

LANGUAGE IDENTITY AND LANGUAGE LAWS IN UKRAINE:
IMPLEMENTATION CHALLENGES AND THE REAL IMPACT ON SOCIETY

Olena Ponomareva

The essay had been completed by late February 2022, shortly before the Russian invasion into Ukraine took place. Therefore, it documents the various facets of a period in the history of Ukrainian, which, however, has not yet become the past. The pernicious effect of deep-rooted mechanisms of the Russification of Ukraine became one of basic elements of this conflict. A *Battle for Ukrainian*, not merely for Ukraine, is still going on. This essay analyzes the mechanisms of Russification during the final Soviet periods in the 1960s – early 1980s that were the most massive, deep and devastating and it illustrates their pernicious effects even after the independence of Ukraine was established. It describes how language legislation was adopted in the period from 1991 up to date when the law *On ensuring the functioning of the Ukrainian language as the State language* was passed. It gives an interpretation of essential elements of this law and it also points out its substantial critical issues. This paper also provides an overview of the dramatical and outrageous fight for the de-communicization and the decolonization in Ukraine in 2015-2022. The war has done more to decolonize Ukraine and its lingual practice than any previous legal reform. The paper documents the linguistic situation before the outbreak of the full-scale war, and it features the ‘battle for Ukrainian’ as one of the basic elements of combat. It could be a starter for scholars to reflect on the topic of the language situation in Ukraine in the postwar period.

Language Identity in Ukraine

The extensive scholarly literature on the complex interconnection between ethnic and linguistic identity and on language policies in contemporary Ukraine has been produced, among them studies authored by Dominique Arel, Michael S. Flier (author of a particularly appropriate metaphor “Ukrainian as linguistic battleground”),¹ Salvatore Del Gaudio, Volodymyr Kulyk,

¹ Cf. M.S. Flier, A. Graziosi, L. Hajda, *The Battle for Ukrainian: A Comparative Perspective*, Harvard, Harvard Ukrainian Research Institute, 2017, pp. 4-6.

Larysa Masenko, Michael A. Mozer, Svitlana O. Sokolova, Mykola Rjabčuk, Natalija Ševčenko, Serhy Yekelčyk, and diverse theoretical and empirical research, including international multidisciplinary projects. Nevertheless, many aspects of functioning of the modern Ukrainian language following a long period of linguistic assimilation remain insufficiently defined. For instance, the phenomena related to a particularly contaminated spoken language, used for day to day communication, should inspire linguists and philologists to reflect on the so-called *narodna mova*, ‘people speech’ (literally ‘language spoken by ordinary people’), and on the people as a transmitter of linguistic traditions in the specific context of Ukraine. This situation can be interpreted in the light of deep linguistic and cultural deformities in contemporary Ukraine, in particular by the fact that the Ukrainian language for a long time has been systematically forced out of public spaces by narrowing the spheres of its functioning. Consequently, its own speakers have begun to perceive Ukrainian as a language with a lower social status compared to Russian. This kind of language replacement and namely linguistic assimilation of non-Russian nationals into the Russian language in order to enhance Russian national, cultural and political advantage, is usually called Russification. Without understanding the essence of this phenomenon, it is impossible to interpret contemporary linguistic and cultural deformities in the countries that were once part of the Russian Empire and still remain in the sphere of its influence.² As Michael Flier points out,

In 1863 the Valuev Circular restricted the use of the Ukrainian language in the Russian Empire. In the 150 years since, Ukrainian has followed a tortuous path, reflecting or anticipating tsarist, Soviet, and post-Soviet history. Ukrainian can serve as a useful prism for assessing 150 years of imperial disintegration and reformation, and worldwide state and nation building – a period in which other languages have been created, promoted, and repressed, or have come to coexist in multilingual nations.³

During the Soviet period, Ukraine became the ideal laboratory for the communist totalitarian system to test the effectiveness of its strategies for cultural and linguistic domination. During the 1920s, the central government

² D. Arel, *Language Politics in Independent Ukraine: Towards One or Two State Languages*, “Nationalities Papers” 23 (3), 1995, pp. 602-604; S. Del Gaudio, *The Russian Language in Ukraine: Some Unsettled Questions About Its Status as a ‘National’ Variety*, in *Non-Dominant Varieties of Pluricentric Languages. Getting the Picture, in Memory of Michael Clyne*, ed. by Rudolf Muhr, Wien, Peter Lang, pp. 210-212; J. P. Zeller, D. Sitchinava, *The Russian Language in Belarus and Ukraine*, in *The Soft Power of the Russian language. Pluricentricity, Politics and Policies*, ed. by Arto Mustajoki et al., London, New York, Routledge, 2019, pp. 110-113.

³ M. S. Flier et al., *The Battle for Ukrainian: A Comparative Perspective*, cit., p. 3.

implemented an increase in the use of the Ukrainian language, within the framework of so-called *korenizacija* ('indigenization', literally 'rooting'), a policy aimed at integrating non-Russian nationalities into the governments of the individual Soviet republics. Based on the valorization of linguistic and cultural specificities of individual republics, the policy sought to differentiate the new Soviet power from the previous tsarist regime, with the intention of gaining the favor and support of the populations. With the advent of Stalin, however, the attitude towards non-Russian nationalities shifted radically, going in the opposite direction.

The new strategy for the affirmation of Russian as the dominant spoken language in the Soviet Union, uniting all its citizens, and, simultaneously promoting a Soviet identity underpinned by the principle of nationality while astutely merging dictatorial communist internationalism with Russian nationalist chauvinism. This progressive, all-encompassing strategy was allowed to advance unchecked within the Soviet empire leading to the irreversible atrophy of unorthodox thought forms. The long-term goal was to instill in mothers an unwillingness, and later an inability, to pass on their language to their children. In the case of Ukraine, the specific characteristics of the national language were methodically undermined, forcibly excluding it from public spaces, and eventually linking it – in the minds of most – to a status inferior to that enjoyed by the dominant Russian language. As a result, the source of everyday language through which customs and traditions were passed down was intimately contaminated. The 'Russification' that generated a hybrid pseudo-cultural mentality also led to a widespread social unease due to the loss of personal, social and national identity for millions of people. Some scholars have described these phenomena as 'democide', interpreted not necessarily as "the elimination of entire cultural groups but rather groups within the country that the government feels need to be eradicated for political reasons and due to claimed future threats".⁴

The final periods of Russification in the 1960s – early 1980s were the most massive, deep and devastating. In 1965 Ivan Džuba, a Ukrainian literary critic, wrote his essay *Internacionalizm čy rusyfikacija?* (Internationalism or Russification?)⁵ where from Marxist position analyzed national and cultural politics in Soviet Ukraine. Džuba subsequently sent his work to the Central Committee of the Communist Party of Ukraine, which caused further persecution not only of him personally but of those representatives of

⁴ B. Harff, *Death by Government* by R. J. Rummel, "The Journal of Interdisciplinary History" 27 (1), 1996, p. 118.

⁵ I. Džuba, *Internacionalizm čy rusyfikacija?*, Kyjiv, Vydavnyčyj dim Kyjevo-Mohyljans'ka Akademija, 2010.

the Ukrainian intelligentsia who tried to disseminate this text through the *Samizdat* network. Lesser known, but with much more tragic consequences, was the fact of Vasyl' Makuch's self-immolation on November 5th, 1968 in Kyiv: in this way the dissident protested against the linguistic and cultural colonization of Ukraine.

This hybrid language experience of a considerable number of Ukrainians (depending on their area of residence) in many cases has resulted in a real language shift, namely in discontinuation of the use of the mother tongue and its replacement – from occasional and/or situational to definitive – with the Russian language perceived to be higher social status.⁶ In the mid-1960s Oleksa Tychyj, a Ukrainian pedagogue and dissident, was the first to describe the mechanisms of this language attitude that denotes the highly problematic nature of the linguistic situation in the Donbas region. More specifically, these mechanisms consist in: in narrowing of the sphere of obligatory use of the Ukrainian language; in its removal from public space, especially in the cities; in the dominance of the Russian language in the field of education and science. According to written accounts given by Tychyj,

Насправді українці Донеччини позбавлені елементарних людських прав: 1) користуватися рідною мовою в сфері виробництва, культури, в побуті, навіть удома; 2) учитись та навчати дітей рідною мовою; 3) дивитись фільми, вистави, слухати лекції рідною мовою.⁷

As Colin Barker points out,

The status, value and importance of a language is most often and most easily (though imperfectly) measured by attitudes to that language. Such attitudes may be measured at an individual level, or the common attitudes of a group or community may be elicited.⁸

In this way, the altered view was transmitted to future generations, leading to a decision to cease intergenerational transmission and pervading changed attitudes toward the language in a large part of the speech community. This is one of the reasons why a similar situation in the language sphere still exists in independent Ukraine in practically all regions of the country, including

⁶ L. Masenko *et al.*, *Ukrajins'ka mova u XX storičči: istorija linhvocydu*, Kyiv, Vydavnyčyj dim Kyjevo-Mohylians'ka Akademija, 2006, pp. 19-31; 256-259.

⁷ “Actually Ukrainians of the Donbas region are deprived of basic human rights: 1) to use their mother tongue in enterprises, in the sphere of culture, in everyday life and even in the family; 2) to study and to teach children in their native language; 3) to watch movies, plays, performance in theatre, to listen to lectures in your native language” (O. Tychyj, *Ne mozhu bil'she movčaty, Donec'k, Tovarystvo im. Oleksy Tyhoho*, 2009, p. 34).

⁸ C. Baker, *Attitudes and language*, Clevedon, Multilingual Matters, 1992, p. 10.

Central and Western Ukraine. The argument of Cristina Carpinelli, an Italian sociologist, seems particularly relevant in this regard: “A confronto di altri Stati europei, l’Ucraina si è mossa con ritardo nel consolidare le proprie politiche linguistiche e culturali. La mancanza di una forza coesa in grado di unire regioni disuguali, e l’uso tradizionale di lingue diverse dall’ucraino sul territorio ha reso più difficile e lento il cammino verso la formazione di una compatta entità statale”.⁹

Language Laws of Ukraine and the Real Impact on Society

It is symptomatic that the law *On ensuring the functioning of the Ukrainian language as the State language* was adopted in Ukraine only in April 2019. Before that time, the Ukrainian language was recognized as official by article 10 of the Constitution of Ukraine, but any legal mechanisms for enforcing this status did not exist. Until 2012, the functioning of languages in Ukraine was regulated by the soviet Law *On languages in the Ukrainian Soviet Socialistic Republic* adopted in 1989, in which Ukrainian for the first time was declared the state language. In 2012 during the presidency of Viktor Janukovyč had been created and approved the law *On the Principles of State language policy* that allowed the use of regional languages spoken by more than 10% of the population at the official level. In reality, the law was aimed to a further limiting of the functioning of the Ukrainian language (even in comparison with the Soviet period) by introducing new and more sophisticated mechanisms of russification.

In September 2017, the Ukrainian Parliament adopted the Law on Education which stipulates Ukrainian as the sole language of instruction in public schools, in derogation of the provisions of the 2012 law (which allowed teaching in minority languages in schools in regions where such minorities constitute more than 10% of the population); the cessation of the publication of school books in Russian; the possibility of creating separate classes with teaching in the languages of the “indigenous peoples of Ukraine” (Krymčaks, Crimean Tatars, Karaites); the possibility to teach one or more subjects in schools in official languages of the European Union.

⁹ “Compared to other European States, Ukraine has been slow to consolidate its linguistic and cultural policies. The lack of a cohesive force capable of uniting unequal regions, and the traditional use of other languages on its territory has made the path towards the formation of a compact State entity more difficult and slackened” (C. Carpinelli, *Ucraina: la questione della lingua e le sue fasi di evoluzione politica e legislativa*, “Nuovi Autoritarismi e Democrazie: Diritto, Istituzioni, Società” 2019, n. 2, p. 86).

In February 2018, the law *On the Principles of State language policy* was repealed as unconstitutional, and for over a year, Ukraine, which at that point had been in a state of war with the Russian Federation since 2014, had no language law.

Adopted by the Ukrainian Parliament in April 2019, the law *On ensuring the functioning of the Ukrainian language as the State language*¹⁰ is the first effective legal document that protects the Ukrainian language as the only official state language whose use is required in most aspects of public life, by state and local authorities, enterprises, institutions, and organizations. It is symptomatic that the text opens with a reference to the colonial past of Ukrainian language assimilation and with an observation of the strong relationship existing between language and identity. This essay is not intended to provide a specific analysis of the legal aspects of the new language law with its pros and cons: the purpose is to lay out some essential elements directly connected with the paper topic and reflecting the importance of sociological and cultural de-colonization factors in language law adoption and/or change. In this perspective, the salient features of the law *On ensuring the functioning of the Ukrainian language as the State language* are:

- All Ukrainian citizens (as well as those seeking Ukrainian citizenship) must know the state language.
- The use of Ukrainian is mandatory for deputies and high-level state officials, educational institutions directors and teachers, lawyers and court judges, medical care workers, servicemen and others.
- Most subjects in all educational institutions should be taught in Ukrainian.
- The new law requires that 90% of TV and film content must be in Ukrainian and for Ukrainian-language printed media and books to make up at least 50% of the total output. Furthermore, every website should be available in Ukrainian by default (while other languages to be allowed as an option).
- The law does not concern the citizens' private communications and religious ceremonies. It would allow some providers of health services and law enforcement to use other languages with persons who do not know Ukrainian.
- The use of Ukrainian is mandatory in the consumer services field (Article 30, effective from January 1, 2021).
- In the field of book publishing and distribution, the provisions of the Law stipulate that a publisher is obliged to publish in Ukrainian at least 50 percent of all titles of book publications published by it during the relevant calendar year (Article 26, effective from July 16, 2021).

¹⁰ Zakon Ukrajinjy *Pro zabezpečennja funkcionuvannja ukrajins'koji movy jak deržavnoji*, April 25, 2019, <<https://zakon.rada.gov.ua/laws/show/2704-19>>.

- Article 5 of the law obliges the government to establish and develop a state program to promote the study of the Ukrainian language and in particular, to establish a network of state and municipal courses to facilitate learning of the state language. Every year, the country's budget should allocate funds to print textbooks and to provide free access to them for all willing to learn Ukrainian.
- According to the law, a special Commissioner for the Protection of the State Language is appointed by Ukraine's government, whose function, among others, will be to oversee how the law is implemented, to examine complaints from individuals and legal entities about non-compliance, to initiate investigations and punishments.

Failure to comply with the requirements of the language law may entail the application of the penalties expressly inserted. However, the implementation of the law would be gradual and some amendments would be entered into force by year 2023, in accordance with the recommendations of the Venice Commission.

In June 2019 a group of deputies from pro-Russian political parties in the Ukrainian Parliament appealed to Constitutional Court questioning the constitutional compliance of the language law. In July 2021 the Constitutional Court of Ukraine upheld the constitutionality of the law specifying that:

The Ukrainian language is an integral attribute of Ukrainian statehood, which preserves its historical continuity from the ancient Kyivan times. The Ukrainian language is the ultimate condition (*conditio sine qua non*) of the statehood of Ukraine and its unity. [...] Therefore, any encroachments on the legal status of the Ukrainian language as the state language on the territory of Ukraine are unacceptable, as they violate the constitutional order of the state, threaten national security and the very existence of the statehood of Ukraine.¹¹

Undoubtedly, from a forward perspective the law *On ensuring the functioning of the Ukrainian language as state language* is potentially capable of making positive impacts on the language situation in Ukraine. It is worth mentioning that in the same period, a spelling reform of the Ukrainian language has been initiated: unlike other European languages, in addition to simplification and harmonization, this reform aims to restore the orthographic rules most closely related to the Ukrainian language, after a long period of linguistic assimilation during the Soviet period.¹² Nevertheless, the social prestige

¹¹ *Rišennja Konstytucijnoho Sudu Ukrajinjy u spravi za konstytucijnym podannjam 51 narodnoho deputata Ukrajinjy ščodo vidpovidnosti Konstytuciji Ukrajinjy (konstytucijnosti) Zakonu Ukrajinjy Pro zabezpečennja funcionuvannja ukrains'koji movy jak deržavnoji*, July 14, 2021, <<https://zakon.rada.gov.ua/laws/show/v001p710-21#Text>>.

¹² O. Ponomareva, *La riforma ortografica ucraina: principali modifiche e sostanziali criticità*, "Europa Orientalis", 38 (2019), p. 134.

of the Ukrainian language cannot be increased automatically, since the question arises not only about its formality but also about the actual status in Ukrainian society. The survey carried out after the adoption of the language law shows a clear trend in favor of the Ukrainian language: according to recent 2020 polls about 73,4% consider Ukrainian a mother tongue; a large majority of Ukrainians – 75% – view the Ukrainian language as an important attribute of the country’s independence, while 69% support the *status quo* of Ukrainian as the sole state; 77% of Ukrainians consider that most subjects in all educational institutions should be taught in Ukrainian, 65% in Eastern Ukraine; a predominant majority of Ukrainian citizens – 82,3% – believe the leaders of the country and civil servants should speak Ukrainian in the workplace; 79% believe that all Ukrainian citizens must know the state language.¹³ On the other hand, the data related to the use of Ukrainian and Russian in social networking, an informal communication forum *par excellence*, shows a diametrically different trend. The use of the Ukrainian language in social networking is critically low, with only 16% of the total number of posts and 15% of the number of posts from private accounts. This seems at odds with those who claim that Ukrainian is their native language, but actually reflects the paradoxical linguistic situation in Ukraine. Facebook is the most ‘Ukrainian’ among social networks with 26,9%, while the Ukrainian content on YouTube channels slightly exceeds 3%.¹⁴ Ksenija Maksimovtsova, a Russian sociolinguist, argues in her recent research that “for most online users of Ukrainian digital media produced in Russian, the state language is considered as the language discriminated against in its own national state”.¹⁵

It appears to be symptomatic of fundamental problems the legal case taking place soon after the adoption of language law which has already become a legal precedent. Svjatoslav Lityns’kyj, a Ukrainian human rights defender, who has demanded the Ukrainian translation of a speech of president Volodymyr Zelens’kyj delivered in Russian, lost a lawsuit against the President’s Office. On 12 September 2019, the Lviv Circuit Administrative Court where the lawsuit has been discussed agreed with the defense’s sentencing argument, stating that the national legislation does not require translation of the speeches of the Head of State which do not concern directly the exercises

¹³ *Stan ukrajins’koji movy v 2020 roci. Analityčnyj ohljad*, November 6, 2020, <<https://prostirsvobody.org/img/ck341/plugins/filemanager/browser/default/images/Stan.pdf>>, pp. 14-42.

¹⁴ *Stan ukrajins’koji movy*, cit., pp. 85-88.

¹⁵ K. Maksimovtsova, *Ukrainian vs. Russian? The Securitization of Language-Related Issues in Ukrainian Blogs and on News Websites*, “East European Politics and Societies and Cultures”, vol. 34 (2019), p. 375.

of his power of the President of Ukraine.¹⁶ On 7 October 2020, the Administrative Court of Cassation of the Supreme Court of Ukraine refused to satisfy Lintyns'kyj's claims in full. The Administrative Court of Cassation stated that the President of Ukraine is obliged to speak the state language while performing his official duty. At the same time, the President bears political, not legal responsibilities for actions related to his political activity and not in the exercise of powers given in the Constitution, the statement said.¹⁷ The case was closed by the Supreme Court, but this rather ambiguous statement as well as an equivocal attitude of president Zelens'kyj towards its own State language have led to various violations of the law by high-level state officials that, on one hand, have affected the efficacy of implementation of the language law, and on the other, have determined several attempts to revise it. In particular, the draft law № 2362 on amendments to legislative acts of Ukraine concerning the state language teaching in educational institutions¹⁸ submitted by Maksym Bužans'kyj, a deputy from Zelens'kyi's Servant of People Party on October 31, 2019, and the draft law № 3717 on amendments to the law of Ukraine *On Higher Education* on the regulation of activities in higher education for foreign citizens and stateless persons,¹⁹ submitted on June 20, 2020, by a group of 13 deputies who represent the same political Party of the incumbent president: both of them are aimed to reintroduce the use of the Russian language in the education system. The highest officials in the Zelens'kyj administration have also repeatedly stressed the importance of the creation of a separate Ukrainian standard of the Russian language forming their opinion on apparently linguistic grounds. Recently, the pros and cons of the standardization of "Ukrainian Russian" as well as the processes of linguistic pluricentrization have been largely described in scholarly literature, among others, by Salvatore del Gaudio, Tomasz Kamusella, Michael Moser, Jan Patrick Zeller and Dmitri Sitchinava. The conclusion of M. Moser sums up the most shared opinion among linguists:

¹⁶ See S. Lazurkevych, *Lvivs'kyj Sud vidmovyvsja zobovjazaty OP pereklasty ukrains'koju vystup Zelens'koho*, Zaxid.net, 16.09.2019.

¹⁷ See also <<https://supreme.court.gov.ua/supreme/pres-centr/news/1005106/>>.

¹⁸ *Proekt zakonu pro vnesennja zmin do dejakych zakonodavčykh aktiv Ukrajinny ščodo navčannja deržavnoju movoju v zakladach osvity*, October 31, 2019. <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=2362&skl=10>, <<https://itd.rada.gov.ua/billInfo/Bills/Card/2967>>.

¹⁹ *Proekt zakonu pro vnesennja zmin do Zakonu Ukrajinny Pro vyšču osvitu ščodo vrehuljuvannja osvith'oji dijalnosti v sferi vyščhoi osvity dlja inozemnykh hromadjan ta osib bez hromadjanstva*, June 6, 2020, <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69237>, <<https://itd.rada.gov.ua/billInfo/Bills/Card/3284>>.

The ongoing calls to establish a separate Ukrainian standard of Russian language are based on debatable and questionable arguments. They tend to underestimate that the genuine standardization of a language requires considerable efforts and would inevitably raise the prestige and the status of Russian in Ukraine to the detriment of Ukrainian. While “Ukrainian Russian” would predictably differ from the standard Russian language in Russia only slightly, the new status of the Russian language in Ukraine would in the long run probably undermine the status of Ukraine’s sole State language.²⁰

In this context, the progresses in the implementation of the language law may be correlated with the depth and extent of language shift in previous periods. The linguistic situation in the current education system recently analyzed as part of the research project *Bi- and multilingualism between conflict intensification and conflict resolution: ethno-linguistic conflicts, language politics and contact situations in post-Soviet Ukraine and Russia* appears particularly critical. Based on the data obtained from the mass targeted survey of students and teachers, from the accounts of participants of focus group discussions, as well from the evidence available from a comprehensive examination of documents of the Ministry of Education and Science, the researchers have concluded that:

Параметри взаємодії мов у загальноосвітніх навчальних закладах не регламентовані нормативними приписами: їх визначають закономірності спонтанної комунікації, мовна поведінка і звички учасників навчального процесу, сформовані під впливом мовної ситуації в конкретному регіоні.²¹

According to the authors of the study, this factor determines the heterogeneity of the language situation in school education in Ukraine, since the language environments of schools of the same type in Kyiv, Lviv, Odesa or Charkiv differ significantly; moreover, the ‘language portraits’ differ markedly in schools in a town, in a village or in a large industrial center. However, the school environment, excepting the western regions, is mostly bilingual: formal communication is taking place in Ukrainian, and informal communicative interactions occur in Russian. Another important conclusion is the dis-

²⁰ M. A. Moser, *Is a Ukrainian Standard of the Russian Language on the Agenda?*, “Kyiv-Mohyla Humanities Journal”, 7 (2020), p. 194.

²¹ “The parameters of interaction of languages in educational institutions are not regulated by laws and rules: communication, linguistic behavior and habits of the participants of the teaching and learning processes are determined by the specific linguistic situation in each region of Ukraine” (O. Danylevs’ka et al., *Ukrajins’ka mova v ukrajins’kij školi na počatku XXI stolittja: sociolinhvistyčni narysy*, Kyjiv, Vydavnyčyj dim Kyjiev-Mohylians’ka Akademija, 2019, p. 4).

crepancy between the statistics on the number of students involved in learning in Ukrainian and the actual functioning of languages in the school system; this situation has been interpreted in the context of post-colonial and post-totalitarian deformities of the linguistic situation in contemporary Ukraine.²²

The most critical issues concerning the implementation of the language law can be perceived through the monitoring reports of the Commissioner for the Protection of the State Language published on his official website.²³ The Annual report 2021 (latest available data) highlights the inefficiency of the governmental institutions in implementing the state language legislation and urges the Cabinet of Ministers to approve the state program (required by law) which defines the main strategic goals and priorities of the state policy to support the state language as well as measures to be taken to achieve the implementation of its tasks. Among them, the creation of municipal courses for studying the state language by citizens of Ukraine, foreigners and stateless persons; the creation of conditions that allow each person to master the state language, the organization of free Ukrainian language courses for adults; the creation of online courses in the Ukrainian language and other measures to promote the study of Ukrainian by citizens of Ukraine residing in the temporarily occupied territory of Ukraine: “Linguocide in the occupied territories of Ukraine continues in hybrid forms”, the report says.²⁴

Obviously, the language complexities in contemporary Ukraine, as well as a rather hybrid political, social and cultural experience of the last two and a half centuries²⁵ are irrefutable factors that influence and, evidently, complicate the implementation of the language law. Moreover, there is another issue regarding connections between language and social structures and, in particular, the alteration of mechanisms of socialization caused by language shifts in the specific context of Ukraine. At the individual level, the mechanisms of primary and secondary socialization, which determine the processes of integration into different social communities, are deeply distorted. The language shift that results in a replacement of a person’s first (native) language – from occasional to definitive – usually occurs in the course of primary socialization

²² O. Danylevs’ka et al., *Ukrajins’ka mova v ukrajins’kij školi na počatku XXI stolittja: sociolinhvistyčni narysy*, cit., pp. 4-5.

²³ <<https://mova-ombudsman.gov.ua>>.

²⁴ *Ričnyj zvit pro stan dotrymannja Zakonu Ukrajiny Pro zabezpečennja funkcionuvannja ukrajins’koi movy jak deržavnoji*, November 21, 2021, <<https://mova-ombudsman.gov.ua/-storage/app/sites/14/Report%202021/ričnij-zvit-upovnovazhenogo-2021.pdf>>, p. 240.

²⁵ M. Riabtchouk [Rjabčuk], *De la petite Russie à l’Ukraine*, Paris, Editions Harmattan, 2003, pp. 56-59.

influenced by the immediate family and friends “when young children learn not only about the values, attitudes, and actions appropriate to individuals as members of a particular culture but also assimilate a language as a tool for communication and cultural reality disclosure”.²⁶ The effects of language shift have also a significant impact on the buildings of secondary socialization which takes place every time an individual comes into contact with various contexts of the objective reality.

Key Factors and Players of Decolonization

Colonialism is almost always a consequence of imperialism, points out Edward Said, one of the most influential scholars in the field of postcolonial studies: “In our time direct colonialism has largely ended; imperialism, as we shall see, lingers where it has always been, in a kind of general cultural sphere as well as in specific political-ideological, economic, and social practices”.²⁷ Political discourse and a broad public discussion on postcolonial conditions and on decolonization in contemporary Ukraine started after the civil revolution of 2013-2014 known as Euromaidan. However since the beginning, it has been channeled into the processes of decommunization initiated in 2015 when a set of de-communization laws were adopted by the Ukrainian parliament: *On the Condemnation of the Communist and National Socialist (Nazi) Regimes, and Prohibition of Propaganda of Their Symbols; On the Legal Status and Honoring the Memory of Fighters for Ukraine’s Independence in the Twentieth Century; On Perpetuation of the Victory over Nazism in World War II of 1939-1945; On Access to Archives of Repressive Organs of the Totalitarian Communist Regime, 1917-1991*. In March 2019, the Institute of National Memory operating under the Cabinet of Ministers of Ukraine initiated an apparently distinct decolonization campaign concerned predominantly with changes in city and street names as well as with the question of the origins and the time of the founding of some cities in southeast of the country trapped in a ‘colonial mind-set’. In this way, decolonization is related to the previous campaign of de-communization and is presented as the next stage of rethinking Ukrainian history after centuries of the ‘imperial discourse’. However, it would be appropriate to identify the differences and distinguish between the processes of de-communization and of decolonization: an amalgamation of two such different contexts appears un-

²⁶ R. F. Parsons, T. Bales, *Family: Socialization and Interaction Process*, London, Routledge, 1956, pp. 46-48.

²⁷ E. W. Said, *Culture and Imperialism*, New York, Alfred A. Knopf, Inc. 1993, p. 44.

founded from a methodological perspective and may lead to mistaken views about two concepts. At the same time, a stronger understanding of the fundamental issues of colonialism and, consequently, of the processes of decolonization requires an interdisciplinary approach and a thorough reflection on a very specific Ukrainian postcolonial condition, as well as a more nuanced analysis of its different facets: historical, political, economic and social factors, but also cultural and linguistic influences, psychological effects and ethical implications.

One of the most important sources for possible approaches to such research is the analytical essay *Les damnés de la terre* written by Franz Fanon, a French psychiatrist born in Martinique, a distinguished forerunner of postcolonial theory. Published in 1961 in Paris and prefaced by Jean-Paul Sartre, *Les damnés de la terre* stands out because of its universal interpretation of social, cultural and human consequences of colonization and still remains one of the most fundamental works devoted to the issues of decolonization both at the individual and societal levels. In the 1950s of the twentieth century, Fanon was directly involved in the Algerian war of Independence from France and studied on an empirical basis the psychopathologies of the colonization, formulating a model of personal and societal decolonization.

Describing colonial mentality, Fanon identifies the linchpin of the problem which, combined with other factors, determines the personal and social alienation of the colonized peoples. At the individual level, the mechanism of colonization results in depersonalization consisting in an altered state of self-awareness, in detachment from reality and, ultimately, in self-destructive attitudes. Thus, individual decolonization, which is taking place in a determined historical context, basically means the liberation of a human being: “La décolonisation est très simplement le remplacement d’une ‘espèce’ d’hommes par une autre ‘espèce’ d’hommes. Sans transition, il y a substitution totale, complète, absolue”.²⁸ On the contrary, at the societal level decolonization means a long and complex historical process, during which a completely different social experience, a new language and a ‘new humanism’ are elaborated. At the same time, society can play a decisive role in postcolonial transformations, as within it the two key players capable of determining the course of decolonization emerge: national bourgeoisie and national intellectuals.

²⁸ “The decolonization is quite simply the replacing of a certain ‘species’ of men by another ‘species’ of men. Without any period of transition, there is a total, complete, and absolute substitution” (F. Fanon, *Les damnés de la terre*, Paris, La Découverte & Syros, 2002, p. 39).

In post-colonial countries, the national bourgeoisie is absent by definition, since it reflects the determined economic conditions: in the colonies, even after gaining political independence, the economic reality remains *a foreign reality*. During its rule, the mother country favors the development of certain regions, removing the rest of them from economic life: in this way, the economy of the former colony is not integrated at the national level. The overcoming of the colonial development model is an essential requirement for the rise of the native bourgeoisie as well as of the middle class. At the same time, the bourgeoisie in the newly independent countries usually is reluctant to implement economic and institutional reforms that bring modernization: the colonized bourgeoisie directs its efforts towards activities of the intermediary type, mostly oriented to exploitation and export of natural resources and not to production, innovation or job creation. Thus, the colonized bourgeoisie actually becomes a conductor of pseudo-capitalism, which is often disguised as neo-colonialism. Huge profits made out of the exploitation of natural resources of its native soil are not invested in research and development, but exported abroad and deposited in foreign banks. On the other hand, “des sommes importantes sont utilisées en dépenses d’apparat, en voitures, en villas, toutes choses bien décrites par les économistes comes caractéristiques de la bourgeoisie sous-développée”.²⁹

Besides the national bourgeoisie, the other key player is the decolonized intellectuals responsible for creating not only linguistic but also social norms in renewed society. Studying literary texts of African writers (and anticipating in some way the method of contrapuntal reading of E. Said), Fanon, distinguishes three phases in the transformation of the consciousness of the intellectuals in the context of colonization. The first period is characterized by an unqualified assimilation: “L’intellectuel colonisé prouve qu’il a assimilé la culture de l’occupant”.³⁰ Actually, the native intellectual feels estranged and disaffected from own people. Conversely, during the second phase the native intellectual feels distraught; they decide to remember what they are. This is a period “d’angoisse, de malaise, de la mort, c’est aussi l’expérience de la nausée. On se vomit, mais déjà, par en dessous, s’amorce le rire”.³¹ In

²⁹ “large sums are spent on display, on cars, country houses, and on all those things which have been justly described by economists as characterizing an underdeveloped bourgeoisie” (F. Fanon, *Les damnés de la terre*, cit., p. 151).

³⁰ “The native intellectual gives proof that he has assimilated the culture of the occupying power” (F. Fanon, *Les damnés de la terre*, cit., p. 211).

³¹ “of distress and difficulty, where disgust is experienced: we spew ourselves up, but already underneath laughter can be heard” (F. Fanon, *Les damnés de la terre*, cit., p. 211).

the third 'fighting' phase, the native intellectual, after having tried to lose himself in the people and with the people, will on the contrary shake the people: "Maintenant qu'ils se trouvent placés dans des situations exceptionnelles, en prison ou à la veille de leur exécution, ils ressentent la nécessité de dire leur nation, de composer la phrase qui exprime le peuple, de se faire le porte-parole d'une nouvelle réalité en actes".³²

Fanon also warns the colonized intellectuals of fundamental errors they should avoid in this third, decisive phase. To try to find new cultural expressions and to give new values to national culture within the framework of colonial domination, for instance, or to complain about a weak national consciousness of the people: actually, they have never experienced the national culture in real life as colonial domination disrupts the cultural life of a conquered people and determines the cultural obliteration of national reality. Another classic mistake made during the third phase is to take refuge in setting out and substantiating the claims of own culture, spending time in describing its particularism and in arranging of a 'detailed, methodical, sentimental and fruitless' inventory of national cultural legacy. The core messages for reflection that national intellectuals, according to Fanon, should convey to society are: the poverty of the people, national oppression, and the inhibition of culture are one and the same thing; the condition for the existence of culture is the revival of the State; a non-existent culture can hardly be expected to have bearing on reality, it is the national character that makes the culture insightful to other cultures: "Ce que n'existe pas ne peut guère agir sur le réel, ni même influencer ce réel".³³ And finally, the national consciousness, at the time of its success, must be transformed into a social and political consciousness: until it doesn't occur, the future will bring not liberation but the spread of imperialism.³⁴

Cultural Archetypes and Restoration of the Status of the Ukrainian Language

Most phenomena studied by Franz Fanon (such as individual and social decolonization, reconstruction of cultural heritage through the rebuilding of the

³² "Even in exceptional circumstances, in prison, or on the eve of their execution, they feel the need to speak to their nation, to compose the sentence which expresses the heart of the people, and to become the mouthpiece of a new reality in action" (F. Fanon, *Les damnés de la terre*, cit., p. 212).

³³ "What does not exist, cannot in any way have an effect on reality nor influence reality" (F. Fanon, *Les damnés de la terre*, cit., p. 233).

³⁴ F. Fanon, *Les damnés de la terre*, cit., pp. 230-252.

nation, or transformation of the national consciousness into a social and political consciousness) are the essential characteristics of social reality in post-Maidan Ukraine. Ukrainian society is experiencing some kind of a ‘future shock’, adopting the term of Alvin Toffler (‘too much change in too short a period of time’) and, at the same time, a deep shift between past, present and future. The asynchronous dynamics of Ukrainian history tended to be particularly acute after the Maidan protest events in November 2013 – February 2014: on the one hand, unfinished processes of State and Nation building (starting from a fragmentary perception of the colonial fact and, consequently, the failure to complete the process of decolonization) have been evidenced; on the other hand, Ukraine has been facing complex contemporary challenges in its effort to build a more democratic society with preeminent issues of ethics and of human dignity raised by Maidan.

Russian aggression on Ukraine has deeply affected the speakers’ sense of identity and language consciousness resulting in a large language shift towards Ukrainian. The perception of life events through *authentic language* as well as a process of rethinking of national identity have been evidenced. In March of 2022 in Mariupol, two months before the Russian occupation of the city, the President of Ukraine Volodymyr Zelens’kyj exposed a fundamental subject that reflects the linguistic attitude of most Ukrainians:

[...] тому що російська мова тепер асоціюватиметься лише з вами, із вашими вибухами та вбивствами, вашими злочинами [...] Росія сама робить усе, щоб на території нашої держави відбулася дерусифікація.³⁵

Particularly incisive are the considerations on the Ukrainian language expressed by the Commander-in-Chief of the Armed Forces of Ukraine General Valerij Zalužnyj:

Ціною життів кращих ми виборюємо право говорити рідною мовою, бути українцями, визначати своє майбутнє. Українська мова – це мова наших батьків і дітей. Мова нашої Перемоги.³⁶

One of the first systematic studies of the language situation in Ukraine after the Russian invasion is the report of National Institute for Strategic

³⁵ “because the Russian language will now be associated only with you, with your explosions and murders, with your crimes [...]. Russia itself is doing everything it can to ensure that de-Russification takes place in our country”, <<https://interfax.com.ua/news/general/818-351.html>>.

³⁶ “We are fighting for the right to speak our native language, to be Ukrainians, to determine our future at the cost of the lives of our best people. Ukrainian is the language of our parents and children. It is the language of our victory”, <<https://twitter.com/GeneralStaffUA/-status/1590373337293033473>>.

Studies published in May of 2023.³⁷ The key aspect reflecting the current situation is a progressive expansion of the Ukrainian-speaking audience evidenced by the data of various sociological studies analyzed in the report. According to the data provided by the Sociological Group “Rating” that in March 2022 conducted a nationwide survey on the language issue in Ukraine, the main trends are:

- an increasing of the people who consider Ukrainian their native language: from 2012 to 2022 – the number increased from 57% to 76%;
- a decreasing of the Russian-speaking segment of Ukrainians: in 2012, there were about 40%, at the end of 2021 – 26%, and at the beginning of the war – 18%;
- the consolidation of the attitude of Ukrainian society to the issue of the state language: a large majority – 83% – expressed the opinion that the only state language should be Ukrainian.³⁸

Some important changes in the language situation were recorded by a survey *Language and identity in Ukraine at the end of 2022* conducted in December 2022 by the Kyiv International Institute of Sociology, and namely:

- increasing the share of Ukrainian speakers in everyday life and reducing the share of Russian speakers: in December 2022, 41% of respondents indicated that they communicate exclusively in Ukrainian, another 17% indicated that they mostly communicate in Ukrainian. Instead, those who speak only Russian turned out to be 6%, mostly Russian – 9%: compared to 2017, the share of Ukrainian speakers increased by 8%, while the share of Russian speakers decreased by 11%;
- in the family circle, only or mostly Ukrainian is spoken by 52% of respondents, only or mostly Russian – by 16%: this is a significant change compared to 2017, when only or mostly Ukrainian was spoken by 51%, and only or mostly Russian – by 25%;
- at work or in school, Ukrainian is spoken even slightly more than at home: 68% uses only or mostly Ukrainian and 11% Russian;
- a huge increase in the share of people who consider the Russian language to be completely unimportant in 2022: over 58% (only 9% in 2014): even in traditionally Russian-speaking regions this opinion is shared by 46%;
- a huge increase in of citizens who associate themselves with Ukrainian nationality in the South and East of Ukraine. If in 2017 there were 64% of them, then in 2022 – 90%.³⁹

³⁷ *Ukrajins'ka mova pid čas vijny: ključovi tendenciji rozvytku*, National Institute for Strategic Studies May 5, 2023, <<https://niss.gov.ua/news/komentari-ekspertiv/ukrayinska-mova-pid-chas-viyny-klyuchovi-tendentsiyi-rozvytku>>.

³⁸ *Šoste zahalnonacional'ne opytuvannja: movne pytannja v Ukrajini*, March 19, 2022, <https://ratinggroup.ua/research/ukraine/language_issue_in_ukraine_march_19th_2022.html>.

³⁹ *Mova ta identyčnist' v Ukrajini na kinec' 2022 roku*, Kyiv International Institute of Sociology, Dec. 2022, <<https://www.kiis.com.ua/?lang=ukr&cat=reports&id=1173&page=1>>.

In March of 2023 another sociological survey conducted by the Research Agency Info Sapiens confirmed the trend of strengthening the position of the Ukrainian language: during the year of the war, the share of Ukrainian speakers increased from 46% in February 2022 to 62% in January 2023.⁴⁰

The most relevant conclusions of the report of National Institute for Strategic Studies regarding the current language situation in Ukraine are:

- the integrative function of the Ukrainian language that came to the fore in 2022: the Russian language, while remaining a means of communication for a certain part of Ukrainians, has actually ceased to be a marker of nationality;
- the intensification of the process of Ukrainization following the full-scale Russian invasion: the Ukrainian language is gradually beginning to dominate in those regions (South and East of Ukraine) and areas (informal communication, professional employment, virtual space) where it did not occupy leading positions for a long time;
- the growth of the social prestige of the Ukrainian language due to internal migration in the context determined by the war and characterized by the implementation of Ukrainian-centric civic initiatives implemented, in particular, by a number of Ukrainian higher education institutions.⁴¹

Among the eradicated elements are the various Ukrainian language courses for Russian speaking refugees from Southern and Eastern Ukraine. Symptomatically, these language courses typically consist of two modules: Morpho-syntax taught by language teachers and Socio-cultural aspects of identity formation held by clinical psychologists. It is rather curious that most students know Ukrainian (because they studied it at school and/or university) but struggle to overcome a psychological barrier to using Ukrainian for communication. This fact is particularly evocative when paralleled with Franz Fanon's interpretations in the different context and apparently opposed dynamics of decolonization of individuals and societies. Is there a way to effectively combine these two approaches? What is the basis for the elaboration of a 'new language' and a 'new humanism' in the specific context of Ukraine? Is it possible to rebuild a sense of cultural and linguistic continuity of the Ukrainian nation and how can this be achieved? Ukrainian philosopher Serhij Kryms'kyj has studied Ukrainian cultural heritage values closely within the framework of the discontinuity of its history, highlighting the ethno-creative power of culture potentially capable of actualizing not only embodied experiences but also unfulfilled potential and possible 'past futures' of historical time.

⁴⁰ *Zmìny v ukrajins'komu suspil'stvi za rik povnomashtabnoji vijny*, Info Sapiens, February 2023, <<https://www.sapiens.com.ua/ua/socpol-research-single-page?id=259>>.

⁴¹ <<https://niss.gov.ua/news/komentari-ekspertiv/ukrayinska-mova-pid-chas-vijny-klyuchovi-tendentsiyi-rozvytku>>.

The starting point of Kryms'kyj's theory is the fact that cultural archetypes, "мають здатність висвітлювати не лише найдавніші, а й майбутні часи історично-культурного життя етносів".⁴² Cultural archetypes, according to Kryms'kyj, represent holistic patterns that in different epochs are embodied in different symbols and cognitive models:

Вони асоціюють особливе методологічне бачення, коли завдяки перетворенню минулого на символи останніми окреслюються смисли майбутнього, а архетипи висвітлюються як "культура попереду нас".⁴³

Among the basic elements of Ukrainian culture, Kryms'kyj emphasizes the notion of 'Word' in the meaning of 'Logos' used in ancient Greek philosophy and in early Christian theology: in the spiritual life in Ukraine, the Word has always been related to freedom of thought and to human liberty in whole and has been regarded as essential ethical value: "В інтервалі між абетковою молитвою святого Кирила й мовною молитвою Тараса Шевченка і виявляється сійво архетипу Слова в українській культурі".⁴⁴

These visions make a striking contrast to the accounts of Franz Fanon's patients affected by the colonization syndrome: for them, "les mots n'ont plus de valeur, pas beaucoup en tout cas".⁴⁵ The linkage between Frantz Fanon's and Serhij Kryms'kyj's theoretical legacies could be a starting point for more detailed studies with a proposal to develop fresh research approaches for the conceptualization of the language issue in post-war Ukraine that still remains without a satisfactory answer: very tragically – and outrageously – the recent war has done more to decolonize Ukraine and its language use than any previous legal reforms. The language complexities in contemporary Ukraine as well as an ongoing process of recovering of identity through authentic language require a new, multi-layered and a more nu-

⁴² "[they] have the ability to awaken not only events and experiences representing the collective past but can also illuminate the future of cultural history of nations" (S. Kryms'kyj, *Ukrajins'ka kul'tura ta jiji bazovi archetypy*, in *Mudrecy vsegda v menšinstve*, Kyjiv, Vydavnyčyj dim Dmytra Burago, 2012, p. 34).

⁴³ "We can associate them with a special methodological approach when, due to the transformation of the past into a symbol of the past, the meanings of the future are outlined, and the archetypes enlighten 'the culture ahead of us'" (S. Kryms'kyj, *Ukrajins'ka kul'tura ta jiji bazovi archetypy*, cit., p. 45).

⁴⁴ "In the interval between the alphabet prayer of Saint Cyril and the 'voice of truth' in Taras Ševčenko's language prayer the radiance of the archetype of the Word in Ukrainian culture can be seen" (S. Kryms'kyj, *Ukrajins'ka kul'tura ta jiji bazovi archetypy*, cit., p. 52).

⁴⁵ "words no longer have any weight, not much anyway" (F. Fanon, *Les damnés de la terre*, cit., p. 265).

anced approach capable of changing current interpretations and understandings of the issue of Ukrainian language decolonization in law and practice.

Conclusions

The legislation on ensuring the functioning of the Ukrainian language as a state language only goes part way towards restoring the real – and not only formal – status of the Ukrainian language after a long period of lingual assimilation. From a sociological point of view, certain provisions of the law can be correlated with the secondary socialization mechanisms; thus, the strengthening of the state-building and consolidating functions of the Ukrainian language is possible only on condition that truly authentic contexts of socialization are restored. Obviously, this cannot be achieved only by adopting language laws; it will be a very complex and lengthy process that can be defined as a ‘reversing language shift’.

The Ukrainian language is one of most important markers of national statehood and national identity directly affected by the Russian full-scale invasion which, paradoxically, has intensified the process of Ukrainization of Russian speaking Ukrainians. The Russian language, while remaining a means of communication for a certain part of Ukrainians, has actually ceased to be a marker of nationality. Using in reverse order the formula of Karl Deutsch on forced linguistic assimilation which can absorb every year up to 0.5 % of the population,⁴⁶ we can suppose that the restoration of the real status of the Ukrainian language can take several decades (if the last Soviet period of systemic linguistic assimilation is taken as a reference point), provided that the key players of society, namely the middle class and intellectuals, will actively contribute to the process of recovery of linguistic identity. Undoubtedly, the war is susceptible to accelerate the processes of ‘reversing language shift’ of a part of Russian speaking Ukrainians, since Russian invasion into Ukraine has determined an unprecedented growth of social prestige and popularity of the Ukrainian language, both in Ukraine and abroad. At the same time, the ‘battle for Ukrainian’ is still far from being won, and Ukrainian intellectuals are likely to have a specific task in post war period, apart from essential functions defined by Franz Fanon and described in this essay: over and above the rebuilding of a sense of historical and cultural continuity and the recovery of national linguistic identity, they should initiate a modern discourse (in the sense of social construction of consciousness) by formulat-

⁴⁶ O. Kartunov, *Vstup do etnopolitohiji*, Kyjiv, UETP Krok, 1999, p. 179.

ing well-defined research questions and proposing an appropriate methodology for the conceptualization of processes of linguistic decolonization and, namely, of recovering of identity through language in a historical and political context of unique complexity; by promoting a comprehensive interdisciplinary study in order to point out the language and culture interaction in Ukraine and its importance for society. The alternative to social perceptions of linguistic authenticity and to the restoration of the Law of Words would be the pernicious effect of deep-rooted mechanisms still aiming at restricting the use of the Ukrainian language, both in public and private spheres, up to the transformation in some kind of socio-ethnic dialect which rights are formally enshrined in law in a formally independent Ukraine.

Abstract

Language identity and language laws in Ukraine: implementation challenges and the real impact on society.

The question of language as a marker of cultural and political identity in contemporary Ukraine remains a complex problem despite extensive scholarly literature on language processes and the sociolinguistic situation in general within the country. The challenges in implementing the law *On ensuring the functioning of Ukrainian as the state language* (2019) – not least the Venice Commission recommendations and the criticism voiced by various groups within Ukraine opposing the Law – have highlighted a number of concerns facing Ukrainian society that appear destined, fatally, to *remain without* a satisfactory *answer*. This essay is innovative in that it links Frantz Fanon's and Serhij Kryms'kyj's theoretical legacies with a proposal to develop fresh research approaches for the conceptualization of the language problem in postwar Ukraine.

Keywords: Ukrainian Language, Linguistic identity, Language Shift, Social and Linguistic Prestige, Postcolonial Theory.

