

## **The abolition of the 2012 language law in Ukraine: was it that urgent?**

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### **Abstract**

In this research, I analyze the recent language situation in Ukraine and consider whether there was a necessity of an abolition of the controversial 2012 language law and adoption of the new language bill. Providing that in Ukraine most communities are bilingual, it is assumed that the deliberate choice of language for daily use can be an indicator of people's political choices. Ukraine is in a critical situation now, when independence and even the mere survival of the nation are at stake. The question is can language law unite the nation or would it become a stumbling block for unity. Considering the present situation, I have come to the conclusion that while language choice can unite or divide people in different regions of the nation, to keep the whole nation united the language question should not be touched in the near future. At least until Ukraine stands on solid ground politically and economically. The issue of the status of the Russian language must be studied by experts rather than politicians; and the new law should be adopted with the consensus of the whole nation.

**Keywords:** language, politics, Ukraine, language law

### **Introduction**

The politics of Ukraine as an independent state has been strongly influenced by two main actors in the region: the European Union and Russia. All former Ukrainian presidents have tried to balance Russian and EU interests so as to maintain good relationships with both powers. Rocabert (2010) depicts the situation as follows: "As any political actor, Ukrainian elites will remain as long as they can in the most advantageous place, which is right now a loose equilibrium between the two poles." (Rocabert, 2010) For the first two presidents of Ukraine – Leonid Kravchuk and Leonid Kuchma – such "equilibrium politics" proved to be successful, mainly because Russia did not have enough political and economic strength at the time of their governments. However, over the last 20 years, as the contradictions and tensions in Ukraine grew, the pressure from both Russia and the EU became stronger. It became necessary for the Ukrainian government to make a final geopolitical choice. For months President Viktor Yanukovich repeatedly announced his determination to sign the Association with the EU at the Eastern Partnership Summit in Vilnius in November 2013. But at the final stage, just before the summit he succumbed to economic and political pressure from Russia, broke his promise to the Ukrainian nation and withdrew from signing the Association Agreement.

For Ukrainians it was a dramatic turn back: their European dream was not going to become a reality. People felt deceived and started peaceful protests showing Yanukovich their indignation and will to stand for the European choice. On November 30, 2013, the protesters, mostly students and young people, were severely beaten by “Berkut” (special units of Ukrainian police). This violent action provoked a massive uprising in Ukraine, which later turned into revolution. The Yanukovich government has been defeated; he together with the most odious figures from his close circle fled to Russia, and his party (Party of Regions) has suffered a significant setback. The protesters supported a new government, which was approved by the Ukrainian parliament.

But almost immediately, it led to a new crisis. Russia refused to recognize the newly approved government as a legal one. Moreover, Russian Ambassador Vitaly Churkin, claimed that Ukraine’s ousted leader Viktor Yanukovich sent a letter to Russian President Vladimir Putin requesting that he use the Russian military to restore law and order in Ukraine (Reuters). Russia started a so-called “military exercise” and, factually, occupied the Crimea Autonomy Republic, which is a part of Ukraine. The Russian invasion into Ukraine has become a fact.

While much of the world attention is focused on the escalating conflict between Russia and Ukraine on the Crimea peninsula, the situation inside Ukraine remains unstable. The newly formed Ukrainian government is facing many challenges, among which includes economic decline and poverty, bad demographics (Adomanis, 2014), continuing trade tensions with Russia, regional separatism, dissatisfaction and distrust felt not only by those who supported former president Yanukovich, but also by the supporters of the European choice. In the midst of this entire crisis, members of the Ukrainian parliament decided to address the language issue and cancel the language law. Their decision was motivated by a felt necessity for a new language law with changes in favor of the Ukrainian language. But soon the Ukrainian elite realized that it may cause even greater turmoil in society and the changes were abandoned. In this paper I will consider the recent tendencies in language policy in Ukraine and whether such changes are necessary in the near future.

### **Languages in Ukrainian Politics**

The Ukrainian language was a symbol of ethnic identity for Ukrainians during the Soviet era. It has continued to serve as a symbol of differentiation between the ethnic communities, especially Ukrainians and Russians, who were relatively close culturally and religiously (Farmer, 1980:123). For some communities, the use of a certain language is also related to a question of status.

Since the collapse of the Soviet Union, the role of the Ukrainian language has changed. After Ukraine gained its independence, the language has been considered by most Ukrainian elites to be an important element of nation building; some politicians even claimed it to be the main factor of national identity for Ukrainians. Most politicians started to use the language question in their

election campaigns, trying to persuade their followers that they will protect their linguistic choice on the national level. As Bilanyuk (2005) suggests, “the acceptability of both languages provided an outward resolution of the inexorable oppositions between Ukrainian and Russian that had been constructed by politicians, scholars, and others with clearly articulated ideologies.” (Bilanyuk, 2005:177). So in Ukraine, we had a phenomenon that the language was used just for political aims, but in reality all those who came to power were reluctant to bring about major changes in language politics and the old 1989 law “On the languages in the Ukrainian SSR” remained in use until July 2012. Since most communities in Ukraine are bilingual, the language choice still remains a significant factor for the identity of each individual. But scholars stressed that while the language used by members of a community has a strong effect on their political preferences, *the language choice is not the key marker of the national identity* in Ukraine (Kuzio, Bilanyuk). What matters even more than a language choice is the social identity of an individual. Laitin (1998) states that social identities are “built from available categories, that both divide and unite people in society.” (Laitin, 1998:16) Similarly, language choice can unite or divide people in different regions of the country. As Polese (2011) suggests, “Nation-building is... not only the policies adopted on the national level, but also the way people react to them” (Polese, 2011:40). While the Ukrainian language can be seen as a unifying factor in the western part of the country, in southern and eastern parts it has no such effect. Even in the regions near the Russian border, as Zhurzhenko (2010) showed in her studies in the village of Udy, “most people are busy...they do not care much if Russian has an official status and agree that their children need to learn Ukrainian...Thus, contrary to what one would have expected, language and ethnicity were not instrumentalized and did not become a mobilizing factor in the 2004 election campaign in Udy.”(Zhurzhenko, 2010:317).

Again, the language split should be considered at least in two dimensions; not only in regional – a division between Western and Eastern Ukraine, but also in social – a division between the urban and rural population (Zhurzhenko, 2002:12).

### **Linguistic choices in modern Ukraine**

Kuzio (2002) presents a few factors, which, he believes, reflect the linguistic trends in modern Ukraine. First, the majority of Ukrainians do not have any hostility to the Ukrainian language. Most people can communicate in it or at least understand it enough to be able to converse. Second, hostility and opposition to the spread of Ukrainian is often related to the opposition’s political affiliation or political choice (e.g. members of the Communist Party, etc.). Third, intolerance of the Ukrainian language is often a result of lower social class and education. Fourth, the younger generation accepts Ukrainian much better than older generations brought up in the USSR (Kuzio, 2002:182-183).

Although I could not find any data on the language used in the revolution 2013-2014, I heard from my relatives and friends in Kyiv, that protesters used Ukrainian much more than governmental forces. Most of the protesters were young people from the western regions of Ukraine, Kiev or central Ukraine. Among them, university students, qualified specialists, professors, businessmen and others who can be called middle-class in Ukrainian society. No wonder that they tend to use Ukrainian in their conversation. On the contrary, “Berkut” squad and violent gangs of so-called “titushky” (athletic young men who were hired to play the role of provocateurs during the uprising, and later used to terrorize protesters and civilians) avoided using Ukrainian to show their polarity to the protesters and also because it was natural for them to use Russian. However, it would be erroneous to describe the events as the confrontation of Ukrainian-speaking people against the Russian-speaking. It is clear that during the uprising and revolution the protesters did not have a linguistic question in their list of demands. Moreover, it is easy to assert that even among protesters there were contradictions in their views on the language policy.

It should also be said, that Ukrainian, while dominating as a formal language in the public sphere of government “in front of TV cameras”, when it comes to the private sphere, is often neglected. “The ruling political and administrative elite remains to a large extent Russian-speaking, and Ukrainian is used mainly for political rituals.”(Zhurzhenko, 2002:12). When it comes to official events and situations, even politicians from the eastern and southern Ukraine try to use Ukrainian. In informal interactions, even those from the western part can easily converse in Russian. In other words, the question is not whether to speak Ukrainian or Russian, but when, where and with whom which language to speak.

*The fact is that Russian traditions and narratives (and a “Russian-Eastern” mentality) co-exist with traditions and narratives that are characterized as more “Western”, “European” or attached to “Ukrainian nationalist”. Much has been written about whether a West-East divide does exist in Ukraine or not. This question should not stand in the foreground of this conclusion. The two languages are both relevant and have strong regional bases.*

*(Gallina, 2011:11)*

The choice of Ukrainian or Russian in each particular situation is usually the question of personal choice, status and political preferences of individuals rather than their competency.

### **Language in business, education and other spheres**

While using Ukrainian is getting more and more popular among politicians and governmental officials, Russian is still widely spread and dominant in most spheres of Ukrainian society. The

tendency to use Russian instead of Ukrainian is especially strong in Ukrainian business circles, military forces, juridical and medical spheres, culture and sport. As Ukraine trades with Russia intensely and most of the famous Ukrainian businessmen and oligarchs are from Eastern or Southern Ukraine, business negotiations in Ukraine start in Russian “by default.”

*And again, as a century before, capitalism speaks Russian, reflected in the well-known term “new Russians” – (“new Ukrainians” simply do not exist). Loyal to the state and not opposing its ukrainization policy the new middle class is ready to pay for their children’s education in Russian – still more prestigious and presumably of better quality (not speaking of the business elite committed to English). In the case of the Ukraine, Russian can hardly be considered as a national minority language.*

*(Zhurzhenko, 2002:12)*

The situation in Ukrainian education in general resembles the one in politics. In general, the educational system in Ukraine now trends toward European standards rather than Russian. Fimyar (2008) argues that “the interplay of policy discourses and the internal and external influences embedded in them demonstrate that today Ukrainian education has a more distinctly European character rather than Russian” (Fimyar, 2008:588).

However the linguistic choice here is often a question of necessity. While Ukrainian is an official language of education in schools, in reality it can often be used as a façade, leaving Russian as a main language of interaction. The Ukrainization in schools is not largely enforced in the Russian-speaking eastern and southern regions. In these regions “Ukrainian and Russian languages become, in many cases, markers between “the official time”, during which Ukrainian needs to be used, and the “unofficial time”, when Russian is allowed.” (Polese, 2011:44). Teachers, who feel more confident in using Russian might use Russian from the beginning to the end of their classes, and children in turn may also feel more confident answering in Russian to questions from teachers (Polese, 2010).

The Ministry of Education is satisfied with the situation, as long as the official reports and feedback from schools are delivered in Ukrainian. As Polese (2011) depicts it “if a teacher feels more confident in Russian during school meetings or even during classes, the use of Russian is largely tolerated. This is allowed as long as school representatives are willing to express themselves in Ukrainian” (Polese, 2011:44).

In higher education, one of the crucial factors of language choice is access to learning materials in Ukrainian, as most of the specialized literature is in Russian (or English). Other important factors are personal linguistic preferences of each educator and his/her ability to use a particular language at an appropriate level. I graduated from a linguistic university with majors in Japanese. Remembering my

own college days in Ukraine, I must confess that although Ukrainian was the only official language at that time, it was not always used. In Japanese language classes, among my teachers and professors, there were those who preferred to teach Japanese in Ukrainian and while others preferred to use Russian.

The tendency to use Russian in teaching technical disciplines and sciences is even stronger than in teaching humanities. It is related to the great amount of research work and literature in Russian on most technical subjects. Being bilingual and understanding Russian literature in its original text can be considered a big advantage for Ukrainian students. Nevertheless, while language choice can be related to the content, quality or quantity of material, it does not impact the general tendency of using Ukrainian as a main language in education.

### **2012 Language Law and the Status of Russian**

Different regions of Ukraine have different, sometimes polar views on what the status of the Russian language should be. Ukraine had in force an old 1989 law “On the languages in the Ukrainian SSR”. When Yanukovych and his Party of Regions reached the apogee of its power in 2012, it seemed to be good timing for them to change the language law in favor of Russian and garner more popularity in the eastern and southern regions. The project of a new language law appeared in May 2012. It was called “On the principles of the state language policy” (or, informally, “Kolesnichenko-Kivalov law”, after the name of its authors). According to this law, if in an administrative district of Ukraine the percentage of representatives of national minority exceeds 10% of the total population of the district, to the language of the minority should be granted the status of a regional language. The language can be used in the governmental institutions in the district (including schools, courts, governmental offices, etc.) along with the official language, Ukrainian.

*In addition, the law states that documents on the election of the president, MPs, deputies of local councils, as well as for the holding of Ukrainian and local referendums, are issued in the official language. However, within the territories in which regional languages are widespread, such documents are also issued in regional languages. The same applies to the language in which the ballots are printed – in the national and regional languages.*

*Under the law, passports or documents that replace them, as well as data about the owners of these passports, are included in these passports in the official language, but on the request of citizens such records in passports can be made in one of the regional languages.*

*The law proposes extending the effect of this provision to other official documents certifying the identity of citizens, namely the acts of civil registration, education documents, work records, military IDs or other official documents.*

(KyivPost)

It is clear that the law was aimed on enabling Russian to become an official regional language in southern and eastern regions of Ukraine. The new law triggered protests in Kyiv and other Ukrainian cities. Thousands of people in different parts of the country showed their disapproval, in some places protesters clashed with the police. When it came to voting for the law, there was a confrontation and a fistfight in the Parliament. Finally, the opposition was tricked by the Party of Regions and the law was officially adopted on July 3, 2012. Later the Parliament Chairman, Volodymyr Lytvyn, refused to sign the law and even submitted a letter of resignation to avoid its ratification. However, the Parliament did not accept his resignation and he had to sign the law. Then it was signed by the President Viktor Yanukovich and came into force on August 10, 2012.

Since then, Russian has been declared a regional language in the oblasts (districts) of Odessa, Mykolaiv, Kherson, Dnipropetrovsk, Zaporizhia, Donetsk, and in the cities of Odessa, Mykolaiv, Kherson, Dnipropetrovsk, Zaporizhia, Kharkiv, Luhansk, Krasny Luch and Sevastopol.

On February 23, 2014, the day after it had voted for the dismissal of President Viktor Yanukovich, the Ukrainian Parliament abolished the 2012 law “On State Language Policy”. Instead of it, they intended to approve a new law with no status for Russian as a regional language. Batkivschyna faction deputy Volodymyr Yavorivsky made a statement that they would insist on the adoption of a new law in parliament. “He said that the co-authors of a bill on language policy were opposition deputies Yavorivsky, Maria Matios (UDAR faction), Iryna Farion (Svoboda faction) and Volodymyr Bondarenko (Batkivschyna faction). He said that members of the three opposition factions (Svoboda, UDAR, Batkivschyna) had joined the preparation of a respective document, which was drafted in the previous parliament.”(The National Radio Company of Ukraine)

The attempt to cancel the law was criticized not only inside Ukraine, but also in neighboring countries. Russian authorities raised their voices against the abolition of the law. Polish Foreign Minister Radoslaw Sikorski also stated that the Ukrainian parliament made a mistake trying to cancel the law.

*“The parliament of Ukraine has made what I believe to be a mistake a few days ago, cancelling a law on regional languages,” he told CNN, commenting on the current instability in the Crimea, where the majority of the population speaks Russian. “The new Ukrainian government should signal very eloquently to the ethnic minorities in Ukraine that they are welcome in Ukraine; that they are going to be part of the new Ukraine. And also Ukraine is a member of the Council of Europe, [with] its laws on protecting minorities.”*

(RT News)

Acting Ukrainian President Oleksandr Turchinov reacted to the criticism, vetoed the cancellation and ordered the Ukrainian parliament to draft a new language law.

### **Conclusion**

Considering all the above, it is logical to suggest that there is no need to make any changes to the language law in favor of Ukrainian unless protesters demand them. However, it is plain that during the uprising and revolution the protesters did not have linguistic issues in their list of demands. Moreover, it is easy to assert that even among protesters there were contradictions in their linguistic preferences and views on the national language policy. Such contradictions are natural, considering the presence of representatives of different generations and different regions of Ukraine and even the supporters from foreign countries, such as: Belorussia, Russia, Armenia, Georgia, etc. It would be incorrect to describe the uprising as a confrontation of Ukrainian-speaking people against the Russian-speaking ones. While language forms personality and influences the way people perceive reality, there will always be a problem of an appropriate time and an appropriate situation, for the “language switch” to become a unifying factor for the nation. The complete shift from Russian to Ukrainian or from Ukrainian to Russian is impossible unless it is needed in society and supported by the majority. That is why Kuzio (2002) suggests that the recent language policy in Ukraine should avoid getting into extremes of both “Ukrainization” and “Russification” (Kuzio, 2002:196-197). The recent events in Ukraine have proved that Russian-speaking Ukrainians should not be treated as those who belong to supporters of pro-Russian separatism. Neither should they be identified as those, who are in some way “disloyal to Ukrainian independence.” In this unstable and crucial time for our state, the more we focus on the linguistic choice of Ukrainian-speaking Ukrainians, the more we try to present the language as the clincher for a national identity, the more we insist on it being a decisive factor in Ukrainian politics, the more we get into discussions, distractions and turmoil, which has nothing in common with the real unity of the nation. Unless we stay united now, we will lose our independence. When the question of independence is at stake, all other issues should be abandoned.

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