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Language rights versus speakers' rights: on the applicability of Western language rights approaches in Eastern European contexts

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Abstract The main purpose of the present paper is to draw attention to contexts where two conceptions of linguistic rights—the rights of languages and the rights of speakers—come into conflict. To illustrate such conflict, I will examine justifications of language laws adopted in two post-Soviet countries, Latvia and Ukraine. I will begin with an overview of Soviet language policies and their impact in the two countries. Then I will discuss similarities and differences in language management dilemmas faced by Latvia and Ukraine after the dissolution of the USSR. Next, I will discuss how Latvian and Ukrainian language policy makers and their Western supporters justified the transition from official bilingualism to official monolingualism and point to problems with the discourses adopted in these justifications.

Keywords Post-Soviet countries · Latvia · Ukraine · Russian · Minority language rights

Introduction

Recent elections of 'pro-Russian' Victor Yanukovych as president of Ukraine (February 2010) and of an ethnic Russian and naturalized Latvian citizen Nil Ushakov as a mayor of Riga, the capital of Latvia (July 2009), have elicited concerns about potential strengthening of the status of Russian in the two countries and led to a new round of debates about language rights. These debates have continued on and off since the early 1990s when the two newly independent countries adopted titular languages as single state languages in the presence of large

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proportions of native Russian speakers, 42.5% in Latvia[1] and 33.2% in Ukraine (Goskomstat SSSR 1991), and began transitioning from bilingual to monolingual policy across all public spheres. Russian speakers and their supporters in Russia and in the West decried the new laws as a violation of human rights (e.g., Alpatov 2000; Sidorov 2002; Tsilevich 2001). In response, local policy makers and their Western supporters argued that accommodation of Russian speakers' rights would endanger the rights of the titular languages (e.g., Druviete 1997; Ivanyshyn and Radevich-Vinnitsky 1994; Kuzio 1998). A later version of this argument, articulated during the heated debates surrounding Latvia's accession to the European Union (EU), contended that local policy makers should not uncritically adopt Western views of minority language rights but rather be guided by local historic and sociopolitical contexts (Hogan-Brun 2005; Ozolins 1999, 2003; on Ukraine, see Masenko 2004).

The purpose of the present paper is to draw attention to one aspect of this discussion that has remained unexplored despite its important implications for language policy theory and practice: the conflict between two conceptions of linguistic rights adopted by local policy makers and their critics, the rights of languages and the rights of speakers. I will begin my discussion with an overview of Soviet language policies and their impact in the two countries. Next, I will discuss language management challenges faced by Latvia and Ukraine post-1991 and solutions articulated by their governments. Then I will examine ways in which local linguists and their Western supporters justified state language policies. I will show that a close consideration of these arguments holds theoretical significance that transcends the post-Soviet context and links them to on-going debates about language rights (e.g., May 2001; de Varennes 1995–1996) and about our own practice as linguists (e.g., Blommaert 2001; Duchêne and Heller 2007).

Soviet language management in Latvia and Ukraine

To understand language management dilemmas of post-Soviet Ukraine and Latvia, it is critical to examine ways in which they have been shaped by Soviet language policies. As Anderson and Silver (1984) observed long time ago, non-specialists commonly imagine "Soviet education policy as supporting a single-minded course toward russification of non-Russian children" (p. 1019). In reality, the USSR had always pursued a dual course supporting the spread of Russian and the maintenance of titular and some minority languages (Anderson and Silver 1984; Belikov and Krysin 2001; Blitstein 2001; Pavlenko 2008; Slezkine 1994; Smith 1998). In this context, the term 'russification' may refer to one or more of the following top-down policies: (a) ideological sovietization; (b) the use of Russian as a *de facto* state language; (c) the course toward a greater spread of Russian as a second language (L2); (d) substitution of some minority languages with Russian in education; (e) corpus changes in non-Russian languages; and (f) state-sponsored in-migration of Russian speakers in some titular republics. The term may also refer to bottom-up

[1] Estonia, where Russian speakers constituted 35.2% of the population, adopted language laws similar to those in Latvia and will not be separately discussed in this paper.

strategies and processes such as: (g) the use of Russian as L2 by groups and individuals, and (h) language shift toward Russian as a first language (L1).

Russification should not, however, be interpreted as a systematic policy of replacement of *all* languages with Russian. As pointed out by Brubaker (1996: 37), if the Soviet government were indeed intent on 'nation-destroying', it would have abolished national republics and made Russian the sole language of instruction (see also Blitstein 2001). Instead, the Constitution of the USSR guaranteed the right to (or, in 1977, 'the opportunity for') instruction in the native language (article 121 of the 1936 Constitution; article 45 of the 1977 Constitution). This approach resulted in differentiated linguistic repertoires among the country's citizens. With Russian functioning—albeit unofficially—as a state language, Russian speakers in titular republics could afford to be monolingual or at least to behave as if they were, even if they studied titular languages in secondary school. Titular-language speakers were able to maintain their own languages with the support of the educational system and other titular-medium institutions but had to use L2 Russian if they desired specialized higher education and occupational mobility.

Russification policies and practices also differed across the titular republics, as seen, for instance, in the impact of Khrushchev's 1958–1959 education reform. The 1958 law "On strengthening the link between school and life" abrogated Stalin's 1938 decree, which made Russian mandatory as L2, and gave parents the right to choose the primary language of instruction for their children and their secondary language. This law is frequently treated as a russification tool, but in actuality its effects varied across republics. In Belorussia enrollment in Russian-medium schools tripled, in Armenia, Georgia, Lithuania, and Moldova increases in enrollment were minor (between 1.1 and 3.9%), and in Azerbaijan, Kazakhstan, Kirgizia, Tajikistan, Turkmenistan, and Uzbekistan, enrollments increased in titular-medium schools and decreased in Russian-medium schools (Bilinsky 1968; Pavlenko in press; Solchanyk 1982).

Table 1 shows that both Latvia and Ukraine experienced a significant increase in the proportion of students educated in Russian-medium schools post-1959, yet the reasons for this increase were very different. In Latvia, throughout the Soviet era, the school system was ethnically and linguistically (self-)segregated: Latvian parents favored Latvian-medium schools, and Russians and ethnic minority members sent their children to Russian-medium schools (Björklund 2004; Silova 2006). In the school year 1989–1990, 53.3% of all school children were ethnic Latvians (Grenoble 2003), and of these only 0.9% were educated in Russian-medium schools (see Table 1). The increase in the proportion of students educated in Russian-medium schools reflects the growth in the number of Russian-speakers residing in the republic: in the years 1945–1959 approximately 500,000 Russian speakers—part of a large-scale industrial migration—settled in Latvia; in the next three decades their numbers continued to increase leading to the decrease in the proportion of ethnic Latvians (Table 2; see also Jubilus 2001).

In Ukraine, on the other hand, the increase reflects the shift among ethnic Ukrainians toward Russian as L1. Table 2 shows that the number of Ukrainians declaring Russian as a native language doubled from 6.5% in 1959 to 12.2% in 1989. The census data may actually under-represent the number of the shifters:

Table 1 Student distribution by language of instruction in (day) secondary schools in Latvia and Ukraine

	1955–1956	1980–1981	1989–1990	1995–1996	2003–2004	2008–2009
Latvia						
Latvian	67.0%	55.9%	52.4%	60.3%	70.3%	73.1%
Russian	33.0%	44.1%	47.6%	39.3%	29.3%	26.5%
Ukraine						
Ukrainian	72.8%	54.6%	47.5%	58.0%	75.1%	81.1%
Russian	26.3%	44.5%	51.8%	41.0%	23.9%	17.6%

Sources on Latvia: www.mfa.gov.lv; Ryan (1990); Silova (2006); in post-2004 data the term 'Russian' refers to bilingual schools with 60% Latvian/40% Russian instruction

Sources on Ukraine: www.mfa.gov.ua; Bilaniuk and Melnyk (2008); Council of Europe Report (2009); Malinkovich (2005); Ryan (1990); Solchanyk (1985)

several scholars have argued that the real proportion is much higher because many ethnic Ukrainians declare Ukrainian as a native language but favor Russian on an everyday basis (Arel 2002; Kulyk 2009; Maiboroda 2008; Romantsov 2008). In contrast, in Latvia, the proportion of Latvians who declared Russian as L1 is significantly lower and the majority of these are likely russified Latvians who had resided elsewhere and returned to Latvia after its annexation by the USSR and their descendants (Björklund 2004). The rise in the numbers of Latvians reporting Russian as L1 and L2 in the 2000 Census is best understood as more truthful reporting (as opposed to the under-reporting in the 1989 Soviet Census), rather than a genuine increase. In contrast, in Ukraine the increase in the number of Ukrainians declaring Russian as L1 (14.8% in 2001) is treated as evidence of continuing language shift (Maiboroda 2008; Romantsov 2008).

The comparison of education and demographic trends reveals both similarities and differences in the meaning of 'russification' in the two republics. In both Latvia and Ukraine, the term refers to the dominance of Russian in the public space, to the requirement to study and use Russian as L2, and to adoption of Russian as L1 by some minority groups. In Latvia, it also refers to the demographic transformation caused by the Soviet-era influx of Russian-speaking residents. In turn, in Ukraine, where titular language loyalty and maintenance are lower than in Latvia, the term additionally refers to the shift to L1 Russian among ethnic Ukrainians.

Language management challenges in post-Soviet Latvia and Ukraine

After the 1991 dissolution of the USSR, the governments of the successor states were faced with bewildering economic, social, and political decisions. What economic models should they follow—the laissez-faire free market capitalism of the Anglo-Saxons or the state-regulated Western European model, best exemplified by France? What should be nationalized and what privatized? What electoral models

Table 2 Titular language maintenance and shift in Latvia and Ukraine

Latvia	1925	1935	1959	1970	1979	1989	2000
Latvians in the overall population	73.4%	75.5%	62.0%	56.8%	53.7%	52.0%	57.7%
	1,354,126	1,472,612	1,297,881	1,341,805	1,344,105	1,387,757	1,370,703
Latvians with L1 Latvian			98.4%	98.1%	97.8%	97.4%	95.7%
			1,276,486	1,316,152	1,314,575	1,351,206	1,311,093
Latvians with L1 Russian			1.5%	1.8%	2.2%	2.6%	3.5%
			19,023	24,705	28,922	35,732	48,242
Latvians fluent in L2 Russian*				45.3%	58.3%	65.7%	75.8%
				608,456	783,607	912,065	1,038,723
Ukraine	**1926**	**1939**	**1959**	**1970**	**1979**	**1989**	**2001**
Ukrainians in the overall population	80.1%	76.5%	76.8%	74.9%	73.6%	72.7%	77.8%
	23,218,860	23,667,509	32,158,493	35,283,857	36,488,951	37,419,053	37,541,700
Ukrainians with L1 Ukrainian	94.1%		93.5%	91.4%	89.1%	87.7%	85.2%
	21,848,700		30,072,351	32,257,360	32,493,600	32,825,373	31,970,700
Ukrainians with L1 Russian	5.5%		6.5%	8.6%	10.9%	12.2%	14.8%
	1,288,900		2,075,527	3,017,823	3,986,700	4,578,390	5,544,700
Ukrainians fluent in L2 Russian*				35.8%	51.8%	59.5%	
				12,637,136	18,883,032	22,258,914	

Sources:www.demoscope.ru; www.popin.lanet.lv; http://www.roots-saknes.lv; www.data.csb.gov.lv; www.ukrcensus.gov.ua; 2000 Round of population and housing censuses in Estonia, Latvia and Lithuania (2003); Central Statistics Committee (1962, 1973, 1984); Goskomstat SSR (1991); Romantsov (2008)
A possible discrepancy between the data reported here and in some other sources stems from the fact that some scholars rely on all-Union statistics which include Latvians and Ukrainians living in other republics (who were more likely to be russified), while the data here relies on republican censuses and represents only titulars residing in Latvia and Ukraine

* Questions about a second language were not asked prior to the 1970 Census

would be preferable? Should the executive authority be centralized or distributed? The questions multiplied and for the governments of countries that had little or no experience with capitalism and democracy this was an overwhelming time. One choice, however, seemed clear—emerging from the ashes of the multilingual USSR, the new governments opted for monolingual ethno-nationalist states, where one group of citizens would be, in unforgettable Orwellian words, 'more equal than others'.[2]

Taking a 'monolingual turn', nation-building in successor states focused on derussification and the reunification of the population through the means of the titular language (Laitin 1998; Pavlenko 2008; Smith et al. 1998). The 'monolingual' aspect of this development is not surprising—most of the world's nation-states are officially monolingual. Neither is the emphasis on the titular language—ethnification of identity politics is common in newly independent states, with language serving as an important instrument of mobilization, inclusion, and exclusion (Björklund 2004; Brubaker 1996; Spolsky 2009). What is unusual is the 'turn', that is a rapid transition from state-imposed bilingualism to official monolingualism in the lesser-known of the two languages: in Latvia, for instance, in 1989, 62.4% of the population was fluent in Latvian (as L1 or L2) and 81.6% in Russian (as L1 or L2) (Goskomstat SSSR 1991).[3]

In largely homogeneous states, like Armenia, the transition was relatively smooth. In other countries, however, it ran into problems because by 1989 more than 73 million Soviet citizens lived outside of 'their own' national territory (Brubaker 1996). The greatest problem involved 36.5 million of L1 Russian speakers residing in titular republics. This population did not fit the traditional understanding of linguistic minority as an ethnic community subordinate to majority language speakers in numbers, power, and opportunities for social mobility, and in danger of shifting to the majority language (e.g., Coulmas 2005: 158; Druviete 1997: 174–175). It was to reverse the fate of such endangered languages that sociolinguists articulated the idea of minority language rights and minority language preservation and revitalization through mother-tongue education (May 2001; Skuttnabb-Kangas 2000; Skuttnabb-Kangas and Phillipson 1994). In contrast, L1 Russian speakers were multiethnic and, in Latvia, had low levels of competence in the titular language, while the majority of the titulars knew their language.

The presence of this population threatened the success of the derussification process. To encourage these Russian speakers to either assimilate or emigrate, Latvia (and Estonia) adopted stringent *ius sanguinis* citizenship laws that offered automatic citizenship only to citizens or descendants of citizens of the inter-war republic. The descendants of those who settled there after the 1940 annexation by the USSR had to apply for naturalization and pass a titular language test and a history and civics test. These laws differed from the zero-option, that is naturalization of all permanent residents, adopted by other post-Soviet countries,

[2] Later on Russian was adopted as a second state language in Belarus (1995) and as an official language in Kazakhstan (1995) and Kyrgyzstan (2000).

[3] The closest historical parallel to the status of Russian and its speakers in Latvia would be German and its speakers in Czechoslovakia after the disintegration of the Austro-Hungarian Empire.

including Lithuania; yet politically they were very expedient because they excluded a major voting block from the decision-making process. Upon adoption, they left 28% of the population in Latvia without citizenship, leading to protests and demonstrations by Russian speakers who now lacked political representation (Björklund 2004; Jubilus 2001).

The new language laws also imposed occupational restrictions and initiated the transformation of the educational system, making higher education a Latvian-only enterprise. In secondary education, the authorities initiated the re-ethnification process, opening minority-medium schools for students previously educated in Russian-language schools. At present, such schools function in Polish, Ukrainian, Belarusian, Estonian, and Lithuanian (www.mfa.gov.lv), but most minority members continue to send their children to Russian-medium schools (Silova 2006). At the same time, the authorities discouraged admission of Russian-speaking students into Latvian-medium schools, reasoning that the mixing of the pupils may have 'negative effects' on Latvian-speaking students (Druviete 1997; for discussion, see Björklund 2004; Silova 2002, 2006). Silova's (2006) study of post-Soviet education in Latvia shows that preservation of the Soviet-era segregation of the school system satisfied several constituencies: Russian-speakers welcomed it as a way to maintain their language, while Latvian policy makers saw it as a way of protecting Latvian schools from increasing numbers of Russian-speaking students. To legitimize this preservation, politicians adopted Western discourse of ethnic integration. This integration was to be accomplished through latvianization of Russian-medium schools. In accordance with this approach, in 1998, Latvia adopted a minority education reform that aimed for transition to Latvian-only secondary education by 2004. The protests sparked by the new reform led to a 2004 amendment, which allowed for a transitional period during which Russian-medium schools would teach at least 60% of the subjects in Latvian and up to 40% in Russian (Björklund 2004; Hogan-Brun 2006; Silova 2006; see also Table 1).

At the center of the language conflict in Latvia was asymmetric bilingualism: bilingual Latvians no longer wanted to accommodate predominantly monolingual Russians. In contrast, in Ukraine, where the two languages are genetically close and the population predominantly bilingual, communication was not an issue. At the heart of the language conflict there was—and still is—language loyalty of ethnic Ukrainians. As already discussed earlier, the numbers and proportions of ethnic Ukrainians with L1 Russian steadily grew during the Soviet decades and also post-1991 to almost 15% of all ethnic Ukrainians (see Table 2). The unofficial estimates of this number go much higher because many ethnic Ukrainians indicate Ukrainian as their native language yet favor Russian on an everyday basis (Arel 2002; Kulyk 2009; Maiboroda 2008; Romantsov 2008). This trend worries those who favor an idea of a monolingual Ukraine, with Russian functioning exclusively as an ethnic minority language.

This vision is reflected in Ukrainian law where language is inextricably linked to ethnicity (Bowring 2009). In accordance with this law, local authorities determine the number of schools operating in particular languages on the basis of the ethnic composition of the population, ignoring the preferences of Russophone Ukrainians (Kulyk 2009; see also Table 1). In some places, Ukrainian as a medium of

instruction is imposed without any recourse to demographics and against parental preferences (Alpatov 2000; Kolesnichenko 2007; Laitin 1998; Malinkovich 2005). For instance, in the national capital Kyiv, a largely Russian-speaking city, almost all of the Russian-language schools have been transformed into Ukrainian-language establishments.[4] Education, however, is not the only site of language struggles in Ukraine: in the past few years debates were also sparked by attempts to declare Russian a regional language and by laws that required the dubbing of Russian-language movies and TV shows (Besters-Dilger 2009; Bilaniuk and Melnyk 2008; Kulyk 2010).

The conflicts over Russian language status and mother-tongue education in both countries, over citizenship and employment laws in Latvia, and over languages of the media in Ukraine had raised difficult questions for policy makers and scholars. Initial Western attempts to teach the newly emerging countries ways in which "'good' liberal democracies" resolve language policy dilemmas quickly led to the realization that ethnolinguistic issues are far from being 'resolved' in the West and that there is in fact no normative theory of language rights (Patten and Kymlicka 2003: 2–4; see also Ozolins 2003; de Varennes 1995–1996; on the history of language rights and their articulations world-wide, see Duchêne 2008; Spolsky 2009).

Consequently, in the 1990s several Western European organizations began developing standards for ways in which language issues should be dealt with in multilingual societies. Their most prominent results include the European Charter for Regional or Minority Languages (1992), its Framework Convention for the Protection of National Minorities (1995), and Oslo Recommendations on Linguistic Rights of National Minorities (1998). Both Latvia and Ukraine have signed and ratified the Framework Convention, which establishes the right to receive instruction in one's minority language (article 14); in addition, Ukraine has also signed and ratified the European Charter.[5] These documents provided the legal basis for objections raised by Western European organizations, such as the Council of Europe (CoE) and the Organization for Security and Cooperation (OSCE), to Ukrainian education policies[6] and Latvian naturalization laws and language-related occupational restrictions, making concessions on the part of Latvian lawmakers part of the EU accession criteria (Adrey 2005; Hogan-Brun 2005, 2006; Ozolins 2003; Schmid 2008; Silova 2006). This pressure—deemed by some "a politics of *chantage*" (Ozolins 2003: 233)—has in turn raised questions about the

[4] While in 1987, 77% of the children in Kyiv received education in Russian (Masenko 2004), in the school year 2007–2008 only 7 out of 527 secondary schools offered Russian-medium instruction (Kalynovs'ka 2009). This is in stark contrast with language preferences of the local population: in 2007, Russian was the dominant home language of 56% of Kyivites and Ukrainian of 31%, with the rest of the households using both languages or a mixed variety surzhyk (Maiboroda 2008).

[5] See Bowring (2009) and Kulyk (2009) for a discussion of debates about its ratification and re-ratification.

[6] In their Opinion on Ukraine, the Advisory Committee of the Framework Convention for the Protection of National Minorities (2002) objected to the approach based on the ethnic composition of the population and recommended to use 'sufficient demand' as the main criterion for minority language education (p. 16).

transferability of Western language rights approaches to post-Soviet contexts, and it is to these debates that I turn next.

Discursive regimes of language management

Drawing on the approach to language ideological debates developed by Blommaert (1999), the analysis below will focus on discourses drawn upon in Latvian and Ukrainian language rights arguments. Discourse will be seen as "a crucial symbolic resource onto which people project their interests, around which they can construct alliances, on and through which they exercise power" (Blommaert 1999: 7). The historical actors of interest in this analysis are linguists, both local and Western, who act as ideology brokers in what Blommaert (1999) calls "the struggle for authoritative entextualization" (p. 9) over definitions of social realities.

The key defense of Latvian and Ukrainian language laws relies on the argument that "the transferability of Western models of minority rights and multicultural citizenship is limited by the effects of diverging socio-historical and socio-political configurations" (Hogan-Brun 2005: 374). The rhetorical effects of this argument are strengthened by the links between the terms 'democracy', 'democratic', and 'human rights' and the modifiers 'danger' and 'dangerous'. Thus, Ina Druviete, a leading Latvian linguist-cum-politician who in 2004–2006 was a Minister of Education and Science, argued early on that "efforts to be too democratic in the present situation seem to be quite dangerous for the fulfillment of the goals of language laws" (Druviete 1997: 178). This argument was echoed by Ozolins (2003) who posited that there are "many dangers in the rights-driven approach to languages, so promoted by the critics of Baltic language policy" (p. 233). Concerns about 'excessive democracy' are shared by the Ukrainian expert on international law, Volodymyr Vasylenko, who stated in a 2008 interview that his opponent, Volodymyr Kulyk, "is mistaken in emphasizing human rights and the rule of law" because this stance endangers the survival of Ukrainian as a language and of Ukraine as a nation (in Bowring 2009: 79). A prominent linguist Larysa Masenko argued that democratic principles of rights and freedom are simply fodder for anti-Ukrainian propaganda (2004: 133) and warned against the dangers of adoption of the European Charter (2007: 38–39).

From a theoretical standpoint, these arguments reveal the tension between two notions of distributive justice (see also Smith et al. 1998). The universalist position, developed and embraced by Western European organizations, emphasizes the universal principles of justice, freedom, equality, and human rights. This position is commonly adopted by representatives of the Russian-speaking population, such as Latvia's Harmony Center party (www.saskanascentrs.lv) or Ukraine's Party of Regions (www.partyofregions.org.ua). The particularist position, articulated by supporters of Latvian and Estonian language laws (and adopted by some Ukrainian policy makers), insists that Western European organizations have "to take account of local, historically conditioned issues pertaining to minority protection in the Baltic republics, thus allowing for flexibility in the implementation of procedures in support of societal integration and of the recognition of diversity" (Hogan-Brun

2005: 369). But what are these historically conditioned issues that endow local governments with flexibility in following the human rights principles?

The rights of speakers in postcolonial contexts: Latvia

The key contingency in both contexts is the country's postcolonial status. The two postcolonial narratives differ, however, in terms of the starting point and the main colonial legacy. The Latvian narrative begins with the 1940 annexation by the USSR and identifies the Russian-speaking population as the main colonial legacy (e.g., Dreifelds 1996; Druviete 1997; Hogan-Brun 2005; Račevskis 2002). To justify the exclusion of non-Latvians who settled in Latvia after 1940, it draws on the *history of settlement discourse*, which links the rights of particular groups to the timing of their settlement: 'historically settled groups' are entitled to language rights, while immigrants are not (Druviete 1997: 174; Jubilus 2001: 125; Ozolins 2003: 232). Russian-speaking settlers are, consequently, delegitimized as '(illegal) immigrants' and 'colonizers' (e.g., Druviete 1997; Hogan-Brun 2005; Priedīte 2005) and as a 'Soviet (demographic) legacy' (e.g., Dreifelds 1996: 143; Jubilus 2001; Schmid 2008). The excerpt below illustrates the deployment of this discourse in academic writing:

> While the troops are gone today, the presence of Russian nationals is not only evident but could even be considered oppressive today. That is especially so in Riga, a city whose population now represents half of the country's total. The former colonizers are everywhere in evidence, in terms of their numbers, their economic power, and their ownership of Riga's best real estate. (Račevskis 2002: 41)

Framing Russian speakers as *Russian nationals* allows the author to erase ethnic and socioeconomic variation within this population and to present it as a single cohesive group (for a discussion of heterogeneity among Russian speakers in Latvia, see Jubilus 2001). This population is then linked to the larger historic narrative of Soviet occupation or colonization (*former colonizers*, *oppressive presence*) and endowed with additional negative characteristics, such as (falsely) implied citizenship in the enemy-state Russia (*Russian nationals*) and economic superiority over native Latvians (*economic power*, *the ownership of Riga's best real estate*).[7] The portrayal of the group as threatening is further enhanced by affective rhetoric (*oppressive*, *are everywhere*) and a discursive link to *the troops*.

Political scientists and education scholars drew attention to the ideological nature of such discursive choices and the strategic usefulness of 'othering' a population which—if framed as a nation-state constituency or a linguistic minority—would have a legitimate claim on linguistic rights (e.g., Björklund 2004; Laitin 1998; Silova 2006; Smith et al. 1998). They also argued that discursive 'othering' of non-Latvians

[7] Aasland's (2002) article in the same special issue states that in 1999 54% of ethnic Russians and 60% of other Russian-speakers were stateless and only 3% and 5% respectively were citizens of other states, including but not limited to Russia, and that 17% of the non-citizens were excluded from the labor market.

is not conducive to the very integration that is claimed to be one of the goals of Latvian language and education laws (Batelaan 2002; Pedersen 2002). Some scholars also pointed to problems with the 'immigrant' framing of the population that was engaged in internal (and often enforced) industrial migration within the borders of the USSR and did not perceive their relocation as immigration any more than does a traveler from Colorado crossing into New Mexico, despite the cultural and linguistic differences such symbolic border-crossing may entail (for further discussion see Brubaker 1996: 50–53; Jubilus 2001: 29, 157; Smith et al. 1998; de Varennes 1995–1996: 135–136).

The existence of such alternative accounts suggests that it is not only the 'presentist' approach to language policy that has limitations (e.g., May 2001; Hogan-Brun 2005), but also a diachronic or historic one. The problem lies in the very nature of history—it is not just a set of facts but a continuously modified and contested interpretation of the 'said' facts, where competing claims are justified by competing historic narratives, as witnessed, most tragically, in the ongoing conflict between Israelis and Palestinians. The 1939 Molotov-Ribbentrop pact that allowed for the annexation of the Baltic countries offers an excellent example of a historic event treated differently in different contexts. Latvia and Estonia found it politically advantageous to invoke the illegality of the pact in denying citizenship to non-titulars who settled on their territories post-1940, while Lithuania broke ranks and offered automatic citizenship to all of its permanent residents. In sociolinguistic literature this decision is commonly attributed to the small proportion of Russian speakers in the Lithuanian population (e.g., Hogan-Brun 2005: 370; Metuzāle-Kangere and Ozolins 2005: 328; Ozolins 1999: 17). This explanation, however, 'sanitizes' a more complex history. Lithuania could not go on record denouncing territorial changes wrought as a result of the Molotov-Ribbentrop pact because it had benefitted from the pact: after the dismemberment of Poland, the Soviets had transferred to Lithuania the city of Vilnius, which became the republic's capital (Senn 1990; Snyder 2003). Similar silence with regard to legality of the pact ensued in Moldova, Ukraine, and Belarus where the 1940 annexation was conveniently interpreted as reunification (e.g., Ukraine's report to the Council of Europe 1999). This differential interpretation of the same 'socio-historic contingency' was noted by political scientists and historians who argued that if history were to be taken seriously, then Poland had the most legitimate claim of all on its former territories and that it was Poland's refusal to press its claims that positioned it as a genuine emerging democracy (Snyder 2003).

The obligations of speakers in postcolonial contexts: Ukraine

Ukrainian postcolonial narrative begins with the 1654 Treaty of Pereyaslav that transferred the left-bank Ukraine from the Polish-Lithuanian Commonwealth to Russia (e.g., Ivanyshyn and Radevich-Vinnitsky 1994; Kalynovs'ka 2009; Maiboroda 2008; Masenko 2004, 2009; Serbens'ka 1994; Taranenko 2007; Zalizniak 2009; for analysis see Smith et al. 1998). This centuries-long entanglement with Russia and an equally long history of in-migration of Russian settlers precludes

Ukrainian politicians from questioning the legitimacy of Russians on their territory; instead, the 'tragic colonial legacy' in Ukraine is the Russian language and bilingualism of the Ukrainian population (Masenko 2004: 135). According to the postcolonial narrative, "the Russification policy in Ukraine lasted approximately 300 years and was more rigorous than in other parts of the Russian Empire and the Soviet Union" (Besters-Dilger 2009: 8). As a consequence, "during the eighteenth to twentieth centuries, under the Russian Empire and the Soviet Union, the Ukrainian language was, to a considerable extent, forced out of usage, and its structure was influenced by the Russian language" (Taranenko 2007: 119). The state language laws "aim to undo the Russification of the Ukrainian population and to revert to the former language situation" (Besters-Dilger 2009: 9).

Unlike in Latvia, where the Soviet era is contrasted with the preceding period of independence, in Ukraine "the former language situation" is never clarified. One may envision, between the lines, a country where the population spoke Ukrainian and then was forced to assimilate to Russian. A comment by a Latvian scholar Priedīte (2005) that "even large countries, such as Ukraine and Belarus, switched to Russian during the Soviet annexation" (p. 409),[8] invokes precisely this kind of image. The reason for which "the former language situation" is never unpacked is because it refers to an imagined past. In reality, Ukraine's linguistic history is much more complicated—it was only in 1940 that different regions of Ukraine became members of a single polity after many centuries of divided existence as parts of the Polish-Lithuanian Commonwealth, Poland, Russia, and the Austro-Hungarian Empire. Throughout this time, the cities on the territory of contemporary Ukraine were dominated by Polish, Russian, German, and Yiddish, while the local vernacular was mostly spoken in small towns and in the countryside. As a modern literary language, Ukrainian emerged only in the nineteenth century and as an urban and standardized language only in the twentieth century, mostly as a result of Soviet ukrainianization strategies in the east and post-World War II de-polonization in the west (Magocsi 1996; Saunders 1995; Snyder 2003; Subtelny 1994). The territory of Crimea was transferred to Ukraine by the Soviet government in 1954.

The two postcolonial narratives also differ in their targets: the Latvian narrative aims to delegitimize Russian speakers, while the Ukrainian one targets Russophone Ukrainians. Drawing on the *discourse of language and ethnicity*, it reminds recalcitrant 'memoryless Ivans' that the only language of ethnic Ukrainians is Ukrainian (e.g., Ivanyshyn and Radevich-Vinnitsky 1994; Masenko 2004, 2007, 2009; Romantsov 2008). Russophone Ukrainians are shamed and stigmatized in this discourse as 'the hapless victims of Russification', 'Little Russians' who betrayed their own people, *bezbatchenky* (orphans), 'mankurts' (people who forget their homeland, family and background), 'yanychars', and even 'cultural hermaphrodites' and 'werewolves' (for examples see Ivanyshyn and Radevich-Vinnitsky 1994; Masenko 2007; Romantsov 2008; for discussion see Smith et al. 1998;

[8] This sentence contains several factual errors: (1) prior to creation of the USSR, Ukraine and Belarus were not countries but territories of the Russian empire; (2) these territories were incorporated in – and not annexed by – the USSR, the only annexed territories were those of Western Ukraine and Belarus; (3) the russification of Ukraine and Belarus had already begun in the Russian empire and was counteracted by the early Soviet policies of nativization.

Taranenko 2007). As Laitin (1998) perceptively notes, this discourse compels a Ukrainian to think that Ukrainian is "his" language and that "he is not fulfilled as a person until he recognizes his "real" identity and is doomed as an individual unless he develops the language skills to become his real self" (p. 10). Russian in the Ukrainian narrative is positioned, similarly to Latvia, as a 'foreign' language or "the language of the former empire" (Kalynovs'ka 2009: 209) and linked to a Eurasian identity and "authoritarian Eurasian values" (Zalizniak 2009: 141), while Ukrainian is linked to a European identity (e.g., Kuzio 1998; Masenko 2007; Serbens'ka 1994; Zalizniak 2009).

From the point of view of discourse analysis, the associations between languages and identities in Latvian and Ukrainian postcolonial narratives are formed through three semiotic processes: fractal recursivity, iconization, and erasure (Irvine and Gal 2000). In the process of *fractal recursivity*, a political opposition between Russia and the new nation-states is projected inward, onto the relationship between Russian speakers and the titulars and between Russian and the titular language. In the process of *iconization*, Latvian and Ukrainian are symbolically linked to morally superior ethnic and national identities and a European or Western identity, and Russian to an inferior 'colonizer' identity. Its linguistic features, such as swearwords, become an iconic representation of the moral inferiority of its speakers. And because linguistic ideology is a totalizing vision, elements that do not fit its interpretive structure, such as variation within both groups, are rendered invisible through the process of *erasure*.

Together, the three processes allow the new nation-states to symbolically distance themselves from Russia and to present a new European face to the world. Yet in doing so, the ethno-nationalist governments alienate the very people whom they claim to integrate under the premises of the European democracy. The attempts to maintain the language-culture-nation ideological nexus as a central legitimating ideology of ethno-nationalist states may also constitute a problem for the states themselves: when part of the population rejects the language, it may lose its meaning as a symbol of national unity (Heller and Duchêne 2007).

The rights of language

The anxiety over such potential loss is experienced in both countries, consequently, at the center of the justification of Ukrainian and Latvian language laws are the status and rights of the titular languages. These arguments draw on the *discourse of language endangerment* that presents certain languages as threatened with extinction and thus in need of protection (Duchêne and Heller 2007). The key features of this discourse are (a) the anthropomorphic division of languages into 'big' and 'strong' versus 'small' and 'weak', with the latter requiring 'protection' or even 'rescue'; (b) the use of the biological metaphor (death, extinction), which frames languages as a species intrinsic for biodiversity; and (c) the reliance on emotive vocabulary (genocide, murder, danger, threat, fear, loss, rescue) and moralistic terms (protection).

The discourse of endangerment, widespread around the world (see Duchêne and Heller 2007; Spolsky 2009), also has wide currency in Ukraine and Latvia. In Ukraine it is frequently repeated that Ukrainian is a 'small' language that may disappear without state support (e.g., Ivanyshyn and Radevich-Vinnitsky 1994; Masenko 2004, 2007; Serbens'ka 1994; Taranenko 2007), while Russian does not require support since it is not an 'endangered' language (e.g., Masenko 2007: 39). In Latvia, the preamble to the 1989 language law stated that due to marked decreases in the use of Latvian, "it is necessary to establish special measures for the protection of the Latvian language" (Jubilus 2001: 123). Policy maker Druviete (1997) confirmed that Baltic language laws "have defensive functions, to protect the weaker, in our case, the Baltic, languages" (p. 182). To mobilize support for the new laws, Latvian politicians used the threat of 'imminent extinction' of Latvian (Adrey 2005; Schmid 2008).

This view of Latvian also found support among Western scholars who argued that Latvian was "just as endangered as traditional minority languages in Europe" (Jubilus 2001: 128) and that "the best way 'to rescue' it is to increase the number of people who use the language" (Jubilus 2001: 312). Skutnabb-Kangas (1994: 178, cited in Ozolins 2003: 29) reframed Baltic languages as minoritized majority languages (i.e. majority languages in need of protection usually necessary for the threatened minority languages) and Russian as a majoritized minority language (a minority language with the power of a majority language). As such, Russian did not require the same sort of protection as Latvian (Jubilus 2001: 125; see also Druviete 1997: 180; Skuttnabb-Kangas 2000: 641–642).

The dangers of uncritical adoption of the discourse of language endangerment are illustrated in the following quote from Paulston and Heidemann's (2006: 299) defense of Latvia's attempt to transition to Latvian-only education:

> In Latvia, the driving force behind the language legislation is fear of impending language shift to Russian and the loss and death of the Latvian language forever. Latvian is truly a small language. It has barely 2 million speakers and a territory shared with almost the same number of Russian speakers…

The authors rely on several rhetorical features of the discourse of endangerment: the biological metaphor (*death*), emotive terms (*fear*, *loss*, *death*) and intensifiers (*impending shift*, *death forever*, *truly a small language*, *barely 2 million speakers*). Unfortunately, this affective rhetoric misrepresents the data. As seen in Table 2, even during the Soviet era the proportion of Latvians who shifted to L1 Russian was negligible. Language loyalty, combined with institutional support, first from the Soviet government and then from the Latvian one, had secured the long-term survival of the language, so that in 2004, there was no threat of language shift among ethnic Latvians, impending or otherwise. Even more problematic are the numbers cited by the authors. They give the reader an impression that in Latvia 2 million of Latvian speakers live side-by-side with 2 million speakers of Russian. Yet, according to the 2000 Latvian Census (2000 Round of population and housing censuses in Estonia, Latvia and Lithuania 2003), the whole population of the country is 2,377,400 people, of which 1,370,703 are ethnic Latvians and 703,200

are ethnic Russians. The driving force behind the legislation was not the fear of language shift among Latvians but concerns about the large numbers of Russian speakers who had remained in Latvia and their low levels of Latvian language competence (Adrey 2005; Björklund 2004; Jubilus 2001; Schmid 2008).

The protectionist argument is further strengthened through *the discourse of historic injustice* which positions Latvian and Ukrainian as languages victimized by the Soviet regime, with injustices including the narrowing of the spheres of functional use and, in the case of Ukrainian, russification of the corpus (e.g., Ivanyshyn and Radevich-Vinnitsky 1994; Hogan-Brun 2005; Kuzio 1998; Masenko 2005; Serbens'ka 1994). The Soviet authorities did indeed adopt russification strategies directed at people, territories and language corpora (Alpatov 2000; Bilinsky 1968; Pavlenko 2008; Smith 1998). The problem with the discourse of historic injustice is that these policies are presented as the only Soviet policies, while support for titular languages is conveniently omitted. Thus, Ukrainian scholars frequently ignore the efforts put by Soviet authorities into standardization of Ukrainian, establishment of Ukrainian-language secondary and higher education, expansion of Ukrainian theater, and creation of Ukrainian radio, film, and opera (Liber 1992). Instead, they describe the Soviet policy with regard to Ukrainian exclusively as 'linguicide' (e.g., Ivanyshyn and Radevich-Vinnitsky 1994; Masenko 2005; Serbens'ka 1994). This discourse is then uncritically adopted by Western scholars:

> Such is the result of a long tsarist policy of prohibition and of a Soviet policy of draconian limitations on language. Only 14 years ago, it was impossible to find a Ukrainian preschool in Kyïv, and the rare primary schools there condemned the students never to achieve high social rank. The Ukrainian language, reduced to the status of a "little Russian" dialect, [was] spoken only in certain families, particularly in rural areas. (Beauvois 2004: 203)

This portrayal weaved through affective rhetoric neglects to mention the widespread use of Ukrainian in the public space, the media and artistic life of the republic and its dominance in urban contexts in Western Ukraine; it also contradicts empirical data on the use of Ukrainian in education (see Table 1; Solchanyk 1985) and social advancement (see e.g. Bilaniuk 2005: 66 on the use of Ukrainian in the Ministry of Foreign Affairs in the 1970s). Similar contradictions can also be found in discussions of Latvian language policy. For instance, Hogan-Brun (2005) describes the five decades of the Soviet regime in the Baltic countries as "a process of language substitution" (p. 369). This is in stark contrast with Metuzāle-Kangere and Ozolins's (2005: 326) acknowledgment that during Soviet times

> full primary and secondary education, a large number of higher education courses, more than one television channel, several newspapers and publications, several radio programs and a host of other cultural and information services continued to be offered in Latvian.

Obfuscation of support for the titular languages is, however, only a secondary problem with the discourse of historic injustice. Even more important is the overall thrust of the argument, namely the use of 'historic injustice' as justification for

derussification of the public sphere. While some scholars note the irony of reverse discrimination that replaces russification with ukrainianization or latvianization (e.g., Batelaan 2002; Björklund 2004; Silova 2002), others call this approach 'compensatory measures', 'positive discrimination', or 'affirmative action' and argue that "affirmative action in favor of a formerly discriminated-against language and culture is a perfectly reasonable policy" (Kuzio 1998: 170). While it is reasonable that previous historic injustices could justify compensatory measures and additional support offered to the speakers of the language in question (e.g., subsidies for the use in the media or publishing), it is not clear whether they could justify potentially discriminatory measures against speakers of another language (de Varennes 1995–1996).

The legitimization of the new linguistic regimes is also accomplished through the *discourse of linguistic normalization* that redefines what is 'normal' in terms of what is convenient for the dominant group. This discourse presents societal bilingualism as a "distorted" (Masenko 2009: 101) or "anomalous situation" (Jubilus 2001: 124) and monolingualism as the only normal state of affairs. The purpose of new language laws in this view

> is to create a linguistically normalized society, where the titular languages function as the real state languages, and where loyal (sic!-AP) minorities live within a legal framework of cultural autonomy. (Druviete 1997: 161)

The link to loyalty is also made by Jubilus (2001: 126) who comments that

> the language requirement for naturalization is intended, in part, to serve as an indication of one's loyalty and commitment to the Latvian state.

These comments reveal that the discourses examined here are not just about language—they are fundamentally political discourses that serve to reclaim the past, to assert a moral imperative over the former overlords, to legitimize the 'monolingual turn' to the language of the ruling group, and to present competence in the titular language as a 'proof of loyalty' on the part of linguistic minorities. In her analysis of debates about minority education reform in Latvia, Silova (2006) showed how local politicians adopted Western discourse of ethnic integration to conceal the preservation of the Soviet-era segregation; in doing so, they discursively transformed Russian-medium schools from 'the sites of occupation' into 'the sites of multiculturalism'. In the present paper, I aimed to show that Latvian and Ukrainian policy makers and their Western supporters similarly adopted discourses of language endangerment, historic injustice, linguistic normalization, and language and ethnicity to conceal potentially illiberal and coercive nature of the new language policies.

While outwardly rejecting Western minority language views, this approach artfully exploited a major weakness in Western articulations of minority language rights—the displacement of concerns with speakers' rights by concerns with the rights of languages (Blommaert 2001; Heller and Duchêne 2007). The claim that Russian did not require the same protection as Latvian or Ukrainian sounded more benign than the claim that Russian speakers did not deserve the same rights as speakers of Ukrainian or Latvian. Similarly, the claim that titular languages required

'rescue', 'protection' and 'affirmative action' offered a noble cause to rally around, while the claim that titular language speakers wanted a monolingual public space did not. Yet 'language rights' articulated in Latvia and Ukraine are fundamentally different from 'speakers' rights'—speakers protect their own right to use their mother tongue, while 'language rights' regulate the behavior of others—in the present case, 'the interests of language' require Russian speakers in Latvia to start speaking Latvian and Russian speakers in Ukraine and in particular Russophone Ukrainians to stop speaking Russian.

Conclusions

Debates about language are rarely about language only, and it is not surprising that Latvian and Ukrainian language debates are primarily about nationhood, citizenship, foreign policy, distribution of social and economic resources, and political power. The concerns about the dangers of 'too much democracy' reveal, above all, anxieties about erasure of state control and increasing influence of international organizations on nation-states that are becoming integrated into an international capitalist system. In this context, the defense of the local solution becomes an appeal for the maintenance of control in the hands of the ruling ethno-nationalist political elite who 'knows best'.

The purpose of this paper is not to question the legitimacy of the local solutions—governments have legal rights to decide on state languages. Nor do I advocate an alternative solution. Rather, I agree with Laitin and Reich (2003) who state that in the context of competing language claims, liberal principles of justice and equality display a fundamental indeterminacy which provides "an opportunity for opening up a genuine and valuable space for liberal democratic politics" (p. 81). When linguistic minority groups gain greater political representation in Latvia and Ukraine, they will be able to renegotiate language policies in a way that takes into consideration the rights and interests of all—and not just some—citizens.

What I question is the legitimacy of ways in which the discourse of 'language rights' was co-opted to justify what could be alternatively seen as coercive and illiberal monolingualizing policies. This justification was authoritatively entextualized in postcolonial narratives that appealed to three nation-building strategies outlined by Smith and associates (1998): (a) they historicized, creating a colonial past that justified present actions; (b) essentialized, inextricably linking Russian and titular languages with particular kinds of ethnic, national, and moral identities, and (c) totalized, turning relative differences into absolute ones. It should not be surprising that local linguists acted as agents of the state—in the context of ethnolinguistic conflicts language professionals often become instrumental in articulating new conceptions of the state and its language and education policies (Duchêne and Heller 2007; Irvine and Gal 2000). It was more disconcerting to see that, in the case of Latvia, these conceptions have not yet been critically interrogated by the larger sociolinguistic community (for critical discussions of Ukrainian language policies and practices, see Bilaniuk 2005; Bowring 2009; Kulyk 2010). Instead, the task of sociolinguistic work has been articulated solely as defense against criticisms put forth in other fields:

> Contesting criticism of Latvian and more broadly Baltic language policy has been an inseparable part of sociolinguistic work, particularly criticism that such policy is discriminatory or simply an ethnically-based turnaround of previous Soviet Russification policies. (Metuzāle-Kangere and Ozolins 2005: 331)

It is possible that, by the very nature of their profession, linguists are more open to endangerment arguments and to activism on behalf of 'small', 'weak', 'threatened' and 'discriminated against' languages. In the past decade, however, there has emerged a growing awareness of the problems that arise when the discourse of language endangerment is adopted to obfuscate larger societal conflicts. Blommaert (2001) argued that "as soon as we sacrifice the sort of quality control that comes with being a professional and committed scholar we are of no benefit at all to those whose cause we support" (p. 141). In turn, Heller and Duchêne (2007) suggested that "rather than assuming that we must save languages, perhaps we should be asking instead who benefits and who loses from understanding languages the way we do, what is at stake for whom, and how and why language serves as a terrain for competition" (p. 11). In this view, no state policy, not even of the states whose independence we celebrate, should be exempt from scrutiny. It is my hope that future attempts at such scrutiny will recognize that languages do not have rights and needs independent of those of their speakers. In this, I side with a prominent Polish-Russian linguist Baudouin de Courtenay who said a century ago:

> Not a single language of the world is precious to me, nor has it any rights in my view. It is not this or that language that is precious, what is precious to me is the right to speak and to teach in that language. (1963: 145) (my translation)

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