

# Normalisation of ambiguity

## *Policies and discourses on language issues in post-Soviet Ukraine*

Language politics remains one of the most controversial aspects of Ukraine's post-Soviet transformation. The assessments of the developments in this field vary significantly both among Ukrainian politicians and intellectuals and Western analysts. For some, it is the nationalising course intended to promote the Ukrainian language at the cost of the Russian one, regardless of the citizens' will. For others, it is the failure to restore the dominant position of Ukrainian similar to that of the titular languages in most other countries, the state's tolerance of or even support for further Russification. Still others – most Western authors falling in this category – believe that the Ukrainian state has managed to strike a balance between the imperatives of change and stability and prevent the language problem from becoming a matter of conflict between the two main ethnolinguistic groups.

Some observed paradoxes contribute to this disagreement. On the elite level, those pursuing the policies they define as the enhancement of the role of Ukrainian as the state language were, until a large-scale change of the ruling elite in the wake of the so-called Orange Revolution of late 2004, largely the same people who had previously implemented the policies enhancing the role of Russian. Moreover, while pursuing a clearly Ukrainianisation course in some fields, they tolerated or even encouraged further strengthening of the position of Russian in other fields. On the mass level, these policies of moderate and inconsistent Ukrainianisation have mostly been supported or at least not overtly opposed, even though they infringe, or potentially

infringe, on millions of people's right to use their language of preference, Russian, in many social practices. However, this tacit support has not resulted in a large-scale transition to the use of the Ukrainian language in public and private life; moreover, it has coexisted (often within the same heads) with the support for the legalisation of the use of Russian. Under these conditions, actors and observers are tempted to declare one part of attitudes true, that is, reflecting the respective people's identities and the other part false, resulting from manipulation and/or miscomprehension. It is very rarely that all these manifestations are recognised as inherent elements of a complex and controversial picture.

In this chapter, I will try to sketch such a picture. For this purpose, I will examine both policies and their perceptions, seeking to show how they influence each other. Rather than directly juxtaposing elite actions and mass attitudes, however, I will pay most attention to the presentation of the two in public discourses. In my view, it is not only the least studied element of the three, but also one capable either of producing acceptance of or discontent with the state policies among the population. My argument will be that the mainstream discourse has helped reconcile policies and perceptions, but at the price of ignoring the legal dimension of the language problem and thus contributing to undemocratic tendencies in Ukrainian politics and society.

### Legislation on the use of languages

The most salient feature of Ukraine's language legislation is ambiguity.<sup>1</sup> The 1996 Constitution declares that

'[t]he state language of Ukraine is the Ukrainian language. The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.' The same article, however, declares that 'the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed.'<sup>2</sup>

This combination was a result of an uneasy compromise between those parliamentary forces seeking to ensure the functioning of Ukrainian as the sole public language and those striving for the pres-

ervation of the free use of Russian in all social fields. But an obvious contradiction between the state's obligations declared in the two parts of the article has allowed supporters of each priority to present the respective part as embodying the true spirit and letter of the Constitution and blame the authorities for its violation. Moreover, in 1999 a group of deputies favouring Ukrainianisation appealed to the Constitutional Court to interpret the above quoted article of the Constitution. The court's decision,<sup>3</sup> while hardly less ambiguous than the constitutional provision it was to clarify, was unequivocally perceived as being aimed at strengthening the position of the state language, primarily by implicitly ruling out Russian as an acceptable language in the central power bodies.

It would of course be natural to specify the constitutional article in legislative acts; after all, this is what both the article itself and the decision of the Constitutional Court envisage. However, the opposing stances of influential parliamentary forces and their roughly equal strengths in several consecutive parliaments made the approval of a bill unequivocally supporting either Ukrainian or Russian hardly possible. As a result, many laws are clearly outdated and contradict each other. The primary legislative act on the use of languages, the language law of 1989, while providing for an all-embracing use of Ukrainian as the state language of the Ukrainian SSR, retained the position of Russian as 'the language of the interethnic communication of peoples of the Union of Soviet Socialist Republics'.<sup>4</sup> This implied bilingualism in a number of practices, as well as the mandatory learning of the two languages in all schools. Besides, languages other than Ukrainian might be used 'in places of residence of the majority of citizens of other nationalities'. The law also entitled citizens to address officials in Ukrainian, Russian, a language of the local majority or a 'language acceptable for the parties', as well as stipulating that '[t]he citizen's non-fluency in Ukrainian or Russian shall not constitute the basis for the refusal of employment.'<sup>5</sup> In contrast, the acts adopted after the proclamation of Ukraine's independence, such as the law on national minorities of 1992<sup>6</sup> and the Constitution of 1996, did not envisage any nation-wide bilingualism and demoted Russian to the status of a minority language. According to these acts, which were oriented toward a perceived nation-state norm, languages other

than Ukrainian might only be used within regions of the minorities' compact settlement and in some cultural activities outside such regions. In effect, this meant that those languages were for the members of ethnic minorities only, which made the use by millions of Russian-speaking Ukrainians of their native language illegal. Moreover, no provisions were to be found on the citizens' right to use their languages of preference in dealing with the state bodies. The new acts ran counter to the language law and seriously undermined its legal force, all the more so because since 1996, any legislation was only valid to the extent that it did not contradict the newly adopted Constitution.

Soon after the Constitution came into force, the executive made the first attempts to pass a new language law oriented towards the unchallenged dominance of the state language. Because of sharp criticism from the Russian organisations and left-wing parties, the government did not officially submit it to the parliament until 2000. By then, however, several alternative bills had been presented by pro-Russophone deputies, which provided for granting Russian the status of an official language.<sup>7</sup> Although it was presented in political and media discourse as lower than the status of Ukrainian (the state language), the difference between the two statuses was insignificant and barely specified in the bills. This made the champions of 'de-Russification' feel that Russian would be allowed to function not alongside but in many cases instead of Ukrainian, i.e., the current situation would be legalised which they sought to change. Both the governmental and alternative drafts were considered in the session as late as November 2001 but after a heated debate,<sup>8</sup> the parliamentary leadership did not put them to vote, allegedly fearing that one of the bilingualism-oriented bills would be approved. Since then, the parliament has never returned to considering these or newly submitted drafts of the language law.

Meanwhile, the pro-Russophone forces attempted to solve the problem of the legalisation of the use of Russian by means of the ratification of the European Charter for Regional or Minority Languages, which was one of the obligations Ukraine had assumed when joining the Council of Europe. A ratification law they managed to get adopted in December 1999 provided for maximal obligations with

regard to languages of those minorities constituting more than 20 per cent of the local population.<sup>9</sup> This meant, in effect, an official status for Russian in one third of the Ukrainian regions comprising more than a half of the country's population. As the only legal way to prevent that law from coming into force, a group of pro-Ukrainophone deputies appealed to the Constitutional Court and it declared the ratification law unconstitutional because of alleged procedural violations.<sup>10</sup> In May 2003, the parliament (where the balance of forces had meanwhile changed) passed a new ratification law submitted by the executive, which included the adoption of crucial provisions of the charter on a minimal or medium level, mostly in accordance with Ukrainian legislation already in force.<sup>11</sup> Although the ratification was perceived as a move encouraging the use of minority languages, first and foremost Russian, the vagueness of the charter's provisions chosen for the application in Ukraine makes it hardly possible to protect the rights of speakers of those languages by means of that instrument. An additional provision in the ratification law reading that measures to ensure the comprehensive use of Ukrainian are not to be considered as impeding the development of minority languages creates further opportunities for competing interpretations and, therefore, the persistence of ambiguity. However, the government did not want to deposit even such an ambiguous document with the Council's Secretary General (it had not done that by the time this chapter went to print two years after the ratification), most probably in order to avoid reporting on its implementation.

### Administrative practices

The implementation of language legislation has been no less contradictory. On the one hand, it was determined by less than fully compatible imperatives of state- and nation-building, adherence to international norms of minority rights, friendly relations with Russia and other kin-states of Ukraine's minorities and, above all, social stability. On the other, the authorities in the centre and regions were far from united in their views of goals to be achieved and means to be used. In the west, they strove for the full dominance of Ukrainian in all societal fields, with the demotion of Russian to a purely minority scope of functioning; in the east and south, they wanted to retain

the comprehensive use of Russian as the main public language, with the gradual introduction of some Ukrainian. This dichotomy is of course a gross simplification because there was much variation within each orientation, both between the regions and between elites in a given region. Within the central government, the two orientations competed with each other, with alternating periods of the dominance of one of them and the strengthening tendency toward reconciling and combining them. In my view, the principle on which the reconciliation became possible – of course it has never been explicitly articulated – is the ignoring of the law and the priority of the state's interests and social stability over individual rights. Actually, the ambiguity and inconsistency of legislation created appropriate conditions for the realisation of this principle, allowing the authorities in every given situation to treat the law in accordance with their understanding of interests of the state and society.

The processes in education can serve as a good illustration of the above arguments. On the one hand, this is a field of the most obvious success of Ukrainianisation and, accordingly, the greatest concern for the protectors of Russian. During the years of independence, the share of schoolchildren taught in Ukrainian increased from a half to three quarters, which is a bit less than the percentage of ethnic Ukrainians but considerably more than that of persons declaring Ukrainian their native language.<sup>12</sup> This is a result of the policy inaugurated by the ministry of education during the presidency of Leonid Kravchuk in the early 1990s under the slogan of bringing the proportion of students taught in the titular and minority languages into concordance with the ethnic composition of the population in each region. This primarily meant a drastic decrease in the share of schools with instruction in Russian and, in effect, the denial of the Russophone Ukrainians' right to get education in their mother tongue, which was a clear violation of the language law provision on the free choice of language of instruction. This campaign resulted in a sharp decrease of the number of Russian-language schools in 1992-1994 in the western and central regions, which evoked no visible protests, even though it was accompanied by considerable administrative pressure. In contrast, in the predominantly Russian-speaking regions of the east and south the change was very slow, first and foremost because

of the sabotage on the part of the local authorities. At the same time, local elites and left-wing parties instigated popular fears of ‘forcible Ukrainianisation’, which contributed to the popular support of the idea of granting an official status to the Russian language and to these regions’ overwhelming rejection of Kravchuk in the presidential election of 1994. However, the new president Leonid Kuchma did not keep his promise to initiate the elevation of the status of Russian and did not stop the gradual transition to Ukrainian in the schools of east and south, even in the face of repeated protests on the part of Russian politicians and officials.<sup>13</sup> But then the tempo of this transition remained very slow; by the end of the first decade of independence, the share of students learning in Ukrainian was around 20 per cent in the Donbas and just two per cent in Crimea.<sup>14</sup>

The policies with regard to the media stood in a sharp contrast to the ‘nationalising’ course in education. While both fields were important arenas of nation-building, in the former case the authorities were mostly preoccupied with using the media for propaganda purposes or at least suppressing journalistic criticism of the policies pursued by the power bodies. Beyond that, they did not infringe on the media outlets’ orientation toward the maximal audience and minimal expenses. In most cases, this meant the use of the Russian language, in which the population was accustomed to read/watch and cheap products from Russia were available. The state did not use tax leverages to support Ukrainian-language newspapers or programmes vs. Russian-language ones or national products vs. those imported from Russia. This *laissez-faire* policy resulted in the preservation or even consolidation of the dominance of Russian; in particular, the share of Russian-language newspapers considerably increased in comparison with the Soviet period, except for western Ukraine. Although the regional differentiation is no less marked in this field, the dividing line between the areas of the predominant use of Ukrainian and Russian lies much farther west than it does in education. Moreover, most television channels show movies and programmes in both languages and almost never adhere to their licence’s provision requiring a minimal share of airtime in the state language. The body issuing licences and controlling the broadcasters’ adherence to them, the National Television and Radio Council, while frequently pointing to this vio-

lation, never resorted to punitive sanctions. In book publishing, the situation has been even gloomier for Ukrainian, as much more liberal taxation policies in Russia has resulted in the rapid expansion of its producers to the Ukrainian book markets, thus further strengthening the domination of the Russian language.<sup>15</sup>

A third and final illustration pertains to the language of the state officials themselves. Once again, one can see inconsistencies and regional differences, exacerbated in this case by a contrast between the language of documents and that of oral communication (the transition to Ukrainian in the latter requires more effort and, therefore, remains more limited). On the one hand, most of the officials in the central and, except for east and south, local bodies, have switched to the state language. Even in the predominantly Russophone regions, they issued documents and put the signs on the doors of their offices in Ukrainian. This, among other things, created the impression that the state and society spoke different languages. On the other hand, the use of the state language was by no means as comprehensive as the proponents of 'de-Russification' would have liked and even as the valid language law required. Fluency in Ukrainian was not made a precondition for promotion to high positions; once elected or employed, many politicians and officials did not switch to Ukrainian, either. Even in the government, none of the ministers using exclusively Russian in public was ever dismissed. Kuchma himself, although he had managed to become more or less fluent in Ukrainian, used mostly Russian when communicating with officials or journalists in eastern or southern regions.

What the processes in the three fields have in common is more than inconsistency and regional differentiation reflecting the preferences of local authorities and majorities. Not only was policy-making oriented toward the priority of social stability, but also it ignored the law and human rights. The officials usually favoured the language of preference in a given region and made it, in effect, the only public language. Thus they not only took into account the interests of the majority, but also preferred their own comfort to the rights of citizens. It was very rarely that citizens succeeded in defending their linguistic rights in the court, in particular, because of the ambiguity of the legal norms on the use of languages in specific fields. Politi-

cians and high-ranking officials often referred to deficiencies of the valid language law but failed to recognise their own responsibility for the fact that a new law had not been passed since the Constitution had come into force. While the above-mentioned polarity of views of influential political forces made it difficult to find a compromise, hardly any steps in this direction were taken at all. The state did not seem to need effective language legislation, neither did society.

The Orange Revolution, which demonstrated increased civic consciousness of the population and resulted in a rather radical change in the executive bringing in more moral and responsible people, does not seem to have overcome this important democratic deficit. The new President Viktor Iushchenko, while more supportive of enhancing the social role of Ukrainian and more consistent in using it himself, fell short of making fluency in the state language a criterion for executive appointments. Moreover, his top official in charge of humanitarian issues, Deputy Prime Minister Mykola Tomenko, explicitly argued that he saw no need to adopt a new language law because he considered the existing instruments sufficient for ensuring both the dominance of Ukrainian and the free use of Russian.<sup>16</sup> Granted, this argument may partly be caused by the realisation that the sitting parliament is unlikely to come to an agreement with regard to the main principles of that law and, moreover, the controversy would be used by the opposition in the parliamentary campaign of 2006. Nevertheless, the new administration's reluctance to build language policy on the law raises doubts regarding the strength of its commitment to democratic government.

### Popular attitudes

Mass perceptions of the above-described policies have been as controversial and stability-oriented as the policies themselves. Not only have various groups of society held very different views of what policy in the language field the state should pursue, but also the individual consciousness has been essentially ambivalent in this regard. The primordialist ideas of ethnocultural values have coexisted with the pragmatic priorities of practical usefulness and stability, and the declared recognition of others' rights to use their languages has not been matched by the readiness to behave in a way enabling their realisation.

On the one hand, language attitudes of the Ukrainian population have been heavily influenced by the primordialist ideas of the value of language as a factor of ethnic identification and cultural life. According to the data of a survey conducted in 1997, the respondents in most regions of the country considered language the most important criterion of ethnic identification, despite the institutionalisation of ethnicity as related first and foremost to genealogy.<sup>17</sup> Therefore, the use by Ukrainians of their 'native language' and its 'revival' were deemed to be crucial for the future cultural development of the country.<sup>18</sup> These views must have been important for the respondents' answers to the question on 'native language' in the first post-Soviet census of 2001, which was arguably perceived by most respondents as yet another re-statement of ethnic identity. In particular, a percentage of those declaring Ukrainian their native language, while considerably below the share of (self-declared) ethnic Ukrainians, was much higher than that of people preferring that language in their everyday use.<sup>19</sup>

On the other hand, primordialist and ethnonationalist beliefs have by no means been the only determinant of the Ukrainian citizens' attitudes toward language issues. For example, in a survey conducted in 2003 the exclusive use of Ukrainian in public and private life proved to be an important feature of a Ukrainian patriot for many fewer respondents than the respect for the state's laws and institutions, the striving for equality of citizens of all nationalities and some other characteristics.<sup>20</sup> The fact that an overwhelming majority of the respondents recognised the necessity for their children and grandchildren to learn Ukrainian has, in my view, no more to do with the orientation toward a linguistic 'revival' than it has with the support for equality of linguistic rights or the perception of the practical usefulness of knowledge of the state language. One proof of this is the fact that a vast majority of members of all ethnocultural and regional groups also deemed it necessary for their descendants to learn Russian, on a par with Ukrainian.<sup>21</sup> Moreover, a plurality to majority of the respondents in a number of surveys, including a considerable part of Ukrainophones, supported the idea of granting the Russian language an official status.<sup>22</sup>

In part, the support for the official bilingualism in public sphere reflected the preference for a dual Ukrainian-Russian – or supra-

national East Slavic<sup>23</sup> – ethnocultural identity over an exclusively Ukrainian one. Many people, especially in the eastern and southern regions with high rates of Russification and intermarriage, believed that the distance between Russians and Ukrainians was very small and, therefore, their own loyalties with the two groups were fully compatible.<sup>24</sup> Bilingualism as a norm of social behaviour and an essential element of individual identity had during the Soviet decades become deeply rooted in Ukrainian society, fairly widespread even in the most private domain, the family.<sup>25</sup> No wonder that millions of post-Soviet Ukrainian respondents (every eighth in one longstanding series of surveys) declared both Ukrainian and Russian their native languages.<sup>26</sup> At the same time, the support for the elevation of the status of Russian has, in my view, been driven by the orientation toward social stability which is to be ensured by means of taking into account the Russophones' interests, and/or toward social justice which may be perceived as requiring that both widespread languages of the country be used legally.

In any case, popular attitudes toward language issues have been rather ambivalent, as citizens have largely been reluctant to behave – or let the state behave – in a way that would facilitate the realisation of their (supposed) ethnocultural preferences. And it is this ambivalence that the mainstream public discourses have been both reflecting and reinforcing.

### Partisan discourse

For the purpose of this discussion, I will limit the variety of discursive presentations of the language problem to political and media discourses. The two fields are, of course, not quite separated, as political discourse is largely mediatised. Within this space, one can distinguish between two kinds of discourse, overtly ideological, partisan presentations and seemingly neutral ones, mostly preoccupied with problems other than language but nevertheless explicitly or implicitly presenting a view of dealing with the latter. My argument is that discourse of the second kind has been more effective in implanting the authors' view of the language problem in mass consciousness and asserting the priority of social stability.<sup>27</sup>

The partisan discourse on the language problem has been rather

salient in politics and the media during the independence years, reflecting the perceived importance of the problem for Ukrainian society. The problem was dealt with in the parliament on a number of occasions, such as the debates on the drafts of the new constitution, language law or the ratification of the European Charter for Regional or Minority Languages. It was also commented on in numerous interviews with politicians and officials. Moreover, opinions and analytical articles on the problem were often to be found not only in newspapers and magazines published by parties or organisations, but also in the mass media intended for the general public. However, as will be argued below, the salience of this problem in political and media discourses has been decreasing and subject to manipulations.

Perhaps the most important characteristics of the partisan discourse is the orientation of speakers/writers toward asserting the interests of their own group, the Ukrainiphones or the Russophones, at the cost of those of the other group, rather than a compromise between the two. In many cases, the stress on 'our' problems goes with the omission or denial of 'theirs'; therefore, while 'our' demands are legitimised, the legitimacy of 'theirs' is questioned. For Ukrainophone authors, the very fact of the continuing dominance of Russian in some fields, such as book publishing or the media, makes any complaints about discrimination against it or its speakers in other fields, e.g. education, unjustified or even simply absurd. This idea results from their conviction that the titular language must dominate in all social domains and it is much more important to ensure this allegedly normal situation than guarantee the rights of minority members.<sup>28</sup> For those sharing this conviction, the language problem is not primarily that of human rights. According to the former dissident and one of the most eloquent and authoritative champions of Ukrainianisation, Ivan Dziuba:

'Russification of Ukraine – notwithstanding all our hymns to Ukraine and the Ukrainian language and all rituals in their honour – not only continues, but also has reached such a depth that it threatens the very existence of the Ukrainian nation as an equally valued nation among the world's nations. Of course, a certain state bearing the name 'Ukraine' will exist. But this will not be a state of the Ukrainian people.'<sup>29</sup>

Therefore, these authors deem the elevation of Russian to an official status to be a mortal danger for Ukrainian. In the words of the political consultant Oleh Medvedev:

‘Given the 350-years-long discrimination against the Ukrainian language, a legally equal status right now, rather than after a necessary rehabilitation period, will mean not the “harmonious functioning” [of the two languages] but the eternal securing of the dominant status of Russian.

Such an outcome is presented as dangerous not only for the Ukrainophone group but also for the entire nation and its statehood, because a Russian-speaking Ukraine would allegedly be more vulnerable to Moscow’s integrationist pressure.<sup>30</sup> This argument is perhaps intended to urge the authorities to pay more attention to the enhancement of the role of Ukrainian which, in the view of the champions of Ukrainianisation, remains mostly declarative (the real changes are taken for granted and rarely acknowledged). They want the desirable ‘norm’ to be achieved by an administrative effort of the state, first and foremost the executive, to ensure the use of Ukrainian as the dominant or even as the only language in the public domain. While Medvedev and some others have called for the legalisation of bilingualism accompanied by affirmative actions with regard to Ukrainian which would ensure equal opportunities for speakers of the two languages, most Ukrainophone politicians and intellectuals consider such equality neither fair nor realistic. Notwithstanding their complaints about the ineffective legislation and the indifference of the Kuchma regime, the pro-Ukrainianisation factions in the parliament preferred the ambiguous status quo to legislative changes which might undermine the legal position of the Ukrainian language. When the Verkhovna Rada was discussing the draft language laws or the ratification of the European Charter, members of these factions repeatedly argued that the inclusion of such issues in the agenda had been inspired by those forces seeking to gain political capital at the cost of provoking confrontation in the parliament and society.<sup>31</sup>

In contrast, those speaking on behalf of the Russophones insist that a potential of confrontation results from the state’s discrimination against a group constituting more than a half of the population

and urgent legislative measures are necessary to prevent the actualisation of that potential. They present the state policies of the last decade as large-scale and forceful Ukrainianisation and pay attention first and foremost to education, a field where the change in the language profile has been the most visible. The perceived discrimination against Russian makes the arguments regarding a threat to Ukrainian far from convincing for them. Even those recognising the need for the state to promote the use of the titular language deem it unacceptable to resort to affirmative actions.<sup>32</sup> For the Russophone politicians and intellectuals, the language problem is primarily that of human rights which are infringed upon by the state. Although they stress that they demand equal rights for all citizens (and do not agree with the Ukrainophones' argument that the legal equality would not mean equal opportunities for the two languages and their speakers<sup>33</sup>), they are actually concerned with the reproduction of the accustomed privileged position of Russian in many social fields. While the proponents of Ukrainianisation have hoped first of all for the support of the central government, their opponents have mostly relied on market forces, social inertia and the cultural preferences of local officials in the east and south if the latter are allowed to behave as they wish. In my view, the orientation toward the centrally planned nationalisation vs. regionally adjusted conservation of the status quo is the main difference between these two models of the language policies neither of which is truly democratic or compromise-oriented.

### 'Centrist' discourse

The demands and arguments of the Ukrainophone and Russophone parties have not changed much for the last decade. If anything, their spokesmen have become more embittered and, therefore, more radical and uncompromising. However, their respective discourses have been essentially marginalised, that is, they have become much less widespread and influential. During the Kuchma years mainstream politicians increasingly refrained from supporting either of the two parties. Although many of them sought to publicise their position on the language problem and criticise the activity or inactivity of the authorities in order to increase their popularity with their constituency, in particular on the eve of elections,<sup>34</sup> overtly partisan views were

gradually replaced by stress on the preservation of stability which rejected those views as irrelevant for society's real demands. Similarly, the media preferred seemingly neutral information and entertainment to serious discussions and were reluctant to publicise clearly ideological positions.

Former President Kuchma was perhaps the most demonstrative example of this 'centrist' discourse presenting both Ukrainophone and Russophone views as irrelevant extremes.<sup>35</sup> As mentioned above, he refused to initiate the elevation of the status of Russian and pursued or at least tolerated measures intended to enhance the role of Ukrainian. Moreover, Kuchma's regime largely took over discourse on ethnolinguistic matters shaped under former President Kravchuk. At the same time, as Kataryna Wolczuk argues, 'a certain degree of calculated conceptual ambiguity and evasiveness characterizes the elite's public statements.'<sup>36</sup> This pertains both to the relationship between the Ukrainian civic nation and its ethnic core and between the role of Ukrainian as the state language and the accustomed preference for Russian in many fields. As far as the latter aspect is concerned, Kuchma clearly demonstrated this ambiguity by repeatedly combining in his statements the formulae that 'in Ukraine, there is the only state language, Ukrainian' and 'the Russian language should not feel foreign in Ukraine'.<sup>37</sup> His stress on one of the two depended on the context of a particular speech, including the place, occasion, constraints and expected effect.

Other leading officials and pro-presidential politicians also tended to speak ambiguously, patterning both the letter of the constitutional article and, no less important, the manner of the then president. For example, the then Prime Minister Viktor Ianukovych argued in December 2003 that 'we will not develop antagonistic relations, and we will speak Ukrainian and if necessary Russian'.<sup>38</sup> He felt no need to explain exactly when the use of Russian would be necessary. Most 'centrist' politicians and officials presented language as a non-issue and accused those initiating debates and actions with regard to it of endangering social stability and distracting public attention from really important problems.<sup>39</sup> Finally, the language the politicians and officials spoke in public had as much to do with their adherence to the law as it had with a discursive message they wanted to send. Like

Kuchma, most of them used Ukrainian or Russian depending on the occasion thus declaring, on the one hand, their readiness to take into account the audience's preference, hence the recognition of the regional differentiation and on the other, the legitimacy of *both* languages in Ukrainian society.

The combination and interchangeability of the two languages have had even more important consequences in the case of the media. They significantly contributed to rendering the cultural environment of most Ukrainian citizens bilingual, making it hardly possible for them (even for those who wish to do so) to consume information and entertainment exclusively or predominantly in their native language. Given that the variety and circulation of Russian-language newspapers have been considerably greater than those of Ukrainian-language ones,<sup>40</sup> one may conclude that many Ukrainophones have been reading newspapers partly or exclusively in Russian. For television, the combination of programmes in different languages has been the predominant pattern. While broadcasting in Ukrainian has largely been stimulated by the licence requirement that a certain minimal share of airtime be in the state language (even though, as argued above, the authorities failed to make the TV stations adhere to it), Russian has mostly been used because of either the lower price of products in that language or the supposed preference of the audience. Whatever the reason may be, this bilingual practice presents both Ukrainian and Russian as acceptable to all members of society rather than just those declaring a respective language their mother tongue or preferring it in their everyday use. This acceptability has also been imposed by the fact that in interviews included in TV or radio programmes, the interviewer and the interviewee often speak different languages, while in talk shows, some guests are allowed to use a language other than that of the host. Similarly, reported speech by political or other figures from Russia is never translated in Ukrainian-language news and other programmes, neither are most Russian movies, contrary to those from other countries, linguistically adapted for the Ukrainian audience. Together with other unifying practices, this normalizes the two countries' belonging to a common cultural space.

Paradoxically, the double normality of Ukraine's internal bilingualism and inseparability from Russia has coexisted in the TV sta-

tions' presentations of their language policy with the nation-state normality of speaking first and foremost the titular language. The top producer of one of the two leading TV broadcasters, the 1+1 station, Oleksandr Rodnianskyi, portrayed the use of Ukrainian in many products of the company as a crucial element of the company's 'Ukrainian alternative' to Soviet-turned-Russian TV which included the orientation toward Ukrainophone and younger audiences.<sup>41</sup> At the same time, he did not explain or even acknowledge the Russian language of many products the company had been importing from Russia or co-producing together with Russian companies, such as the first Ukrainian (co-produced) TV series 'Burzhui's birthday', which was also presented by the 1+1 spokespersons and journalists of other media outlets as a national alternative to foreign production, 'our movie'.<sup>42</sup> Similarly, the partial transition of the news programmes by another popular TV station, Inter, from Russian to Ukrainian was accompanied by a press campaign presenting this as a 'normal practice for a channel which has clearly formulated its language policy'.<sup>43</sup> The station leadership saw no need to explain whether the move reflected a change in the target audience or in its perceived language preferences. Neither was it mentioned whether other products would also switch to Ukrainian, and nothing was said about the rights or wishes of those people who had watched the news in Russian.

No wonder that this unarticulated normality has rendered almost irrelevant the discussions of exactly what is normal and fair. In tabloid newspapers and TV programmes, the language problem was paid only limited and irregular attention. Even important legislative moves, such as the ratification of the European Charter, were not even mentioned in most outlets. It is mostly for the purpose of the positive presentation of a certain political force and the discrediting of its opponents that the popular media happened to feature language-related events or problems.<sup>44</sup> Otherwise, the media presentations almost never mentioned a legal dimension of the language problem and thus helped normalise lawless actions of both state officials and citizens who were, in effect, expected to care about their own comfort rather than about the law and other people's rights. Given their entertainment priorities, the Ukrainian media were extremely reluctant to remind their readers/viewers of the law and morality,

least of all in the use of languages. And even if few remaining serious newspapers, such as *Den'* or *Dzerkalo tyzhnia*, published opinion articles on this problem on their op-ed pages, these seemed to have little effect on the 'real life' presented elsewhere in the same outlets, where such arguments were hardly heard or believed.

The situation has not essentially changed after the Orange Revolution. As argued above, the new administration has retained its predecessor's preference for social stability and reluctance to build language policy on the basis of law by which both the state and citizens would abide. Accordingly, basic assumptions of Kuchma's 'centrist' discourse are to be found in statements and actions by leading 'Orange' politicians, including Iushchenko himself, who rarely deal with the language problem (thus implying its marginal relevance for society and the government) and, if they do, hardly mention its legal dimension. Seeking to reassure the Russophones that his administration would not discriminate against them, the new president spoke of ensuring their 'linguistic comfort', that is, preserving their accustomed linguistic environment, rather than their (or other citizens') language rights.<sup>45</sup> Similarly, Deputy Prime Minister Tomenko argued that the government should promote the wider use of the Ukrainian language, particularly in the media, first of all by 'educational' [*prosvitnyts'ki*] and 'administrative' [*organizatsiini*] means.<sup>46</sup> Meanwhile, the media themselves pay little attention to the language problem in society and are in no hurry to change their own patterns of language use.

## Conclusion

The language policies pursued by the Ukrainian authorities since the proclamation of independence have been controversial, have often run counter to the law and infringed upon the rights of both speakers of the titular language and minority ones, Russian in particular. However, most citizens have not considered the realisation of their language rights an important social problem, which is what the regime has sought to achieve by means of inconsistency and ambiguity. Actually, residents of Ukraine do not seem to interpret the language issue in terms of rights, paying attention mostly to preferences, habits and comfort. As this chapter argued, public discourse has been an

important means of making citizens come to terms with the state's policies, since uncompromising partisan views were gradually marginalised by a seemingly neutral and inclusive perspective. The mainstream discourse presented the language problem as less real and urgent than the preservation of social stability and the improvement of living standards. At the same time, it made both main languages acceptable to all Ukrainian citizens and imposed the combination and interchangeability of the two as the most normal social pattern. On the one hand, this discourse has supplemented the state policy in its predominant orientation toward social stability and integration. On the other, it has seriously undermined the state's effort to overcome the legacy of imperial Russification and introduce the Ukrainian language and culture as a legitimising resource of the country's independence. Even more important, both policy and discourse have contributed to de-legitimisation of the very notion of human rights and their assertion. This legacy of the Kuchma regime in the language field seems to have survived the Orange Revolution which was aimed at demolishing that regime's undemocratic structures and patterns.

## Notes

1. For a detailed analysis, see: Kulyk, Volodymyr *Revisiting a Success Story: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Ukraine, 1994–2001*, Hamburg: Centre for OSCE Research, Institute of Peace Research and Security Policy at the University of Hamburg 2002, chs 1 and 4; Scheu, Harald Christian *Die Rechte der russischen Minderheit in der Ukraine*, Wien: Braumüller 1997, pp. 64–80; Arel, Dominique 'Language Politics in Independent Ukraine: Towards One or Two State Languages?', *Post-Soviet Affairs*, vol. 23, no. 3, September 1995, pp. 599 ff.
2. Constitution of Ukraine, adopted on 28 June 1996, <http://www.rada.kiev.ua/const/conengl.htm>, accessed 12.05.2005, art. 10.
3. Rishennia Konstytutsiinoho Sudu Ukraïny u spravi ... pro ofitsiine tлумachennia polozhen' statti 10 Konstytutsii Ukraïny ..., 14 December 1999, <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?user=079y1999&sp=i>, accessed 12.05.2005.
4. Law of the Ukrainian Soviet Socialist Republic 'On Languages in the Ukrainian Soviet Socialist Republic', 28 October 1989, [http://www.riga.lv/minelres/NationalLegislation/Ukraine/Ukraine\\_Language\\_English.htm](http://www.riga.lv/minelres/NationalLegislation/Ukraine/Ukraine_Language_English.htm), accessed 8.09.2004, preamble.
5. *Ibid.*, art. 3, 5, 6.
6. Law [of Ukraine] on National Minorities, 25 June 1992, [http://www.riga.lv/minelres/NationalLegislation/Ukraine/Ukraine\\_Minorities\\_English.htm](http://www.riga.lv/minelres/NationalLegislation/Ukraine/Ukraine_Minorities_English.htm), accessed 8.09.2004.
7. For the texts of all bills, see: Shul'ga, N. A. (ed.) *Proekty zakonov o iazykakh – ekspertnyi analiz*, 2nd suppl. edn, Kiev: Fond podderzhki russkoi kul'tury v Ukraine 2001, pp. 115–175.

8. For a transcript of the debate, see: Zasiadannia sorok chetverte, 30 November 2001, [http://www.rada.gov.ua/zakon/session8/STENOGR/30110108\\_44.htm](http://www.rada.gov.ua/zakon/session8/STENOGR/30110108_44.htm), accessed 12.05.2005.
9. Zakon Ukraïny 'Pro ratyfikatsiiu Ievropeis'koi khartiï rehional'nykh mov abo mov menshyn, 1992 r.', 24 December 1999, in: Shul'ga 2001a, pp. 188–190.
10. Rishennia Konstytutsiinoho Sudu Ukraïny u spravi ... shchodo vidpovidnosti Konstytutsiï Ukraïny (konstytutsiinosti) Zakonu Ukraïny 'Pro ratyfikatsiiu Ievropeis'koi khartiï rehional'nykh mov abo mov menshyn, 1992 r.' ..., 12 July 2000, <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?user=079y2000&sp=i>, accessed 12.05.2005.
11. Zakon Ukraïny 'Pro ratyfikatsiiu Ievropeis'koi khartiï rehional'nykh mov abo mov menshyn, 15 May 2003: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=802-15&p=1111462132802221>, accessed 12.05.2005.
12. *Statystychnyi shchorichnyk Ukraïny za 2003 rik*, Kyïv: Konsul'tant, 2004, p. 477.
13. Arel 1995, pp. 603–608; Kulyk 2002, sect. 4.1.
14. *Statystychnyi shchorichnyk Ukraïny za 2003 rik*, p. 477.
15. Riabchuk, Mykola 'A Perilous Way to Freedom: The Independent Mass Media in the Blackmail State', *Journal of Ukrainian Studies*, vol. 26, no. 1–2, Summer–Winter 2001, pp. 127–131; idem, *Dvi Ukraïny: Real'ni mezhi, virtual'ni viiny*, Kyïv: Krytyka 2003, pp. 77–79.
16. Leshchenko, Serhii 'Mykola Tomenko: Mozhlyvo, "Dynamo-Kyïv" bude v druhomu puli pidpriumstv, iaki povertaiut'sia v derzhavnu vlasnist', *Ukraïns'ka pravda*, 17 February 2005, <http://www2.prawda.com.ua/archive/2005/february/17/5.shtml>.
17. Stehni, Oleksandr; Churilov, Mykola *Rehionalizm v Ukraïni iak ob'ekt sotsiolozhichnoho doslidzhennia*, Kyïv: Instytut sotsiolohii NAN Ukraïny 1998, p. 135–137. The second important criterion was the knowledge of culture and history, while the 'nationality' of one's father and mother went third and fourth.
18. *Ibid.*, pp. 131–132, 124–125.
19. Arel, Dominique 'Interpreting "Nationality" and "Language" in the 2001 Ukrainian Census', *Post-Soviet Affairs*, vol. 18, no. 3, July–September 2002, pp. 213–49; Kulyk, Volodymyr 'Perepys dosiahnen' natsiotvorennia', *Krytyka*, vol. 7, no. 1/2, January–February 2003, pp. 6–8.
20. Shan'hina, Liudmyla 'Dva pokolinnia pid kylymom', *Dzerkalo tyzhnia*, 8 May 2003, p. 4.
21. Shul'ga, N.A. 'Funksionirovanie ukrainskogo i russkogo iazykov v ukrainskom obshchestve', in Shul'ga 2001a, pp. 89–97 (= 2001b).
22. *Ibid.*, pp. 104–110; Golovakha, E. I.; Panina, N. V. 'Dvuiazychie v Ukraine: real'noe sostoiianie i perspektivy', *Rossiisko-Ukraïnskii biulleten'*, No. 6/7, April 2000, p. 145.
23. The East Slavic identity is combined with and strengthened by the Orthodox one which, due to the legacy of Soviet atheism, is more of civilisation than of confessional nature.
24. One study of elite attitudes in Donetsk showed it to be a predominant belief in that city. Shulman, Stephen 'Competing versus Complementary Identities: Ukrainian-Russian Relations and the Loyalty of Russians in Ukraine', *Nationalities Papers*, vol. 26, no. 4, December 1998, pp. 620–624.
25. Golovakha & Panina 2000, p. 144.
26. Khmel'ko V. Ie., 'Linhv-etnichna struktura Ukraïny: rehional'ni osoblyvosti ta tendentsii zmin za roky nezalezhnosti', posted 11.11.2004, <http://www.kiis.com.ua/txt/pdf/ing-ethn.pdf>, accessed 10.03.2005.

27. For a general discussion of discourse on ethnolinguistic issues, see: Kulyk, Volodymyr 'Constructing Common Sense: Language and Ethnicity in Ukrainian Public Discourse', *Ethnic and Racial Studies*, forthcoming.
28. See e.g. speeches by Zoryslava Romovska, Mykhailo Hutsol and Valentyna Hoshovska in the debate on the draft language laws on 30 November 2001: Zasidannia sorok chetverte.
29. Dziuba, Ivan 'Prytcha vo izyzytsekh, abo Kul'tura pered systemoiu 'Rada'', *Den'*, 24 December 2002, p. 4.
30. Medvedev, Oleh 'De moia polovyna? Za motyvamy parlaments'kykh slukhan' z problem ukraïns'koï movy', *Den'*, 14 March 2003, p. 4.
31. See speeches by Anatolii Matvienko and Mykhailo Ratushnyi in the debate on the draft language laws on 30 November 2001 (Zasidannia sorok chetverte), and speeches by Andrii Shkil, Mykhailo Kosiv and Ivan Zaiets in the debate on the ratification of the charter on 7 February 2003 (Zasidannia shoste, [http://www.rada.gov.ua/zakon/skl4/3session/STENOG/07020303\\_06.htm](http://www.rada.gov.ua/zakon/skl4/3session/STENOG/07020303_06.htm), accessed 13 May 2005).
32. See speeches by Serhii Kiiashko, Mykhailo Stepanov and Ievhen Krasniakov in the language law debate, 30 November 2001: Zasidannia sorok chetverte. For a more radical view, see: Hrach, Leonid 'Iakii buty rosiis'kii movi', *Holos Ukraïny*, 10 January 2003, p. 11.
33. See e.g. speeches by Oleksandr Zinchenko and Volodymyr Alekseev in the language law debate, 30 November 2001: Zasidannia sorok chetverte.
34. The best known example of such behavior since Kuchma's 1994 promise to initiate the elevation of the status of Russian has been a similar call by Viktor Ianukovych in the presidential campaign of 2004.
35. For a detailed analysis of this discourse, see: Kulyk forthcoming.
36. Wolczuk, Kataryna 'History, Europe and the "National Idea": The Official Narrative of National Identity in Ukraine', *Nationalities Papers*, vol. 28, no. 4, December 2000, p. 687.
37. See e.g.: 'Kuchma: russkii iazyk dolzhen poluchit' status ofitsial'nogo', *Podrobnosti*, 5 December 2001, <http://www.podrobnosti.ua/power/2001/12/05/9159.html>; 'Prezident zamolvil slovo o iazyke', *Segodnia*, 6 December 2001, p. 6; 'Ukrainskii iazyk – edyni gosudarstvennyi', *Segodnia*, 18 December 2001, p. 4.
38. 'Ianukovych pidtrymav ukraïns'ku movu? V Donets'ku ioho budut' zustrichaty fashysts'kymy bihbordamy?', *Ukrains'ka pravda*, 12 December 2003, [http://www.ppravda.com.ua](http://www.pravda.com.ua), accessed 15.12.2003. In the fall 2004, on the peak of the presidential campaign, Ianukovych radically changed his position on language (see fn 34).
39. For example, this was a leading motive of comments by many officials from the central and eastern regional power bodies critically presented in a series of postings in the Russian online publication "Ukraina.Ru" ([www.ukraine.ru](http://www.ukraine.ru)) in early December 2001, after the parliamentary debate on the draft language laws.
40. 'Aktual'ni problemy informatsiinoï bezpeky Ukraïny', *Natsional'na bezpeka i oborona*, no. 1, 2001, p. 4.
41. See an interview with Rodnianskyi: Ivantsov, Oleh; et al. 'My khotily stvoryty ukraïns'ku al'ternatyvu. I u nas vyishlo', *Den'*, 21 September 2001, pp. 6–7.
42. Paradoxically, some articles praised *both* the contribution of 1+1 movies and programmes broadcast in Ukrainian to the independence cause and the success of its own movies whose Russian language is not acknowledged. See e.g.: Sobolevs'ka, Hanna 'Tel-ebachennia iak dzerkalo nashoi nezalezhnosti', *Dzerkalo tyzhnia*, 18 August 2001, p. 15.

43. See e.g. an interview with one of the station's managers: 'Oleksandr Mel'nychuk: "Treba znovu pryvchaty sebe myslyty ukrains'koiu"', *Den'*, 18 April 2003, pp. 14–15.
44. For example, this was the case with the presentation in the news programmes by the 1+1 and Inter stations (both controlled by the United Social Democratic Party of Ukraine) of the parliamentary debates on the draft language laws in November 2001, on the eve of a parliamentary election. See: 'Verkhovna Rada rozhliadala siohodni kil'ka zakonoproektiv pro movu', 1+1 TV news, 30 November 2001, <http://www.1plus1.tv/news/?30-11-2001>, accessed 12.05.2005; Obratsova, Anastasiia, 'Den' iazykovykh rasprei v VR', Inter TV news, 30 November 2001, <http://www.podrobnosti.ua/power/2001/11/30/8655.html>, accessed 12.05.2005.
45. See e.g. a transcript of his TV interview on the occasion of 100 days in office: 'Priamy efir Viktora Iushchenka na telebachenni', *Ukrainska pravda*, 12 May 2005, <http://www2.pravda.com.ua/archive/2005/may/12/efir.shtml>, accessed 13.05.2005.
46. 'Chat-konferentsiiazvitse-premieromz humanitarnykh pytan' Mykoloioiu Tomenkom', *Ukrainska pravda*, 17 May 2005, <http://www2.pravda.com.ua/archive/2005/may/17/chat.html>, accessed 17.05.2005.

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