Some Peculiarities of the Language Situation in Ukraine

I would like to begin with the problematization of the relevance to the Ukrainian case of the definition suggested by the title of this session, “Minority languages in power”. In my view, it is inadequate for the description of language politics in Ukraine both because Ukrainian is not, or not quite, a minority language and because it is not, or not quite, in power. On the one hand, although in the everyday use the Ukrainian language is indeed preferred by somewhat fewer residents of Ukraine than the Russian one, many more people, 67.5 per cent of the population in the latest census held in December 2001, identify with the former as their native language. On the other hand, although Ukrainian is the sole state/official language of the country, it is far from dominant in many strategically important fields of social life, nor does the community of its speakers constitute a dominant group of Ukrainian society.

The question of what linguistic group is dominant in that society can help us understand how problematic the application to the Ukrainian case of terms and approaches of Western students of language politics can be. A major predicament is the lack of a clear boundary between two main linguistic groups, which are usually called Ukrainophones and Russophones, or Ukrainian-speakers and Russian-speakers, and which together comprise, if measured by the self-declared native language of the 2001 census, 97.1 per cent of the population. These two groups which I focus on in this paper,
are clearly distinct from both traditional minorities (either mostly speaking their eponymous languages such as the Hungarians or the Romanians, or speaking mostly Russian but having a clear sense of their ethnocultural identity such as the Crimean Tatars) and recent migrant communities from the countries of the former USSR as well as Asia and Africa. But the dividing line between the two main groups themselves is not easy to draw. Many, or even most, members of each group are fluent in and regularly speak both languages. Although the notion of native language is not just a taxonomic category used by the state but, for many people, a significant indicator of their identity, the widespread discrepancy between this indicator and, on the one hand, the primary language of everyday use and, on the other, the supposedly inherited “nationality” undermines its importance as an element of individual self-identification, let alone of social behavior. Therefore, these two linguistic groups are not so much social collectives as social aggregates and, at the same time, constructs of elite discourses (first and foremost, those of politics and the media) presenting them as collectives.

What does the problematic nature of the membership in a linguistic group mean for the language situation in Ukraine? It means that it is hardly possible to think of the language situation in terms of the relationship between the two linguistic groups (or the two groups and the state). Even if we were to reify these aggregates as collectives, their parameters determining the nature of the relationship would be unclear. It is not even possible to say if we have a clear majority and a very large minority, or two roughly equal groups. With regard to the territorial distribution of the two groups, while it is easy to see the numerical prevalence of one of them in some geographically opposite regions such as Crimea and Donbas (Russophones) or Galicia and Volhynia (Ukrainophones), it is difficult to evaluate the relative strengths of the groups in those regions where they are comparable. To give you an idea of how ambiguous the situation is, let me compare Ukraine to two well-known Western multilingual cases where there is little ambiguity. If we conceive of linguistic groups in terms of self-declared native languages, the composition of Ukrainian society, with two thirds of Ukrainophones and just below 30 per cent of Russophones, is similar to the composition of Canadian one, and the relative size of those regions where Russian is a majority language is comparable to that of Quebec. However, if linguistic groups were comprised of those people who prefer the respective languages in everyday use, then the Ukrainian situation would rather resemble the Belgian one, with Russophones prevalent in a half of the country, including the capital.

It is no easier to ascertain the sociodemographic profiles of the linguistic groups and, by the same token, the linguistic composition of the sociodemographical groups. One obvious division is between the predominantly Ukrainophone countryside and mostly Russophone cities. If we look at the language of the cities, the division of Ukraine will again be of a Canadian type, but with the predominantly Ukrainian-speaking territory shrinking to the size of Quebec. In general, older generations are more likely to

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speak Ukrainian than younger ones, but the youth partly makes up for that by identifying with Ukrainian as a native language, which for them means the language of their “nationality” of even of their state. Further, it is often not clear which language prevails in what socioeconomic group. I assume that some statements regarding the prevalence of one group over the other in a particular social field such as business or culture are based on the observed patterns of language use in that field, which do not necessarily reflect the linguistic identities of actors. It is safe to argue that the former Soviet aphoristic definition of Ukrainian as (in an urban environment) a language of writers and janitors is no longer valid, not only because that language is used in many other fields but also because it is preferred by people doing many other jobs. At the same time, even in such markedly Ukrainian-language domains as education and government, very many if not most people speak Russian outside of and often even in their workplaces. The capital city of Kyiv embodies these contradictory tendencies most vividly. On the one hand, although it has experienced perhaps the most radical change of language patterns in education and state administration, language preferences of its residents (as measured by the language use within families) remained rather stable. If anything, the use of Russian has increased due to the decreased percentage of people using both languages. On the other hand, the reluctance of Kyivians to switch to using Ukrainian as a first language coincides with the increased attachment to it as a perceived native language and, related to this, the opposition to the elevation of Russian to an official status.²

The ambiguous linguistic identity of many people participating in the social interaction means that they are unlikely to think of that interaction in terms of linguistic groups. Accordingly, their linguistic identities and attitudes toward language policy are not so much influenced by their immediate social experience as by ideological beliefs that have been inculcated through discourses and practices of the state and various elites. At the same time, these beliefs, some of which are so deeply rooted that they are held to be mere common sense, largely determine people’s expectations regarding, and perception of various kinds of social interaction. Neither can linguistic identities and experiences be directly reflected in political participation, all the more so because, under the conditions of underdeveloped democracy or, as some call it, electoral authoritarianism which existed in Ukraine until the recent regime change, group identities are not easily translated into party ideologies and actions. Most Ukrainian parties that grew to prominence under Kuchma defined themselves not with respect to certain groups of the population or certain ideological principles but primarily to the ruling elite and the former president in particular. These parties usually lack a clear stance on language policy and their members often have radically different views. While the interests of the Ukrainophone group have been rather effectively guarded by the so-called national-democratic parties (originating in the popular movement for democracy and independence of the last years of the

USSR), only communists have been consistent in their defense of the Russian language and its speakers, but their ideological position have undermined their ability to represent the interests of that group.

In my view, language policy of the Ukrainian state does not so much reflect the pressures from (various segments of) the two linguistic groups but rather beliefs of the ruling elite itself and its perception of the preferences of the bulk of the population, both nationwide and in particular regions. Since both are grounded in the past ideologies and practices, I will start with the latter and then come to the present policies.

The Legacy of the Soviet Language Policy

In searching for the historical roots of contemporary Ukrainians’ language-related beliefs, we should take into account first and foremost the ideologies and practices of the Soviet time. Not only is this the most recent and vividly remembered past against the background of which most people perceive their post-Soviet experience, but it is also the only past common to all Ukrainian regions, because it is only in the 1940s that they found themselves in one polity after many centuries of divided existence. And I argue that it is during the Soviet decades that there emerged a fundamental ambivalence of language beliefs that the post-Soviet policy-making both reflects and reinforces.

The language policy of the Soviet regime constituted an inalienable part of the so-called nationalities policy, as the promotion of languages of various groups versus that of the Russian language as a lingua franca was intended to strengthen the USSR as a multinational state. The Soviet nationalities policy has long been conceptualized as “the arena of both open and veiled struggle between the proponents of greater centralization of political power and greater uniformity of culture on the one hand, and the proponents of wider political, economic and cultural autonomy for nationalities on the other”. The principal shift of balance arguably took place in the 1930s when Stalin put an end to the policy of supporting the non-Russian groups’ strivings for nationhood at the cost of downplaying national self-expression of the Russians, which Kremlin had used as a concession to, and a weapon against the non-Russians’ nationalisms. With the reversal of priorities, Russians were granted the right to have their linguistic and cultural demands met in any part of the USSR, and the Russian culture was elevated to the status of a core value of Soviet society. At the same time, the promotion of the non-Russian identities and cultures was limited to the respective republics, and the linguistic indigenization was mostly abandoned in favor of bilingualism with an ever increasing presence of Russian. Since then, there have been a number of fluctuations in the policy implementation, reflecting

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3. This section is based on my article “Construction Common Sense: Language and Ethnicity in Ukrainian Public Discourse”, Ethnic and Racial Studies (forthcoming).
the concessions to the demands of either of the two above-mentioned forces. In the language field, these fluctuations revealed themselves in an alternating emphasis either on the discursive appraisal and the administrative promotion of the use of titular languages of the respective republics or of the Russian language as a unifying force of Soviet society.

What has been largely overlooked in analyses of the impact of the Soviet nationalities policy is how the decades-long combination of the contradictory slogans and practices influenced popular ethnolinguistic beliefs. Any conclusions regarding this effect are mostly speculative, as all its manifestations also bear traces of other influences (in particular, it is often difficult to isolate the contributions of Soviet continuity and post-Soviet change). Nevertheless, I would argue that an important effect has been, apart from certain degree of distrust of the regime, the widespread ambivalence of attitudes towards the matters of ethnicity and language. On the one hand, the concept of nation was mostly appropriated as applied to the republican rather than all-Union entity, and the correspondence was assumed to exist between a nation and its eponymous language on both personal and territorial levels. That is, that language was perceived as an important characteristic of each Soviet nation and a natural “native language” of its members. On the other hand, the prevalence of the identification with one’s ethnic/republican nation was undermined by the ever-stronger promotion of the sense of belonging to the Soviet people, the latter imbued with some nation-like meaning and often mixed with its Russian core. In the case of Ukraine and Belarus, this was exacerbated by the competition with East Slavic identification which was promoted by the presentation of the three peoples in many discourses as belonging to one Slav/Orthodox (often called simply Russian) community. At the same time, due to the administrative promotion of the learning and use of Russian and its pull on people as a language of social mobility, the correspondence between ethnicity and language ceased to be the only conceivable norm both in terms of identification and social behavior. Ever more Ukrainians either chose to change “native language” without changing the “nationality” or kept the identification with both but switched to speaking Russian as a first language. Since it came to be taken for granted that everybody in the USSR speaks or at least fully comprehends Russian, it was considered the most appropriate language to use in official institutions and in private communication between speakers of different languages. In Ukraine, the use of Russian went far beyond individual communicative preferences. In the cities (except for the western regions) it became the primary or even the only language of most social practices while the speaking of Ukrainian came to be perceived either as a reflection of rural backwardness or a manifestation of nationalist feelings, the latter amounting to an opposition to the Soviet regime.

To be sure, the acceptance of the beliefs inculcated by the state and elites depended on the individual experience of Soviet people which, in turn, was largely determined by their sociocultural backgrounds. One important modifying factor was a particular social and ethnocultural profile of the region and/or neighborhood a person lived in, with specific roles of and attitudes towards the Ukrainian, Russian and in some cases other languages. For example, in Galicia Russian was a language of the Soviet state and migrants it had brought, and the primary use of Ukrainian seemed appropriate and natural. In contrast, in the Donbas Russian had centuries-long presence and was, in its specific non-standard spoken form, a local language, much more so than Ukrainian. Compounding the regional differences were occupational ones. In particular, the humanistic intellectuals supported the promotion of the Ukrainian language and culture much stronger than engineers or lawyers, and party functionaries had on the whole a more positive attitude towards it than managers of military industry. Although these differences would influence the policy making in the late- and post-Soviet years when language policy would be publicly discussed and revised, most members of Ukrainian society, except for radical Ukrainian and Russian nationalists, were common in their acceptance (often unconscious) of several basic principles. In addition to the equality of all people regardless of the language they speak, these pertained, on the one hand, to a central place (at least symbolic) of Ukrainian as a national/native language and, on the other, to a special role of Russian as both lingua franca of the USSR and the first language of many residents of Ukraine. A crucial point of discord was, of course, the way to reconcile these, less than fully compatible guidelines.

The Legislative Basis of Post-Soviet Language Policy

The legislation on the use of languages reflects both the acceptance of the above principles and the difficulty of reconciling them. Although we can trace some shift in emphasis caused by changed political constellations, the main feature of the legislative acts, ambiguity, remains unchanged. The primary reason for the ambiguity was a confrontation between pro-Ukrainophone and pro-Russophone parties in Ukrainian legislature and policy making in general. Both declared their adherence to the principles of equality of all citizens and the respect for Ukrainian as well as minority languages, thereby both responding to popular beliefs inherited from the Soviet time and to the requirements of international documents on human and minority rights. However, the two parties disagreed on whether these rights should be based on ethnocultural identity (as reflected in self-declared nationality and native language) or everyday language preference of an individual and, closely related to this, whether the state should prioritize collective rights of a language group versus individual right to choose one’s language of interaction. While the latter dilemma is not unusual for multilingual countries, the former one is a peculiar feature of those societies with blurred boundaries between language groups such as Ukraine. In practical terms, both dilemmas centered around the choice of, or rather for ethnic Ukrainians speaking Russian as a first language, which both parties sought to
include into the groups they claimed to represent, ethnic Ukrainians and the Russian-speaking population, respectively. With immigration at a rather low level, the Ukrainian nationalists, unlike the French Canadian or Catalan ones, had no other resource to ensure the numerical prevalence of their group and the social dominance of their language. This orientation made them similar to the Flemish nationalists and, even more so, to those in many post-Soviet and postcolonial states, as they aimed not only at halting a language shift they viewed as dangerous, but also at reversing it.

The bulk of the language legislation was adopted in the last years of the USSR when Ukraine was seeking to actualize its nominal sovereignty, or in the first years of independence. The primary act on the use of languages, the language law adopted in 1989, was a concession of the nomenklatura to the “national-democratic” opposition, which was facilitated by similar acts in other republics of the USSR and the indulgence of the Moscow center. While providing for an all-embracing use of Ukrainian as the state language of the Ukrainian SSR, the law retained the position of Russian as “the language of the interethnic communication of peoples of the Union of Soviet Socialist Republics.” This implied bilingualism in a number of practices, as well as the compulsory learning of the two languages in all schools. Besides, languages other than Ukrainian might be used “in places of residence of the majority of citizens of other nationalities”. The law also entitled the citizens to address the officials in Ukrainian, Russian, a language of the local majority or a “language acceptable for the parties,” as well as stipulated that “[t]he citizen’s non-fluency in Ukrainian or Russian shall not constitute the basis for the refusal of employment.”

In contrast, the acts adopted after the proclamation of independence, such as the law on national minorities of 1992 and the Constitution of 1996, did not envisage any nation-wide bilingualism and demoted Russian to the status of a minority language. While granting the minorities a rather broad scope of linguistic and cultural rights, they were oriented toward a nation-state “norm” favored by the “national democrats” and a part of the former nomenklatura which sought to legitimize independence by means of references to the aspirations of the Ukrainian ethnic nation. According to these acts, languages other than Ukrainian might only be used within regions of the minorities’ compact settlement and in some cultural activities outside such regions. In effect, this meant that minority languages were for ethnic minority members only, which made the use by millions of Russian-speaking Ukrainians of their native language illegal. Moreover, no provisions were to be found on the citizens’ right to use their languages of preference in dealing with the state bodies. The new acts ran counter to the language law and seriously undermined its legal force, all the more so because since 1996, any legislation was only valid to the extent that it did not contradict the newly adopted Constitution.

10. For the text, see: http://www.rada.kiev.ua/const/conengl.htm.
At the same time, the Constitution itself was fundamentally ambiguous in its main provision regarding languages, article 10. On the one hand, it read that “[t]he state language of Ukraine is the Ukrainian language. The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.” The same article, however, declared that “the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed.” This combination was a result of an uneasy compromise between those parliamentary factions seeking to ensure the functioning of Ukrainian as the sole public language and those striving for preservation of the unrestricted use of Russian in all social fields.\footnote{Kataryna Wolczuk, \textit{The Moulding of Ukraine: The Constitutional Politics of State Formation}, Budapest, 2001, chap. 6.} But an obvious contradiction between the state’s obligations declared in the two parts of the article allowed supporters of each priority to present the respective part as the true spirit and letter of the Constitution and blame the authorities for its violation. Moreover, in 1999 a group of deputies favoring Ukrainianization appealed to the Constitutional Court to interpret the article 10 of the Constitution. The court’s decision, while hardly less ambiguous than the provision it was to clarify,\footnote{For the text, see: http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v010p710-99&p=1111462132802221.} was widely perceived as aimed at strengthening the position of the state language, primarily by implicitly ruling out Russian as an acceptable language in the central power bodies.

It would of course be natural to specify the constitutional article in legislative acts; after all, this is what both the article itself and the decision of the Constitutional Court envisage. However, the opposing stances of influential parliamentary forces and their roughly equal strengths made the approval of a bill unequivocally supporting either Ukrainian or Russian hardly possible. Soon after the Constitution came into force, the executive made first attempts to pass a new language law oriented towards unchallenged dominance of the state language. Because of sharp criticism from the Russian organizations and left-wing parties, the government did not officially submit it to the parliament until 2000. By then, however, several alternative bills had been presented by pro-Russophone deputies which provided for granting Russian the status of an \textit{official} language.\footnote{For the texts, see: N.A. Shul’ga (Ed.), \textit{Proekty zakonov o iazykakh - ekspertnyi analiz}, 2nd suppl. ed., Kyiv, 2001, pp. 115-175.} Although it was portrayed as lower than the status of Ukrainian (the \textit{state} language), the difference was insignificant and barely specified in the bills. This made the champions of “de-Russification” feel that Russian would be allowed to function not \textit{alongside} but in many cases \textit{instead} of Ukrainian, i.e., the current situation would be legalised which they sought to change. Both the governmental and alternative drafts were considered in the session in late 2001 but after a heated debate, the parliamentary leadership did not put them to vote in a fear that one of bilingualism-oriented bills would be approved.
Meanwhile, the pro-Russophone forces attempted to solve the problem of the legalisation of the use of Russian by means of the ratification of the European Charter for Regional or Minority Languages, which was one of the obligations Ukraine had assumed when joining the Council of Europe. A ratification law they managed to get adopted in December 1999 provided for maximal obligations with regard to languages of those minorities constituting more than 20 per cent of the local population. This meant, in effect, an official status of Russian in one third of the Ukrainian regions comprising more than a half of the country’s population. As the only legal way to prevent that law from coming into force, a group of pro-Ukrainophone deputies appealed to the Constitutional Court and it declared the document unconstitutional because of alleged procedural violations. In May 2003, the parliament (where a balance of forces had meanwhile changed) passed a new ratification law submitted by President Kuchma, which included the adoption of crucial provisions of the charter on a minimal or medium level, mostly in accordance with Ukrainian legislation already in force. The vagueness of the charter’s provisions chosen for the application in Ukraine makes it hardly possible to protect the rights of speakers of those languages by means of that instrument. However, the Kuchma government did not want to deposit even this ambiguous document with the Council’s Secretary General, most probably in order to avoid reporting on its implementation.

Administrative Practices

The implementation of language legislation has been no less contradictory. On the one hand, it was determined by less than fully compatible imperatives of state – and nation-building, adherence to the Western standards of minority rights, friendly relations with Russia and other kin-states of Ukraine’s minorities and, above all, social stability. On the other, the authorities in the centre and regions were far from united in their views of goals to be achieved and means to be used. In the west, they strove for the full dominance of Ukrainian in all societal fields, with the demotion of Russian to a purely minority scope of functioning; in the east and south, they wanted to retain the comprehensive use of Russian as the main public language, with the gradual introduction of some Ukrainian. This dichotomy is of course a gross simplification because there were many variations within each orientation, both between the regions and between elites in a given region. Within the central government, the two orientations competed with each other, with alternating periods of the dominance of one of them and the strengthening tendency toward reconciling and combining them. In my view, the principle on which the reconciliation became possible – of course it have never been explicitly articulated – is the

14. For the text, see: Shul’ga, Proekty zakonov o iazykakh, pp. 188-190.
15. For the text of the court’s decision, see: Ibid., pp. 207-212.
ignoring of the law and the priority of the state’s interests and social stability over individual rights. Actually, the ambiguity and inconsistency of legislation created appropriate conditions for the realization of this principle, allowing the authorities in every given situation to treat the law in accordance with their understanding of interests of the state and society.

The processes in education can serve as a good illustration of the above arguments. On the one hand, this is a field of the most obvious success of Ukrainianization and, accordingly, the biggest trouble for the defenders of Russian. During the years of independence, the share of schools with instruction in the titular language increased from less than a half to nearly three quarters which is just below the percentage of ethnic Ukrainians but considerably more than that of persons declaring Ukrainian their native language. This is a result of the policy inaugurated by the ministry of education during the presidency of Leonid Kravchuk under the slogan of bringing the proportion of students taught in the titular and minority languages “into optimal concordance with the national composition of the population in each region.” This primarily meant a drastic decrease in the share of schools with instruction in Russian and, in effect, the denial of the Russophone Ukrainians’ right to get education in their mother tongue, which was a clear violation of the language law provision on the free choice of language of instruction. This campaign resulted in a sharp decrease of the number of Russian-language schools in 1992-1994 in the western and central regions which evoked no visible protests, even though it was accompanied by considerable administrative pressure. In contrast, in the most Russified regions of the east and south the change was very slow, first and foremost because of the sabotage on the part of the local authorities. At the same time, local elites and left-wing parties instigated popular fears of what they portrayed as “forcible Ukrainianisation,” which contributed to the popular support of the idea of granting an official status to the Russian language and to these regions’ overwhelming rejection of Kravchuk in the presidential election of 1994. However, the new president Leonid Kuchma did not keep his promise to initiate the elevation of the status of Russian and did not stop the gradual transition to Ukrainian in the schools of east and south, even in view of repeating protests on the part of Russia’s politicians and officials. But then the tempo of this transition remained very slow; by the end of the first decade of independence, the share of students learning in Ukrainian was barely more than 10 per cent in the Donbas and less than one per cent in Crimea. Given that in the west and center often there is not a single school in Russian for an entire region, the country seems to comprise two


parts with different languages. Therefore, as far as education is concerned, Ukraine is similar not to Canada where, after all, there are plenty of English-language schools in Quebec (albeit with restricted admittance), but rather Belgium or Switzerland where in each part (except for the officially bilingual Brussels) the state serves the citizens – including in education for their children – in one language only.

The policies with regard to the media stood in a sharp contrast to the above-described nationalizing course in education. An importance difference between the two fields which largely accounts for different means and results of the state policies therein, is of course that the former is mostly state-run while the latter is mostly private. However, multilingual states often impose some language regulations on both public and private broadcasting. Moreover, in a non-democratic society private ownership is hardly a serious obstacle for a determined state policy; after all, the Kuchma regime was able to use the private media for its purposes no less effectively than the state-owned ones. Although the media is as important arena of nation building as education, in the former case the regime clearly subordinated this goal to the priorities of political influence and economic effectiveness. It was mostly preoccupied with using the media for propaganda purposes or at least suppressing the journalistic criticism of the policies pursued by the authorities. Beyond that, the regime did not infringe on the media outlets’ orientation toward the maximal audience and minimal expenses. In most cases, this meant the use of the Russian language, in which the population was accustomed to read or watch and cheaper products from Russia were available. The state did not use tax leverages to support the Ukrainian-language newspapers or programs vs. Russian-language ones or domestic products vs. those imported from Russia. This laissez-faire policy resulted in the preservation or even strengthening of the dominance of Russian; in particular, the share of Russian-language newspapers considerably increased in comparison with the Soviet period, except for western Ukraine. Moreover, most television channels show movies and programs in both languages, and almost never adhere to their license's provision on a minimal share of airtime in the state language.19 Although the regional differentiation is no less marked in this field, a dividing line between the areas of predominant use of Ukrainian and Russian lies much farther west than it does in education. Here it is Western Ukraine that corresponds to Quebec, but it is much less resolute in asserting its linguistic choice in view of the countrywide dominance of Russian.

My final illustration pertains to the language of the state officials themselves. Once again, we can see the ambiguity and regional differences, exacerbated in this case by a contrast between the language of documents and that of oral communication (the transition to Ukrainian in the latter requires more effort and, therefore, remains more limited). On the one hand, most of the officials in the central and, except for east and south, local bodies, switched to the state language. Even in the predominantly

Russophone regions, they put the signs on the doors of their offices and issued many documents in Ukrainian. On the other hand, the use of the state language was by no means as comprehensive as the proponents of “de-Russification” would have liked and even as the valid language law required. The fluency in Ukrainian was not made a precondition of the promotion to high positions. Once elected or employed, many politicians and officials did not switch to Ukrainian, either; even in the government, none of the ministers using exclusively Russian in public was ever dismissed. In a well-known dilemma of language policy – either the state mandates the knowledge of two languages for public employment and thus discriminates against the speakers of the dominant one, or it does not do so and thereby discriminates against those people preferring to be served in the lesser used language – the Ukrainian state clearly opted for the latter. A peculiar feature of the Ukrainian situation, i.e., the fact that it was the speakers of the official language who the state discriminated against, can be explained by the everyday preference for the other language not only on the part of a majority of the population but also, no less important in a non-democratic state, a majority of politicians and bureaucrats.

What the processes in the three fields have in common is more than inconsistency and regional differentiation reflecting the preferences of local authorities and majorities. Not only is policy-making oriented toward the priority of social stability, but also it ignores the law and human rights. The officials usually favor the language of preference in a given region and make it, in effect, the only public language. Thus they not only take into account the interests of the majority, but also prefer their own comfort to the rights of citizens. In contrast to Western democracies, it is very rarely that citizens succeed in defending their linguistic rights in the court, in particular, because of the above-mentioned ambiguity of the constitutional and legal norms on the use of languages which makes it extremely difficult to prove that the failure of an official to use the language of a citizen resulted in violating the rights of the latter. Politicians and high-ranking officials often refer to deficiencies of the valid language law but fail to recognise their own role in the fact that a new law has not been passed for nearly a decade since the Constitution came into force. While the polarity of views of influential political forces makes it difficult to find a compromise, hardly any steps in this direction have been taken at all.

Public Discourse on Language

Public discourse on language-related issues, in particular that of politics and the media, reinforced the ambivalence and the preference for stability promoted by political and administrative practice. I will distinguish between two kinds of discourse, overtly ideological, partisan presentations and seemingly neutral ones, mostly preoccupied with

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20. This section is based on my “Constructing common sense” and “Mova pro movu: normalizatsiia ambivalentnos- ty,” Krytyka, no. 5, 2004, pp. 19-24; no. 6, 2004, pp. 4-11. References to the pieces of discourse illustrating my arguments can be found in the latter text; here I omit them because of space considerations.
problems other than language but nevertheless explicitly or implicitly presenting a view of dealing with the latter. While the former dominated the discourse on language in the first years of Ukraine’s independence, towards the end of the 1990s it had been eclipsed by the latter, which reflected the preferences of the ruling elite. I argue that the seemingly neutral, “centrist” discourse has been more effective in implanting its view of the language problem in mass consciousness and asserting the priority of social stability.

Perhaps the most important characteristics of the partisan discourse is the orientation of speakers/writers toward asserting the interests of their own group, Ukrainophones or Russophones, at the cost of those of the other group, rather than a compromise between the two. The stress on “our” problems usually goes with the omission or denial of “theirs”; therefore, while “our” demands are legitimized, the legitimacy of “theirs” is questioned. For Ukrainophone authors, the very fact of the continuing dominance of Russian in some fields, such as the media or popular music, makes any complaints about the discrimination against it or its speakers unjustified or even simply absurd. This idea results from their conviction that the titular language must dominate in all social domains and it is more important to ensure this allegedly normal situation than to guarantee the rights of minority members. For those sharing this conviction, the language problem is not primarily that of human rights but rather of the survival of the Ukrainian nation and thus a matter of primary concern for the Ukrainian state. Accordingly, these authors deem the elevation of Russian to an official status to be a mortal danger for Ukrainian, given the centuries of discrimination against that language in the Russian and Soviet empires. Notwithstanding their complaints about the ineffective legislation and indifferent authorities, the pro-Ukrainianization factions in the parliament preferred the ambiguous status quo to legislative changes capable of undermining the legal position of the Ukrainian language.

In contrast, those speaking on behalf of the Russophones see the main problem in the state’s discrimination against a group constituting more than a half of the population, which is symbolized by the denial of an official status to that group’s language. They present the state policies of the independence years as large-scale Ukrainianization, which makes the arguments regarding a threat to Ukrainian far from convincing for them. For the Russophone politicians and intellectuals, the language problem is primarily that of human rights, but what they seem to mean by that is the right to reproduce current cultural preferences which put Russian and its speakers in a favorable position. Even those recognizing the need for the state to promote the use of the titular language deem it unacceptable to resort to affirmative action. While the proponents of Ukrainianization hope first of all for the support of the central government, their opponents mostly rely on the market forces, social inertia and preferences of local officials in the east and south if the latter are allowed to behave as they wish. In my view, the orientation toward the centrally planned nationalization vs. regionally adjusted conservation of the status quo is the main difference between these two models of the language policies neither of which is truly democratic or oriented toward a compromise.

The demands and arguments of the Ukrainophone and Russophone parties did not change much for the last decade; if anything, their spokesmen became more embattled...
tered and, therefore, more radical and uncompromising. However, their discourse was essentially marginalized by the regime and the media under its control, which presented both these parties as extreme, capable of provoking a conflict in society and out of touch with its real problems to which the use of languages, in this view, does not belong. What they contrasted these alleged extremes with was a “centrist” position, presented as based on common sense and thus acceptable for all members of society (that is, except for few supporters of the extremes). Apart from the supposedly common values of stability and wellbeing, an ideological message of this “centrist” discourse was essentially ambivalent, as it uncritically combined less than fully compatible ideas and slogans. Former President Kuchma is perhaps the most demonstrative example of this discourse. Not only did he refuse to initiate the elevation of the status of Russian, but also mostly took over his predecessor’s policy and discourse on ethnolinguistic matters. At the same time, as Kataryna Wolczuk argued, “a certain degree of calculated conceptual ambiguity and evasiveness characterizes the elite’s public statements.”

This pertained, in particular, to the relationship between the role of Ukrainian as the state language and the rights of minority languages, first and foremost Russian. Kuchma clearly demonstrated this ambiguity by repeatedly combining in his statements the formulae that “in Ukraine, there is the only state language, Ukrainian” and “the Russian language should not feel foreign in Ukraine” and stressing one of the two depending on the context of a particular speech. Other leading officials and pro-presidential politicians also tended to speak ambiguously, patterning both the letter of the constitutional article and, no less important, the manner of the then president. They presented language as a non-issue and accused those initiating debates and actions with regard to it of endangering social stability. Finally, the language they spoke in public had as much to do with their adherence to the law as with a discursive message they wanted to send. Like Kuchma himself, most of them used Ukrainian or Russian depending on an occasion thus demonstrating, on the one hand, the recognition of regional preferences and on the other, the legitimacy of both languages in Ukrainian society.

The presentation of language-related issues in the media reinforced the ideological message of the “centrist” politicians and contributed to the ambivalence of popular attitudes. On the one hand, these issues were mostly dealt with in the reportage on events rather than the presentation of problems, and the use of either Ukrainian or Russian in various practices reported on was almost never problematized, thus conveying the idea of the acceptability of such use. On the other hand, the combination of speaking in Ukrainian and Russian in the air of all TV stations (often, as with news and talks shows, within the same programs) presented both languages as acceptable for all members of society rather than just those declaring a respective language their mother tongue or pre-

22. See e.g.: Inter TV news, 5 December 2001.
ferring it in their everyday use. Thereby Ukrainian society was presented as inherently bilingual, not in the sense of consisting of two relatively homogenous parts, but rather of the two elements being present in every member’s identity. This discursive pattern became so widespread and naturalized that even those media controlled by or sympathetic with the Ukrainophone parties almost never put it into question. By presenting both languages as, in effect, equally acceptable for everybody, the media rendered almost irrelevant any discussions of an appropriate language policy. No wonder that most print- and broadcast outlets, particularly those addressed to a mass audience, paid the language problem ever more limited attention.

Language Policy After the Regime Change

Ambivalence of political and media discourses and their downplaying of the language problem both reflected and influenced popular attitudes. The diminished importance of this problem for the population was vividly reflected in the results of the parliamentary and presidential elections of 1998-2002 where parties and candidates featuring it scored miserably. However, the presidential campaign of 2004 seemed to change this tendency. On the one hand, the Kuchma regime brought the language problem back to political agenda. In order to prevent the popular opposition candidate Viktor Yushchenko from winning the race, the media under the control of the regime portrayed him as a supporter of the discrimination against the Russian language and its speakers. At the same time, the regime-supported candidate Viktor Yanukovych sought to increase his rating by calling for an official status for the Russian language, which contributed to the mobilization of a part of the population favoring the enhanced role of Ukrainian against this candidate and the regime in general. On the other hand, the so-called Orange Revolution that surged after a massive and obvious fraud in the second round of the election aimed at asserting and forging the unity of the people against the regime. Instead of the regime-stirred division of society according to language and region, the opposition and people supporting it in the streets stressed the division, in Yushchenko’s words, between those who steal and those who do not. But given that the bulk of the protesters (and of Yushchenko’s electorate in general) came from the Ukrainophone regions and that they protested, in particular, against the elevation of the status of Russian and an alliance with Russia at the cost of the integration with the West, the unity they stood for featured Ukraine’s independence and the Ukrainian language as one of its pillars/attributes.

Yushchenko’s victory in a new round of election and the subsequent change of the executive and realignment in the legislative transferred this change onto the elite level. It seemed feasible both in the sense of power resource at Yushchenko’s disposal and his own ideological preferences that he would abandon Kuchma’s ambivalence and initiate policy changes intended to more resolutely promote Ukrainian as the country’s main language (while preserving the use of minority ones in designated regions and fields).

However, the new president seems to prefer to act in the spirit of his earlier statement that “there is no language problem [in Ukraine], it has been [artificially] created by
intriguers or weak politicians,” with which he used to counter the accusations by the Kuchma regime.”  

Not only did he fail to initiate a comprehensive solution on the use of languages, but he did not even keep his promise to sign a presidential decree that would allow citizens to communicate with officials in Russian or other minority languages in specific regions/localities to be designated by the Cabinet of Ministers, which he made last fall amidst the election campaign.  

Moreover, Mykola Tomenko, Deputy Prime Minister in charge of humanitarian issues, explicitly stated that the he saw no need to adopt any new documents on the language use, because

We [already] have documents that clearly say how to solve the problem of the state Ukrainian language and [provide] a formula of the free use of the Russian language. If it is demonstrated in Donetsk oblast that there is an extremely big number of citizens’ addresses to the power bodies in Russian and people just physically do not know Ukrainian, then it will be necessary to ensure that the communication on the level of the officials … is in Russian. I see no tragedy in this but there is no need to adopt [another] law.”  

It seems that Tomenko and other people in the new government, including Yushchenko himself, do not think, as Dominique Arel does, that people in the Donbas and other regions of the east and south “reject Orange, … because of a sense that this is a project that excludes them.”  

To paraphrase former French President Giscard d’Estaing’s statement regarding Corsica, the new Ukrainian government seems to believe that there is not a Donbas problem, there are problems in the Donbas. One obvious reason why it is inclined to believe so is that there are indeed serious problems in that region that may pose a formidable challenge for the consolidation of the new regime, such as corruption, criminality, the mining industry in need of urgent reconstruction, so that the language or identity problems may seem to have been raised by the local elites in order to avoid solving those “real” problems and being held accountable for not doing so. Although this is largely true, now that the sense of exclusion has been implanted into the Donbasian’s consciousness, the government has to do something about it. A comprehensive and widely publicized compromise on the use of languages which would be negotiated on by all major parliamentary factions and legalized, for example, in a new language law would be a big step in that direction. Unfortunately, this is not the best time for a parliamentary compromise, as in a year the Ukrainians will elect a new parliament which, in accordance with the constitutional reform passed in the

course of the Orange Revolution, will take over from the president the right to appoint
the cabinet. The electoral stakes are therefore high, and the opposition will be more
interested to capitalize on the presentation of a problem than to help the government
solve it. In contrast, the government will seek to prevent the opposition from doing so by
presenting its stress on the identity issues as an attempt to distract public attention from
“real” social problems and, at the same time, demonstrating its own progress in dealing
with them. If Yushchenko’s administration succeeds in this strategy, then it will hardly
look for a compromise on the language issue after the election. It is only in the case that
the opposition manages to successfully exploit the issues of language, relations with
Russia and other elements of their constituency’s sense of exclusion that the government
may find it preferable to agree to a compromise on one of these issues. And to avoid com-
promising on federalism which the elites in the east view as a way of overcoming the
exclusion problem and which Yushchenko presents as tantamount to a split of the coun-
try, the government may choose to compromise on language.

What such a compromise, were it to take place, might look like? Here I will deal
with some models provided by other multilingual countries, of necessity taken very sim-
plistically. I will begin with those models referred to in public discourse as worth follow-
ing. For the Ukrainophone actors which want Ukraine to be a nation-state, it is first and
foremost France, an exemplary state of this kind, which values national unity based on
the titular language much more than individual linguistic rights. In the Russophone dis-
course, Ukraine is a bilingual country and thus should pattern herself on those states
where more than one language is officially recognized, even though the share of their
speakers is often much less than that of the Russophones in Ukraine. The most frequent
examples are Switzerland which has as many as four official languages, and Finland which
has granted and official status to a small and, moreover, formerly imperial minority,
allegedly in contrast to the treatment of Russians in Ukraine. These favorite models of
Ukraine’s two “language camps” demonstrate how far they are from real sociolinguistic
situation and from a compr omise with each other. As I ar gued, perhaps the closest
analogs of the Ukrainian situation among Western multilingual states are Belgium and
Canada, but the choice between these, which is to be determined by the dividing line
between the two linguistic groups, is not easy to draw. Not only is Ukraine not a federal
state where such a line would be drawn by decisions of its constituent units (as it was, for
example, in Canada), but also the identity profile of the population is rather ambiguous.
The ambiguity is primarily localized within the group of ethnic Ukrainians speaking
Russian as a first language, and it is the choice of this group that would shape Ukraine as
more similar either to Canada or Belgium.

While a compromise on language policy cannot avoid making a choice for this
undecided group, it should be not only politically feasible but also respectful of the rights
of people aggregated in that group. That is, regardless of linguistic status of a territory
they live in, the citizens must be able to choose the language they are served in by the
state, particularly in education for their children and in judiciary. As for comprehensive
bilingualism, it should be limited to those territories where Russian is granted the status
of a second official language, in addition to Ukrainian as a state one (I do not expect the Yushchenko government to agree to designate any territory as unilingually Russian, so a tripartite system of a Finnish kind is not feasible). The criterion for this status should, in my view, be the composition of the territory’s population according to native language, a compromise between the preferences of the Ukrainophone and Russophone actors for ethnic composition and language of everyday preference, respectively. Further, a decision should be made on a minimal share of the Russian-speakers in the population warranting an official status for their language, and the difference between the preferable European level of 20 per cent and the majority required by the current Ukrainian language law makes a huge difference in the territorial scope of bilingualism. A compromise could be based on a combination of a full-fledged bilingualism in those regions having a Russophone majority (Crimea and Donbas where, in contrast to other eastern and southern regions, the identification with Russian as a native language is growing) and a less-scale bilingualism in those localities (cities, as the countryside is mostly Ukrainophone, except for the two above regions) where the Russian-speakers constitute a majority or plurality. This arrangement could be more acceptable both for the Russophone actors, as it would give the Russian language some form of official use in all places where local constituencies really want it, and for Ukrainophone “camp” (including the government) by preventing the formation of a cohesive Russophone territory in the east and south that would be able to challenge Kyiv’s policy both on language and other matters. As for language requirements for public employment, the knowledge of Russian would not be a problem at all in those territories, but the government might use the introduction of official bilingualism to ensure that all employees also speak and write Ukrainian well enough to be able to use it in dealing with Ukrainophone citizens and state agencies. Finally, the bilingualism of the second kind could also be introduced in those sub-regional territories with comparable minorities of the speakers of Hungarian (Transcarpathia), Romanian (Chernivtsi oblast) and Crimean Tatar (the Crimean autonomy). Of course, in this case the requirement of the use of the respective second language by local employees should only be used after some time during which the government will have to help them learn it.

This is, of course, a very sketchy outline of a possible compromise. Much more important than the details thereof, however, is the political will both on the part of the government and the opposition. Since any public compromise will involve politicization of the language problem and almost inevitably cause some polarization of public opinion, the government is likely to prefer ad hoc solutions such as tacitly allowing local officials in the predominantly Russophone regions to use Russian in their communication with the citizens or retaining/opening a Russian-language school or class wherever there is a pressure on the part of the parents. At most, it would resort to a minor legislative adjustment, for instance, a presidential decree or revisions to the language law. Unless, as I argued, forced by a successful campaign of the opposition, the Yushchenko administration will continue its effort to promote the use of Ukrainian without imposing visible limits on that of Russian and, at the same time, without legalizing it. Although such a mid-
dle ground may be the best way to preserve social stability, given the ambivalence of popular attitudes, it would undermine Ukraine’s transition to democracy, if only because the assertion by citizens of their rights in the courts requires workable legislation on which the courts rulings could be based. It is true that the ambiguity of identities makes the concept of linguistic rights even more problematic in Ukraine than it is otherwise, but Ukrainian society can hardly have a democratic language policy without making sense of that concept.