Civic or Ethnic?

A closer look at the form and motivation of Ukraine's 'one language policy'

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"The Ukrainian political project, in principle, can only succeed under conditions where Ukraine is isolated off from Russia to the maximum possible extent – something that has only become possible under conditions of the conflict that started in 2014"
Dmitri Trenin (2018)

Introduction

Over the last seven years, Ukraine has moved to the West on the mental map of Europe. Whereas before 2014, Ukraine was unquestionably an Eastern European state with Eastern European standards, the country has sought to ally itself with the West, simultaneously breaking with its Soviet legacy (Kuzio, 2021b). This is illustrated by the fact that as Russian troops violated Ukrainian sovereignty, Ukraine responded by intensifying its dialogue with NATO (NATO, 2021). At the same time, Ukraine also improved its relations with the European Union (BBC, 2014) and expressed its aspiration to become a member state of the Union one day (Waldron, 2014). Many parallels can be drawn with states 'behind' the former Iron Curtain, yet Ukraine stands apart through the fact that its reorientation only occurred during the 2010s, instead of the 1990s and 2000s.

When the communist empire fell apart between 1989 and 1991, the Baltic states, just like other states of the former Warsaw Pact, immediately turned their backs on the Soviet Union. In this, the newly independent states forged their own national identity (Caroll, 2012), found a national narrative to deal with the past (Brown, 1994, 14) and moved ideologically more towards the West (Caroll, 2012). These countries were thereafter often critical of the Soviet era and considered the USSR rather a form of Russian occupation (Anušauskas, 2014, 3-16) or even colonization (Annus, 2012, 35-37). A telling example of this is Latvia that – alongside other former Warsaw Pact states – joined the EU in 2004 while pursuing a nationalistic policy, essentially excluding Russian inhabitants from obtaining citizenship (Ivashuk, 2020). The two entirely European[1] former Soviet states that remained: Belarus and Ukraine, were thus rather exceptions to the combination of pro-Europeanism, nationalism, and anti-Sovietism.

Although Ukraine remained part of the 'Eastern hemisphere', the country significantly differed from Belarus on the social and political level. Although both countries have large Russian minorities, Russian culture and language effectively dissipated Belarussian culture (Smok, 2015), whereas in Ukraine, a distinct Ukrainian identity was maintained which found its way into government (Wolczuk, 2000, 678-680). A telling example of this is the status of the Russian language in both countries. Whereas Belarus grants Russian an equal status to Belarussian (Constitution of Belarus, art. 17.), Ukraine has only had *one* official language which is Ukrainian (Constitution of Ukraine, art. 10.). Moreover, politically, Belarus has retained better ties with Russia than Ukraine. This is best illustrated by the 1999 creation of the so-called Union State of Russia and Belarus which essentially aims at integrating both countries into one (Marin, 2020, 2-3). Ukraine, on the other hand, did in the end not even bother to fully join the Commonwealth of Independent States, of which it was a co-founder (Markedonov, 2010).

The relationship between Ukraine and Russia can best be described as 'rocky'. Although both Ukrainians and Russians felt connected to each other as 'brotherly people' (Kuzio, 2020), throughout the years cooperation between the two countries altered between close and distant. Economically, Ukraine and Russia were strongly integrated (Dabrowski, Domínguez-Jiménez & Zachmann, 2020), but since Ukraine's independence political disputes between the two states have always remained commonplace. Strikingly, the official relationship between the two former Soviet states was at its best before it became at its worst. In fact, just prior to the 2014 Maidan Revolution, Ukraine, under President Yanukovych, even became an observer state of Customs Union of Belarus, Kazakhstan, and Russia (Reuters, 2013). The policy of neutrality that Ukraine has pursued since its independence (Potapkina, 2010) – which in this case means: not choosing for either the West or

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[1] Excluding the Caucasus.

Russia – was thus concluded in favour of Russia. Yet, this orientation would not last for long.

Interestingly, only three months before Ukraine strengthened its relationship with Russia, President Yanukovych had promised to push for integration with Europe (Balmforth & Heritage, 2013). When he subsequently announced that Ukraine would cooperate more closely with Russia instead of Europe, a large part of the population became infuriated (Sakwa, 2015, 81). Yanukovych's U-turn led to protests (Collison, 2017, 7-8), eventually resulting in the removal of Yanukovych and the establishment of an explicit anti-Russian and pro-Western government (Onuch & Sasse, 2016, 576-580; Stein & Von Twickel, 2014). As Yanukovych fled Ukraine (for Russia), Russia in turn attacked Ukraine (CBS, 2014). Thus, these protests, generally referred to as the 'Maidan Revolution', and Russia's infringement on Ukraine's state sovereignty changed Ukraine's international orientation from East to West (Balmforth & Heritage, 2013). What is more, Ukrainian society itself changed radically as well. Culturally, the Russians were no longer referred to as 'brotherly people' (Trenin, 2018). As said, the Soviet period became viewed as a 'Russian occupation' whereby the Soviet Union was branded 'the prison of nations' (Maidan Museum, n.d.). Ideologically, Europe became an ideal that the population wished to attain (Zelinska, 2017, 6). But most strikingly, the country radically changed its face linguistically.

In line with other former Soviet countries, Ukraine has struck a balance between a Western orientation (Sorotsynska, 2019) and nationalist policy since 2014 (Kuzio, 2021a). Moreover, a new narrative has emerged in which Ukraine is the victim of Russian aggression (Ukrainian Foreign Ministry, 2021). An educated guess could therefore be that Ukraine would do the same as Latvia had done, namely creating a legal difference between Ukrainians and Russians. But Ukraine did not do so.

Ukraine stands apart demographically from most other European post-Soviet countries. In addition to having a large Russian minority (State Statistics Committee of Ukraine, 2001), many Ukrainians themselves are Russian speakers as well (CIA Factbook, 2021). Often, ethnic boundaries are blurred and culturally only the western parts and core of the country used to be distinctively Ukrainian before 2014. To be more precise, the Ukrainian ethno-cultural landscape is from a distance characterized by a Ukrainian West and a Russian East while at the same time having many local exceptions to this rule. Moreover, many ethnicities and linguistic minorities exist which defy a simple West versus East division (Mylogorodska, 2017, 1-4). Still, taking the division as a given, the fact that government-controlled Ukraine (which includes the vast majority of 'the East') is entirely 'Ukrainised' – without real opposition – remains striking (Arel, 2018, 1-3).

What stands out from the policy of Ukrainisation is the language legislation that the Ukrainian government pursues. Indeed, what strikes the most is the decrease in status that the Russian language had to bear. Closely prior to the Maidan Revolution in 2012, the Ukrainian legislators adopted a language act that intended to raise the status of minority languages. Although Ukraine would remain the sole official national language, Russian – amongst other languages – was to become recognised as an official regional language thereby substantially increasing the language rights of many linguistic minorities (Salazar, 2020, 11; Roudik, 2012). Only six years later, however, the Constitutional Court of Ukraine supported the annulment of the 2012 language law (Pidkuimukha, 2020). As a result, the Russian language was threatened to become a minority language without any special status. This threat had already become a reality in 2016 when a Television and Broadcasting Law curbed the use of Russian in favour of Ukraine. Yet, from 2018 until 2021, many laws and policies ensued which challenged the use of Russian first and foremost. Thus, it came to be that Russian went from having a special status confirmed by the 1991 Constitution of Ukraine (Constitution of Ukraine, 1991), to becoming the most restricted language in 2021, as will be pointed out in this research.

The current linguistic situation could best be described as a far-reaching attempt by the Ukrainian government to promote one language. Simultaneously, all the 'other languages' spoken in Ukraine have, to varying degrees, been restricted. This situation is highly sensitive, especially for Russian, given the fact that a large proportion of Ukrainians speaks Russian and until recently was able to do so in almost every domain of life (Huba, 2019). The fact that Russian-speakers and speakers of other minority languages are nowadays required to speak Ukrainian in a wide variety of areas could therefore raise the idea that Ukraine is discriminating against its own population; privileging Ukrainians above other groups, possibly even executing a form of ethnic nationalism. Nevertheless, this assessment is complicated by the fact that, first, a large proportion of ethnic Ukrainians speak Russian and are therefore targeted as well (CIA Factbook, 2021), and, second, exclusionist practices are mostly confined to language only. In other words, the Ukrainian government targets the use of a language which is in the end not an unchangeable attribute. Consequently, it remains to be seen whether Ukraine's linguistic policy could be branded as ethnic.

The connection between nationalism and language is complicated. One could argue for example that the creation of a nation implies that one language ought to be chosen. However, should one linguistic group be chosen over another as 'bearers of the national language', would that not privilege one group over the other which strongly reminds of ethnic nationalism? The opposite seems to sap the idea of nationalism itself, however. Taking Belgium as an example, the equal promotion of two languages coincides with the fact that the country consists of two nations rather than one.[2] What is more, many 'civic' nations have strongly promoted one language[3] – incidentally restricting minority languages as well. In other words, a clear pathway for the link between language and nationalism is missing.

This research will attempt to clarify the connection between language and nationalism. Using the case of Ukraine, this paper aims to bring to light the complexities of language within nationalism whilst simultaneously arguing that perspective plays an important role in determining what makes language policy either civic or ethnic. At the same time, this research endeavours to go beyond the research question in order to present a real-time view on the language situation in Ukraine. This means that this research will integrate history, demographics, and politics in order to establish a familiar imagine for native Ukrainians and a lively, understandable image for outsiders. This emphasis on familiarity is chosen as a result of the preference for simplicity quoting the famous words: "if you cannot explain it simply, you do not understand it well enough". This implies that the written word is preferred over numbers. Quantitative methods of research are therefore highly encouraged.

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[2] Flanders and Walloon; not mentioning the German-speaking parts and the legislative complexity that is Brussels.
[3] Taking France as an example, which has one of the strictest language laws in the world.

Content

Research Question and Operationalisation

"The goal of this research is to determine to what extent the actions of the Ukrainian government in the domain of language since 2014 could be seen as a form of ethnic nationalism."

Nationalism is a complicated matter. As will become clear in the theory chapter, scholars leave a lot of room for interpretation when it comes to the distinction between ethnic and civic nationalism. As a result, there are many theories of nationalism to choose from which all hold their own justification. When it comes to Ukraine, however, nationalism may prove to be even more challenging. As the demographic overview in the next chapter will reveal, there are many lines of division to be found in Ukraine (State Statistics Committee of Ukraine, 2001), yet at the same time these lines hold too little explanatory power individually. For identity, this means that no one identity holds the truth to explain Ukraine's social divisions, let alone the split of the country that is the case since 2014. Still, nationalism *is* pivotal to understanding Ukraine's linguistic U-turn since 2014 and must arguably be treated as such (Minich, 2018). Therefore, this research will not only try to understand nationalism in Ukraine, but also the connection that nationalism holds to language in order to grasp the language situation of the country.

The full scope of language in Ukraine since 2014 is too broad to conceptualise in one research. Thus, a choice ought be made in which aspect of language is the most outstanding. This research will specifically focus on the role of the Ukrainian government in promoting and legislating the Ukrainian language in which notably the Russian language is not treated equally. To do so, the promotion and legislation of Ukrainian could be narrowed down to 'actions of the carrot' and 'actions of the stick'. Actions of the stick by the Ukrainian government are then simply understood as legislation, or to remain to the key word of actions: *legislative acts.* Actions of the carrot are a little complicated since not every form of promotion is a practical act itself. In other words, whereas legislation would be null without the act of enforcing it, promotion can both vocal or practical. Therefore, vocal and practical actions by the Ukrainian government in the domain of language are divided respectively into: *verbal acts* and *supportive acts.* Together with legislative acts, the latter two make up the main object of research in this paper.

Acts by the Ukrainian government in the domain of language require specification to narrow-down the area that language encompasses. This is done through the introduction of five subdomains within the domain of language. Leading in this choice for these subdomains is the fact that the Ukrainian government has not only left its legislation to the 'official side' of life in Ukraine, but has actively sought to establish the use of Ukrainian in many more domains of Ukrainian life (Kudriavtseva, 2021). Hence, the chosen subdomains include:

1. Official language and the status of minority languages
2. Education
3. Media
4. Workplace
5. Daily use

As this research argues, *official language and the status of minority languages* is a subdomain in which a preferential treatment through legislation for one or more languages is to be expected

whereas a legislation in the subdomain of daily use could considered to be intrusive. This does nevertheless not answer the research question.

In order to answer the research question, both actions of the carrot and the stick – regardless of their intrusion – need to be classified in order to answer the research question. As will become clear in the research, nationalism is often presented through the dichotomy of civic and ethnic nationalism (Tamir, 2019, 421-425). Hence, this research aims to first present this distinction and all the variations that build onto it, and second to connect this distinction to the domain of language. In other words, this paper attempts to provide an answer to which language policies could be considered ethnic and which policies could be considered civic in the case of Ukraine. At the core of branding policy as either ethnic or civic is the motivation that comes with the policy. Policies as such could namely be branded as either civic or ethnic as such, or the motivation behind the policy could be branded as either civic or ethnic it. This marks an important distinction between legislative acts and verbal acts since the former concern mostly the policy as such whereas the latter concern rather the motivation. As a result, this research will also serve as a proof of whether what is said matches with what is done.

The goal of this research is to determine to what extent the actions of the Ukrainian government in the domain of language since 2014 could be seen as a form of ethnic nationalism." Therefore, this paper will have the following research question: "To what extent could the actions of the Ukrainian government in the domain of language since 2014 be considered a form of ethnic nationalism"? Three sub-questions will be asked in order to answer the main research questions:

1. How does the dichotomy of civic and ethnic nationalism relate to language policies?

First and foremost, this chapter will treat the various theories that are related to the civic versus ethnic dichotomy of nationalism. This includes historiography of the dichotomy, as well as criticism and alternatives. Subsequently, this chapter will attempt to discern which role language plays in the theories of nationalism and then to link language to both civic and ethnic nationalism. In order words, the goal of the chapter is to shape a theory in which language has both a both a place within civic nationalism and ethnic nationalism, depending on the motivation and execution of language policies. As will become clear in the theory chapter, the promotion of language is not necessarily an attribute of ethnic nationalism, but could equally be treated as a marker of civic nationalism[4].

2. What was the goal of the Maidan Revolution?

The embrace of Ukrainian nationalism (Kamionka, 2020, 238-239) including the promotion of the Ukrainian language (at the cost of Russian) has clearly commenced after the Maidan Revolution (State Language Law, 2019). This does, however, not mean that the Maidan Revolution itself was necessarily aimed at establishing a hegemony of Ukrainian. Rather, the Maidan Revolution was a movement with different characteristics and goals in the various stages of the process during which various groups attempted to achieve divergent results (Von Burgsdorff, 2015). As the second chapter will show, language was *not* the main aim of the Maidan Revolution. Still, the seeds for a pro-Ukrainian revolution were arguably planted during this revolution.

3. Which acts has the Ukrainian government implemented in the domain of language since 2014?

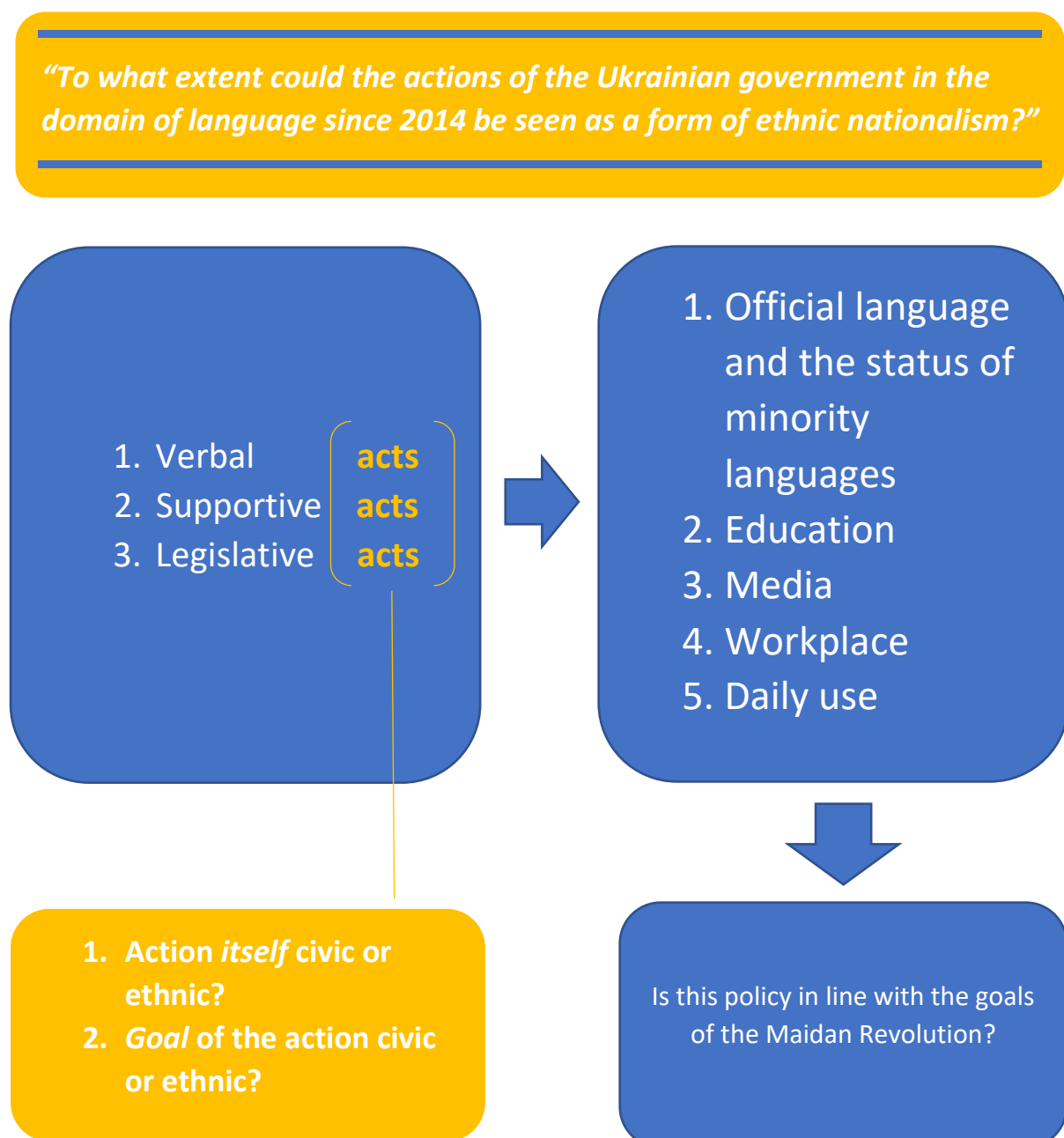After the Maidan Revolution, the novel Ukrainian government was quick to announce and execute language laws which strengthened the status of Ukrainian at the cost of Russian an other languages

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[4] A good example of this is the procedure of 'civic integration' in which EU-member states measure the level of integration of newcomers partially by testing their language-proficiency (Horner, 2015, 377).

(Viktora, 2020, 30-32). Moreover, the strengthening of Ukrainian was not only done through so-called language laws, but was also done by promoting Ukrainian through other means (Speak Ukrainian, 2022). To understand the extent of Ukraine's one-language policy, this chapter will analyse acts of the Ukrainian government in the five domains that are mentioned above. This chapter will reveal not only that the Ukrainian government has enforced a hierarchy of languages in which Russian is placed below English, but also that notable government officials do not sing from the same hymn sheet.

Lastly, two additions are included in this research which aim to add more substance to this research. The first of these additions is found in theory chapter and entails a demographic overview of Ukraine as well as theoretic overview on identity in Ukraine. As identity and language in Ukraine are extremely complicated, the overview attempts to portray the main lines of division in the country, as well as link these divisions to the theory of nationalism. The second addition in the research is found in the language policy chapter and looks into the European Commission that has given an opinion on Ukraine's language laws. This commission, usually referred to as the Venice Commission, has been requested by Ukraine to judge on its language laws, yet has not been all too positive on Ukraine's stance and stresses the importance of protecting minority languages (Venice Commission, 2019, 29).

Figure 1: Graphical overview of the research.

"To what extent could the actions of the Ukrainian government in the domain of language since 2014 be seen as a form of ethnic nationalism?"

1. Verbal **acts**
2. Supportive **acts**
3. Legislative **acts**

1. Official language and the status of minority languages
2. Education
3. Media
4. Workplace
5. Daily use

1. Action *itself* civic or ethnic?
2. *Goal* of the action civic or ethnic?

Is this policy in line with the goals of the Maidan Revolution?

Scientific relevance

When being introduced to the theory of nationalism, language seems to be a strict marker of ethnic nationalism (Lytra, 2016, 136-142). As civic nationalism is often portrayed as an ideology of the 'universal', a form of nationalism that does not differentiate, ethnic nationalism seeks the 'particular' (Kuzio, 2002, 20-29) in which language can only be a unifying factor for those being able to speak a given language (Kuzio, 2002, 22). Following this rationale, any attempt of prioritising one language above another by a given government should thus be considered as a form of ethic nationalism which would mean that more or less any government in the world pursues an ethnic language policy[5]. Diving a little further into the theory of nationalism, the connection between language and nationalism becomes more opaque however. Namely, if a government does not prioritise a single language, communication between citizens becomes increasingly difficult due to lack of a common tongue. This in turn the question of whether the promotion of one language could be part of a civic nationalism (Peacock, 2015, 70). And if so: what does a civic language policy set apart from an ethnic one, given that the promotion of one language over others could both be a civic and ethnic trait?

Interestingly, these questions remain largely unanswered in modern research. Instead, language continues to be accepted, mostly, as a marker of ethnic nationalism whilst simultaneously lacking argumentation for why language is an ethnic marker (Tamir, 2019, 425-427). Other markers of civic and ethnic nationalism await the same fate of being ill-defined and the unclarity that emerges out of this lack of definition has led some authors to dropping a civic versus ethnic dichotomy altogether (Nielsen, 1996, 46-51). The results are problematic since civic or ethnic nationalism could subsequently mean anything for lack of a common understanding on the definition of the two ideal types of nationalism. More importantly is the fact that the reasoning behind the definitions of the nationalism archetypes has gone out of sight (Kamusella, 2017, 21-22). This research will bring the reasoning back in sight.

Originally, civic versus ethnic nationalism had both their own distinct markers in the theory of nationalism, yet the reasoning behind those markers is of fundamental importance to understand what constitutes the essential difference between civic and ethnic nationalism. Civic nationalism has at its core the idea of universalism, whereas ethnic nationalism has the idea of particularism (Kuzio, 2002, 20-21, 30). Out of this understanding came certain markers which were associated with nations that existed at that time (Kohn, 1965, 30-31), but this research argues that these markers of nationalism must not be interpreted as being unchangeable. Instead, civic versus ethnic nationalism has at its root the antithesis of *universal* versus *particular* nationalism (Kohn, 1965, 30-31). Thus, regardless of whether a marker would be understood as being civic or ethnic, it more important to judge whether the marker – and its reasoning – is universal or particular in nature.

This research clarifies the link between language and the theory of nationalism by treating language – and more importantly: the promotion of one language over the other – as both possibly being universal or particular. This is done through separating actual implementation of language policy and the motivation that is behind it. As a result, the promotion of one language over the other could be seen as particular for the fact that it prioritises one *particular* language, but also as universal since it might aim to create an atmosphere in which all citizens might communicate with one *universal* language. In turn, this opens the door in research to apply a same strategy to other markers of nationalism.

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[5] Which may be the reason why civic nations deny internal linguistic diversity (Kuzio, 2002, 30).

Societal relevance

Ukraine's *one language policy* draws relatively little international attention from the West. Perhaps this is due to the fact that the promotion of the majority language in a given country may seem a common trait of the European nation state, yet this is exactly an issue in which Ukraine differs from other European nations. In comparison, Ukraine is in fact a unique example of the combination of language and identity. Although a 77.8% of Ukrainian passport holders considers itself part of the Ukrainian ethnicity (Ukraine Census, 2001b), the number of Ukrainian citizens that speak Ukrainian as a first language is a lot lower at 67,5% (Ukraine Census, 2001a). From a distance, it would therefore seem that language thus does not seem to be of serious importance when it comes to Ukrainian identity, yet this is exactly what has come to change since 2014.

In line with other European countries, the Ukrainian government has sought to prioritise the Ukrainian language in many domains of society through the introduction of language laws since 2014 (Landman, 2021). What is unfamiliar, however, is that not only ethno-linguistic minorities in Ukraine are targeted by these laws, but that Russian-speaking Ukrainians themselves are the largest group that is being targeted (Huba, 2019). What is more, this language group only has a claim to a distinct language from Ukrainian, but not to a distinct ethnicity from Ukrainians. This means that, as Russian is the language of Russians, and Ukrainian is the language of Ukrainians, Russian-speaking Ukrainians speak a language that arguably does not belong to their identity group, ideally speaking (State Language Law, 2019, 2). Moreover, as Russian is *not* recognised as an *indigenous language* of Ukraine, it could be considered that Russian-speaking Ukrainians have a *foreign* native language (Law on Indigenous peoples, 2021, art. 1.1). Yet, what has this to do with the common understanding of nationalism?

Ukraine's unique case of language legislation could change how both civic and ethnic nationalism are being viewed. Should Ukraine have a language policy that is ethnic, it is striking that the largest group affected constitutes of very Ukrainians. Ethnic nationalism should in this case not be seen as an aggressive form of nationalism that seeks to dominate others, but rather as a nationalism that aims at creating homogeneity within the in-group. On the other hand, if civic arguments fuel Ukraine's language policy, the legislator's choice for Ukrainian is striking. That is to say, that if one language for all Ukrainians for communicative reasons is what the Ukrainian government aims at, Russian would have been a more logical choice since virtually all Ukrainian citizens already speak Russian (Kulyk, 2014a, 117-118). In this case, it would be fair to conclude that the facilitative aspect of having one language might play a role, but that additional arguments to not choose the largest language play role as well (Trenin, 2018), thereby proving that a *purely* civic language policy does not exist.

What has society to gain from additional insights on the nature of language policies – and specially: what does knowledge of the degree of ethnic nationalism in the actions of the Ukrainian government in the domain of language since 2014 yield? As this research has already revealed through the research question, the ideal type of ethnic nationalism will not be judged for being fully applicable or non-applicable, but rather for the extent to which the ideal type is applicable. Hence, the main relevance of this research is to reiterate first that ideal types do not constitute a reality, but rather help to interpret reality. In the second place, this research strongly advises to view civic and ethnic nationalism as value-free constructions. The societal relevance of this approach for Ukraine is considerable due to the fact that civic and ethnic nationalism are rarely used as value-free in construct in the debate around Ukraine's language policy (Tamkin, 2022). In fact, civic is often considered to be the good form of nationalism (Tamkin, 2022), even though it remains often unclear what Ukrainian civic nationalism means – especially with regards to language (Barrington, 2022, 373-377).

Lastly, this research hopes to add a contribution to the common understanding of the Ukrainian language policy, regardless of the theoretic outcome of the research. Since this research presents the various Ukrainian language laws that have come into force since 2014 and provides a motivation of why these laws have seemed necessary, this research aids readers in forming an image of *what has happened*. Without a doubt, this research has many limitations, yet these limitations provide exactly the image this research wishes to contribute to society. That is: to see Ukraine's language policy with the theory of nationalism and the Maidan Revolution in mind.

Chapter 1: Theory

Due to its prevalence, it is hard to imagine nationalism as a relatively new ideology. Nonetheless, the ideology traces its origins back to about the end of the 18th century. Gaining in popularity during the 19th century, nationalism was by no means the only theory that was popular at that time (Grosby, 2005, 116-117). For example, liberalism and Marxism – having to a large extent common ground with nationalism – were heavily debated throughout the 19th century as well (Tamir, 2019, 421-425). Still, nationalism may be somewhat of an oddity in comparison with other modern ideologies. Nationalism has often been called a thin-centred ideology. Whereas theories such as liberalism and Marxism offer a comprehensive ideological core, which provide answers to questions of such diverse nature as social justice and conflict management, nationalism arguably lacks this core (Freeden, 1998, 750-751). Hence, the ideas that are found within nationalism, are rather the core of other ideologies (Freeden, 1998, 758-759).

The lack of an ideological foundation may present itself in the fact that a very large majority of scholarly work on nationalism (perhaps up to ninety per cent) concerns case studies. In other words, scholars on nationalism largely refrain from debating theory, but rather focus on the implementation of nationalism (Tamir, 2019, 421-425). As Tamir argues, this peculiarity of nationalism presents itself in the fact that nationalism is *descriptive* rather than *prescriptive.* Other modern theories on the other hand, focus rather on what *should* happen than on what has *happened* (Tamir, 2019, 421-425). Still, nationalism's tendency to be somewhat in lack of an ideological core, does not mean that nationalism should be disregarded in theory, nor in practice. Practically speaking, it is hard to overestimate the importance of nationalism in the 20th century. With the exception of Nazism and Communism, which could be treated as ideologies hostile to an equal settlement of nations[6], 20th century Europe saw a transformation from large empires to a mosaic of (smaller) nation-states (Grosby, 2005, 117). Furthermore, in those regions in the world where a general satisfaction with the nation's borders had not been realised, various forms of nationalism have continued to compete over the ownership of land (Pillar, 2013, 17-18). Lastly, the establishment of the League of Nations and the United Nations, both reaffirming the self-determination of peoples, serve as important examples of how the main principles of nationalism were honoured (United Nations, 1945, Article 1; Wilson, 1918).

As mentioned earlier, nationalism may be too thin to call it an ideology. The fact that there is no universal theory of nationalism might strengthen this assessment.[7] Yet, there remains a foundation upon which nationalism is built. Gellner most clearly defines nationalism as "primarily a political principle which holds that the political and the national unit should be congruent" (Gellner, 1985, 1). The political unit remains flexible, however, since nationalism does not exclude other political ideologies. In fact, unlike liberalism or Marxism, both left-wing and right-wing politics seem to thrive upon nationalism and incorporate nationalist 'ideology' in their political views (Andrews & Sawards, 2005, 16). As Freeden points out, as far as nationalism has a core structure, it consists of (Freeden, 1998 751-752):

> 1. "the prioritisation of a particular group – the nation – as a key constituting and identifying framework for human beings and their practices;"

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[6] Although both political ideologies mobilized nationalism as well whenever the situation demanded so.
[7] On the other hand, it is highly debatable as well to state that liberalism and Marxism have an uncontested ideological basis.

2. "a positive valorisation is assigned to one's own nation, granting it specific claims over the conduct of its members;"

3. "the desire to give politico-institutional expression to the first two core concepts;"

4. "space and time are considered to be crucial determinants of social identity;"

5. "a sense of belonging and membership in which sentiment and emotion play an important role."

According to Tamir (2019), scholars on nationalism attempt to free nationalism from its 'unideological shackles' by proposing a moral distinction of nationalism in which the higher form is connected to principles and the lower form is connected to attachments (Tamir, 2019, 421-425). Although it is beyond the scope of this research to determine whether nationalism thus deserves a place amongst the 'ideologies', this distinction itself will be the object of research in this chapter. Most scholars dealing with nationalism distinguish two ideal types of nationalism: civic nationalism and ethnic nationalism. In civic nationalism, the nation emerged within pre-existing state structures. Individuals in such a nation are bound to the collective by a free choice. In other words, membership is voluntarily and can, in theory, be cancelled at any time. Ethnic origins are not of importance within the civic nation since membership is based on a belief in the nation's values. These values are mainly beliefs that emerged out of the period of the Enlightenment. Furthermore, within the civic nation, citizenship equals the notion of belonging to the nation. Often, the civic form of nationalism is referred to as the French nationalism (Shulman, 2002a, 555).

The ethnic form of nationalism, also referred to as German nationalism, is *not* open to anyone. Whereas in civic nationalism, membership is a voluntary choice, in ethnic nationalism membership is a *given.* Thus, regardless of one's beliefs, belonging to a nation is dependent on one's descent. As a reaction to the universalistic spirit of the Enlightenment, ethnic nationalism seeks *uniqueness* over similarities. Furthermore, common to ethnic nationalism is the idea that the nation precedes the state. Thus, ethnic nationalism seeks to establish a state that coincides with the regions in which the ethnic group is present (Schulman, 2002a, 555).

Scholars on nationalism have attempted to make civic nationalism and ethnic nationalism more tangible by awarding certain features to both ideal types. Moreover, some authors have tried to look beyond the dichotomy of ethnic versus civic by claiming that all nationalism is ethnic in nature (Yack, 1996, 103-116), or by creating a new ideal type of 'cultural nationalism' (Nielsen, 1996, 47-49). Important to keep in mind is that each scholar on nationalism slightly differs in what constitutes civic and ethnic nationalism. This will be addressed in this chapter.

The dichotomy

Origins
The distinction between the two forms of nationalism dates back to 1908, when German historian Friedrich Meinecke published his *Weltbürgertum und Nationalstaat* [Cosmopolitanism and the Nationstate]. In this book, Meinecke acknowledges that it remains difficult to exactly define what constitutes a nation. As a general prerequisite, Meinecke states that a nation must derive from a natural core based on blood relationship. Moreover, he explains that a nation has specific characteristics such as a common place of residence, a common ancestry, a common language, or common intellectual life. Yet, he also argues that these traits vary from nation to nation (Kimber, 1970, 9). Nonetheless, he defines one requirement for any nation: a firm territorial base. Only then, Meinecke argues, will a nation reach a firm coherence (Kimber, 1970, 10).

Nations that held a 'fatherland' for a certain period of time, can be divided into two categories, according to Meinecke. In the first place, there is the *Staatsnation,* or political nation. This type of nation emerged as a result of pre-existing state structures (Kimber, 1970, 11). In such a nation, the exact moment of the birth of the nation is hard to point out; rather, the political nation arises in the course of slow historical growth. Essential to the concept of the political nation, however, is the fact that the nation is formed from above (Kimber, 1970, 13-14). On the other hand, there is the *Kulturnation*, or culture nation. This form is based on the unifying force of cultural heritage (Kimber, 1970, 10). Membership of such a nation is a given, rather than a choice and, in contrast to the political nation, a cultural nation does not require a state for its existence (Kimber, 1970, 13). Moreover, in case a culture nation attains a state, the culture logically preceded the state. A cultural nation and political nation can exist simultaneously – as exemplified by Germany. But the two can also be separated, as is the case in German-speaking Switzerland.

The moral distinction
The Czech-Jewish philosopher Hans Kohn popularised the distinction made by Meinecke. Moreover, Kohn added a moral layer on top of the dichotomy of the two forms of nationalism (Jaskułowski, 2010, 290). According to Kohn, there was only one original form of nationalism that emerged in Western Europe (Jaskułowski, 2010, 290). This form of nationalism was mostly a political notion based on pre-existing state structures – just as Meinecke had argued. However, although Kohn agreed with Meinecke that nationalism in other parts of the world was different, Kohn argued that the 'Eastern' form of nationalism was just a perverted version of the ideal form of nationalism (Kohn, 1946, 329-330). The Western – or civic[8] – form of nationalism was strongly connected to individualism, cosmopolitism, and the idea of the social contract. Furthermore, this nationalism was forward-looking, rational, and universal. Lastly, membership was based on a free choice (Jaskułowski, 2010, 293). In contrast to the former, non-Western[9] – or ethnic – form of nationalism was formed rather in opposition to these Western values. Thus, Kohn argued, nationalism outside of the West saw its own justification in the cultural sphere. This justification was reflected in a myth of the past, a dream of the future and a 'fatherland' (Kohn, 1946, 329-330). Moreover, Kohn is of the opinion that non-Western nationalism lacked confidence and therefore started to act out overconfident (Kohn, 1946, 330-331).

As a result of the difference in historical backgrounds, Kohn proposed a structural division between the nationalism of the West and the 'other' form of nationalism. Citizenship, voluntary association, and state structures compromised Western nationalism. Eastern nationalism, on the other hand, constituted concepts such as: folk, kinship, and heritage (Kohn, 1946, 330-332). Since then, the dichotomy prevailed – as did Kohn's rejection of this 'Eastern' nationalism. As Zubrzycki points out, due to Kohn's refusal, Eastern nationalism – also called: ethnic nationalism – came to be seen as a conviction that breeds xenophobia, superiority and autocracy. Hence, ethnic nationalism came to be known as the 'bad form' of nationalism, while Western nationalism – also named: civic nationalism – came to be seen as the 'good form' (Zubrzycki, 2002, 281-282).

This distinction between civic and ethnic nationalism is nowadays commonplace. Although authors vary (Kamusella, 2017, 23) in the terms they use for civic and ethnic nationalism, the dichotomy prevails. Sometimes authors add new layers of differentiation on top of the 'old dichotomy'. Such is

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[8] Kohn never used the concepts of ethnic and civic nationalism, however. Nevertheless, the current-day dichotomy of civic and ethnic does derive from the distinction made by Kohn between Western/political and Eastern/cultural nationalism.
[9] In literature often called: 'Eastern nationalism', which as such is a wrong depiction since Kohn rather saw all non-Western nationalism as perverted.

the case, for example, in the work of Smith who states that territorial nationalism and ethnic nationalism can both be subdivided into a pre-independence nationalism and a post-independence nationalism (Smith, 1991, 82-83). Another example is presented by Sugar (1969), who mentions four types of nationalism: bourgeois, aristocratic, popular, and bureaucratic (Sugar, 1969, 46) In other cases, the moral undertone that overshadowed Kohn's dichotomy is copied. For example, Plamenatz (1973) associates the non-Western – here referred to as: Eastern – nationalism with illiberalism (Plamenatz, 1973, 35-36) and as a means to achieve a state, rather than to run it (Plamenatz, 1973, 30-31). Closely related to the moral distinction is the overt condemnation of ethnic nationalism that has found its way into academia (Zubrzycky, 2002, 280). A striking example of this is found in Ignatieff's *Blood and Belonging* (1993). According to Ignatieff, there is the 'good' form of nationalism that "is called civic because it envisages the nation as a community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values. This nationalism is necessarily democratic, since it vests sovereignty in all of the people." (Ignatieff, 1993, 10-22) From Ignatieff's point of view, exactly *this* kind of nationalism is closer to sociological realism. On the other hand, however, is the ethnic nationalism that is based on primordialism. According to Ignatieff, this means that one's deepest attachments are inherited instead of chosen. Furthermore, Ignatieff claims that in an ethnic state, the individual will is subordinate to the collective will. Thus, ethnic nationalism is by definition antithetic to civic nationalism, since it lacks the focus on individualism. Ignatieff does not stop here, however, but continues to associate ethnic nationalism with authoritarianism, distrust, and even large-scale murder (Ignatieff, 1993, 10-22).

Overcoming the problem of morality
The problem with the debate on nationalism is that no author means the same. Whereas Meinecke acknowledged that there was no such thing as a nation that had an ethnic core, the debate slowly evolved into thinking that the achievement of an ethnically homogenous state is exactly what ethno-nationalists want (Muller, 2008, 20-23). To overcome this problem of the moral undertone, scholars on nationalism have in general offered three solutions: to invent a 'third way', to look at nationalism purely in ideal types, and to seek a moral factor that stands apart from the civic/ethnic dichotomy.

The 'intermediate view' on nationalism was formulated by Kai Nielsen who criticized the civic versus ethnic dichotomy and its moral undertone. As Nielsen argues, by many scholars civic nationalism is seen as a *purely political conception* that does not reflect a common culture. Nielsen reacts to this by stating that: "[...] this is false. Indeed, worse than being merely false, it is a piece of deceptive ideology and may even be incoherent." (Nielsen, 1996, 47) In essence, Nielsen claims, civic nations do have a cultural component. This is seen in the fact that a member of a civic nation, for example the United States, does not become a stateless individual by believing in 'undemocratic values' (Nielsen, 1996, 47). In addition, Nielsen claims that nations that are not ethnic in nature, do not have to be democratic at all (Nielsen, 1996, 48). Following the line of argument of Nielsen, the difference between ethnic and civic nationalism becomes rather obsolete. Nevertheless, Nielsen solves this by proposing 'cultural nationalism'.

According to Nielsen, "All nationalisms are cultural nationalisms of one kind or another. There is no political conception of the nation, liberal or otherwise." (Nielsen, 1996, 50) He continuous: "Sometimes it takes ethnic forms sometimes it takes nonethnic but dictatorial forms [...] and sometimes it takes the form of liberal nationalisms [...]". Thus, what differentiates one form of nationalism from the other is the culture of a given nationalism. In the case of forms of nationalism that are branded as 'ethnic' or 'exclusionist', Nielsen states that often these forms of nationalism simply demand adherence to the language and customs. That does not, however, prevent citizens from also expressing a different culture (Nielsen, 1996, 46-51).

Zubrzycki (2002) still sees the value of the dichotomy as proposed by Kohn, she only argues

that the moral distinction should be left out so that the dichotomy only consists of 'ideal types', which means that Kohn's dichotomy should be seen in its essential forms. These ideal types by no means form a representation of nationalism in practice, Zubrzycki argues. The goal of the ideal types is rather to "[highlight] how they differ from reality, [show] how they empirically overlap, as well as [pay] attention to the similarities among any types of nationhood and nationalism." (Zubrzycki, 2002, 286) Thus, the goal of the ideal types in Kohn's dichotomy is not to determine *whether* nationalism matches the ideal type, but *to what extent* it does (Zubrzycki, 2002, 286-287). Furthermore, Zubrzycki argues that the ideal types do not only help to find differences between a 'civic nation' and an 'ethnic nation', but also allow to find differences *within* the ideal type. For example: to what extent do German and Russian ethnic nationalism differ (Zubrzycki, 2002, 286-288)?

Finally, some authors argue that a moral dimension has its purpose, but that it should be separated from the dichotomy. An example of this is *The Post-Communist Diaspora Laws* by Oxana Shevel (2010). In response to allegations of ethnic nationalism breeding xenophobia, Shevel, by using international standards as the main criterion, argues that ethnic elements in a nation do not necessarily have to be bad. What makes ethnic nationalism 'bad', Shevel states, depends on whether ethnic policies *exceed* proportionality (Shevel, 2010, 181-182). A decade earlier, Brown (1999) saw a factor that determines the morality of nationalism. Similar to Shevel, he states that it is not ethnic nationalism itself that dictates whether nationalism is wrong; it is rather the insecurity of elites that can make nationalism bad. More specifically, the quality of nationalism – liberal nationalism is 'good', illiberal nationalism is 'bad' – is determined by the perceived position of 'the self' and 'the other'. Thus, in nations in which the elites feel threatened, often going hand in hand with an insecure population as a whole, nationalism may develop into an illiberal form *regardless* of whether nationalism is ethnic or civic. On the other hand, a nation that has a confident elite most likely will turn out to be a liberal nation; again, *regardless* of whether nationalism is ethnic or civic (Brown, 1999, 298-300).

Beyond a static approach
As the historiography on nationalist theory reveals, nationalism does not necessarily have to be strictly civic or ethnic. Moreover, it is possible to either consider morality completely separate from the ethnic versus civic dichotomy, or to disregard morality altogether. Nevertheless, although nations do not have to strictly match the theory, the view on what constitutes the nation remains essential. This means that nations are approached as an ideal that constitutes various factors that *do not* change over time. Some authors have declared this as a rigid interpretation that needs to be resolved (Verdery 1993; Brubaker 1996). A case study on the changing nature of Polish and Quebecois nationalism by the previously mentioned Zubrzycki clarifies this critique. According to Zubrzycki (2002), the Polish nation was originally a political agreement between nobles. Only after Poland was partitioned at the dawn of the 19th century, did the Polish nation re-imagine itself along ethno-cultural lines. Yet, in the 21st century, the civic ideal gained a greater foothold so that contemporary Poland nowadays has a culture war within its border in which both ethnic and civic ideals compete (Zubrzycki, 2002, 288-290).

The Israeli academic Tamir shares the opinion of Zubrzycki that nations oscillate between civic and ethnic elements, but sees a clear pattern that most nations follow. According to Tamir, there are five stages. In the first phase, *The Birth of a Nation,* homogenizing forces shape the public sphere. During this phase, the emphasis is on the formation of a unified consciousness in the form of a common language, culture, historical narrative, and common symbols. Next, the second phase starts, which is called *Banal Nationalism.* Here, the initial formative state is relaxed, and the national-cultural ideal becomes the status quo. As Tamir states: "Individuals do not necessarily

appreciate [the benefits of the members of the nation] that are taken for granted." (Tamir, 2019, 428) Following up is the *Multiculturalism* stage. During this phase, members of the majority, residing in their secured position, become less interested in the public sphere which allows for minorities to speak up. As a result, in the fourth stage, the *Diversity* phase, the voices of the minority erode the national homogeneity. According to Tamir, this marks the transition from an ethnic stage to a civic stage. At a certain point, however, this pluralist ideal of nationalism comes under increasing pressure. When this occurs, the nation enters the final stage, the *Post-Diversity phase.* During this period, the majority becomes increasingly alienated from the public sphere. As a result, members of the majority try to reclaim the traditional structures of society. Many strategies that were used in the first phase, will therefore be re-used in this stage (Tamir, 2019, 429).

What to do with 'language'?

In line with Zubrzycki's and Tamir's argumentation, one could argue that nationalism changes over time. Moreover, if ideal types only serve to bring a nation(alism)'s specificities to light, the only thing left to do in this research is to determine to what extent Ukraine's language policies are ethnic so that Ukraine's language policy is better understood as a form of nationalism. Nonetheless, the marker of language comes with the problem that the promotion of one language is a policy that reminds strongly of the ethnic archetype. That is, the promotion of one language over others seems to be rather a policy of the 'particular kind' than the 'universal kind'. Still, the promotion of one language over others is not a policy that is solely followed by so-called 'ethnic nations' (e.g. Germany or Poland), but seems to be practised by 'civic nations' (e.g. France or the Netherlands) all the same. Thus, the question that comes to mind is: how should one keep an ethnic and civic language policy apart? Two scholars have provided an answer that is the basis for this research.

The first scholar is Anna Stiltz (2009) who is most concerned with the 'visible side' of language policies. According to Stiltz, a civic nation ought not to create a complete linguistic hegemony over other languages. Instead, Stiltz argues that a majority language may be promoted for the sake of democratic and economic participation, but that linguistic minorities must equally be allowed to use and promote their own language (Stiltz, 2009, 260-261). Moreover, this promotion of minority languages should not be attached to any historical argument but should instead be open to any minority. Thus, state policies regarding language ought to represent the *current* linguistic composition of the population in a civic state. Should the linguistic demography change, the language policies should change alike (Stiltz, 2009, 291-292).

The second scholar, Donald Ipperciel (2007), also recognises the paradox of language vis-à-vis the civic nation but focuses rather on the 'invisible side' of language policies. As Ipperciel points out, a single language may not be a perfect criterion for a civic nation *ideally.* Yet, the multiplicity of languages forms the strongest obstacle towards effective communication that is so essential in a civic nation (Ipperciel, 2007, 401-402). Hence, Ipperciel argues that a common language is a necessary attribute for a civic nation, although that may be a *contradictio in terminis* (Ipperciel, 2007, 398-402; 412-413). What sets a civic language policy apart from an ethnic one, is the motivation that underlies the choice for the promotion of a single language. When a language is promoted with the aim of establishing effective communication, the language policy may be seen as non-discriminatory and civic. Yet when language is used to distinguish a 'we' versus 'them', Ipperciel argues that the policy is largely ethnic (Ipperciel, 2007, 401).

The dichotomy in this research

By heavily focusing on language, this research takes a side-track on the theory of nationalism. Nevertheless, the 'general theory' of nationalism remains the root of this language-emphasised research and must clearly be presented to answer the research question. As has been curtly

addressed, national identity is a heavily discussed matter that lacks a single and agreed-upon theory. Rather, scholars leave a lot of room for interpretation in the distinction of ethnic and civic nationalism. Ethnic and civic identity markers are differently viewed and differently used which leads not only to the discussion on whether *identity* is civic or ethnic, but also whether the *employed markers* are valid. Notably, many scholars add a moral distinction to their work in which civic is 'good' and ethnic is 'bad'. Some scholars seek to find a moral dimension that is outside of the distinction to solve the problem of morality, whereas other scholars opt for rejecting a moral distinction altogether. Still, what most scholars do is to refer themselves to the distinction that Kohn proposed – be it in opposition or agreement. Thus, Kohn's model of civic versus ethnic nationalism will be used with one notable alteration: Kohn's moral preference for civic nationalism shall be dropped. Jaskułowksi's clear overview (2010, 291-299) of Kohn's theory has served the following theory:

Figure 2: Civic versus ethnic nationalism based on Kohn.

CHARACTERISTIC	CIVIC MARKER	ETHNIC MARKER
Orientation	Political	Cultural
Legitimacy	Social Contract; based on free choice	Organic & Natural Community; based on ancestry
Membership	Based on choice	Determined by birth
Sovereignty	With the individual	With the collective
Focus	Advancement; the future	Regeneration; the past
Thought-form	Rational	Emotional
Ideology	Universalistic	Particularistic
(Kohn's Judgement)	(Liberal)	(Authoritarian)

What strikes from the model is that language is not included. As mentioned earlier, language would at first sight fit into a *cultural orientation* or *legitimacy based on ancestry*, but as the previous section argued, this may be too simplistic due to the tendency of any state to prioritise one language over the other. However, the two language-theories of Stiltz and Ipperciel *do* fit into the dichotomy through the characteristic of *ideology.* In fact, both Stiltz and Ipperciel acknowledge that the promotion of one language may be possible as long as either minority languages are accounted for (Stiltz) or a single language is promoted to enhance communication (Ipperciel), which both are arguments that concentrate on the *universal*, rather than the particular, aspect of language. The opposite is also true since having no space for minority languages (Stiltz) and a single language to create an in- and out-group (Ipperciel) concentrate on the *particular.* To understand the promotion of one language as either marker of civic and ethnic nationalism therefore depends on the universal versus particular character of the language policy. This is exemplified in the following model:

Figure 3: Civic versus ethnic language policies.

PROMOTION OF ONE LANGUAGE	CIVIC MARKER	ETHNIC MARKER
Visible policy (laws)	Policy includes right to use and promote minority languages based on actual linguistic demography	Policy does not include right to use and promote minority languages
Invisible policy (motivation)	Policy aims to enhance communication	Policy aims to create in-group and out-group

In simpler terms, this model asks two questions with regard to this research:

1. Is the action of the Ukrainian government in the domain of language *itself* rather a civic or an ethnic marker?
2. Is the *aim* of the action of the Ukrainian government in the domain of language rather a civic or an ethnic marker?

Knowing that the Ukrainian government *is* promoting its own language, it remains thus (1) to be seen whether other languages spoken by Ukrainian citizens are allowed place in society as well, and (2) whether this promotion is happening with the intention of enhancing communication in mind. Lastly, it is worth mentioning that one marker does not exclude the other marker. In other words, Ukraine's policy may be both civic and ethnic, depending on which side of the policy is being researched. The conclusion of this research may include both civic and ethnic elements.

Ukraine: civic or ethnic?

As the abovementioned theories on nationalism, to a varying extent, give an idea on how to detect civic and ethnic markers, scholarly research on Ukraine defies such a simple approach. Since Ukrainian identity is a well-researched topic but also well-discussed topic, studying identity in Ukraine thus may seem at first hand to equal opening Pandora's Box. First, authors do not always use the same terminology. An example of this, is that nationalism is often not even mentioned when it is meant. Rather, researchers use the term 'identity' while clearly incorporating nationalist theory (Kulyk, 2016b, 591). Secondly, even if markers of nationalism are used, they do not always simply point towards 'ethnic' or 'civic', but may in fact complicate the terminology even further, which is especially the case with 'ethnic markers' (Oluch & Hale, 2018, 84-90). And third, civic and ethnic identities in Ukraine are not always *opposed* to each other, but could go hand in hand as well (Balcer, 2018). Nevertheless, what remains a constant is that *although* markers are not always mentioned as civic or ethnic, the dichotomy prevails under different terms.

This section will attempt to provide an overview of the various ethnic and civic markers that are used in scholarly research on Ukrainian nationalism and identity. Although it is worth to delve deeper into the many different forms of identity that researchers have touched upon, this research will stick as much as possible to the civic versus ethnic dichotomy, since that is the core theory of this research. The publications that are used vary from language identities to state policies and are therefore not easily classified under one category. Nevertheless, this section will attempt to do so.

Identity in Ukraine: the main lines of division
When Ukraine acquired its independence from the Soviet Union in 1991, scholars were quick to start a new debate on Ukrainian identity. This was partly the result of the fact that the Ukrainian nation did not have such a clear identity, unlike for instance Estonia or Lithuania, which made Ukraine a striking case. Another factor that correlates with this was the virtual absence of Ukrainian history as a field of research (Von Hagen, 1995, 658-659). Ukraine as a titular nation had only had a short-lived experience between 1917-1921 (Stepanenko in: Daftary & Grin, 2003, 110), and throughout history the territories that constitute modern Ukraine were more often than not subject to various empires (Henke, 2020, 5-6). The borders of the empires often ran straight though modern-day Ukraine, which resulted in the fact that Ukraine did not have a chance to develop a strong national identity of itself (Stepanenko in: Daftary & Grin, 2003, 110), especially since different parts of Ukraine were made subject to different histories. As a result, modern-day independent Ukraine is divided:

- *Ethnically* (State Statistics Committee of Ukraine, 2001)
  With 77.8% Ukrainians, 17.3% Russians, 0.6% Belarussians and 4.3% other groups.[10]
- *Linguistically* (CIA Factbook, 2021)
  With 67.5% Ukrainian speakers, 29.6% Russian speakers and 2.9% other speakers.
- *Culturally* (Olszański, 2012, 18)
  With 56% of the Ukrainian population identifying with Ukrainian culture, 16% with Soviet culture, 11% with Russian culture, 7% with European culture, and 10% with another form of culture.

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[10] This census was conducted in 2001. Since then, the Ukrainian government has refrained from conducting further demographic research. Apart from the fact that current government of Ukraine does not control its entire territory, this census cannot fully represent the current demographics of Ukraine, given the regional differences in population growth, shifting attitudes with regards to ethnicity and (e)migration.

- *On affiliation* (Olszański, 2012, 18)
  With 41% considering to be a citizen of Ukraine, 43% considering to be a citizen of a given region and 13% considering to be a citizen of the USSR.
- *Religiously* (Ukraine Crisis Media Center, 2018)
  With 26.5% of Ukrainians adhering to the Kyiv Orthodox Church, 12% adhering to the Moscow Orthodox Church and 7.8% adhering to the Greek-Catholic Church.

Ukraine represents a large heterogeneity, but still, the country is often understood as being split between just two more or less homogenous sides. The West (and Centre) of Ukraine represents the side of the Ukrainian-speakers. This side is often understood to be the 'nationalistic', but also pro-European side. Another typology is to consider Western Ukraine as the 'Austrian side', given its history of being part of the Austro-Hungarian Empire. As opposed to Western Ukraine, Eastern (and Southern) Ukraine is seen as Russian-speaking, pro-Moscow and anti-European, nostalgic to the Soviet era and in a cultural sense largely integrated with Russia (Mylogorodska, 2017, 1-4). In general, the main line of division coincides with the river Dnieper, where the Southern regions of Odessa, Nikolaiev and Crimea are seen as part of the East (Jansen, 2014, 202).

Figure 4: The river Dnieper in Ukraine.

Strikingly, these two geographically separated Ukraines are represented as two opposing national identities in the work of Schulman (2002b). Shulman argues that Ukraine had three major forms of identity: the Civic Nation, the Ethnic Ukrainian Nation and the Eastern Slavic Nation (Shulman, 2002b, 24). Although the civic conception of the nation is to a certain extent compatible with the two latter ethnic forms, the two ethnic forms are mutually incompatible (Shulman, 2002b, 23-25). The Ethnic Ukrainian view holds that 'Ukrainians' were *the first* people in Ukraine. Russian elements in the Ukrainian society are therefore seen as foreign or even a form of colonization. In order to 'revitalise' the Ukrainian nation, special corrective measure by the Ukrainian state are required in the field of culture and language, the Ethnic Ukrainian viewpoint argues. Moreover, Ukrainian ethno-nationalists argue that the former Russification has resulted in an 'unnatural division' of the country. The Russian-speaking culture has thus no legitimacy in Ukraine (Schulman, 2002b, 15-16). In opposition to this view, the Eastern Slavic position holds Ukraine as a more bicultural, bilingual and bi-ethnic country. Russians and the Russian language and culture are considered to be an essential part of Ukrainian society, or even as elements native to Ukraine. Furthermore, Eastern Slavic nationalism does not distinguish between Russian nationality and Ukrainian nationality to the extent of mutual exclusion. Rather, Eastern Slavic nationalism considers Ukrainians and Russians as brotherly people, both constituting a 'super-ethnos' with the inclusion of Belarusians (Schulman, 2002b, 18-19).

Many authors disagree with a rigid division of Ukraine into two halves and two events contradict the idea that Ukraine is divided into two homogenous halves. First, prior to Ukraine's independence, the predecessor state of the Ukrainian SSR held a referendum in which 90% of the population voted for independence (Henke, 2020, 6). Although voter turnout was the lowest in the southern and
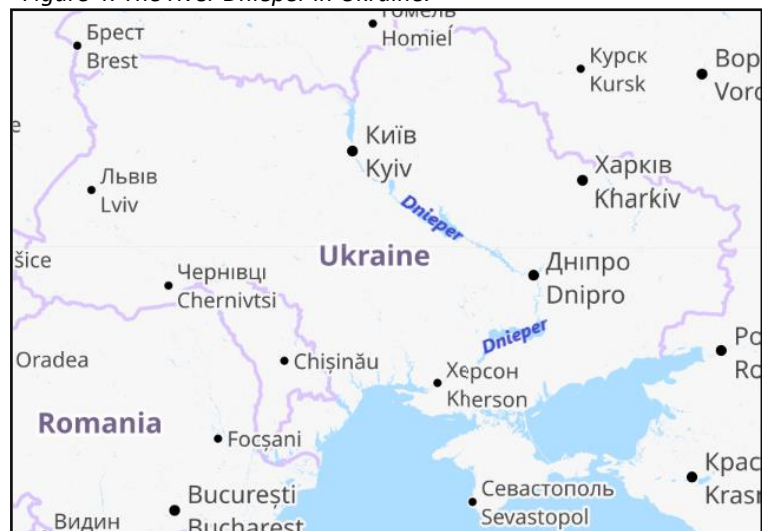
easternmost regions, independence was still supported by the majority of those who voted (Wilson, 1997, 128). This means that a large proportion of the Eastern half's population was in favour of independence, raising questions regarding the unanimous pro-Moscow stance of the East. Second, during the Maidan Revolution of 2014, the people who rose up against the pro-Russian course of the country were by no means solely West-Ukrainian. In fact, the Maidan Revolution drew on large support of the Russophone population (Kulyk, 2014b, 113-118) which is further supported by the fact that in 2018, 60% of the soldiers that fought against the rebels in the East of Ukraine were Russian-speaking (Kuzio, 2018, 541). Therefore, the image of two homogenous Ukraine shows some cracks when compared to these two events.

Politically speaking, it is different. In fact, there are enough markers that the country could be divided into two parts before 2014. This starts with the elections of 1994, when the anti-communist but Russophone candidate Leonid Kuchma became president of the country. During his campaign, Kuchma's main rhetoric was to denounce the nationalist tendencies of his predecessor Leonid Kravchuck, who drew is support from the West of Ukraine. Kuchma's electoral base was thus in the Russophone regions of Ukraine (Kuzio, 1996, 133) and Kuchma promised to grant the Russian language an equal status to Ukrainian. Ironically, after becoming president, he did not follow his promise and actually solidified the status of Ukrainian as the sole official language. As a result, Kuchma came to be known as the architect of Ukraine's national identity which included Ukraine's official state symbols(Wolczuk, 2000, 678-680). A reaction to Kuchma's U-turn followed during the 2000s when Ukraine's 'political split' became even more apparent. The most telling example of this split is the presidential election of 2004 in which the two major candidates, Yanukovych and Yushchenko, respectively came to represent the East and the West of Ukraine (Wolczuk, 2006, 534-537). The Western candidate, Yushchenko, eventually won the elections, yet the result was that Yanukovych firmly solidified his support in the dissatisfied East. Additionally, the issue of 'protecting the Russian language' became a mandatory attribute for candidates representing the East since these elections (Wolczuk, 2006, 542). The region that had stood between these two political camps was Central Ukraine, yet this region came to heavily represent Western Ukraine politically. Thus two Ukraines were realised as a political split first and foremost (Wolczuk, 2006, 540).

The victors of the 2004 elections, also known as 'the Orange Camp', turned out to be divided after they took power and it was the Eastern candidate Yanukovych who took advantage of this division by winning the 2010 presidential elections. As president, Yanukovych main aim was to change what Kuchma had achieved. In addition to a gradual re-Sovietisation of the symbolic space, Yanukovych raised the status of Russian (and other local languages) to a local official language in those regions with at least 10% Russian-speakers in 2012 (Olzacka, 2017, 30-31). Thus, the process of 'Ukrainianisation', made possible through 'Western victories' came to a halt. At the same time, Ukrainians in the West, who feared that the status of Russian as an official language threatened the Ukrainian language, became more antagonistic towards the regime (Olzacka, 2017, 30-31).

When in 2013 the Maidan Revolution took place it would be logical to assume that this was mostly a Western Ukrainian affair since the uprising aimed at removing Yanukovych from power. Indeed, in each of the Russian-speaking oblasts, counter-protests emerged against this Maidan revolution in which the protesters claimed that Yanukovych should remain in power. In the end, however, these protests were largely unsuccessful. Only the easternmost regions of Donetsk and Luhansk managed to not fall under the new Maidan government after the revolution by separating from Ukraine. Crimea was also 'successful' in separating from Ukraine since it was annexed by Russia. Still, the largest parts of Southern and Eastern Ukraine – regions that were overwhelmingly supportive of Yanukovych – remained in Ukraine. As Kulyk (2016b) argues, with this separation, the main line of division of Ukraine moved to the East and intensified. Separatist-held Donbass and Luhansk thus

have moved even farther East on the mental map in terms of identity; becoming even more Eastern Slavic than they already were. Government-held Ukraine, however, had an opposite development and became more anti-Russian. At the same time, the primacy of the Ukrainian language and ethno-nationalist symbolism have become the norm in what is now Ukraine (Kulyk, 2016b, 606-607). Since this research only focuses on policies that affect government-held Ukraine, and the Ukrainian government obviously does not adhere to the Eastern Slavic identity, Eastern Slavic nationalism will not be included in the following section. In other words, the next section focuses on civic Ukrainian nationalism and ethnic (Western) Ukrainian nationalism.

Identity in Ukraine: civic nationalism since 2014?
In order to determine what turn identity has taken in Ukraine since 2014, Pop-Eleches and Robertson (2018) interviewed 1,800 Ukrainians in 2012 and 924 Ukrainians in 2015 (excluding citizens from Crimea and the rebel-held Donbass area). According to their findings, the Maidan Revolution resulted in a larger civic identity in Ukraine. Ethnic identity was measured in the question of what the ethnonational identity was of the respondents. Civic identity was measured in what the respondents considered to be their homeland (Pop-Eleches & Robertson, 2018, 110-111). As the data shows (Pop-Eleches & Robertson, 2018, 112), identification with nationality did not radically change, unlike identification with Ukraine as a homeland which *did* change. Since the number of respondents that consider Ukraine as their homeland increased, Pop-Eleches and Robertson concluded that a 'civic conception' of Ukraine is spreading (Pop-Eleches & Robertson, 2018, 117). A publication by the Heinrich Böll Stiftung sees pro-Europeanism rather as a sign of civic identity. In it, Balcer argues that Ukrainians from all sorts of backgrounds came together during the Maidan Revolution. Their goal was the "EU model of civic nationalism which accepts religious and ethnic diversity." (Balcer, 2018) This view was strengthened by a 2017 survey in which more than half of Ukrainians held the belief that "it is better for us if society consists of people from different nationalities, religions and cultures", while only 35% of Ukrainians opted for "it is better for us if society consists of people from the same nationality, and who have the same religion and culture." (Balcer, 2018) Paradoxically, the wider acceptance of European integration runs alongside a positive attitude towards the UPA, a World War II nationalist paramilitary organization. Thus, Balcer argues, the establishment of a civic national identity requires a confrontation with the ethnic legacy of the UPA (Balcer, 2018). Another survey, conducted by ZOIS, is rather in line with what Pop-Eleches and Robertson argue. Since Ukrainians showed a decrease in affiliation with being 'ethnic Ukrainian' or 'ethnic Russian' (or both), while affiliation with 'being a Ukrainian citizen' increased, Sasse and Lackner conclude that in 2017-2018 the Ukrainian civic identity increased (Sasse & Lackner, 2019, 82; 94-96).

Identity in Ukraine: solely a civic approach?
A problem with research on Ukrainian identity is that different scholars make different conclusions, albeit based on the same data. For example, nationality is regarded by both Pop-Eleches and Robertson and Sasse and Lackner as a marker of ethnic identity. Kulyk, on the other hand, states that 'nationality' cannot be considered as a purely ethnic concept, but rather encompasses both a civic and an ethnic identity which varies from moment to moment (Shevel, 2018, 2). Another problem is that civic nationalism and ethnic nationalism are very often understood as moral categories in which civic is 'good' and 'ethnic' is bad. Alexseev (2015) is a typical example of this, since he starts his findings with the question: "will we see Ukraine move toward social inclusiveness and law-based political pluralism or toward ethnocentrism, social radicalism, and authoritarianism" (Alexseev, 2015). If such a moral preference is applied, the danger arises that the findings on Ukrainian identity reflect the preference of the author, rather than the 'actual situation'.

Onuch and Hale (2018) draw attention to the fact that authors have continued to rely upon 'ethnic identity' to make a judgement on Ukrainian identity in general, but that these authors often fail to clarify what this ethnic identity exactly means (Onuch & Hale, 2018, 85). As Onuch and Hale point out, simply referring to 'Ukrainophones' and 'Russophones' may in fact be insufficient since these notions constitute multiple dimensions which are overlooked when not further delved into (Onuch & Hale, 2018, 94-95). At the same time, the clear cut-notion of 'nationality', a notion that referred to an ethnic identity during Soviet times, may have changed in nature so as to determine a more civic concept of 'identification with the state' (Onuch & Hale, 2018, 93). To dissect 'ethnicity' in Ukraine, Onuch and Hale propose four different dimensions (Onuch & Hale, 2018, 96):

1. *Personal language preference*
   'Whether a respondent chooses to answer either in Russian or Ukrainian'
2. *Language embeddedness*
   'Which language a respondent speaks in his/her daily life'
3. *Ethnolinguistic identity*
   'What a respondent considers to be his/her mother tongue'
4. *National identity*
   'To what extent a respondent considers himself/herself to be Ukrainian'

Strikingly, language is of fundamental importance as an ethnic marker in the research of Onuch and Hale. Yet, as their results show, not all these markers have the same meaning in determining behaviour. An example is 'ethnolinguistic identity' which is highly determinative for whether a respondent joined the Maidan protests. Such a result might suggest that speakers of the Ukrainian language were prone to support the Maidan uprising; but this is not the case. In fact, the other dimensions of ethnic identity did not affect a respondent's willingness to partake in the Maidan protests; indicating that a too narrow approach of ethnicity may be insufficient (Onuch & Hale, 2018, 103-105).

Figure 5: How authors on Ukrainian nationalism apply markers.

AUTHOR(S)	CIVIC MARKER	ETHNIC MARKER
Pop-Eleches & Robertson	-What one considers to be his/her homeland	-Ethnonational identity (nationality)
Balcer	-Accepting religious, cultural, and ethnic diversity -Being pro-European -Confronting historical nationalist organisations	-Preferring one nationality (ethnicity), one religion and one culture -Favouring the historical nationalist organisations
Sasse & Lackner	-Self-identification with the state (citizenship)	-Ethnonational identity (nationality)
Kulyk	-nationality?	-nationality?
Alexseev	-social inclusiveness -law-based political pluralism	-ethnocentrism -social radicalism -authoritarianism
Oluch & Hale	-identification with the state	-personal language preference -language embeddedness -ethnolinguistic identity -national identity

As mentioned earlier, what exactly constitutes a civic and an ethnic marker depends to a large extent on the scholar. In turn, this viewpoint is also dependent on the environment in which the author operates. An example by Tkachenko is most telling. As Tkachenko argues, political upheavals

in Ukraine are often portrayed as a civic development in the Polish press. Yet, at the same time, Ukraine is also sometimes positively portrayed as an ethnic nation by Polish magazines – depending on whether Ukraine is 'ethnic' against Russia (Tkachenko, 2016, 14-17).[11] The main reason why a general academic outline of Ukrainian identity is included, is to exhibit how an agreed-upon understanding of Ukrainian identity is missing in the academic debate on Ukrainian nationalism as well. Since this research focuses on the under-researched topic of language and the theory of nationalism in Ukraine, taking a position in this debate may be skipped. This, however, obligates this research to seek for seeds for the Ukrainian language policy in the years prior to the language policy. This leads to the Maidan revolution.

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[11] Instead of Poland.

Chapter 2: The Goals of Maidan

The Maidan revolution of 2013-14 was not first popular uprising in Ukraine. In fact, in 1990, a students' uprising was responsible for the very independence of Ukraine. In 2001, Ukrainians gathered *en masse* to protest the unpopular president Leonid Kuchma. And in 2004, Ukrainians forced the government into organizing a third round in the presidential elections after word of fraud spread, the so-called Orange Revolution (Sakwa, 2015, 81). Although all these protests were rooted in dissatisfaction with the leading elites, the protesters were arguably more focused on changing the course of policy, rather than breaking up the entire system (Chupyra, 2015, 87). In this, the Maidan Revolution of 2013-14 is thus a unique revolution because it was precisely aimed at breaking the system's structures (Chupyra, 2015, 88). According to Tyushka (2014), the population of Ukraine had been in 'standby civil resistance mode' since 2010, which was the year Viktor Yanukovych became president. The popular uprising, therefore, was little more than an active mode of civil resistance (Tyushka, 2014, 24-25). Still, when the Maidan Revolution started, the main aim was to change the government's policy into signing an association agreement with the European Union. As many authors claim, only when the Ukrainian government responded with violence did the protesters call for the resignation of the government altogether (Tyushka, 2014, 25; Onuch & Sasse, 2016, 567-568; Shveda & Ho Park, 2016, 85).

The aim of this chapter is to determine to what extent the goals of this Maidan Revolution are to be seen as a form of ethnic nationalism. One of the difficulties of such a question is the fact that the Maidan movement was by no means a single homogenous movement, but rather represented various groups with various aims (Zelinska, 2015, 379-400). As mentioned earlier, there is a widespread consensus on the fact that Maidan aimed at regime change. To get a better understanding of what this change was supposed to entail, this chapter will have the following structure. First, a chronological overview of the events of 2013-14 will be provided. Second, this chapter will focus on the goals of the revolution. Third, the nature – be it civic or ethnic – of Maidan will be gauged by comparing various authors. Although there is a widespread believe that Maidan was a civic revolution, the large role of right-wing protestors should also be accounted for (Ishchenko, 2016, 468-470). Lastly, the theory from the previous chapter will be used to determine to what extent the Maidan Revolution is a form of civic nationalism.

The Maidan protests

On November 21, 2013, the president of Ukraine, Viktor Yanukovych, announced that he would refrain from signing an Association Agreement with the European Union (Sakwa, 2015, 81). At the same moment, it was announced that the Ukrainian government would increase dialogue with the Russian Federation (Al Jazeera, 2013). As a result, a few hundred students and activists took to the Maidan Square in Kiev where they protested the sudden policy change of Yanukovych (Collison, 2017, 7-8). Although the initial number of protesters was between 1,000 and 2,000, the total number rose to 50,000-100,000 in the days that followed (Onuch & Sasse, 2016, 565-566).[12] On the 29th, however, the deadline for signing the association agreement was passed. Another mass demonstration was planned for December 1, and this demonstration was supposed to be the concluding chapter of the protests – were it not for the following. The Yanukovych government

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[12] Numbers vary greatly. As an example: Sakwa even argues that there were up to 300,000 Ukrainians protesting (Sakwa, 2015, 82).

decided – arguably a great tactical miscalculation – to crack down on the already waning 'Maidan movement' in Kyiv on November 30, 2013. Consequently, a new sense of necessity among the Ukrainian population was installed, exemplified by 350,000 Ukrainians[13] that came to protest in Kyiv the following day (Von Burgsdorff, 2015, 1).

This event, in which the Yanukovych regime showed a brutal show of force, is seen by many authors as the starting point of a shifting of values. Whereas during the initial protests the main reason for protesting was 'the wish for European integration', now the regime itself became the reason for protest (Onuch, 2014, 46). Discontent spread all over Ukraine. Although the protests were the largest in the Western and Central regions of Ukraine, the South and East saw smaller scale protests as well. What followed was a protest, called the 'March of a Million', on December 8, 2013, attracting 500,000 Ukrainians. At the same time, the Kyiv City State Administration Office was occupied by the protesters who also started to clash with the police. When the law enforcement attempted to retake the Maidan Square in Kyiv – which had been held by the protesters since the beginning – the Maidan dissidents managed to hold ground. As a result, the square became an even more important space – both physically and mentally. Through the efforts of the Maidan demonstrators, the square became an encampment; organized, guarded and supplied by the protesters. A public area which effectively constituted a sanctuary where the regime had no power (Shveda & Ho Park, 2016, 87-88).

After the failed attempt to take over Maidan Square, the Ukrainian government increased its efforts to portray the Maidan protests as 'only one side' of Ukraine. Supported by the Yanukovych regime, an Anti-Maidan protest was organized on December 14, in which the main message was clear: 'For Europe, but later and on better terms!' Through this protest, the regime was able to legitimize the argument that the Ukrainian Government fought against 'the nationalist' side of Ukraine (Portnov & Portnova, 2015, 62-63). This new attempt was chosen for an important reason, however. Due to the uprising, the Yanukovych government almost faced total bankruptcy. Only through extended financing by the Russians, was Yanukovych given 'more time'. The Russian offer was not a gift, however. With the additional clause of revising Russian relief for Ukraine quarterly, the help was clearly only meant for Ukraine if the country would behave 'correctly' (Portnov & Portnova, 2015, 63-65).

Under pressure from both the Russians and the protesters, the Yanukovych regime resorted once again to cracking down on the protestors. Still, the renewed repression could be considered a turning point due to the intensity of what followed. On January 16, 2014, Yanukovych announced the so-called 'dictatorial laws'. Under these laws, Ukrainians throughout the nation were forbidden to demonstrate, assemble and wear face-covering masks, helmets or hats (Shveda & Ho Park, 2016, 88). These measures did, however, not only trouble the Maidan protesters, but the entirety of the Ukrainian population. During the clashes that followed between 18 and 21 February, the Maidan Revolution reached its most bloody phase so far; 88 protestors were killed. During this period, the protestors themselves became more violent, not shunning the use of Molotov cocktails and other violent means (Stepnisky, 2020, 89-93). Still, on February 23 the government agreed to a ceasefire; negotiations between the the leaders of the opposition and the government ensued. The proposed conditions for a truce between the protesters and the government did however not satisfy the dissidents, since the government was to remain in power. The proposition thus only aggravated the disgruntlement among the Maidan protesters, exemplified by the fact that in many parts of Western Ukraine the government lost total control over the provinces. Furthermore, in the South and East of the country, protests became more vicious as well. The legitimacy of the government was now at its lowest point (Portnov & Portnova, 2015, 65-67).

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[13] Or 800,000 as EuroMaidanPress claims (EuroMaidanPress, 2016).

At this point, the gap between the opposition and the protesters reached its peak and the situation went out of control. In a last bid for power, Yanukovych used extreme forms of repression in the form of snipers, so as to crush the protests. The attempted elimination of the Maidan movement did not bear fruit, however. Domestically, the protesters still stood. Internationally, Ukraine lost almost all support, – apart from Russia; both the US and the EU imposed sanctions on the Yanukovych regime. Thus, Yanukovych felt compelled to make concessions with the Maidan movement. Two of the steps he took under the pressure were the release of opposition leader Yulia Tymoshenko from prison and a promise for early presidential elections by the end of 2014. The attempts of the Ukrainian president did not have its effect on the protesters and did even make the political opposition of Yanukovych seem weak, because the opposition agreed to 'lesser terms' than the protesters. In fact, only Yanukovych' removal from office would satisfy the dissidents' demands. Therefore, neither the government, nor the opposition were able to control the crowd any longer, and the protesters made clear that they would remove Yanukovych from office, if necessary by force. The Ukrainian president decided to flee the country on February 22. Without a president, the Ukrainian parliament took immediate action to appease the most radical protesters. A 'coalition of inconvenience' was formed between the opposition parties, and presidential elections were planned for May 25 (Onuch & Sasse, 2016, 576-580). Although the country was now confronted with a power vacuum, the violent Maidan Revolution was concluded. On February 27, Russia invaded Crimea.

No single revolution goal?

Most authors agree on the fact that the Maidan Revolution started with the wish to integrate with Europe. Yanukovych's refusal to sign the Association Agreement with the European Union was therefore the trigger for the demonstrations at the Maidan Square. However, according to Ryabchuk, the anger of the protesters was not necessarily caused by the very agreement itself, but rather to the refusal of the *idea* of Europe. As Ryabchuk clarifies, Europe, but also 'the West' and even 'democracy', are ideas that simply represent a better way of life. Actions that would be deemed undemocratic, such as the beating up of political opponents, are not necessarily seen as 'undemocratic' as certain political opponents pose a threat to a better way of life (Ryabchuk, 2014, 128-130). In other words, although the initial protesters may have had a genuine wish for 'Europe', this wish could be seen as an "utopian vision of "Europe" as an ideal community of democracy and prosperity." (Zelinska, 2017, 6)

In turn, this also explains the often-heard critique that the Maidan protests were essentially radically right-wing. As Ryabchuk points out, whereas left-wing ideologues were barred by Maidan security agents from taking part in the protests, right-wing ideologues were mostly unobstructed (Ryabchuk, 2014, 131-133). What is more, the political center openly affiliated itself with the far-right, and many members of the far-right found themselves in government positions after the Maidan Revolution (Ishchenko, 2016, 468-470). This could give the impression that the Maidan rewas far-right in nature, and thus: possibly ethnic in nature. Yet, such an approach would be too simple. Although it is arguably true that the far-right played an important part in the Maidan protests (Ishchenko, 2016, 468-470), perhaps even fueling the anti-Maidan protests in the South and East (Ishchenko, 2020, 212), it does not mean that the far-right view constituted the majority view. Rather, most Ukrainians simply desired better living standards and the rule of law (Ryabchuk, 2014, 133). And in this, right-wing extremism was simply tolerated.

As mentioned earlier, the Maidan protests are generally understood to have been going through several phases. As Polegkyi argues, the protests commenced being pro-European but quickly turned into being anti-regime (Polegkyi, 2016). Related to this is the fact that the profile of

the average protester changed as well. Although the 'median' protester throughout the Maidan Revolution was a Ukrainian-speaking, 30-year-old male with a job, as the protests advanced, the group got 'more male', older and less-educated (Zelinska, 2017, 3). As Polegkyi points out, most Maidan protesters were motivated by the repression of the Yanukovych regime – although being in favor of the Association Agreement remained popular as well (Polegyi, 2016). Another important reason for demonstrating was the lack of rule of law and the endemic corruption in the country (Pishchikova & Ogryzko, 2014, 3). Still, it remains difficult to captivate all the protesters' wishes into clear-cut goals, since a political leadership was missing (Onuch & Sasse, 2016, 566) and the background of the protesters was far from homogenous (Collison, 2017, 12-13). Equally important to note, however, is the fact that a large proportion of the Ukrainian population did not support the protests at all.

The underlying process
If there is by no means a single goal to be found, and the goals changed over time, how can the Maidan Revolution then be judged for what it wanted to achieve? The answer lies in the underlying process. Although the Maidan Revolution evolved from the wish for signing the EU agreement to a successful attempt to remove Yanokovych from power, Akhutin and Berlyand as well as Polegkyi argue that the Maidan Revolution goes deeper than the surface. As Akhutin and Berlyand point out, the desire of the Maidan protesters was *the right to decide for themselves.* It was first and foremost a future-oriented endeavor in which "Ukraine is Europe" was rather an intention than a factual reality (Akhutin & Berlyand, 2016, 243-244). 'Europe' does not only refer to a geographical reality, but also as a culture of communicative speech and thought. More specifically, Europe refers to the transformation that disposes of the old. As Askhutin and Berlyand continue, the lack of leadership meant that the movement was a group of sovereign citizens, not easily classified into specific groups (Akhutin & Berlyand, 2016, 246-347). But if Europe constitutes the 'new', then what is the 'old'? According to Kowal and Wapiński, the Maidan protest in Ukraine should be seen as a sequel to the 1990 Granite Revolution and the 2004-5 Orange Revolution (Kowal & Wapiński, 2014, 12-13). In all these three revolutions, the supreme goal was to break with the Soviet legacy inherited by Ukraine. In this, the main division of Ukraine is also found, according to Polegkyi: there are those who want to see a Europe-oriented Ukraine versus those who wish to see a Soviet- (Russia-)oriented Ukraine. And although there are connections to make with ethnicity, language, geographical location – or all combined: with the famous East-West divide – the real markers of division are values that are mostly based on age and social factors (Polegkyi, 2016).

 This, then, helps to explain why civic and ethnic nationalists were in the 'same team' during the Maidan Revolution. On the one hand, there is the civic narrative in which Ukraine is considered to be a multicultural society. In this narrative, anyone on the territory of Ukraine makes a Ukrainian, regardless of language or background. Interestingly, however, is the fact that in this narrative the importance of a single language, that is: Ukrainian, is stressed (Korostelina, 2014, 277). Yet, in the same camp, there is also the 'ethnic narrative' in which Ukrainians and the Ukrainian language deserve a special status. Highly coinciding with the ethnic Ukrainian view explained by Schulman (Shulman, 2002b, 24), Russia and the Russian language are seen as foreign, hostile and in need of replacement. Thus, in addition to a large focus on history, the future goal is a Ukrainian renaissance (Korostelina, 2014, 274-276). In between the rigid ethnic view and the civic view is the more moderate ethnic view, according to which national differences are deemed as unimportant since the traits that unify Ukrainians are greater. Moreover, the language issue is treated as a means to manipulate the public, rather than as an issue that affects the lives of Ukrainians. Still, just as the other two narratives stress, Ukrainian ought to be to sole state-language of the country (Korostelina, 2014, 276).

On the other side of the fence were those citizens who were against the Maidan Revolution. This 'pro-Russian' group can be further subdivided in two other major narratives. First, there is the Dual Identity narrative. This account stresses the Eastern-Slavic history of the country in which Ukraine is seen as the successor of 'Kievan Rus'. Both the Russian and Ukrainian language and culture hold equal status, yet the Russian culture in Ukraine is considered to be distinct from Russian culture in Russia. The main line of division – which is entirely recognized – is not between Russians and Ukrainians, as the narrative goes, but between the East and the West. Both sides of the country make the entirety of Ukraine, but the narrative warns that the Western side should not claim hegemony over all of Ukraine (Korostelina, 2014, 278-279). The second 'pro-Soviet' narrative highlights that a common understanding is unattainable, but that a common nation should be built upon the achievements of the Soviet era. The Russian language should, at least regionally, be accepted as an official language whereas nationalism from the Ukrainian side ought to be curbed (Korostelina, 2014, 279).

What is striking in the abovementioned is thus that the real division is not ethnic versus civic, but rather between different variations of ethnic and civic. What obviously unites the various narratives is their stance on whether to support the Maidan Revolution or not. But also, whether Ukraine belongs in the West or in the East. Most strikingly, in all of the three pro-Maidan narratives, language plays an important role *although language was never the main objective during the revolution.* First and foremost, the European Association Agreement was the trigger for the protests, which later turned into the wish to remove Yanukovych from power. More ideally, the pro-Maidan protesters shared a wish to become 'Europe', and in this, ethnic and civic nationalists found common ground.

Civic?

Still, some authors choose to brand the Maidan Revolution as more civic than ethnic, and the arguments that they provide often underline the tolerance and diversity of the protesters, or the civil society that emerged during the uprising. Important to note is that markers of civic and ethnic nationalism are not always explicitly mentioned as such. Furthermore, particular traits that are not found in the theory of nationalism in the previous chapter are sometimes still branded as a form of nationalism. This section will give a short overview of the most important academic works on the Maidan Revolution in which the revolution nudges to being more civic. What is more, the assumption that civic nationalism is inclusive, will be challenged as well.

One of the major developments of the Maidan Revolution was the fact that many grass-roots organizations sprung up that were not linked to any political party. The best example of this is the organization of the Maidan Square itself, which included a press office, patrols to keep out undesirables and a medical camp (Pishchikova & Ogryzko, 2014, 6-7). Other noteworthy examples include AutoMaidan, Rodyna Maidan and EuromaidanSOS. An example of an organisation which was linked to a political future is the organization called Reanimation Reform Package (RPR). This group tried to present ideas on institutional reform (Pishchikova & Ogryzko, 2014, 7-9). The keyword of these organizations is 'civic activism', which Pishchikova and Ogryzko describe as: "Maidan helped consolidate a nation-wide consensus over a set of core reforms to fight corruption and uphold the rule of law, transparency and accountability" (Pishchikova & Ogryzko, 2014, 12). The authors stress that Maidan was the catalyst for bringing awareness to the society that change should happen at the national level; not only on the local level (Pishchikova & Ogryzko, 2014, 10). Shapovalova sees in the Maidan Revolution the same process taking place through which Ukrainians became more civically engaged. This means, however, that Ukrainians also became active in a large broad of social issues

that do not necessarily resemble the goals of the Maidan Revolution. Moreover, many of these organisations often stand alone and lack a political connection. A phenomenon that Shapovalova ascribes to the fact that many activists have a low opinion of a political career – even though a political career is the only means to facilitate change. (Shapovalova, 2019, 1-5).

The other major reason why the Maidan Revolution is called civic is because of the diversity and tolerance of the protesters. Although this claim is somewhat debated, Kvit argues that Ukrainians from all kinds of cultural backgrounds participated in the Maidan Revolution and that extremities should not be taken out of context. Besides cultural variety, he argues that there was such a political diversity demonstrated by the fact that not only protestors, but also political parties put aside their ideological differences to present one common front. Thus, as Kvit states, Maidan rejected infighting, but presented itself rather as a highly tolerant movement. Intolerance for political reasons, as well as ethnic, linguistic or gender intolerance, was very uncommon, as Kvit states. Rather, the movement focused on European integration and a civic society (Kvit, 2014, 30-33).

Or civic intolerance?

Zhuravlev (2015) challenges the notion that the Maidan events led to a more inclusive vision of the country. Although during the Maidan Revolution itself, the feeling was present that old cleavages were overcome, these divisions proved to be more rigid than expected (Zhuravlev, 2015, 81-83). Initially, the civic identity of Maidan demonstrated its exclusiveness through the requirement of 'authenticity'. This meant that those who supported the Maidan were viewed as 'real Ukrainians', whereas those who rejected the revolution were seen as 'inauthentic Ukrainians' or simply 'Russians' (Zhuravlev, 2015, 77-79). This division did not manage to become the new line of demarcation in the country. Instead, it only facilitated the re-emergence of the old East-West division, Zhuravlev argues. In this, the residents of the Donbass region were often de-humanised (Zhuravlev, 2015, 79-81). Still, may scholars point toward the idea that Ukrainian nationalism somehow has become more inclusive. As Ishchenko and Zhuravlev argue, however, clear evidence for this is lacking. The civic unity that arose during the Maidan Revolution is *not* a unity of shared values or political views, but rather a unity of shared experiences (Zhuravlev & Ishchenko, 2020, 235). Nevertheless, the shared experience was expressed through ethnically connoted nationalist narratives and symbols. And because of that, Ischchenko and Zhuravlev argue that ethnonationalist agendas were open to be legitimized after the Maidan (Zhuravlev & Ishchenko, 2020, 235). As Zhuravlev argued earlier, the main line of division was based on authenticity. That is why Ishchenko and Zhuravlev argue that Maidan did not represent Ukrainians from all backgrounds, but only *the best* Ukrainians from all backgrounds. Those who failed to join the Maidan Revolution were branded as 'uncivic', hereby creating an environment as exclusivist as ethnic nationalism, the authors argue (Zhuravlev & Ishchenko, 2020, 236-237).

What were the aims?

The Maidan Revolution was a social event that started as a push for European integration, but quickly turned into an uprising to remove the existing powers from office. A wide variety of Ukrainian citizens took part in the protests. Although the average demonstrator was a Ukrainian-speaking male, the uprising attracted Ukrainians from all backgrounds and affiliations, which makes it even more difficult to determine what the exact goal of the revolution was. As Korostelina's work

clarifies, both civic and ethnic nationalists were united in their efforts to remove Yanukovych from his seat. Moreover, both groups wished for European integration and dissociation with Russia. This latter wish can count as the main goal of the Maidan movement, even though this goal is first and foremost highly idealistic, as Askhutin and Berlyand suggest. Using the dichotomy as proposed by Kohn, we can determine that the wish for European integration:

- ▪ 'Is political'
- ▪ 'Involves the idea of a social contract due to wish to remove Yanukovych as he 'abused' his powers'
- ▪ 'Is future-oriented'
- ▪ 'Constitutes the wish to be united with a broader un-ethnic identity'.[14]

In this assessment, it is harder to determine what this broader goal says about membership, sovereignty and whether the though-form is rational or emotional since these wishes will most like alter between the civic and ethnic side of the Maidan supporters. Nevertheless, based on the four markers which are more civic in nature, we can conclude that the *common goal* of the Maidan Revolution was rather civic. At the same time, the groups that constituted the Maidan Revolution were very diverse and the narratives these groups follow say more about a civic or ethnic orientation of these groups.

A few scholars argued that the Maidan Revolution involved a strong civil society, tolerance, and diversity, based on which they claim that the uprising was rather civic in nature. Other authors question the claims of tolerance and diversity and state that Maidan involved right-wing extremism and exclusiveness. In as far as Maidan was inclusive, these authors argue that the inclusiveness was only limited to a small group.

Most strikingly is however the following: the virtual absence of language-related nationalism. Language seems to have been of lesser importance during the Maidan Revolution as a common goal. Although there were undeniably Ukrainian nationalists who called for the use of Ukrainian, and the use of Ukrainian was an important part of the movement, language was never formulated as a common goal. Interestingly, language did become an important issue after the Maidan Revolution.

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[14] Since it involves rather the idea of a living standard than being 'ethnically European' or 'white'.

Chapter 3: Language policy

Since its independence, post-USSR Ukraine has had difficulty with expressing its nation identity. Although Ukraine presented itself as a nation state, the country had to cope with the fact that, for European standards, the population of Ukraine was extremely multiethnic and multilingual. Nevertheless, most of Ukraine's leaders have attempted to solve the lack of one national identity by creating (or 'rediscovering') one. Thus, the country went on a course of promoting the Ukrainian language, the history and symbols, while mostly excluding the myriad minorities that constitute the country from this endeavor (Kulyk, 2016a, 91). At the same, the Russian language continued to be a fundamental aspect of public life, which was accepted and often endorsed by policy makers. In other words, although Russian was not the official language of Ukraine, its use was mostly unrestricted, and it continued to be heavily relied upon. On the other hand, Ukrainian did not enjoy this universal utilitarian status even though it was the only official language of Ukraine. To be more precise, Ukrainian as a language had two uses:

1. 'A practical language of ethnolinguistic Ukrainians'
2. 'A symbolic language of Ukrainian statehood to be identified with'.

As Kulyk (2016a, 92) argues, before the Maidan Revolution actual knowledge of the Ukrainian language was of lesser importance, but this changed dramatically during and after the revolution. As a matter of fact, a large proportion of Ukrainians reported to have a more positive view of the Ukrainian language. Furthermore, as Kulyk (2016a, 96) points out, the view that Ukrainian constitutes the foundation of the country, had increased. Russian, on the other hand, came to be understood somewhat more negatively, although it was also reported that the Russian language as such should be seen separately from the conflict (Kulyk, 2016a, 97).

Just prior to the Maidan Revolution, in 2012, the status of the Russian language was raised by the Ukrainian legislator. Although the so-called: 2012 Language Act, did not raise the status of Russian to a national language (Salazar, 2020, 11), it did give Russian the status of an official regional language (Roudik, 2012). Specifically, the use of Russian – and other languages such as Hungarian and Romanian – was designated as 'official' in those regions with at least a 10% linguistic minority of the given language. Thus, out of the 24 administrative districts of oblasts in Ukraine, in 11 of those Russian became an official language (see Figure 5).[15]

Figure 6: Regions were Russian became an official regional language through the 2012 Language Act
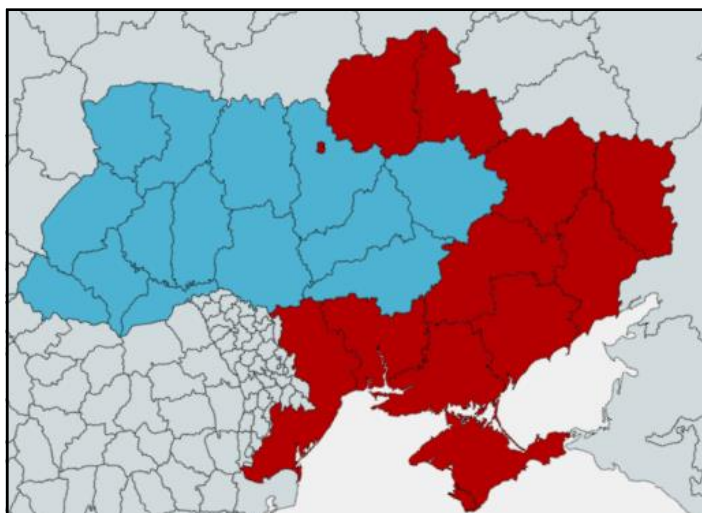
Although the Russian language was still not on an equal footing with Ukrainian, concerns that the Russian language was now solidified as a dominant language remained strong in the country

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[15] The small red dot in the blue zone is the capital of Kyiv.

(Csernicskó & Fedinec, 2016, 572-578). This fear for the Russian language was most strongly felt by those who claimed that the Russian language is foreign and 'stronger' than the Ukrainian one. As explained in the previous chapter, the status of Ukrainian versus Russian was thus seen as a kind of zero-sum game, in which only the promotion of Ukrainian at the cost of Russian would lead to the survival of the Ukrainian language and therefore its statehood (Yermolenko, 2019).

What happened after Maidan?

After Yanukovych fled the country, the realigned parliament voted to immediately repeal the 2012 language law. As Kulyk explains, the procedure to implement this law was held in 'a flash-like manner' which not only antagonized anti-Maidan forces, but many Maidan activists as well (Kulyk, 2019, 9). As the Ukrainian government understood that it did not want to create a language conflict in government-held Ukraine, acting president Oleksandr Turchynov decided to block the annulment of the 2012 language law. Thus, the language law of 2012 was maintained until the Constitutional Court of Ukraine finally decided on its annulment in February 2018 (Pidkuimukha, 2020). At the same time, other laws were implemented that *did* strengthen the status of Ukrainian (Kulyk, 2019, 9). To start with, in 2016 a law was accepted that mandated a 35% quota of songs in Ukrainian. As this law was applauded by proponents of a strong language policy, the Ukrainian government felt confident to launch the next law. That law came in May 2017 when a minimum of 75% Ukrainian was mandated for nationwide broadcasters. Another policy was that from May 2017 on, civil servants had to demonstrate their proficiency in Ukrainian (Kulyk, 2019, 10). September 2017 saw the introduction of a law that radically curbed the status of minority languages in education – especially Russian. Basically, the law stipulated that all other languages than Ukrainian would be excluded from education above the primary level. Although the law received a lot of international backlash, then-president Poroshenko signed the law nevertheless (Sasse, 2017). Yet the largest impact on the domain of language was 'The Act on the State Language of Ukraine'. This act, passed on April 25, 2019, by the Supreme Council of Ukraine, aims to guarantee the Ukrainian language as the state language. This law regulates language use in many aspects of life – which will further be elaborated upon below. To sum it up, since 2014 the following language laws have been implemented in Ukraine:

- The Law on Television and Radio Broadcasting (amended in 2016 and 2017)
- The Law on Education (2017)
- The Law on Ensuring the Functioning of Ukrainian as the State Language (2019) (from now referred to as: The State Language Law)
- The Law on Secondary Education (2020)
- The Law on Indigenous peoples (2021).

How to connect language laws to the research

As was mentioned in Chapter 1, this research considers five domains of language. Those domains are: the official language and the status of minority languages, education and culture, mass media, workplace, daily use. A domain such as 'education and culture' has its answers in the laws itself whereas a domain such as 'daily use' requires an analysis of how other laws impede the free use of a given language. At the same time, not only the laws itself will serve to portray the linguistic situation in the five domains, but the opinion of international bodies will be taken into account as well. The most important of these bodies is the European Union's Venice Commission, that has analyzed multiple laws (the latest law, The Law on Indigenous Peoples, however, is so recent that as of yet it still lacks professional analysis).

As the goal is to determine to what extent Ukraine has an ethnic nationalistic language policy, markers of civic and ethnic nationalism will be presented. The analysis of the markers will be given in the conclusion.

The official language and the status of minority languages

First and foremost, the only official language of Ukraine is Ukrainian (Constitution of Ukraine, art. 10). Although there are several recognized languages in the country, the repeal of the 2012 Language Act saw some of these languages as no longer designated as official. Furthermore, by law, these languages are divided into two major categories. The first category consists of *indigenous languages* and the second consists of *national minority languages.* National minority languages can further be divided into minority languages that are EU-languages and those that are non-EU-languages. English has a somewhat special status, since in a few domains it is given more rights than other EU-languages[16] (State Language Law, 2019, art. 22; art. 27). The largest linguistic minority of Ukraine, which is Russian-speaking, obviously falls in the latter category. The implications of this situation will be discussed below.

Indigenous languages
As of July 1, 2021, a new law on indigenous peoples was adopted in the Ukrainian Parliament (Verkhovna Rada, 2021). According to this law, Ukraine recognizes three ethnic groups as being indigenous: Crimean Tatars (0.5% of the total population), Karaites (>0.1%) and Krymchaks (>0.1%) (Law on Indigenous Peoples, 2021, art 1.2). Interestingly, the recognized indigenous groups are restricted to the Crimean Peninsula, which is currently under Russian rule. Another group that is often branded as indigenous (Matychak, 2019), the Gagauz people (0.1%), has been excluded from this law. Early concerns have already been expressed (Ivanenko, 2021), largely due to the fact that the Gagauz people fall under the definition of *indigenous peoples,* as maintained by the Ukrainian government*.* Nevertheless, other groups such as Roma or Mari people could also be considered to be *indigenous peoples* of Ukraine yet are not officially branded as such.

As the definition of *indigenous peoples* reads "Indigenous people of Ukraine [is an] autochthon ethnic community which was formed on the territory of Ukraine, is a carrier of an original language and culture, has traditional, social or representative bodies […] constitutes an ethnic minority in the population of Ukraine and does not have its own state formation outside of Ukraine". (Law on Indigenous peoples, 2021, art. 1.1) Before diving deeper into the question of what this means for the rights of these communities, it is worth mentioning that this definition constitutes a strong ethnic marker in the language policy of Ukraine. In the first place, it means that these linguistic minorities are viewed as *belonging* to Ukraine, whereas there is no such mentioning for national minorities. Moreover, these linguistic groups are also defined as an *ethnic minority,* whereas this definition also lacks for speakers of a national language (Matychak, 2019).

The definition that Ukraine maintains for *indigenous peoples* is striking when compared to international norms. In fact, in case the UN definition for *indigenous peoples* is maintained, many more linguistic minorities should be viewed as *indigenous peoples,* for the UN definition reads: "peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who,

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[16] Even though the United Kingdom has left the European Union, English is an official language in the Republic of Ireland and Malta as well and is thus considered an EU-language.

irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions" (Tovt, 2020). To be more precise, when the Ukrainian state was formed, which was either after the First World War (although it was quickly annexed into the USSR, notably without Crimea), or in 1991, all current linguistic minorities of Ukraine were *already* on the territory. Thus, should the definition of the UN be maintained, *all* linguistic minorities constitute *indigenous peoples.*

Nevertheless, the Ukrainian parliament has decided to grant the status of *indigenous peoples* to only the three mentioned groups*,* which provides these groups with the right to self-determination and a political status (Law on Indigenous peoples, 2021, art. 2.1). As will become clear in the following sections, this gives these minorities additional rights in the domain of education (Law on Indigenous peoples, 2021, art. 5), culture (Law on Indigenous peoples, 2021, art. 4) and mass media (Law on Indigenous peoples, 2021, art. 6), as well as (financial) state support (Law on Indigenous peoples, 2021, art. 9) and international representation (Law on Indigenous peoples, 2021, art. 10).

National minorities
The second group of linguistic minorities is the group of *national minorities.* As the Law on Indigenous Peoples suggests, these groups are being viewed as non-autochthon and in the possession of a kin-state (Law on Indigenous Peoples, 2021, art 1.1). What is more, there is no special designation of which linguistic groups belong to this group, but the Declaration of Ukrainian State Sovereignty of 1990 states that "all nationalities that reside on the territory of the republic [are guaranteed] the right to national-cultural development" (Minority Rights Group International, 2007). It is important to note, however, that nationalities are not the same as linguistic minorities. Especially in the case of Russian, the *use* of Russian as a first language (29.6%) is far more widespread than the actual number of Russians (17.3%) in the country. Thus, aside from the Russian minority, there are also Belarussian, Moldovan, Bulgarian, Hungarian, Romanian, Polish and Jewish minorities which are all entitled to national-cultural development (Minority Rights Group International, 2007).

On the basis of the fact that minorities are designated as nationalities instead of linguistic minorities, one could argue that ethnic Ukrainians who speak Russian are not protected by law. This argument could be reinforced by the constitution of Ukraine which states that "In Ukraine, the free development, use and protection, and other languages of national minorities of Ukraine, is guaranteed" (Constitution of Ukraine, art. 10). In other words, there are two ways to read this article. Either Russian is solely seen as a language which means that all Russian-speaking Ukrainians fall under the definition. Or Russian is treated as a language of a national minority (Russians) in which case Russian-speaking Ukrainians are not protected. Two arguments strengthen the latter interpretation. First, the 1989 Law on Languages stipulated that the use of the Russian language was free for interethnic discourse, yet the same law also stated that a gradual transition to Ukrainian was to take place (Minority Rights Group International, 2007). This transition has been reinforced by the fact that as of 2019, Ukrainian is officially the language of interethnic communication (State Language Law, 2019, art. 1.1). More recent, however, is the fact that the Russian language enjoys a lower status than for example, Hungarian or Romanian.

In all language-related laws that have come into force since 2014, the legislator makes a difference between two categories: minority languages that are also official languages of the EU and non-EU languages. In many cases, EU languages are given a preferential treatment over non-EU languages which is for example seen in Ukraine's Education Law (United Nations Human Rights Mission in Ukraine, 2019, 10). Russian, as the second largest language of Ukraine, thus enjoys the lowest possible status in the country, whereas up till to 2012 it was an official regional language (Roudik, 2012). To give an example, EU minority languages are given certain privileges in the domain of science (State Language Law, 2019, art. 22.2), print mass media (State Language Law, 2019, art.

25.5), book publishing (State Language Law, 2019, art. 26.2), computer software (State Language Law, 2019, art. 27.1) and advertising, whereas these same privileges are not granted to non-EU minority languages and thus Russian. As becomes clear, the Russian language and many other languages are barred from myriad aspects of life. This, in turn, leads some authors to believe that Ukrainian language laws purposefully discriminate against the use of Russian (Olszański, 2019, 2-3). As one authors puts it:

> "Under this law, Russian is envisioned solely as a minority language, available as a medium of instruction in kindergartens and elementary schools; a means of communication at academic conferences on Russian philology; and a language used at cultural events and performances (should the author or artist suggest its use). Russian may also be used in newspapers, magazines, journals, and books, as well as in TV and radio broadcasting, provided the respective share of Ukrainian-language product is observed. In cafes and shops, public transport and hospitals, Russian can be spoken too, if agreed on by both parties." (Kudriavtseva, 2019)

The areas in which the Russian language is still allowed, are thus restricted to private communication and religious rites (State Language Law, 2019, Art. 2.2).

Regardless of whether a national minority language is an EU language or not, the Ukrainian Constitution and the 1992 Law on National Minorities still protect the national minorities of Ukraine. According to the 1992 Law, Ukraine guarantees the right to free development for national minorities. In the domain of language, this means that national minorities are free to use and learn their respective language, *also in state educational establishments* (Law on National Minorities, 1992, art. 6). Moreover, these minorities may also use their language in mass media, national cultural societies (Law on National Minorities, 1992, art. 6) and even in state bodies and organizations where the minority makes up a majority (Law on National Minorities, 1992, art. 8). The Constitution of Ukraine underlines this Law by declaring that the free use and protection of national minorities is guaranteed (Constitution of Ukraine, art. 10) and that national minorities may receive education in their native language Constitution of Ukraine, art. 53). Nonetheless, as will become clear in the following sections, the language laws implemented since 2014 contradict these guarantees.

Education and Culture

In the domain of education, the first relevant law: the Law on Education, was implemented in September 2017 (Right to Education, 2020, 3). Two years later, the provisions of this law were copied into the State Language Law. Additionally, in 2020, a Law on Secondary Education was implemented in which especially the lower status of Russian and other non-EU languages was reiterated. Lastly, the Law on Indigenous Peoples of 2021 treats issues of education as well, which is partly at odds with the other laws.

Secondary Education
Both the Law on Education and the State Language Law read: the "language of educational institutions shall be in the State language" (State Language Law, 2019, art 21.1), which is Ukrainian. Nevertheless, there are many exceptions through which both indigenous and national minority languages can be used as a language of instruction. First and foremost, it is worth mentioning that the 'hierarchy' of linguistic minorities clearly presents itself in the education laws. The use of indigenous languages as a language of instruction is unrestricted in both primary and secondary

education (Law on Secondary Education, 2020, art. 5; State Language Law, 2019, art. 21). Moreover, with the recent Law on Indigenous Languages, indigenous minorities are also allowed to provide education in their own schools (Law on Indigenous Peoples, 2021, art. 5.1), whereas national minorities do not enjoy this right. To be more precise, national minority pupils receive instruction by the separation of these pupils from Ukrainian-speaking pupils (Brenzovics et al., 2020, 55-56). Thus, separate public minority language schools cannot exist, according to the law.

For national minorities, the linguistic rights are more complicated. Although minority languages are free to be used during kindergarten and primary school, secondary school changes these rights dramatically. For speakers of an EU language, the use of a minority language as a language of instruction decreases gradually. The State Language Law describes rather vaguely that students may receive "one or more" disciplines in an EU language (State Language Law, 2019, art. 21.5), but the Law on Secondary Education (2020) comes with a clear division. From the fifth grade on, speakers of an EU language must receive 20% of classes in Ukrainian. This increases to 40% in the ninth grade and 60% in the tenth grade (Law on Secondary Education, 2020, art. 5). Non-EU languages do *not* enjoy this right, and the use of the language is forbidden in secondary education (State Language Law, 2019, art. 21). Two exceptions exist, however, which are (non-EU) language and literature classes.

Lastly, a difference in the treatment of linguistic minorities can be found through the so-called transitional period. Whereas speakers of Russian and other non-EU linguistic minorities are required to receive classes in Ukrainian during secondary education, speakers of EU languages did not have to change to Ukrainian until 2020. Later, this transitional period was extended until September 1, 2023 (United Nations Human Rights Mission in Ukraine, 2019, 9).

Higher Education

Even though primary and secondary education are targeted by language laws, there is no law on the instruction language of higher education. In other words, this means that university programmes can be in Ukrainian, Crimean Tatar, Hungarian and Russian without any restrictions that apply to secondary education. Nonetheless, as education is only one half of higher education, the other side being the production of knowledge, there are still many restrictions for linguistic minorities. In the first place, scientific publications are *only* allowed in Ukrainian or a language of the European Union. In case another language is chosen, however, an abstract and list of Ukrainian keywords must be provided as well. This again excludes Russian and other non-EU languages, but it excludes indigenous languages as well. Moreover, in the case of dissertations, any language except Ukrainian and English is forbidden. Lastly, public scientific events may only be conducted in Ukrainian or English, *unless* the event is about a given language or a given language's literature. Still, in case a Ukrainian-speaker would demand the event to be translated into Ukrainian as well, such a demand can under no circumstances be denied which may obviously have some practical difficulties (State Language Law, 2019, art 22.).

Culture

In the domain of culture, the legislation proves to be the most equal in its treatment of the various language groups. An exception to this is the fact that a film in Crimean Tatar may be freely distributed (State Language Law, 2019, art. 23.6) as opposed to (non-)EU languages. Yet, when it comes to the film's title on the ticket, the legislator demands that it is in Ukrainian (State Language Law, 2019, art 23.7). For the rest, however, all three language categories are treated equally in their lesser status towards Ukrainian. Most clearly, this is demonstrated by the fact that, according to the law, only works of culture in the Ukrainian language shall be facilitated by the state (State Language

Law, 2019, art. 23.9). Another clear marker is the fact that any other language than Ukrainian is forbidden on film posters and tickets (State Language Law, 2019, art. 23.7), and that Ukrainians may only receive cultural tours in Ukrainian (State Language Law, 2019, art 23.8). In all other cases, however, the legislator is more lenient towards minority languages. In practice, this means that, under certain conditions, the use of minority languages is allowed in cultural events and theatrical performances, and the public rendition thereof. In film distribution and screening, (non-)EU languages may only be used in 10% of the screened movies or used within a movie with a maximum of 10% (State Language Law, 2019, art 23).

Yet again, the legislation raises questions. For example, should groups of tourists be split between Ukrainians and non-Ukrainians during cultural tours to make sure that Ukrainians will not receive a tour in a foreign language? And what benefit does this give to national minorities that are still not allowed to receive a tour in their own tongue? Also, during cultural events other languages are allowed in case the use of the language is artistically justified. Yet, what determines whether something is artistically justified?

Figure 7: Indigenous and Minority Languages in Education.

Is language allowed in / during: ...	Indigenous Language	Minority Language (EU)[17]	Minority Language (non-EU)
Education			
Preschool	Yes	Yes	Yes
Primary education	Yes	Yes	Yes
Secondary education	Yes	Partially. The legislator allows "one or more" disciplines to be taught in an EU-language.	Partially. Minimal 80% of education must be in the State language.
Science			
Scientific publications	No	Yes. But it must be accompanied by an abstract and list of keywords in Ukrainian.	No
Dissertations[18]	No	Partially. Only English.	No
Public scientific events	Partially. In case the event is about an indigenous language or indigenous literature.	Partially. English is always allowed, other EU-languages in case the event is about a particular language or literature in that particular language.	Partially. In case the event is about a particular language of literature in that particular language.
Culture			
Cultural, artistic, recreational & entertainment events	Partially. -Other languages than Ukrainian are allowed where 'justified' artistic or creative concept of organiser. Yet, an interpretation in the State	Partially. -Other languages than Ukrainian are allowed where 'justified' artistic or creative concept of organiser. Yet, an interpretation in the State	Partially. -Other languages than Ukrainian are allowed where 'justified' artistic or creative concept of organiser. Yet, an interpretation in the State

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[17] English is not a minority language of Ukraine but is still assigned in this section since it is an official EU language.

[18] Written by persons seeking a degree of Doctor of Philosophy, Doctor of Arts or Doctor of Sciences.

	language remains required. -The non-existent minority law would explain this further.	language remains required. -The non-existent minority law would explain this further.	language remains required. -The non-existent minority law would explain this further.
Announcements, posters & information materials	Yes. But Ukrainian must be used simultaneously in a similar or larger font size.	Yes. But Ukrainian must be used simultaneously in a similar or larger font size.	Yes. But Ukrainian must be used simultaneously in a similar or larger font size.
Public rendition/public showing of theatrical performance	Yes. But a translation into the state language must be provided.	Yes. But a translation into the state language must be provided.	Yes. But a translation into the state language must be provided.
Museums	Yes. But Ukrainian must be provided as well.	Yes. But Ukrainian must be provided as well.	Yes. But Ukrainian must be provided as well.
Film distribution and screening	Yes	Partially. -No more than 10% of movies per month. -Or more than 10% of total duration within a movie. (subtitles must be provided)	Partially. -No more than 10% of movies per month. -Or more than 10% of total duration within a movie. (subtitles must be provided)
Film posters & tickets	No	No	No
Tourist & sightseeing services	Partially. Only to foreigners and stateless persons	Partially. Only to foreigners and stateless persons	Partially. Only to foreigners and stateless persons
State facilitation of works of culture and arts	No	No	No

Mass media

The first domain to be targeted by language legislation was the domain of mass media, as was mentioned above. Television and radio are legislated through the Law on Television and Radio Broadcasting, whereas print mass media and book publishing are regulated through the 2019 State Language Law.

Television and Radio
The mandatory use of Ukrainian in the domain of mass media started in November 2016 when the Law on Television and Radio Broadcasting was amended. As a result, a 35% minimum of songs in the Ukrainian language was demanded on the radio. Interestingly, this amount could be lowered to 25% in case 60% of the songs on the radio were broadcasted in an EU language (Law on Television and Radio Broadcasting, 2016). Shortly afterwards, the Ukrainian parliament also introduced a law that targeted the domain of television. As a result, 75% of the content of national broadcasts, and 60% percent of local broadcasts, must be in the State language (Kulyk, 2019, 10) – although there are many exceptions. By 2024, this amount will increase to 90% for national broadcasts, and to 80% for regional broadcasts (United Nations Human Rights Mission in Ukraine, 2019, 10-11). On average, broadcasters in both domains live up to and beyond the quota that are set by the Ukrainian government. In fact, the share of Ukrainian songs on national radio is 51% and on national television it is almost 92% (Centre for Democracy and Rule of Law, 2019).

Print mass media

The legislation of print mass media and book publishing and distribution is regulated through the 2019 State Language Law. In the articles of this law, it is once more striking that Russian and other non-EU languages enjoy a lower status than Ukrainian, indigenous languages and EU languages. In fact, it could be said that both the indigenous languages, and the languages of the European Union are on an equal footing with Ukrainian. As all three categories of languages may be distributed freely as print mass media; Russian and other non-EU languages are placed lower because of three reasons (State Language Law, 2019, art. 25):

1. Each mass media edition in Russian must be accompanied by a similar edition in Ukrainian,
2. When a subscription in Russian is provided, a subscription in Ukrainian must be offered as well,
3. At a site of print mass media, 50% of all titles must be in Ukrainian.

Book publishing and distribution

The higher position of both EU languages and indigenous languages is again clear in the domain of book publishing and distribution. First, publishers are required to publish at least 50% in the Ukrainian language. There are two exceptions to this:

1. Languages of indigenous people of Ukraine,
2. Language of national minorities *which receive state funds or local budgets.*

Second, 50% of the total number of book titles in a bookshop must be in the State language. Again, there are few exceptions to this 50%-rule of which the most important are:

1. Bookstores that distribute books in languages of the European Union,
2. Dictionaries, foreign language phrase books and textbooks,
3. Bookstores established to exercise the rights of indigenous peoples and national minorities *according to the law.*

What this law means remains unclear since there is no law for national minorities in the first place. Secondly, the Law on Indigenous Peoples does not mention bookstores. Lastly, the definition of 'national minority languages that receive state funds or local budgets' remains unclear as well.

Workplace

Language laws regarding the workplace may be the most equal in its treatment of indigenous and national minority languages. In fact, there is no general law that forbids the use of any language at the workplace, except for a large list of professions in which the Ukrainian language is compulsory. Thus, there is no preferential treatment of an indigenous language over a national minority language. Rather, both indigenous and national minority languages are 'equally unequal' compared to the Ukrainian language.

Labour regulations

Although the use of other languages is allowed, there is a catch. That is, under no circumstances may anyone be denied the use of the Ukrainian language (State Language Law, 2019, art. 20.1) (except for when serving foreigners or stateless persons). This means that the use of other languages (e.g, Russian) can easily be prevented by an individual who wishes to speak Ukrainian. Moreover, the

contract that binds employer and employee, must also be in the State Language (State Language Law, 2019, art. 20.2). In addition, there is a large list of professions in which *only* Ukrainian is allowed. In these professions, the level of language proficiency must also be proven by a certificate (State Language Law, 2019, art. 10.2; art. 10.3). The list of professions is as follows (State Language Law, 2019, art. 9):

- All positions of higher government
- All board members of government-funded committees, councils, and commissions
- Deputies of the Supreme Council of the Autonomous Republic of Crimea, deputies of local councils, officers of local self-government authorities
- Civil servants
- Chairmen of local state administrations, their first deputies and deputies
- Employees of the National Bank of Ukraine
- Military servicemen of the officer rank, who do military service under contracts
- Middle- and senior-ranking superiors of the National Police, other law enforcement and intelligence agencies, officers of other bodies, to whom special ranks are awarded
- Personnel of private, sergeant, and sergeant-major ranks of the National Police, other law enforcement and intelligence agencies, and other bodies, to whom special ranks are awarded
- Prosecutors
- Judges who have been elected or appointed in accordance with the Constitution of Ukraine and administer justice on a professional basis, members and disciplinary inspectors of the High Qualifications Commission of Judges of Ukraine, members of the High Council of Justice
- Lawyers
- Notaries
- Heads of educational institutions of all patterns of ownership
- Education, academic and education, academic workers, other than foreigners and stateless persons, who have been invited to educational institutions and/or academic institutions and work on a temporary basis as academic, education, or academic and education workers, or teachers of foreign languages
- Medical personnel of State and communal health care institutions
- Officers and officials, other than persons who are not citizens of Ukraine, of State- and community-owned enterprises, institutions and organisations not referred to in this overview.

As this extensive overview shows, basically all governmental and legal professions demand the proficiency and use of Ukrainian. Moreover, it is also demanded from civil servants to prevent discrimination against the state language *and* counteract possible attempts of discrimination (Law on Civil Service, 2015, art. 8). In other words, civil servants are obliged to ensure that Ukrainian is used in their environment instead of only speaking it themselves.

Service regulations
The previous section is more or less in line with what is already demanded from Ukrainians. Namely, Ukrainian is the only official language of the country, and all citizens have to be proficient in the language. Thus, one could argue that for governmental and legal services to be in this very language only makes sense. The linguistic regulations in the service industry are more invasive, however. According to the law, the language of consumer services in Ukraine is Ukrainian (State Language Law, 2019, art. 30.1). Only at the request of the consumer, another language may be spoken (State

Language Law, 30.3). Yet again, the rule still applies that no Ukrainian may be denied the right to speak Ukrainian.

Daily use

To what extent indigenous and minority languages in Ukraine are curbed by language legislation in the domain of daily use is straightforward. Indeed, according to the State Language Law: "This Law shall not apply to the sphere of private communication and the conduct of religious rites" (State Language Law, 2019, art. 2.2). Accordingly, one could argue that as private communication is explicitly 'unlegislated', daily life is little affected by the language legislation. This argument is however highly dependent on what is seen as 'private communication' in the first place, and what forms of daily practices are affected that are not coined as 'private communication'. To give an example, private communication could mean the transfer of information – through any means – in the private sphere. In this case, the law does what it says since it does not force any citizen of Ukraine to speak Ukrainian at home. However, since the Criminal Procedure Code of Ukraine defines 'private communication as "communication is considered to be private insofar as information is transmitted and stored under such physical or legal conditions where participants to the communication can expect that such information is protected from interference on the part of others" (Criminal Procedure Code of Ukraine, art. 258), Ukraine's linguistic legislation arguably interferes with private communication. To illustrate: a Russian-speaking shop-owner who wishes to help a customer in Russian would communicate privately, yet would break the State Language Law as well (France24, 2021).

Private communication
The first definition mentioned above leads to the conclusion that private communication is left untouched. Since Ukrainian language legislation has received a wide variety of international backlash however – notably from the Venice Commission –, the definition as in the Criminal Procedure Code of Ukraine will be used in this research. With this definition in mind, the provisions in the language laws mentioned above already show clear signs of an infringement on private communication in some domains. To give two examples:

- In the domain of 'Education and Culture', all Ukrainians are required to receive sightseeing services in the State Language. Nonetheless, if a group of Hungarian-speaking Ukrainian citizens would wish to receive a private sightseeing tour in Hungarian, this would not be allowed.
- In the domain of 'Workplace', civil servants are not only required to always speak Ukrainian themselves, but to ensure that others speak Ukrainian as well. Whereas for public reasons civil servants would have to speak Ukrainian, it remains unclear why civil servants would have to speak Ukrainian in private communication.

In addition, outside of the above-mentioned domains, there are other examples of how the freedom of expression is curbed by Ukrainian language laws in which it is unclear whether it is private communication or not.

Ambivalence

As demonstrated by the Venice Commission, the following serves as an example of a restriction on the daily use of an indigenous or minority language, yet remains ambivalent in whether it constitutes public or private communication:

- In the field of healthcare, medical assistance, and medical services, the language is Ukrainian. Nevertheless, the State Language Law also allows another language to be used through the agreement of both parties. As the Venice Commission states, however, this provision should be granted to "to all services which operate in emergency situations presenting a threat to life, the physical or mental integrity of persons, such as rescue services, the fire brigade, etc." (Venice Commission, 2019, 24).

The reason why this is ambivalent is that healthcare and other services clearly have a public function. Thus, the promotion of one language backed by facilitative arguments makes arguably sense. Nevertheless, the relationship between someone who provides a public service and the recipient can hardly be called 'public'. This is even more the case when it comes to elderly care which may not be branded as 'medical assistance' (Venice Commission, 2019, 24), so that in theory Russian-speaking elderly citizens may not speak Russian with their caretakers.

Public events

Almost by definition, public events cannot be a form of private communication. Nevertheless, such events still play an important role in the daily life of citizens. Herein, languages other than Ukrainian are restricted. As was mentioned earlier, these limitations already present themselves in scientific events, sightseeing services, and theatrical performances. In sport events, the limitation may even be more stringent, since during national and regional events Ukrainian is the only language – without exception (State Language Law, 2019, art. 34). Only during privately organised public events, in which the government does not fund the event or is a stakeholder in the private entity, another language than Ukrainian is allowed, without simultaneously using Ukrainian (State Language Law, 2019, art. 29).

Raison d'être

Now that it has become clear what the law means in each of the five domains, it is worth diving deeper into the reasoning behind the language laws. Specifically, this research aims to find ethnic and civic markers to determine whether Ukraine's language policy can be determined as ethnic. In order to do so, this section will focus on the justification of the language policy. For this, the public statements of the three most important Ukrainian officials will be analysed. But to start with, the most comprehensive language law – the State Language Law – provides an explanation as well.

State Language Law

The 2019 State Language Law commences with an introduction in which the new law is justified by the parliament. For this, first Ukrainian statehood is justified by referring to the 1991 All-Ukrainian Referendum.[19] Next, the task of the government to promote the Ukrainian language is displayed.[20]

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[19] Literally: "on the basis of the Declaration of State Sovereignty of Ukraine dated 16 July 1990, and the Act of Declaration of Independence of Ukraine dated 24 August 1991 and approved by the All-Ukrainian Referendum held on 1 December 1991, by which the independent national statehood of Ukraine was restored" (State Language Law, 2019, 2).

[20] Literally: "guided by the Constitution of Ukraine that defines the Ukrainian language as the only State language in Ukraine and imposes on the State the duty of ensuring the comprehensive development and

From then on, the reasoning starts to resemble ethnic elements through the fact that historical claims are being used to justify the language acts, in the first place by stating that there are "deformations in the national language and cultural, linguistic and informational space" (State Language Law, 2019, 2). The reasoning continues by claiming that these deformations are "caused by the centuries-old assimilation policies pursued by colonialists and occupants" (State Language Law, 2019, 2). Thus, the reasoning recommences, "the full-fledged functioning of the Ukrainian language in all spheres of public life throughout the State is a guarantee of preserving the identity of the Ukrainian nation and strengthening the state unity of Ukraine" (State Language Law, 2019, 2). In other words, the introduction claims that:

1. 'The full-fledged functioning of Ukrainian is a prerequisite for the preservation of Ukrainian identity',
2. 'The current situation does not live up to this ideal',
3. 'This situation is caused by wrongdoing in the past'.

Then, the introduction resumes, "being aware that the Ukrainian language is the determining factor and the key feature of the identity of the Ukrainian nation that has formed historically and for many centuries lived continuously on its own ethnic territory, constitutes the overwhelming majority of the country's population, has given the State its official name, and is also the basic systemic component of the Ukrainian civil nation" (State Language Law, 2019, 2). What is striking here is that ethnic and civic arguments are combined. By yet again referring to the past to legitimise present-day law-making, the justification is clearly ethnic. Nevertheless, the referral to the Ukrainian civil nation could be interpreted as a civic marker, although it remains unclear what is exactly meant. What is more, the fact that the Ukrainian language is mentioned as *the* key feature of the Ukrainian nation, and that this nation constitutes the overwhelming majority raises questions. Are Russian-speaking Ukrainians hereby branded as pro-Ukrainian language Ukrainians? And is there are moral undertone to this assessment?

Finally, the introduction draws attention to the aim of the law which is to "strengthen the state-building and [consolidate] functions of the Ukrainian language, increase its role in ensuring the territorial integrity and national security of Ukraine" (State Language Law, 2019, 2) and "to create appropriate conditions for ensuring and protecting the language rights and needs of Ukrainians" (State Language Law, 2019, 2). The first sentence does not give a clear marker for both ethnic and civic nationalism, since it does not provide much information on the 'nature of the nation'. The second sentence on the other hand indicates the preferred position of the (Ukrainian-speaking) Ukrainians without designating the rights and needs of linguistic minorities. The legislator thus does not give an argument that is facilitative in nature or that would increase the knowledge of one language for the population. Instead, the titular majority of Ukrainians is placed in need of protection from other languages which again could be considered an ethnic marker.

The introduction ends with a reference to the opinion of the Venice Commission. According to the justification, the recommendation of this commission will be considered "to find substantially more acceptable ways of affirming the supremacy of the Ukrainian language" (State Language Law,

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functioning of the Ukrainian language in all spheres of public life throughout Ukraine; acting in accordance with the Decision No. 10-rp/99 of the Constitutional Court of Ukraine dated 14 December 1999, which establishes that the Ukrainian language as the State language shall be the mandatory means of communication throughout Ukraine in the exercise of powers by government authorities and local self-government authorities (the language of acts, work, record keeping, documentation, etc.), as well as in other common spheres of public life, which are determined by law" (State Language Law, 2019, 2).

2019, 2). As will become clear in the next section, the Venice Commission puts emphasis on the fact that minority languages are little accounted for.

Venice Commission

"While fully recognising that it is a legitimate aim of every State to strengthen the State language, this legitimate purpose has to be coordinated and adequately balanced with guarantees and measures for the protection of the linguistic rights of Ukraine's minorities, which may not be unduly diminished", according to the Venice Commission (2019, 29). Interestingly, however, is that the Commission remains neutral on whether the promotion of one language should be ethnically or civically motivated. This can be seen through the fact that the Venice Commission recognises that the Ukrainian language ought to be promoted for facilitative purposes and that historical arguments play a role as well. The following passage demonstrates this: "In view of the particular place of the Russian language in Ukraine (which is the most used language of all of Ukraine's regional or minority languages and the main language of communication for many persons belonging to non-Russian minorities) as well as the oppression of the Ukrainian language in the past, the Venice Commission fully understands the need for the Ukrainian legislator to adopt measures to promote the use of Ukrainian as the State language." (Venice Commission, 2019, 28) Thus, the Commission understands that some positive measures towards the Ukrainian language are required, yet this should not take place at the cost of minority languages (Venice Commission, 2019, 29).

This latter requirement is exactly where Ukraine fails to meet its obligations, according to the Venice Commission. The clearest example of this is strikingly enough not the fact that Ukraine privileges Ukrainian more than any other language, but rather that the unprivileged languages are unequal in status to each other. Taking the language situation in secondary education as an example, the Commission opiniated: "a hierarchy is created at the secondary school level, with indigenous peoples potentially treated more favourably than national minorities which speak an official language of the EU, and national minorities which speak an official language of the EU treated more favourably than other national minorities." (Venice Commission, 2019, 16). Already in 2017, the Venice Commission stated that a hierarchy of languages lacked sufficient explanation. The Ukrainian government then defended its different treatment of EU languages and non-EU languages by stating that Russian still enjoyed de facto a more privileged status than Ukrainian due to historical oppression which is why a differential treatment is necessary. Moreover, since Ukraine wanted to become more closely associated with the EU, the government saw reasons fit to grant a special status to EU languages (Venice Commission, 2019, 11). Nonetheless, the Venice Commission still sees that this line of argumentation fails to uphold the rights that the linguistic minority of Russian-speakers should hold. Furthermore, the Venice Commission opiniated those historical arguments do not justify current-day infringement. Lastly, the Venice Commission draws attention to the fact that foreign policy considerations towards the Russian Federation not only target speakers of Russian, but many other linguistic minorities as well (Venice Commission, 2019, 11-12).

The protection of linguistic minorities should occur through up-to-date legislation, as the Venice Commission claims. Yet, as is the case in the State Language Law of 2019, legislation either dates back to 1992, or simply did not exist at the time that most aspects of the State Language Law came into force (July 16, 2019). The legal situation of the linguistic minorities has been in a peculiar state for indigenous minorities until the June 22, 2021, when president Zelenskyy signed the Law on Indigenous Peoples, and continues to be in a peculiar state for national minorities. Moreover, the Venice Commission made clear that all minorities should have been consulted whilst making language laws (Venice Commission, 2019, 7, 9, 10-11, 29-30).

In the report on the Ukrainian State Language Law, the Commission states its opinion on many more subjects than the above-mentioned. Examples include the Commission's opinion that

the language of advertisements should not be solely Ukrainian (Venice Commission, 2019, 24) or that election campaigns ought to be allowed in the language of minorities (Venice Commission, 2019, 16). Still, what is important for this research is how the Venice Commission positions itself. Although it is very critical of the Ukrainian legislator – something that has also been noticed by the media (Warsaw Institute, 2019; RadioFreeEurope, 2019a) – the Venice Commission approves both ethnic and civic arguments in the domain of language. It only argues for proportionality so that the Ukrainian government will neither have an ethnic 'one country, one language' policy, nor the unconstrained use of any language besides Ukraine.

Relevant statements

The most comprehensive law, the State Language Law of 2019, was signed by then-president Poroshenko on May 15, 2019 (Ukrinform, 2021). His political opponent, Volodymyr Zelenskyy entered office only five days later, however. This makes Poroshenko's official role in the protection of Ukraine's language policy extremely limited. Therefore, the officials which have played a role since the election of Zelenskyy are the most important. Three major characters can be distinguished:

1. 'The President'
2. 'The State Language Protection Commissioner'
3. 'The Minister of Culture and Information'.

The President

President Zelenskyy can be described as a moderate character when it comes to the language issue. As a native Russian-speaker himself, prior to his election, he already expressed his discontent for the strictness of the language law (RadioFreeEurope, 2019a). Nevertheless, since he has assumed office, the president has been supporter of the language law whilst expressing his wish to "not raise the language issue" (детектор медіа, 2021). From the statements he has made, it seems that he wishes to see Ukraine first and foremost as a civic nation. An example of this is his 2019 speech on the Day of Dignity and Freedom where he expressed: "We stand for each other, regardless of age, gender, language or religion. And today, as never before, we need the same unity for the sake of protecting the country, for the sake of our independence, freedom and right to choose our own future, the future of the country we are about to bequeath to our children. All this should unite us" (Zelenskyy, 2019b). Another example includes his 2019 Independence Day Speech: "Fellow Ukrainians! We are different. But we are united. We must be united, because only then are we strong. We should understand that we have to count only on ourselves. Not to quarrel over the past, but to unite for the future. Ukrainian-speaking and Russian-speaking, regardless of age, gender, religion – we must be one people" (Zelenskyy, 2019a). As can be discerned from the two examples, Zelenskyy focuses on the universalistic (uniting as Ukrainians) rather than the particular (focusing on internal division in Ukrainian society).

When it comes to language, Zelenskyy stresses that those who do not speak the Ukrainian language properly, can still be Ukrainian patriots. Moreover, he affirms that those who lack knowledge of Ukrainian ought to be supported instead of scolded. In this, he also draws to the attention that coercion might prove to be counterproductive (Zelenskyy, Telegram, 2020, 9 November, 12:04). What Zelenskyy publicly stands for is the following: Ukrainians must know the State Language. Nevertheless, he also sees that the state has an obligation to protect the languages of the minorities in Ukraine, that are also seen as 'Ukrainian' (Zelenskyy, 2020b).

The State Language Protection Commissioner

As part of the State Language Law of 2019, a Commissioner for the Protection of the State Language was appointed on July 8, 2020. The appointed commissioner, Taras Kremin, has the task to protect

the State Language and protect the rights of citizens of Ukraine to receive information and services in the spheres of public life, defined by the law, in the state language on the whole territory of Ukraine, and to remove obstacles and restriction in using the state language (State Language Protection Commissioner, 2020). Strikingly, these tasks do not only limit itself to government-controlled Ukraine, but extend to Crimea and the Donbass region as well (State Language Protection Commissioner, 2021c). In his function, the Commissioner has the right to impose fines on those who break the language legislation (Raczkiewycz, 2021)

In his task, the commissioner has been fierce in his defence for the Ukrainian language policy, which has even led to a disagreement with president Zelenskyy. In fact, when Zelenskyy spoke of a Ukrainian version of the Russian language, Commissioner Kremin responded by reminding the president that there is only *one* state language which is Ukrainian (State Language Protection Commissioner, 2021d). This statement may be unsurprising due to the obligation of Kremin to protect Ukrainian, yet other examples show that his fiercer tone is not uncommon. On August 6, 2021, the commissioner stated that those who disagree with the language law better move to other countries. Moreover, he recalled that the Ukrainian people have been struggling for ages to gain independence and continue to do so in the East of the country (Kremin, Facebook, 2021, 6 August, 10:54). This latter statement reminds us of a more ethnically motivated justification. This is underlined by another statement on July 16, 2021, in which he claimed that the Ukrainian language had been colonized in the past. Thus, it became the State's duty to recover and reinstate the Ukrainian language. As Kremin continues, the Ukrainian language is both the source and the future of Ukraine – a matter of national security – and is the guarantee for the Ukrainianization of Ukraine (Kremin, Facebook, 2021, 16 July, 07:10). As can be assessed from the two statements, the Ukrainian language is seen as more than just a means of communication. But it is seen as *the* language of the Ukrainian people that should be re-established. What is more, the entirety of Ukraine ought to be Ukrainised as well.

Attempts to amend the language law, or a less coercive language policy are futile, according to Kremin. As he explains, initiatives to abolish fines for using another language than Ukrainian, or initiatives to halt the forced use of Ukrainian in former Russian-language schools are "political viruses" (State Language Protection Commissioner, 2021a). As Kremin continues: "the great majority understands that [attempts to change the language policy] is populism and nothing more" (State Language Protection Commissioner, 2021a). As Kremin explains in another statement, the Ukrainian language is part of the state-building process and an important 'chance' to become integrated in Ukrainian society. (State Language Protection Commissioner, 2021b)

Minister of Culture and Information
As minister of Culture and Information, it is perhaps unsurprising that Oleksandr Tkachenko sees the Ukrainian language and culture as two sides of the same coin. His wish that all Ukrainian citizens speak Ukrainian coincides with his opinion that Ukrainian is a language that should be loved (Tkachenko, Telegram, 2021, 14 July, 10:48). Nonetheless, Tkachenko still maintains a friendly voice when it comes to the promotion of the Ukrainian language. As he explains in his *Telegram* channel, the Ukrainian language should be used on a voluntary basis. Besides, language should not become subject to 'manipulation' and 'speculation' and Tkachenko warns that language can be abused by both pro-Russian groups and 'fake patriots' (Tkachenko, Telegram, 2021, 14 July, 10:48). As minister, Tkachenko is more in favor of projects that will lead to an increased use of Ukrainian, although these projects have a coercive side to it (which will be explained in the next section) (Tkachenko, Telegram, 2021, 19 May, 12:46). What is more, Tkachenko joins the ranks of Zelenskyy and Kremin in viewing the Ukrainian language as a matter of national security (Tkachenko, Telegram, 2021, 18 May, 09:30). The main goal of Tkachenko is that Ukrainian will be used in all aspects of Ukrainian life. In this, a

general cultural revival must accompany this process, according to Tkachenko (Tkachenko, Telegram, 2021, 19 May, 12:46).

Facilitation

Since 1991, Ukraine has been the sole state language of Ukraine. Nevertheless, Russian has always been widely used and was mentioned separately in the 1991 Constitution of Ukraine (Constitution of Ukraine, 1991, art. 10). As of 2021, Russian has lost its prominent status as illustrated by the State Language Law. Not only does Russian belong to the lowest category of languages, Russian-speaking citizens are also required to speak Ukrainian (State Language Law, 2019, art. 6.1). That the status of Ukrainian is strengthened is therefore beyond doubt, but whether such a policy is necessarily ethnic remains to be seen.

As became clear from the previous chapter dealing with theoretical issues, context matters when it comes to language and nationalism. In this research, it means that both legislation and argumentation are assessed to determine to what extent Ukraine's language policy has to be seen as ethnic. Nevertheless, the third aspect: facilitation, is equally important as well. In fact, it tells something about the extent to which the government of Ukraine is willing to help their non-Ukrainian-speaking citizens. In other words, it helps to determine whether the goal is to privilege one group over the other (ethnic), or to genuinely have all citizens speak the same language to improve communication. In the latter, 2021 is a promising year. Although in 2019, the State Language Law already provided that "The State organises free Ukrainian language courses for adults and provides an opportunity to master the State language freely to those Ukrainian citizens who did not have this opportunity" (State Language Law, 2019, art. 6.3), the actual implementation of these courses was mostly taken up by non-governmental grassroots initiatives (Kudriavtseva, 2021). This situation will be altered through new initiatives of the Ukrainian government.

According to the Ukrainian minister of Culture and Information, Oleksandr Tkachenko, the goal of the Ukrainian government is to slowly nudge the non-Ukrainian-speaking population of Ukraine into speaking Ukrainian. In order to achieve this, he calls for a national cultural program that will ensure Ukrainian as the language of the State and of public life by 2030. Some of the elements of this project are aimed at strengthening the position of Ukrainian through legal means, such as the reiteration that all civil servants ought to speak Ukrainian (урядовий портал, 2021). For example, in the project the scope of Ukrainian is also broadened through the popularisation of Ukrainian abroad (урядовий портал, 2021). Most important for facilitation, however, is the pledge that the learning of Ukrainian will be easily accessible to all Ukrainians. This will take place through the implementation of projects that promote the use of Ukrainian and instituting a network of language courses (урядовий портал, 2021). The latter has already been implemented through the National Platform for Studying the Ukrainian Language by the Ministry of Culture and Information (Ministry of Culture of Ukraine, 2021). This platform aims to collect various online and offline Ukrainian language courses, to not only strengthen the use of Ukrainian in Ukraine but also to improve the knowledge of Ukrainian abroad. The website already offers a wide variety of online sources. Offline sources are nevertheless not yet provided by the Ukrainian government on this website, and outside of it.

Conclusion

An issue which undoubtably torments all researchers of contemporary subjects is the fact that each day provides more information on the matter than a human can process. Whereas information from the past is often organised, sorted by relevance – albeit a subject of discussion – and embedded in a narrative, contemporary topics often require the researcher to become the judge of what matters and what does not. This research falls into the category of contemporary subjects and thus only presents a limited view on the situation. The determining factor of what has been included in this research is the extent to which the information is recent. One result of this is that some information may sometimes be contradictory – for example: the status of languages of national minorities is unclear due to two unresolved conflicting laws – yet presents the actual legislative situation that is present in Ukraine. The Russian Invasion of Ukraine of 2022 marks the endpoint of this research. Since this invasion of Ukraine of 2022 has halted the day-to-day functioning of the Ukrainian state and will perhaps lead to a complete novel language situation, this paper may in the henceforward be considered as an inquiry on 'Ukrainian Language Policy 2014-2022'.

This research has aimed to find an answer to the question: "To what extent could the actions of the Ukrainian government in the domain of language since 2014 be considered a form of ethnic nationalism?" To answer this question, three smaller questions have served to (1) determine what ethnic (and civic) nationalism means in this research (2) what seeds for Ukraine's language policy lie in the Maidan Revolution and (3) what the actual language policy of Ukraine consists of plus how this policy is legitimised. The domain of language has further been divided into five categories: Official Language and Minority Languages, Education and Culture, Mass Media, Workplace and Daily Use. Lastly, the research does not solely include language legislation and motivation, but also included a glance at how the Ukrainian government facilitates the use of Ukrainian. What is more, the opinion of the Venice Commission has been included as well.

First and foremost, this paper has attempted to couple the theory of nationalism to language. To do so, the theory of nationalism has been examined which has led to some noteworthy results. One outcome is that the general civic versus ethnic dichotomy of nationalism has been debated to such an extent that myriad variations on the 'original theory' of the dichotomy have come into life. Examples include: a strong moral preference for civic nationalism in which ethnic nationalism is always presented as the 'bad one' (Zubrzycki, 2002, 281-282), finding a 'third way' of nationalism (Nielsen, 1996, 50) or dropping the dichotomy altogether (Verdery 1993; Brubaker 1996).[21] The result of this lack of one agreed-upon theory however, is that the dichotomy of nationalism loses its function as a neutral arbiter who aids indicating a form of practised nationalism. This research has attempted to retrieve what constitutes the *essential* difference between civic and ethnic nationalism and has determined that civic nationalism focuses on the *universal* whereas ethnic nationalism centres around the *particular.* Interestingly, this dichotomy leaves space to both theoretical nationalisms to co-exists since nationalism in practice has both universal and particular elements; ironically, this has also been noted in the work of Kohn which is the foundation of the dichotomy (Jaskułowksi, 2010, 291-299).

Establishing a neutral dichotomy of nationalism does not automatically provide an answer to the question which role language plays in the dichotomy. Often, language is considered to be a marker of ethnic nationalism (Jaskułowksi, 2010, 291-299) which arguably makes sense in a neutral dichotomy as a given language stand out from other languages. On the other hand, language may

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[21] Thus arguably leading to researchers never wishing to conclude that a preferred or neutral form of nationalism is ethnic.

also fulfil the function of universal communication in which case language transcends other particular characteristics (Stiltz, 2009, 260-261). In fact, many civic nations pursue a 'one-language policy' which would be at odds with civic nationalism in case language is always understood as an ethnic marker. The relationship between language and nationalism is thus more difficult than it seems at first sight and requires a theory of its own, as this research argues.

When digging deeper into academic research on the connection of language and the civic versus ethnic dichotomy of nationalism, it strikes that a full-fledged debate on this connection is lacking. Specifically concentrating on language policy, merely two theories where found that determine when language policy is either civic or ethnic. The first of these theories argues that the promotion of one language above other languages may be a necessary attribute of language policy, but that the extent to which the legislator accounts for linguistic minorities determines whether a language policy is civic or ethnic. A language policy that includes the rights of linguistic minorities is therefore civic and a policy that does not is ethnic (Stiltz, 2009, 291-292). As a result, this theory concentrates on *actual* implemented policies of a government. The second theory involves the *reasoning* behind language policies and argues that even a language policy that excludes other languages may be civic as long as the motivation of a given policy is inclusive. More specifically, it means that a civic language policy includes arguments that underline the functioning of society and democracy – a one-language policy is then to be understood as a means to facilitate communication between citizens (Ipperciel, 2007, 398-402; 412-413). An ethnic language policy would focus on the rights of the titular majority or historical grievances instead – a one-language policy would then rather focus on the rights of a *particular* group within a country (Ipperciel, 2007, 401). This research includes both theories which co-determine whether Ukraine's language policy is ethnic based on both actual legislation and the motivation behind this legislation.

Ukrainian language policy has been analysed through three different acts: legislative acts – or language legislation, verbal acts – or official statements made through popular media, and supportive acts – or efforts through which the government tries to facilitate citizens learning the language without coercion. The first of these acts: language legislation, is analysed the most extensively in the last chapter through connecting the language laws to the five language domains. A first conclusion of this analysis is that Ukrainian is undoubtably the sole multi-purpose language for life in Ukraine (Constitution of Ukraine, art. 10). Although other languages are to a varying extent allowed in place in Ukrainian public life, Ukrainian is the only language that does not come with any additional requirements in many respects. A second conclusion is that the Russian language has undoubtably lost most when compared to other languages. Although the Russian language enjoys the same legal status as other non-EU national languages in Ukraine, it 'fell' from being an official regional language in 2012 (Roudik, 2012) – not to mention the extensive function the Russian language enjoyed in Ukrainian public life before 2014 (Kulyk, 2014a, 117-118). A third conclusion is that a degree of unclarity is involved in Ukrainian language legislation. In the case of national minorities, one law contradicts another (Law on National Minorities, 1992, art. 6). In the case of indigenous minorities, the community of Gagauz people is not included in the category even though the community should be included following the definition of indigenous minorities the very Ukrainian government maintains (Ivanenko, 2021). In the case of the State Language Law, certain articles in law refer to other laws that did not exist at the time of writing (Venice Commission, 2019, 7, 9, 10-11, 29-30).

The Ukrainian government has introduced a unique system of language laws with four tiers in which the tier of the language determines which privileges the language has (State Language Law, 2019, art. 22; art. 27). On top is the Ukrainian language which is the national language. Then on the second place are the *indigenous languages* which are defined in ethno-linguistic terms in which the

linguistic community as treated as *belonging* to Ukraine (Law on Indigenous peoples, 2021, art. 1.1). On the third place are the languages of the EU and on the last place are the non-EU languages; both categories are not defined as *belonging* to Ukraine and are called 'languages of national minorities'. What sets the national minorities apart from the indigenous minorities is that national minorities are considered to have a kin-state. Following this rationale, Russian is the language of the Russian kin-state yet this leaves the question open of what this means for Russian-speaking Ukrainians. What is interesting, however, is that a linguistic group does not have to be situated *in Ukraine* to enjoy the language rights of the category the language falls in (United Nations Human Rights Mission in Ukraine, 2019, 10). For example: a tourist wishing to conduct himself or herself in English would face less legal difficulties than a Russian-speaking Ukrainian (State Language Law, 2019, art 23.8). As a result, this research has inquired whether Ukrainian linguistic legislation has met the *actual* linguistic needs of the Ukrainian population before the Russian Invasion of 2022.

The language status difference presents itself in the other four language domains of this research. For example in the domain of education of culture, the tier of a language determines which percentage of that language is allowed in a given category. For speakers of language indigenous to Ukraine, it means that the secondary education may be convened for 100% in the native tongue (Law on Indigenous Peoples, 2021, art. 5.1). For speakers of Hungarian or Romanian on the other hand, the use of the native language is slowly decreased as the school career advances (Law on Secondary Education, 2020, art. 5). Lastly, for speakers of Russian and other non-EU languages, the use of the native language is restricted to language and literature classes (State Language Law, 2019, art. 21). Another example is the law which governs the distribution of print mass media. As the law regulates Ukrainian, indigenous, and EU-languages may be distributed freely yet Russian and other non-EU languages may only be distributed providing that a Ukrainian version of the medium is guaranteed as well (State Language Law, 2019, art. 25). What is essential to understand the various laws, is that the level to which indigenous languages and languages of national minorities are granted rights varies by domain yet is never entirely on equal footing with the Ukrainian language. Central to the primacy of the Ukrainian language is first that all official conduct takes place in Ukrainian – even private conversations between two officials (State Language Law, 2019, art. 10.2; art. 10.3). Second, a Ukrainian in Ukraine may never be denied the right to receive information in Ukrainian (State Language Law, 2019, art. 20.1), thus posing an obstacle to any group activity in another language. The right to speak any other language than Ukrainian in private communication and religious rites remains in place (State Language Law, 2019, art. 2.2) yet this right may be thwarted in a small number of individual cases as was mentioned in Chapter 3.

When linking the results to the first theory of language and nationalism, it strikes that Ukraine does not entirely exclude the language of minorities. Instead, the Ukrainian government maintains a system in which certain languages are awarded more privileges than other languages. In line with the theory, this system could be both ethnic or civic depending on the system accounts for the actual linguistic system of the country. Given that the prominence of one language [Ukrainian] stands apart from judgement, the Ukrainian government does to some extent account for the *indigenous* linguistic minorities. As the latest law on indigenous peoples reveals, *indigenous* linguistic minorities receive the opportunity to follow education in the native language and may receive information through print mass media unrestricted (State Language Law, 2019, art. 25). The requirement to speak Ukrainian to conduct official business is still required for these minorities Language (State Language Law, 2019, art. 20.2), yet these minorities receive largely the liberty continue life in their native tongue. This liberty is to a lesser extent awarded to national minorities who speak an EU-languages. Even though these minorities, who constitute a larger group than the *indigenous minorities,* may receive education and information in their native languages (State

Language Law, 2019, art. 25), the right to receive the education is gradually decreased throughout secondary education (Law on Secondary Education, 2020, art. 5). Moreover, the law which is supposed to protect these minorities has not come into existence yet. The last group, speakers of a non-EU language, is awarded the least of rights in the domain of language. This includes for example speakers of the Gagauz language, as well as speakers of Yiddish and notably the second language of Ukraine: Russian. Thus, it can be concluded that Ukraine's language policy only accounts for some minority languages whereas other languages are not awarded certain rights. In the case of Russian, Ukrainian language policy could thus be considered as ethnic, whereas in the case of *indigenous* languages, it could rather be seen as civic.

The other theory looks into the motivation behind Ukraine's language policy. What stands out is that the State Language Law of 2019 mostly includes ethnic arguments to legitimise the language policy of the state since 2014 (State Language Law, 2019, 2). According to the introduction of the law, the supremacy of the Ukrainian language is a prerequisite for the functioning of the Ukrainian state, yet the current linguistic situation does not live up to this ideal which is caused by wrongdoings of the past (State Language Law, 2019, 2). Moreover, the introduction claims that Ukrainians constitute the titular majority of the country and that the language of Ukrainians should be protected from other languages. In other words, Ukrainian is considered to be the only language of Ukrainians which means that Russian-speaking Ukrainians constitute somewhat of an abnormality according to this reasoning but may also present a danger towards Ukrainians who do speak Ukrainian (State Language Law, 2019, 2). As these arguments involve history and the protection of a one language group over another, they are clearly ethnic arguments.

Another key component of the introduction of the law is the fact that the primacy of Ukrainian is deemed necessary for territorial integrity and national security (State Language Law, 2019, 2). Whether this argument is civic or ethnic is difficult to assess. Namely: if language laws aim to protect Ukrainian society from destabilisation of undemocratic forces, it could be interpreted as a 'civic move'. On the other hand, if the law serves to exclude non-Ukrainian citizens from partaking in Ukrainian society, the motivation would rather be ethnic. At this point it is interesting to zoom in on what the three mentioned Ukrainian officials: President Zelenskyy, State Language Protection Commissioner Taras Kremin and Minister of Culture Oleksandr Tkachenko have to say. All officials stress that the primacy of Ukrainian is pivotal to national security (Zelenskyy, 2019b; Kremin, Facebook, 2021, 16 July, 07:10; Tkachenko, Telegram, 2021, 18 May, 09:30). Zelenskyy and Tkachenko seem to lean more towards the civic side by stating that the Ukrainian language is essential for the functioning of Ukrainian society (Zelenskyy, 2020b; Tkachenko, Telegram, 2021, 19 May, 12:46). Kremin, on the other hand, uses mostly ethnic elements to claim that Ukrainian is necessary to bring Ukraine back to its original form for which it has fought for centuries (Kremin, Facebook, 2021, 16 July, 07:10). What is more, Kremin is opinion that those who oppose Ukraininisation (through language) better move to other countries (Kremin, Facebook, 2021, 6 August, 10:54) whereas Zelenskyy and Tkachenko call for a more subtle Ukrainianisation. All have in common however that the increase of the use of Ukrainian in society is non-negotiable.

As the linguistic Ukrainisation of the Ukrainian population in terms of language seems to be inevitable, it is essential to determine whether the Ukrainian government aids its populace in becoming proficient in the language. A key fact is that the Ukrainian population will have sufficient language proficiency in the future since Ukrainian will eventually be a mandatory subject of the school curriculum for all Ukrainian passport-holders (United Nations Human Rights Mission in Ukraine, 2019, 9). Nevertheless, for those Ukrainians who currently do not speak sufficient Ukrainian, the Ukrainian government has launched a platform which offers online Ukrainian courses (Ministry of Culture of Ukraine, 2021). Physical courses have not been provided as of yet which could

be seen as a sign that the government of Ukraine has – until the Russian invasion of 2022[22] – been reluctant to aid its linguistic minorities.

Final remarks

What can be concluded from *implementation* and *motivation* of Ukraine's language policy? First, Ukraine's language policy in practice consists of both civic and ethnic elements depending on the status of a given language. In the case of indigenous languages, the Ukrainian legislator creates legal space for the languages to be used and to be represented (Law on Indigenous peoples, 2021, art. 2.1). Thus, the Ukrainian language is in this instance rather civic. In the case of non-EU national minority languages, the practical policy is more ethnic instead as these languages – notably including Russian – do receive plenty of obstruction in their usage. The motivation of Ukraine's language policy is more one-sided, however. Using historical arguments and arguments that revolve around the protection of Ukrainians and their perceived language of Ukrainian (State Language Law, 2019, 2), ethnic arguments form the basis of Ukraine's language laws which disregards a large proportion of Ukrainians that speak Russian. This is strengthened by remarks of the Language Protection Commissioner Taras Kremin who has suggested that Ukrainians who do not like the language policy should go to another country (Kremin, Facebook, 2021, 6 August, 10:54). Another outcome of this research is that there is an indication that Ukraine's language policy is part of a security consideration revolving around fear that *if* Ukrainian is not promoted, the Ukrainian state may be in danger (Kremin, Facebook, 2021, 16 July, 07:10). To what extent this claim is false or true, is not the subject of this research, yet this indication may point towards one of the most important arguments for Ukrainian language policy.

As this research has argued, civic or ethnic nationalism and a civic or an ethnic language policy are not 'good' or 'bad'. Instead, the dichotomy of civic versus ethnic ought to be used to indicate a practical form of nationalism. In Ukraine's case, its language policy is practically speaking partially ethnic and partially civic, but its motivation is mostly ethnic. Ukrainian language policy thus constitutes in motivation strongly around the particular, rather than the universal. This conclusion is striking for two reasons. First, as the first chapter underlined, Ukrainian society is heterogeneous (Stepanenko in: Daftary & Grin, 2003, 110) which defies a single approach to Ukrainian identity. Whether divisions are made ethnically (State Statistics Committee of Ukraine, 2001), religiously (Ukraine Crisis Media Center, 2018) or linguistically (CIA Factbook, 2021), the Ukrainian population presents itself as difficult to categorise . Nebulous in the divisive middle, the population consists rather of various shades of grey. Second, before the Maidan Revolution, language was the single most important divisive issue in the country (Wolczuk, 2006, 540). As the second chapter revealed, the Maidan Revolution has overcome division in the country by having mostly common civic goals for all of Ukraine *which did not include language* (Kvit, 2014, 30-33). Nevertheless, this revolution – intentionally or unintentionally – resulted in a Ukraine that was more 'Ukrainian' (Arel, 2018, 1-3). Linguistically, this meant the victory of Ukrainian language primacy – a situation which has tacitly been accepted by the Ukrainian population (Arel, 2018, 1-3).

Lastly, Ukraine's linguistic U-turn has not gone unnoticed internationally speaking. As the Venice Commission argues, Ukraine's language policy is striking because of its differential judgements of the various language groups in Ukraine (Venice Commission, 2019, 16). Implicitly, the Venice Commission argues that a language policy may include both civic and ethnic elements to a certain extent, but that historical arguments should not lead to infringements on the rights of linguistic minorities (Venice Commission, 2019, 11-12). Interestingly, the Venice Commission also mentions that foreign policy considerations towards the Russian Federation may not constitute a

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[22] As since this invasion the ordinary functioning of the Ukrainian state has paused.

ground for Ukraine's language policy – again an sign for the indication that Ukrainian language policy is based on security concerns (Venice Commission, 2019, 11-12). Another point of critique is that according to the Venice Commission, Ukraine's language legislation is often vague and not up-to-date. The Commission has therefore advised to adjust this legislation to current linguistic needs (Venice Commission, 2019, 7, 9, 10-11, 29-30). Ukraine has not done yet, as this research has pointed out.

In conclusion, this research has attempted to present an overview of the Ukrainian legal language situation, the motivation behind Ukraine's language policy, a link towards the theory of nationalism and an indication of what the combination of the three means. Furthermore, this research included an overview of identity in Ukraine, an analysis of the goals of the Maidan Revolution and a small history of Ukrainian language policy. Linking all of the above-mentioned, this research serves as a proof of how civic and ethnic nationalism as theoretic concepts do not constitute a reality, but serve as ideal images that aid in indicating a language policy. In the case of Ukraine, it is noteworthy that its policy may either be more civic or ethnic, depending on the language in question. What is more, this research has claimed that the civic versus ethnic dichotomy should not be treated as a moral dichotomy, but as a dichotomy of universal versus particular nationalism. As Ukraine leans more towards an ethnic language policy, it may be concluded that Ukraine places a particular interest in the Ukrainian language policy over other languages - regardless of whether other languages could facilitate communication in Ukraine.

Many questions remain open at the end of this research and many subjects that have been treated deserve a research of their own. For example, this research did not dig deeper into Ukraine's security concerns that are most relevant at the time of writing. Moreover, the research has only touched the surface of language policy in Ukraine by solely looking at official communication. A research that would dig deeper into the experienced language policy by the Ukrainian population, may be an addition to the indication of language policy in Ukraine. This research thus has its limits, yet aims to have contributed to the two under-researched topics of language and nationalism, and the Ukrainian language policy. As this research is the first of its kind in these domains, further research is highly encouraged.

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