

INSTITUTIONAL AND POLITICAL-ECONOMIC PECULIARITIES OF MODERN UKRAINE: POLICY IMPLICATIONS IN TIME OF WAR¹

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Abstract

Building on the conceptual frameworks of “patronal democracy” (Magyar & Madlovics, 2020) and “limited access orders” (North, Wallis, & Weingast, 2009), this paper analyzes Ukraine’s political-economic system as an archetype of informal elite coordination sustained through legal impracticability and discretionary enforcement. Incorporating Rogov’s notion of “soft legal constraint,” Volkov’s historical account of patrimonial governance, and Hale’s concept of a Nash equilibrium of non-compliance with the law, it traces how inherited institutional pathologies have shaped a persistent “bad equilibrium” in Ukraine. Rather than treating corruption as a deviation from good governance, the paper shows how it functions as a systemic mechanism of elite control, bolstered by kompromat-based patronalism and rent-seeking. The paper’s core contribution lies in its analytical synthesis and policy reorientation: it conceptualizes why many externally driven reforms fail—being selectively absorbed into patronal structures—and articulates a context-sensitive strategy for de-patronalisation, drawing lessons from the experience of Georgian reforms between 2004 and 2012. This includes legal streamlining, dismantling discretionary authority, amnesty for legacy offenses, and targeted public enlightenment. Unlike other post-Soviet states, Ukraine’s transition toward an Open Access Order is facilitated by its decentralized institutional legacy and strong civil society, reinforced over the last decade by an existential need to align with Western norms amid war. These factors justify an accelerated and adaptive approach to de-patronalisation as a prerequisite for effective and sustainable post-war recovery, democratic resilience, and long-term integration into the EU and NATO. The paper also highlights underexplored risks such as re-oligarchisation through reconstruction and the unintended reinforcement of patronalism through ill-suited EU regulatory harmonization. It concludes that robust institutional reform must be designed with a deeper understanding of Ukraine’s informal governance logic to ensure that recovery efforts do not entrench the very system they aim to dismantle.

Keywords: Ukraine, political-economic system, patronal democracy, EU, NATO.

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The most appropriate definition of Ukraine's current socio-political-economic system is provided by Magyar and Madlovics (2020) (M&M) as a "patronal democracy"³. In this context, patronalism refers to a form of North, Weingast, and Wallis's⁴ (NWW) "limited access order" (LAO)⁵ in which the interpersonal relationships characteristic to an LAO are predominantly informal. These relationships take the form of hierarchical, pyramid-like informal patronal networks—termed "adopted political families" by M&M or "political clans" in Ukrainian political parlance—which permeate much of the governmental apparatus as well as large- to medium-sized businesses, effectively superseding formal institutions. Within these networks, economic (contract-based), political (rooted in legitimate violence), and communal (based on kinship and reciprocity) forms of social action are intertwined. A political clan constitutes a form of NWW's dominant coalition, held together by rents as incentives and fear as deterrence. Their distribution is highly personalised and essentially arbitrary, determined at the discretion of a patron, who thereby secures the (personal) loyalty of his subordinates. Corruption, oligarchy, and analogous so-called "pathologies" are intrinsic to this system rather than aberrations. They can only be "eradicated" by addressing their underlying causes, which lie in the LAO in general and in patronalism as its specific manifestation.

Kyrill Rogov's concept of "soft legal constraint"⁶ is among the most significant implications of patronalism. This term denotes the selective and discretionary enforcement of formal laws, contingent upon their alignment with informal rules in particular cases and the interests of the individual in power. Vadim Volkov traces this characteristic feature, inherited by the successor states of the Russian Empire, to the Petrine reforms of the 18th century⁷, which sought to transplant the best international practices of the time (the Dutch model of bureaucracy and law) onto the patrimonial Muscovite state, which was organised as a hierarchy of near-omnipotent rulers. As a consequence, the law frequently became impracticable and was systematically violated, thereby undermining the principle of the inevitability of punishment. Instead of becoming a bureaucracy compliant with the law, these rulers acquired extensive discretion in its enforcement, effectively endowing them with

³ Bálint Magyar and Bálint Madlovics, *The Anatomy of Post-Communist Regimes: A Conceptual Framework* (Budapest–New York: Central European University Press, 2020), 15.

⁴ Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2009)

⁵ A limited access social order is one where violence is controlled by providing violence specialists with rents, including those artificially created through restrictions on free competition, to pacify them and transform them into Mancur Olson's 'stationary bandits'.

⁶ Kirill Rogov, "Режим мягких правовых ограничений" [The regime of soft legal constraints], InLiberty (blog), <http://www.inliberty.ru/blog/1175-rezhim-myagkih-pravovyh-ogranicheniy>.

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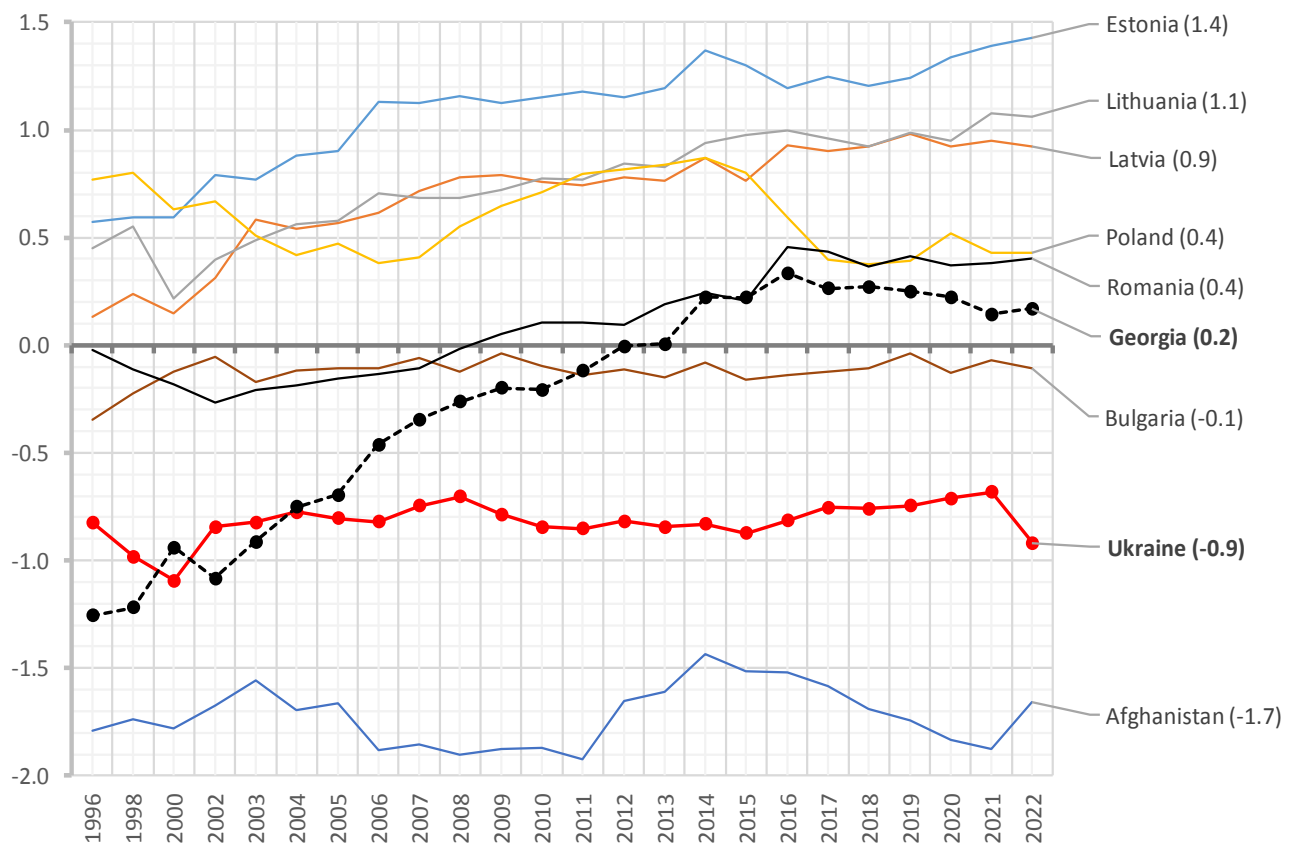
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⁷ Vadim Volkov, "Patrimonialism versus Rational Bureaucracy: On the Historical Relativity of Corruption," in *Bribery and Blat in Russia: Negotiating Reciprocity from the Middle Ages to the 1990s*, ed. Stephen Lovell, Alena V. Ledeneva, and Andrei Rogachevskii (London: MacMillan Press, 2000), 20-34.

loosely constrained informal power. Notably, in Russian (and Ukrainian), a public servant entrusted with discretion in law enforcement or implementation is colloquially referred to as a “*nachal'nik*” (boss), as he or she wields informal discretionary personal power (“*vlast*”), akin to that of a ruler in patrimonial Muscovy. Moreover, Tsar Peter I himself refused to curtail his own power in accordance with the Dutch example.

Thus, patronalism stands in direct opposition to the rule of law (RoL), which, by definition⁸, constitutes a system of institutions that constrain the arbitrary exercise of power. This renders standard indicators of the RoL, such as those provided by the World Bank’s Worldwide Governance Indicators (WGI)⁹, a useful proxy for measuring patronalism, at least in the countries of Central and Eastern Europe (CEE) and the former Soviet Union (FSU). Such data reveal (see Figure 1 below) a pronounced divide between the CEE and even Balkan states, on the one hand, and countries that constituted the core of the Russian Empire for centuries, such as Ukraine, on the other.

Figure 1a. Rule of Law Index (World Governance Indicators), max 2.5, min -2.5¹⁰



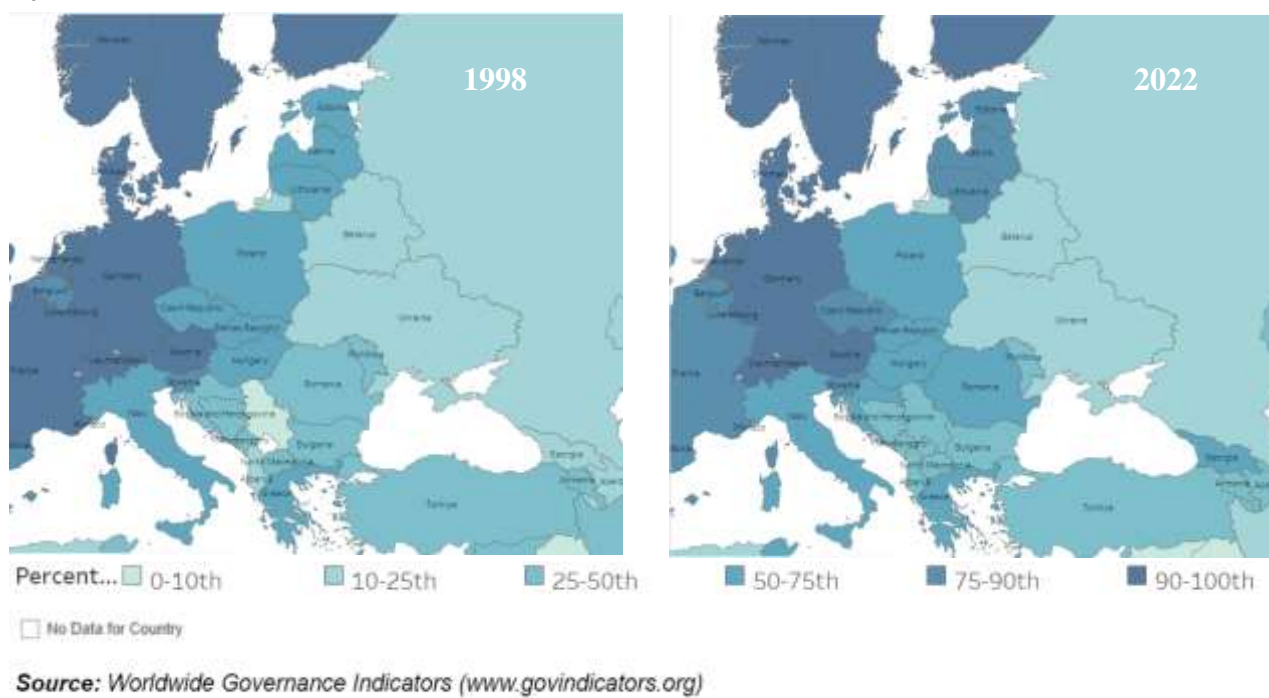
Source: <https://databank.worldbank.org/>

⁸ See <https://www.britannica.com/topic/rule-of-law>

⁹ See [Home | Worldwide Governance Indicators](#)

¹⁰ Borrowed from: Dubrovskiy, Vladimir and Dmytro Boyarchuk. Position Paper: Sustainable Economic Growth in The Midst of Suboptimal Institutions in Ukraine. CIPE and CASE Ukraine, 2024 [Sustainable economic growth in the midst of suboptimal institutions in Ukraine](#)

Figure 1b. The RoL indicator for selected European and Eurasian countries in 1998 and 2022¹¹



A patronal LAO represents a stable socio-political-economic system, at least in its fundamental form of “patronal autocracy” (M&M), which corresponds to the basic LAO in NWW’s classification. This configuration is characterised by the dominance of a single political clan over the entire country, as observed in Hungary, the Russian Federation, and all other post-Soviet non-Baltic states, with the exceptions of Ukraine, Moldova, and, arguably, Georgia and Armenia. Figure 3 borrowed from Dubrovskiy (2023a)¹² illustrates its internal feedback mechanisms as follows:

¹¹ Ibid

¹² Dubrovskiy, Vladimir, Patronalism and Limited Access Social Order the Case of Ukraine. In: Madlovics, Bálint and Magyar, Bálint, eds. 2023. Ukraine’s Patronal Democracy and the Russian Invasion: The RussiaUkraine War, Volume One. Budapest– Vienna–New York: CEU Press., Available at SSRN: <https://ssrn.com/abstract=4650822>

Government bureaucracies, particularly control agencies, law enforcement, and the judiciary, are staffed by individuals loyal to patronal structures rather than by competent administrators. Decision-making and oversight rely on informal orders, kompromat (blackmail through unresolved past offences), and other means of informal coercion. Consequently, reformers seeking to establish non-patronal institutions and formal governance lose control over the government. At the highest levels, the political elite sustain and benefit from this system. State leaders depend on informal networks to maintain control, further weakening formal institutions. A non-patronal leader, should one emerge, would struggle to construct an effective organisation, secure financial and media backing, and achieve electoral success, thus ensuring the cycle persists.

Amid alien and hostile formal institutions—characterized by impracticable laws and the arbitrariness and predation of “nachal’niks” - ordinary people tend to view petty corruption (i.e., the corruption of the LAO system, as opposed to systemic corruption, which is its modus operandi) as a virtue rather than a vice. This is often their primary tool for survival, especially in business. In a patronal system, nepotism and other forms of selective promotion of loyalists remain the most common social elevator. However, when individuals shaped by such survival values eventually rise to the top, they further reinforce the patronal system—thus closing yet another self-sustaining loop that supports the bad equilibrium.

Let me know if you'd like to align the phrasing further with your figures or terminology used elsewhere in the paper (e.g., "pillar," "feedback loop," etc.). Breaking this bad equilibrium is a non-trivial challenge, as the system is highly adept at assimilating any “best practices” from developed countries. These practices are often restrictive (leading to widespread disobedience), discretionary (as discretion is often considered a virtue under a functioning RoL), and reliant on a functional bureaucracy and law enforcement, both of which are absent under patronalism. For these reasons, many well-intentioned reforms have thus far resulted in wrong outcomes akin to the Petrine reforms, ultimately reinforcing the system rather than weakening it.

Georgia under Saakashvili remains the sole example to date of successfully breaking this equilibrium. The key principles that proved effective were:

1. Dramatic deregulation and legal streamlining, aimed at eliminating discretionary opportunities to the greatest extent possible.
2. A complete overhaul of key government institutions, with recruitment conducted through a transparent, non-patronal procedure.
3. Amnesty for past offences, thereby neutralising kompromat and enabling the practical implementation of the principle of inevitable punishment.

Nevertheless, the approach of Georgian reformers lacked a fourth crucial component: voter enlightenment or a form of social engineering designed to transform entrenched habits, misconceptions, misbeliefs, and even misleading values providing a fundamental for patronalism and a LAO, such as zero-sum thinking. Furthermore, Mikheil Saakashvili himself did not always strictly adhere to the principles of the RoL in his actions. Some discretionary norms, such as the "classic" corporate income tax, also remained in place.

A further major obstacle to the establishment of a functional RoL is the lack of checks and balances, a characteristic historically embedded in Russian and, more broadly, Orthodox political culture¹⁴. This issue was particularly pronounced in Georgia, though comparatively less so in Ukraine, which followed a different historical trajectory, fostering strong and deeply rooted traditions of decentralisation, democracy, and checks and balances—albeit sometimes excessively. Nevertheless, many governance theorists, influenced by Russian intellectual traditions, have attempted to impose a "vertical of power" akin to the Russian model or have advocated for expedited decision-making procedures "for quick settlements," which have proven ineffective in Ukraine and have instead been exploited for patronal purposes.

Ukraine is best characterised as a patronal democracy, a form of "mature" LAO positioned between two stable system types: patronal autocracy and liberal democracy. The country has the potential to evolve in either direction, contingent on a range of factors. The de-patronalisation of Ukraine—equivalent to significant progress in establishing the RoL—would ensure its transition towards liberal democracy while reducing the risk of a successful authoritarian resurgence. Thus, Ukraine is currently transitioning towards an NWW's Open Access Order (OAO)¹⁵, which is predicated on open competition for political and economic opportunities and the dominance of formal, depersonalised relationships. Two principal forces driving de-patronalisation are Ukraine's Western partners and its domestic civil society. Some segments of Ukraine's economy and, to a lesser extent, its political landscape already operate under non-patronal conditions and are approaching OAO standards. This portion of the business sector represents a valuable ally in the de-patronalisation process (Dubrovskiy, 2023b)¹⁶.

Such a transition is generally a prolonged and unpredictable endeavour. The transition from Communist rule to liberal democracy and a free market has been successful in some post-Communist countries but has resulted in patronal autocracies in many others (M&M). However, due to its war for independence from Russia Ukraine finds itself in a unique situation: its survival as an sovereign nation depends on its progress in this transition. The West remains willing to embrace and support Ukraine only insofar as it perceives the country as sharing common values. In practical terms, Ukraine must demonstrate readiness for EU and NATO accession, which requires a high standard of governance, with RoL as the central challenge. Premature accession could result in a lose-lose scenario: the EU could inherit a highly problematic member, while Ukraine's accession might further entrench patronalism, leading to the proliferation of impracticable laws and new oligarchs exploiting foreign grants for rent-seeking, as has occurred in Hungary and certain other Central and Eastern European (CEE) countries. Consequently, the speed and quality of Ukraine's transition is of critical, if not existential, importance.

At the same time, the post-war recovery period offers unique opportunities. Ukraine's dependence on foreign support is unparalleled among countries transitioning to an OAO

¹⁴ Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution* (London: Profile Books, 2011)

¹⁶ Dubrovskiy, Vladimir, *The Main Driving Forces of De-Patronalization in Ukraine: The Role of Ukrainian Business*. In: Madlovics, Bálint and Magyar, Bálint, eds. 2023. *Ukraine's Patronal Democracy and the Russian Invasion: The RussiaUkraine War, Volume One*. Budapest– Vienna–New York: CEU Press., Available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4650835

(Afghanistan and Iraq notorious by their heavy reliance on external assistance, remained far from a mature LAO, unlike Ukraine). Consequently, well-structured conditionalities tied to this support, combined with deliberate voter education programmes, could have a significant impact. However, a fundamental obstacle remains: the widespread lack of understanding of Ukraine's socio-political and economic context, with many foreign actors reducing all challenges to "corruption," which impairs the effective use of available leverage.

Domestically, Ukrainian society appears increasingly disillusioned with its previous informal social pact—the "corruption consensus"¹⁷—whereby citizens tolerated state inefficiency and corruption in exchange for minimal state interference in their affairs. Manifestations of this tacit agreement include widespread tax evasion (with the shadow economy exceeding 30%) and difficulties in military conscription. Such patterns are incompatible with Ukraine's survival under current circumstances. The most politically conscious segment of Ukrainian society rejected this pact during the Revolution of Dignity, and the full-scale war has likely exacerbated its contradictions, creating strong demand for a new social contract.

The Revolution of Dignity in 2014 revealed a remarkably high level of social capital in Ukraine and further reinforced it. The need to confront Russian aggression in the near absence of an effective state, along with the window of opportunity the revolution opened for various reforms, mobilized civil society even more and strengthened social capital¹⁸. In hindsight, all of this seemed like a prelude to the first months of the full-scale Russian invasion, when millions of people engaged in self-organized volunteer activities—helping refugees (and even evacuating their pets), patrolling territories, and fighting the aggressor with improvised means like Molotov cocktails.

This wave of civic engagement has further solidified civil society and social capital, which, in the absence of strong state institutions (including the rule of law), serve as functional substitutes. As Robert Putnam demonstrated, such social capital can provide a solid foundation for effective democratic governance¹⁹. However, if people remain largely driven by zero-sum thinking, the same collective action tendencies could, as Mancur Olson warned, facilitate the emergence of redistribution coalitions²⁰—especially when fueled by post-war grievances.

The key lesson is that Ukraine's support in the war and post-war recovery must be integrally linked to robust and effective support for its transition to an OAO, particularly through decentralisation. Achieving this objective requires a deep and comprehensive understanding of Ukraine's socio-political and economic structures and their unique characteristics.

The risks associated with post-war recovery extend beyond mere corruption, such as the embezzlement of funds. While ensuring high transparency, stringent oversight, and decentralisation remains crucial, Ukraine and its partners already possess strong foundations

¹⁷ The Nestor Group. The Dignity Pact for Sustainable Development. Kyiv-L'viv, 2015. [Візія України-2025 | Збруч](#) (in Ukrainian, the English version available at a request)

¹⁸ Dubrovskiy, Vladimir, Kálmán Mizsei, and Kateryna Ivashchenko-Stadnik, Eight Years After the Revolution of Dignity: What Has Changed in Ukraine During 2013–2021? *Soviet and Post-Soviet Politics and Society*. (Stuttgart: Ibidem, 2023).

¹⁹ Putnam, Robert, R. Leonardi, and R. Nanetti, 1993, *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press

²⁰ Olson, Mancur. *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven: Yale University Press, 1982)

in these areas. The ProZorro e-procurement system, extensive experience in donor project oversight, and well-developed independent special anti-corruption law enforcement institutions provide a solid basis for mitigating such risks.

A second, less frequently discussed but not less important risk is the emergence of new oligarchs. Regardless of how transparent the allocation of funds may be, some degree of discretion remains inevitable. At the same time, domestic businesses must be involved in the reconstruction process, and their lobbying for preferential treatment could contribute to excessive discretion. Public-private partnerships, which are often beneficial and currently in vogue for recovery efforts, are particularly susceptible to such vulnerabilities and must be employed with great caution. Furthermore, Ukraine's anti-trust authorities are institutionally weak and may struggle to prevent monopolisation and cartelisation, which could lead to the re-emergence of oligarchic structures. Past experiences, such as the "Great Construction" infrastructure programme of 2021, serve as cautionary examples in this regard.

Finally, inadequate attention has been given to the risk of creating new opportunities for patronalism (and corruption as one of its manifestations) through the premature adoption of discretionary or impracticable regulations in the Ukrainian context. There is also the potential for abuses in the EU harmonisation process, not to mention that some EU norms—such as the Common Agricultural Policy—are themselves contentious. If not carefully managed, these regulations could follow the trajectory of Petrovian reforms 300 years ago, ultimately reinforcing rather than dismantling patronalism.

The post-war period also poses the risk of prolonging wartime concentrations of power into peacetime, whether formally or informally. The development of political competition, democratic norms, and institutional checks and balances is therefore essential. This must be a key focus for both Ukraine's partners and civil society.

POLICY IMPLICATIONS

Anti-Corruption

- Establish an independent oversight body for managing reconstruction funds, comprising international, national, and civil society representatives.
- Implement blockchain-based tracking for all major recovery-related financial transactions.
- Enforce open, competitive tenders for reconstruction projects, ensuring Ukrainian businesses can participate on equal terms.
- Distribute funds at the lowest possible level, such as compensation for war-inflicted losses to individual households, compensation for businesses at the firm level, and funding for local infrastructure at the community level.

Prevention of re-Oligarchisation

- Strengthen anti-trust control and procurement oversight, potentially imposing limits on concentration, including affiliated firms.

- Provide subsidised loans for domestic winners of procurement tenders and security guarantees to level the playing field, while avoiding special quotas for domestic firms.
- Refrain from selective support of specific enterprises or industries.

Institutional Reforms

- Immediately harmonise with EU norms and "best practices" only where they reduce discretion, market concentration, streamline regulations and procedures, liberalise rules, and counteract patronalism.
- Postpone harmonisation in areas where it could reinforce patronalism, prioritising institutional de-patronalisation first.
- De-patronalise institutions through a combination of streamlining and liberalising legislation, minimising discretionary powers, and overhauling respective government agencies.
- Identify "low-hanging fruits" and critical points that could trigger cascading reforms, focusing efforts on these areas.
- Grant amnesty for past transgressions once impracticable legislation and corruption opportunities are eliminated.
- Introduce checks and balances wherever possible.
- Closely watch any authoritarian attempts and promptly react on them

Supplementary Activities

- Establish a coordination body responsible for institutional reforms to ensure coherence and effectiveness in de-patronalisation efforts. This body should also oversee long-term public enlightenment initiatives aimed at fostering an OAO and securing public support for reforms.
- Allocate sufficient funds for public enlightenment activities, engaging political technologists and public opinion leaders in shaping societal attitudes.
- Support and promote the development of democratic institutions, political competition, the separation of powers, and other mechanisms that prevent excessive concentration of power.

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