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Language Policies and Insecurities in Ukraine

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Abstract
Situated at the intersection of language rights, nation-building processes, and security issues, this article analyzes language policies in Ukraine in the three decades since its independence (1991–2021). It traces the legal evolution and decisions of the Ukrainian Constitutional Court, identifying the specific ideological approaches towards language issues that emerge in such a development. We distinguish four periods in the evolution of Ukrainian laws, highlighting how these stages reflect specific ontological and societal (in) securities and related securitization processes, and their intersection with the process of nation-building and the role assigned to the Ukrainian language in such a process. In this way, the article discusses how, in light of the Soviet legacy and Russian kin-state activism and geopolitical agenda, Ukraine has moved to adopt a more assertive nationalizing approach to language issues that aim at promoting Ukrainian as the state language. Russia's aggressive actions accelerated the ongoing nation-building process, interplaying with the relevance assigned to the Ukrainian language for the Ukrainian nation-state as well as the country's ontological and societal (in)securities. In this way, our contribution complements our understanding of language policies, bringing to light the connections of their evolution and variations with how security concerns affect nation-building processes.

Keywords: Ukraine; language laws/policies; ontological/societal security; securitization; nation-building

Introduction

Language has generally played a significant role in the processes of nation and state building in Europe. In such processes, governments often struggle to find the right equilibrium between the legitimate aims of promoting the state language and safeguarding national minorities' linguistic rights. This is particularly true in countries trapped in the "nation-cum-state paradigm" (Marko et al. 2019a), within which minority languages are perceived as a threat to the state language and social cohesion and political unity. In this regard, Ukraine's language laws and policies in the three decades since its independence provide useful insights.

Indeed, on the one hand, Ukraine is "a contested linguistic space" (Pavlenko 2008, 275). On the other hand, language issues are linked to Ukraine's process of nation-building, which is characterized by the country's ambivalent position between the East and the West. Furthermore, as pointed out by Maksimovtsova (2020, 378), language issues in Ukraine "constitute one of the most interesting cases of securitization of cultural phenomena in the former Soviet bloc," since language laws and policies could be "interpreted as a threat to the existence of either Ukraine as a state or Russian speakers as an important segment of Ukrainian society."

Against this background, this article aims at analyzing language laws and policies in Ukraine, specifically tracing the legal evolution and decisions of the Ukrainian Constitutional Court from

1991 until 2021 and identifying the specific approaches towards language issues that emerge in this thirty-year-long period based on Marko et al.'s taxonomy of ideological language regimes (2019b, 229).[1] Situated at the intersection of language rights, nation-building trajectories, and security concerns/processes of securitization, the article explores whether, how and to what extent the developments of these regulations and case law of the Constitutional Court reflect ontological and societal (in)securities (respectively, the (in)security of its self-conception and its capacity to survive or not as a linguistic community) and related securitization processes. Thereby, using language policy as an analytical window, the article points out how these insecurities intersect with the process of nation-building and the role assigned to the Ukrainian language in such a process. The analysis relies on legal review of language-related regulations and the Court's decisions and information acquired in secondary sources (extensive scholarship literature on language issues and the process of nation-building in Ukraine).[2]

Our contribution complements the literature on what determines language policies and variations in language approaches and regimes. Scholars have pointed out various factors in this regard, such as state traditions, macro dynamics including globalization, the demographic features of linguistic communities and their political relevance, and agendas/ideologies of main political actors (Cardinal and Sonntag 2015; Reznik 2018), or have provided economic cost-benefit explanations and/or rational-choice considerations (Gazzola and Wickström 2016). Alternatively, scholars have engaged in normative debates prescribing specific language policies in the name of a variety of justifications, such as the principle of fairness or the politics of recognition (Patten 2009; May 2012). To this body of work, our analysis adds insight into the interplay between language policies, processes of nation-building, and security concerns. In the context of increasingly aggressive actions of Russia as a "geopolitical kin-state" (Vollebaek 2009), the Ukrainian case highlights that the relevance assigned to an idiom as the state language in nation-building processes is related to a country's ontological and societal security. This, in turn, reverberates in the country's language policies.

In this way, the article broadens our understanding of nation-building, which scholars have extensively debated in terms of its conceptions, forms, and causal paths (see, for example, Brubaker 1996). Concerning these paths, some scholars have looked at the role of interstate wars in nation-building processes (Posen 1993; Sambanis, Skaperdas, and Wohlforth 2015). Darden and Mylonas (2016) have highlighted that the presence of external threats to territorial integrity, especially with the presence of a fifth column, fosters nation-building and homogenizing policies. In this way, these works suggest a link between nation-building and (national) security concerns. For this article, we expand this link, considering other realms of security, namely ontological and societal. Within this perspective, the process of nation-building reveals itself as an (in)security practice, through which an imagined community seeks its own safety by defining boundaries and the markers of its identity (in this case study, the Ukrainian language). These markers, however, are consequently constructed as referent objects of security, namely, following the securitization theory what needs to be protected from perceived existential threats, perpetuating security concerns.[3] Incidentally, by looking at language laws and decisions of the Ukrainian Constitutional Court, the analysis hints as well at the role that legal norms and the Constitutional Court's judges might play in securitization processes.

We trace the development of Ukrainian language laws and Constitutional Court decisions, identifying four periods of their evolution: *emerging nationalization*; *divisions and stalemate*; *backlash against nationalization*; and *increasing Ukrainization*. Each period represents a specific approach and regime vis-à-vis languages. We argue that these stages mirror specific Ukrainian ontological anxieties and societal (in)securities linked to the Soviet legacies, internal socio-cultural and political factors, and the increasingly aggressive actions of Russia disguised as kin-state engagement. We place particular emphasis on the years after the 2014 Revolution of Dignity, following which Russia illegally annexed Crimea and started to support pro-Russian separatists in the Donbas. These events marked Ukraine's move from being a "hesitant 'nationalizing state'" with

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"porous language boundaries" (Arel 2002) to adopting a more assertive nationalizing approach to language issues. Indeed, the impact of Russian aggression on the country's ontological and societal (in)securities prompted a reevaluation of Ukraine's collective identity. Ukraine has established itself as a European country with a distinct cultural-linguistic identity, detaching itself from the so-called "Russian World" envisaged by the Kremlin. Consequently, political disputes over language policy quickly assumed nationalist overtones, which maintained the importance of the Ukrainian language for the country's security and highlighted societal threats to the country's linguistic identity. The overall political function of language-related regulations and policies adopted by Ukraine has become to reduce the use of Russian in education and the public sphere, and to strengthen the state language.

Theoretical framework: Language, (national) identities, and insecurities

This contribution builds on theories of language and language rights, nation-building, and concepts of ontological and societal (in)securities and securitization deriving from Security Studies.

Theorists of language point out that a language has many functions. It is an instrument of communication and a tool that gives access to a specific societal culture. Furthermore, it can be an expression of an evolving personal and social identity. People might feel bound to each other by various factors, such as the fact that they belong to the same cultural, ethnic, or religious group, or they share the same symbols, and last, but not least, that they speak the same language. Thus, language is both an *instrumental medium* of communication and a means for *personal and social identity formation* (Marko and Medda-Windischer 2018).

In light of this language/communication/identity nexus, language laws and policies become a key element of nation-building processes and a tool to strengthen the state and national stability (Caviedes 2003; Gellner 1994). The interplay between the cultural and political dimensions of language cements the foundation of the nation-state and the dichotomic conception of state language versus minority languages. A state that determines an official language imposes a general obligation to use it in all aspects of public life and confines minority languages, in principle, to the private sphere. Persons belonging to minority groups may be able to use their mother tongue in public affairs only exceptionally and under certain conditions.

Empirical evidence shows that, in practice, countries use a sliding scale of approaches vis-à-vis languages. At the lower end of the scale is the pure instrumentalist approach, which, in combination with a strong emphasis on the state language's protection and promotion, leads to the disappearance of minority languages from state institutions and the public sphere, and to restrictions on the use of minority languages even in the private sphere. At the higher end of the scale is the cultural diversity approach, which ensures the full recognition and promotion of minority languages in the public sphere and state institutions by granting them co-official status.

The sliding scale of approaches vis-à-vis languages is based on various ideological underpinnings. Marko et al. (2019b, 229) propose the following taxonomy of regimes: (1) *repressive*, which does not recognize linguistic rights, impose forced assimilation, and aims to achieve ethno-linguistic homogeneity in the public and private sphere; (2) *liberal-tolerant-paternalistic*, which recognizes the individual right to a limited use of minority languages to foster the learning of state language, with the political function of supporting assimilation and achieving ethno-linguistic homogeneity; (3) *liberal individualistic*, which allows the use of minority languages in the private sphere but provides no state support for language maintenance, leading to intergenerational language shift from minority languages to state language; (4) *liberal-egalitarian*, characterized by individual rights in the private sphere, antidiscrimination rules at the state level, and support for language maintenance in the private sphere, fostering equal opportunities while not guaranteeing the survival of minority languages; (5) *liberal multicultural*, which supports the use of minority languages in private and public spheres, as well as state institutions, through individual and group rights; and (6) *cosmopolitan pluralist*, which constitutionally guarantees language equality in the

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public sphere and state institutions. Of course, there are cases that do not fit nicely into one of these ideal-type models. In practice, one may identify combinations of various elements of these regimes.

Returning to the link between a language and an identity, it should be clarified that this outcome is a social construction, and a result of specific historical processes that forge such a relation (Carlà 2007). As pointed out by Bureiko and Moga (2019), a common language per se "is neither a sufficient nor a necessary condition for the development of a national identity," and thus nation-building processes. However, as pointed out by Marko (2019), with regard to the social construction of ethnic groups, "(w)henever people define this situation as 'real' the consequences following from their actions are no less 'real' than the 'existence' of things." Thus, it is necessary to address the process through which a language becomes a marker of (national) identity, determining the following language laws and policies.

In this article, we argue that this process is affected by the perceived (in)securities of a society. In this regard, we borrow the concepts of ontological and societal security and securitization from Security Studies.[4] Ontological security refers to the maintenance of the notion of the self and a sense of existential safety. It is closely linked to societal trust and everyday routine, whose disruption can cause existential crises and thus ontological insecurities (Giddens 1991). As pointed out by Akopov (2022), ontological insecurities are shaped by social anxieties and human emotions, like loneliness. Ontological security interplays with national identities and nationalist political sentiments. Facing anxieties and doubts about their existence, people react by turning to feelings of collective belonging and to forms of object identification such as identifying with symbols of nationhood; a process that might bring to the exclusion of those others considered not belonging to the national community, understood as a homogeneous unity (Kinnvall 2004). Extending the concept from the individual to the state level (which is the approach taken in this article), scholars have used it to develop an understanding of contemporary politics, in which states are considered as ontological security seekers. This search for ontological security is a constant quest that relies on states' master narratives and can foster nativism and an ethnocentric notion of identity (Kinnvall and Mitzen 2018; Akopov 2024).

Overlapping with ontological security, societal security concerns the ability of an identity community to survive (Theiler 2003).[5] As clarified by Buzan (1991, 19), it regards the "sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom." Societal security is threatened by measures that repress the expression of identity, such as forbidding the use of language and names. Thus, a group perceives the possibility of surviving as a community to be at risk (Carlà 2016). Ontological and societal insecurity are linked to the theory of securitization, which refers to the process through which an issue is constructed as an "existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure" (Buzan, Wæver, and de Wilde 1998, 23–24). Initially understood as a speech act endorsed by the public, securitization has been further theorized as a multi-faceted process involving other factors, such as historical narratives and social and legal practices, and a variety of securitizing actors, including political leaders, bureaucracies, and security experts (Bigo 2002; Jutila 2015).

In the past decades, thanks to increasing cross-fertilization among research fields, the notions of ontological and societal security and securitization have become relevant concepts in the study of minority issues and ethnic politics (for example, Olesker 2014; Bahar 2015). Looking specifically at language issues, Haslinger (2022) sheds light on how securitization might explain language conflicts. According to the author, in multilingual societies, language markers can become symbolic expressions of collective values, cohesion, and survival, and are associated with power asymmetries between state/majorities and minorities. Competitive language claims emerge that act in a zero-sum game. In this scenario, even emancipatory laws might spark tensions, since they are perceived based on the security concerns of the different language groups.

Maksimovtsova (2017, 2019, 2020) has applied the securitization framework to debates about language issues and policies in Ukraine. Analyzing leading Ukrainian and Russian-language blogs

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and news websites over time, the author traces several securitizing arguments that present existential threats regarding the Ukrainian language. According to the author, after Euromaidan and the start of the war in the Donbas in 2014, the Ukrainian language has been presented not only as a marker of national identity but also as a guarantee of the survival of Ukraine as a nation and as a political and cultural community. Thus, challenges to the Ukrainian language have been perceived as existential threats to Ukraine's independence, sovereignty, unity, and democracy. However, at the same time, Maksimovtsova (2020) points out the presence of securitization claims about the Russian language and the vulnerable status of Russian speakers in the name of Slavic brotherhood, minority rights, and social cohesion.

Building on these works, in the following pages we analyze Ukrainian language laws and policies and investigate how their development reflects ontological and societal (in)securities in the country and securitization processes, and how such insecurities intersect with the Ukrainian process of nation-building and the development of Ukraine's national identity. In this way, we foreground the role of security concerns in nation-building processes and subsequent choices in matters of language policy. Through this analytical perspective, we suggest reframing the concept of nation-building as a search for ontological security, in which a community defines itself and the existential features that delimit its boundaries and its essence. This process, which in the Ukrainian case regards the role of language for the safety of the nation, can give raise to societal security concerns, and in multilingual societies to the aforementioned Haslinger's scenario (2022), where language issues are securitized and gains for a language are framed as threats for other languages, propagating a sense of fear. In this process, language laws and the Constitutional Court's decisions might contribute to securitizing moves. As long as this dynamic is in place, nation-building turns into a practice of (in)security.

Before proceeding with the analysis, the following section presents the complexity of the Ukrainian linguistic landscape.

The linguistic landscape of Ukraine

Ukraine's language laws and policies, and their evolution, can only be properly understood by considering the complexity of Ukraine's linguistic landscape. The country is characterized by a discrepancy between ethnic and language identities and between language identities and practices (Bowring 2014, 58). As pointed out by Kulyk (2011, 2013), this feature derives from the legacy of the Soviet regime and its ambivalent nationalities policies. Initially, the Soviet regime promoted the use and learning of languages of nationalities in the 1920s and 1930s; an initiative that favored the spread of the Ukrainian language. However, Moscow soon changed its approach and promoted the Russian language as the language of social mobility, interethnic integration, and intercultural communication. Yet, the Ukrainian language continued to be used in specific domains, including the cultural and media sectors, though with regional differentiations. At the same time, the Soviet regime favored the maintenance of ethno-linguistic identities through discourses and practices that supported a primordial idea of nationalities and ethnic groups.

As a result of the Soviet legacy, independent Ukraine inherited a complex nexus between nationality, language, and territory, with a substantial Russian-speaking population, especially in the southern and eastern regions of the country. Russian has often been used as the everyday language in speech, writing, and informal communication, whereas Ukrainian has functioned as the official language. The concept of native language came to be associated with ethno-national belonging regardless of its actual use or knowledge (Kulyk 2011, 628). In this context, ethnic and linguistic borders are fluid; furthermore, it is necessary to keep in mind the proximity of the Ukrainian and Russian languages (Maksimovtsova 2019, 121).

The last Ukrainian census, which took place in 2001,[6] enquired about *nationality* and *native language* (*ridna mova* in Ukrainian; *rodnoy yazyk* in Russian). According to the census, of a population of 45.5 million, overall, 67.5% declared Ukrainian as their native language and 29.6%

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declared it was Russian. Moreover, 77.8% of Ukraine's population self-identified as ethnic Ukrainian and 17.3% as ethnic Russian. Other nationalities reported included Belarusians (0.6%), Moldavians (0.5%), and Crimean Tatars (0.5%).[7] Among ethnic Ukrainians, 85.2% declared Ukrainian as their native language and 14.8% stated it was Russian. Among ethnic Russians, 95.9% declared Russian as their native language and 3.9% stated it was Ukrainian. A large percentage of members of some small national minorities declared Russian as their native language (for example, 88.5% of Greeks, 83% of Jews, and 64.7% of Germans).

However, these data do not represent the actual language use and which languages are used in different circumstances. Indeed, in the Ukrainian context, people have different understandings of their native language. Surveys reveal that "34% of respondents understand the term 'native' as referring to the language in which they think and talk freely; for 32% of those surveyed it refers to the language of the nation they belong to; for 24% it is the language of their parents; and for 9% it is the language they use most often" (Olszański 2012, 14–15). For many people, native language means "who you are, not what you speak" (Arel 2002, 238).

In reality, the percentage of people who used Russian in daily communication was higher than the percentage of those who declared Russian their native language. Whereas two-thirds considered Ukrainian as their native tongue, according to various surveys conducted in the first decade of the 2000s, about half of the population use Russian in everyday life and as a language of communication (Kulyk 2011; 2013). Furthermore, some people (8% in a 2009 survey) use a mixture of both languages, called *surzhik* (Maksimovtsova 2019, 121). However, this language habit has changed in the past decade in favor of the use of Ukrainian. As reported by Sasse (2018), according to surveys, between 2012 and 2017, the percentage of respondents who used mostly or only Russian in their daily lives decreased from about 32% to 27%: at the same time the percentage of those who speak equally Ukrainian and Russian increased from 16% to 24%.[8] Sasse (2018, 2), in this regard, speaks of a process of "'de-Russification' from below."

Language policies and insecurities in Ukraine

Ukraine's complex linguistic landscape combines with ontological and societal insecurities that have characterized the country as a whole after its independence. Indeed, the country has faced an uncertain notion of the self and an ambivalent understanding of how and where to position itself in the post-1989 geopolitical world. As part of this ambivalence, Ukraine experienced a mixed linguistic identity and uncertainty about the role of the Ukrainian language in the nation-building process and as a marker of national identity and its relations with the Russian language. As shown in the following pages, this dynamic turned at times into societal insecurities and fears towards anything considered threatening the Ukrainian language and the country's survival as a distinct linguistic community.

A somewhat simplified and excessive understanding of the country's ambivalence is the concept of two Ukraines (Riabchuk 2002), discussed by various scholars and observers, which refers to a supposed division between Eastern and Western Ukraine, constructed mainly upon language arguments and ethno-linguistic lines, and the presence of two conflicting identities with different political cultures and models of social behavior. In this vision, a Ukrainian-speaking, nationalistic, pro-European West is contraposed to a Russian-speaking, Soviet-nostalgic, pro-Russian East. Zhurzhenko (2002) deconstructs the "myth of the two Ukraines," while pointing out that Western Ukraine has historically developed a stronger sense of national identity and did not completely internalize communism and the Soviet regime, whereas Eastern Ukraine did not experience nationalism as a mass phenomenon. It should be clarified that the boundaries between these two Ukraines are considered fluid, with many people who do not fit into the distinction (Riabchuk 2002). Moreover, in more recent interpretations of this vision, it is not language that creates the division; rather, the split is ideological and based on a different understanding of the past and

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national history as well as fostered by manipulation of regional and linguistic identities by political forces (Zhurzhenko 2002; Bureiko and Moga 2019).

Ukraine's insecure notion of its existential being is related to external factors, namely the fact that the country found itself between the enlarging EU and NATO and closer relations with Russia and other former Soviet Republics (Zhurzhenko 2002). Russia played an influential role in fomenting tensions. Indeed, after the turn of the century, Putin aimed to restore Russia as a great power and launched the project of integrating the so-called "Russian World." This fuzzy and fluid concept is used to justify Russia's oversee of its neighboring countries and unify the Russian-speaking diaspora living in post-Soviet space, as well as a tool in Russian international relations (Laruelle 2015). Furthermore, Putin's vision sees Russia and Ukraine as one nation and one people, part of the Slavic world, erasing Ukraine's distinct cultural and political identity. For this foreign policy agenda, Moscow has used a securitization framework with regard to ethnic Russians and Russian speakers living abroad, including those in Ukraine, using them as instruments of war (Kallas cit. in Roschatt 2023).

Ukraine's insecurities concerning its "self" and its complex linguistic identity intersected with societal (in)securities and fears towards the survival of the linguistic community, impacting the development of the country's language policies. Depending on which political force was in power and with which vision of Ukraine the government took the side, the country's approach to language issues changed, reflecting different ideological regimes. Consequently, language became a highly contested topic, beyond people's real concerns, and related legislation and policies fluctuated between reinforcing the use of the state language on the one hand and improving the status of the Russian language (and other minority languages) on the other hand. Furthermore, the implementation of language laws and policies was often characterized by great variation by region and specific sector (Kulyk 2013).

Accordingly, Ukrainian language legislation can be divided into four main periods that capture specific ideological language approaches and their intersection with ontological and societal security concerns.[9] First, there was a period of *emerging nationalization*, which took place from independence to the Orange Revolution in 2004. During this period, the governments in power refrained from choosing explicitly between a Western or an Eastern vision of the country, and language laws reflected this ambivalent position. It followed a period of *divisions and stalemate* until 2010, during which President Viktor Yushchenko's orientation of Ukraine towards the West, the EU, and NATO clashed with an increasing politicization of language issues that blocked relevant developments. With the coming to presidency of Viktor Yanukovych in 2010, who favored stronger ties with Russia, there was a brief period of *backlash against nationalization* with legislation aimed at enhancing the status of the Russian language. This period ended with Euromaidan and the beginning of Russia's war against Ukraine in 2014. Thereafter, a period of *increasing Ukrainization* started, with Ukraine opting firmly for Euro-Atlantic integration. This period has been characterized by new legislation that highlights the relevance of the Ukrainian language for the Ukrainian nation-state as well as its security. Over time, thereby, Ukrainian language policies have moved from a liberal-egalitarian regime towards a liberal individualistic or even liberal-tolerant-paternalistic regime. In the following pages, we turn to analyze the specific language laws and measures that were enacted in each period.

Emerging nationalization

After 1991, Ukrainian language policies and laws reflected the uncertain position of the country, unable to clearly direct itself towards an Eastern or Western understanding of its being. Governments, controlled to a large extent by the former communist "nomenklatura," picked up some nationalist claims aiming at increasing the role of the Ukrainian language as a tool in the country's nation-building process and the functioning state language (Kulyk 2019). At the same time, there was no intention to interfere with the use of other minority languages and limit the use of Russian,

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inherited from the Soviet period, alienating the Russian-speaking population. Though policies and laws of this period might have reflected a liberal-egalitarian regime, in practice, people were allowed to use their preferred language.

Following Ukraine's independence, the relevant legislation that remained was the 1989 Law on languages of the Ukrainian Soviet Socialist Republic (hereinafter, the 1989 Language Law), which, with small amendments, was in force until 2012. The law recognized the Ukrainian language as the official state language, while guaranteeing the development and use of other languages. Furthermore, the law specified the role of the Russian language as the interethnic communication language. The 1996 Constitution of Ukraine compromised between giving prominence to the Ukrainian language while guaranteeing in Article 10 the "[f]ree development, use and protection" of languages of national minorities, with a special reference to Russian. Furthermore, this provision provides that "[t]he state language of Ukraine shall be the Ukrainian language. The State shall ensure the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine."[10] According to Article 11 of the Constitution, the state shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as the development of ethnic, cultural, linguistic, and religious identities of all indigenous peoples and national minorities of Ukraine.

Both the 1989 Language Law and the 1996 Constitution represented a compromise. While officially recognizing the significance of Ukrainian as the only official language of the state, as pointed out by Reznik (2018), in practice, they did not affect the prevalence of the Russian language in various spheres of public life that had existed since Soviet times. In this way, these measures led to the discontentment of both Ukrainophiles and Russophiles. Indeed, the Ukrainian language remained marginalized in practice, whereas Russian speakers feared the downgrading of the status of Russian; fears that could be easily manipulated by politicians (Reznik 2018, 174–175).

Meanwhile, Ukraine joined the Council of Europe and signed the Framework Convention for the Protection of National Minorities (FCNM) in 1995 and the European Charter for Regional or Minority Languages (ECRML) in 1996. These initiatives might have reflected Ukraine's desire to join the international community and adopt international standards regarding minority rights and the protection of minority languages. However, instead of strengthening the compromise about language issues, they revealed the increasing tensions surrounding this matter.

The FCNM was ratified in 1998. However, the ratification of the ECRML turned out to be much more contentious. In 1999, before Ukraine's first attempt to ratify the ECRML (see below), a group of Ukrainophone MPs asked the Constitutional Court to provide an official interpretation of Article 10 of the Constitution. In its decision No. 10-рп/1999 of 14 December 1999, the Court stressed the symbolic meaning of the state language for the Ukrainian nation, which "entirely corresponds to the state-building role of the Ukrainian nation," and ruled that Ukrainian is the mandatory language for communication throughout Ukraine's state and local government and in public life, and is the language of instruction in all education levels.[11] Russian and other languages of national minorities can be used within legal limits by local governments and authorities of the Autonomous Republic of Crimea, and minority languages can also be used in state and communal educational institutions in accordance with Ukrainian laws.

The 1999 decision of the Constitutional Court "was unequivocally perceived as being aimed at strengthening the position of the state language, primarily by implicitly ruling out Russian as an acceptable language in the central power bodies" (Kulyk 2002, 112). As pointed out by Stepanenko (2003, 118), it appeared to be "a ritualistic political act of state support for the Ukrainian language." The decision had a "systemic effect" (Palermo and Constantin 2021, 185) as it set the constitutional tone regarding the relationship between the state language and minority languages.[12] It showed how the Court would give preference to the state language, laying the ground for a view of Ukrainian as a language in need of support and eventually as a referent object that should be protected.

In this regard, it is worth noting the separate opinion of Judge Oleksandr Myronenko, which reflects a clear concern that ideologically inspired decisions of the Court may be used as effective

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instruments for the "nationalisation of the public space" (Marko et al. 2019a, 239). The judge emphasized that the use of languages must take into consideration the distinction between state institutions, public sphere and private life: "The quintessence of the first part of Article 10 of the Constitution of Ukraine […] is that the Ukrainian language is the national official and working language of the state, and not of civil society or a private individual. Therefore, the use […] of the Ukrainian language is mandatory exclusively for the sphere of state (not public or private) activity […]. The requirements regarding 'mandatory communication in Ukrainian in other public spheres of social life' cannot be established not only by the Constitutional Court of Ukraine, but also by law, as this would contradict, first of all, both parts two and three of the same Article 10 of the Constitution of Ukraine."[13]

In December 1999, the Verkhovna Rada (Ukrainian parliament) adopted the first law on the ratification of the ECRML, "in a version that provided, in effect, for the official status of Russian on nearly a half of Ukraine's territory" (Kulyk 2002, 112). However, a large group of Ukrainophone MPs challenged the ratification law before the Constitutional Court. In its decision No. 9-рп/2000 of 12 July 2000, the Court did not examine the contents of the ECRML and the ratification law but declared unconstitutional the procedure for ratification of international treaties. Although based on procedural and not substantial grounds, the decision was strongly criticized by representatives of national minorities (especially politicians and activists belonging to the Russophone population). It was considered an "illegitimate and purely political" action designed "to foster exclusionary language policies" (Stepanenko 2001, 324).[14] Ukraine finally ratified the ECRML in 2003.

Increasing divisions and stalemate

With the turn of the century, language issues were increasingly politicized, particularly in light of the 2004 presidential election, when the candidate Viktor Yanukovych ran his electoral campaign promising to upgrade the status of Russian. Such type of claims by pro-Russian parties, which aimed at turning Russian into a second state language, thereby reverberating the legacy of the historical ties with Moscow, raised societal insecurities in supporters of Ukrainian language, who considered them as a direct threat to the Ukrainian language and culture (Pavlenko 2011; Reznik 2018). The following Orange Revolution did not resolve Ukraine's ontological question. Confrontations between supporters of different visions of the country continued, reverberating in the development of language policies. The pro-European presidency of Viktor Yushchenko, who aimed at fostering a process of nationalization of the state, clashed with pro-Russian political forces, which regained prominence in the following years and took control of regional and local councils in the southern and eastern part of the country.

During this period, language policies unfolded mainly through administrative and Constitutional Court decisions rather than with legislative activities, continuing to reflect a liberal-egalitarian regime. Between 2004 and 2005, Ukraine adopted new Codes of civil and administrative procedure,[15] which stipulate that proceedings are conducted in the state language. The Codes specify, however, that persons who do not know or do not have a good command of the state language have the right to make statements, give explanations, and testify in their native language or a language they know, using the services of an interpreter.

The Supreme Council of the Autonomous Republic of Crimea and several MPs challenged the constitutionality of the language-related provisions of the two Codes. The applicants argued that the new regulations narrow the scope of language rights, since, under the 1963 Code of Civil Procedure, proceedings could be held in Ukrainian or the language of the majority population in the given administrative-territorial unit. In decision No. 8-рп/2008 of 22 April 2008, the Constitutional Court upheld the disputed norms. It reaffirmed the mandatory use of the state language in all public spheres, including judicial proceedings. The Court concluded that the disputed provisions do not restrict constitutional rights or impede participants in judicial proceedings from using their native

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language. Judges interpreted Article 10 of the Constitution as a mere non-discrimination clause, offering minimal linguistic rights for minorities in court and excluding state support for minority languages (see also Palermo and Constantin 2021).

After the ECRML came into force in 2003, several regions in eastern and southern Ukraine, controlled by pro-Russian political forces, enacted regulations that aimed at upgrade the status of Russian language on the respective territories and entitle its official use, declaring Russian to be their regional language, allegedly in accordance with the charter (Bowring 2014, 64; Kulyk 2013, 283). These attempts were thwarted by the Ukrainian government, which, in 2006, successfully challenged in courts these resolutions. The courts held that the councils' resolutions infringed on the parliamentary prerogative (Kulyk 2019, 1035).

Backlash against nationalization

The 2010 presidential election marked a turning point. The victory of Viktor Yanukovych signified a relevant, though short-lived, step towards ever closer ties with Russia.[16] As part of this vision, pro-Russian political forces emphasized alleged threats to the Russian language and challenged the officially privileged status of the Ukrainian language. The main outcome was a new language law, which elevated the status of Russian on half of Ukraine's territory and supported its use in many domains all over the country, triggering heated debates. Though the law could fit a liberal multicultural regime, in the specific Ukrainian linguistic landscape, it emphasizes the asymmetry between the Ukrainian and Russian languages in favor of the latter. The law thus sparked fear of Russification and societal insecurities, being considered as a threat to the Ukraine national identity and sovereignty (Kulyk 2013; Maksimovtsova 2019, 2020, 2).

The new Law No. 5029-VI on principles of the state language policy (hereinafter, the 2012 State Language Policy Law) was adopted by the Verkhovna Rada in 2012, in violation of parliamentary procedures. Article 6 declared Ukrainian to be the state language. Article 7 lists 18 regional or minority languages[17] enjoying special protection on territories covering one or more administrative-territorial units where speakers of these languages constitute at least 10% of the population. After the entry into force of the 2012 State Language Policy Law, Russian became an official regional language in 13 of Ukraine's 27 regions[18] (Ogarkova 2018). Article 20 of the 2012 State Language Policy Law stated that the free choice of language of education is an inalienable right of Ukrainian citizens who are guaranteed instruction in the state language and regional or minority languages at all levels of the education system.

The law was surrounded in controversy even before it entered into force. During parliamentary debates, a violent brawl erupted between opponents and proponents of the draft law, and protesters clashed with police on the streets of Kyiv. As pointed out by Maksimovtsova (2019, 234, 2020, 2), the law split Ukrainian society into two camps. Supporters of the law pointed out Russian speakers' vulnerable position and their unequal status. On the other side, there were those who lamented discrimination against Ukrainians and the threat posed by the law. Indeed, the law exacerbated the fear of opening the way "to unilingualism in the east and south and the predominance of Russian nationwide" (Kulyk 2013, 303), and was considered by many as a tool of Russification and the "Kremlin's Trojan horse" (Reznik 2018, 179). As pointed out by Maksimovtsova (2019, 234–250), opponents of the law raised societal insecurities, presenting the law as an existential threat to Ukraine's cultural identity and language as well as to the country's sovereignty and its existence as an independent political entity.

Increasing Ukrainization

Euromaidan, Russia's illegal annexation of Crimea, and its subsequent support for separatists in the war in Donbas in 2014 represented a watershed. Paradoxically, Ukraine seems to have acquired a sense of ontological security, meaning that the country's ambivalent position between the West and

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the East has diminished. The country has defined itself as a state with European integration aspirations, distancing itself from Russia's political orbit (Szostek and Orlova 2023, 6).[19] This path was confirmed in February 2019, when the Verkhovna Rada amended the Constitution, including a provision "confirming the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course of Ukraine."[20]

In this regard, the past decade has witnessed increasing anti-Russian sentiments and a stronger sense of nationhood in Ukraine (Kulyk 2018; Reznik 2018). Some scholars have further observed that Ukrainian national identity has increasingly highlighted its civic elements, blurring the boundaries between Ukrainian and Russian speakers, though such a process presents some caveats (Kulyk 2018). As pointed out by Bureiko and Moga (2019), identification with the nation has been now more based on civic aspects such as respecting political institutions and law and participation in public activities, and this civic nature has allowed Russian speakers to still identify with the Ukrainian nation, "even adding the Ukrainian as an active part of their communicative repertoire" (Kulyk cit. in Bureiko and Moga 2019, 142). Nonetheless, at the same time, this renewed sense of national belonging and its ascribed civic-ness coexist and maintain divisions and exclusions within Ukraine based on ethnonationalist attitudes (Zhuravlev and Ishchenko 2020).

The ontological security and strengthened sense of a civic national identity are aligned together with societal security concerns in matters of language, now linked with national insecurities raised by Russian aggression. Indeed, detached from its ethnic connotation, Ukrainian as the state language gained increasing support and consideration. It has become a tool of the nation-building process, as well as the country's political independence, which needs to be promoted and protected. As stated by Petro Poroshenko, Ukrainian president between 2014–2019, Ukrainian, as the national language, is the "guarantee of our unity" and a "powerful weapon" in the fight for Ukraine's sovereignty (cit. in Reznik 2018, 182).

Language policies have reflected these security concerns and a securitization approach against anything perceived as threatening the use of the state language. The result has been a shift towards a liberal individualistic or even a liberal-tolerant-paternalistic regime, with the active promotion of the linguistic Ukrainization of all spheres of public life, considered necessary for the consolidation of Ukraine as a nation-state and its sovereignty. Nonetheless, dissenting voices remained, and, as argued by Kulyk (2019), at times the Ukrainian leadership seemed to retreat from the issue for fear of alienating those who want to speak Russian, including many politicians and civil servants.

As a first step of this new phase, in February 2014, the Verkhovna Rada repealed the 2012 State Language Policy Law right after the then-President Viktor Yanukovych fled the country. However, the law remained in force as the acting president, Oleksandr Turchynov, did not sign the repeal law. In July 2014, the 2012 State Language Policy Law was challenged before the Constitutional Court. In the decision No. 2-p/2018 of 28 February 2018, the Court did not deal with the substance of the law and declared the 2012 State Language Policy Law unconstitutional due to several procedural violations and evidence of voting fraud during its adoption.

Several constitutional judges issued separate opinions, some pointing out substantial issues, including security concerns and threats to the country raised by the contested law or the legal uncertainty created by the Court's decision. For instance, Judge Mykola Melnyk argued that the Court "was not only entitled but also required to review the content" of the 2012 State Language Policy Law which, in his view, was "clearly anti-Ukrainian," as it laid the ground for a "systematic Russification of Ukraine" and the "destruction of the Ukrainian state."[21] Judge Volodymyr Moisyk argued that the law represented "an attempt by the legislator to narrow the boundaries of the functioning (scope of use) of the Ukrainian language as the only state language by replacing it with the Russian language, an attempt to change the constitutional order in Ukraine in an extra-constitutional way."[22] Judge Viktor Kolisnyk emphasized, instead, the importance of conducting a thorough constitutional review of the 2012 State Language Policy Law to prevent similar constitutional violations in future regulations governing the use of languages in Ukraine. He noted that "tensions around the language issue and language legislation have been artificially created

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during each election campaign since Ukraine gained independence" and highlighted the role of political entrepreneurs who, particularly after the 2014 Revolution of Dignity, "fueled anti--Ukrainian hysteria […] and contributed to the mobilization and consolidation of anti-Ukrainian forces."[23] In these opinions, these Constitutional Court judges reflect security concerns, resembling securitizing actors that invoke actions against initiatives that might threaten the role of the Ukrainian language as the state language.

Meanwhile, concerning the media, Russia's seizure of Crimea raised concerns regarding pro--Russian propaganda, which resulted in measures to restrict access to Russian sources, broadcasters, websites, and media content of Russian origin, including bans on Russian TV channels and sanctions on major Russian social media platforms and online services. In this regard, Szostek and Orlova (2023) show that these measures were justified with security-based arguments, including references to ontological insecurities, ranging from the fear of the violent overthrow of the constitutional order to hatred towards the Ukrainian language and culture, and attacks on the distinctiveness of the Ukrainian people.

Laws on education and state language

By 2017, the process of linguistic Ukrainization started to unfold rapidly based on a vision of the Ukrainian language as a tool to strengthen the state and guarantee the country's survival as a nation and political entity. In September 2017, Ukraine adopted Law No. 2145-VIII on education (hereinafter the 2017 Education Law), which has drawn strong condemnation both domestically and internationally. The new regulations "changed the status quo of mother tongue-based instruction for ca. 1286 schools," reinforcing the use of Ukrainian at the expense of other languages (Haertel 2021, 9). According to Szostek and Orlova (2023, 10), increasing the use of the state language in education was considered a tool to strengthen Ukraine's distinctive identity.

Article 7 (1) of the 2017 Education Law establishes that the primary language of instruction is Ukrainian. It allows certain rights for indigenous peoples and national minorities, but creates disparities among different categories of languages (Palermo and Constantin 2021, 207). Indigenous peoples can study in their mother tongue alongside Ukrainian from preschool to secondary school, enjoying the most favorable regime. National minorities can study in their mother tongue along with Ukrainian at preschool and primary levels. For secondary education, minorities speaking EU official languages (like Hungarian, Polish, Romanian) may have some subjects taught in their language, while others speaking non-EU official languages such as Belarusian, Gagauz, Moldovan, and Russian can only study their mother tongue as a subject. Furthermore, Article 7 (4) allows for teaching in multiple languages, including Ukrainian, English, and EU official languages. Such disparity of treatment reveals the different concerns and relevance for the country given by the legislator to distinct languages, as well as Ukraine's orientation towards the EU.

In October 2017, the constitutionality of the 2017 Education Law was challenged for narrowing the content and scope of the right to study in minority languages, violating the principle of legal certainty and discriminating based on language and ethnicity (Palermo and Constantin 2021, 208). The Constitutional Court, in July 2019, ruled that the disputed provisions comply with the Constitution. According to the Decision No. 10-p/2019 of 16 July 2019 (para. 3), the 2017 Education Law provides persons belonging to national minorities with "means and mechanisms" to study (in) their mother tongue alongside Ukrainian, promoting their integration into Ukrainian society and a "conscious unification of citizens" within the country. The Court maintained that the law ensures a balanced approach to the study of Ukrainian and creates the necessary conditions for all citizens to attain a high level of state language proficiency, which is the prerequisite for the effective use of Ukrainian in all spheres of public life. In this way, the Court, actually, gave again prevalence to the goal of supporting and protecting the functioning of the state language, subsuming the recognition of minority language rights to concerns regarding the use and knowledge of Ukrainian.

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The next step in the process of linguistic Ukrainization came in April 2019 with the adoption by the Verkhovna Rada of the new Law No. 2704-VIII on state language (2019 State Language Law). At this time, language issues have been further politicized with Poroshenko running unsuccessfully for the 2019 presidential election with the slogan "Army, faith, language" (see Huba 2019). According to observers, the law was connected to an effort to reinforce Ukrainian national identity as well as national security in light of the war in Donbas and the fear of separatism and Russian attempts to destabilize the country (see Denber 2022; FRANCE24 2021; Sasse 2018; Reznik 2018, 186). In the political discourses, the Ukrainian language was explicitly linked "to the security and territorial integrity of the Ukrainian state" (Sasse 2018). State officials were indeed reported to claim the law essential for Ukraine's national security (Denber 2022).

After referring to centuries of "assimilation policies pursued by colonialists and occupants," the preamble of the 2019 State Language Law states that "the full-fledged functioning of Ukrainian in all spheres of public life throughout the State is a guarantee of preserving the identity of the Ukrainian nation and strengthening the state unity of Ukraine," and that "the Ukrainian language is the determining factor and the key feature of the identity of the Ukrainian nation." Furthermore, the law aims to "to strengthen the state-building and consolidating functions of the Ukrainian language [and to] increase its role in ensuring the territorial integrity and national security of Ukraine." Article 1 reaffirms the status of Ukrainian as the sole state language functioning as "the language of interethnic communication" and provides for its mandatory use throughout the entire territory of Ukraine "in the exercise of powers by state authorities and local self-government bodies, as well as in other common spheres of public life." It establishes liability for the intentional distortion of the Ukrainian language in official documents and texts. By linking the Ukrainian language to the country's security and integrity, the law lays the ground for securitizing the use of minority languages beyond what is permitted by the law.

The 2019 State Language Law requires public officials to be proficient in Ukrainian and prove their proficiency through certification. It reproduces the 2017 Education Law by granting different levels of language rights to indigenous peoples and national minorities. Ukrainian is mandated as the primary language for scientific publications (together with English and/or other EU official languages), public events (together with English), and cultural activities, with limited allowances for other languages, provided translation or subtitles in Ukrainian are included. Broadcast content in Ukrainian must increase to 90% for national broadcasters and 80% for local ones. Print media in non-Ukrainian languages must include a Ukrainian version, except for indigenous, English, or EU official languages. Political parties and NGOs must operate in Ukrainian, and place names and public signs must be in the state language. A Language Commissioner has been appointed to ensure compliance with these provisions.

In June 2019, the constitutionality of several provisions of the 2019 State Language Law was challenged, but in July 2021, the Constitutional Court upheld the contested regulations. The Courts adopted security arguments, highlighting the key relevance of the Ukrainian language for the existence, stability, and unity of the country and pointing out that the law protects the democratic order of the state.[24] In decision No. 1-p/2021 of 14 July 2021, the Court noted:

> the Ukrainian language is an integral attribute of Ukrainian statehood, which retains its historical continuity from the ancient Kyiv era. A threat to the Ukrainian language is tantamount to a threat to Ukraine's national security, the existence of the Ukrainian nation and its state, as language is a kind of nation's code, not just a means of communication. Without the full functioning of the Ukrainian language in all areas of public life of society throughout Ukraine, the Ukrainian nation faces the threat of losing its status and role as the titular and state-forming nation, which is tantamount to the threat of the Ukrainian state's disappearance from the political map of the world. The Ukrainian language is the ultimate condition (conditio sine qua non) of Ukraine's statehood and unity. (…) [A]ny encroachment on the legal status of the Ukrainian language as the state language in Ukraine is unacceptable, as

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> it violates the constitutional order of the state, threatens the national security and the very existence of the statehood of Ukraine.

In the Court's view, the 2019 State Language Law is an instrument to overcome the consequences of Ukraine's Russification during the long period in which it was part of the Tsarist Empire and the USSR. Furthermore, the Court framed the law in light of the geopolitical situation, namely the fact that "the authorities of the Russian Federation use the Russian language as one of the tools of geopolitical expansion" and that since Ukraine's emergence as an independent state, "the language issue has been one of the main ones in the Russian Federation's hybrid war against Ukraine."

Thus, the Court emphasized that citizens of Ukraine have the duty to speak the state language, which is to be strengthened and supported through positive measures to ensure that it is spoken in all areas of public life, while the use of minority languages is mostly confined to the private sphere. Furthermore, it is worth noting that the Court pointed out that the exercise of the rights of national minorities "cannot be aimed at separation (segregation) within Ukrainian society of those groups that are distinguished, in particular, on the basis of language." According to the decision, "[t]he withdrawal of an individual belonging to a distinct identity (let alone a group of individuals) from the society into the space of their own identity poses a danger to the unity of Ukrainian society." In this Court's decision, language policies in Ukraine have been clearly framed in terms of ontological, societal, as well as national security, and the Court acted as a securitizing actor, presenting any limits to the use of the state language in all areas of public life as a security threat.[25]

The processes of linguistic Ukrainization continued under the new presidency of Volodymyr Zelenskyy, although the president seemed more concerned with the repercussions on the cohesion of the Ukrainian society, arguing that "we must initiate and adopt laws and decisions that consolidate society, and not vice versa" (cit. in Polityuk 2019).[26] In January 2020, Law No. 463-IX on complete general secondary education (2020 Secondary Education Law) was adopted. The law provided for some positive change regarding the use of minority languages in private education (Palermo and Constantin 2021, 209), stipulating that private educational institutions that do not receive public funding have the right to freely choose the language of the educational process, while remaining under the obligation to ensure that students achieve proficiency in Ukrainian according to state standards. However, the 2020 Secondary Education Law maintains the differential treatment between national minorities — based on whether their mother tongue is an EU official language or not — established in the 2017 Education Law and the 2019 State Language Law. Furthermore, whereas the regulations stipulate the percentages of the annual amount of teaching that must be in Ukrainian, school authorities seem to have the power to decide whether and to what extent persons belonging to minority groups can study in their mother tongue.

Conclusions

In this article, we traced the development of Ukrainian language laws and policies and related decisions of the Constitutional Court, pointing out their specific ideological approach towards language issues and highlighting their relationship with ontological and societal (in)securities and processes of nation-building. We argue that, in light of the Soviet legacies and the complex regional geopolitical context, the Ukrainian uncertain sense of self, between a Western/European or Eastern/Russian political orbit, affected the role played by the Ukrainian language in the process of nation-building. This, in turn, determined perceived societal (in)securities, namely the extent the Ukrainian language and linguistic identity were considered (or not) in need of protection and under threat. These insecurities intersected with the political preferences of the various political leaders coming to power, who use them to pursue their political agenda. The development of Ukrainian language laws and policies reflects this dynamic, passing through four stages since independence and specific ideological language regimes.

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In the last stage, the ongoing struggle against Russian neo-imperialism both challenged and accelerated Ukraine's nation-building processes. With the country detaching itself from Russia and choosing the European course, Ukraine's approach vis-à-vis minority languages has moved toward "liberal-tolerant paternalistic" and "liberal individualistic" regimes. Minority languages are mostly relegated to the private sphere, and the overall political function of language regulations and policies is to support an intergenerational language shift and linguistic homogeneity. In particular, the 2017 Education Law and the 2019 State Language Law have far-reaching implications for national minorities. They are striking examples of how "hegemonic imperatives of the nation-state" (May 2012, 173) make language policy a zero-sum game in which the state language wins and minority languages lose.

Treating language policies as an analytical window, the article elucidates the link between nation-building, security concerns, and securitization processes. Indeed, there is a mutually reinforcing parallelism between a country's conception of the self and the construction of others as a threat (in this case study, anybody or anything challenging the use of Ukrainian as the state language in all areas of the public sphere). Securitization of others and friend/enemy distinctions provides the basis for the construction of (national) identity and ontological stability (Kinnvall in Bahar 2015, 16; Croft 2012), and thus can be used as a tool of nation-building to foster social cohesion (Silva 2016). At the same time, as shown in this article, while defining its national identity and acquiring ontological security, Ukraine became concerned regarding its societal security. In light of Russian aggression and the turning of the Ukrainian language as a key element of the nation-building process of a Ukrainian state oriented towards the West, anything perceived as threatening the status of Ukrainian as the state language has been securitized. Recent developments of Ukrainian language laws and Constitutional Court decisions reflect this frame. Thus, the building of the nation can spark societal insecurities and securitization of others, turning into a (in)security practice. Furthermore, in this process of securitization, constitutional judges can play a role and thereby might be added to the list of securitizing agents.

On a final note, Ukraine is becoming more Ukrainian (Arel 2018). However, the ongoing nationalizing project is impacting the linguistic rights of national minorities. It is assumed that the ongoing Russian war against Ukraine will have a long-term impact on the country's approach towards the language question.

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Disclosure. None.

Notes

1 The analysis stops in 2021 in light of the current emergency situation created by the 2022 Russian invasion and full-scale war and its repercussions on Ukrainian society and domestic policies, which might require separate and thoughtful examinations. Due to the article's length constraints, we made a selection of the most relevant decisions of the Constitutional Court shaping the development of Ukrainian language policies.

2 The legal analysis is in part a spin-off from Palermo and Constantin (2021) and Constantin (2022).

3 It should be clarified that in this article, our focus is on language laws and policies and their intersection with security issues, rather than on the process of nation-building in Ukraine and in general, which should be the research object of an additional contribution.

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4 Ontological and societal security and securitization are highly debated and theorized concepts. Our intention is to apply these concepts empirically to our analysis of language policies and laws in Ukraine. It is not our focus to further develop the theoretical understanding of these concepts.

5 In existing literature, the relationship between ontological and societal security is often unclear. Recently, Floyd (2024) has argued that though they both deal with identity, they are distinct but complementary concepts. According to the author, ontological security is about the effects that identity has on people's self-perceptions, whereas societal security regards the absence of threats to a collective identity. Along these lines, in this article, we show how the two concepts could be used complementarily for analytical purposes.

6 A national census was supposed to be conducted first in 2011 and then in 2020. However, both times it was postponed.

7 For details, see State Statistics Committee of Ukraine, "National composition of population," http://2001.ukrcensus.gov.ua/eng/results/general/nationality/, accessed September 13, 2023; and "Linguistic composition of the population," http://2001.ukrcensus.gov.ua/eng/results/general/language/, accessed September 13, 2023.

8 The data do not include Crimea and Donbas.

9 Various scholars have identified distinct periods of Ukrainian language policies concerning their political development and/or milestones (Csernicskó and Ferenc 2016; Reznik 2018). We have built on and further elaborated these existing works and periodization to connect policy developments to language ideological regimes and ontological and societal security concerns.

10 Constitution of Ukraine, https://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80#Text, accessed September 13, 2023.

11 This and all other cited decisions of the Constitutional Court, as well as separate opinions of constitutional judges, were translated by the authors.

12 In this and the following Constitutional Court decisions, one might wonder about the specific bias of the Court in favor of the state language and its deference to the government regime in power and the prevalent political climate. However, these questions are beyond the scope of this article, and further research is necessary in this regard.

13 Constitutional Court of Ukraine, decision no. 10-рп/1999 of 14 December 1999 in the case of the constitutional petition of 51 MPs on the official interpretation of the provisions of Article 10 of the Constitution of Ukraine regarding the use of the state language by state authorities, local self-government bodies and its use in the educational process in educational institutions of Ukraine. Separate opinion of Judge Oleksandr Myronenko.

14 It is worth noting that all international treaties ratified by the Verkhovna Rada after the adoption of the 1996 Constitution had followed the procedure laid down by Article 7 of the 1993 Law on international treaties, but only the ratification of the ECRML was rendered invalid (Arel 2002).

15 Code of civil procedure No. 1618-IV of March 18, 2004, and Code of administrative procedure No. 2747-IV of July 6, 2005.

16 Following this vision, Viktor Yanukovych decided in November 2013 not to sign the European Union–Ukraine Association Agreement, preferring instead closer ties to Russia and the Eurasian Economic Union; a fact that sparked the Euromaidan protests.

17 Russian, Belarusian, Bulgarian, Armenian, Gaugaz, Yiddish, Crimean Tatar, Moldovan, German, Greek, Polish, Roma, Romanian, Slovak, Hungarian, Rusyn, Karaim, and Krymchak.

18 The 27 regions consist of 24 oblasts, the Autonomous Republic of Crimea, and two cities with special status (Kyiv and Sevastopol).

19 After the overthrow of Yanukovych, the European Union–Ukraine Association Agreement was signed in March 2014.

20 The amendment backboned Ukraine's application for membership in the EU, submitted in February 2022, a few days after the Russian military invasion.

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21 Constitutional Court of Ukraine, decision No. 2-p/2018 of 28 February 2018 in the case of the constitutional petition of 57 MPs on the compliance of the Law on the principles of state language policy with the Constitution of Ukraine, Separate opinion of judge Mykola Melnyk.
22 Constitutional Court of Ukraine, decision No. 2-p/2018 of 28 February 2018 in the case of the constitutional petition of 57 MPs on the compliance of the Law on the principles of state language policy with the Constitution of Ukraine, Separate opinion of judge Volodymyr Moisyk.
23 Constitutional Court of Ukraine, decision No. 2-p/2018 of 28 February 2018 in the case of the constitutional petition of 57 MPs on the compliance of the Law on the principles of state language policy with the Constitution of Ukraine. Separate opinion of Judge Viktor Horodovenko.
24 It should be noted that a few judges in separate opinions provided some caveats to these security arguments.
25 It remains to analyze to what extent such a securitizing approach, embraced by the Constitutional Court, is rooted in the Ukrainian population. Indeed, securitization theory highlights the role of the public in endorsing securitizing moves. Though such a task is beyond the scope of this article, we propose a few reflections on data that could be used as a proxy for measuring the level of public endorsement, namely public surveys on language habits and policies, commentaries in blogs and social media, and electoral results. Such data show that the Ukrainian public is in part prone to adopt a securitizing perspective, though with some caveats. Looking at surveys, Kulyk (2018) observes increasing support for policies and practices that impose the use of the Ukrainian language in various spheres of communication, though with regional differences and the maintenance of Russian as a means of interaction. Maksimovtsova (2019, 2020) shows how many bloggers and online users commenting on Ukrainian language policies have securitized the issue of the Ukrainian language, highlighting threats to the state language, considered as a threat to the nation. However, it is not clear what the role of the Constitutional Court is in the securitizing attitudes of the Ukrainian public. Moreover, electoral results provide a different picture, since Petro Poroshenko, whose presidency promoted the process of Ukrainization and adoption of the 2017 Education Law and the 2019 State Language Law, lost the re-election in 2019. Further research is necessary to confirm full public endorsement of securitizing moves in defence of the Ukrainian language.
26 However, following Russian military aggression in 2022, concerns seemed now more directed to break cultural ties with Russia, with the Verkhovna Rada passing laws restricting Russian books and music.

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