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Analysis of current events: Identity mobilization in hybrid regimes: Language in Ukrainian politics

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In August, a new language law in Ukraine allowed cities and regions to elevate the status of any minority language spoken by at least 10% of their population to "official" alongside Ukrainian. I argue that the law fails to protect genuine linguistic minorities and is likely to further undermine linguistic diversity in certain Ukrainian regions. More important, the law prolongs the vicious circle between Ukraine's lack of democracy and its politicians' reliance on identity cleavages to gather votes. I argue that the continuing exploitation of identity divides is increasing the popularity of extreme right parties and widening the gap in policy preferences between Ukrainian and Russian speakers. However, the current ethno-regional cleavages do not stand for irreconcilable identity attachments and their impact can be mitigated. The EU could contribute to this outcome by providing expert opinions on minority and language rights; demonstrating a commitment to Ukraine's territorial integrity and independence to de-securitize the minority rights discourse; and increasing individual-level contacts between the EU and Ukraine to promote a broader European identity.

Keywords: Ukrainian language; identity mobilization; post-Soviet party politics; language policy; EU–Ukrainian relations

Introduction

On August 8, Ukrainian President Viktor Yanukovich signed a new language law. The document enables local councils to elevate the status of any minority language spoken by at least 10% of the population to "official," allowing its use in governmental, educational and cultural institutions alongside Ukrainian. The governing Party of Regions caught the 450-seat Ukrainian Rada off-guard by rushing the bill through via a procedural trick and ignored the calls for revision voiced by the 257 other lawmakers.[1] Protests and hunger strikes followed. Dressed like Cossacks, carrying Ukrainian blue-and yellow flags, the protesters gathered to "protect the Ukrainian language and Ukrainian state" from Russia.

Although the law was claimed to promote the norms enshrined in the European Charter for Regional or Minority Languages (1992), the furtive manner in which it was passed and the 10% threshold designed to benefit the least disadvantaged minority – Russians – suggest other motives were at play. While there are 18 other minority languages in Ukraine,[2] it is primarily the regions with a large number of Russian speakers that took advantage of the new law. Regional councils in Dnipropetrovsk, Donetsk, Kharkiv, Kherson, Luhansk, Mykolayiv and Zaporizhia regions, as well as cities of Kharkiv, Kherson, Luhansk, Mykolayiv, Odessa, Sevastopol, Yalta, and Zaporizhia declared Russian as their regional language. They were joined by Berehove, a town of 24,000 people, and Bila Tserkva, a village of 10,000 people, both in Zakarpattia, where Hungarian

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and Romanian were declared regional languages. In turn, the regional council in the city of Lviv, the cultural capital of western Ukraine, declared the law itself invalid.

The controversial language law is the product of identity bidding that has characterized Ukrainian politics since independence. Like a pendulum, it swings from one extreme to another along the identity dimension as the parties in power alternate. In the 1998 parliamentary election, campaigns by as many as eight parties exploited language issues,[3] and by 2012, little has changed. The Ukrainian political entrepreneurs rely on activating identity politics to get votes, even though language is low on the list of priorities of ordinary Ukrainians.[4] Language identity is used both to signal policy direction vis-à-vis Russia and the West – differentiating one's party from the opponents and finding coalition partners – and to mobilize voters with the symbolism and emotive power of language.

The perpetual exploitation of identity divides could further undermine Ukraine's fragile democracy. On the one hand, party competition based on support for the identity claims of one group inevitably causes conflict with other groups. This leads to counterproductive political cycles in which the alteration of power results in a drastic change of political direction. In particular, the popularity of the extreme right grows, as evidenced by the October 2012 election. On the other hand, the identity-bidding game widens the gap between Ukrainian and Russian speakers, thus hampering the development of nation-wide programmatic parties.

Legislators have justified the language law based on European norms on minority rights. This is ironic, since the law fails to protect minorities that do not reach the 10% threshold, and instead gives preference to the Russian-speaking Ukrainians and Russians who carry more weight at the polls. Even so, a bow to European norms is a sign that Europe's symbolic power remains high in Ukraine. The EU has a lot to offer to the domestic actors on both sides of the language conflict. There are several ways in which it can play a more constructive role in mitigating it. First, the European rights bodies should continue to provide expert opinions on issues like language legislation while also ensuring that their recommendations are not exploited for electoral gain. Second, the EU should promote the de-securitization of the language discourse in Ukraine by reassuring Ukrainians of its commitment to the country's territorial integrity and political independence. Finally, the EU can help moderate the politicization of identity differences by promoting supra-national forms of identification that will make both Russian and Ukrainian speakers feel European.

The article begins with discussion of the dynamics of identity bidding in Ukrainian politics. I proceed to review the country's complex linguistic landscape, with a focus on the key regional differences. I then consider the immediate implications of the language law and the more long-term consequences of identity politics in Ukraine. I conclude by evaluating the European contributions to the identity contest and by suggesting ways in which the EU can moderate identity politics in Ukraine.

The use of identity markers in Ukrainian politics

In the 1990s, Ukraine's overarching goal was to defend sovereignty and independence, which necessitated the building of broad non-ideological political coalitions.[5] Since then Ukrainian parties have evolved, but they remain non-ideological and personalistic. In Western democracies, major parties tend to be national in scope, represent the interests of particular social groups, and compete on programmatic appeals. In contrast, Ukrainian parties coalesce around leaders,[6] lack coherent policy programs and do not adequately represent the socio-economic interests of the broader electorate.[7] All Ukrainian parties rely on populist socio-economic slogans that pledge lower taxes and greater social benefits and

differ primarily in their views on language and memory policies.[8] As a result, linguistic identity is often the most informative category available to voters (Birnir 2007).

Studies show that institutional settings and the sizes of minority groups determine the role of a particular identity marker in politics (Posner 2004). In Ukraine, language categories are more useful than other identity markers because they correlate with regions and are broad enough as political resources for gaining votes and building coalitions. The presence of large concentrated language groups ensures the dominance of two large political blocks that rely on linguistic appeals for electoral support. The non-Russian minorities and residents of Central Ukraine often play a pivotal role in elections by choosing to support one of the two blocks.

By passing the language law in August, the ruling party hoped to obtain the support of the sizable Russian-speaking electorate concentrated in the South, East and Center of the country and also of the non-Russian national minorities. Notably, the Party of Regions won not only in eastern Ukraine, its traditional stronghold, but also in Zakarpattia, a region with significant Hungarian and Romanian minorities. Thus, the fortunes of the political parties in Ukraine are currently dependent on their ability to cater to regionally concentrated voters more than on their success in advancing political programs based on universal ideologies, and language is used as a cheap signal of the party's regional identity.

This is why, although all Ukrainian presidents have kept Ukrainian as the sole official language, every election exposed divergent positions on how to balance the promotion of Ukrainian (favored by Leonid Kravchuk and Viktor Yushchenko) with the principle of equality between Russian and Ukrainian speakers (favored by Leonid Kuchma and Viktor Yanukovych).[9] In fact, identity bidding is so effective that the language issue arose even in the political rivalries within the "Orange camp" when Yushenko accused his rival Yuliya Tymoshenko of not being pro-Ukrainian enough.[10] The tug of war between these two approaches has ensured that the ambiguous language law of 1989 is still in place.

Importantly, identity-based strategies such as language bidding carry an additional advantage over programmatic strategies: they produce emotions, which become mobilization resources for political entrepreneurs (Petersen 2011). Powerful emotions tied to identity, such as fear, are likely to mobilize voters in spite of their dissatisfaction with the party's economic and social policies. In October 2012 election, increasing turnout could make a big difference: according to Kyiv International Institute of Sociology, in April 2012, the largest group of respondents (30%) was undecided who to vote for and 20% of respondents were not planning to vote at all.[11]

To what extent identity-based strategies mobilize voters depends on the emotional valence of a particular cleavage. Petersen (2011, 16) argues that deep emotions are produced by powerful historical experiences. In Ukraine, language arguably evokes strong sentiments because of the emotional scars left by centuries of forced russification under the Russian tsars and the Soviet government (Pavlenko 2008). Behind these memories also lies a deep-seated fear of separatism and instability – not entirely groundless, as some organizations of ethnic Russians in Ukraine, reportedly financed by Russia, had articulated threats to secede in the past.[12] This threat is magnified by the sheer size of the Russian-speaking group and the proximity and clout of Russia, an actor with an intrinsic interest in influencing Ukraine's foreign and domestic policies. Consequently, the language discourse is endowed with a national security dimension.

In the October 2012 election, it was not the ruling party but the opposition that mobilized effectively around the language issue. The law had the largest effect on voting

patterns in western Ukraine, where the regions of Lviv and Ternopil registered the highest turnout rates in the country. Many of the voters who rushed to the polls were precisely those who felt most threatened by the new language law – they wanted to push back against what they saw as the government's assault on Ukrainian identity. Tellingly, in August 2012, the city council in Lviv even initiated a prayer service in defense of the Ukrainian language. In contrast, the 2012 electoral turnout in the eastern regions was lower than in 2007 and 2010.[13] The overall electoral gains of the Party of Regions were quite modest: less than 31% of the vote.[14]

Linguistic identity and regional cleavages in Ukraine

The voting patterns described above result from the complex linguistic geography of Ukraine, where linguistic identities are not synonymous with ethnic identities. The two largest self-reported ethnic groups in Ukraine are Ukrainians (77.8%) and Russians (17.3%).[15] According to the 2001 census, Ukrainian is native to 67.5% of the population while Russian is native to 29.6% of the population. This means that 15.8% of self-declared Ukrainians consider their native language to be Russian.[16] Furthermore, 43–46% of the Ukrainian population use Russian at home – this ranges from as low as 3–5% in western regions to 82–90% in eastern regions, according to a 2004 poll by the Kyiv International Institute of Sociology. Therefore, while Russian speakers are a minority at the national level, they are frequently in the majority at the subnational level. Russian is spoken by 97% of the population in the Crimea; 93% of the population in the Donetsk region; 93% of the population in the Lugansk region; 85% in the Odessa region; 85% in the Zaporozhye region; 74% in the Kharkiv region; 72% in the Dnepropetrovsk region; and 66% in the Nikolaevsk region.[17]

In many parts of the world, language can be used as a proxy for ethnicity (Mabry 2011). In the post-Soviet space, however, language boundaries often crosscut ethnic and religious cleavages. Ukraine is only one example. In Belarus, a majority of ethnic Belarusians speak Russian, while a minority of ethnic Poles use Belarusian. In Moldova, ethnic Moldovans are divided on what script to use for the Moldovan language and often speak Russian or Ukrainian instead. This lack of correspondence between linguistic and ethnic boundaries is an artifact of complex historical legacies. According to established theories, these crosscutting cleavages should moderate the political salience of ethnicity, stabilize politics, and strengthen democracy (e.g. Lipset 1959; Lipset and Rokkan 2009 [1967]; Chandra 2005). But in reality, language still remains the predominant identity marker, due in large part to the "modern" functions it fulfills. Although political entrepreneurs tend to invoke the ethno-cultural symbolism of language, the real site of struggle revolves precisely around those modern functions. First and foremost, language is a means of communication – it brings people together and allows common identities to form. On the individual level, language also facilitates institutional advancement and determines mass media access. Due to the history of russification, titular languages in some post-Soviet states are weak at serving this purpose. Thus, even though the titular language may symbolize the collective identity of a nation, the more immediate individual identities shaped by day-to-day language use may be defined by Russian (Latin 1998).

In Ukraine, "region" rather than ethnicity is an increasingly reliable predictor of what side in the language debate one takes (Colton 2011). Many analysts divide Ukraine into two distinct halves: a Russian-speaking East with a center in Donetsk, where Soviet-era heavy industry still predominates; and a more Ukrainian-speaking, EU-oriented West

with a center in Lviv, characterized by a new generation of small and medium-sized enter-prises. Galicia and Donbass, in particular, are frequently cited as evidence of this East–West divide. In reality, however, the political and cultural landscape of Ukraine is much more complex. Central Ukraine,[18] including the capital city of Kyiv, combines a preference for Russian in daily communication with political support for the so-called "Orange" forces – the political actors who led protests against election fraud during the so-called "Orange revolution" in 2004.[19] Indeed, Central Ukraine has often determined the winner in the tug-of-war between the East and West agendas (Lieven 1999).

The basic political differences between the regions are summarized well by Osipian and Osipian (2012, 619): "The further west the district lies, the greater is the number of supporters of the 'Orange' political forces, including Yushchenko's 'Our Ukraine' and 'Bloc of Yulia Timoshenko….' To the contrary, the further east the district is, the more supporters of the 'Blue-and-White,' that is, the Party of Regions and Victor Yanukovych". These differences even hold between neighboring oblasts with similar socio-economic profiles. This invisible boundary is a product of the complex geopolitical past of Ukraine. Annexed by the Soviet Union only in 1944, the Western provinces had once been part of the Polish-Lithuanian state (Rzeczpospolita) and, starting in 1867, of the Austro-Hungarian Empire (Magocsi 1995; Darden 2013). They have enjoyed more oppor-tunities to promote Ukrainian and develop a sense of identity than eastern provinces, which developed under the Russian empire. Central Ukraine was part of the Cossack autonomous state during 1648–1763, and retains its differences from the rest of Ukraine today. The Crimean peninsula, home to about 63% of ethnic Russians, became a part of Ukraine as a gift from Khruschev as late as 1954 (see Goodman 2009; Bilaniuk & Melnyk 2008), which explains why it is an outlier on many political issues.

How do these regional differences map onto the linguistic preferences of the Ukrainian electorate? About half (47.7%) of those surveyed by the Kiev International Sociology Insti-tute think Russian should be made official in the regions with large Russian-speaking popu-lations.[20] People who support elevating the status of the Russian language live primarily in eastern and southern parts of Ukraine and in cities. Among these, 66% are ethnic Ukrainians, but over 80% speak Russian at home.[21] Some groups are more Russian-speaking than others and, at the same time, "more supportive of the wider use of Ukrainian language in society" (Kulyk 2007, 322). The educated Russian-speaking Ukrainians often want their children to use more Ukrainian than they do (Kulyk 2007). The political influence on the linguistic pre-ferences is betrayed by the fact that the number of persons who claimed to use predomi-nantly Ukrainian or predominantly Russian peaked in 2005, immediately after the "Orange Revolution" (Protsyk 2008). It also explains a decline in self-declared Russians and a rise in self-declared Ukrainians in the 2001 census, because the emergence of Ukraine as an independent state reinforced national identity (Arel 2002).

The key question then is whether the language differences (through either use or identification) stand for meaningful differences in preferences. Kulyk (2011) finds that "native language" predicts foreign policy preferences and historical memory attitudes above and beyond regional variables. Other studies (e.g., Barrington 2002; Barrington and Herron 2004) conclude that the language variable loses statistical significance once region and ethnicity are controlled for.

Implications of the new law for the rights of linguistic minorities in Ukraine

The new language law, instituted in August of this year, was claimed by its supporters to embody the official EU position on minority rights. Yet EU norms provide no easy

answers to the fraught language situation in Ukraine. They do not take into account a scenario in which certain cultural goods (e.g., Ukrainian-dubbed movies or popular fiction translated into Ukrainian) are underprovided, so that the speakers of an official state language are not able to fully exercise their rights. Rather than dominate minority languages, Ukraine's official state language has itself been threatened throughout history by Russian imperial and Soviet policy (Arel 1995). Today, the language is still somewhat "endangered", as relatively few Ukrainians choose to speak it (as argued by Druviete 1997, 183; Ozolins 2003). At the same time, Russians have for the most part been an advantaged ethnic group in Ukraine since the times of the Russian empire, and are well represented in the Ukrainian business, cultural, and political elite today. The Russian language dominates the information sphere despite continual efforts to promote Ukrainian media. Ukraine is in fact the only country in the post-Soviet space that guarantees the development of "the Russian and other national minority languages" (Part 3, Article 10, of the Constitution).

In fact, Ukraine's linguistic geography makes most nation-wide approaches to language legislation problematic because in many areas, the purported majority language (Ukrainian) is spoken less widely than the minority language (Russian). Russian speakers are in the minority and may require protection in western regions, while Ukrainian speakers are in the minority in the east and may need to be protected in those regions. Thus, the Party of Regions is on the right track when searching for approaches at the sub-national administrative level. But the new language law is likely to further undermine the linguistic rights of regional minorities because it will provide an additional advantage to Russian-speakers in the regions where Russian already de facto dominates.

Ethnic Ukrainians are 2.7 times more likely to know both Russian and Ukrainian than ethnic Russians (Bilaniuk and Melnyk 2008), and many who identify Ukrainian as native speak Russian on a daily basis. With the new law in place, the last incentive to study Ukrainian is removed. As a result, many Ukrainians will opt out of learning Ukrainian entirely, and the Ukrainian language will be gradually pushed out of the public sphere in eastern regions. This is what happened in Belarus, where the majority of the bilingual population opted for Russian as soon as it was declared a second official language, and by 2009 only 11.9% of Belarusians reported speaking Belarusian at home.

An increase in the number of Russian speakers, already a sizable group, may have far-reaching political consequences domestically as well as internationally. It will strengthen Russian soft power in Ukraine, as fewer and fewer eastern Ukrainians will turn to Ukrainian-language media sources, and give Russia more leverage to manipulate the issue of minority rights in Ukraine. Moscow's anticipated support is likely to encourage increasingly bold claims by the Russian-speaking groups, which will push for further elevation of the status of Russian and for the autonomy of the Russian-speaking regions and may even seek to instigate violence (Kuperman and Crawford 2006). These developments, in turn, could galvanize the Ukrainian speaking population in western Ukraine and the non-Russian minorities throughout Ukraine – in the worst case, issues of sovereignty and territorial integrity could breed new forms of radicalism. When threatened, political actors are more likely to repress minorities and consider extreme measures as solutions to domestic identity problems (Mylonas 2013).

The August law has an additional handicap – the failure to protect minorities that do not reach the required threshold at the sufficiently high administrative level. While the residents of the large administrative units of Ukraine are protected, the minorities that reach the 10% threshold only at the village or town level gain little, as their protection

does not extend to the higher administrative level.[22] In fact, the groups that may truly need protection in Ukraine are the small non-Russian minorities – for example, Hungarians in Trans-Carpathia, Romanians in Bukovyna, Bulgarians and Gagauzians in Odessa, or even the Tatars in Crimea, whose return to the Crimean Peninsula has incited ethnic tensions with the majority Russian population (Protsyk 2008). For these small ethnic minorities the problems of discrimination and underrepresentation in government bodies are much more real than for Russian-speakers. Improving their status requires measures more complex than language laws, including administrative reforms at the local level to achieve a greater degree of autonomy.

The effect of identity politics on the quality of Ukrainian democracy

Some scholars argue that identity cleavages stabilize electoral politics in new democracies (e.g. Horowitz 1985; Lipset and Rokkan 2009 [1967]; Birnir 2007). In Ukraine, stable voting patterns are indeed developing: even as the party names and personalities change, there is a general tendency to vote for the same electoral blocks between elections. However, the Ukrainian party blocks are not nation-wide, but regional. The identity divide perpetuates the counterproductive cycles of contention and tit-for-tat politics. Instead of developing meaningful policy platforms, the parties resort to stereotypes that exploit historical differences between the Russian and the Ukrainian-speaking regions. As Osipian and Osipian (2012, 617) put it, "Their overwhelming focus on the past reflects the absence of differences in the way they see the future."

The conflicting agendas for the protection of languages championed by the two political blocks are creating vested interests and increasing the commitment of the local actors to the language conflict. As more actors become convinced of the possibility of changing the status quo, the political conflict could spread into society at large. The most immediate danger of these electoral tactics is the growth of radicalism. If the present trend continues, the two major blocks may soon have to form coalitions with more radical parties. Before the October 2012 elections, extreme nationalists had not been elected to the Rada and had no influence on the policies of the larger blocks. The rising salience of crude and aggressive identity politics, on the part of both the government and the opposition, has contributed to the growth in popularity of several far-right parties. Of particular note is the All-Ukrainian Union "Freedom" (Svoboda), which stands for anti-Semitic and racist views as much as for its defense of Ukrainian culture and language.[23] By far the most striking outcome of the October 2012 election was the strong performance of this ultranationalist Russophobe party in Lviv. In 2007, Svoboda won a meager 1% of the vote, but this time it gathered about 12%. While the economic crisis may have also played a role, it is the backlash against the language law that boosted Svoboda's electoral fortunes.

To date, the language conflict remained confined to the political sphere, and the Russian- and Ukrainian-speaking groups have coexisted peacefully (Shumlianskyi 2010). Overt conflict between these groups is also unlikely in the future. However, as the use of language in Ukraine continues to be politicized, the language distinctions are acquiring a deeper political meaning and will increasingly correlate with policy preferences. Language conditions media access – the Russian- and Ukrainian-speaking Ukrainians are increasingly consuming different media and are more likely to be getting biased information. To be sure, Russian media have always dominated due to the proximity of Russia and the size of its information space (Taranenko 2007). But while it is true that most Ukrainians are capable of reading both Russian and Ukrainian, politicization of language ensures that the messages are filtered based on their language

and origin.[24] Thus, a Ukrainian speaker from a western region is likely to perceive the credibility of information of the Ukrainian-language news story differently than the credibility of the Russian-language news story, especially if it comes from Russia. He or she is also more likely to avoid reading Russian-language media altogether, getting a very one-sided account of Ukrainian politics.[25] As a result, the gulf between the political views of Russian and Ukrainian language speakers in Ukraine is likely to widen further, and the antagonism between the east and west regions of the country may grow.

Battle over Europeanness: how to end identity bidding

The irony – but also potential solution – is that all sides of the identity debate seek some form of acknowledgment from the EU, albeit for different reasons. Some actors may have truly internalized EU norms; some probably see the EU from a purely instrumental perspective as a lucrative market or as a safeguard against expropriation of assets; and yet others may rely on the EU as a balancing force vis-à-vis Russia. In fact, virtually all the political entrepreneurs in Ukraine try to claim Europeanness for themselves and to discredit the Europeanness of the other side. The opposition blames the government for dragging Ukraine into "yesterday – into the Asian space, away from the European integration processes."[26] The government, meanwhile, contends that it will lead Ukraine into Europe on more equitable terms, without cutting economic ties to Russia. In this context, it justifies the language law as adhering to the European standards on minority rights.[27] Thus, the symbolic value of reintegration into Europe and the moral superiority of European norms remain uncontested, even if the motives of political actors are far more selfish than claimed.

This is why even when crafting the controversial language law, the Ukrainian government turned to the Venice Commission for an opinion. Strikingly, most of the Commission's suggestions were subsequently addressed – at least on paper. This includes the criticism of the draft law as "disproportionately strengthen[ing] the position of the Russian language without taking appropriate measures to confirm the role of Ukrainian."[28] This shows that European bodies like the Venice Commission can make an immense difference in Ukraine merely by providing expert opinions and suggesting improvements to draft legislation.

The caveat is that the European actors should take their role as experts and norm interpreters more seriously. They should be proactive in responding to Ukraine's domestic developments to ensure that their norms are not instrumentalized by the political elite. While the EU cannot dictate language policies, it can communicate its opinions to the broader Ukrainian electorate and engage Ukrainian civil society through feedback on issues concerning language and minority rights.

The EU can also contribute to the "de-securitization" of the language issue in Ukraine by reassuring Ukrainians of a steadfast commitment to the country's territorial integrity and economic independence from Russia. This may serve to decrease the salience of the identity cleavage. While political approaches like Ukraine's integration in the EU-NATO security sphere have proved domestically divisive, economic measures such as the creation of the free-trade area are welcomed by most Ukrainian actors. History shows that cultural accommodation may eventually follow: the EU integration is behind the current accommodation practices in Europe, and ASEAN nonintervention norms have contributed to the decrease in exclusionary policies in Asia (Mylonas 2013).

Importantly, the EU should strive to be seen as a nonpartisan arbiter. In 2005–06, the promoters of the Ukrainian language ostensibly had a more solid democratization agenda

than the champions of Russian, and so the EU was on their side. However, authoritarian tendencies notwithstanding, the "pro-Russian" block also represents a substantial number of Ukrainian voters in the south and east of Ukraine. The Party of Regions in particular favors popular measures like redrawing political jurisdictions in order to give minorities more autonomy at the local level; or, of course, to exacerbate the identity divide, if designed without feedback from the EU and the opposition.

To be sure, a nonpartisan expert is always in a delicate position that is hard to achieve. The benefits of the Venice Commission's involvement with the language law notwithstanding, both sides in the conflict were able to exploit the Commission's feedback. The authors of the draft law immediately announced that the document was approved – and were later accused of distorting information by the Commission itself.[29] The opponents of the law instead seized on the Commission's criticisms, neglecting the fact that the Commission was satisfied with the text overall.[30] This is an example of the general trend in Ukrainian politics: EU norms, recommendations, and criticism are acknowledged only selectively to legitimize policies and gain votes, usually in ways unintended by the EU itself (Brusis 2005). As a result, the European factor helps fuel the political struggle over languages – by providing resources to the political entrepreneurs who are seeking to gain power; by emboldening the interest groups who are hoping to revise the status quo;[31] and by adding "new conflict dimensions" and broadening "the arenas of contestation" (Ehin and Berg 2009).

Of course, there are clear limits to what the EU can do to shape policies on which there is broad domestic consensus in Ukraine. One example is the law criminalizing references to homosexuality (the so-called "gay propaganda law"), approved at the first reading in the Rada by 289 out of 350 votes. For obvious reasons, the Rada did not request the Venice Commission to review this law; in fact, the EU, the Council of Europe, and PACE denounced the law as violating freedom of expression. In this instance, there was little the EU could do: the law represented a far-reaching consensus in the Ukrainian public. By contrast, no consensus exists on the language issue. By virtue of this impasse, European experts have more space to correct imbalances in the language legislation, warn of the negative consequences, or, at the very least, force a dialogue between the opposing sides.

At a minimum, there should be some form of dialogue, regardless of the legislation's content. The EU should make clear that democracy and Europeanness stand for compromise and deliberation, and should also reward those political actors who abide by these principles. In fact, the latest language bill could have been a compromise – had it been adopted through a democratic process instead of deceit and subterfuge – because it preserves Ukrainian as a state language while advancing minority rights at the regional level. The ruling party eschewed compromise because it would have required more quid pro quos, with no guarantee of increased voter mobilization. Yet a statement of endorsement or criticism by the EU often provides an electoral boost of its own, altering the electoral fortunes and incentives of political actors.[32]

A more long-term approach to resolving the identity conflict in Ukraine entails promoting a superordinate European identity. After all, the identities of both majority and minority groups in Ukraine have been in flux since the collapse of the Soviet Union and are still changing. The EU should be more open to including Ukrainians in the category of true Europeans and promoting supra-national forms of identification by example. Studies show that re-categorization into a single overarching identity is indeed an important unifying mechanism that can promote solidarity among members of different ethnic and language groups (Gaertner et al. 2000). This can be accomplished through measures such as exchange programs for the Ukrainian public and training programs for Ukrainian

elites. Large-scale events – such as choosing Ukraine alongside new EU member Poland to co-host the 2012 European Championship – can also serve as powerful symbols of inclusiveness. Constructing a supranational identity will certainly take time. But increasing business, education, and personal contacts between the EU and Ukraine will help to permanently integrate both the Russian- and Ukrainian-speaking population into the broader European community. In the process, identity differences within the country are likely to become less salient.

Conclusion

The Ukrainian example underscores the insight that politicians are most likely to mobilize identity cleavages in hybrid political regimes, where regular competitive elections coexist with serious violations of democratic rules (Levitsky and Way 2002; Birnir 2007). In such states, Western-type rational-legal competitive democratic regimes have not developed and party labels convey little information, forcing voters to rely on identity markers as information shortcuts (Birnir 2007). Unfortunately, this is a catch-22 situation for Ukraine: its lack of democracy, combined with a complex linguistic landscape, incentivizes politicians to rely excessively on identity cleavages that ultimately obstruct the country's democratic transition.

Will the nature of Ukrainian electoral politics change in the foreseeable future? The example of Malawi in Sub-Saharan Africa is instructive. Regional voting patterns broke down in 2009, following three elections that were marred by ethno-regional partisanship. According to Ferree and Horowitz (2010), the regional divisions that seemed quite permanent in Malawi changed when the southern-based candidate, originally elected on a partisan platform, was reelected by earning support from all three regions of the country through broad-based and substantive policies. In spite of the obvious disparities between Malawi and Ukraine, Ukrainian leaders have much to learn from this example.

It is important to remember that Ukraine is a country where severe ethnic conflict did not develop – despite the two decades of identity bidding by the Ukrainian elites. Breaking the vicious cycle of identity pandering is largely a matter of collective will. There is already a general consensus on what constitutes civic Ukrainian identity: most Ukrainians want their country to remain an independent state[33] and favor European integration – if not due to their respect for European norms, then at least due to their interest in higher standards of living. Even the pro-Russian political actors explicitly promise to stay true to the "European choice." Therefore, the correlation between language and voting behavior need not stand for irreconcilable identity attachments. The EU can contribute to this outcome by providing expert opinions on legislation; reassuring Ukrainians of its commitment to the country's territorial integrity and independence from Russia; and increasing individual-level contacts between the EU and Ukraine to promote a broader European identity.

Notes

1. Mikhail Chechetov, the deputy chairman of the Party of Regions, bragged about such deftness to *Ukrainskaya Pravda* by saying, "Experience the beauty of the game: we handled them as kittens". In David M. Herzenhorn, "Lawmakers in Ukraine approve the Bill on Language", *The New York Times*, July 3, 2012.
2. The Russian minority comprises 81% of the non-ethnically Ukrainian population.

3. Oleg Varfolomeyev, "Regions of Ukraine comes back, takes up the language issue", *Eurasia Daily Monitor*, 3 (96), http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=31689

4. For example, according to a November 2009 poll, only 14.7% of the respondents stated that the language issue was an urgent problem that could not be postponed. "Poll: more than half of Ukrainians do not consider language issue pressing", Nov. 25, 2009, http://www.kyivpost.com/content/ukraine/poll-more-than-half-of-ukrainians-do-not-consider-53566.html. Accessed Oct. 31, 2012.

5. "Evolution, Present State, and Future of political parties in Ukraine", *National Security and Defense (by Razumkov centre),* no. 5 (2010). http://www.razumkov.org.ua/eng/files/category_journal/NSD116_eng_2.pdf Accessed Nov. 3, 2012.

6. Tellingly, very few leaders are actually party members. Current president Viktor Yanukovich can be considered the first Ukrainian president with a party membership.

7. According to the poll conducted by the Institute of Sociology of the National Academy of Sciences of Ukraine and SOCIS Centre (April 2009), only 32.7% of respondents admitted the existence of a party whose ideological and programme goals they shared (48% did not see such a party), only 30.1% reported the existence of parties protecting the interests of the people like those respondents (46.2% denied the existence of such parties).

8. Wittenberg (2006) showed that during the transition, East European parties were indistinguishable on policy grounds.

9. "Interview with Viktor Yanukovych", *Kommersant Ukrana*, No. 125 (2036), Sep. 12, 2009, http://www.kommersant.ua/doc/1289144. Accessed Sep. 1, 2012.

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11. "Survey Shows Pessimism, Indecision Ahead of Ukraine's October Elections", International Foundation for Electoral Systems, July 10, 2012, http://www.ifes.org/Content/Publications/Survey/2012/Survey-Shows-Pessimism-Indecision-Ahead-of-Ukraines-October-Elections.aspx Accessed Sep. 9, 2012.

12. See, for example, Taras Kuzio, "Yanukovych's election opens up Crimean separatist threat," Eurasia Daily Monitor 7 (41), March 2, 2010, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=36104. Accessed Nov. 11, 2012.

13. "Finalnyy podschet o iavke izbirateley", *Segodnya*, Oct. 29, 2012, http://www.segodnya.ua/elections/elections2012/Vybory-2012-Finalnyy-podschet-CIK-o-yavke-izbirateley.html. Accessed Oct. 20, 2012.

14. The precise composition of the Rada will not be known for several weeks because 225 members of the 450 parliament are elected in single member districts and do not need to declare a party affiliation before election.

15. Other self-reported ethnic groups are Belarusians (0.6%), Moldovans (0.5%), Crimean Tatars (0.5%), Bulgarians (0.4%), Hungarians (0.3%), Romanians (0.3%), Poles (0.3%), Jews (0.2%), Armenians (0.2%), Greeks (0.2%) and Tatars (0.2%). Council of Europe, *European Charter for Regional or Minority Languages: Report of the Committee of Experts on the Application of the Charter by Ukraine* adopted on Nov. 27, 2008, http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/UkraineECRML1_en.pdf. Accessed Nov. 3, 2012.

16. "Ethnical composition of the population of Ukraine"; 2001 Census, http://www.ukrcensus.gov.ua/eng/results/general/nationality/. Accessed Sep 5, 2012.

17. "Portret elektoratov Yuchenko i Yanokovicha", Analitik, Jan. 18, 2005, http://www.analitik.org.ua/researches/archives/3dee44d0/41ecef0cad01e/. Accessed Nov. 11, 2012.

18. Some scholars have developed an even more nuanced regional picture, differentiating between four or even eight regions in Ukraine (e.g., Arel 1995; Barrington and Herron 2004).

19. 53.2% of Kiev residents speak Russian or primarily Russian at home. Razumkov Center, Survey Sep. 2005, http://www.razumkov.org.ua/ukr/poll.php?poll_id=391. Accessed Oct. 31, 2012.

20. About 25.7% believe the Russian language should be made a second official language, and only 19.4% believe that Russian should be excluded from the official communication. Zahar Vinogradov, "Ukrainskyy zakon o iazyke I ego mnimy storonniki I rotivniki", RIAnovosti, July 4, 2012, http://ria.ru/analytics/20120704/691856988.html#ixzz24iO0nkLu, Accessd Nov. 3, 2012.

21. "Stan gromadskoi dumki schodo nadannia rosiskyi movi status drogoi derzhavnoi," Survey by the National Institute for Strategic Studies, URL: http://archive.is/yaKd. Accessed Nov. 2, 2012.
22. This ambiguity about the territorial dimension of the protection was pointed out by the Venice Commission. (Opinion no. 651/2011, Dec. 19, 2011).
23. Other radical right parties, far less successful than Svoboda, include the Congress of Ukrainian Nationalists, the Ukrainian National Assembly – Ukrainian Self-Defense, and the "Motherland" Party. See Andreas Umland, "Ukraine's Party System in Transition? The Rise of the Radically Right-Wing All-Ukrainian Association "Svoboda"", http://www.geopolitika.lt/?artc=4429 and Anton Shekhovtsov, "Security threats and the Ukrainian far right", July 24, 2012, http://www.opendemocracy.net/opensecurity/anton-shekhovtsov/security-threats-and-ukrainian-far-right. Accessed Sep. 1, 2012.
24. See Baum and Groeling (2008) on partisan filtering in the US context.
25. What political ramifications this may have can be learned by comparing the biases in the coverage of sensitive issues like energy prices or 2008 Russian military conflict with Georgia in the Russian and Ukrainian-language sources.
26. "Yuschenko said that Yanukovich is dragging Ukraine to Asia", *Gazeta Kievskaya*, Aug. 23, 2012, http://kievskaya.com.ua/novosti/politika/yuschenko-zayavil-chto-yanukovich-tyanet-ukrainu-v-aziyu.html. Accessed Sep. 9, 2012.
27. "Yanukovic: Europe should not meddle into Ukraine's internal affairs", *Obozrevatel,* Aug. 24, 2012, http://obozrevatel.com/politics/30572-yanukovich-evropa-ne-dolzhna-vmeshivatsya-vo-vnutrennie-dela-ukrainyi.htm. Accessed Sep. 9, 2012.
28. European Commission for Democracy Through Law (Venice Commission), Opinion No. 651/2011 on the Draft Law on Principles of the State Language Policy (Dec. 19, 2011).
29. "Venetsianskaya komissia raskritikovala zakon Kolesnichenko-Kivalova o iazykah," Hvylya, June 8, 2012, http://hvylya.org/news/digest/venetsanskaja-komissija-raskritikovala-zakon-kolesnichenko-kivalova-o-jazykah-tekst-rezolitsii.html. Accessed Sep. 1, 2012.
30. "Parybyi rasskazal, chto Evrope ne nravitsia ukrainskiy zakon o iazykah", Segodnya, May 28, 2012, http://www.segodnya.ua/politics/power/parubij-racckazal-chto-evrope-ne-nravitcja-ukrainckij-zakon-o-jazykakh.html. Accessed Sep. 1, 2012.
31. Ozolis (2003) observed a similar dynamics evolved in the Baltic States.
32. This approach has sometimes worked in other Eastern European countries. The EU's reaction arguably contributed to the electoral victory of the democratic coalition in Slovakia (Brusis, 2005, p. 308). It also ensured that the nationalist-authoritarian parties of Croatia and Romania were voted out of government and subsequently modified their programs (Schimmelphennig, 2007).
33. Since 2001, the number of people who support independence has only increased, and only 17.9% of respondents indicated that the would not support it if the referendum was held. (Sociological poll "If a referendum on the independence of Ukraine was held today, how would you vote? (recurrent, 2001-2012)", Razumkov Center, http://www.razumkov.org.ua/eng/poll.php?poll_id=320. Accessed Aug. 27, 2012.

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