The Trajectory of Language Laws in Ukraine: Inclusions and Omissions in Naming and Categorization since 1989*

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Introduction

During three decades of Ukraine's independence, Ukrainian has held the official status as the country's sole state language, but there have been significant shifts in the legally designated statuses and uses of other languages. Language regulation has been contentious, and there has been much complexity, ambiguity, and contradiction in language laws. The aim of this paper is to present an overarching view of the trajectory of language regulation since 1989, by examining the languages that are named and the language categories that are listed in Ukraine's key language laws. References to languages by name include terms such as Ukrainian, Russian, English, and Ukrainian Sign Language. Language categories refer to aspects of sociopolitical status, such as state language, minority language, language of international communication, and language of European Union countries. Omissions, when particular languages are not named, or when a language category implies exclusion of certain languages, are also significant. This analysis compares the laws of 1989, 2012, and 2019, which focus specifically on language regulation, along with the language regulating portions of the 1996 Constitution. While much has been written on language politics in Ukraine, this analysis presents a lens through which to view the major shifts in language law. While there are some consistent features across all four documents examined, terms that are unique to given laws highlight key shifts in ideologies of language regulation.

 The 1989 "Law on languages of the Ukrainian SSR" serves as a starting point.[1] It was enacted by the government of the Ukrainian Soviet Socialist Republic, but remained in force in independent Ukraine, with minor revisions in 1995 and 2003, until it was formally invalidated in 2012. Next to be considered in this analysis is the supreme law of Ukraine, the Constitution, adopted in 1996,

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1   Zakon Ukraiins'koi Radians'koi Sotsialistychnoi Respubliky "Pro Movy v Ukraiins'kii RSR," № 8312-11, adopted 28 October 1989, https://zakon.rada.gov.ua/laws/show/8312-11/ed19891028#Text. Hereafter all the websites were accessed in July 2022.

which includes articles that focus on language regulation.[2] The contentiousness of the language question meant that while various laws were drafted to replace the 1989 law, none were passed until 2012, when still with much controversy, the law "On the principles of state language policy" was enacted.[3] The 2012 law was declared unconstitutional in 2018 and so is no longer in force, but it is considered here for its import in the historical trajectory of language policy and ideology. The last law examined in this comparison is the 2019 law "On ensuring the functioning of Ukrainian as the state language."[4] This law shows the most radical departure from the Constitution and the other two language laws in terms of the languages named in the law, the language categories used, and ideological ramifications.

Although no "language law" as such was passed to replace the Soviet 1989 law until 2012, the language issue was addressed piecemeal in laws that focused on other topics, such as laws on television and radio broadcasting, print media, public service, and education. Additionally, other significant documents concerning language regulation included legal interpretations by Ukraine's Constitutional Court, Presidential decrees, and international conventions and charters ratified by Ukraine, such as the European Charter for Regional or Minority Languages. While these other pieces of legislation will not be the focus of the core analysis in this paper, we will occasionally refer to them and comment on their relevancy in shaping Ukraine's main language laws and in understanding the overarching trajectory of language regulation in Ukraine. For a more comprehensive examination of language-related laws, we refer the reader to Bill Bowring's analysis of laws through 2008, with particular consideration of Ukraine's international obligations due to signed conventions,[5] Michael Moser's overview of laws through 2012,[6] and most recently, many relevant chapters in the 2019 volume on language legislation edited by Bohdan Azhniuk.[7]

THE SOCIOLINGUISTIC CONTEXT

When Ukrainian was declared the sole state language of Ukraine in 1989, this challenged the status quo in which Russian was the dominant language—the

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2   Verkhovna Rada Ukraiiny, *Konstytutsiia Ukraiiny*, 28 June 1996, № 254k/96-VR, http://zakon4.rada.gov.ua/laws/show/254к/96-вр#Text

3   Zakon Ukraiiny "Pro zasady derzhavnoii movnoii polityky," № 5029-VI, adopted 3 July 2012, https://zakon.rada.gov.ua/laws/show/5029-17#Text

4   Zakon Ukraiiny "Pro zabezpechennia funktsionuvannia ukraiins'koii movy iak derzhavnoii," № 2704-VIII, adopted 25 April 2019, https://zakon.rada.gov.ua/laws/file/2704-19

5   Bill Bowring, "Language Policy in Ukraine: International Standards and Obligations, and Ukrainian Law and Legislation," in Juliane Besters-Dilger, ed., *Language Policy and Language Situation in Ukraine: Analysis and Recommendations* (New York: Peter Lang, 2009).

6   Michael Moser, *Language Policy and Discourse on Languages in Ukraine under President Viktor Yanukovych (25 February 2010-28 October 2012)* (Stuttgart: Ibidem Verlag, 2014).

7   Bohdan M. Azhniuk, ed., *Movne Zakonodavstvo i Movna Polityka: Ukraiina, Ievropa, Svit* (Kyiv: Dmytro Buraho Publishers, 2019).

language of urban environments, higher education, and political and economic power. Russian as a language of power had deep historical roots in tsarist and then Soviet-era laws and practices, while Ukrainian language was treated as second-rate and its use suppressed.[8] Since 1989, Ukrainian has remained the sole state language during the three decades of the country's independence, but this status often did not reflect the realities of usage, and it continued to be contested both legally and in practice.[9] The use of Ukrainian in state and public institutions has grown steadily since 1989, but use of Russian continues to be widespread in these spheres. There are many cases of citizens going to court to fight for their right to receive education or public services in the state language.[10] For a long time there were no consequences for infractions of legal stipulations regarding language use in the media, and as Volodymyr Kulyk argues, in 2006 this "laissez-faire policy resulted in the preservation or even consolidation of the dominance of Russian."[11] There have also been efforts to give Russian official status alongside Ukrainian, such as the 2012 language law, which eroded the requirement for Ukrainian (or at least some portion of Ukrainian) in public spheres. The 2012 law has been rescinded as unconstitutional, but the issue of language regulation is by no means settled. The "tug-of-war" between Ukrainian and Russian has continued through different government administrations, protests, and war.

The contentiousness of the language question was exacerbated by laws that were contradictory and allowed for various interpretations. As Kulyk aptly summed up, "The most salient feature of Ukraine's language legislation is ambiguity."[12] He argued that the ambiguity and inconsistency of legislation made it possible for the opposed camps of supporters of wider use of Ukrainian and wider use of Russian to coexist, "allowing the authorities in every given situation to treat the law in accordance with their understanding of interests of the state and society."[13] Legislation up to and including the 2012 language

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8   See George Y. Shevelov, *The Ukrainian Language in the First Half of the Twentieth Century (1900-1941): Its State and Status* (Cambridge, Mass.: Harvard University Press, 1987), Laada Bilaniuk, *Contested Tongues: Language Politics and Cultural Correction in Ukraine* (Ithaca: Cornell University Press, 2005), and Larysa Masenko, ed., *Ukrains'ka mova u XX storichchi: istoriia lingvotsydu* (Kyiv: Vydavnychyi dim Kyievo-Mohylians'ka Akademiia, 2005).

9   Volodymyr Kulyk, "Normalisation of Ambiguity: Policies and Discourses on Language Issues in Post-Soviet Ukraine," in Barbara Törnquist-Plewa, ed., *History, Language and Society in the Borderlands of Europe: Ukraine and Belarus in Focus* (Malmö: Sekel Bokförlag, 2006), pp. 123–124; Volodymyr Kulyk, "Ideologies of Language Use in Post-Soviet Ukrainian media," *International Journal of the Sociology of Language* 201 (2010), pp. 79–104; Larysa Masenko, *Mova i Polityka* (Kyiv: Soniashnyk, 1999), pp. 73–76; and Moser, *Language Policy and Discourse on Languages in Ukraine under President Viktor Yanukovych,* pp. 29–20, 35.

10   Roman Huba, "Movni sanitary: liudy, iaki zrobyly zakhyst ukraiins'koii movy svoieiu robotoiu," *Zaborona* (2018), https://zaborona.com/interactive/movni-sanitary/.

11   Kulyk, "Normalisation of Ambiguity," p. 123.

12   Ibid., p. 118.

13   Ibid., p. 122.

law contained much ambiguity and contradictions, but the 2019 law broke that trend, eliminating much, but not all, of the ambiguity.

Ukraine's language laws reflected a regime of everyday Ukrainian-Russian bilingualism which itself embodies seeming contradictions. In some situations, the choice between these two languages does not matter, because people can understand one another, and often practice what is termed "non-accommodating" or "receptive" bilingualism. In other situations, the choice is highly politicized, as some view Russian language as a weapon that undermines Ukraine's sovereignty and supports Russia's imperialist intentions.[14] Russia's seizure of Crimea and the ongoing war with Russian-backed separatists in the Donbas region has provided justification for both sides of this seemingly contradictory situation. On the one hand, many Russophone soldiers fight for Ukraine, demonstrating that one can speak Russian and be a Ukrainian patriot. On the other hand, many people have felt that using Russian plays into the hands of the enemy, and so have switched from Russian to Ukrainian to demonstrate their support for Ukraine's sovereignty.[15] A 2020 survey found that a large majority of Ukrainians support the idea that the Ukrainian language is an important symbol of the country's independence, and that it should be spoken in the sphere of education and by government leaders and civil servants.[16] However, there were sizable regional differences, with southern and eastern regions less likely to support the legal requirements for use of Ukrainian in public spheres. In these ways language choice both does, and does not, matter.

The most recent Census of 2001 provides a basis from which to discuss ethnolinguistic identity in Ukraine. The census used the term "nationality" (natsional'nist' in Ukrainian), which was widely established in the USSR, recorded in documents from classroom registers to passports. Everyone was categorized by nationality, as it was seen as an essential aspect of each person's identity.[17] The use of the term "nationality" in Ukraine and elsewhere in former Soviet countries overlaps with the concepts of ethnicity and race. It is important to bear in mind that understandings of these terms can differ, among both scholars and laypeople, in the degree to which they are determined by

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14 Laada Bilaniuk, "Ideologies of Language in Wartime," in Olga Bertelsen, ed., *Revolution and War in Contemporary Ukraine: The Challenge of Change* (Stuttgart: Ibidem Verlag, 2016), pp. 139–160.

15 Laada Bilaniuk, "Linguistic Conversions: Nation-Building on the Self," *Journal of Soviet and Post-Soviet Politics and Societies* 6:1 (2020), pp. 59–82; Corinne Seals, *Choosing a Mother Tongue: The Politics of Language and Identity in Ukraine* (Bristol: Multilingual Matters, 2019).

16 Halya Coynash, "Most Ukrainians Say Their Language Is an Important Aspect of Ukraine's Independence," *Human Rights in Ukraine.* Kharkiv Human Rights Protection Group (KhPG), 16 September 2020, http://khpg.org/en/index.php?id=1600221162.

17 Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923–1939* (Ithaca: Cornell University Press, 2001); Yuri Slezkine, "The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism," *Slavic Review* 53:2 (1994), pp. 414–452.

heritage or acquired through socialization.[18] In this paper, "ethnicity" is used by the author as synonymous with "nationality." While nationality is no longer listed in Ukrainian passports, the term is still part of public discourse, although its meaning has been shifting from a hereditary and cultural identity to a civic one, based on citizenship, while ethnicity (etnichnist') is appearing more often in use.[19] As discussed below, the 1989 language law uses the term "mova mizhnatsional'noho spilkuvannya" (based on the cognate for "nationality") while the 2019 law uses the term "mova mizhetnichnoho spilkuvannya" (based on the cognate for "ethnicity") to refer to communication between groups.

According to the 2001 census, 77.8% of people identified their nationality as Ukrainian, 17.3% Russian, and 4.9% other identities.[20] Among these groups, 85.2% of ethnic Ukrainians declared Ukrainian as their native language, and 14.8% declared Russian. Among ethnic Russians, 95.9% declared Russian as their native language, 3.9% declared Ukrainian, and 0.2% another language. Of the 4.9% of the population stating that they belong to other nationalities, the percentage declaring their titular native language varied widely, from a high of 95.4% among ethnic Hungarians to 3.1 % among Jews (Jewish being traditionally seen as a "nationality," but without specification of whether Hebrew, Yiddish, or another language was meant in the census data).[21] Those ethnic minorities not declaring their titular language as native predominantly claimed Ukrainian or Russian as their native language, with some naming other languages as well. This shows that there is great variability in ethnolinguistic affiliations among the 4.9% of the population who do not identify as either ethnic Ukrainians or Russians, and are variously referred to in the laws as "nationalities," "national minorities," or "indigenous peoples of Ukraine." A review of the terminology used in the Constitution and language laws shows that the earliest (1989) law was the most liberal and supportive of all linguistic diversity. Later laws narrowed the category of languages that are granted special rights, with special consideration for indigenous languages and languages of the European Union.

ANALYSIS OF UKRAINE'S LANGUAGE LEGISLATION

The official online portal of the Parliament of Ukraine provides a comprehensive database of historic and current legal documents of Ukraine.[22] The original Ukrainian-language documents provided through this database were used as

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18   Laada Bilaniuk, "Race, Media, and Postcoloniality: Ukraine Between Nationalism and Cosmopolitanism," *City and Society* 28:3 (2016), pp. 343–344.

19   Julia Ioffe, "Eastern Ukraine Is Still Fighting its Past" *New Republic,* 5 March 2014, https://newrepublic.com/article/116897/eastern-ukraines-history-under-stalin-holding-it-back.

20   National composition of population, *All-Ukrainian Population Census* (2001), http://2001.ukrcensus.gov.ua/eng/results/general/nationality/

21   Linguistic composition of the population, *All-Ukrainian Population Census* (2001), http://2001.ukrcensus.gov.ua/eng/results/general/language/

22   Online portal of the Parliament of Ukraine, zakon.rada.gov.ua.

the source for this analysis. As explained above, the focus is on the country's 1996 Constitution and the three major laws regulating language that were enacted in 1989, 2012, and 2019. As this is an analysis of trends in language laws over time, the analysis was conducted on the original version of each law when it was first passed. Terms and excerpts from the laws are presented in the author's translation, with transliterated original terms occasionally included for reference.

Each document was first searched for any mention of named languages. Next the documents were searched for categories used to designate the language(s) to be used in a particular situation. Categories that specified a language status or function were only included if they also implied a specific language or group of languages. For example, "state language" designates a function and status, and laws regulate which language should have that status. However, in Ukraine's laws the term "state language" is also used to designate the specific language to be used in particular contexts. Ukrainian language has been consistently designated the sole state language of Ukraine since 1989, and the term "state language" (derzhavna mova) is used widely without restating that it is Ukrainian. For example, in the Constitution, Article 10 designates Ukrainian as the state language. Later, Article 103 specifies that the President must speak the state language, with no mention of it being "Ukrainian" in that article. Thus "state language" serves to specify a particular language without naming it. It is as if "Ukrainian language" and "state language" are synonyms. The use of "state language" as a stand-in for "Ukrainian" is not limited to laws but also widespread in everyday life, as people often refer to Ukrainian using only the adjective "state" (*derzhavna*), as in "*Hovory derzhavnoiu*"—Speak the state [language].

While "official languages of the European Union" is a clearly defined set of languages, other categories such as "languages of international communication" are more ambiguous. In the 1989 law, the latter category is only used to name a sphere of language use that is to be regulated. The 1989 law designated "Ukrainian, Russian and other languages" to fill the role of international languages in the Ukrainian SSR, with added mention of support for free use of Russian as the international language of peoples of the USSR. The category is not used by itself to imply particular languages. In contrast, in the Constitution and the 2012 and 2019 laws, the category of "languages of international communication" is used to imply a set of languages that are to receive particular treatment from the government, in the phrasing, "the state promotes the learning of languages of international communication." In the 2019 law, this phrasing is followed by the specification "especially English language." Thus "languages of international communication" are not just a context to be regulated, but the term is also understood to refer to a particular group of languages, even if they are not all named in the document.

A category that is used to imply specific languages can remain vague on just what those languages might be. The 1989 law in particular is characterized

by extreme openness to whichever languages people may want to use, in phrasings such as "the language acceptable to the parties" and "the language acceptable to the population of a given locality." Indeed, these categories highlight the idealistic and maximally liberal ideology underlying the 1989 law.

Tables 1 and 2 summarize the occurrence of named languages and categories used to designate particular languages in the three main language laws, namely the 1989 "Law on languages of the Ukrainian SSR," the 2012 law "On the principles of state language policy," and the 2019 law "On ensuring the functioning of Ukrainian as the state language," as well as in Ukraine's Constitution of 1996. These tables provide a lens through which to view the continuities and discontinuities in the trajectory of language legislation in Ukraine during the first three decades of its independence. Themes that emerge from this visualization include: 1) the consistency of "state status" for Ukrainian; 2) the shift from prominence to absence of Russian language; and 3) the later appearance of English and languages of the European Union. Additional themes that reveal key trends are 4) named languages and language categories that are unique to each of the laws, and 5) language standards, "distortions," and dialects, which raise the issue of purism and homogeneity versus diversity. Each of these themes is discussed in more detail below.

Table 1. Languages specified by name in Ukraine's Constitution (1996) and main language laws of 1989, 2012, and 2019.

Named language	1989	1996	2012	2019
Ukrainian	X	X	X	X
Russian	X	X	X	
Crimean Tatar			X	X
English			X	X
Armenian, Belarusian, Bulgarian, Gagauz, German, Greek, Hungarian, Karaim, Krymchak, Moldovan, Polish, Romani, Romanian, Rusyn, Slovak, Yiddish			X	
Ukrainian Sign Language				X
dialects and subdialects of Ukrainian				X

Table 2. Sociopolitical categories of language specified in Ukraine's Constitution (1996) and main language laws of 1989, 2012, 2019.

Language category	1989	1996	2012	2019
state language	X	X	X	X
language of international communication		X	X	X
national languages, languages of nationalities	X	X	X	
native language	X	X	X	

other language	X			
language acceptable to the parties (in government & public organizations)	X			
language acceptable to the population of a given locality	X			
language designated by participants (international conferences)	X			
language of national minorities		X	X	X
regional language or language of minority			X	
language of interethnic communication (1989: mizhnatsional'ne, 2019: mizhetnichne)	X			X
languages of indigenous peoples of Ukraine				X
official languages of the EU				X
foreign language				X

1) The consistency of state status for Ukrainian language

Tables 1 and 2 show that "Ukrainian language" and "state status" are the only entries to appear in all four pieces of legislation analyzed. These two terms have been consistently linked in law, as the status of Ukrainian as the sole state language has remained in place during the three decades of independence since adoption of the "Law on Languages in the Ukrainian SSR" in 1989. As Azhniuk writes, "it is emblematic that the Ukrainian language was declared the state language before Ukraine became a sovereign state," predating Ukraine's independence by more than two years.[23] Indeed all of the Soviet republics first declared their titular language as their state language prior to declaring independence, which underscored the central role of language in the construction of nation and sovereignty. This role is explicitly stated in Ukraine's 1989 Law: "The Ukrainian SSR ensures state status for the Ukrainian language with the goal of promoting the comprehensive development of the spiritual creative forces of the Ukrainian people, guaranteeing its future as a sovereign national state."[24] At the time this was a bold move given the dominant position of Russian in the Soviet Union, but it built on ethnic-national essentialism that persisted in Soviet ideology despite contradictory efforts to transcend ethnic differences.[25] The 1989 law combined these contradictory elements, reifying the connection between Ukrainian language and nation and the need for government support of Ukrainian, while at the same time being maximally liberal, stating that citizens can use any language that they prefer in most contexts. This led to ambiguity in how state status was understood and implemented.

23 Bohdan Azhniuk, "Ukrainian Language Legislation and the National Crisis," in Michael S. Flier and Andrea Graziosi, eds., *The Battle for Ukrainian: A Comparative Perspective* (Cambridge, Mass.: Ukrainian Research Institute, Harvard University, 2017), p. 365.
24 Zakon "Pro Movy v Ukraiins'kii RSR."
25 See Bowring, "Language Policy in Ukraine," pp. 58–59; Martin, *The Affirmative Action Empire*; and Slezkine, "The USSR as a communal apartment."

The 1996 Constitution reaffirmed the state status of the Ukrainian language and reduced some of the ambiguity by not listing Russian and other languages as options for governmental use. However, it still guaranteed support for the "free development, use, and protection of Russian and other languages of national minorities of Ukraine" (article 10) and the right to receive education in one's native language (article 53), without specifying whether this is something funded by the state or not.

The openness of the Constitution regarding other languages, along with the European Charter for Regional or Minority Languages, which was ratified by Ukraine in 2003 and came into force in 2006, allowed for efforts to circumvent the constitutional stipulation of Ukrainian as the sole state language, most notably in the 2012 language law. The 2012 law was ultimately declared unconstitutional in 2018, and the subsequent 2019 law eliminated much of the ambiguity that was present in the wording of prior laws, firmly asserting the state status of Ukrainian language, and making provisions for its wider implementation.

Even before the decisive support of the 2019 law for the use of Ukrainian as the state language, many non-governmental organizations (NGOs) worked to bolster the knowledge and use of Ukrainian in the country, such as *Ne Bud' Baiduzhym* ('Don't be apathetic,' promoting Ukrainian through popular culture and youth outreach),[26] *I tak poimut* ('They'll understand either way,' legal activism to get businesses and institutions to adhere to language laws by providing services and labeling in Ukrainian),[27] and various organizations that offered free Ukrainian language courses for adults, such as the volunteer-run program *Bezkoshtovni kursy ukraiins'koii movy* ('Free courses in Ukrainian language'), founded in 2013 and still going strong in 2022.[28]

2) Russian language: from prominence to omission

Russian language is named in three of the pieces of legislation examined here, in 1989, 1996, and 2012, and it is absent in the 2019 law. The roles legally defined for Russian language change significantly through the years, with a shift from naming Russian as a language of governmental and interethnic communication, to listing Russian as one of several minority or regional languages. The most recent 2019 law does not mention Russian at all, and even implies its exclusion in some contexts, based on privileges accorded only to indigenous languages and official languages of the European Union.[29]

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26   Bilaniuk, "Ideologies of Language in Wartime," p. 145.

27   Sarah Topol, "Tongue-Tied on Ukraine's Front Lines," *Newsweek*, 20 April 2015, http://newsweek.com/2015/05/01/tongue-tied-ukraines-front-lines-323285.html

28   This volunteer initiative was originally founded in response to the 2012 language law, which undermined the use of Ukrainian. More information about the organization and their current activities can be found on their Facebook page: Bezkoshtovni kursy ukraiins'koii movy, *Facebook* (2013), https://www.facebook.com/MovaKursy/

29   The 2019 law did not provide a definition of "indigenous," but the issue was disambiguated in the 2021 law "On Indigenous Peoples of Ukraine," which recognized the indigenous

In the 1989 law, the only language other than Ukrainian to be listed by name was Russian, as a language for governmental use and for interethnic (mizhnatsionalnoho, literally 'inter-nationality') communication. While the 1989 law sought to improve the status of Ukrainian, it retained a privileged status for Russian, requiring its study in schools and endorsing its use in many contexts. In the 1996 Constitution, Russian was again the only language other than Ukrainian to be listed by name, but it was mentioned only once, in article 10, which decreed that the "free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed."[30] Russian was singled out, as no other languages were named in the document, but the phrasing implied that its status was only that of one among various national minority languages. As Kulyk explains, "the acts adopted after the proclamation of Ukraine's 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."[31] The Constitution mentioned state support for the learning of international languages, using the term "movy mizhnarodnoho spilkuvannia," but no languages were listed by name for this role. Education was only required in Ukrainian language, and while the right to schooling in one's native language was guaranteed, there was no specification whether this was to be financed by the state or not, and how it was to be coordinated with the requirement to learn Ukrainian.

The question of whether Russian was to be just one among many languages of national minorities, or whether it should have a special status in Ukraine, continued to be contested and addressed in later laws. This ambivalent status was evident in the 2012 law, which listed Russian along with eighteen other languages of national minorities that were to be protected (see Table 1). While the other languages were listed only once, Russian was singled out and mentioned nine times throughout the document, as an option for various official uses alongside, or instead of, Ukrainian.[32] The 2012 law cited the European Charter for Regional or Minority Languages prominently, seeking to use it to give other languages official status alongside Ukrainian. As argued by Kolomiyets, this effort involved mistranslation of the original charter, which was intended to protect *linguistic minorities or language minorities*—that is, indigenous languages traditionally spoken by a minority of the population of a given territory."[33] However, the term "minority languages" was translated in

peoples of Ukraine as the Crimean Tatars, Karaims, and Krymchaks. Part of the definition of "indigenous" in the 2021 law was that the group does not have a kin-state outside Ukraine, thus Russian did not qualify. See BBC, "Rada ukhvalyla zakon pro korinni narody, iakyi oburyv Putina," 1 July 2021, https://www.bbc.com/ukrainian/news-57679034

30 Verkhovna Rada, *Konstytutsiia Ukraiiny*.
31 Kulyk, "Normalisation of ambiguity," p. 4.
32 Zakon Ukraiiny "Pro zasady derzhavnoii movnoii polityky."
33 Lada Kolomiyets, "Manipulative Mistranslations in Official Documents and Media Discourses on Contemporary Ukraine," *Harvard Ukrainian Studies* 37:3/4 (2020), p. 373 (emphasis in the original).

the Ukrainian version as "movy menshyn," literally "languages of minorities," most likely copying the phrasing of a Russian translation from the French and English originals. "Movy menshyn" can be understood as referring to the language of any group that is numerically smaller than the majority population of the country, regardless of whether they are indigenous to a particular region or not, or whether the language is endangered and requires protection. Thus, the Charter was invoked to justify the 2012 law, to support broader use of Russian, often allowing for Russian or another "regional language or language of a minority" to fulfill roles originally designated only for Ukrainian as the state language.[34] Moser argues that "the protection of the Russian language in Ukraine according to the Charter is at least dubious not so much because the Charter has primarily been issued for the protection of endangered languages, but because the Russian language in Ukraine simply does not meet the criteria of a regional or minority language as defined by the Charter.[35] "The Charter protects languages, not ethnic groups. As Moser explains, the Russian language is widely used as a first, second, or third language by much of Ukraine's population, so the group that uses Russian in Ukraine is not "numerically smaller than the rest of the state's population," as the Charter requires.[36] The 2012 law was ultimately declared unconstitutional in 2018, as the Constitutional Court recognized that it contradicted the status of Ukrainian as the state language.

In the 2019 language law, mention of Russian by name is notably absent.[37] There was already no mention of Russian language in the 2017 Law on Education, whose provisions are largely restated in the 2019 language law. While not named, Russian can be assumed to fall within the category of "languages of national minorities," which, for example, have the right to be taught in their own language in parallel with Ukrainian in preschool and elementary education (article 21). Among minorities, indigenous minorities of Ukraine have additional rights, but a 2021 law made it clear that Russians do not fall into this category, because they have a kin-state outside Ukraine.[38] There is further specification in article 21 of the 2019 law that educational institutions can teach one or more disciplines in two or more languages: "in the state language, in English, in other official languages of the European Union," which also excludes Russian. Kulyk argues that this unjustly privileges

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34   Moser, *Language Policy and Discourse on Languages in Ukraine,* p. 413. Also see Mykola Riabchuk, "Playing with Ambiguities: Ukraine's Language Law," *OpenDemocracy*, 28 June 2012, http://www.opendemocracy.net/od-russia/mykola-riabchuk/ playing-with-ambiguities-ukraine%E2%80%99s-language-law

35   Moser, *Language Policy and Discourse on Languages in Ukraine*, p. 12.

36   Ibid, p. 75. Also see Council of Europe, "European Charter for Regional or Minority Languages: About the Charter" (2022), https://www.coe.int/en/web/ european-charter-regional-or-minority-languages/languages-covered

37   Zakon Ukraiiny, "Pro zabezpechennia funktsionuvannia ukraiins'koi movy."

38   BBC, "Rada ukhvalyla zakon pro korinni narody."

languages such as Hungarian, Romanian, or Polish (which are EU languages) and that such privileging of official languages of the European Union "in fact denotes the obvious discrimination of Russian language."[39] Similarly, in the sphere of the press and mass media, all publications in languages other than the state language must also be printed on the same day and in the same volume in Ukrainian, but this stipulation does not apply to publications that appear exclusively in "Crimean Tatar, other languages of indigenous peoples of Ukraine, English, or other official language of the European Union" (article 25). While this does not prevent dissemination of Russian-language press in Ukraine, it does create the obligation to publish in parallel in Ukrainian, a requirement that Crimean Tatar and English-language press do not have to meet. This is partly a response to the inundation of the Ukrainian market with cheaper publications from Russia, an effort to equalize the standing of Ukrainian-language press and to support indigenous languages. In the context of the long history of Russian dominance and suppression of Ukrainian and other languages, many people see this as a decolonizing move. Support for English and official languages of the European Union provides access to world languages that do not have a colonizing history in Ukraine, and also represents desired political allegiance with the West.

3) *English and other languages of the European Union in Ukrainian language laws*

In the four laws examined here, English language was mentioned in 2012 and 2019. Prior to that, English appeared early on in other laws that dealt with international contexts, such as communications with vessels at the country's border (1992), in airspace (1993), in a program to encourage international investments (1993), and in international commercial arbitration (1994). In 1996 the Constitution asserted that "The State shall promote the learning of languages of international communication," but no specific languages were named.[40] English did not appear in laws dealing with language in the everyday lives of Ukrainian citizens until 2012, and even then it was only mentioned once in the limited sphere of computer science: "The main languages of informatics in Ukraine are Ukrainian, Russian, and English."[41]

Even though relatively few Ukrainian citizens speak English, it is striking that the country's 2019 language law named English, and did not name Russian. While the role of Russian in Ukraine is well documented, the role of

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39   Volodymyr Kulyk, *Movna Polityka v Bahatomovnykh Kraiinakh*: *Zakordonnyi Dosvid ta ioho Prydatnist' dlia Ukraiiny* (Kyiv: Dukh i Litera, 2021), pp. 294–295. For more on the role of European languages in Ukrainian education see: Bridget Goodman and Laura Karabassova, "Bottom Up and Top Down: Comparing Language-in-Eduction policy in Ukraine and Kazakhstan," in I. Silova and M. Chankseliani, eds., *Comparing Post-Socialist Transformations: Education in Eastern Europe and Former Soviet Union*, Oxford Studies in Comparative Education 28:2 (2018), pp. 147–166.

40   Verkhovna Rada, *Konstytutsiia Ukraiiny.*

41   Zakon Ukraiiny, "Pro zasady derzhavnoii movnoii polityky," article 22.

English warrants more attention. Laws passed after the major political shifts of 2014 named English as a language of international communication, and envisioned its much broader use. The 2019 language law reiterated provisions introduced by the 2017 Law on Education, which established that in state and communal educational institutions, "The state supports the learning of languages of international communication, first of all English," and that "one or more disciplines may be taught in two or more languages – the state language, English language, other official languages of the European Union."[42] The 2019 language law also supported English language use in various other fields. For example, scientific publications could be in "the state language, English, and/or other official languages of the European Union." Dissertations, defenses, and conferences were to be published and conducted in "the state language and/or English," although another language could be used if the academic focus was the literature or linguistics of that language.[43] While the law specified that consumer product information should be in the state language, the use of English terms and Latin and Greek scripts was declared admissible in that context.[44] English was allowed as the sole user-interface language in the programming of specialized technical equipment,[45] and it was also singled out as the language to be used alongside Ukrainian, as needed, in public transportation[46] and in the names of government institutions on official buildings signs and forms.[47]

A few years before the 2019 language law established a more prominent legal role for English, President Poroshenko declared 2016 to be the "Year of English language in Ukraine." In his decree he acknowledged the role of English as the language of international communication and that increased knowledge and use of English would provide more access to economic, social, educational and cultural opportunities for the country's citizens, supporting integration of Ukraine into the European political, economic, and scientific-educational sphere.[48] The 2016 decree and related order of the Cabinet of Ministers outlined support for a very broad range of initiatives to increase knowledge and use of English at all levels of education, science, culture, economics, and other spheres.[49] These efforts were seen as necessary because overall English

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42   Article 7 of Zakon Ukraiiny, "Pro osvitu," № 2145-VIII, adopted 5 September 2017, https://zakon.rada.gov.ua/laws/show/2145-19#Text, and article 21 of Zakon Ukraiiny "Pro zabezpechennia funktsionuvannia ukraiins'koii movy."

43   Zakon Ukraiiny, "Pro zabezpechennia funktsionuvannia ukraiins'koii movy," article 22.

44   Ibid., article 30.

45   Ibid., article 27.

46   Ibid., article 36.

47   Ibid., article 39.

48   Ukaz Prezydenta Ukraiiny, "Pro oholoshennia 2016 rokom anhliis'koi movy v Ukraiini," № 641/2015, https://zakon.rada.gov.ua/laws/show/641/2015#Text

49   Rozporiadzhennia Kabinetu Ministriv Ukraiiny, "Pro zatverdzhennia planu zakhodiv, spriamovanykh na aktyvizatsiiu vyvchennia hromadianamy anhliis'koii movy, na period do 2020 roku," № 199-p, 10 March 2016, https://zakon.rada.gov.ua/laws/show/199-2016-p, and Ukaz, "Pro oholoshennia 2016 rokom anhliis'koi movy."

knowledge in Ukraine was low. One source cited statistics that only 7% of Ukrainians knew English, as compared to 50% in Europe and approximately 90% in Scandinavian countries.[50] Afterwards, the "Year of English Language" campaign boasted as one of its top achievements that 34% of Ukrainians had begun learning English in 2016, although the impact on overall language competence was not documented.[51]

The "Year of English" initiatives included the introduction of English as a foreign language in all schools that did not yet teach English, and campaigns were implemented jointly with the British Council of Ukraine to raise schoolteacher qualifications in English. At the level of higher education, new requirements for knowledge of English were established, including an English language requirement for conferral of academic degrees and promotions. There was also a push for more disciplines to be taught in English, which built on an existing trend of English-language university programs that had not been previously sanctioned by the state, but were now approved by the Ministry of Education and Science.[52] For civil servants, the state outlined the need for assessment of the level of English knowledge, organization of English language courses, and the establishment of English requirements for certain job positions. Also, English-language versions were to be established for official government organization web sites.

The push for English was not without some setbacks. The Ministry of Education and Science established a requirement for English language knowledge at a minimum B2 level for appointments of docents and professors, which contributed to such a drastic reduction in the number of appointments that the requirement was broadened to include competence in any of the languages of the European Union.[53] Even so, the future need for more knowledge of English was broadly recognized in academia, the sciences and elsewhere. A 2017 National Agency of Civil Service campaign titled "Ukraiina zahovoryt' anhliis'koiu" [Ukraine will start speaking English], which offered free English lessons at work, was immensely popular, registering 100,000 people, with 2.5 million more putting in requests to participate—more than resources allowed

50 "V Ukraiini startuie masove navchannia derzhsluzhbovtsiv anhliis'koii movy," *Ukrinform*, 5 October 2017, https://www.ukrinform.ua/rubric-society/2318843-v-ukraini-startue-masove-navcanna-derzsluzbovciv-anglijskoi-movi.html

51 Ukraiina Speaking, *Facebook* post, 13 December 2016, https://www.facebook.com/ua-speaking/photos/a.1714321892129996.1073741827.1714271778801674/1882799195282264/

52 Bridget Goodman, "Acts of Negotiation: Governmentality and Medium of Instruction in an Eastern Ukrainian University," *Anthropology & Education Quarterly* 49:1 (2018), pp. 36–52.

53 "Maibutnim dotsentam ta profesoram nepotriben bude sertyfikat rivnia B2 z anhliiskoii movy," *Vyshcha Osvita*, 4 October 2016, http://vnz.org.ua/novyny/podiyi/9604-majbutnim-dotsentam-ta-profesoram-nepotriben-bude-sertyfikat-rivnja-b2-z-anglijskoyi-movy, and "U profesoriv i dotsentiv ne vymahatymut' znaty anhliis'ku i pysaty u mizhnarodni vydannia," Ukraiins'ka Pravda, March 2017, https://life.pravda.com.ua/society/2017/03/6/222985/

at the time.[54]

A primary focus of the 2016 "Year of English in Ukraine" was developing access to language learning opportunities for the younger generation. This was a key part of the "Ukraiina Speaking" national campaign (whose name appeared in two scripts, with "Ukraiina" in Cyrillic and "Speaking" in Roman script), coordinated by the "GoGlobal" NGO.[55] GoGlobal was singled out in the presidential decree, in a promise to support "the GoGlobal program, which designated learning English language as one of its priorities in strategies of development."[56] GoGlobal was founded in September 2015 by Mustafa Nayyem, one of the original organizers of the Euromaidan protest movement.[57] The NGO presented itself as "the biggest volunteer hub currently operating on the territory of Ukraine" with opportunities to volunteer in its GoCamp summer and afterschool programs.[58]

The GoCamp volunteer requirements were fluency in English, German, or French, thus inviting the possibility for teaching any of the three languages (in the years 2019 through 2021, when the author visited this site). The inclusion of German and French, in addition to English, fit with the GoCamp mission of "fostering foreign languages learning, volunteering culture and promoting Ukraine in the whole world" by opening opportunities for more diverse volunteers. It also built on existing foreign language teaching resources and staff in Ukrainian schools, many of whom were trained in German or French. These camps seem to have made a significant impact. Starting in the summer of 2016, and continuing each summer since (including virtually during the COVID-19 pandemic), 1,904 Ukrainian schools in cities and villages all over the country had hosted GoCamps, led by 1200 volunteers from 78 countries of the world, with 162,692 children participating.[59] Information regarding how much English, French, or German was taught was not available.

Following the "Year of English," Ukrainian government support for German and French was demonstrated by similar, if much smaller-scale, initiatives. 2017 was declared the "German-Ukrainian Year of Languages" by the foreign ministers of Ukraine and Germany, to celebrate 25 years of diplomatic relations and friendship, and over 90 events were held in 30 Ukrainian cities and towns.[60] The Goethe Institut helped promote the project, which ran during the academic year from September 2017 to July 2018, as documented on its website in both German and Ukrainian.[61]

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54   "V Ukraiini startuie masove navchannia."

55   Ukraiina Speaking, *Facebook* post, December 13, 2016, https://www.facebook.com/ua-speaking/photos/a.1714321892129996.1073741827.1714271778801674/1882799195282264/

56   Ukaz, "Pro oholoshennia 2016 rokom anhliis'koi movy."

57   Yana Mokhonchuk, "Go Camp volunteer teaching program starts 4th season with symbolic act in Kyiv," *Kyiv Post*, 10 June 2019, https://www.kyivpost.com/lifestyle/go-camp-volunteer-teaching-program-starts-4th-season-with-symbolic-act-in-kyiv.html

58   GoGlobal, "About" page, *Facebook* (2021), https://www.facebook.com/goglobalua/

59   GoCamp Organization website (2019), https://gocamps.com.ua

60   Ernst Reichel and Beate Köhler, "One Year, Two Languages, Thousands of Reasons," *The*

The following year, beginning in September 2018, the foreign minister of Ukraine announced the "Year of the French Language in Ukraine."[62] The Ukrainian Ministry of Education, the Embassy of France in Ukraine, the Institut français d'Ukraine, and the Alliances françaises of Ukraine worked together to organize various projects and make available resources to promote the learning of French in Ukraine. These initiatives were presented on a website exclusively in French, while a Twitter page titled "Rik frantsuz'koi movy" reported on the events in Ukrainian. As stated on the *Francophonie en Ukraine* website, the focus on French was put in the context of the years promoting English and German, portraying Ukraine as taking "the path of plurilingualism": "L'année scolaire et universitaire 2018-2019 est consacrée en Ukraine à la langue française (après l'anglais en 2016-2017 et l'allemand en 2017-2018). L'Ukraine s'inscrit ainsi dans la voie du plurilinguisme…"[63]

Notwithstanding the efforts to promote other languages, English undoubtedly has the most prominence. It has become a common presence in the country's urban linguistic landscapes, particularly in commercial and governmental street signs and ads.[64] The growing influence of English has gone hand in hand with increased Anglicisms in Ukrainian language. The number of lexical and morphological borrowings from English into Ukrainian has grown rapidly since the country's independence, and it has been the focus of many academic studies.[65]

Public figures came forward to try to convince people of the importance of English. For example, in 2018 pop-star turned politician Sviatoslav Vakarchuk asserted that, "teaching children English is as important as teaching them to use a fork and spoon, otherwise we will be left behind."[66] Similarly, in 2020,

Ukrainian Week, 5 October 2018, https://ukrainianweek.com/Culture/220684

61   "Deutsch-Ukrainisches Sprachenjahr," *Goethe Institut* website (2019), https://www.goethe.de/ins/ua/de/kul/sup/dus/prb.html

62   "Rik frantsuz'koii movy: novi mozhlyvosti dlia vchyteliv," *Holos Ukraiiny*, 7 July 2018, http://www.golos.com.ua/article/304956

63   "Année de la langue française," Francophonie en Ukraine (2019), http://francophonie.com.ua/fr/annee-de-la-langue-francaise/. While that web page is no longer accessible at the time of writing in 2022, the organization continues to present opportunities for French language learning on its website: http://francophonie.com.ua/fr/home/

64   Svetlana L'nyavskiy-Ekelund, "Ukrainian Language Policy: The Status of Russian in English Language Medium Ukrainian and Russian Newspapers and in the Linguistic Landscape of Four Regions" (Master's Thesis in English Language and Linguistics, Lund University, 2016).

65   For example, see Bohdan Azhniuk, "Anhlizmy v suchasnii ukraiinskii, rosiis'kii i cheskii movakh," *Movoznavstvo* 2-3 (2008), pp. 190–207; Iaryna V. Bytkivs'ka, "Slovotvirne prystosuvannia anhlitsyzmiv do prykmetnykovoii pidsystemy suchasnoii ukraiins'koii movy," *Prykarpats'kyi Visnyk NTSh: Slovo* 3:55 (2019), pp. 131–138.

66   "Na prykarpatti Sviatoslav Vakarchuk zaklykav ukraiintsiv vchyty anhliis'ku," *Dzerkalo media*, 28 June 2018, https://dzerkalo.media/news/na-prikarpatti -svyatoslav-vakarchuk-zaklikav-ukraintsiv-vchiti-angliysku

Oleksiy Danilov, the Secretary of the National Security and Defense Council of Ukraine, stated, "Should there be a second language in Ukraine? Of course, there should be. But it should be English, which should be studied starting in kindergarten. All citizens of Ukraine, if we want to be part of the civilized world, should know and use English. This is indispensable."[67] The fact that Vakarchuk and Danilov found it necessary to argue for the value of the English language signals that this is not yet broadly accepted in Ukraine. The idea that English should be the second language of Ukraine represents a radical shift from the Soviet era, in which Russian was seen as indispensable. Russian is still widely known and used in Ukraine, while English competency is comparatively low. However, the global dominance of English combined with the politicization of Russian as the language of an aggressor state have opened the way for a radical shift in the sociolinguistic situation and the elevation of English to a greater role in Ukraine. The 2019 law clearly supports this shift.

4) Languages and language categories unique to only one of the laws
Next, we consider the named languages or categories that are unique to each of the laws examined here. The laws of 1989, 2012, and 2019 each have at least one such unique feature, while the Constitution does not. We shall examine each in turn, and the ideological shift the unique categories represent.

As listed in table 2, the categories that are unique to the 1989 law are "other language," "language acceptable to the parties" (in government and public organizations), "language acceptable to the population of a given locality," and "language designated by the participants in international conferences." These categories are maximally open, indicating no social or political limitation on the languages that may be used in various contexts, leaving it up to the preference of the interlocutors. The wording of the law did not mention possible complications, such as if people in a given locality or context disagreed on which language is acceptable. The 1989 law thus presented a utopian vision of openness to any language in many contexts. In discussing interethnic communication, the 1989 law is unique in using the term "mizhnatsional'ne spilkuvannia," further specifying that this refers to relations between Soviet peoples (narody Soiuzu RSR). In the introductory paragraphs of the 1989 law, only Russian is mentioned as "the language of interethnic communications of the people of the Union of SSR." Later, article 4 specifies that "Ukrainian, Russian, and other languages" are languages of interethnic communication in the Ukrainian SSR, and that the "Ukrainian SSR ensures free use of Russian as the language of interethnic communications of the peoples of the Union of SSR."[68] While the law established Ukrainian as the state language and presented a utopian openness to the use of any language in many cases, it

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67   Danilov is quoted in Sevgil' Musaieva, "Oleksii Danilov: Mizh "holubamy" i "iastrubamy", ia zavzhdy realist," *Ukraiins'ka Pravda*, 6 July 2020, https://www.pravda.com.ua/articles/2020/07/6/7258262/

68   Zakon, "Pro Movy v Ukraiins'kii RSR."

also continued to support a privileged role for Russian.

The 2012 law is unique among the four main laws examined here in using the formulation "regional language or language of minority," copying the phrasing, mistranslated as it may be, of the European Charter for Regional or Minority Languages. It was the only law to list many minority languages by name. It included Russian and Crimean Tatar in its list, and while these two languages were also named in other laws examined here, we consider the list as a whole. Article 7 of the 2012 law listed a total of eighteen "regional languages or languages of minorities." Notably, Russian appeared first in the list, reminiscent of the Soviet paradigm of Russian as "first among equals," then fourteen languages were listed in alphabetical order (as per their Ukrainian Cyrillic name): Belarusian, Bulgarian, Armenian, Gagauz, Yiddish, Crimean Tatar, Moldovan, German, Modern Greek, Polish, Romani, Romanian, Slovak, Hungarian. Three more languages completed the list, curiously not following alphabetical order: Rusyn, Karaim, and Krymchak. Except for Russian, which was named nine times in the document, the other languages were only named once, in the list. The 2012 law put all of the listed languages on an equal footing as "regional languages or languages of minorities," masking the existing inequalities of power between these languages. Languages that may be considered endangered, which do not have a kin-state outside of Ukraine, were listed along with languages that do. There was also no distinction between languages of groups that are indigenous to Ukraine's territory as opposed to languages of immigrants. This lack of distinction fits the argument that the 2012 law mainly used a misinterpretation of the European Charter for Regional or Minority Languages to give Russian official status, replacing use of Ukrainian in some regions, despite the Constitutional stipulation that Ukrainian is the sole state language.[69]

The 2019 law is the only one to not mention Russian language by name, but it does name one language that is absent in the other laws: Ukrainian Sign Language (USL). This shows inclusivity of a different linguistic modality and the recognition of the uniqueness of sign language. As the law states, "Ukrainian Sign Language is a natural visual-signed language system with its own lexical-grammatical structure, which was formed through an evolutionary path and is used as the main, or one of the main, means of communication of signing individuals who reside permanently, or have resided during a long time, on the territory of Ukraine."[70] Just as in the West, deaf individuals in the USSR faced the ideologies and practices of oralism, in which spoken language was prioritized and deaf individuals were taught to lip read and given speech therapy instead of supporting sign language use.[71] Nevertheless, a vibrant

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69   Riabchuk, "Playing with Ambiguities"; Moser, *Language Policy and Discourse on Languages in Ukraine*; and Kolomiyets, "Manipulative Mistranslations."

70   Zakon Ukraiiny, "Pro zabezpechennia funktsionuvannia ukraiins'koii movy," article 4.

71   Claire L. Shaw, *Deaf in the USSR: Marginality, Community, and Soviet Identity, 1917-1991* (Ithaca: Cornell University Press, 2017).

signing Deaf culture developed in Ukraine, and the 2019 law is a milestone in giving greater recognition to USL and the Ukrainian Deaf community.

The 2019 law is unique in using the term "mizhetnichne" to discuss the language of interethnic communication, not limiting this sphere to (former) Soviet peoples as the 1989 law did. The 2019 law also has three categories that are unique among the four laws, namely, "official languages of the European Union," "languages of indigenous peoples of Ukraine," and "foreign language." Official EU languages were discussed above, and we shall consider each of the other categories in turn. Article 1.8 of the law states that "The Ukrainian language as the sole state language fulfills the functions of the language of interethnic communication, it guarantees the human rights of every Ukrainian citizen regardless of ethnic origin, and it is also a factor of unity and national security of Ukraine." This stipulation rejects the prevalent Soviet-era idea that Russian was the language of interethnic communication, and that other languages were limited to their nationalities or ethnic groups. The phrasing in the 2019 law presents the state status of Ukrainian as a civic function, meant to unify citizens of any ethnic background.

The category "languages of indigenous peoples of Ukraine" introduced the crucial new specification of "indigenousness" of language groups. The Constitution foreshadowed this in its mention of "indigenous peoples" in Article 11, but it was only the 2019 law that brought the focus onto the languages of indigenous peoples of Ukraine. The only indigenous or minority language named specifically was Crimean Tatar, mentioned eight times in the document. The focus on the concept of indigenousness raised the question of which groups and languages were included in that category. The issue was disambiguated in the 2021 law "On Indigenous Peoples of Ukraine," which specified that indigenous groups did not have a kin-state outside Ukraine, and recognized the Crimean Tatars, Karaims, and Krymchaks as the indigenous peoples of Ukraine.[72]

The 2019 law most often used the wording "languages of indigenous peoples of Ukraine, national minorities of Ukraine" joined by a comma in the majority of instances, and joined with the conjunctions "and" or "or" in a few instances. These constructions left unclear whether the two clauses were intended as synonyms or not. "National minorities" could be understood as a further descriptor of "indigenous peoples," or it could designate minorities that are not indigenous. It is notable that in five cases the ambiguous dual construction was not used, instead listing the more specific "Crimean Tatar, other languages of indigenous peoples." In these instances, particular rights and exemptions are clearly intended specifically for indigenous languages. While all minority groups have the right to preschool and elementary education in their language (alongside Ukrainian), for indigenous groups this extends through secondary education. While all minority groups are free to

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72   BBC, "Rada ukhvalyla zakon pro korinni narody."

publish books and periodicals in their language, the law obligates them to publish a Ukrainian version in at least the same quantity. Indigenous language publications are exempt from this requirement. Also, films in an indigenous language may be shown in the original without the requirement of dubbing or subtitles in Ukrainian.

In the 2019 law we can see the culmination of a trajectory of greater specificity in which languages are accorded special consideration under Ukrainian law. The 1989 law is the broadest, in using the term "national languages" and allowing people to use any language they want in many institutional and official contexts. The Constitution and the 2012 law still occasionally use the term "national languages," but in many contexts the focus is narrowed by using the term "languages of national minorities." The 2019 law further narrows the focus to "languages of indigenous peoples of Ukraine." The result is special rights accorded to the languages of indigenous groups, who have no other country to rely on for support, while also allowing for a greater focus on support for Ukrainian as the state language.

The last term which is unique to the 2019 law is "foreign language" (inozemna mova). It is fitting that it was introduced in the same law that introduced "languages of indigenous peoples of Ukraine," as these two categories—indigenous and foreign—can be understood as opposites. It is not clear where languages of national minorities fit in relation to indigenous and foreign languages, as the law does not provide further definition of these categories. In the 2019 law, the term "foreign language" appears in discussion of the study of languages, academic analysis, and language knowledge testing while "languages of national minorities" are supported in broader social functions, such as preschool and elementary education. In principle, the languages of national minorities could be either indigenous or foreign to Ukraine.

5) Purism, standards, and dialects

For the most part, Ukraine's laws do not address the dynamic or variable nature of language, but there are a few instances when they do, which is not surprising given that discourses of linguistic purity have been widespread since independence.[73] A long history of Russification and use of surzhyk (Ukrainian-Russian mixed language) has led many people to feel that Ukrainian needed to be "cleaned up," and that the influence of Russian on Ukrainian linguistic structures and lexicon was an emblem of colonization and degradation.[74] Here we consider how the main language-regulating laws

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73   For an analysis of trends in purism (and rejection of purism) since the country's independence, see Laada Bilaniuk, "Purism and pluralism: Language Use Trends in Popular Culture in Ukraine since Independence," in Michael S. Flier and Andrea Graziosi, eds., *The Battle for Ukrainian: A Comparative Perspective* (Cambridge, Mass.: Ukrainian Research Institute, Harvard University, 2017), pp. 343–363. For an analysis of these trends in historical context, see Bilaniuk, *Contested Tongues*.

74   Larysa Masenko, *Surzhyk: mizh movoiu i iazykom* (Kyiv: Vydavnychyi dim

addressed the issue of language purity, correctness, and diversity. The issue was not addressed in the Constitution, but it was featured in each of the three language laws of 1989, 2012, and 2019.

In examining these sociolinguistic dynamics, it is key to acknowledge that all languages that are given a name are socio-historical constructs rather than pre-existing entities, and that they are continually being contested. Glottonyms (names for languages like "English" or "Ukrainian") serve as ideological anchors for the imagined fixity and discreteness of languages, supporting the belief that a given named entity exists naturally as a clearly bounded thing. However, as Bakhtin argued, "A unitary language is not something that is given [dan] but is always in essence posited [zadan]."[75] Pennycook stated similarly that "Languages are not so much entities that pre-exist our linguistic performances as the sedimented products of repeated acts of identity."[76] Even languages that are fully standardized and codified, as long as they are in use by living societies, will encompass variability, continue to change, and may overlap with other named languages with which they come into contact. A named language is an ideological construct that is held together by the centripetal forces of policies, practices, and beliefs, while it is concurrently pulled apart by the centrifugal forces of innovation, play, and cultural trends. This paper examines policies and practices regarding glottonyms such as "Ukrainian," "Russian," "English," but it is important to keep in mind that the very use of these labels is part of the process of maintaining these ideological constructs. Languages are "imagined" just as nations are "imagined communities"[77]—no less real in their social-political impact, but not limited to a fixed and bounded materiality.

The 1989 law stated that the "intentional distortion of Ukrainian or other languages in official documents and texts" was punishable by law.[78] The 2012 language law used mostly the same wording, with the additional specification that "regional languages or languages of minorities" were also to be protected from intentional distortion.[79] The 2012 law also elaborated on the authorities and references that are to determine correctness: "the norms of the Ukrainian language are established in dictionaries and in the Ukrainian orthography [pravopys]. The Cabinet of Ministers of Ukraine determines the procedures for approval and official publication of dictionaries of Ukrainian language and orthographic references to serve as mandatory reference manuals for using Ukrainian language. The State supports the use of the normative form

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Kyievo-Mohylians'ka Akademiia, 2011).

75   Mikhail Bakhtin, "Discourse in the Novel," in *The Dialogic Imagination* (Austin: University of Texas Press, 1992 [1934-35]), p. 270.

76   Alastair Pennycook, *Global Englishes and Transcultural Flows* (New York: Routledge, 2007), p. 13.

77   Benedict Anderson, *Imagined Communities* (New York: Verso, 1991).

78   Zakon, "Pro Movy v Ukraiins'kii RSR," article 8.

79   Zakon Ukraiiny, "Pro zasady derzhavnoii movnoii polityky," article 8.

of the Ukrainian language in the mass media and other public spheres."[80] Despite this specification in the law, when the 2012 language law was passed, there was no specific body to regulate what was "normative" or to enforce the language law. Only after the 2019 "Law on Ensuring the Functioning of the Ukrainian Language as the State Language" was passed, a National Commission of State Language Standards was established and empowered to approve orthographic standards and to define and test proficiency levels of civil servants and applicants for citizenship.[81] The 2019 law also created a position for someone authorized to monitor and enforce the stipulations of the law. That person's duties are "protecting the state language as an inseparable part of the constitutional order," including the goal of "protecting the state language from public debasement or contempt, from the purposeful distortion of the state language in official documents and texts, in particular intentional usage that violates the standards of the state language, and also neglect of the requirement for the mandatory use of the state language as defined by law."[82]

The wording in the 2019 law is similar to that used in the 1989 and 2012 laws, but it mentioned only Ukrainian language and added more specifics about the forms of distortion that are punishable by law: "intentional distortion of Ukrainian language in official documents and texts, in particular intentional violation of the requirements of Ukrainian spelling and the standards of the state language."[83] Purist concerns also appear in the goals of the law, which include "the use of Ukrainian words, phrases, and terms instead of foreign ones [inshomovnykh] if there exist corresponding equivalents in the Ukrainian language, and raising citizens' awareness of them" and "the prevention of the vulgarization of the Ukrainian language and its mixture with other languages."[84] However, a later point in the same article lists another goal, "the popularization of dialects and subdialects of the Ukrainian language and their preservation." While focus on standards may seem contradictory to popularization of dialects, which by definition are not standard, these points echo the distinction discussed above, between the indigenous and foreign categories of language introduced in the 2019 law. If variability is "indigenous," it may be called a "dialect," and then it is to be embraced, but if this variability involves outside influence from an "other" (foreign) language, then it is to be avoided. This creates a potentially tricky situation, as it is not always possible to tell which variants are the result of a dialect continuum, and which are from externally imposed linguistic interference.

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80   Ibid., article 6.
81   Cabinet of Ministers of Ukraine, Postanova № 911, "Deiaki pytannia natsional'noii komisii zi standartiv derzhavnoii movy" (2019), https://zakon.rada.gov.ua/laws/file/911-2019-п
82   Zakon Ukraiiny, "Pro zabezpechennia funktsionuvannia ukraiins'koii movy," Chapter 8, article 53.
83   Ibid., article 1.6.
84   Ibid., article 3.

CONCLUSION

While there have been many shifts and contested topics in Ukraine's language regulation, this paper analyzed four key laws through the lens of named languages and language categories in order to provide a concise view of the overall trajectory of language regulation in Ukraine since 1989. This trajectory shows the consistency of "state status" for Ukrainian. There is a shift from prominence of Russian language to its absence in Ukrainian law, with some of its early roles replaced by English, such as "language of international communication" and second language for official signage. English has come to play a more significant role in Ukraine's language politics, as is the case throughout the world.[85] While Russian is no longer named in the most recent law of 2019, indigenous languages and official languages of the European Union are given special consideration. Overall, there is a shift from generality to specificity in mention of other languages, first referred to as "national languages" in 1989, then "languages of minorities" starting in 1996, with the added phrase "regional languages" in 2012, to the narrowest formulation of "languages of indigenous peoples of Ukraine." In the 2019 law, in addition to the new focus on indigenous languages, naming Crimean Tatar specifically, Ukrainian Sign Language and the rights of its speakers are mentioned for the first time. Finally, although concern for adherence to standards in use of Ukrainian is consistent throughout the four laws, with added specifics in 2019, the 2019 law also for the first time mentions dialects of Ukrainian as worthy of support and preservation.

This trajectory in Ukraine's language laws from 1989 to 2019 shows a move from a superficial multicultural idealism that masked a status quo of Russian dominance, to a more assertive stance on the promotion of Ukrainian as the sole state language, with the goal of cementing sovereignty and unifying the country. State support for diversity is more realistic in the most recent law in targeting those languages that are most in need of support, including indigenous languages and Ukrainian Sign Language. Finally, support for English and other languages of the European Union is pragmatic in recognizing the political and economic benefits of these languages, without the potentially sovereignty-encroaching costs of using Russian as an international language.

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85 David Northrup, *How English Became the Global Language* (New York: Palgrave Macmillan, 2013).