language of minority). In the 50s-70s of the 20th century took place further ignorance of national development and political and legal status of national communities, as the practice of proletarian internationalism, “flourishing and proximity of nations”, “formation of a new historical commonness of the Soviet people” was commenced. And only in the 80s of the 20th century started the stage of “ethnic renaissance” and informal revival of ideas concerning renovation of the political and legal status of national minorities in Ukraine. Thus, current political positioning of the Russian minority in Ukraine, its institutionalization and politicization is still largely a result of a variable and multidirectional evolution of political and legal status of the Russian minority in the ethnonational legislation of state entities on the historical territory of Ukraine over 1917–1990.

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STRUCTURALIZATION AND COMPARISON OF ELECTORAL FORMULAS FOR THE ELECTION OF COLLEGIAL REPRESENTATIVE BODIES OF LOCAL GOVERNMENT IN THE VISEGRAD GROUP COUNTRIES (AS OF 2018)

The notion of an electoral system has a broad meaning and includes a number of elements. Among them are an electoral formula, the number of mandates for a constituency, an electoral threshold, a structure of the ballot, an effective number of parties, an electoral variability, indicators of proportionality or disproportionality, attractiveness and substitution of electoral systems. At the same time, the article focuses on the concept of an electoral formula. Since it analyzes the electoral formulas used at local elections in the countries of the Visegrad Group. In particular, the author, in the context of comparing the electoral formulas, took into account such criteria as the ways of distribution of deputy mandates, the size/magnitude of electoral districts, the electoral threshold and the structure of the ballot. As a result, the researcher analyzed the electoral formulas for the election of collegial representative bodies of local government in the countries of the Visegrad Group.

Keywords: electoral system, electoral formula, local elections, representative bodies of local government, countries of the Visegrad group.

СТРУКТУРИЗАЦІЯ ТА ПОРІВНЯННЯ ЕЛЕКТОРАЛЬНИХ ФОРМУЛ ДЛЯ ОБРАННЯ КОЛЕГІАЛЬНИХ ПРЕДСТАВНИЦЬКИХ ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ У КРАЇНАХ ВИШЕГРАДСЬКОЇ ГРУПИ (СТАНОМ НА 2018 р.)

Поняття виборчої системи має широке значення та включає в себе ряд елементів. Серед них виділяють виборчу формулу, кількість мандатів на виборчий округ, електоральний поріг, структуру бюлетеня, ефективну кількість партій, електоральну мінливість, показники пропорційності чи диспропорційності, залучуваності та заміщення виборчих систем. Поряд із цим, у статті увага зосереджена на понятті виборчої формули. Адаже в ній здійснено аналіз виборчих формул, що використовуються на місцевих виборах у країнах Вишеградської групи. Зокрема, у контексті порівняння виборчих формул враховано такі критерії як, спосіб розподілу депутатських мандатів, величина/магнітуда виборчого округу, електоральний поріг і структура бюлетеня. Як наслідок, проаналізовано виборчі формули для обрання колегіальних представницьких органів місцевого самоврядування у країнах Вишеградської групи.

Ключові слова: виборча система, електоральна формула, місцеві вибори, представницькі органи місцевого самоврядування, країни Вишеградської групи.

The methodology for researching electoral systems had been largely developed, so we can talk about certain universal parameters, which are primarily used analytically and characterize electoral researches. Such parameters are mainly related to the basic characteristics of electoral systems, in particular: to an electoral formula, a number of mandates for the constituency, an electoral threshold, a structure of a ballot. All these parameters of an electoral system have a certain effect on an election results¹. In addition, such criteria include an effective number of parties, an electoral volatility, indicators of proportionality or disproportionality, attractiveness and substitution of electoral systems. The latter are used to analyze and compare the results of voting at different elections². However, they are extremely poorly researched in the context of clarifying and comparing the characteristics of electoral formulas in local elections in the Visegrad Group countries, in particular at the time of the analysis (as of 2018).

Thus, the purpose of the proposed article is to structurize and compare a broad understanding of the notion of an electoral formula, for example, within local elections of collegial representative bodies of power in the countries of the Visegrad Group. To resolve the purpose, the article in its structure was divided into two parts – theoretical and practical ones. For the theoretical part, the researches of such scientists as T. Deshko³, Y. Klyuchkovsky⁴, A. Lijphart⁵, M. Mykhalchenko⁶, Y. Shveda⁷ and others were used. Instead, the basis of the practical part is an array of articles of the current legal acts of the Visegrad Group countries that regulate the relevant issues, as well as statistical data on the peculiarities of elections and administration of local government bodies in the countries of the region.

Analyzing the notion of an electoral system, A. Lijphart defines its three main components: an electoral formula (which is commonly understood as an electoral system in the narrow sense), an electoral district magnitude (in terms of a number of mandates distributed in a district) and an electoral barrier (i.e., the minimum support of voters required to participate in the distribution of mandates)⁸. Y. Shveda gives two variants of the set of components of an electoral system. In his view, the main elements that determine the essence of an electoral system include an electoral formula, an electoral district magnitude, the form and characteristics of a constituency,

¹ Deshko T., Instrumentariy analiz vyborchykh system, „Naukovi zapysky NaUKMA. Politychni nauky” 2005, vol 45, s. 50–55.

² Deshko T., Instrumentariy analiz vyborchykh system, „Naukovi zapysky NaUKMA. Politychni nauky” 2005, vol 45, s. 50–55.

³ Deshko T., Instrumentariy analiz vyborchykh system, „Naukovi zapysky NaUKMA. Politychni nauky” 2005, vol 45, s. 50–55.

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⁷ Shveda Y., *Vybori ta vyborchi systemy. Yevropeyski standarty ta dosvid dlya utverdzheniya demokratiyi v Ukraini*, Lviv 2010.

⁸ Lijphart A., *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945–1990*, Wyd. Oxford University Press 2000.

the nature of a voting, the structure of an election ballot⁹. In addition, the researcher refers to a constituency, an election ballot, an electoral (party) list, a method of voting, an electoral formula and an electoral barrier as the elements that “form an electoral system”¹⁰.

Of all the elements of electoral systems, this article focuses on the notion of an electoral formula. According to B. Klyuchkovsky, an electoral formula as a way of distributing mandates depending on the votes received is the main element of an electoral system and the most important criterion used both for distinguishing it and for the analysis of electoral systems¹¹. So, we can talk about narrow and broad definition of an electoral formula. The narrow sense is understood only by the technology of distribution of electoral votes (i.e., majoritarian and proportional ones). Instead, the broad understanding includes both technology of distribution and technology of defining the winners of elections. The wider definition thus includes the narrow definition of an electoral formula, a number of mandates for the constituency, an electoral threshold and the structure of a ballot¹². In turn, there are two types of electoral formulas – proportional and majority as well as their derivatives such combinations – in the narrow definition of electoral system.

Scientists usually single out two types of majoritarian formulas, i.e. of the relative majority and of the absolute majority. The majoritarian formula of the relative majority (the so-called FPTP formula, “first-past-the-post”) exists where the candidate obtaining the relative majority of votes, i.e. more than any other of the rivals, receives the election victory (that is why “winner takes all”). Instead, the majoritarian formula of the absolute majority means that candidates for their victory need to score more than fifty percent of the electoral votes. This system has two types – in the form of voting in two rounds (the so called TRS formula, “two-round system”) and in the form of alternative voting (the so called AV formula, “alternative voting”, or IRV formula, “instant-runoff voting”). The first type of voting is usually carried out in single-mandate constituencies. If none of the candidates gains the required majority of votes in the first round, then the second round of voting is held. Instead, the system of an alternative voting operates where the voter has the right to fix the order of his or her preferences among all the candidates nominated in single-mandate constituencies. The process of clarification the winner here is carried out through a consistent exclusion from the counting the candidates who scored the smallest number of votes and the redistribution of their votes among the remaining candidates, and so on to reveal the winner¹³.

Instead, a proportional electoral formula involves elections in multi-mandate constituencies. The essence of the formula is a more or less proportional distribution of seats according to

⁹ Shveda Y., *Vybory ta vyborchi systemy. Yevropeyski standarty ta dosvid dlya utverdzhennya demokratiyi v Ukraini*, Lviv 2010.

¹⁰ Shveda Y., *Vybory ta vyborchi systemy. Yevropeyski standarty ta dosvid dlya utverdzhennya demokratiyi v Ukraini*, Lviv 2010.

¹¹ Klyuchkovsky Y., *Vyborchi systemy ta Ukrayinske vyborche zakonodavstvo*, Wyd. Chas Druku 2011, s. 26.

¹² Deshko T., Instrumentarij analizu vyborchykh system, „*Naukovi zapysky NaUKMA. Politychni nauky*” 2005, vol 45, s. 50–55, s. 51.

¹³ Shveda Y., *Vybory ta vyborchi systemy. Yevropeyski standarty ta dosvid dlya utverdzhennya demokratiyi v Ukraini*, Lviv 2010.

the distribution of votes. The distribution of votes in a proportional system may occur either by quotas or by divisors. There may be a quota (which, in the simplest form, is calculated by dividing the total number of votes cast for candidates in a particular constituency by the number of seats in that constituency) that will be deducted from the votes cast for a particular party each time a party receives a mandate¹⁴. Among the well-known quotas there are the Hare quota (the simplest quota, whose calculation method is given above), the Hagenbach-Bischoff quota, the Droop quota, the Imperiali quota, the increased Imperiali quota and others (whose calculation method are derived from the simplest, as described above). Another way of distributing mandates is to assign a sequence of divisors. Each time a party receives a mandate, the total number of votes cast for it is divided by the corresponding divisor. The sequence, in which mandates are given to the parties with the “highest average” in each of the steps, is used the most often. In addition, the procedure with the allocation of the “largest average” named “D’Hondt method” is also used very often. This method uses the sequence of divisors “1”, “2”, “3”, “4” ... Among the well-known methods there are also the modified D’Hondt method, the Saint-Laguë method, the modified Saint-Laguë method, the Imperiali method and so on.

Analyzing the proportionality (“fairness”) of electoral systems, some scholars believe that the degree of proportionality/disproportionality of representation is influenced by the magnitude of a constituency. Under the magnitude of the constituency, we understand the number of mandates that are distributed in the constituency. Another element of the analysis is the notion of an electoral barrier that defines the minimum percentage of votes that a party or candidate must obtain in order to get a mandate in an elective body. As to the structure of the electoral ballot, it is determined by two factors: the content of the ballot and the way of filling it. The content of the electoral ballot depends on the voting object (i.e. whom voters vote for). Indeed, the way to fill in an electoral ballot is determined by the number of options that a voter can mark when voting¹⁵. Usually scientists distinguish between categorical and regular/ordinary ballots: in the case of a categorical ballot, the voter may vote for only one candidate or party; in the case of a regular/ordinary ballot, the voter can show that the candidate “B” is his or her first preference, but if “B” is not chosen, he or she would give the preference of “C” to “A”. However, there are also intermediate options, in particular: the systems that allow a cumulative voting when the voter can cast more than one vote for a particular candidate; systems where voters may have the right to vote for both the local and national representatives of the same legislative body; systems of voting in support, when a voter submits an equally “weighted” vote to all candidates except the least desirable and the winner is a person who receives the widest support; the “panachage” system, which allows party voting, but gives voters an opportunity to cast votes for a given number of candidates from their district regardless of their party affiliation, thereby

¹⁴ Shveda Y., *Vybyry ta vyborchi systemy. Yevropeyski standarty ta dosvid dlya utverdzheniya demokratiyi v Ukraini*, Lviv 2010.

¹⁵ Klyuchkovsky Y., *Vyborchi systemy ta Ukrainyske vyborche zakonodavstvo*, Wyd. Chas Druku 2011, s. 23.

mixing the desired candidates of one party with candidates from otherparty¹⁶. Thus, under the structure of the bulletin we understand the way of filling it.

The application of general theoretical information and broad definition of an electoral formula enabled us to proceed to the clarification and comparison of its peculiarities on the example of modern parameters of the election of collegial representative bodies of local government in the countries of the Visegrad Group (as of 2018), i.e. in Hungary, Poland, Czechia and Slovakia. The broad definition of an electoral formula is also applied because proportional electoral systems, which have all of the above-mentioned characteristics, are used in the vast majority of the countries under review.

Hungary is a decentralized unitary state. The constitution of Hungary recognizes local government and involves it three levels: central, regional (at the level of districts) and local¹⁷. Hungary consists of 19 districts (megyei) and 3757 communities (települések). The level of local communities consists of 2863 municipalities, 265 cities, 23 cities with the rights of districts and the capital city of Budapest. Moreover, Budapest is divided into 23 urban areas¹⁸. In accordance with the Constitution of Hungary¹⁹ and the Law "On Local Government"²⁰, the authority that has the powers to make decisions at the local level is a representative body (council), which come in different types.

All councils are elected directly by voting using different electoral systems. In the elections to general assemblies of settlements with the number of voters up to 10 thousand people, the law provides for the use of the majoritarian formula of the relative majority (the so-called FPTP formula) in a single multi-mandate constituency, the borders of which coincide with the boundaries of a settlement. Thus, it is a matter of the majoritarian system of the relative majority by preferential block voting. Since each voter has as many votes as the mandates are distributed in a constituency. In this case, those candidates, in accordance with the number of seats to be elected in a multi-mandate constituency, receive the mandates that receive the largest number of electoral votes. In addition, if several candidates receive the same number of votes for their support, but one or more of them may not be elected by the virtue of electoral district magnitude, then the mandate is given to the candidate determined by the drawing procedure. Conversely, if the number of candidates is less than the number of mandates in a multi-mandate constituency, the law provides re-election²¹.

¹⁶ Deshko T., Instrumentarij analizy vyborchykh system, „*Naukovi zapysky NaUKMA. Politychni nauky*” 2005, vol 45, s. 50–55.

¹⁷ *The Constitution of the Republic of Hungary: 2011 (rev. 2013)*, Constitute Project, *źródło*: https://www.constituteproject.org/constitution/Hungary_2013?lang=en[odczyt: 01.05.2018].

¹⁸ *Magyarország helyi önkormányzatairól: 2011. évi CLXXXIX. törvény*, Wolters Kluwer, *źródło*: <https://net.jogtar.hu/jogszabaly?docid=A1100189:TV>[odczyt: 01.05.2018].

¹⁹ *The Constitution of the Republic of Hungary: 2011 (rev. 2013)*, Constitute Project, *źródło*: https://www.constituteproject.org/constitution/Hungary_2013?lang=en[odczyt: 01.05.2018].

²⁰ *Magyarország helyi önkormányzatairól: 2011. évi CLXXXIX. törvény*, Wolters Kluwer, *źródło*: <https://net.jogtar.hu/jogszabaly?docid=A1100189:TV>[odczyt: 01.05.2018].

²¹ Mykhalchenko M., Samchuk Z., Porivnialnyi analiz yevropejskykh vyborchykh system, „*Naukovi zapysky IPIEND im. I. F. Kurasa NAN Ukrainy*” 2010, vol 50, nr. 6, s. 267–286.

In the elections to general assemblies of settlements with the number of voters more than 10 thousand people as well as to general assemblies or assemblies of the districts of Budapest and general assemblies or assemblies of cities with provincial rights, the law provides for the use of a mixed electoral system. Procedurally it looks like that the whole territory of an administrative and territorial unit is divided into single-member constituencies, where elections are held on the basis of the majoritarian system of the relative majority, but in parallel with the application of the mechanism for obtaining “compensatory” mandates, the number of which in practice is usually about 40 percent of the nominal composition of general assemblies. Moreover, “compensatory” mandates are not distributed according to the majoritarian component of the mixed electoral system, while only those subjects of the electoral process, which nominated their candidates in 25% of single-member constituencies, are allowed to participate in the process of distribution of “compensatory” mandates. Votes cast for candidates from such parties in single-mandate constituencies are summed up and the results are divided into divisors (“1,5”, “3”, “5”, “7”, “9” and other odd numbers, which actually outlines the use of the modified Saint-Laguë method). This continues until all the “compensatory” mandates are distributed among the parties. It is also interesting that the distribution of mandates received by parties between candidates is carried out in a sequence determined by appropriate “compensatory” party lists.

In turn, in the elections to general assemblies of villages, towns and cities (except for the provincial cities mentioned above), the law provides for the use of a proportional electoral system of closed lists with voting in two multi-mandate constituencies. The number of mandates distributed in each constituency depends on the number of voters registered in its territory. Each voter has the only one vote and can give it for the only one list of candidates in his or her constituency. At the same time, the law regulates that only subjects of the electoral process, whose lists in the constituency receive at least 4 percent of the votes of all the voters in their support, are allowed to participate in the distribution of mandates. The distribution of mandates among parties is based on the D’Hondt method²².

Proportional electoral system, but of somewhat different structure and formula, is also used for the election of general assemblies of 19 districts (megyei) and the general assembly of the capital city of Budapest. In 19 districts, the distribution of seats between parties is carried out using the D’Hondt method between those political parties or blocs/coalitions, which overcome the appropriate electoral barrier. In Budapest, the law provides for the use of a proportional electoral system with voting for closed lists in a single multi-mandate constituency, where voters must distribute 35 mandates. The distribution of seats between parties or blocs/coalitions is also carried out on the basis of the D’Hondt method. The lists, which do not overcome the electoral barrier of 5 percent of the votes for single parties, of 10 percent for blocs/coalitions

²² Klaizner A, Mansvietov Y., *Munitsypalni vybory v Uhorschyni, Slovachchyni, Polshchi ta Chekhii: porivniakhnyi analiz*, NISS.GOV.UA, źródło: <http://old.niss.gov.ua/monitor/april/15.htm> [odczyt: 01.05.2018].

of two parties and of 15 percent for blocs/coalitions of three or more parties, are not allowed to participate in the distribution of mandates.

In accordance with the Constitution of the Republic of Poland, an administrative and territorial organization of this country has a regional (voivodship), a sub-regional (county and the cities with a county status) and a local level (gmina). The governance by the administrative and territorial units is carried out by the bodies specified by the Constitution and special laws: in gminas they are the council of gminas, in counties – the councils of counties, at the level of voivodship – legislative assemblies (sejmiks). Such legislatures are the representative bodies and are formed through elections.

According to the 2011 Electoral Code, but actually since 2014, that is since the first local elections organized according to its rules, the majoritarian electoral system of the relative majority in single-mandate constituencies (the so-called FPTP formula) was introduced in all gminas, regardless of the number of their population (not taking into account the borders of less or more than 20 thousand people as before). Instead, the law provides for the use of a proportional electoral system of lists in cities with the rights of counties, counties and voivodeships. In addition, the Electoral Code introduced a rule according to which all proportional elections in Poland should take place using the D'Hondt method to allocate seats²³. At the same time, the electoral barrier is unified for parties and blocs and is 5%.

The current electoral system for the election of local authorities in the Czech Republic is regulated by the Law No. 491/2001²⁴ on "Elections to Local Councils" and on the basis of certain related laws. The administrative and territorial division of the Czech Republic has a two-tier structure. In accordance with the Czech law, locally elected bodies are councils of 14 regions/lands, including the capital city of Prague as a separate region/land (which has been holding the so-called regional elections since 2000), and municipalities of 76 districts, 75 cities and 6242 other settlements (which have been holding the so-called municipal elections since 1990). Each of them has elected representative legislatures and executive bodies – committees, departments, councils, magistrates, primators and village elders.

At the regional elections to the councils of regions/lands, the law provides the following rules: citizens who have reached the age of 18 are voting in regional elections on the basis of secret, universal, equal and direct suffrage on the lists of candidates for parties, movements and electoral coalitions. In addition, they can put four so-called "votes of preferences" (preferential votes) in the candidates' lists. With their help, voters can change the order of candidates in a list. The number of elected representatives of the region depends on the number of inhabitants of this region and vary between 45 and 65 persons. Mandates are granted to candidates

²³ In December 2017, amendments to the Electoral Code of Poland were adopted in terms of restricting distant voting and limiting the presence of mayors and voivods to no more than two cadences. The changes will take effect from the upcoming local elections in Poland in 2018.

²⁴ *Zákon č. 491/2001 Sb. ze dne 6. prosince 2001 o volbách do zastupitelstev obcí a o změně některých zákonů, Zákony pro lidi. Cz, zdrojlo: <https://www.zakonyprolidi.cz/cs/2001-491> [odczyt: 01.11.2017].*

who hold top positions in electoral lists including on the basis of voter preferences, but only of those parties, movements and coalitions, which receive at least 5 percent of electoral votes²⁵.

At the lowest level there are 6242 municipalities. One of the varieties of municipal elections is the so-called communal elections, i.e. elections of city municipalities. At the same time, both the majoritarian electoral system of the relative majority (the so-called FPTP formula) and the proportional electoral system with preferential lists are used for the election of municipal councils in the Czech Republic. The first one is used where it is necessary to elect municipal councils with the number of representatives of no more than 15 people. The second one is used in all other cases. In the case of a proportional electoral system with preferences, a voter may elect both as separate candidates from party and non-party lists as well as lists of parties, coalitions or independent candidates in general²⁶.

In the case of Slovakia, it is divided (according to the Constitution) into 8 self-governing regions, 79 districts (rayons) and such settlements as cities and villages. To elect the composition of councils in all types of Slovak communities, the law provides for the use of the majoritarian-electoral system of the relative majority (the so-called FPTP formula) with preferential block voting in multi-mandate constituencies. However, with the rule that a multi-mandate constituency may have a magnitude of no more than 12 deputy mandates. An exception is made up of small rural communities in which only one constituency may be formed.

It is also interesting that the prevalence of a small number of residents in most of the Slovak local communities led to the approval of 2002 amendments to the basic law, which limited the number of deputies. In the smallest communities, where fewer than 40 citizens live, 3 representatives are elected, in communities with a population of up to 500 people – 3–5 representatives, to 1 thousand people – 5–7 representatives, to 3 thousand people – 7–9 representatives, to 5 thousand people – 9–11 representatives, to 10 thousand people – 10–13 representatives, to 20 thousand people – 13–19 representatives, to 50 thousand people – 15–25 representatives, to 100 thousand people – 19–31 representatives, more than 100 thousand people – 23–41 representatives. Moreover, the exact number of representatives to be elected in the next election is determined by the current composition of local councils on the eve of the start of the election campaign. Since the maximum electoral district magnitude at the local elections in Slovakia is 12 mandates and the number of electoral votes coincides with the number of mandates to be distributed in a district, a Slovak voter may have at most 12 votes.

It should also be noted that a new administrative and territorial unit, i.e. the self-governing land/region, arose in Slovakia in 2001. Self-governing land/region or the highest administrative and territorial unit is the highest body of territorial/local government in Slovakia. Today there are 8 self-governing lands/regions in the country, including the cities of Kosice and Bratislava.

²⁵ Mykhalchenko M., Samchuk Z., Porivnialnyi analiz yevropeiskykh vyborchykh system, „*Naukovi zapysky IPiEND im. I. F. Kivasa NAN Ukrainy*” 2010, vol 50, nr. 6, s. 267–286.

²⁶ *Zákon č. 491/2001 Sb. ze dne 6. prosince 2001 o volbách do zastupitelstev obcí a o změně některých zákonů*, Zákon pro lidi. Cz, zdrojlo: <https://www.zakonyprolidi.cz/cs/2001-491> [odczyt: 01.11.2017].

The governance at the level of a land/region is carried out through elected bodies, i.e. a council and a president of a self-governing land/region. The law establishes the use of the majoritarian electoral system of the relative majority (the so-called FPTP formula) at the regional councils' elections.

Therefore, the article analyzed the key characteristics of the electoral formulas used in local elections in Hungary, Poland, the Czech Republic and Slovakia. It has been determined that a proportional electoral system and its modifications (Poland, Czech Republic, Slovakia) more often and a majoritarian electoral system (Hungary) more rarely are used for the election of collegial representative bodies at the local level in the countries of the Visegrad Group. Regarding the type of ballot, both the categorical and the regular ballots are used. A typical electoral barrier is 5%. At the same time, let us note that such an analysis is mostly legal. In turn, the effects of the use of electoral systems at the local level and the political peculiarities of regional policy are equally important in the analysis of electoral systems at the local level. These are, for example, the following criteria for evaluating the effectiveness of electoral systems as an effective number of parties, an electoral variability, indicators of proportionality or disproportionality, attractiveness and substitution of electoral systems. However, they should be researched within a separate study.

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11. *Zákon č. 491/2001 Sb. ze dne 6. prosince 2001 o volbách do zastupitelstev obcí a o změně některých zákonů*, *Zákony pro lidi.Cz*, *zdrolo*: <https://www.zakonyprolidi.cz/cs/2001-491> [odczyt: 01.05.2018].

POLITICAL, SOCIO-ECONOMIC AND SYSTEM MODERNIZATION AS COMPONENTS OF A LOGISTIC-TRANSFORMATIONAL PLAN AND PROCESS IN THE POST-COMMUNIST COUNTRIES OF CENTRAL-EASTERN EUROPE

The article is devoted to analyzing political, socio-economic and system modernization as components of a logistic-transformational plan and process in the post-communist countries of Central-Eastern Europe. The author argued that the modernization processes in the post-communist countries of Central-Eastern Europe were not manifested as simple and consistent logistical-transformational and governmental decisions as the theory prove. The fact is that in the analyzed region, the process of reforming and modernizing was planned and implemented as a simultaneous and systematic combination of economic, political, social, cultural and other systemic transformations in various spheres of public life. Consequently, the post-communist countries of Central-Eastern Europe, in contrast to modernization in other parts of the world, were determined not only by carrying out several complex “transitions” and logistical stages of modernization. As a result, contrary to transitological theory, they were able to almost concurrently implement a pluralistic political system, a market economy and a new model of statehood, thus neutralizing the “dilemma of simultaneosity” and refuting the “impossibility theorem” of transformational development.

Keywords: modernization, logistic-transformational plan and process, reforms, Central-Eastern Europe.

ПОЛІТИЧНА, СОЦІАЛЬНО-ЕКОНОМІЧНА І СИСТЕМНА МОДЕРНІЗАЦІЯ ЯК СКЛАДОВІ ЛОГІСТИЧНО-ТРАНСФОРМАЦІЙНОГО ПЛАНУ ТА ПРОЦЕСУ В ПОСТКОМУНІСТИЧНИХ КРАЇНАХ ЦЕНТРАЛЬНО-СХІДНОЇ ЄВРОПИ

У статті проаналізовано політичну, соціально-економічну і системну модернізацію як складові логістично-трансформаційного плану та процесу в посткомуністичних країнах Центрально-Східної Європи. Аргументовано, що модернізаційні процеси у посткомуністичних країнах Центрально-Східної Європи не виявились на стільки простим та послідовним логістично-трансформаційним й управлінським рішенням, як може засвідчувати теорія. Річ у тому, що в аналізованому регіоні процес реформування та модернізації і планувався, і реалізовувався як одночасне та систематичне поєднання економічних, політичних, соціальних, культурних й інших системних трансформацій

у різних сферах суспільного життя. Відтак посткомуністичні країни Центрально-Східної Європи, на відміну від модернізації в інших частинах світу, детермінувались проведенням не одного, а одночасно кількох складних «переходів» і логістичних етапів модернізації. Як наслідок цього вони, всупереч транзитологічній теорії, зуміли майже одночасно запровадити плюралістичну політичну систему, ринкову економіку та нову модель державності, тим самим нейтралізувавши «дилему одночасності» і спростувавши «теорему неможливості» трансформаційного розвитку.

Ключові слова: модернізація, логістично-трансформаційний план і процес, реформи, Центрально-Східна Європа.

Modernization processes in the post-communist countries of Central-Eastern Europe started almost simultaneously in the late 80s – early 90s of the 20th century. But they appeared to be not a simple logistic-transformational and managerial decision, as the theory may show, as taking into account geopolitical position of the region between two powerful policy-makers – the European Union and the USSR/Russia, – after the collapse of the socialist system and regimes of the “real socialism” these countries faced a matter of choice and planning a further vector of their development. The options of such choice were: 1) democratic and social-economic transformation as a part of Euro-integration processes; 2) maintaining connections with Russia; 3) permanent uncertainty. It was amplified by the fact that different paces, developmental character and sometimes even opposite direction of movement influenced the peculiarities of political modernization in the post-communist countries of Central-Eastern Europe. Thus, it actualizes the question of defining political, social-economic and system modernization in the post-communist countries of Central-Eastern Europe as a part of their transformational logistics plan and process.

This problematics has already been referred to in a number of scientific works, in particular by C. Acuna and W. Smith¹, L. Armijo, T. Bierkster and A. Lowenthal², A. Åslund³, V. Bunce⁴, B. Crawford and A. Lijphart⁵, R. Dutch⁶, G. Ekiert and J. Kubik⁷, J. Elster⁸, O. Encarnacion⁹, J. Linz¹⁰,

¹ Acuna C., Smith W., *The Political Economy of Structural Adjustment: The Logic of Support and Opposition to Neoliberal Reform*, [w:] Smith W., Acuña C., Gamarra E. (eds.), *Latin American Political Economy in the Age of Neoliberal Reform*, Wyd. University of Miami 1994.

² Armijo L., Bierkster T., Lowenthal A., *The Problems of Simultaneous Transitions*, [w:] Diamond L., Plattner M. (eds.), *Economic Reform and Democracy*, Wyd. Johns Hopkins University Press 1995.

³ Åslund A., The Case for Radical Reform, *Journal of Democracy* 1994, vol 5, nr. 4, s. 63–74.

⁴ Bunce V., Comparing East and South, *Journal of Democracy* 1995, vol 6, nr. 3, s. 87–100.

⁵ Crawford B., Lijphart A., Explaining Political and Economic Change in Post-Communist Eastern Europe: Old Legacies, New Institutions, Hegemonic Norms and International Pressures, *Comparative Political Studies* 1995, vol 28, nr. 2, s. 171–199.

⁶ Dutch R., Tolerating Economic Reform: Popular Support for Transition to a Free Market in the Former Soviet Union, *American Political Science Review* 1993, vol 87, nr. 3, s. 590–608.

⁷ Ekiert G., Kubik J., *Strategies of Collective Protest in Democratizing Societies: Hungary, Poland and Slovakia since 1989*, 10-th International Conference of Europeanists Buklet, Chicago 1996.

⁸ Elster J., *The Necessity and Impossibility of Simultaneous Political and Economic Reforms*, [w:] Ploszajski P. (ed.), *Philosophy of Social Choice*, Wyd. IFiS Publishers 1991, s. 309–316.

⁹ Encarnacion O., The Politics of Dual Transitions, *Comparative Politics* 1996, vol 28, nr. 4, s. 477–492.

¹⁰ Linz J., Transitions to Democracy, *Washington Quarterly* 1990, vol 13, nr. 3, s. 143–164.

O. Novakova¹¹, C. Offe¹², D. Ost¹³, P. Roeder¹⁴, J. Weintraub¹⁵ and others. However, these researchers independently appeal to different dimensions of modernization – political, social-economic and system. On the contrary, the task of the current scientific paper is an attempt to arrange and synthesize multifarious components of modernization in the post-communist countries of Central-Eastern Europe as an element of managerial-logistic plan and transformational process.

The reviews of literature let us justify that modernization is an essential requirement for setting a new world-order. Nevertheless, even today the notion of modernization is ambiguous and undefined and is interpreted differently by many scientists, and this is initially reflected in the theory of modernization, which passing each stage of its development has been changing and acquiring new characteristics and peculiarities. At the present stage of social development the modernization process must be interpreted as a combination of social-economic, political, cultural and other logistic-managerial operations and transformations in various spheres of social life. At the same time, modernization must be determined as a state's guideline (in political and managerial sector) for implementing qualitative transformations in the society not by copying the experience of the leading countries, but by combining the most popular political, social-economic and other structures, institutions and values, which are endowed with universal and general character and traditional specific nature of certain societies¹⁶.

On this subject, R. Inghart states that “modernization, first of all, is a process in the course of which increase economic and political opportunities ... of the society: economic – by means of industrialization, political – due to bureaucratization. Modernization has great attraction as it helps the society to move from the state of poverty to richness. Therefore, the core of the modernization process is industrialization; economic development becomes a dominant social aim, while a predominant goal at the individual level is determined by the already achieved motivation. Transition from the pre-industrial society to the industrial one is characterized by “an overall rationalization of all spheres of the society”, leads to the shift from traditional, usually religious values, to rationally legal values in the economic, political and social life”¹⁷. Taking into account such formulation and definition we consider political, social-economic and system/cultural/motivational modernization as components of a complex logistic plan and process of modernization. Whereas social-economic modernization is interpreted as a solution of three interrelated problems, namely: modernization of the state economic policy, industrial and technological base and the system of the social protection of population. To its instruments

¹¹ Novakova O., *Politychna modernizatsiia ta rozvytok demokratychnykh protsesiv v suchasni Ukraini*: avtoref. dys... dokt. polit. nauk: spets. 23.00.02 – politychni instytuty ta protsesy, Kyiv 2007.; Novakova O., *Politychnyi protses: sutnist, zmist ta suchasni tendentsii rozvytku*, Wyd. Elton-2 2010.

¹² Offe C., Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe, *“Social Research”* 1991, vol 58, nr. 4, s. 865–892.; Offe C., Das Dilemma der Gleichzeitigkeit. Demokratisierung und Marktwirtschaft in Osteuropa, *„Merkur“* 1991, vol 4, s. 279–292.

¹³ Ost D., *Labor, Class and Democracy: Shaping Political Antagonisms in Post-Communist Society*, [w:] Crawford B. (ed.), *Markets, States and Democracy: The Political Economy of Post-Communist Transformation*, Wyd. Westview Press 1995.

¹⁴ Roeder P., The Revolution of 1989: Postcommunism and the Social Science, *“Slavic Review”* 1999, vol 58, nr. 4, s. 743–755.

¹⁵ Weintraub J., *Democracy and the Market. A Marriage of Inconvenience*, [w:] Nugent M. (ed.), *From Leninism to Freedom. The Challenges of Democratization*, Wyd. Boulder 1992.

¹⁶ Dziundziuk V., Kotukov O., Radchenko O., *Politychna modernizatsiia: teoriia ta istoriia: metod. rek. dlia slukhachiv usikh form navch.*, Wyd. NADU 2011, s. 5.

¹⁷ Inghart R., Postmodern: menyayushchiesya tsennosti i izmenyayushchiesya obshchestva, *„Polis“* 1997, vol 4, s. 20.

belong implementation of reforms, aimed at introducing the most effective principles, mechanisms and formats of social-economic process management¹⁸. “Political modernization is a process of formation, development and spread of political institutions and practices, capable of executing the main function of the political system – integration, setting and achieving the aim, reconstructing own cultural pattern and adaptedness to the major modern challenges”¹⁹. Finally, system/cultural/motivational modernization – is a process of reforming system and social consciousness of people in various countries, which, on the one hand, includes their consent to social-economic and political changes, but, on the other hand, is determined by their readiness to the multiple (not always simple and linear) transformations.

In this context it should be mentioned that some scientists equate the process of modernization with democratization of political system, but to our mind it is necessary to take into account the experience of the political development since the mid of the 20th century and up till now and consider the fact that different countries have been moving towards the modern stage of the society under different political and sociocultural circumstances. Thus, studying political and state, logistic-transformational evolution of countries in transition it is obligatory to single out two main models not of simple modernization, but political modernization – authoritarian and democratic, and in no case bring down to a common denominator of any single “logistic chain”. The main difference between them is that: 1. authoritarian political modernization is characterized by: seeking support of a ruling class, effectiveness of employing bureaucratic compulsion and control over instruction execution; strong role of the national sovereign state and compulsion while carrying out modernization projects; presence of the ground-breaking parties, which possess monopoly on power and whose legitimacy is based on the ideological canonization of top officials; obligatory consolidation of the society around the modernization ideology and elimination of alternative positions and ideas; presence of the party-hegemon and several parties (usually not self-maintained, “puppet” parties), which support the leading ideological line; extremely high level of centralization of management and enhancement of bureaucratization of society; development of civil society exclusively under the authority of state government leaders and in the sphere of leading ideological direction; inequality of different social-political spheres, when central executive bodies are developing in an exaggerating manner, while a legislative branch, local administrations and all variants of civil activity are under full control of the executive branch and bear just a formal character²⁰. 2. Democratic political modernization is characterized by: relying on self-organization mechanisms of the society, when the state and political elite must provide favorable conditions for further modernization transformations²¹; acknowledgement of the necessity to create a sover-

¹⁸ Tomanevych L., Sotsioekonomichna modernizatsiia yak chynnyk staloho rozvytku ekonomiky Ukrainy, „*Naukovyi visnyk Lvivskoho natsionalnogo universytetu veterynarnoi medytsyny ta biotekhnologii im. Gzhytskoho*” 2013, vol 15, nr. 2, s. 361–367.

¹⁹ Novakova O., *Politychna modernizatsiia ta rozvytok demokratychnykh protsesiv v suchasni Ukraini*: avtoref. dys... dokt. polit. nauk: spets. 23.00.02 – politychni instytuty ta protsesy, Kyiv 2007, s. 5.

²⁰ Novakova O., *Politychnyi protses: sutnist, zmist ta suchasni tendentsii rozvytku*, Wyd. Elton-2 2010, s. 128–129.

²¹ Myronenko P., *Forma pravliniia: politychni transformatsii na zlomi stolit: monobrafia*, Wyd. Akademiia 2014, s. 120.

eign state, functioning not as an instrument of violence, but as an effective mechanism of the society self-organization; weakening positions and legitimacy of traditional elites, appearance and enhancement of modernization elite, and thus, openness and competitiveness of ways of elite formation²²; open character of activity among political elites and bodies of the state power, transparency of the state politics, accountability of political actors before the society; interpretation of the presidential post as the highest level representative of the nation and the determinant of the national interest, and, as a result, rational and pragmatic attitude towards all central institutions and establishments of the state power; provision of political pluralism in the process of system transformations implementation due to which it is possible to achieve consolidation, cooperation and competitiveness of all political actors as leading subjects of modernization, establishment and development of foundations for further functioning of the state apparatus of an open type, which ensures its adaptive potential and ability to withstand the challenges of the time²³.

Therefore, namely the democratic model of political modernization is more effective and promising; though in practice the majority of countries in transition prefer the authoritarian model of political modernization. But any changes that take place in economic, social, cultural or political spheres of the society are closely interrelated and depend on the political and authoritative-managerial process, and thus undergo mutual influence and correlation. Herewith, modernization transformations in the post-communist countries of Europe even theoretically, not saying in practice, differ by their logistic peculiarities and distinctions as to the similar processes in other countries of the world and in comparison with each other. However, the combining factor for the European post-communist countries in the late 80s – early 90s of the 20th century was not only geographical position, but a set of common peculiarities, presupposed by their affiliation with a “socialist camp” at the beginning of the logistic-transformation process. Among them the most significant were: common pre-dominant ideology (years of the communist ideology and authoritarian/totalitarian regime supremacy regularized the tendency towards prevalence of the state values over the social intentions and the principle of “excessive hierarchy” with party elite’s domination in the frames of social-political relations of the society²⁴); full or partial absence of private property and market relations; similar institutional models of the political systems and managerial forms (formally they resemble parliamentary republics, but in fact are different versions of the “party-state”); similarity if not of a political culture, then at least in a number of its components. And in particular this includes specific nature of influence on modernization processes in the countries of post-communist Central-Eastern Europe, which is, first of all, exerted by political-managerial factors, as they managed to mark logistically all planned and implemented vectors of transformations in the analyzed countries.

²² Novakova O., *Politychnyi protses: sutnist, zmist ta suchasni tendentsii rozvytku*, Wyd. Elton-2 2010, s. 128.

²³ Myronenko P., *Forma pravlinnia: politychni transformatsii na zlomi stolit: monobrafia*, Wyd. Akademiia 2014, s. 121–122.

²⁴ Myronenko P., *Forma pravlinnia: politychni transformatsii na zlomi stolit: monobrafia*, Wyd. Akademiia 2014, s. 129.

In this regard, V. Bunce states that logistically-transformational and modernization processes, which were planned at first and have been implemented later on in the post-communist countries of Central-Eastern Europe since 1989, were not just a political transition/shift within the frames of exclusively political modernization. It was rather a revolution, which covered transformation of economy, identity, culture, social structure and state²⁵. Many scientists suppose that a proposal to join the European Union, made to the countries of the region, was rather presupposed by political factors, but not economic. As either macroeconomic and social key figures, or the level of development, which at that time did not reach an average rate across the European Union, as well as pace and results of the reforms did not testify the ability of the post-communist countries of Central-Eastern Europe to integrate the “united Europe” quickly and easily. Therefore, I. Seleni, stating the future place of the post-communist countries of Central-Eastern Europe in the EU, says that there existed a high possibility that those countries would become a periphery of the European Union, and thus it is possible to suppose that it will be the so-called “neo-colonialism in the long-term outlook”²⁶.

Another peculiarity of logistically-transformation planning and movement within the post-communist countries of Central-Eastern Europe was the fact that their transits and modernizations were connected with conducting not one, but several complicated “transitions” simultaneously. In this regard in the early 90s of the 20th century K. Offe noted that the countries of the region experienced a “threefold” or even “fourfold” transformations (political, economic, territorial and/or system)²⁷. Such point of view was supported by other researchers, who underlined a multifold character of reformation in Central-Eastern European countries: introduction of pluralistic political system (political modernization), market economy and social system (social-economic modernization) and new sovereignty (system modernization)²⁸. P. Roeder holds the same position noticing the flow of “three revolutions” in the post-communist countries in Central-Eastern Europe, in particular: national (emergence of new national states), political (demolishing powerful authoritarian political regimes of the 20th century), and economic (transition to the market economy)²⁹.

Another complicated moment while conducting modernization-transformational changes in Central-Eastern European countries was not only the necessity to conduct a number of logistic tasks simultaneously, but also the fact that future of such reformation greatly depends on plausibility and real chances to combine the goals which are different in their nature. That is why this issue raised a great deal of discussion among scholars who study post-communist

²⁵ Bunce V., Comparing East and South, *Journal of Democracy* 1995, vol 6, nr. 3, s. 87–100.

²⁶ Seleni I., Stroitelstvo kapitalizma bez kapitalistov – tri puti perehoda ot sotsializma k kapitalizmu, „*Russkie chtenija*” 2006, vol 3 (yanvar-iyun 2006 g.).

²⁷ Offe C., Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe, *Social Research* 1991, vol 58, nr. 4, s. 865.

²⁸ Laryhina N., Demokratsyziatsiia v krainakh Tsentralnoi ta Skhidnoi Yevropy: riznomanitni pidkhody y universalni oznaky, „*Naukovi zapysky IPIEND im. I.F.Kamasa NAN Ukrainy*” 2008, vol 37, s. 234.

²⁹ Roeder P., The Revolution of 1989: Postcommunism and the Social Science, *Slavic Review* 1999, vol 58, nr. 4, s. 743.

transformations. Taking this into consideration, the phenomenon of conducting simultaneous reformation and modernization of political and economic spheres was called a “double transition”. In 1990 J. Linz remarked that “all transitions in the countries with communistic past significantly differ from the transitions which took place in western-European countries not characterized by it, due to ineffective and centralized socialistic economies”³⁰. He believed that the countries of the region had to conduct reforms in social-economic and political spheres simultaneously. However, the implementation of changes in economy and social spheres was more complicated than in politics, because “there was no transitional model from command economic to the market one”. We may trace it taking into account historical regularities of the social-political development, on the basis of which it is possible to deduce that the precondition and impulse for establishing democratic political regime in the countries of Central-Eastern Europe was gradual “ripening of capitalism”. On this subject R. Dutch says that in the past days, in particular before the emergence of new post-communist countries, market economy appeared earlier than democratic institutions did³¹. However, the wish of Central-Eastern European countries to make a synchronized transition towards both democratic regime and market economy became an attempt to create a model of connection between social-economic and political transformations and modernizations as opposed to the old model, which appeared in the course of many years in the late 20th century.

Having evaluated the prospects of success of this “new” model, some scientists denied a possibility of simultaneous radical transformations in the social-economic and political spheres. Moreover, arguments as to the thesis of “impossibility of a double transition” and its logistic planning were initiated from both sides³². On the one hand, argumentation for this thesis was concentrated on a procedural aspect of introducing changes in the social sector and economy, also under the conditions of the fact that system velocity and determination of actions towards democratization are impossible, though necessary for radical transformations in the social-economic sphere. It meant that if under democratic regime there is no chance to achieve consensus on certain issues, then the solution will require actualization of difficult and prolonged political bargaining and search of a compromise. G. Nelson supposes that in the post-communist countries of Central-Eastern Europe, where “new democracies” appeared, the process of decision making was even more complicated. The legislative process was largely “bound” by a great number of new parties and interests, which competed against each other. They were striving for “paralyzing some aspects of the economic reform” to derive maximum benefit for themselves³³. Under existence of a “new democracy” a procedural complexity of decision-making

³⁰ Linz J., Transitions to Democracy, *Washington Quarterly* 1990, vol 13, nr. 3, s. 156.

³¹ Dutch R., Tolerating Economic Reform: Popular Support for Transition to a Free Market in the Former Soviet Union, *American Political Science Review* 1993, vol 87, nr. 3, s. 594.

³² Weintroub J., *Democracy and the Market. A Marriage of Inconvenience*, [w:] Nugent M. (ed.), *From Leninism to Freedom. The Challenges of Democratization*, Wyd. Boulder 1992, s. 47.

³³ *Politieskie instituty na rubezhe tysyachelety*, Wyd. OOO “Feniks” 2001, s. 148.

processes was also enhanced by undetermined relations within the newly created authoritative structures. Therefore, it all had negative effect on reforms in the social-economic sphere and sharply slowed down paces of social-economic modernization and transformation. On the other hand, various arguments adduced by scientists were focused on a negative character of social-psychological and political consequences of radical social-economic changes and transformations under the condition of democratic transition. Some scholars stated that the process of democratization could largely harmed social-economic reforms and vice versa³⁴. The point is that deterioration of living conditions of people, which was caused by reformation of the economic system, declining of living standards and growth in social and material instability could lead to bitter disappointment among various social layers. Therefore, negative effects of reforms in the economic sphere largely influenced the possibility to conduct successful process of democratization.

That is why a great number of scientists, who spoke about impossibility to combine social-economic and political variants of modernization with democratic political regime, are equally of the opinion that not to “come to the deadlock of incompatibility” it is necessary to avoid simultaneous reformation in the social-economic and political spheres. However, they proposed different variants how to prevent this. Thus, some researchers noted that reformation in economy required succession, determination and unpopular decisions, what is inherent to strong authoritarian regimes, and that is why the process of carrying out economic reforms must go before democratization of the political system. Other scientists believe such strategy to be very risky as usually authoritarian regimes fail under liberalization of the economic system, while regimes which actualize successful economic reforms lose (in short-term prospects) impulses towards democratization and take advantage of successes in economic transformations for the sake of stabilizing authoritarianism³⁵. Therefore, such scientists insist that before introducing market reforms it is necessary to strengthen democracy. Thus, democratic transition must be an initial step towards political and economic reformation and modernization of society, as it creates preconditions for further transition to market relations³⁶.

In general, in the late 80s – early 90s of the 20th century the scientists were extremely pessimistic as to the development of the post-communist countries of Central-Eastern Europe after the end of the “cold war” and the collapse of the “real socialism” regimes. They consider that the outcomes of democracy development and establishing of market relations in the countries of the region were rather vague. Among the main reasons of such pessimistic attitude they named implicit or very weak preconditions for democracy, for instance: insufficient level of multi-party system development, lack of professional politicians, low level of civil society development,

³⁴ Armijo L., Bierkster T., Lowenthal A., *The Problems of Simultaneous Transitions*, [w:] Diamond L., Plattner M. (eds.), *Economic Reform and Democracy*, Wyd. Johns Hopkins University Press 1995, s. 229.

³⁵ Encarnacion O., The Politics of Dual Transitions, *Comparative Politics* 1996, vol 28, nr. 4, s. 478.

³⁶ Åslund A., The Case for Radical Reform, *Journal of Democracy* 1994, vol 5, nr. 4, s. 63–74.

non-understanding of supremacy of law³⁷. Quite interesting was the view, proposed by some scientists, that social-economic heritage of the communist regimes was incompatible with establishment of democracy due to a very strong “herd instinct”, social indifference, egalitarian-pater- nalist model of behavior³⁸. They were convinced that successful democratic transformation and political modernization in the post-communist countries of Central-Eastern Europe depend on how quickly they would overcome the economic crisis, which was prolonged due to the social-political chaos and which weakened social and institutional foundations of democracy in the region. Therefore, such pessimistic scientific (theoretical-methodological and logistical) predictions disclose a chance of coming into power various authoritarian-populist political regimes at the stage of radical nationalism, or at the best case “dictatorship of intellectuals”, who would rely on “military support”³⁹, as well as spread of “mass disturbances”, which could affect modernization of the society.

However, only a small part of researchers anticipated a possibility of stable social-economic and political development of the post-communist countries of Central-Eastern Europe⁴⁰. However, despite the fact that a large number of analysts after the fall of the “Iron curtain” were skeptical of the prospects for successful process of social-economic and political modernization and democratization of the society, the post-communist countries, which chose the pro-European vector of development, defined their main goal (joining the EU) and focused on quick and qualitative passing the stages of liberalization of the planned economy, restoring civil society, building an independent national state and introducing the process of political system reformation. As all these logistic plans and transformations were to be implemented in all spheres of society simultaneously, it means that reforms in the post-communist countries of Central-Eastern Europe since 1989 have been accompanied by the “dilemma of simultaneity” (K. Offe and J. Elster), what implied fast and synchronized transformation of political, social and economic systems⁴¹. Transition in each country was to be successful in order to guarantee successfulness of all other reforms. Even despite the fact that in multiple cases the result of reformation of one sphere was blocked by reforms in other spheres. For instance, a great number of those who suffered losses due to the economic reforms could (and did) take advantage of political power and pressure on voters during the elections in order to eliminate from the political arena those who introduced those social-economic reforms. In other words, the theoreticians

³⁷ Crawford B., Lijphart A., Explaining Political and Economic Change in Post-Communist Eastern Europe: Old Legacies, New Institutions, Hegemonic Norms and International Pressures, *Comparative Political Studies* 1995, vol 28, nr 2, s. 189.

³⁸ Elster J., *The Necessity and Impossibility of Simultaneous Political and Economic Reforms*, [w:] Płoszajski P. (ed.), *Philosophy of Social Choice*, Wyd. IFiS Publishers 1991, s. 309–316.

³⁹ Ost D., *Labor, Class and Democracy: Shaping Political Antagonisms in Post-Communist Society*, [w:] Crawford B. (ed.), *Markets, States and Democracy: The Political Economy of Post-Communist Transformation*, Wyd. Westview Press 1995, s. 342.

⁴⁰ Ekiert G., Kubik J., *Strategies of Collective Protest in Democratizing Societies: Hungary, Poland and Slovakia since 1989*, 10-th International Conference of Europeanists Buklet, Chicago 1996, s. 181.

⁴¹ Elster J., *The Necessity and Impossibility of Simultaneous Political and Economic Reforms*, [w:] Płoszajski P. (ed.), *Philosophy of Social Choice*, Wyd. IFiS Publishers 1991, s. 309–316.

of the “dilemma of simultaneity” anticipated confrontation between the winners and losers as a result of reforming political, social and economic systems⁴².

Despite the fact that in the early 90s of the 20th century the implementation of so many reforms simultaneously, at the first sight, appeared to be an extremely difficult and almost impossible task, at the beginning of the 21st century the majority of the post-communist countries of Central-Eastern Europe succeeded in achieving their aim, joining the EU and being transformed into consolidated democracies (though in some of them the situation has not remained identical after 10 years, but they at least did not “roll back” sharply). After approximately 15 years these countries managed to create competitive economies, stable liberal democracy, integrated national society, fundamental administrative structure. In spite of all underestimated previous predictions of skeptical analysts in the early 90th of the 20th century, the prospects of entering the EU became a counter-force, which managed to neutralize the “dilemma of simultaneity” and refute the “theorem of impossibility” of a modernization process. The point is that logistically defined modernization processes in the post-communist countries of Central-Eastern Europe, which declared themselves in the simultaneous transformations of social, economic and political spheres and systems, in the late 90s of the 20th led to formation of a new social, economic and political reality. It found itself in democratic transformation of the political system, construction of the civil society, transition to the market economy and development of the national state. That is why B. Greshkovych, who focuses on the structural and functional essence, assumes that taking this in consideration it is possible to call these systems “dual democracies”⁴³. The essence of dualism is in basis of the mechanism of decision-making on the union of the ruling elite and “strategic opposition” with the aim to neutralize the majority in opposition. Concluding and evaluating the situation in the post-communist countries of Central-Eastern Europe in the late 90s of the 20th century we argue that predictions of the majority of analysts and scientists were pessimistic and unconvincing. Notwithstanding a profound economic crisis and simultaneous implementation of social-economic and political transformations none of the democratic systems in the region failed. Therefore, protests in the society characterized by a local and non-violent character and authoritarian-populist and nationalistic appeals on the behalf of the ruling elites may have different variations but in no way influence political pluralism⁴⁴. At the same time, it is important that political process in the 90s of the 20th century determined popularization of democratic tendencies while creating the political system and establishing mechanisms of functioning social-political dialogue between the governmental institutions and civil society. Therefore namely this vector of social-political development

⁴² Offé C., Das Dilemma der Gleichzeitigkeit. Demokratisierung und Marktwirtschaft in Osteuropa, „*Merkur*” 1991, vol 4, s. 279–292.

⁴³ Acuna C., Smith W., *The Political Economy of Structural Adjustment: The Logic of Support and Opposition to Neoliberal Reform*, [w:] Smith W., Acuña C., Gamarra E. (eds.), *Latin American Political Economy in the Age of Neoliberal Reform*, Wyd. University of Miami 1994, s. 17.

⁴⁴ Latyhina N., Demokratyzatsiia v krainakh Tsentralnoi ta Skhidnoi Yevropy: riznomanitni pidkhody y universalni oznaky, „*Naukovi zapysky IPiEND im. I.F. Kurasa NAN Ukrainy*” 2008, vol 37, s. 240.

assigned democracy as a fundamental phenomenon in the permanent process of transformation structure and functional aspects of the state's political apparatus⁴⁵.

From the theoretical-methodological point of view we may summarize and argue that the modernization process can be interpreted as a combination of economic, political, social, cultural and other systematic transformations in various spheres of social life. The basic constituents of the modernization process are political, social-economic and system modernization. From the practical point of view, it can be favorably shown by the example of the post-communist countries of Central-Eastern Europe, which are notable for their peculiarities and differences in comparison with countries which do not have communistic past. However, the key characteristic of such differences is in carrying out not one, but several complicated simultaneous "transitions" and logistic stages of modernization – introduction of pluralistic political system, market economy and new model of sovereignty. In the context of the post-communist countries of Central-Eastern Europe in due time it was presupposed and amplified not only by the necessity of simultaneous implementation of a number of set logistic tasks, but also by the fact that future of such "composed" reformation greatly depends on plausibility and real chances to combine the goals which are different in their nature. Consequently, the majority of the post-communist countries of Central-Eastern Europe succeeded in achieving their modernization aim, joining the EU and being transformed into consolidated democracies. Notably, the prospects of entering the EU became a counter-force, which managed to neutralize the "dilemma of simultaneity" and refute the "theorem of impossibility" of a modernization process, becoming for the countries of the region quite a significant circumstance within the process of modernization and democratization transformations.

Experience has proven that it was represented in various sectors of social systems in Central-Eastern European countries, though it took place at different pace, but with the identical vector. First of all, in political and political-constitutional sphere the system of socialistic state and law was finally liquidated, and the basis of a law-governed state, political pluralism and democracy were instituted, the process of civil servant screening for corruption in the institutional power, law enforcement authorities, system of local governance was commenced, new constitutions and legislations were adopted. New political elites in the countries of Central-Eastern Europe not just declared inconvertibility of changes, but adhered to the chosen reformatory line. What's more, it referred both to right and left political forces, as among their representatives there weren't any divergences in views as to the main vector of national development, however, some specific steps towards democratic reforms could sometimes provoke acute discussions, caused a great deal of chaos into government actions, led to breakdowns of governmental coalitions and government resignations. Secondly, in the social-economic sphere the top-priority changes were: privatization, new forms of ownership, new structuring of the spheres of national economy, as well as new legislative base, which constituted a legal field for market mechanisms

⁴⁵ Myronenko P., *Forma pravlinnia: politychni transformatsii na zlomi stolit: monografiiia*, Wyd. Akademiia 2014, s. 95.

functioning. Thirdly and finally, in the sphere of social and cultural life it was represented in the following processes: liquidation of monopoly on power and social processes, reformation of civil, commercial and other legislations and their adjustment to western European standards. Therefore, in the course of modernization in the post-communist countries of Central-Eastern Europe in general, one could find the essential connection between the political, social-economic and system logistics of transformations, which in total became a “revolution” in the context of fundamental breaking social and social-political models.

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Corruption counteraction by the civil society: comparative analysis of the experience of Romania, Hungary, and Poland

The article examines the evolution of the civil society in Romania, Hungary, and Poland. A projection is made on one of the spheres of the “third sector” activity – prevention of corruption in politics and other spheres. The author analyzes the experience of the civil society of each of the countries regarding the supervision of policy makers in terms of their compliance with the requirements of transparent activity, prevention of conflicts of interest, and prevention of different manifestations of informal institutionalization. The study focuses on the peculiarities of the forms of corruption counteraction by the civil society in Romania, Hungary, and Poland, and identifies the obstacles that hinder the anticorruption activity of the civil society actors.

Keywords: civil society, corruption, anti-corruption policy, Romania, Hungary, Poland.

Przeciwdziałanie korupcji przez społeczeństwo obywatelskie: analiza porównawcza doświadczenia Rumunii, Węgier i Polski

Zbadano ewolucję społeczeństwa obywatelskiego w Rumunii, na Węgrzech i w Polsce. Przeprowadzono projekcję na jeden z kierunków działalności „trzeciego sektora” – zapobieganie korupcji w polityce i innych sferach. Przeanalizowano doświadczenie społeczeństwa obywatelskiego każdego z państw w zakresie nadzoru nad pomiotami polityki odnośnie przestrzegania przez nich wymogów przejrzystej działalności, niedopuszczania do konfliktów interesów, zapobiegania różnym przejawom nieformalnej instytucjonalizacji. Podkreślono specyfikę form przeciwdziałania korupcji przez społeczeństwo obywatelskie Rumunii, Węgier, Polska. Określono przeszkody utrudniające działalność antykorupcyjną aktorów społeczeństwa obywatelskiego.

Słowa kluczowe: społeczeństwo obywatelskie, korupcja, polityka antykorupcyjna, Rumunia, Węgry, Polska.

Протидія корупції з боку громадянського суспільства: порівняльний аналіз досвіду Румунії, Угорщини та Польщі

Проаналізовано еволюцію громадянського суспільства в Румунії, Угорщині та Польщі. Сфокусовано увагу на один з головних напрямів діяльності «третього сектору» - протидію

корупції в політиці та інших сферах. Розглянуто досвід громадянського суспільства кожної з означених країн стосовно контролю політичних акторів щодо дотримання ними вимог прозорості в діяльності, уникнення конфліктів інтересів, протидії різним проявам неформальної інституціоналізації. Виділено специфіку форм протидії корупції громадянським суспільством Румунії, Угорщини та Польщі. Визначено проблеми які перешкоджають антикорупційну діяльність представників громадянського суспільства.

Ключові слова: громадянське суспільство, корупція, антикорупційна політика, Румунія, Угорщина, Польща.

Współczesne kraje Europy Centralno-Wschodniej już trzecie dziesięciolecie z rządu w mniej lub bardziej udany sposób zmagają się z trudną spuścizną wieloletniego totalitarnego ucisku. W niektórych z nich proces ten był zdecydowany i efektywny, a w innych dalej możemy zaobserwować ciągnącą się likwidację pozostałości komunizmu w ustroju państwowym i społecznym, a w szczególności w świadomości ludzi. Ważną rolę w demokratyzacji krajów Europy Środkowo-Wschodniej odgrywają młode krajowe społeczeństwa obywatelskie. Doświadczenie społeczeństw obywatelskich wielu krajów stanowi przykład tego, jak zorganizowana wspólnota proponuje i pomyślnie realizuje mechanizmy antykorupcyjne. Jednocześnie istnieje wiele przykładów tego, jak inercja i obojętność słabego społeczeństwa obywatelskiego sprzyja wzmagającemu się przechodzeniu polityki do cienia, korupcyjnemu „zagarnięciu” państwa przez zainteresowanych aktorów polityczno-gospodarczych.

Spółczesne społeczeństwo obywatelskie w klasyfikacji instytucji politycznych należy do kategorii nieformalnych i konstruktywnych. Jednocześnie korupcja z punktu widzenia metodologii neo-instytucjonalizmu stanowi nieformalną instytucję destrukcyjną. Uzyskujemy model, w którym w pewien sposób odbywa się interakcja pomiędzy bardziej lub mniej aktywną instytucją konstruktywną oraz bardziej lub mniej niszczącą instytucją destrukcyjną. Formy takiego współistnienia w granicach płaszczyzny konkretnego systemu politycznego bezpośrednio zależą od stopnia aktywności i nieustępliwości właśnie konstruktywnej instytucji społeczeństwa obywatelskiego. To właśnie presja, nadzór zorganizowanej społeczności, która „żyje” według jednolitych zasad przejrzystej polityki, stwarza minimalne warunki dla praktyk korupcyjnych. Przeanalizujemy rolę krajowych społeczeństw obywatelskich w przeciwdziałaniu praktykom korupcyjnym na przykładzie trzech krajów, które już posiadają różne doświadczenia – Rumunii, Węgier i Polski. Państwa te wyraźnie demonstrować różną rolę krajowych społeczeństw obywatelskich jako aktorów przeciwdziałania korupcji.

Rumunia

W epoce socjalizmu Rumunia posiadała jeden z najbardziej zamkniętych i autorytarnych systemów w Europie Centralno-Wschodniej¹. Ze względu na nadzwyczaj agresywny charakter reżimu N. Ceaușescu, w okresie aksamitowych rewolucji w regionie Europy Centralno-Wschodniej („Jesień Narodów”) społeczeństwo obywatelskie w Rumunii praktycznie nie istniało. Nawet Rumuński Kościół Prawosławny był kontrolowany przez władzę totalitarną i nie mógł podjąć się tej postępowej roli, którą na początku tranzytu demokratycznego odegrał Kościół Katolicki w Polsce lub Kościół Luterski w landach wschodniemieckich. Ze względu na prześladowanie przez reżim N. Ceaușescu elity twórczej, nie ukształtowała się ta krytycznie nastawiona warstwa społeczna, z której wyrosła na przykład Charta 77 w Czechosłowacji, ruch świeckich katolików i byłych komunistów-intelektualistów w Polsce itd. Za przykład ograniczonej dysydencji można uważać co najwyżej protesty rumuńskich górników w latach 1970.²

Kiedy w 1989 r. odbyła się Rumuńska Rewolucja (w sposób siłowy, a nie pokojowy, jak w większości krajów Europy Centralno-Wschodniej), powstała pewna próżnia: przy masowym poparciu dla nowego ustroju nie było struktur instytucyjnych, które zastąpiłyby stare. Stworzona w pierwszych dniach po obaleniu N. Ceaușescu organizacja polityczna Front Ocalenia Narodowego nie mogła zostać głosem społeczeństwa obywatelskiego, gdyż większość jej liderów miała komunistyczną przeszłość.

Problemy Rumunii rozwijały się w typowym dla krajów postkomunistycznych kierunku: kraj opanował duży biznes, wyborcy mieli niski poziom kompetencji obywatelskiej oraz zainteresowania polityką, korupcja w latach 1990. i na początku lat 2000. była systemowa; do 2002 r. wskaźniki w sferze korupcji nieustannie się pogarszały. Niewystarczające przeciwdziałanie korupcji stanowiło podstawową pretensję Unii Europejskiej odnośnie możliwego przyjęcia Rumunii do UE³. W trakcie przygotowań do przystąpienia do UE na kraj ten wywierana była silna presja międzynarodowa. W celu spełnienia wymogów UE Rumunia w 2003 r. uchwaliła pakiet reform antykorupcyjnych, w szczególności otwarto dostęp do deklaracji finansowych, co stworzyło warunki do dyskusji społeczeństwa obywatelskiego, przy szerokim poparciu mediów, na temat uczciwości urzędników państwowych. Innowacje ustawodawcze stały się dla instytucji społeczeństwa obywatelskiego podstawą dla uzasadnienia legalności swoich żądań reformatorskich. Właśnie dlatego w ramach akcji organizowanych przez społeczeństwo obywatelskie przeciwko korupcji, na których skupimy się niżej, ani partie, ani politycy nie odważyli się na aktywnu sprzeciw wobec społeczeństwa obywatelskiego.

W 2004 r. w Rumunii przeprowadzono kampanię antykorupcyjną na dużą skalę, wskutek której około stu deputowanych o wątpliwej reputacji znalazło się poza składem parlamentu.

¹ T. Olteanu, S. Beyerle, *The Romanian people versus corruption. The Paradoxical Nexus of Protest and Adaptation*, „The Open Journal of Sociopolitical Studies”, 2017 nr 10 (3), s. 801.

² D. Deletant, *Ceaușescu and the Securitate: Coercion and Dissent in Romania, 1965-1989*. London 1995.

³ I. ШИМОН, В. ЛЕМАК, Протидія політичній корупції в Румунії: можливий досвід для України, „Часопис Київського університету права”, 3, s. 366.

Przed wyborami parlamentarnymi i prezydenckimi w 2004 r. rumuńskie społeczeństwo obywatelskie po raz pierwszy zorganizowało się w szeroką koalicję na rzecz uczciwości w polityce – „Koalicję na rzecz czystego parlamentu”. Inicjatywa Koalicji pochodziła od Stowarzyszenia Akademickiego Rumunii. Ideę działania koalicyjnego na rzecz uczciwości w polityce Rumuni zapożyczyli od Czechów; podobna kampania przeprowadzona została również w Korei Południowej, ale nigdzie nie była ona tak efektywna, jak w Rumunii. Faktycznie była to jedna z pierwszych inicjatyw antykorupcyjnych rumuńskiej społeczności.

Dla kandydatów na wyborach w 2004 r. określono następujące kryteria: czy kandydat był współpracownikiem służb specjalnych w czasach N. Ceaușescu „Securitate” (przed 1989 rokiem); jak często zmieniał on przynależność partyjną (nie więcej niż dwa razy) oraz czy obejmował stanowiska kierownicze w rumuńskiej partii komunistycznej; czy miał on konflikt interesów, przede wszystkim podczas prywatyzacji, a w szczególności, czy nie obejmował on wysokich stanowisk, jednocześnie prowadząc biznes; czy kandydat był oskarżany o korupcję, oszustwo, wykorzystywanie środków niezgodnie z przeznaczeniem; czy kandydat był zaangażowany w podejrzaną prywatyzację własności państwowej; czy kandydat posiadał aktywa prywatne, które nie odpowiadają złożonej deklaracji; jeśli kandydat na urząd publiczny ma biznes, to czy jego firma nie ma zadłużenia wobec budżetu; czy kandydat był oskarżany o przestępstwa karne⁴. Do dalszych kroków Koalicji należało gromadzenie informacji medialnych z ostatnich lat dotyczących kandydatów z tych partii, badanie innych źródeł, sprawdzanie ich. Na podstawie kontroli kandydatów sporządzono listy kandydatów, którzy nie spełniali kryteriów uczciwości. Listy wysyłane były do partii politycznych z prośbą o odsunięcie wymienionych kandydatów od udziału w wyborach 2004 lub dodatkowe zbadanie informacji o tych z nich, którzy zgłoszą sprzeciw wobec oskarżającej ich oceny publicznej. Inicjatywa rumuńskiego społeczeństwa obywatelskiego wyróżniła się rozpowszechnieniem w kraju około 2 mln ulotek z ostateczną redakcją listy skorumpowanych kandydatów. Akcja była więc maksymalnie nagłośniona w celu aktywizacji społeczeństwa nawet w najbardziej oddalonych rejonach górskich Rumunii. Ogółem „Koalicja na rzecz czystego parlamentu” wykryła fakty dotyczące 202 nieuczciwych polityków, a „partyjnej lustracji” poddano około 98 osób⁵. Było to pierwsze niewątpliwe wielkie zwycięstwo rumuńskiego społeczeństwa obywatelskiego w kierunku oczyszczenia władzy.

Rumuńskie społeczeństwo obywatelskie pokazało: w warunkach braku motywacji państwa w zakresie budowania przejrzystej polityki, publiczne ujawnienie stało się skutecznym mechanizmem antykorupcyjnych, stosowanym przez instytucje społeczeństwa obywatelskiego we współpracy z mediami. Zwróćmy uwagę także na jeszcze dwa spośród jej ważnych skutków: 1) po wyborach 2004 powstał szereg „filii” społecznych wspólnot antykorupcyjnych – „Koalicja na rzecz czystych uniwersytetów”, „Koalicja na rzecz czystego rządu”, działalność których również służyła celom oczyszczenia rumuńskiego społeczeństwa i państwa od systemowej korupcji; 2)

⁴ Coaliția pentru un Parlament Curat. www.sar.org.ro/coalitia-pentru-un-parlament-curat-2004/ [odczyt: 07.03.2018].

⁵ Alianța pentru o României curată. <http://www.romaniacurata.ro/liste-negre/#liste-locale-2004> [odczyt: 14.02.2018].

rozpoczął się eksport modelu przeciwdziałania społeczeństwa obywatelskiego do innych krajów, na przykład pod koniec 2006 r. została stworzona Kampania Społeczna „Na rzecz czystego Parlamentu Europejskiego – Bułgaria 2007”.

Naszym zdaniem, rumuńskie społeczeństwo obywatelskie miało dwie wielkie fale w działaniach antykorupcyjnych:

1. protesty antyrządowe po pożarze z dużą ilością ofiar w ludziach w klubie nocnym „Colectiv” (30.10.2015 r.) – tragedii, która miała miejsce właśnie ze względu na korupcję administracyjną (brak zezwolenia na działanie obiektu, wyjść awaryjnych, wystarczającej ilości gaśnic itd.). Głównym hasłem protestów stało się „Korupcja zabija!” i połączyło ono różne grupy społeczne. Protesty te stały się trampoliną dla wielu przedstawicieli sektora społecznego, którzy weszli do wielkiej polityki na fali antykorupcyjnej. Dymisja rządu, spowodowana przez presję społeczeństwa obywatelskiego po wspomnianej tragedii, zapoczątkowała reformę antykorupcyjną: w latach 2014-2016 około dwa tysiące osób skazano za nadużycia władzy;
2. antykorupcyjne protesty antyrządowe w latach 2017-2018 stały się największymi akcjami po wydarzeniach 1989 roku. Na początku 2017 r. protesty zostały spowodowane przez uchwalenie rozporządzenia rządowego, ukierunkowanego na złagodzenie prawa antykorupcyjnego. We wrześniu-listopadzie 2017 r. rozpoczęły się wielkie demonstracje antykorupcyjne ze względu na to, że rząd zamierzał zlikwidować niezależność polityczną specjalnego organu antykorupcyjnego w sferze sądowej (Inspekcji Sądowej). W styczniu – lutym 2018 r. protesty były spowodowane przez inicjatywy rządowe, które utrudniły pociąganie do odpowiedzialności skorumpowanych urzędników przez organy antykorupcyjne.

Z jednej strony, pozycje Rumunii w rankingach antykorupcyjnych (w szczególności w Indeksie Percepcji Korupcji) są niskie wśród krajów członkowskich UE: 2012 – 44 punkty (ze 100 możliwych) 2013 – 43, 2014 – 43, 2015 – 46, 2016 – 48, 2017 - 48. Z drugiej strony, nie można nie zauważyć postępowej dynamiki (wzrostu indeksu); dostrzegamy w tym zasługę przede wszystkim działalności rumuńskiego społeczeństwa obywatelskiego. Jednak protesty w latach 2017-2018 udowodniły: społeczeństwo obywatelskie musi ciągle stać na straży legalności, przejrzystości polityki, poza tym politycy poszukują sposobów odejścia od uczciwość.

Węgry

Badanie doświadczenia przeciwdziałania korupcji przez węgierskie społeczeństwo obywatelskie nabrało szczególnej aktualności w kontekście wzmacniania się w tym państwie tendencji neoautorytarnych, zainicjowanych przez rząd V. Orbána oraz partię rządzącą Fidesz. Węgry po dziesięcioleciach reżimu niedemokratycznego, jednak już w drugim dziesięcioleciu członkostwa w UE, nadal mają ogromne problemy w sferze budowania demokratycznego

krajobrazu instytucyjnego, polityka tego kraju gwałtownie się radykalizuje, wzrasta wpływ partii populistycznych.

Istotnym czynnikiem napędowym ewolucji węgierskiego społeczeństwa obywatelskiego były, tak samo jak w innych krajach Europy Centralno-Wschodniej, wydarzenia końcówki lat 1980. Jednak znaczące dla rozpoczęcia tego procesu wydarzenia miały miejsce wcześniej – demonstracja antyrządowa 23.10.1956 r. w Budapeszcie. Na rozwój węgierskiego społeczeństwa obywatelskiego wpłynęły także innowacje gospodarcze J. Kádára: sprzyjały one liberalizacji gospodarczej, rozwojowi sektoru prywatnego. Ale ogólnie działalność społeczeństwa obywatelskiego, ruchów opozycyjnych po 1956 r., w okresie podporządkowania ZSRR, nie była tak pomyślna jak w Polsce⁶, a węgierskie społeczeństwo obywatelskie było zbyt apatyczne i zindywidualizowane, by stworzyć integralny, jednolity ruch⁷. Jednocześnie przed 1988 r. powstało wiele niezależnych grup, koalicji, które łączyła idea zmian polityczno-gospodarczych w Europie Centralno-Wschodniej. Ważną datą dla węgierskiego społeczeństwa obywatelskiego było 15.03.1989 r., kiedy społeczeństwo postawiło żądania demokratyzacji. Ogółem na początku lat 1990. organizacje pozarządowe szybko się rozwijały, dlatego tym bardziej przykra jest obecna ofensywa państwa przeciwko węgierskiemu społeczeństwu obywatelskiemu, która przerwała jego stopniową ewolucję.

Oceniając poziom aktywizmu społeczno-politycznego Węgrów, ponad 4/5 z nich nigdy nie uczestniczyło w żadnych stowarzyszeniach obywatelskich ani akcjach, a ci, którzy jednak przyłączali się do inicjatyw społecznych, działali nie w polityce, lecz w sferze sportu, ochrony środowiska, religii, kultury⁸. Według stanu na 2014 r. na Węgrzech było prawie 56 tys. organizacji pozarządowych, większość spośród których działała w stolicy. Świadczy to o istnieniu problemów w płaszczyźnie kultury politycznej Węgrów, gdyż znaczna część obywateli nie rozumie pożyteczności społeczeństwa obywatelskiego. Społeczeństwo węgierskie staje się coraz bardziej apolityczne, apatyczne w kwestiach polityki państwowej oraz społeczeństwa, a to oznacza, że mniej interesuje się ono także pracą aktorów społeczeństwa obywatelskiego i nie widzą siebie w takich wspólnotach.

Zauważmy: 1) w ciągu ostatnich kilku lat (od 2010 r.) Węgry przeżywają odejście od demokracji; stworzyło to zagrożenie dla stabilności społeczeństwa obywatelskiego; 2) zwęża się przestrzeń działalności społeczeństwa obywatelskiego, co stanowi niepokojącą tendencję. Warto zauważyć niezwykle niekorzystne dla demokratyzacji Węgier istnienie pod marką organizacji pozarządowych struktur, które zostały stworzone nie przez społeczność, lecz przez rząd w celu organizacji poparcia władzy i przeciwdziałania opozycyjnemu społeczeństwu obywatelskiemu.

⁶ Е. Турута, Формирование гражданского общества и становление демократии в Центральной и Восточной Европе. „Закон и жизнь”, 2013 nr 9.3, s. 244.

⁷ А. Арато, Концепция гражданского общества: восхождение, упадок и воссоздание – направления для дальнейших исследований. „Полис”, 1995 nr 3, s. 56.

⁸ С. Кит. Політичні цінності громадянського суспільства Угорщини. „Наукові записки Інституту політичних і етнонаціональних досліджень ім. І. Ф. Кураса”, 2014 nr 4-5, s. 368.

Oznacza to, że kształtuje się patologiczna sytuacja rozdwojenia społeczeństwa obywatelskiego: jedna jego część finansowana i inicjowana jest przez rząd, działa w celu propagandy kursu rządowego i neutralizacji krytyków; natomiast drugą część stanowi prawdziwe społeczeństwo obywatelskie – kontroler państwa, który jest uciskany za swoje stanowisko.

W czerwcu 2017 r. węgierska władza uchwaliła rygorystyczną ustawę, zmieniającą zasady działalności w kraju organizacji pozarządowych, które finansowane są z zagranicy (w wysokości ponad 24 tys. euro). Zobowiązane są one do przerejestrowania się jako „organizacje wspierane z zagranicy”; sankcją za odmowę jest zamknięcie. Władza motywuje takie innowacje tym, że będą one sprzyjać zwiększeniu przejrzystości w pracy organizacji pozarządowych oraz pomogą walczyć z praniem brudnych pieniędzy i finansowaniem terroryzmu. Wprowadzenie dyskryminacyjnych norm i inicjatyw ukierunkowane jest przede wszystkim przeciwko organizacjom pozarządowym pracującym w sferze ochrony praw człowieka i antykorupcyjnej: Transparency International Węgry, Węgierski Komitet Helsiński oraz Węgierska Unia Swobód Obywatelskich (TASZ).

Jednocześnie pozycja Węgier w Indeksie Percepcji Korupcja sygnalizuje narastanie praktyk korupcyjnych. Ze 100 możliwych punktów w 2012 r. uzyskano 55, **2013 – 54, 2014 – 54, 2015 – 51, 2016 – 48, 2017 – 45 punktów⁹. Ma miejsce pogarszanie się wskaźników. Według wyników z 2017 r., Węgry spadły na 66 miejsce na świecie; spośród krajów UE niżej jest tylko Bułgaria (71 miejsce, 43 punkty, ale z postępem +2 punkty w ciągu ostatniego roku). Wydaje się, że V. Orbán buduje głęboko skorumpowany system, ukierunkowany na zaspokojenie potrzeb wąskiego grona osób. Z jednej strony, V. Orbán deklaruje walkę z korupcją (na przykład w 2010 r. ogłosił on wojnę „rycerzom offshorowym”), a z drugiej strony premier i jego otoczenie partyjne uczestniczą w nieprzejrzystych przetargach, wyprowadzaniu kapitałów do offshorów („Panama Papers”) itd. Rodzina (faktycznie klan) V. Orbána systematycznie wzbogaca się poprzez wygrywanie przetargów na duże projekty społeczne, finansowane przede wszystkim przez UE¹⁰. Stanowi to przykład korupcyjnego „zagraniecia” państwa, kiedy nieformalna instytucjonalizacja w postaci nepotyzmu, klanowości, korupcji itd. zaczyna określać rozwój państwa, niszczy jego wizerunek na arenie międzynarodowej.**

Różne sondaże opinii społecznej Węgrów stabilnie obserwują wysoki odsetek osób, które uznają, że problem korupcji na Węgrzech jest poważny i skłaniają się do opinii, że większość polityków i urzędników państwowych jest skorumpowana¹¹. Jednocześnie jednak rozumienie to nie przekłada się na presję antykorupcyjną na władzę, jak ma to miejsce na przykład w Rumunii. Przeprowadziliśmy monitoring akcji protestu na Węgrzech, ale znaleźliśmy niezwykle mało ukierunkowanych konkretnie na przeciwdziałanie korupcji:

⁹ *Hungary Corruption Index*. <https://tradingeconomics.com/hungary/corruption-index/> [odczyt: 28.02.2018].

¹⁰ B. Pivamyik. It is up to the Chief Prosecutor to investigate Orbán's son-in-law. <https://budapestbeacon.com/chief-prosecutor-investigate-orbans-son-law/> [odczyt: 29.01.2018].

¹¹ B. Zöldi. Hungarian sociologists' study on corruption voted best in world. <https://budapestbeacon.com/hungarian-sociologists-study-corruption-voted-best-world/> [odczyt: 06.02.2018].

- jesienią 2014 r. miał miejsce szereg protestów antykorupcyjnych z żądaniem dymisji przewodniczącej administracji podatkowej i celnej Węgier Ildikó Vidy, podezwanej o korupcję, a także całego rządu V. Orbána¹². W tym czasie szereg węgierskich wysokich urzędników państwowych wpisano na listę osób pozbawionych prawa wjazdu do USA z względu na podejrzenia o korupcję¹³;

- 08.03.2015 r. w Budapeszcie przeprowadzono demonstrację antykorupcyjną, która była próbą zgromadzenia na jednym wydarzeniu węgierskich opozycyjnych partii politycznych i organizacji społecznych¹⁴. Przedstawiciele społeczeństwa obywatelskiego ogłosili problemy fałszyfikacji problemów, podziału gruntów państwowych przez zwolenników partii rządzącej Fidesz, ignorowania przez organy śledcze spraw korupcyjnych. Właśnie na tej demonstracji być może po raz pierwszy na Węgrzech ogłoszono potrzebę stworzenia spójnej społeczności – antykorupcyjnej sieci aktorów społeczeństwa obywatelskiego.

Zauważmy, że sami aktorzy węgierskiego społeczeństwa obywatelskiego stają się figurantami spraw korupcyjnych. W szczególności, sam proces udzielania finansowania państwowego organizacjom pozarządowym na Węgrzech jest skorumpowany, nieprzejrzysty, ma cechy konfliktu interesów. Tworzy się paradoksalna sytuacja: organizacje, zadaniem których jest przeciwdziałanie korupcji, same mają uciekać się do korupcji w celu umożliwienia uzyskania finansowania dalszej działalności statutowej. Taka praktyka jest destrukcyjna dla postępu demokratycznego dowolnego kraju.

Wymowny jest fakt tego, iż jak pokazał nasz monitoring, w ciągu dwóch tygodni po publikacji nowego Indeksu Percepcji Korupcji z 2017 r., taki rezonansowy upadek Węgier w żaden sposób nie przełożył się na akcje protestu społeczeństwa węgierskiego.

Polska

Polska należy do tych państw, które w ciągu ostatnich dziesięcioleci osiągnęły pewien sukces w ograniczaniu praktyk korupcyjnych. Stało się to możliwe między innymi dzięki aktywnym obywatelom, zjednoczonym wokół idei modernizacji swojego kraju, ale jednocześnie wymaga badania to, jaką była rola antykorupcyjna społeczeństwa obywatelskiego, ocena jej znaczenia.

Według stanu na koniec lat 1980., kiedy zaczęła się demokratyzacja, polskie społeczeństwo już miało wysoki stopień gotowości mentalno-psychologicznej narodu do zmian demokratycznych przeciwko narzuconemu z zewnątrz reżimowi komunistycznemu¹⁵. Przesłanki tej gotowości nie powstały jednocześnie, lecz gromadziły się przez dłuższy czas. Kształtowaniu się

¹² К. Каплюк. Понад десять тисяч угорців протестували проти корупції. <http://p.dw.com/p/1DjsA> [odczyt: 08.02.2018].

¹³ Á. Varga. Kleptocracy Banned: The Hungarian Tax Authority Scandal. <https://www.boell.de/en/2014/11/24/kleptocracy-banned-hungarian-tax-authority-scanda> [odczyt: 09.02.2018].

¹⁴ Á. Lestyánszky. Péter Juhász: Hungarian authorities won't investigate corruption. <https://budapestbeacon.com/peter-juhasz-hungarian-authorities-wont-investigate-corruption/news/articles/2014-07-28/orban-says-he-seeks-to-end-liberal-democracy-in-hungary> [odczyt: 05.02.2018].

¹⁵ І. Задорожний. Трансформація політичної системи Польщі в умовах переходу до демократії. „Науковий вісник Ужгородського університету. Серія Політологія, Соціологія, Філософія”, 2010 nr 14, s. 174.

polskiego społeczeństwa obywatelskiego sprzyjało zjednoczenie się wszystkich warstw społecznych w poparci strajkujących robotników, a także w późniejszych procesach sądowych nad robotnikami. Wskutek tego Polska była pierwszym krajem Europy Centralno-Wschodniej, który wkroczył na ścieżkę demokratyzacji; tutaj po raz pierwszy ukształtowała się opozycja i rząd niekomunistyczny.

Jednocześnie pewnym problemem była wielopartyjność (250 partii; obecnie ich ilość zmniejszyła się do 68); turbulencje partyjne doprowadziły do znacznego rozdrobnienia partii, kryzysów parlamentarnych, które osłabiały polskie społeczeństwo obywatelskie. Ówczesna struktura polskie społeczeństwa obywatelskiego była także dysproporcjonalna: dominowały w niej partie polityczne, a inne elementy społeczeństwa obywatelskiego miały nieznaczący wpływ. H. Zeleńo zwróciła uwagę na to, że jedynie pod wpływem procesów prywatyzacji, reform społeczno-gospodarczych, przeprowadzonych w latach 1990., udało się usunąć wymienione dysproporcje w strukturze społeczeństwa obywatelskiego¹⁶.

Według danych z 2016 r., w Polsce zarejestrowano 17 tys. fundacji i 100 tys. stowarzyszeń, ale około ćwierć zarejestrowanych organizacji jest niekatywna, czyli obecnie pracuje łącznie około 90 tys. fundacji i stowarzyszeń¹⁷. Kwestiami legalności, praw człowieka (czyli maksymalnie zbliżonymi do walki z korupcją) zajmuje się jedynie 2% organizacji; dominują natomiast organizacje pozarządowe, zajmujące się sportem, turystyką, wypoczynkiem edukacją, kulturą itd.¹⁸. Oznacza to, że chociaż w Polsce ogólnie zarejestrowano znaczną ilość organizacji pozarządowych, jedynie niewielka część z nich zaangażowana jest w opracowywanie polityki antykorupcyjnej i kwestii dobrego rządzenia.

Jednocześnie ocena regulacji prawnej działalności instytucji społeczeństwa obywatelskiego oraz jego aktorów w Polsce świadczy o tym, że normy polskiego prawa, w odróżnieniu od węgierskiego, umożliwiają swobodne przeprowadzanie różnych działań, w tym ukierunkowanych na przeciwdziałanie korupcji¹⁹. Być może, przyczyny warto doszukiwać się również w płaszczyźnie problemów niewystarczającego finansowania organizacji pozarządowych, gdyż polskie organizacje pozarządowe nie mogą zatrudniać profesjonalnych pracowników²⁰ (prawników, ekonomistów i innych), którzy są niezbędni w takiej sferze, jak walka z korupcją – działalność taka musi opierać się o profesjonalistów, w przeciwnym razie stanie się ona tanim populizmem. We wspólnym badaniu²¹ polskiego Instytutu Spraw Publicznych i Transparency International dotyczącym korupcji i roli różnych instytucji państwowych i niepaństwowych w przeciwdziałaniu

¹⁶ Г. Зеленько. Інституціоналізація громадянського суспільства у постсоціалістичних країнах (на прикладі країн Вишеградської групи та України), Київ 2007, s. 22.

¹⁷ 2016 Report on the State of Civil in the EU and Russia. Berlin 2017, s. 78.

¹⁸ Ibidem, s. 79.

¹⁹ Mechanizmy przeciwdziałania korupcji w Polsce. Raport z monitoring, red. A. Kobylińska, G. Makowski, M. Solon-Lipiński, Warszawa 2012, s. 252.

²⁰ Podstawowe dane o stowarzyszeniach i społecznych podmiotach wyznaniowych działających w 2008 r., red. M. Grabowska, S. Mocek, E. Wnuk-Lipiński, Warszawa 2010.

²¹ Mechanizmy przeciwdziałania korupcji w Polsce. Raport z monitoring, red. A. Kobylińska, G. Makowski, M. Solon-Lipiński, Warszawa 2012, s. 261.

korupcji zauważono: polski „trzeci sektor” nie posiada stabilnego finansowania; w budżecie organizacji dominują środki państwowe, ale może to być rozpatrywane jako pewna wada tych organizacji, celem których jest przeciwdziałanie korupcji, nadzór nad dobrym rządzeniem itd; powstają także problemy z przejrzystością samych organizacji pozarządowych.

Jeśli odwołamy się do Indeksu Percepcji Korupcji, w latach 2012-2016 r. Polska powoli, ale zwiększała punkty (2012 – 58, a w 2016 – już 62), awansując na liście. Jednak według wyników badań w 2017 r. miał miejsce spadek do 60 punktów, co przesunęło Polskę z 29 od razu na 36 miejsce na świecie. Badanie polskiego Centrum Badania Opinii Społecznej (CBOS 67/2017)²² wskazuje na dobrze ukształtowany negatywny stosunek większości obywateli do problemu korupcji. Przeważająca większość respondentów (76%) uważa korupcję w kraju za duży problem, 15% ocenia skalę korupcji jako nieznaczną, a 1% jako bardzo nieznaczną. Badanie to świadczy o pozytywnym stosunku Polaków do działań antykorupcyjnych.

Analizując udział polskich organizacji pozarządowych w kształtowaniu krajowej polityki antykorupcyjnej trudno jest stwierdzić, czy polskie społeczeństwo obywatelskie jest skuteczne w tym procesie. Możemy konstatować działalność kilku organizacji: Fundacji im. Stefana Batorego, Helsińskiej Fundacji Praw Człowieka, Stowarzyszenia Liderów Lokalnych Grup Obywatelskich, Transparency International Polska. Jedną z organizacji osiągających największe sukcesy w walce z korupcją w Polsce jest Fundacja im. Stefana Batorego. Fundacja prowadzi duży program „Odpowiedzialne Państwo”, w ramach którego stale przeprowadzane są takie monitoringi, jak Barometr Ryzyka Nadużyć w Zamówieniach Publicznych, Monitoring Kandydatów na Stanowiska Państwowe i inne.

Odnośnie polskich obywateli należy zauważyć: niezwykle rzadko mobilizują się oni konkretnie przeciwko korupcji. Żadna z dużych akcji protestu nie miała takiego ukierunkowania, podczas gdy w wielu państwach Europy Centralno-Wschodniej było to podstawowym tematem protestów.

Wnioski

Przeprowadzona analiza nie tylko potwierdziła hipotezę dotyczącą znaczenia roli społeczeństwa obywatelskiego w przeciwdziałaniu korupcji, ale także umożliwiła zrozumienie różnic tej roli w ramach trzech państw Europy Centralno-Wschodniej:

- społeczeństwo Rumunii wyraźnie identyfikuje korupcję jako przeszkodę dla pomyślnej transformacji państwa do rozwoju demokratycznego. Procesy, które odbywają się w Rumunii w latach 2017–2018 stanowią wzór tego, jak powinno działać społeczeństwo obywatelskie, kiedy politycy próbują wykorzystać władzę jako źródło uzyskiwania korzyści. Jak świadczy rumuński proces polityczny, rola społeczeństwa obywatelskiego polega na tym, że powinno ono stać na straży, by nie odbył się odwrót do korupcji politycznej;

²² Opinie na temat korupcji w Polsce. Komunikat z badań nr 63/2017. Warszawa 2017.

- korupcja jest jedną z przyczyn osłabienia instytucji demokratycznych na Węgrzech. Odejście tego państwa od demokratyzacji, spadek w Indeksie Percepcji Korupcji wyjaśniamy między innymi wzmaganiem się presji rządu V. Orbána na społeczeństwo obywatelskie, media i sąy. Taka presja państwa stała się możliwa, gdyż na Węgrzech jeszcze nie rozwinęła się kultura współpracy pomiędzy aktorami społeczeństwa obywatelskiego, jest deficyt zaangażowania między nimi, nie został nagromadzony niezbędny zbiorowy kapitał społeczny. Przykład Węgier pokazuje, jak społeczeństwo obywatelskie, które szybko i obiecująco rozwijało się po upadku komunizmu, stało się zależne od państwa i stopniowo zmuszane jest do oddalania się od potrzeb i interesów społecznych. Taki niepokojący proces będzie sprzyjał coraz większemu korupcyjnemu „zagarnięciu państwa”, jeśli głos węgierskiego społeczeństwa obywatelskiego nie stanie się zauważalny;
- wpływu tych polskich instytucji społeczeństwa obywatelskiego, zadaniem których jest przeciwdziałanie korupcji, obecnie nie można nazwać znacznym. Poziom zaangażowania polskiego „trzeciego sektora” do tworzenia konkretnie polityki antykorupcyjnej jest obecnie niewysoki, chociaż w wielu kwestiach polskie społeczeństwo obywatelskie pokazuje nadzwyczajną spójność (sprzeciw wobec kontrowersyjnej reformy sądownictwa, zaostrenie ustawy antyaborcyjnej itd.).

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THE FEATURES AND CONSEQUENCES OF ANTI-SYSTEM POLITICAL OPPOSITION IN THE COUNTRIES OF THE VISEGRAD GROUP

The article is dedicated to analyzing the essence, features and consequences of anti-system political opposition in the countries of the Visegrad Group. The author found that anti-system opposition is manifested through anti-system political parties and movements in the region. They (mostly as semi-loyal and legal) are placed on the extreme left-wing political and ideological spectrum and are used to express their constant opposition to the mainstream political parties and political process. It was revealed that extreme left and extreme right anti-system parties and movements and thus anti-system political opposition in the Visegrad countries are euro-skeptic, because some of them are in favor of leaving the EU, and some of them want to reform it from the inside. The researcher recorded that all anti-system political parties and movements as oppositional ones are ready to take any new issues to maximize their popularity and influence on political system, but as governmental ones are characterized by a significant loss of incentives to do so. On the basis of this, the author isolated general attributes of anti-system parties and opposition in the countries of the Visegrad Group.

Keywords: opposition, anti-system opposition, anti-system parties and movements, extreme left and extreme right parties and movements, countries of the Visegrad Group.

ОСОБЛИВОСТІ ТА НАСЛІДКИ АНТИСИСТЕМНОЇ ПОЛІТИЧНОЇ ОПОЗИЦІЇ В КРАЇНАХ ВИШЕГРАДСЬКОЇ ГРУПИ

Проаналізовано сутність, особливості та наслідки антисистемної політичної опозиції в країнах Вишеградської групи. З'ясовано, що антисистемна опозиція в регіоні виявляється через антисистемні політичні партії та рухи. Вони, здебільше будучи напівлояльними і легальними, розміщуються на крайніх флангах ліво-правого політично-ідеологічного спектра і звикло виявляють свою постійну опозиційність мейнстрімним політичним силам і політичному процесу. Простежено, що антисистемні ультраліві та ультраправі партії, а відтак й антисистемна політична опозиція у країнах Вишеградської групи є євроскептичними, адже деякі із них виступають за вихід із ЄС, а деякі хочуть реформувати його зсередини. Зафіксовано, що всі антисистемні політичні партії та рухи як опозиційні готові приймати будь-які нові питання для максимального збільшення своєї популярності і впливу на політичну систему, але як урядові характеризуються значною втратою стимулів для здійснення цього. На підставі

цього прослідковано генеральні атрибути антисистемних партій і опозиції в країнах Вишеградської групи.

Ключові слова: *опозиція, антисистемна опозиція, антисистемні політичні партії та рухи, ультраліві та ультраправі партії та рухи, країни Вишеградської групи.*

Країни Вишеградської групи – Польща, Словаччина, Угорщина та Чехія – є, незалежно від реалізовуваних у них систем державного правління, парламентськими демократіями, для яких властива реалізація політичного процесу і міжінституційних відносин на підставі конструктивного й системного діалогу політичної влади/уряду (еліти) та політичної/парламентської опозиції (контреліти). Але поряд із визначальним впливом системної/конструктивної політичної, передусім парламентської, опозиції на структурування політичного процесу і консолідацію/деконсолідацію демократії у різних країнах Вишеградської групи, доволі вагоме значення має апелювання й до сутності, особливостей і наслідків феномену антисистемної політичної опозиції у регіоні.

Зумовлено це передусім тим, що інтеграційно-демократизаційні процеси в Польщі, Словаччині, Угорщині та Чехії все ж таки не змогли призвести до однозначного трактування і позиціонування політичної опозиції, а відтак викликали її різносторонню диверсифікацію у міжінституційному, партійно-електоральному та системному або антисистемному вимірах і зрізах. Адаже навіть попри те, що в країнах Вишеградської групи здебільше створено своєрідне інституційне середовища конструктивізації політичної (передусім у формі парламентської) опозиції¹, з огляду на неповністю задекларований консенсус стосовно «правил гри» все таки не забезпечено усестороннього і максимально надійного механізму відторгнення впливу й популярності екстремістсько/радикально налаштованих організацій, які різною мірою становлять феномен антисистемної опозиції. Сумарно це актуалізує проблематику особливостей і наслідків антисистемної політичної опозиції у країнах Вишеградської групи.

Заявлена проблематика частково розроблена у наукових доробках таких вчених, як І. Большаков², Р. Данфі і Т. Бейл³, М. Зуліанелло⁴, В. Камія і Д. Карамані⁵,

¹ *Polityczna władza i opozycja w Ukraini: porównalnyi analiz iz zarubizhnyimi krainamy: monobfafia* (ed. F. Rudych), Wyd. IPIEND im. I. F. Kurasa NAN Ukrainy 2016, s. 346.

² I. Bolshakov, *Nesistemnaya opozitsiya: Terminologicheskaya "osibka" ili politicheskaya realnost?*, "Svobodnaya mysl" 2011, vol 3, nr. 1622, s. 109–118.

³ R. Dunphy, T. Bale, *The radical left in coalition government: Towards a comparative measurement of success and failure*, "Party Politics" 2011, vol 17, nr. 4, s. 488–504.

⁴ M. Zulianello, *Anti-System Parties Revisited: Concept Formation and Guidelines for Empirical Research*, "Government and Opposition" 2017, Online First (10 May 2017), 29 s.

⁵ V. Camia, D. Caramani, *Family meetings: Ideological convergence within party families across Europe, 1945–2009*, "Comparative European Politics" 2012, vol 10, nr. 1, s. 48–85.

Дж. Капочія⁶, А. Клукнавска⁷, Н. Конті та В. Мемолі⁸, М. Мареш⁹, Л. Марч і К. Мадде¹⁰, Д. Мікеш¹¹, Т. Ночіар¹², Р. Панковські¹³, А. Пірро¹⁴, Дж. Сарторі¹⁵, Т. Ткаченко¹⁶, А. Циганков¹⁷ та інші. Однак у них так й не вироблено комплексного висновку із приводу розуміння специфіки і наслідків антисистемної політичної опозиції в країнах Вишеградської групи. Відтак метою запропонованого дослідження є виявлення і систематизація особливостей і наслідків антисистемної політичної опозиції в країнах Вишеградської групи – Польщі, Словаччина, Угорщині та Чехії – впродовж 1989–2017 рр., тобто від моменту початку їхньої демократизації і до моменту проведення аналізу.

Для розв'язання поставленої мети виходимо з теоретичної концептуалізації передусім таких дослідників, як Дж. Сарторі¹⁸, Дж. Капочія¹⁹ та М. Зуліанелло²⁰. Вони аргументують, що антисистемна опозиція (зокрема у форматі легальної чи нелегальної, неояльної чи напівояльної) традиційно інтерпретується на підставі категорії антисистемних політсил. Тобто партій і рухів, які мають цінності й ідеологію, діаметрально протилежні цінностям й ідеології, які панують у політичній системі, в якій вони існують. Відтак трактування антисистемної опозиції засноване не на врахуванні радикальності методів політичної боротьби, а на наявності у політсил, які її представляють, максимальної ідеологічної дистанції²¹. Щоправда із зауваженням Дж. Капочії²² про те, що антисистемність політсил і політичної опозиції варто означувати дихотомічно – реляційно та ідеологічно, – що в сумі вписується у виділення таких її атрибутів, як: 1) віддалене ідеологічно-просторове розташування виборців антисистемних політсил від виборців «сусідніх»

⁶ G. Cappocia, *Anti-System Parties: A Conceptual Reassessment*, "Journal of Theoretical Politics" 2002, vol 14, nr. 1, s. 9–35.

⁷ A. Kluknavská, *Enemies at the Gates: Framing Strategies of Extreme Right Parties in Slovakia and the Czech Republic*, Paper presented at the SISP Conference 2014, University of Perugia and University for Foreigners of Perugia, 11–13 September 2014, 19 s.

⁸ N. Conti, V. Memoli, *The multi-faceted nature of party-based Euroscepticism*, "Acta Politica" 2012, vol 47, nr. 2, s. 91–112.

⁹ M. Mareš, *Czech Radical Right and Political Mainstream: Between Hostility and Symbiosis*, Presented at 23rd World Congress of Political Science "IPSA/AISP Challenges of Contemporary Governance", Montreal, 19–24 July 2014, 10 s.; M. Mareš, *Transnational Networks of Extreme Right Parties in East Central Europe: Stimuli and Limits of Cross-Border Cooperation*, Paper prepared for the 20th IPSA World Congress, Fukuoka, 9–13 July 2006, 26 s.

¹⁰ L. March, *Out of left field? Explaining the variable electoral success of European radical left parties*, "Party Politics" 2015, vol 21, nr. 1, s. 40–53.; L. March, C. Mudde, *What's left of the radical left? The European radical left after 1989: Decline and mutation*, "Comparative European Politics" 2005, vol 3, nr. 1, s. 23–49.

¹¹ D. Mikecz, *Changing movements, evolving parties: the party-oriented structure of the Hungarian radical right and alternative movement*, "Intersections. EEJSP" 2015, vol 1, nr. 3, s. 101–119.

¹² T. Nociar, *Right-Wing Extremism in Slovakia*, "International Policy Analysis" 2012, 12 s.

¹³ R. Pankowski, *Right-Wing Extremism in Poland*, "International Policy Analysis" 2012, 11 s.

¹⁴ A. Pirro, *Populist Radical Right Parties in Central and Eastern Europe: The Different Context and Issues of the Prophets of the Patria*, "Government and Opposition" 2014, vol 49, nr. 4, s. 600–629.

¹⁵ G. Sartori, *Parties and Party Systems: A Framework for Analysis*, Wyd. Cambridge University Press 1976.

¹⁶ Т. Ткаченко, *Опозиційна як політичний інститут і форма суспільного протесту*, "Політичний менеджмент" 2007, vol 5, s. 40–45.

¹⁷ А. Тсыганков, *Современные политические режимы: структура, типология, динамика*, Wyd. Interpaks 1995.

¹⁸ G. Sartori, *Parties and Party Systems: A Framework for Analysis*, Wyd. Cambridge University Press 1976, s. 132–133.

¹⁹ G. Cappocia, *Anti-System Parties: A Conceptual Reassessment*, "Journal of Theoretical Politics" 2002, vol 14, nr. 1, s. 9–35.

²⁰ M. Zulianello, *Anti-System Parties Revisited: Concept Formation and Guidelines for Empirical Research*, "Government and Opposition" 2017, Online First (10 May 2017), 29 s.

²¹ I. Bolshakov, *Nesistemnaya oppozitsiya: Terminologicheskaya "oshibka" ili politicheskaya realnost?*, "Svobodnaya mysl" 2011, vol 3, nr. 1622, s. 109.

²² G. Cappocia, *Anti-System Parties: A Conceptual Reassessment*, "Journal of Theoretical Politics" 2002, vol 14, nr. 1, s. 9–35.

політсил мейнстрімного характеру (які конструктивізують відносини влади й опозиції); 2) низький потенціал коаліційності антисистемних політсил; 3) тактика надмірної делегітимізації та пропагандизації політичного процесу антисистемними політсилами; 4) нерівномірна ідеологічна дистанція/відстань між системними та антисистемними політсилами; 5) відцентровість і надмірна поляризація (багатополярність у кластері «ліві – центр – праві») політичного процесу і міжпартійної конкуренції²³. Доповнюється це логікою М. Зуліанелло²⁴ про те, що антисистемною є політсила, у випадку якої одночасно виконуються дві вимоги: а) ідеологічне позиціонування політсили політичному статусу-кво не просто призводить до артикуляції звиклого несприйняття влади/уряду й оформлення політико-орієнтованої опозиції їй/йому, а й зумовлює генерування питань метаполітичного характеру, зокрема про доцільність і раціональність чинної політичної системи та її політичних інститутів; б) політсила не бере участі у кооперативних взаємодіях на системному рівні, навіть не зважаючи на власне антагоністичне самосприйняття і/чи ставлення інших політсил у системі, а тому виступає за радикальне анулювання та заміну/заміну чинної партійної системи.

Таку логіку теоретизації антисистемної політичної опозиції чітко прослідковуємо на прикладі цілої низки антисистемних політсил (партій та рухів) у різних країнах Вишеградської групи (їхній частковий перелік див. нижче). Вони, будучи здебільше напівлояльними і легальними, свого часу розміщувались або й досі розміщуються на крайніх флангах ліво-правого політично-ідеологічного спектра та звикло виявляють свою постійну опозиційність мейнстрімним політичним силам й політичному процесу (який здебільшого окреслюється якщо не як центристський, то принаймні точно як лівий/лівоцентристський чи правий/правоцентристський).

Причому традиційними прикладами ультралівих антисистемних партій у країнах Вишеградської групи є або раніше були переважно нереформовані чи модернізовані або ж взагалі новостворені комуністичні й анархістські політсили, зокрема Польська партія праці (PPP) та партія «Зміна» (Z) у Польщі, Комуністична партія Чехії та Моравії (KSCM) і «Лівий блок» (LB) у Чехії, Комуністична партія Словаччини (KSS), «99 відсотків – Громадянський вибір» (99 %), Асоціація працівників Словаччини (ZRS), «Спільний вибір» (SV) та Партія демократичних лівих (SDL) у Словаччині тощо. Специфіка лівих антисистемних політсил (партій і рухів) у країнах Вишеградської групи в тому, що вони, попри поширену думку про їхню повну «загибель» після колапсу СРСР²⁵, сьогодні все ж виявляються функціонуючими, хоча і не дуже, за винятком Чехії, електорально популярними. Окрім того, у деяких країнах регіону, зокрема знову ж у Чехії, саме ультраліві

²³ G. Cappocia, *Anti-System Parties: A Conceptual Reassessment*, "Journal of Theoretical Politics" 2002, vol 14, nr. 1, s. 9.

²⁴ M. Zulianello, *Anti-System Parties Revisited: Concept Formation and Guidelines for Empirical Research*, "Government and Opposition" 2017, Online First (10 May 2017), 29 s.

²⁵ L. March, C. Mudde, *What's left of the radical left? The European radical left after 1989: Decline and mutation*, "Comparative European Politics" 2005, vol 3, nr. 1, s. 23–49.

антисистемні партії, передусім Комуністична партія Чехії та Моравії (KSCM), є прямими претендентами (особливо за результатами чеських парламентських виборів 2017 р.) на зайняття місця поки що мейнстрімних лівоцентристських партій (зокрема Чеської соціал-демократичної партії (CSSD))²⁶.

Загалом усі радикальні ультраліві партії є антисистемними хоча би тому, що відкидають основні соціально-економічні структури, цінності і практику сучасного капіталізму й виступають за його «докорінну та галузеву» трансформацію²⁷. Вони є «лівими» насамперед у підходах до визначення економічної нерівності як основи існуючих політичних і соціальних домовленостей, адже виступають за підтримку колективних економічних і соціальних прав як основи «потрібного» порядку денного. З іншої сторони, будучи антагоністичними і ґрунтуючись на традиціях передусім ленінізму і троцькізму, ультраліві партії, хоча й намагаються досягнути «єдності у різноманітності»²⁸ (моральних, культурних, історичних, соціально-економічних розбіжностей), усе ж є порізно екстремістськими/радикальними, оскільки: а) деякі із них є справді надто екстремістськими й антисистемними, бо підтримують «революційну» протидію капіталізму та ліберальній демократії; б) деякі з них (особливо якщо вони є релевантними, тобто мають парламентське представництво) є помірно радикальними, бо вимагають поглиблення економічної і політичної демократії шляхом трансформації «неоліберального та глобалізованого капіталізму». Відтак антисистемні ультраліві партії у країнах Вишеградської групи посилюються у випадку, коли відбувається погіршення соціально-економічного стану розвитку та посилення антиглобалістських тенденцій і настроїв.

Противагу їм становлять такі найвідоміші приклади чинних та історичних (в 1989–2017 рр.) ультраправих (переважно націоналістичних, нацистських, фашистських і шовіністських) антисистемних політсил у країнах Вишеградської групи, у тому числі й проросійських і підтримуваних Росією²⁹, як: «Рух за відбудову Польщі» (ROP), «Національний рух» (RN), «Солідарна Польща» (SP), «Союз реальної політики» (UPR), Союз нових сил (SNS), Соціальний рух «Альтернатива» (RSA), «Ліга польських родин» (LPR), «Самооборона», Партія «Х» (X) і «Кукізі 15» (K) – у Польщі³⁰; «Народна партія Наша Словаччина» (LsNS), «Нація і справедливість – Наша партія» (NaS–NS), Народно-демократична партія (NDS), Словацька національна партія (SNS), Словацька народна партія (SLS), «Словацька спільність» (SP), «Словацька спільність – Народна

²⁶ L. March, *Out of left field? Explaining the variable electoral success of European radical left parties*, "Party Politics" 2015, vol 21, nr. 1, s. 40–53.

²⁷ R. Dunphy, T. Bale, *The radical left in coalition government: Towards a comparative measurement of success and failure*, "Party Politics" 2011, vol 17, nr. 4, s. 488–504.

²⁸ V. Camia, D. Caramani, *Family meetings: Ideological convergence within party families across Europe, 1945–2009*, "Comparative European Politics" 2012, vol 10, nr. 1, s. 75.; J. Rovny, E. Edwards, *Struggle over dimensionality: Party competition in Western and Eastern Europe*, "East European Politics and Societies" 2012, vol 26, nr. 1, s. 70.

²⁹ P. Kreckó, L. Györi, E. Zgut, *From Russia with Hate: The activity of pro-Russian extremist groups in Central-Eastern Europe*, Wyd. Political Capital 2017.

³⁰ R. Pankowski, *Right-Wing Extremism in Poland*, "International Policy Analysis" 2012, 11 s.

партія» (SP–NS) та «Ми – сім'я» (SR) – у Словаччині³¹; Угорська партія справедливості і життя (MIEP) та Jobbik – «Рух за кращу Угорщину» (Jobbik) – в Угорщині³²; «Гонка за республіку» – Республіканська партія Чехословаччини (SPR–RSC), «Республіканці Мірослава Сладка» (RMS), Республіканська партія Чехії, Моравії та Сілезії (RSCMS), Національно-соціальний блок (NSB), Чеська націонал-соціалістична партія (CNSP), Національна партія (NS), «Правий блок» (PB), Робітничка партія (DS), Робітничка партія соціальної справедливості (DSSS), «Національна єдність» (NSJ), «Суверенітет – Блок Яна Бобосікова» (S–JB), «Свобода і пряма демократія» (SPD), «Національна демократія» (ND) – у Чехії³³.

Вони характеризуються значно більшою неоднорідністю та електоральною і політичною успішністю й репрезентативністю, ніж ультраліві антисистемні партії у країнах Вишеградської групи³⁴. Крім того, вони детермінуються тим, що не є прихильниками ідеї «безумовної контрреволюції» (як їхні гомологи у країнах Західної Європи³⁵), адже не дотримуються ідеї формування спільної «протестно-трансформаційної» «центрально-східноєвропейської» ідентичності³⁶, а натомість поєднуються передусім такими атрибутами, як клерикалізм та протидія етнічним меншинам. Навіть попри те, що для окремих ультраправих політсил, передусім для неофашистських/неонацистських, властива транснаціональна ідентичність (приміром, у формі «західнослов'янського католицького карального фашизму»). Водночас для різних ультраправих партій у країнах Вишеградської групи властиві такі ознаки ідеологічного позиціонування, як спрямованість на іредентизм, антикорупцію та євроскептицизм.

Ці особливості ідеологічного позиціонування ультраправих політсил у країнах регіону зумовлені тим, що вони у своєму політичному дискурсі апелюють як до практики докомуністичного минулого, так і до перспектив вирішення проблем посткомуністичного сьогодення. Інкорпоровано це у факті, що серед ультраправих в регіоні варто виділяти як докомуністичні й комуністичні, так і посткомуністичні політсили, навіть попри те, що рамки між ними є розмитими і часто з тенденцією до дублювання. Відтак більш доцільно говорити про згрупований феномен правої антисистемної політичної

³¹ A. Kluknavská, *Enemies at the Gates: Framing Strategies of Extreme Right Parties in Slovakia and the Czech Republic*, Paper presented at the SISP Conference 2014, University of Perugia and University for Foreigners of Perugia, 11–13 September 2014, 19 s.; T. Nociar, *Right-Wing Extremism in Slovakia*, "International Policy Analysis" 2012, 12 s.

³² D. Mikecz, *Changing movements, evolving parties: the party-oriented structure of the Hungarian radical right and alternative movement*, "Intersections. EEJSP" 2015, vol 1, nr. 3, s. 101–119.

³³ A. Kluknavská, *Enemies at the Gates: Framing Strategies of Extreme Right Parties in Slovakia and the Czech Republic*, Paper presented at the SISP Conference 2014, University of Perugia and University for Foreigners of Perugia, 11–13 September 2014, 19 s.; M. Mareš, *Czech Radical Right and Political Mainstream: Between Hostility and Symbiosis*, Presented at 23rd World Congress of Political Science "IPSA/AISP Challenges of Contemporary Governance", Montreal, 19–24 July 2014, 10 s.

³⁴ A. Pitro, *Populist Radical Right Parties in Central and Eastern Europe: The Different Context and Issues of the Prophets of the Patria*, "Government and Opposition" 2014, vol 49, nr. 4, s. 600–629.

³⁵ A. Pitro, *Populist Radical Right Parties in Central and Eastern Europe: The Different Context and Issues of the Prophets of the Patria*, "Government and Opposition" 2014, vol 49, nr. 4, s. 600–629.

³⁶ M. Mareš, *Transnational Networks of Extreme Right Parties in East Central Europe: Stimuli and Limits of Cross-Border Cooperation*, Paper prepared for the 20th IPSA World Congress, Fukuoka, 9–13 July 2006, 26 s.

опозиції, що виявляється у клерикалізмі й іредентизмі (як докомуністичних питань), а також у «соціальних національних» економіках, етнічних меншинах, корупції і проблематиці ЄС (як посткомуністичних питань). Причому синтезуючими у цьому зрізі є мобілізаційний радикалізм і популізм, які створюються довкола націоналістичного, авторитарного й популістського профілю ультраправих політсил і опозиції. Крім того, ультраправі характеризуються своєю увагою на джерелах національної ідентичності, зокрема на феномені етнічної спільноти, детермінуються своїм антислітистським спрямуванням й часто означаються як антизахідні, і як антисхідні. Щоправда, найбільш виразно це виявляється на тлі євроскептичної орієнтованості правих антисистемних партій, адже для них саме «захід» позиціонується як найбільший противник і загроза недавно набутій/відновленій національній незалежності. А натомість не «схід», який для окремих ультраправих партій у країнах Вишеградської групи позиціонується як «альтернатива Європі» і доповнення конструкту «Європи націй».

Водночас це зовсім не заперечує позиції М. Мареша про те, що ультраправі антисистемні політичні сили у країнах Вишеградської групи (і не тільки у них) не є уніфікованою сім'єю партій, а швидше розрізнено-суміжними «сім'ями партій», які мають різне генетичне та ідеологічне походження, але зводяться до спільного знаменника винятково у тому факті, що вони належать до сфери правої політики й екстремізму³⁷. Для яких важливими є питання національних інтересів, захисту «традиційного» населення від негативних наслідків імміграції (злочинності, тероризму, культурної дезінтеграції) із інших культурних територій, протидії зловживанню перевагами своєї «власної» соціальної держави, протидії наднаціональній («надмірно лівій» і «псевдогуманістичній») інтеграції, а також жорсткої кримінальної та пенітенціарної політики тощо. Одним із виявів цього є розподіл усіх ультраправих партій у регіоні на екстремістські/надмірно радикальні й помірні радикальні: перші характеризуються нетолерантним та фанатичним ідеологічним позиціонуванням, орієнтованим проти цінностей демократичної конституційної держави; другим типові дестабілізуючі випадки на сторону політичної системи, яка все ж має функціонувати у рамках демократичної конституційної держави.

Аналогічна логіка відстежується і у випадку нелегалізованих ультраправих організацій у країнах Вишеградської групи, тобто у випадку тих рухів, котрі не конкурують за отримання політичної влади (на відміну від партій та рухів, які здебільшого є не повністю антисистемними, а лише частково антисистемними та напівлояльними). Водночас саме вони, будучи позабюджетними, позадержавними й неінституційними, традиційно позиціонуються як самооборонні, парамілітарні, насильницькі організації та рухи, котрі часто підтримуються офіційними і навіть релевантними політсилами. Це виявляється у градації більшості антисистемних і нелегальних ультраправих організацій на ультранационалістичні

³⁷ M. Mareš, *Transnational Networks of Extreme Right Parties in East Central Europe: Stimuli and Limits of Cross-Border Cooperation*, Paper prepared for the 20th IPSA World Congress, Fukuoka, 9–13 July 2006, 26 s.

неонацистсько-радикалістські, народницько-радикалістські (передусім уторські та неогуситські) і «нові праві» радикалістські (передусім ультраконсервативні та інтегрально-католицькі). Вони звикло не дуже багаточисленні, часто пов'язані з напівлояльними політичними партіями та рухами, які беруть участь у виборах, однак самі по собі виступають проти лібералізму, фемінізму, етнічних, національних, релігійних, сексуальних меншин, релятивізму, толерантності і західної культури, позиціонуючись як гомофобські, націоналістичні, расистські, сексистські та ксенофобські тощо.

Крім того, засвідчено, що антисистемні ультраліві та ультраправі партії, а відтак й антисистемна політична опозиція у країнах Вишеградської групи є євроскептичними, адже деякі із них виступають за вихід із ЄС, а деякі хочуть реформувати його зсередини³⁸. Однак ультраліві партії і опозиція виступають проти неоліберального характеру євроінтеграції й натякають електорату про недоцільність ЄС на основі аргументів економічної незахищеності. У свою чергу, ультраправі партії і опозиція протистоять європейській інтеграції, захищаючи національний суверенітет та ідентичність³⁹. Водночас «спарює» ці партії (щоправда з превалюванням у випадку ультралівих політсил) такий вияв антисистемності, що вони як опозиційні готові приймати будь-які нові питання для максимального збільшення своєї популярності і впливу на політичну систему, але як урядові характеризуються чи не повною втратою стимулів на здійснення цього⁴⁰.

У підсумку і теоретико-методологічно, і емпірично прослідковано, що загалом антисистемна опозиція у країнах Вишеградської групи (як і в більшості демократій) характеризується набором певних атрибутів: 1) антисистемні партії (які найчастіше інкорпорують феномен антисистемної політичної опозиції) можуть впливати на законодавчий і виконавчий процес, критикувати уряд і політичну систему, політизувати певні соціально-економічні питання, інформувати населення тощо; 2) антисистемні партії, які перешкоджають урядовій діяльності і політичній системі на підставі своєї антисистемної позиції, самоідентифікуються як такі, що працюють у системі (тобто системні); 3) антисистемні партії та загалом антисистемна опозиція не можуть або не хочуть відповідати за свої політичні дії і рішення, а відтак стосовно них, зокрема на підставі патернів і моделей протестної чи безвідповідальної політичної поведінки, не можна вибудовувати конкретних емпіричних передбачень/припущень; 4) антисистемна опозиція традиційно має чи принаймні може мати неінституційний характер, зокрема у формі позапарламентської діяльності, оскільки вона може негативно впливати на політичну систему в цілому; 5) радикальна/екстремістська антисистемна опозиція виявляється у різкому запереченні будь-яких дій та рішень чинної політичної влади

³⁸ N. Conti, V. Memoli, *The multi-faceted nature of party-based Euroscepticism*, "Acta Politica" 2012, vol 47, nr. 2, s. 91–112.

³⁹ C. De Vries, E. Edwards, *Taking Europe to its extremes: Extremist parties and public Euroscepticism*, "Party Politics" 2009, vol 15, nr. 1, s. 5–28.

⁴⁰ L. March, *Out of left field? Explaining the variable electoral success of European radical left parties*, "Party Politics" 2015, vol 21, nr. 1, s. 40–53.

(уряду), а поміркована антисистемна опозиція – в оспорюванні легітимності певних чи всіх дій і рішень чинної влади, зокрема крізь призму перевірки їхньої етичності і законності; 6) антисистемна політична опозиція не погоджується з базовими засадами суспільно-політичного ладу в країні, тому сприймає провладну більшість/меншість як свого ворога, а не конкурента; 7) носії антисистемної політичної опозиції прагнуть змінити соціально-політичні «правила гри» з застосуванням законних і/чи незаконних засобів і методів політичної боротьби, через що повністю чи частково відкидають систему політичних цінностей і діють на дискредитацію функціонуючих інститутів державної влади, їхню делегітимізацію та порушення перебігу політичних процесів; 8) нелегальна антисистемна політична опозиція діє приховано, часто поза рамками існуючої політичної системи та інколи насильницько, а її права та претензії не визнаються владними структурами; 9) антисистемна політична опозиція може або інтегруватись у політичну систему (особливо якщо це система демократичного типу), або набути статусу загальнонаціонального лідера і сприяти руйнації політичного режиму (особливо за умови недієздатної влади і певних об'єктивних обставин, що перешкоджають суспільному розвитку)⁴¹.

Водночас це зовсім не заперечує логіки, згідно з якою будь-яка антисистемна політсила й антисистемна опозиція може перетворитись (або відразу сформуватись) у, відповідно, прагматичну партію та прагматичну системну опозицію. Останні у такому випадку мають трактуватись як політичні сили, які підтримують політичний порядок денний у рамках чинної політичної системи (зокрема в умовах демократії і вільної/ринкової політичної кон'юнктури), але водночас зберігають свою структуру цінностей, яка дає політсилам і опозиції свою ідеологічну та реляційну ідентичність. Це означає, що для того, щоб трактуватись антисистемною, політична сила (партія чи рух) не повинна протистояти всім без винятку характеристикам відповідної політичної системи, а хоча би одній із них.

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⁴¹ Т. Tkachenko, *Opozitsiia yak politychnyi instytut i forma suspilnoho protestu*, "Politychnyi menezhment" 2007, vol 5, s. 42.; А. Tsygankov, *Sovremennyye politicheskiye rezhimy: struktura, tipologiya, dinamika*, Wyd. Interpaks 1995, s. 295.

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РЕЦЕНЗІЯ

на монографію «Атрибути та різновиди напівпрезидентської системи правління в Європі: інституційно-процесуальний і політично-поведінковий аспекти»

Литвина Віталія Сергійовича

Монографія Литвина Віталія Сергійовича «Атрибути та різновиди напівпрезидентської системи правління в Європі: інституційно-процесуальний і політично-поведінковий аспекти» є комплексним і системним механізмом дослідження означеної проблематики в демократичних, гібридних й автократичних країнах Західної, Центрально-Східної, Південно-Східної та Східної Європи від початку використання ними означеного формату міжінституційних відносин у трикутнику «глава держави – прем'єр-міністр/уряд – парламент». Вибір країн не випадковий, адже вони, з одного боку, дефінітивно й інституційно-процесуально окреслюються феноменом і конструктом напівпрезидентської системи державного правління, але, з іншого боку, доволі по-різному операціоналізують напівпрезиденталізм політично-поведінково. Тому врахування інституційно-процесуального та політично-поведінкового аспектів систематизації атрибутів й різновидів напівпрезидентської системи правління в Європі вкрай важливе у контексті поступу системи влади й міжінституційних відносин в Україні.

Доволі значну увагу автор монографії Литвин В. С. присвятив визначенню та розгляду історіографічних, концептуальних та теоретико-методологічних особливостей дослідження напівпрезидентської системи правління у політичній науці. З огляду на це, в монографії було запропоновано чітку концептуалізацію та теоретичну дистинкцію понять «форма державного правління» і «система державного правління», а відтак методологію та підходи до їхнього порівняльного дослідження й типологізації. Однак магістральною у монографії виявилась проблематика інституційно-процесуальної та політично-поведінкової зумовленості сутності й атрибутів і типологізації напівпрезидентської системи правління в країнах Європи. Наголосу заслуговує авторська позиція стосовно оцінювання таких параметрів та індикаторів типологізації напівпрезиденталізму, як формування і відповідальність урядів, розпуск і композиція легіслатур, дуалізм, легітимність, партійна приналежність та відповідальність виконавчої влади й сила президентів. З огляду на них, у монографії комплексно і далекоглядно зафіксовано інституційно-процесуальні та політично-поведінкові наслідки і впливи напівпрезидентської системи державного правління у демократичних й

автократичних країнах Європи, а також систематизовано атрибути і параметри, ризики і перспективи операціоналізації та реформування напівпрезидентської системи правління в Україні. Також актуальність монографії зумовлена потребою переходу на якісно новий зміст та рівень системи політичної науки в Україні. Річ у тому, що в монографії ефективно синтезовано різноконцептуальні методи та рівні порівняльного аналізу (на прикладі варіативних та не завжди еквівалентних прикладів європейського напівпрезиденталізму), що має розвивати і поглиблювати у вітчизняній політичній науці доказовість, прагматизм, системність і логічність.

Запропонована монографія «Атрибути та різновиди напівпрезидентської системи правління в Європі: інституційно-процесуальний і політично-поведінковий аспект» ґрунтується на докласичних, класичних і посткласичних здобутках порівняльно-політологічної, конституційно-правової та транзитологічної теорій, а також на різних теоретико-методологічних підходах у їхніх рамках. Структура монографії чітка та логічно продумана: визначено зміст й обсяг обов'язкових для засвоєння теоретико-методологічних відомостей та параметрів структуризації форм і систем державного правління, у тім числі й напівпрезиденталізму, а відтак окреслено послідовність механізмів їхньої практичної імплементації і типологізації на прикладі різних країн Європи.

Високий науковий рівень викладу теоретичного матеріалу монографії вдало поєднується з його актуальністю і практичною важливістю, передусім у світлі поступу й перспектив і варіантів розвитку та реформування напівпрезидентської системи правління в Україні. Значної уваги також заслуговує подана в монографії систематизація знань про формальні (інституційно-процесуальні), фактичні (політично-поведінкові), а також формально-фактичні (інституційно-процесуальні та політично-поведінкові) кластери типологізації напівпрезидентської системи правління в країнах Європи. Крім того, в монографії забезпечено цілісний та логічний зв'язок і взаємодію між усіма елементами представленого порівняльно-політологічного знання. Це дозволило отримати комплексне, системне та функціональне уявлення про напівпрезиденталізм у європейських демократіях та автократіях, а також усвідомити їхню варіативну і гетерогенну детермінованість й атрибутивність у сучасному міжінституційному середовищі та політичному процесі.

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