

# Ukraine's state language law enshrines the lingua franca

By Vladimir Socor

Jamestown (16.05.2019) – <https://bit.ly/2HuCzun>– On May 15, Ukraine's outgoing president, Petro Poroshenko, promulgated the "Law on Ensuring the Functioning of the Ukrainian Language as the State Language." The accompanying communique characterizes this law as "one of the fundamental acts in the formation of Ukrainian statehood" (Ukrayinska Pravda, May 15).

The long-debated language law is a centerpiece of Ukraine's post-Maidan transformation, alongside such nation-building gains as the development of the Ukrainian Armed Forces and the establishment of the autocephalous Orthodox Church of Ukraine (see EDM, September 13, 2018; March 11, 2019). These processes consummate Ukraine's break with the Russian metropolis. In this perspective, the language law strengthens the efforts to reverse the centuries-long russification of Ukraine. After 1991, Ukrainian state weakness and the persisting ascendancy of the Russian language on the psycho-social level prevented the Ukrainian language from assuming the normal functions of a lingua franca in Ukraine's public sphere. Moreover, Ukraine remained fully exposed to the impact of Russia's far more powerful mass media and mass-culture products until 2014. The regime change and Russia's war at last inspired measures to protect and promote the Ukrainian language as a state-building foundation.

The Verkhovna Rada (Ukrainian parliament) adopted the language

law on April 25, 2019, with 278 votes in favor, 38 opposed, and the remainder seemingly uncommitted in the 450-seat chamber. Motions by the pro-Russia opposition to block the law's promulgation were defeated by similar margins on May 14 (Ukrinform, April 25, May 14). The less-than-overwhelming majority is illustrative of the inertia that the de-russification process still encounters in some sections of Ukraine's society. At the same time, the constituency actively defending the legacy of russification has dwindled, as the balance of political forces has shifted. For comparison, the 2012 language law, which favored the Russian language, was adopted with the votes of 248 deputies in the Verkhovna Rada at that time (Ukrayinska Pravda, June 6, 2012).

The just-promulgated law (Ukrinform, April 25; Golos Ukrayiny, May 16) obligates state officialdom to be capable of speaking the state language, and to use it in the performance of their official duties. The officials covered by this legislation range from the head of state, prime minister, ministers and heads of government departments, members of parliament, heads of state institutions and enterprises, and on down to civil servants, judges and notaries, police officers, professors and teachers in the public education system, postal workers, as well as medical personnel in state and municipal health care institutions.

Law enforcement, medical, and other personnel providing public services are, however, free to use languages other than Ukrainian when dealing with persons who cannot speak Ukrainian. State officials and civil servants in those categories are given a three-year transition period to learn the Ukrainian language with state assistance (see below).

These provisions are meant, in part, to remedy a uniquely Ukrainian linguistic imbalance. Russian remained the primary language of political elites (in interconnection with the business elites) in Ukraine long after 1991. Of all the presidents and prime ministers of this era (21 persons in toto), only one president (Viktor Yushchenko) and one prime minister (Arseniy Yatseniuk) are Ukrainophone in terms of native language and language of first choice. Several of Ukraine's leaders (e.g., Petro Poroshenko, Yulia Tymoshenko, Volodymyr Groysman) chose to switch from Russophone to Ukrainophone as their preferred language. Ukraine's industrial-financial "oligarchs" are all Russophone, as is the business sphere generally (this language law does not affect the private sphere).

This law introduces a state program to assist in learning the Ukrainian language, to be approved by the Cabinet of Ministers. The state program shall sponsor courses to help achieve Ukrainian language fluency for adults who did not have such an opportunity until now.

Under this law, foreign citizens who apply for Ukrainian citizenship will have to pass a Ukrainian language test. Foreigners serving in Ukraine's armed forces and applying for citizenship shall have that test deferred by one year.

The law regulates the use of Ukrainian and non-Ukrainian language content in television and radio broadcasting, printed publications, IT systems, as well as advertising in these types of media. Ukrainian-produced print media in "other" languages (meaning, primarily, Russian) must offer a parallel, Ukrainian-language print run. (Many Ukrainian-language media outlets of all types offer parallel Russian-language

versions). At least 50 percent of printed publications offered in each retail distribution site should be in Ukrainian. Breaches, such as exceeding the proportion of non-Ukrainian language content in audio-visual media, are punishable by fines. Insulting the Ukrainian language in public is deemed a criminal liability and may result in prison terms.

This law establishes a National Commission on State Language Standards and, in parallel, a Commissioner for the Protection of the State Language, both under the authority of the Cabinet of Ministers. The Commission is mandated to define requirements for language proficiency and conduct the testing. The Commissioner's office shall consider complaints and impose fines for breaches of this law, mainly in the sphere of consumer services.

While regulating the public use of the Ukrainian language, this law (or any other) does not apply to private communications, the business sphere, or the use of national minority languages. These and other languages shall be freely used in the cultural life of national minorities, religious rites, academic publications, as well as publications in English and the other languages of the European Union, regardless of whether those publications include texts in Ukrainian or not.

Ukrainian society and members of parliament had debated the terms of such legislation literally from the next day after the EuroMaidan-precipitated regime change. The Verkhovna Rada adopted the first draft in October 2018. In total, no fewer than 2,000 amendments were considered until the law was finally adopted on April 25 (see above). In his message on this occasion, Prime Minister Volodymyr Groysman commented

that Ukraine honors its ethnic and linguistic pluralism, “but our state language can only be one—Ukrainian—which we must protect and develop. Esteem of the state language is self-esteem” (Liga.ua, April 25).

President-Elect Volodymyr Zelensky’s message (via his campaign team) has straddled the issue, apparently seeking to hold together his heterogenous electorate. Inaccurately claiming that this law was adopted “hastily” and that it had been prompted by electoral considerations, Zelensky’s message nevertheless fully endorsed the status of the Ukrainian language as the sole state language deserving of state support. But he objected to the penalties contained in this law, and promised to undertake a “thorough analysis” as soon as he takes office as president (Ukrinform, April 25). In his entertainer’s career, Zelensky has a track record for satirizing (among many other things) Ukrainian national values, even in front of Russian audiences. As a presidential hopeful, in October 2018 he criticized the Ukrainian authorities’ language policy for “dictating” to Ukrainians what to watch and “how to speak” (BBC Monitoring, November 13, 2018). As president, however, Zelensky will undoubtedly become respectful of Ukrainian national values.