

CHALLENGING THE EAST-WEST DIVIDE: INSIGHTS FROM A COMPARISON OF UKRAINE AND ITALY

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Abstract

This article examines how political behaviour has impeded the functioning of political institutions in Ukraine and Italy. It applies an actor-centered institutionalism and argues that even non-democratic political elites can co-exist within a democratic framework. It analyzes actors' conduct in regard to the democratic institutions of the constitution, judiciary and media. The paper concludes by identifying three pillars of political elite power.

Keywords: political elite, Italy, Ukraine, informal power

1. Introduction

Italy is one of Europe's problematic children: in this country, a veritable crisis of the political system has provoked the rise to power of Silvio Berlusconi. As of the date of writing, he has been sixteen years in power, a term few communist leaders managed to reach. In spite of his questionable conduct regarding proposed laws and rhetoric, he has managed to stay in office. Public protest has existed but has been too weak to oust the incumbent. Similarly, instability from within the political elite emerged as a threat to his rule with the split of the Fini-party from the Berlusconi coalition in 2010 being the decisive element. In Ukraine, the crisis of the political system after the break-up of the Soviet Union paved the grounds for a rise to power of Leonid Kuchma who was about to install an authoritarian system.¹ However, he underestimated the degree of public frustration and

1 Steven Levitsky and Lucan Way, "The Rise of Competitive Authoritarianism," *Journal of Democracy* 13 (2. 2002): 51-65.

his powerful clan was stripped off power through public protests in December 2004 following the manipulation of the presidential elections. Subsequent democratic governments were unstable, partly due to the attempts to introduce a parliamentary-presidential system and inter-elite struggles. This paved the way for the old elite to return to power: Viktor Yanukovich, a representative of the "old" system, won the presidential elections of January 2010.

This paper concentrates on a core problem of democratizing countries and established democracies noting that in both cases unsuitable and inadequate political behaviour has impeded the functioning of political institutions. The purpose of this paper is to show that even non-EU members and ex-Soviet Union states may have much more in common with countries that are considered the "core" of Western Europe.

2. Theories and Concepts

This paper applies an actor-centred institutionalism to reveal the reasons for poorly functioning political systems in Western and Eastern Europe. I concentrate on political elites, "persons who are able, by virtue of their strategic positions in powerful organizations and movements, to affect political outcomes regularly and substantially".² They are the decision-makers and the drivers of a country's development. In certain states political elites affect politics in rather undemocratic way and put themselves above the democratic structures they operate within. This means that the actors do not behave according to their democratic mandate, in particular their mandate to advance the common good; instead they have in regard their personal well-being. The article argues that political elites instrumentalize democratic political institutions for personal power purposes in countries with different political backgrounds. In Italy, the democratic framework has deteriorated in the decades after the Second World War. In Ukraine, an efficient democratic framework

² John Higley and Michael G. Burton, *The Foundations of Liberal Democracy* (Lanham: Rowman and Littlefield, 2006).

has never been introduced. Western researchers of elites have underlined the necessity and desirability of an elite-institution unity in maintaining democracy.³

The article contributes to the knowledge we have on political elites in showing that undemocratic political elites are capable of co-existing with a democratic institutional framework. This is an aspect that has been neglected in Western elite research: the existence of democratic regimes where non-democratic political elites co-exist with a democratic framework, i.e. the possibility that elites are guided by different parameters than the institutions they act within or cooperate with. Eastern European scholars have discussed visible problems between actors and structures in (Central) East European countries – particularly in the context of the twenty year anniversary of the fall of the communist regimes.⁴ Here, formal democratic systems with free elections, political party systems and civic freedoms have been established. But political elites do not fully subordinate to formal democratic provisions as one might assume to get a greater gain (influence, power, monetary advantages) in not acting according to democratic rules. This latter constellation is quite typical for East European democratic regimes, including Ukraine.

In this sense it would be desirable to merge Eastern and Western schools of elite research in order to profit from the insights of Eastern elite research. The Western school contributes the insight that political elites are fundamental for the functioning of a political system, the Eastern school that there might be problems with the functioning of a system if rules and goals of political elites and democratic institutions do not match. Parting from an actor-based institutionalism, the non-accordance of political elites' conduct with the democratic framework avoids the pitfall of a concentration on the formal characteristics of elite (and political) systems that can lead to quite misleading research outcomes.

3 Heinrich Best and John Higley, *Democratic Elitism: New Theoretical and Comparative Perspectives* (Leiden: Brill, 2010).

4 Nicole Gallina, *Political Elites in East Central Europe* (Leverkusen: Budrich UniPress, 2008).

An actor-view examines elites' conduct and values – in this case the political elites of Ukraine and Italy. Elite theorists have rarely focused on elite values. Therefore, this paper includes political culture approaches and combines them with political elite theory.⁵ These approaches center on the citizens of a given state and analyze their attitudes toward the political system.⁶ But political culture concerns political elites. A democratic political system in this regard would require elites with a democratic political culture who rule within democratic institutions. What can be said about political elite culture in Italy and Ukraine: do the elites succumb to a democratic culture?⁷ A model democratic culture would be a civic culture.⁸ For the elite this would mean the orientation towards public well-being and institutional functioning. However, the state has been a distant concept, and personalized power connected to political offices and networks is more important.⁹

If power concepts are essential for political elites the question is how power structures are organized. They are not necessarily connected to political parties, but in a party-based political systems they normally are.¹⁰ Power and the will to be close to it are a strong incentives for political actors in every political system. This paper argues that in the cases of Italy and Ukraine,

5 C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956). He speaks of power elites who rule the country being not necessarily democratic.

6 Gabriel Almond and Verba Sidney, *The Civic Culture. Political Attitudes and Democracy in Five Nations* (Princeton: Princeton University Press, 1963). One example of their study was Italy. Banfield, 1976, 105, identified the familismo amorale, i.e the concentration on the family and the understanding of the family as social center as the basis for political conduct based on distrust, corruption, clientelism and cynism.

7 Koff et al, *Italy*, 2000, 24f. on political elite culture in Italy. A similar account does not exist for Ukraine. However there is some information in Kuzio, *Ukraine*, 1998 and Kuzio et al, *State and Institution*, 1999; and Nicole Gallina, *Institutional Change and State Capacity in Ukraine: A Study of Ukrainian State Building, 1991–2004* (Bern: Peter Lang Verlag, 2006).

8 According to Gabriel Almond and Sidney Verba, *The Civic Culture*.

9 Nicolas Hayoz, "New Democracies and the Persistence of Old Power Structures in East Central and Eastern Europe", in *Central Europe Two Decades After*, ed. Rafał Riedel (Warsaw: Center for Europe, 2010). Giovanni Sartori, *Il Sultanato* (Roma: Laterazo, 2009) on Italian power circles

10 See the policy-making under Silvio Berlusconi and Leonid Kuchma/Viktor Yanukovych. Taras Kuzio, "Viktor Yanukovych's first 100 Days. Back to the Past, but what's the Rush?" *Demokratizatsiya* (June, 2010).

the striving for power has been disconnected from the formal democratic system. The closer people get to the center of power, the more they get involved in informal structures and systemic corruption.¹¹ The following paragraphs analyze the general interplay between the conduct of political elites and the institutional system. I use case-studies and secondary literature content analysis, including print media, to identify a gap between political elites' behavior and democratic institutions.¹²

3. Elites between East and West

At a political science level, the comparison between Western European countries that until recently were considered consolidated democracies and democratizing countries from Eastern Europe might be a rather unusual and awkward enterprise. What first looks like an unsuitable comparison on the grounds of different political structures and different origins of informality (and diverging histories), is justified by the similarity of actors' instruments and conduct.

The two countries at first sight have little in common. Italy has been a Western parliamentary democracy since 1945 and is considered to be an old democracy, even if it politically developed into a cemented one-party system with all its vices. The Soviet Union was a totalitarian system; Ukraine is one of its successors and has been a (pre-dominantly) presidential democracy since 1991 – the current problems of Ukraine are much connected to this non-democratic past. Both countries have very different traditions concerning political culture, political party structures or political ideologies. Researchers who analyze post-Soviet countries usually mark a break at the year 1991, the date when the Soviet Union dissolved. In Western Europe, it is normally 1945, the end of the Second World War. On those grounds it

11 Nicolas Hayoz and Nicole Gallina. "Beyond Democracy: the Relevance of Informal Power in Eastern Europe," in 1989 in Central and Eastern Europe: Implications and Meanings Twenty Years later , Nicolas Hayoz and Jaszek Lesien (Bern: Peter Lang, 2011).

12 Such a gap has never been considered on a more general level between political elites and democratic institutions.

would be inappropriate to undertake a comparison. However, this paper proposes to make a break when the established Italian political party system collapsed in the early 1990s due to a corruption scandal. This meant the breakdown of the First Republic and a significant rupture in the post-1945 development of the country. In Ukraine, the collapse of Soviet structures in 1991 signified a complete socio-economic and political re-orientation.

Both events were crucial for the development of each country. In Italy, the breakdown of the political party system meant a re-consideration of democracy – legacies of the right-left split of the country provoked the rise of Silvio Berlusconi to power and a profound crisis of the political system. The independence of Ukraine led to the introduction of democracy but the legacies of the totalitarian past have not ceased to affect the state negatively.

The two countries have in common that political party structures are volatile. Independent institutions, such as media and the judiciary, are contested by the highest political offices. Moreover, the conduct of political elites provokes institutional distortions which result in a defective relationship between political elites and democratic institutions. In particular, the political “strong men”, the presidents of Ukraine and prime ministers of Italy, are responsible for the malfunctioning of the political system. Silvio Berlusconi and the Ukrainian presidents have actively sabotaged democratic and independent institutions, examples being constitutional struggles, the rule of law, the judiciary and the media. On a more general scale, I show where and why political elites operate contrarily to an established democratic framework.

4. Political Systems and Elites in Crisis: Ukraine and Italy

In Italy, much debate occurred over whether the great break of the early 1990s would change politics for the better, especially the functioning of the political party system and the role of the prime minister. In Ukraine, the declaration of independence in 1991 allowed a certain euphoria about future politics and the

establishment of a democratic system (noted again in 2004 with the Orange Revolution) to develop but the institutional focus was on political party stability and presidential leadership.

Ukraine as a part of the Soviet Union was a fully state-led socio-economic system, and politics was relegated to administering larger and larger amounts of money which led to more and more corruption as there was no control of the state.¹³ In Ukraine, change came from the outside, as the umbrella construct of the Soviet Union collapsed. The Soviet leaders had underestimated the economic downfall and the destructive effects of corruption and clientelism that were associated to the endemic shortages, but also the strengths of nationalities.¹⁴ As the Soviet Union quickly dissolved, Ukraine declared its independence. This fact evoked hopes that the new political systems would get rid of the most pronounced vices connected to the old system, in particular corruption and clientelism. However, the new clothes did not make the state: there were neither functioning parties (besides the Communist Party) and party system, nor institutionalized executive and legislative bodies, nor an independent judiciary or media system. Worse than institutional matters was the question of adequate personnel that weren't connected to the old system. The question was how state and nation-building would continue under those circumstances.

Italy had been governed by one single party the Democrazia Cristiana (DC), which integrated all the center-right-powers, since 1958. This was provoked by the strength of the Italian Communist Party that had developed to the position of the hegemonic left wing party. The powerful Communist Party unwillingly supported the rise of the Democrazia Cristiana, and ultimately cemented political power which led to bureaucracy,

13 In Ukraine this indicator was 100% before 1991, today it is above 30%. In Italy, more than one third of the industry, services and production belonged to the state. See <http://www.imf.org/external/pubs/ft/pdp/2008/pdp01.pdf> (accessed 10 January 2011).

14 See the importance of the Rukh movement for Ukraine. Taras Kuzio, Robert S. Kravchuk and Paul d'Anieri, eds. *State and Institution Building in Ukraine* (New York: St. Martin's Press, 1999).

clientelism and corruption (*sottogoverno*).¹⁵ The result was a political stalemate and the more immobile the system seemed, the more the political establishment discredited itself.

In Italy, the revelation that the political elite was highly corrupted led to the downfall of the First Republic and the political party system that had governed the country for half a century.¹⁶ At the heart of the *mani pulite*¹⁷ process was the judicial prosecution of a large section of the political class (termed Tangentopoli). As a consequence, 70 per cent of the members of parliament lost their seats, major parties disappeared, competition patterns were changed to a bipolar mode, and the head of state became more powerful.¹⁸ The crisis altered the composition and recruitment patterns of political elites, the party system, electoral rules, patterns of electoral behaviour, relations between institutions (in particular between the head of the state and the government) and the role of the judiciary. In these years the old establishment faced multiple challenges, such as how to include regional movements (e.g. the Lega) and demands for federalization into central policy-making. The question was whether Italy could succeed with its new start after the collapse of the old system.

In spite of those difficulties, Italy and Ukraine tried to organize themselves anew: Italy, in the form of a parliamentary democracy and Ukraine in the form of a presidential democracy. Formal arrangements were built on the checks and balance principle of democracy: executive and legislative institutions control each other through formal regulation. An independent

15 The term *sottogoverno* is used to describe the informal rules of patronage and clientelism that have infiltrated the political party system and the state administration.

16 In Italy, the DC had ruled for 35 years, until 1990. On the left side the Communist Party openly fraternized with the Soviet model. The result of this constellation was a long-term exclusion of the left opposition from government that came to an end only in 1996, when the party had changed its identity and turned into the party of the Democratic Left.

17 For *mani pulite* see Gianni Barbacetto et al, *Mani pulite* (Roma: Editori Riuniti, 2003). The successful investigations of a group of Milanese investigating judges against corrupt politicians and political parties led to the breakdown of the First Italian Republic.

18 Independent judicial institutions appeared and the immunity for politicians was restricted. Maurizio Cotta and Luca Verzichelli, *Political Institutions in Italy* (Oxford: Oxford University Press, 2007).

judiciary should be the formal watchdog of the democratic institutional system, with the media as a core control institution. On the personnel side, there was no choice: Italy and Ukraine had to get along with former "second-class" elites as the top political representatives and most powerful parties had discredited themselves completely and were even arrested in the case of Italy.¹⁹

5. Playing with Democracy: The Role of the Political Elite

In Italy, the First Republic made consensus impossible and the political discourse was extremely polarized; those are also characteristics that were observed in Ukraine after 1991. In Italy, the breakdown of the First Republic led to a disillusion with the whole political system in spite of numerous reform efforts; in Ukraine the breakdown of the Soviet Union and the never-ending political quarrels on necessary and unnecessary institutional reforms had similar effects, even if this collapse was a completely separate story.

However, there has been a lack of agreement on the fundamental rules, political mechanisms and institutions in both countries.²⁰ A showcase was the repeated, but never successful in the sense of political outcomes, "co-governing" of President Viktor Yushchenko and Prime Minister Yulia Tymoshenko after 2004. Personal animosities and informal arrangements dominated politics. There were uncountable efforts to reform both systems in a state of political elite polarization and institutional struggles (for Italy between the executive and the judiciary, for Ukraine between the legislative and the executive branch). Beyond those "human factors", the question remains interesting as to what has been the orientation for political elites then if it were not positive (and constructive) attitudes toward the democratic political system (and the citizens)?

19 Taras Kuzio, *Ukraine. State and Nation Building* (New York: Routledge, 1998); Sondra Z. Koff and Stephen P. Koff, *Italy: from the First to the Second Republic* (London: Routledge, 2000).

20 Martin J. Bull and James L. Newell, "Still the Anomalous Democracy? Politics and Institutions in Italy," *Government and Opposition* 44 (1. 2009), 42f. Gallina, *Institutional Change*, 143f.

6. The Role of Political Parties and Political Leaders

Political actors mostly rely on de-structured informal ties, for example networks and circles, according to personal or social needs. Examples for Italy and Ukraine would be ties to organized crime or strong organized business groups.²¹ They also act through political parties which might play a decisive role in the relationship between the conduct of informal actors and formalized political structures. In Ukraine, the party system has been fragmented according to regional influences. The relationship between national-democrats and post-communists and their parties in the 1990s proved that balanced interactions were possible in Ukraine. However, political parties with strong ties in business-relevant geographical areas gained overweight in the 2000s, and the current leading "Party of the Regions" has extended its influence from the Eastern part of Ukraine to the whole country.²² The regional concentration of industry-based parties has led to the misuse of political parties. On a central political level, political parties are the informal instruments of "oligarchs" to secure their business and personal interests.²³ Also, political parties have not reached an institutionalized and accepted status as a necessary pillar for the democratic political system. In Ukraine, formal legislation concerning political parties and government formation has been altered repeatedly according to political needs.²⁴

In Italy, similar power requirements exist. During the First Republic, the Democrazia Christiana had a monopoly on power

21 Berlusconi has been suspected of ties to organized crime. Viktor Yanukovich, the current president of Ukraine, is openly a member of the Donetsk clan whose members he supports politically and economically.

22 In the late Kuchma-period, the United Social-Democratic Party (USDP) played the role of selecting power elites and securing power through informal provisions in relevant political and economic areas. The party was involved in lucrative privatizations and the party leaders were strongly represented in the presidential administration, Gallina, *Institutional Change*, 189.

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24 See the decision of the Ukrainian Parliament on 9 March 2010 to alter the rules for government formation in order to enable a parliamentarian majority for the presidential "Party of the Regions".

decisions. Berlusconi filled the vacuum after the breakdown of the First Republic, and created Forza Italia (FI) just before the 1994 elections and ran under a reformed electoral system. Berlusconi used the traditional left/right divide in Italy, anti-communism, and the high level of politicization in Italian society to provoke a strong left-right electoral competition and to come to power. The party system has been built on a few stable parties that are joined by others acting as free riders, and the result was an overall fragmentation of the political party system. However, parties are not the only "intermediary" institution. In Italy under Berlusconi, media influenced by the prime minister has evolved into an institution that links the formal power institutions with the informal political elite sphere. This means that whoever wants to belong to the "system" and to influence decisions on the distribution of power and wealth is obliged to enter into the media business or into politics.²⁵ In Ukraine, the intermediary function of political parties has been replaced by large industrial corporations and their interest representations.²⁶

The role of the political opposition, or of potential counter elites, has to be seen in this context.²⁷ In Ukraine and Italy the political opposition in general has had no clear understanding of its role, because networks and informal agreements are of more relevance. Therefore, power arrangements with elites in power are more important than formal (party) programmes and detailed policy reforms. Part of this "disorientation" is engagement in a destructive self-finding process, for example the liberal and leftwing parties in Italy or the (national)democratic parties in Ukraine.²⁸ On those grounds many small parties with narrow interests have been involved in policy-making which has led to

25 Paul Ginsbourg, *Silvio Berlusconi: Television, Power and Patrimony* (London: Verso, 2005).

26 Heiko Pleines, "Manipulating Politics. Domestic Investors in Ukrainian Privatisation Auctions 2000–2004," *Europe-Asia Studies* 60 (7. 2008), 1177f. Rosaria Puglisi, "The Rise of the Ukrainian Oligarchs," *Democratization* 10 (3. 2003), 99f.

27 The deep divide between the party in power and the "rest" structured politics for approximately forty years and made alternation in power impossible in Italy. In Ukraine, a "rest" was even not existent

28 See the Italian debates whether the opposition will be in line with liberalism, socialism, left-wing catholicism.

lower stability of the party system.²⁹ Neither the political opposition in Ukraine or in Italy has managed to offer alternative programmes. Besides, oppositional forces have tried to understand politics according to the rules established by Silvio Berlusconi and Viktor Yanukovich, and have tried to participate in a political game built on personal interests. The perceived necessity to form informal coalitions or separate networks has provoked that oppositional fractions and parties are at odds with each other and concerned with their own best access to power. Both the opposition and the governmental elites engage in egoistic navel-gazing which leads to the alienation of the real problems, the de-politization of politics³⁰ and the ignorance of the fundamental political crisis of the respective country. As a result, strong leaders have managed to build-up organized power structures in the form of personalized political parties.³¹

“I am the best prime minister ever”. This declaration by Silvio Berlusconi illustrates most precisely his understanding of politics. The result has been the personalization of political power. Insults toward independent institutions are common, in particular the judiciary, political opposition and media that does not belong to his Mediaset enterprise.³² The whole political elite orientation toward the democratic system is based on cynicism and instrumentalization, mainly toward history. In Italy some ministers don't participate in the celebrations of the anniversary of the liberation from Fascism (25 April) and neo-fascist ministers were part of the first Berlusconi government in 1994. Another important orientation is the attitude toward the inhabitants, building on populist measures and emotions tied to the nation,

29 E.g. the Italian Democratic Party that merged the two largest centre-left parties. As a result of the 2008 parliamentary elections, the number of parties in the Chamber of Deputies dropped from 26 to 6.

30 The private scandals of the Italian prime minister are a good indicator here. For example, in the year 2009 he pointed with his gun-like formed hands at a Italian journalist during a press-conference with Russian Prime Minister Putin and pushed prostitutes into political positions.

31 Forza Italia has been considered Berlusconi's personal party and the “Party of the President” – a similar function has the “Party of the Regions” in Ukraine.

32 Interview with Umberto Eco, L'Espresso, 19 March 2009. He blames Silvio Berlusconi to be obsessed with his own appearance.

the ignorance of history and the creation of "enemies".³³ Hypocrisy is part of politics: since the establishment of the Italian Republic an important part of the state has been under (quasi-)control of organized crime. However, the feeling of insecurity of Italians is almost pathologically connected to the presence of foreigners, ignoring the self-made problems.

In Ukraine, cynicism and indifference toward the democratic political system are prevalent.³⁴ Viktor Yanukovych has not concealed his preference for the Donetsk clan. This can be considered as strong elite arrogance that plays with image, promises and "enemies". Politics is based on personality and show in Italy, in Ukraine on personality and hate politics.³⁵ The concept of politics as an extrovert show has not yet fully reached Ukraine, but it has played a role to promote Viktor Yanukovych to become president of Ukraine in 2010 and, beyond that, as a capable politician.³⁶ Theoretically, democracy depends upon rearing, choosing and supporting leaders who can protect and perfect its values and institutions. On the contrary, in Italy and in Ukraine, egoistic leaders with personal defects hold power.³⁷ Rhetoric, the high corruption rates and incapability to establish a functioning political system³⁸ underline the perception of the democratic state as something alien that is not part of the political elite realm. Instead, political elite "values" are based on personal gain, proximity to power and indifference toward formal regulation. The following paragraphs describe how those

33 Among Berlusconi's most favored enemies have been the Milan prosecutors: "Italy, its Prime Minister, and the Law," *The Economist*, 17 January 2002 and "Berlusconi Faces Inquiry in Prostitution Case," *The New York Times*, 14 January 2011.

34 Mykola Shulha et al, *Ruling Elite in Contemporary Ukraine*. (Kyiv: Ukrainian Center for Peace, 2008).

35 The culmination has been the judicial persecution of the former Prime Minister Tymoshenko and some of her ministers by Viktor Yanukovych. The former Minister for Economy was granted political asylum in the Czech Republic, on the grounds of political persecution.

36 "Topped in Ukraine but Nearing a Comeback," *The New York Times*, 15 January 2010.

37 Harold D. Lasswell, *Power and Personality* (New Brunswick: Transaction Publishers, 2009).

38 The 2006 referendum in Italy (Bull et al, *Democracy*, 2009); the return to the 1999 Constitution in Ukraine: Andrew Wilson, "Turtles in the Twilight Zone. Politics in Ukraine and Change," *Osteuropa* (2-4. 2010).

orientations stand in contrast to the pillars of formal democratic institutions. They also show how those informality characteristics seriously influence the functioning of key formal democratic institutions necessary for a stable democratic system.

7. Combining Elite Conduct with Formal Democratic Institutions

To control for elite conduct, a rule-of-law based institutional framework is essential. This means a working Constitution, the adoption and application of laws, independent structures such as an independent judiciary, corruption control agencies and an independent media. Similarities between the two countries include regular changes in formal provisions, such as the electoral law or even governments.. In Italy, government instability is caused by each chamber of parliament's right to force the government to step back. This provoked much instability and frequent no-confidence votes.³⁹ In Ukraine, government instability has been caused with the right of the president to dismiss the prime minister. Moreover, those characteristics are the expression of an already destabilized system. Disputes around the constitutions of both countries bring light to this connection.

The Constitution and the Stability of Elite Representation

How have political actors influenced the very institutional framework of both countries? The Constitution of Ukraine was adopted in 1996 five years after the country's independence and after long elite struggles. However, the division of power between the president, the prime minister and the parliament has not been solved in a comprehensive manner. The process of compiling and discussing the drafts in parliament proved the many weaknesses of Ukrainian political elites. Power groups, in particular the president and the different parliamentary fractions sought to realize their own interests, and the drafting bodies were

39 Examples: "Berlusconi Survives No-confidence Vote," Der Spiegel, 14 December 2010 and "Berlusconi Survives Parliament No-confidence Vote," BCC, 10 August 2010.

heavily politicized. Thus, many actors were never fully aware of the necessity to have firm formal regulation.⁴⁰ Much the same happened after the democratic revolution in 2004: amendments to the constitution weakened the power of the president, but didn't bring a clear division between the rights of the president, the prime minister, and parliament. The result of the mixture between "power politics" and "personal interests" led to institutional chaos. Moreover, the protagonists were not really interested to solve the institutional deadlock (which underlined their indifference toward formal regulation). In 2010, the country returned to the "old" Constitution of 1996 with all its weaknesses. The constitution doesn't explicitly establish a presidential system as it focuses on executive-legislative control between parliament, government and the president. Nevertheless, the president has the option to rule with decree to outweigh the parliament. This gives substantial power to the presidential administration meanwhile the government has to cope with an overload of administration.⁴¹ The shortcomings of the existent constitutions have had two effects: little respect for the document, and periodical efforts to question the whole institutional framework expressed in discussions on parliamentarism and presidentialism.

In Italy, the Constitution lays the foundation for a parliamentary system. It has also been an issue of discussion, and the debate over the rules of the game "shows no sign of ending".⁴² Beyond those issues, the parliament has been a source for informality: Italy has the biggest and best remunerated parliament in Europe but perhaps the least effective. This is because its two chambers are of a homogeneous composition and have the same legislative

40 Kataryna Wolczuk, *The Moulding of Ukraine: The Constitutional Process of State Formation* (Budapest: Central European University Press, 2001). Oleh Protysk, "Constitutional Politics and Presidential Power in Kuchma's Ukraine," *Problems of Post-Communism* (2005) 23f.

41 The ministers concentrate more on administration than on policy-making. This is illustrated by the current Azarov cabinet which has 29 ministers and 7 Vice-Prime Ministers.

42 Bull et al, *Democracy*, 2009, 66. Also: Martin Bull and Gianfranco Pasquino, "A Long Quest in Vain: Institutional Reforms in Italy," *West European Politics* 30 (4. 2007): 670-91. For example, towards the end of the 14th Legislature the Berlusconi Government managed to pass a broad reform of the Italian Constitution, which was, however, rejected by the Italian public in a referendum held in June 2006.

duties. Each bill proposed must be approved in an identical form by both chambers. Groups wishing to oppose a given bill can hinder its progress since the slightest modification made to the wording of the bill in one chamber automatically requires the bill's re-examination by the other chamber.⁴³ As a consequence, there has been a shift of legislative functions from the parliament to government and the latter has acquired greater agenda setting powers. The bipolar system has also strengthened the prime minister's position within the cabinet – which has been used by Silvio Berlusconi to accumulate personal power (in particular since 2001) and avoid pursuing reforms of the political system. The decisive rejection of institutional reform in 2006 symbolizes the failure of the political elites to achieve constitutional reform.⁴⁴

In Italy and Ukraine, weak institutional structures point at an important link between the formal institutional framework and the (informal) political elite role. Another indicator is the stability of governments. Since 1991, there have been 17 governments in Ukraine and in Italy 13 since 1989 (but over 60 since 1945).⁴⁵ The volatility of governments can point to the weak and little-accepted institutional role of governments, to struggles between parliament and government, and to political party or coalition partner disagreements. On all those points informal structures and networks are of relevance. The less stable democratic governments are then the more important informal structures become.

Another sensitive issue has been the electoral system: in Italy, reforms of the electoral system were important in 1993 and

43 Salvatore Vassallo, "Government under Berlusconi: The Functioning of the Core Institutions in Italy," *West European Politics* 30 (4. 2007), 693.

44 Bull et al, *Institutional Reform*, 2007.

45 Ilvo Diamanti, "The Italian centre-right and centre-left: Between Parties and 'the Party'," *West European Politics* 30 (4. 2007), 757. Coalitions and leaderships are 'finalized' in order to win elections, and coalition agreements focus almost exclusively on the distribution of governmental posts. This appears to be a constant over a long period of time in Italy. There were eleven governments between 1993 and 2010 (Ciampi, Berlusconi I (1994/95), Dini, Prodi I, D'Alema I&II, Amato, Berlusconi II (2001/05) and III (2005/06), Prodi II, Berlusconi (2008-?).

2005, but were highly destabilizing as the strictly proportional electoral system favoured the fragmentation of the political party system.⁴⁶ In Ukraine, the system changed from majoritarian to mixed, then to a proportional system with closed proportional electoral lists. The lists have led to confusion as the voters did not know how to vote and who was on the lists.⁴⁷ Electoral reforms were instrumentalized in order to prevent political opponents from becoming a threat to own political power and to foster the development of certain political power networks. Recently, the president proposed a return to a mixed system.⁴⁸

5. The Rule of Law and Corruption

The rule of law is a crucial prerequisite for a democratic system. However, high rates of corruption in both countries indicate that there is something wrong with the principle of the rule of law. Corruption in this context signifies the private sale of public services and distorts the functioning of the state. In Italy elites have used democratic processes to generate financial resources and to maintain clientelistic connections.⁴⁹ Part of this policy has led to over-regulation and even more corruption. The economic and political elite accept this informal measure as a part of daily policy-making, even if the independent media reveal corruption episodes on an almost daily basis.⁵⁰

In Ukraine, corruption is enabled by the informal organization of the political elite. Additionally, the fight against corruption

46 Vasallo 2007, Government, 693.

47 The result was a criminalization of parliament (as parliamentarians have been guaranteed immunity dubious persons sought to get a seat). Louise I. Shelley, "Russia and Ukraine: Transition or Tragedy?" in *Menace to Society: Political-Criminal Collaboration Around the World*, ed. Roy Godson (New Jersey: Transaction Publishers, 2003). 214f.

48 "Yanukovych: Ukraine should return to mixed electoral system of parliamentary elections," *Kyiv Post*, 7 April 2011.

49 Della Porta, Donatella and Alberto Vanucci, *Corruzione politica e amministrazione pubblica* (Bologna: Il Mulino, 1994).

50 On the mechanisms and scale of corruption, and for the systemic character of Italian corruption Alberto Vanucci, "The Controversial Legacy of Mani Pulite: A Critical Analysis of Italian Corruption and Anti-Corruption Politics. *Bulletin of Italian Politics*. 1 (2.2009), 233f.

regularly falls hostage to political confrontations in Ukraine despite being an official government priority. The rhetoric of political elite can correctly indicate the most important factors of corruption, also the lack of political will to combat it, the “ineffectiveness” of the judiciary or the absence of control over the income of high officials. As a rule, draft laws for anti-corruption packages have been compiled under each president and the presidents have also adopted anti-corruption decrees. In most cases, the cabinet failed to implement the according draft laws.⁵¹ During the Yushchenko presidency, the government could counteract the process by simply ignoring the draft laws on anti-corruption. Interestingly, a working group on anti-corruption was chaired by the prosecutor general and the head of the security service, persons that had no real interest in anti-corruption, as they have been deeply involved in informal and corruptive networks.⁵² Anti-corruption laws are counteracted by the actual elite conduct who can seek private personal interests in spite of the law.⁵³ In this line stands the anti-corruption policy of President Viktor Yanukovich who has concentrated on his “enemies”, in particular Yulia Tymoshenko and members of her former government.

In Italy, elites have used democratic processes to generate financial resources and to maintain clientelistic connections. This policy resulted in overregulation and even more corruption.⁵⁴ Ordinary institutional mechanism to control corruption have failed. Since the mid-1990s, Italy has occupied one of the lowest places among Western European countries in corruption ratings. The country’s elites accept corruption as a part of daily policy-

51 Grzegorz Gromadzki et al, *Beyond Colors: Assets and Liabilities of 'Post-Orange' Ukraine* (Kyiv: Stefan Batory Foundation 2010). For Italy Vanucci, Mani Pulite, 2009, 249f.

52 Freedom House, *Nations in Transit: Report on Ukraine*, 2009, 572.

53 And the fact that an independent institution, for example an anti-corruption bureau does not exist.

54 Donatella Della Porta and Alberto Vanucci. *Corruzione politica e amministrazione pubblica* (Bologna: Il Mulino, 1994).

making, even if independent media reveal corruption regularly.⁵⁵ The lack of any outcomes of anti-corruption initiatives indicates their symbolic nature to ensure public visibility and pretend political action.

Generally, the efficient adoption and implementation of laws is not the case in both countries. Italy and Ukraine are both over-regulated states, this signifies multiplication and overlapping. The indecisiveness of the parliament in both countries makes the situation even more complicated.⁵⁶ When a law is actually adopted, however, the process is often haphazard. There are no simple processes for law adoption. In Ukraine, an abbreviated discussion of bills is therefore standard. Much of the current legislation is of insufficient quality and major elements are often missing.⁵⁷ The president has used decree power to avoid lengthy processes, amendments or rejections.⁵⁸ In Italy, the problem of the rule of law is connected to the inefficiency of the system. Since the beginning of the 1980s, Italian governments have made broad use of their power to promulgate "decree laws" for presumed reasons of urgency. In practice, the governments used decree laws because they were not capable of getting their bills approved in parliament quickly enough and without amendments.⁵⁹ However, governments still had to go back to parliament in order to convert the decrees into laws, but often failed to do so within the required 60 days. Governments, at the same time, have often continued with their policy of legislating through decree law, or forcing parliament's hand with the vote of confidence mechanism.⁶⁰ In particular, the Prime Minister

55 Alberto Vanucci, "The Controversial Legacy of Mani Pulite: A Critical Analysis of Italian Corruption and Anti-Corruption Politics. *Bulletin of Italian Politics*. 1 (2.2009), 233f.

56 In Ukraine, in 2008 and 2009 coalition disruptions diminished the real number of coalition members to the minimum requirement of 226 persons (a majority of all deputies 226 out of 450 must approve of any decision) which made the parliament the least productive among all previous in terms of laws drafted, submitted, debated, and adopted. See: Freedom House, Ukraine, 573. In Italy, the quarrels around the 2006 referendum are a good example. Bull et al, *Institutional Reform*, 2007, 43.

57 Grzegorz Gromadzki et al, *Beyond Colors*, 55f.

58 Gallina, *Institutional Change*, 177f. Kuzio, *100 Days*.

59 Cotta et al, *Political Institutions*, 2007, 259.

60 Vassallo, *Government*, 2007, 698.

Berlusconi has pressured for selective laws favoring his enterprises and interest groups.⁶¹

6. The Judiciary and Political Elite Influence

In Italy, independent judges have done much to combat organized crime, in particular the mafia. How could their independence be ensured? The main reason has been the DIA, the Direction for Anti-Mafia Investigation. This agency concentrates on organized crime, and stands quite separate from the rest of the institutional system.⁶² Its strength has been ensured with formal regulation: the agency has no obligation to report to the judiciary or the interior ministry and it is only obliged to inform the independent Supreme Court. Those provisions have ensured a minimum of political elite influence, and the DIA has been termed the “third power” of the Italian state. Politicians can nevertheless try to influence it via the media or the parliament that has to approve its budget and the laws that guarantee its functioning. The question is whether independent institutions like the DIA would function in a post-communist setting.⁶³

In Italy, the *mani pulite* scandal provoked a series of measures to ensure the independence of the judicial system: In 1998, the justice police was created for investigating judges. But also before the scandal, much had been done to foster the independence of state prosecutors and judges. The CMS (*Consiglio Superiore della Magistratura*) assures that judges and state attorneys are a “separate class” and independent of social or political influence (e.g. the justice ministry).⁶⁴ An additional

61 For example Fininvest. Gianni Barbacetto, Peter Gomez and Marco Travaglio, *Mani Sporche* (Milano: Chiarelettere, 2007). Interestingly, the political opposition did not abolish those laws while being in power.

62 Swiss Radio DRS 2 on Italy and organized crime, 11 March 2010. <http://www.drs2.ch/www/de/drs2/sendungen/kontext/5005.sh10126140.html> (accessed 20 February 2011).

63 There are examples from Central Eastern European countries. In Slovakia, a similar institution has functioned quite well, in the Czech Republic it has not, because it is not independent from political influence.

64 Stefano Livadotti, *Magistrati: l'Ultracasta* (Milano: Bompiani, 2009).

justice reform has been proposed with the separation of judges' and state attorneys' powers. However, a main problem remains which is the slow speed of the judiciary system, in particular in conducting trials, one reason for this slow speed being the relatively low number of judges.⁶⁵ Quite impressive is the figure of pending trials in front of the European Court of Human Rights: Italy has the highest number of suits lodged due to the excessive length of judicial processes among Western European countries.⁶⁶

Regarding the list of judicial processes Berlusconi has been facing personally⁶⁷ the observer might have doubt on whether Italy has a functioning judiciary and investigative organs as he remained in office in spite of being sued and sentenced twice.⁶⁸ The prime minister actively impeded processes against himself, also by trying to limit the power of the investigating judges, hindered the news coverage of the media on current investigations, and relied on his political immunity. His influence on the parliament was strong enough to order respective laws: the Italian Parliament accepted an immunity law in summer 2008. Still, he could not influence the Constitutional Court which ruled that decision unconstitutional in October 2009. He proceeded with other tactics: draft laws on the limitation of time in order to end

65 11 judges on 100.000 inhabitants (the European median is 19.8), see the 2010 Report of the European Commission on the Efficiency of Justice CEPEJ. http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/Synthese_en.asp (accessed 20 January 2011). Daily, around 500 processes have to be closed due to limitation of time. Only three out of ten processes were terminated orderly with a court decision in 2008. "Italiens Justiz unter Anklage," Neue Zürcher Zeitung, 10 July 2010.

66 See the Pending Cases Fact Sheet under http://www.echr.coe.int/NR/rdonlyres/C2E5DFA6-B53C-42D2-8512-034BD3C889B0/0/FICHEPARPAYS_ENG_MAI2010.pdf (accessed 15 February 2011).

67 "Die Berlusconi-Prozesse," NZZ am Sonntag, 11 October 2009. The processes have been: P2 membership, corrupting members of the finance/tax police, bribing former socialist president and Prime Minister Bettino Craxi to build up his media empire, money laundering through Fininvest (including the so-called Lex Berlusconi that guaranteed himself immunity), bribing judges to buy the Mondadori Publishers, bribing David Mills who built up a money laundering empire for Berlusconi.

68 The first was a fine of 750 Mio Euro to compensate corruption during the tender of the publisher Mondadori. The second one was to deprive him of immunity in order to retake a row of judicial processes against him. David Lane. Berlusconi's Shadow: Crime, Justice and the Pursuit of Power (London: Allen Lane, 2004).

processes or a regulation that the prime minister has the right not to appear in front of a judge if his time schedule does not allow it (passed in the Senate in March 2010). In January 2011 Italy's highest court revoked his immunity.⁶⁹ His reaction was to blame the judiciary, to pose as a victim and to exaggerate the conflict, for example in 2009 he said: "I am absolutely the politician most persecuted by prosecutors in the entire history of the world throughout the ages."⁷⁰ The relationship between the judiciary and Berlusconi has been one of animosity. As the government and the prime minister have equalled the judiciary with the political opposition, there has been a constant struggle between them and actors from within government institutions which absorbed much energy. The practical outcome of the quite complicated relationship between the representative of the judicial system and Silvio Berlusconi has been that courts have tried to impose rules, but Berlusconi has always found a way to overrule them with formal (using existing law) and informal measures (buying parliamentarians).

Contrary to Italy, where judges are tied to the political opposition, and identified as "enemies" by the government, in Ukraine, judges have been systematically corrupted and courts and politics have been intermingled more systematically. There is no independent, central and powerful auditing authority as there has been no serious judicial reform, in spite of constant efforts.⁷¹ The consequences of this reality have been that the competences are not divided clearly and different formal procedures exist, for example to reject a judge. Judges are appointed by political bodies and the Supreme Council of Justice (also influenced by

69 "Automatic Immunity for Berlusconi Revoked," The New York Times, 13 January 2011.

70 He added that he had spent "200 million euros on judges... excuse me, on lawyers." Luciano Violante, *Magistrati* (Milano: Einaudi, 2009): Elites have to accuse the office of the public prosecutor of partiality, because it is part of the game that officially does not accept independent and not corrupted institutions.

71 Three concepts have been approved in the period 2006–2008 alone. Two of the most urgent formal problems, insufficient financing of the court system, and an inefficient and nontransparent process for appointing judges, have remained untouched. No serious discussions on criminal justice reform, such as replacing the Soviet-era criminal procedure code, took place. Gromadzki et al, *Beyond Colors*, 2010.

politics) approves them. Legislative barriers do exist that prevent the execution of court judgements against the state. According to a survey on corruption within the judicial system, almost one third of lawyers and prosecutors believe that corruption is widespread at all stages of court proceedings. The most common form is the use of personal connections. The court system is one of the most pervasively corrupt parts of the political system, and subject to commercial and political influences.⁷²

The influence of political elites on the justice system is most significant at the level of constitutional justice. The Constitutional Court has decided in line with presidential policies and especially, when it came to the possibility of extending the term of the presidency.⁷³ The Court suffers from so-called "institutionalized" judges who decide according to political needs. The most recent case has been political influence on the Constitutional Court to return to the Constitution of 1996.⁷⁴ The justice system has been highly politicized, and misused by key political players (in particular the state president) to solve political disputes and to calm political opponents.⁷⁵

7. The Political Elite and the Media

Italy has been characterized as a mediocracy: Politics are tightly connected to the media, not only informally, but also formally.⁷⁶ The media has been used as an official instrument of influence by the prime minister and he has communicated and sold his political project via his media empire Mediaset. Judges,

72 2010 Report of the European Commission on the Efficiency of Justice CEPEJ. http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/Synthese_en.asp (accessed 20 January 2011).

73 A „hot“ issue in the second Kuchma-presidency, Gallina, *Institutional Change*, 2006, 156f.

74 "Return to 1996 Constitution," *Kyiv Post*, 1 October 2010.

75 Currently, this can be observed in the prosecution of the former Prime Minister Tymoshenko and ministers. See "US concerned over Politicization of Legal System in Ukraine," *Kyiv Post*, 19 January 2011.

76 Erik Gandini, *Videocracy*, http://www.youtube.com/results?search_query=videocracy&aq=f (accessed 20 February 2011). Tomasz Bielecki, "Berlusconi: Jestem Chrystusem włoskiej polityki," *DF Gazeta Wyborcza*, 24 February 2011, 2-4.

journalists and intellectuals have been scandalized through the TV channels Rete 4 and Canale 5, and the journal *Il Giornale*.⁷⁷ The selection and recruitment of electoral candidates was managed by media professionals from Publitalia, the advertising arm of Berlusconi's company Fininvest. The independent channel Rai 3 has tried to follow its own line, but has been under continuous attack.⁷⁸ The Institute Vidierre has conducted a survey on the media visibility of Italian elites, and found that Berlusconi spoke almost one thousand minutes in the (seven) mostly watched TV news programs in the first nine months of 2010.⁷⁹ It is partly because of this tightly controlled media landscape that Italy is considered only partly free by Freedom House along with Ukraine.⁸⁰

In Ukraine, independent print media has had a decisive influence on political developments, in particular the emergence of the democratic movement leading to the Orange Revolution. According to Freedom House the legal framework provides for media freedom and is one of the most progressive in Eastern Europe, but respect for these laws has remained low since the 2004 Orange Revolution. Oligarchs and political elites have tried to control the media, especially at a regional and local level. Financial and industrial groups own most nationwide media which allows them to place biased content and to highlight subjective preferences in media coverage. At a regional and local level, state administrations own newspapers and TV channels or fund TV channels through the state budget. They affect editorial policy, something which has been clearly evident in the Kyiv media

77 Diamanti, Italian, 2007, 736. Cases of in which the Prime Minister himself intervened have been for example the talkshow *Annozero* (RAI).

78 The daily newspapers *La Repubblica* and *Corriere della Sera* are in opposition to Berlusconi, but most Italians prefer TV (only 10% of the Italians read newspapers)

79 997 vs. 1051 for the three oppositional parties PD, IDV and UDC with all their representatives. "Il premier straripa nei tg. 1.000 minuti in 9 mesi," *Repubblica*, 5 October 2010.

80 Freedom House, Map on Press Freedom, 2010 (Rank 73 out of 178 countries). <http://www.freedomhouse.org/template.cfm?page=251&year=2010> (accessed 20 December 2010).

during electoral campaigns.⁸¹ The 2010 World Press Freedom Index noted that Ukraine “fell sharply” as a result of the slow and steady deterioration in press freedom since the election of Viktor Yanukovich in 2010.⁸² *Telekritika*, a Ukrainian monitor, quantifies the number of television news items that have characteristics of being ordered or censored.⁸³ Instruments to harass the media under Kuchma and Prime Minister Yanukovich have included lists with approved topics, tax police and violence, an example being the murder of the journalist Gongadze. The current president has used state security and tax police to intimidate opponents.⁸⁴ Even if we cannot speak of a “mediocracy in Ukraine”, the media have been an example for intermingling public and private interests, instrumentalization and politicization.

8. Looking Behind the Facade of Democratic Power: Pillars of Elite Power

As the above paragraphs have argued, in both countries, political elites do not accept the formal institutional framework; indeed, they even provoke shortcomings, for example constitutional or electoral law-provisions. Additionally, this overview of institutions vs. elites’ conduct indicates that elite conflict in the form of lacking agreement on the fundamental pillars for the democratic political framework is a crucial element of political elite culture. An actor’s conduct is based on power considerations that have been detached from institutional regulations and abstract state

81 In the capital local media (newspapers *Khreshchatyk*, *Vechirniy Kyiv*, and *Ukrayinska Stolytsia*) were used to promote acting Mayor Leonid Chernovetsky, while attacking his opponents during the pre-term municipal electoral campaign in May 2008. In 2009, attacks against the media continued (and the country’s politicized criminal justice system failed to protect journalists). Freedom House, *Press Freedom*, 2009.

82 *Press Freedom Index*, ed. *Reportes without Borders*, 20 October 2010. *Ukraine is ranked 131 out of 178 countries (2009, Ukraine was ranked 89)*.

83 The Institute for Mass Information (IMI) also examined interference in and by printed media in Ukraine concerning the upcoming presidential elections See http://eng.imi.org.ua//index.php?option=com_content&task=view&id=173575&Itemid=1 (accessed 10 December 2010).

84 At the end of July 2010 militia officers damaged the offices of the newspaper “*Svobodnaya Odesa*”. In another case the security service SBU pressured on a blogger who posted critical material on Viktor Yanukovich in the internet. Additionally, the Kharkiv-based journalist Vasyl Klymentyev disappeared on 11 August 2010.

models. The formal framework is mostly a façade of democratic institutions and has been re-modelled to serve as a stage for personal power gains and to enable a proximity to power. Democratic norms and moral categories are too weak to constrain political actors' behavior. The case of the Italian justice system underlines that only strong, independent institutions force actors to adapt their conduct to the principles of the rule of law.

The conduct of political elites has different impacts on formal institutions. The constitution and rule of law-principle are used as subversive institutions; institutions are deliberately transformed to serve political elite needs, in particular to corrupt other institutions, including the parliament, the judiciary, or the media.⁸⁵ Political parties/media (Italy) and political parties/oligarchs (Ukraine) act as intermediary institutions. This means they link formal power with informal political elite spheres. The judiciary (mainly in Ukraine) and the parliament are co-opted by offering power or financial incentives. Another aspect of the informal dimension is the "emotional" dimension: some actors emotionalize institutions in order to gain the electorate or to achieve certain political or personal goals. This includes the way how politicians confront history or the role the "nation" plays in politics.

The analysis of the two cases makes clear that there are different dimensions to how elites influence institutions with their conduct: The first dimension is the "subversive" institution dimension. In the case of Ukraine, the constitution and laws have been used to undermine the justice branch and the whole administrative apparatus; attempts in this direction have been also undertaken by Italian political leaders. The second dimension is to accept the formal façade, but to instrumentalize it occasionally (the media in Ukraine) or systematically (the media in Italy). The third

85 Vladimir Gel'man, "Subversive Institutions and Informal Governance in Contemporary Russia," *The International Handbook on Informal Governance*, ed. Thomas Christiansen and Christine Neuhold (Edward Elgar, 2010). See also Berlusconi finding it morally acceptable not to pay taxes, "It's ok to Dodge Taxes, Says Berlusconi" *The Guardian*, 18 February 2004.

dimension is the emotionalization of institutions, for example, the office of the president or the prime minister. Those dimensions of elite conduct are based on informal power networks, not on the formal institutional framework. They could be used as a framework for the analysis of democratic political systems where political elites' conduct and structures do not fully match with democratic political institutions and where elites's conduct expresses a non-accordance with democratic institutional regulation.

In both Italy and Ukraine, political actors have declared their commitment to democratic norms and reforms but they ignore them mostly when acting in real life. In sum, political elites conduct runs diametrically to the requirements of democracy. While democratic processes build on a great extent on horizontal cooperation and concepts of power restrictions, the analyzed elites base their interactions on vertical relations and an absolute understanding of political power. The highest political "executors" personalize, incorporate power and have a high degree of liberty to use their legal and illegal competences. This vertical understanding of political processes hinders the work of parliament, such as finding a common stance on law proposals or policy guidelines, and affects influential decisions on public tenders or privatizations. As a result of this power-based elite "codex" and the respective conduct, the whole political framework is instable and has been questioned by the very elites. In essence, political elites do not accept the restrictive power of democratic political institutions. Real change can come only with an institutional reform from the top in which the functioning of rules will be overseen by independent and integer agencies: the DIA and the state prosecution in Italy has proved this is the way forward.

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