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Stetsenko Yevheniia Viktorivna

Postgraduate Student at the Department of Psychology,  
Political Science and Sociocultural Technologies

Sumy State University

116, Kharkivska str., Sumy, Ukraine

[orcid.org/0000-0003-1948-7368](https://orcid.org/0000-0003-1948-7368)

## THE TRANSITOLOGICAL PARADOX OF UKRAINIAN SOCIETY AND THE ONTOLOGICAL LIMITS OF FORMAL CHANGE

**Problem.** For a long time, Ukrainian transition was interpreted within the horizon of institutional optimism, according to which the transfer of democratic procedures and legal models was expected to transform social practices automatically. The experience of post-Soviet transformation has demonstrated a different outcome: the formal attributes of democracy may coexist quite stably with informal networks of influence, patronal dependencies, and selective enforcement of law. In the Ukrainian case, this is not a temporary anomaly but a deep disjunction between institutional form and lifeworld modes of action. Hence, the problem of the ontological limits of formal change possesses not merely a political and legal but also a socio-philosophical significance.

**Purpose.** To provide a theoretical explanation of the transitological paradox of Ukrainian society and to show why formal institutional change cannot ensure a qualitative transformation of the social order unless the mechanisms of legitimation, trust, and everyday practice are transformed as well.

**Methods.** The article employs conceptual analysis, comparative reconstruction of transitological, neo-institutional, and socio-philosophical approaches, and critical interpretation of the categories of legal rationalization, system, lifeworld, habitus, and social trust. The theoretical framework of the study is shaped by the works of T. Carothers, G. O'Donnell, D. North, M. Weber, J. Habermas, P. Bourdieu, O. Fisun, G. Helmke, S. Levitsky, A. Yermolenko, P. Sztompka, and Ukrainian authors who have analyzed institutional ambivalence and post-totalitarian deformations.

**Results.** It is argued that the transitological paradox consists in a structural disjunction between European institutional design and the post-Soviet mechanisms through which the social order is reproduced. Path dependence, institutional ambivalence, mass institutional cynicism, habitualized practices of circumventing norms, and the neopatrimonial logic of power neutralize the transformative effect of formal reforms. The article demonstrates that the limits of formal change can be overcome only through the communicative legitimation of law, the inclusion of citizens in the public recognition of norms, and the restoration of generalized social trust.

**Key words:** transitology, societal transformations, informal institutions, legal rationalization, lifeworld, communicative legitimation, social trust.

**Introduction.** Explanations of Ukrainian reforms within the framework of linear transitology rested on a presumption of automaticity: it was assumed that the importation of democratic institutions would be sufficient for society to begin reproducing the corresponding practices. Critiques of this paradigm have shown, however, that a considerable number of post-totalitarian states do not move toward consolidated democracy but remain entrenched in a «grey zone» where elections, parliaments, courts, and anti-corruption procedures coexist with informal control over resources and selective law enforcement [1, p. 9].

In the Ukrainian case, this contradiction assumes the form of a transitological paradox: new institutional designs are introduced more rapidly than the mechanisms of everyday reproduction of the social order are transformed. Formal rules do not eliminate older behavioural models; rather, they are frequently absorbed into them and begin to serve the reproduction of the old content.



For this reason, the problem of reform cannot be reduced to the quality of laws alone; it concerns the ontological limits of legal rationalization as such.

Accordingly, the object of analysis is the disjunction between norm and practice, between institutional form and lifeworld recognition. This perspective makes it possible to approach Ukrainian transition not as an incomplete movement toward «normality», but as a specific regime of social being within which formal change encounters the inertia of a historically constituted institutional matrix.

**Purpose and Objectives.** The purpose of the article is to conceptualize the transitological paradox of Ukrainian society and to substantiate the ontological limits of formal institutional change. To achieve this purpose, the following objectives are pursued: to clarify the inadequacy of linear transitology for explaining the Ukrainian case; to show the role of informal institutions and path dependence; to delineate the limits of legal rationalization through the opposition of system and lifeworld and through the concept of habitus; and to determine the conditions under which the paradox may be overcome through communicative legitimation and the restoration of social trust.

**Research Methods.** The study is theoretical and methodological in character. It employs conceptual analysis in order to clarify the meanings of the notions of «transitological paradox», «formal change», «informal institutions», «lifeworld», and «legitimation»; comparative reconstruction of transitological, neo-institutional, and socio-philosophical approaches; and critical interpretation for identifying the limits of legal formalism in processes of societal transformation. This methodological framework makes it possible to combine the macro-description of institutional regimes with the analysis of the semantic and practical mechanisms through which those regimes are reproduced in everyday life.

**Results.** The transitological paradox may be defined as a durable disjunction between the formal introduction of democratic institutions and the actual reproduction of informal modes of coordination, domination, and resource allocation. T. Carothers convincingly demonstrated that post-totalitarian societies do not move automatically from authoritarianism to democracy; rather, they often stabilize for long periods in intermediate and hybrid states [1, p. 9]. This means that the mere presence of elections, constitutional norms, or reformed institutions does not yet testify to a transformation of the social order.

A further explanation of this disjunction is provided by G. O'Donnell's conception of informal institutions. Informal rules of the game are capable not merely of supplementing official norms but of effectively subordinating them to themselves, thereby turning formally democratic mechanisms into instruments of private control [2, p. 40]. In the Ukrainian case, this means that transparent procedures, anti-corruption institutions, or judicial innovations may be incorporated into already existing networks of dependency and function not as mechanisms of transformation but as techniques of masking continuity.

The persistence of this disjunction is rooted in the inertia of the institutional matrix. D. North showed that societies develop under conditions of path dependence: new rules are compelled to adapt to already established modes of coordination, structures of trust, and systems of sanction [3, p. 124]. In Ukrainian circumstances, this dependence is reinforced by the experience of prolonged statelessness, distrust toward official authority, and an orientation toward local and semi-closed forms of solidarity. For this reason, the European norm is often perceived not as a universal principle of justice but as an external prescription that must either be circumvented or adjusted to familiar practices.

Ukrainian scholars describe this condition as institutional ambivalence and mass institutional cynicism. M. Riabchuk emphasizes the coexistence of a public declaration of European choice with an everyday tolerance for informal practices [4, p. 88]. Ye. Holovakha and N. Panina show that the protracted discrepancy between normative promises and the actual functioning of institutions gives rise to social disbelief in the very possibility of fair rules of the game [5, p. 52]. Under such conditions, formal changes remain suspended within a space of weak legitimacy: they exist juridically, yet they do not crystallize into an internally recognized social order.

The more general limits of such an order are described by M. Weber. Formal rationalization in law and bureaucracy presupposes submission to impersonal rules, procedural consistency, and predictability

of administration [6, p. 320]. Yet the power of formal rationality is not unlimited. It can create an administrative form, but it cannot by itself generate meaning and trust. When institutions function only as procedural mechanisms, they are rapidly alienated from society and begin to be perceived as an external apparatus of compulsion rather than as the embodiment of a norm recognized in common.

This disjunction becomes even more visible in the perspective of J. Habermas, who distinguishes system from lifeworld. The system functions through power, compulsion, and functional expediency, whereas the lifeworld constitutes the domain of meanings, communication, and mutual recognition [7, p. 355]. Crisis emerges when the system colonizes the lifeworld and seeks to impose new normative standards in a purely administrative manner. In such a situation, law exists as a fact of coercion, but not as the outcome of public agreement, and therefore fails to acquire full ontological force within the everyday world of citizens.

The durability of resistance to formal change is clarified by P. Bourdieu's concept of habitus. Habitus sets a repertoire of dispositions through which individuals perceive the world and act within it, often without reflexive awareness of those schemes [8, p. 80]. The Ukrainian lifeworld, formed by the experience of scarcity, double morality, and distrust of the state, reproduces practices of bypassing rules as a rational strategy of survival. New legal norms are therefore never introduced into an empty space; they encounter already institutionalized dispositions that sustain the selective performance of law.

At the macro level, this mechanism assumes the form of neopatrimonialism. O. Fisun has shown that behind the facade of democratic institutions there may persist an informal system of private loyalty in which access to state resources is determined not by universal rules but by proximity to centres of influence [9, p. 84]. It is for this reason that European institutional form in the Ukrainian case often becomes a legitimating shell for an older mode of distributing power and resources.

G. Helmke and S. Levitsky complement this logic by demonstrating that informal institutions in transitional societies may possess greater coercive force than official rules [10, p. 725]. The result is institutional mimicry: the state displays a reformed form, while social actors adapt that form to familiar patron-client and corruptive mechanisms. Formal change appears to have taken place, yet the effective regime of action remains essentially the same. It is here that one encounters the extreme limit of reformist formalism.

For this reason, this limit cannot be overcome within the logic of simple administrative compulsion. A. Yermolenko rightly insists that democratic values cannot be implanted technocratically; they require communicative appropriation, discursive ethics, and public recognition [11, p. 215]. If citizens do not regard themselves as participants in the production of the norm, law does not pass into the sphere of durable legitimacy. It remains an external form that provokes ever new strategies of circumvention.

Accordingly, resolving the transitological paradox is tied not only to the quality of institutional design but also to the restoration of generalized trust. P. Sztompka interprets trust as a fundamental social capital without which universal rules cannot acquire real force [12, p. 88]. For Ukrainian society, this means the need to move from a model of reform as external prescription to a model of reform as a communicatively legitimized and socially shared order. Only under such conditions do formal changes cease to be decorative and acquire the capacity to transform everyday practice.

This is why the decisive question concerns not only the formulation of «correct» norms, but also the creation of a space in which those norms can become objects of public co-ownership. The communicative perspective indicates that law becomes effective not when it is drafted in greater detail, but when citizens recognize within it a fair order of reciprocity [7, p. 355; 11, p. 215]. In this sense, the restoration of trust is not the consequence of completed reforms but their precondition. Without public participation, intelligible procedures of explanation, stable application of norms, and a reduction of the gap between the declared and the real, any institutional innovation will be perceived as a temporary political campaign. Only the transition from the administrative implantation of norms to their communicative elaboration opens the possibility of a long-term transformation of the social order [12, p. 88].

The problem is intensified by the fact that everyday practices of circumventing rules often possess an entirely rational character for social actors. Within an unstable environment, the individual acts not as the bearer of an abstract legal consciousness but as a participant in concrete networks of support, where survival depends on speed, flexibility, and the ability to negotiate outside procedure. It is precisely here that Bourdieu's concept of habitus [8, p. 80] converges with the analysis of informal institutions in Helmke and Levitsky [10, p. 725]: what appears as deviation from the standpoint of modern law often appears, from the standpoint of the lifeworld, as the only available mechanism of adaptation. A reform that ignores this logic of adaptive rationality is therefore condemned either to resistance or to merely superficial imitation.

The neopatrimonial logic of power also explains why reforms so often occur in the mode of symbolic borrowing. Names, procedures, and institutional shells are changed, yet the real centres of decision-making remain in the shadows. Under such a scenario, society encounters a double signal: modernization is proclaimed officially, but at the level of practical experience individuals continue to observe the domination of personalized ties, selective access, and informal arbitration [9, p. 84; 10, p. 725]. It is precisely this duplicity that destroys trust more profoundly than an open rejection of reform. It creates an atmosphere of permanent uncertainty in which the legal norm loses its orienting function and citizens are compelled to seek not law itself, but «their own intermediary» within the system.

It follows that formal change is never neutral with respect to a society's historical memory. The institutional matrix cannot be reduced to a set of procedures; it also includes accumulated experience of interaction with power, prior traumas, and collective expectations. When the state has historically been associated above all with compulsion, resource extraction, or symbolic humiliation, contemporary legal innovations are interpreted through that memory. Hence even a rationally justified institutional reform may be read as yet another attempt at external control. In this context, path dependence [3, p. 124] acquires not only an organizational but also a cultural and psychological dimension, which makes Europeanization as a process of internal, rather than merely declarative, acceptance of new norms considerably more difficult.

It is equally important that the transitological paradox cannot be explained simply as a matter of poorly implemented reforms. What is at stake is a conflict between two distinct regimes of normativity. The first regime is linked to the universalist logic of modern law, which requires one rule for all. The second rests upon the situational morality of everyday survival, where a norm is evaluated not according to its universality but according to its utility for a concrete network of loyalty. This is why one so often encounters in the Ukrainian public sphere a paradoxical situation in which society supports the idea of the rule of law as an abstract value, yet remains unwilling to accept consistently the consequences of its universal application in daily practice [4, p. 88; 5, p. 52]. It is precisely this disjunction that generates a milieu in which reform is approved formally but neutralized in fact.

The deficit of trust in Ukrainian society is also asymmetrical in character. Trust toward narrow personal ties remains relatively high, whereas general institutions are perceived as unreliable or instrumentally hostile. In such a situation, even a well-designed reform fails to acquire universal status, for it is assessed through the question of whom it truly serves and who will enjoy privileged access to its application. This asymmetry explains why modern legal mechanisms frequently do not displace practices of informal mediation but coexist with them. So long as society does not move from local trust to generalized trust, the legal norm cannot become a self-sufficient coordinate of social action [12, p. 88].

**Conclusions.** The transitological paradox of Ukrainian society consists in the fact that the formal introduction of democratic institutions does not eliminate older mechanisms of social reproduction. New legal and organizational forms are instead frequently incorporated into a pre-existing institutional matrix that presupposes a different regime of trust, a different type of solidarity, and different rules governing access to resources.

The ontological limits of formal change reveal themselves wherever legal rationalization is not sustained by lifeworld recognition, communicative legitimation, and a transformation of habitualized

practices. In the absence of such conditions, reforms generate institutional mimicry, mass cynicism, and a growing estrangement between state and society.

The practical conclusion, therefore, is that the successful transformation of the Ukrainian societum requires a combination of institutional reform with sustained work on public regimes of trust, discursive recognition of norms, and the overcoming of neopatrimonial mechanisms of coordination. It is precisely within this horizon that the boundary between decorative Europeanization and an actual transformation of the social order is drawn.

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**Стеценко Євгенія Вікторівна**  
аспірантка кафедри психології, політології та соціокультурних технологій  
Сумського державного університету  
вул. Харківська, 116, Суми, Україна  
orcid.org/0000-0003-1948-7368

## ТРАНЗИТОЛОГІЧНИЙ ПАРАДОКС УКРАЇНСЬКОГО СУСПІЛЬСТВА ТА ОНТОЛОГІЧНІ МЕЖІ ФОРМАЛЬНИХ ЗМІН

**Актуальність проблеми:** Український транзит тривалий час осмислювався в логіці інституційного оптимізму, відповідно до якої перенесення демократичних процедур і правових моделей мало автоматично змінити суспільні практики. Досвід пострадянських трансформацій показав інший результат: формальні атрибути демократії можуть стабільно співіснувати з неформальними мережами впливу, патронатними залежностями та вибіркоvim застосуванням права. Для України це означає не тимчасову аномалію, а глибокий розрив між інституційною формою та життєсвітовими способами дії. Саме тому проблема онтологічних меж формальних змін має не лише політико-правове, а й соціально-філософське значення.

**Мета:** теоретично пояснити транзитологічний парадокс українського суспільства та показати, чому формальні інституційні зміни не забезпечують якісної трансформації соціального порядку без зміни механізмів легітимації, довіри та повсякденних практик.

**Методи дослідження:** У статті використано концептуальний аналіз, порівняльну реконструкцію транзитологічних, неоінституціональних і соціально-філософських підходів, а також критичну інтерпретацію категорій правової раціоналізації, системи, життєсвіту, габітусу та соціальної довіри. Теоретичний каркас дослідження формують праці Т. Карозерса, Г. О'Доннелла, Д. Норта, М. Вебера, Ю. Габермаса, П. Бурдьє, О. Фісуна, Г. Гелмке, С. Левітські, А. Єрмоленка, П. Штомпки та українських авторів, що аналізують інституційну амбівалентність і посттоталітарні деформації.

**Результати:** Обґрунтовано, що транзитологічний парадокс полягає у структурному розриві між європейським інституційним дизайном і пострадянськими механізмами відтворення соціального порядку. Показано, що залежність від попереднього шляху, інституційна амбівалентність, масовий інституційний цинізм, габітуалізовані практики обходу норм і неопатримоніальна логіка влади знецінюють ефект формальних реформ. Доведено, що межі формальних змін можуть бути подолані лише через комунікативну легітимацію права, включення громадян у процес публічного визнання норм і відновлення генералізованої соціальної довіри.

**Ключові слова:** транзитологія, соціетальні трансформації, неформальні інституції, правова раціоналізація, життєсвіт, комунікативна легітимація, соціальна довіра.

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